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**THE IMPRISONMENT  
OF WOMEN  
IN  
NEW ZEALAND**

**1840 - TO THE PRESENT DAY**

**A SOCIAL AND HISTORICAL PERSPECTIVE**

A Thesis presented as partial fulfilment of a Master Of Social Work,  
Massey University, 1997

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## **Dedication**

This thesis is dedicated to Mrs. Jane Manahi (*Aunty Jane*), Kuia and whole-hearted supporter of all those in Christchurch Women's Prison who served from 1989-1995.

## **Acknowledgments**

I would like to thank the following for their unfailing energy, support and constructive criticism.

Professor Ian Shirley, Dr Celia Briar, John Hughes, Murray McLeod, Dr Greg Newbold, Kathy Dunstall, my partner and family for their love and understanding, the staff and inmates past and present of Christchurch Women's Prison without whom this thesis would not have been possible.

Kia kaha, Aroha Nui

## ABSTRACT

This dissertation examines women's imprisonment in New Zealand from 1840 to the present day. It describes the major developments in penal reform in New Zealand during this period from the perspective of their impact on women's imprisonment. Women's imprisonment, while subject to the same legislative reform as that of men's prisons, has in addition been affected by societal attitudes towards women and their social status. Prison regimes for women have consistently been more punitive, less reformatory and less well resourced than that provided for men. While some differential treatment can be attributed to the low numerical representation of women, perceptions about their criminality, their femininity, their class and ethnicity have determined their treatment.

Whilst the major developments in gender equity during the latter part of the twentieth century have advanced the situation of women, women in prison have remained largely unaffected by them and more likely to be the objects of patriarchal power and decision-making. The situation of mothers and their dependent children remains unsatisfactory and subject to the whims of penal policy-makers and administrators.

The position of Maori women, who are significantly over-represented in the prison population, has been overlooked by mono-cultural structures and processes in the criminal justice system.

Recent developments in penal policy and the regulatory environment of prisons pertaining to women specifically, indicate that administrators and some prison managers have made attempts to address some of the major issues for women's imprisonment in limited ways.

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## CHAPTER ONE

### INTRODUCTION

Women prisoners in New Zealand represent four per cent of the total prison population and this percentage has remained constant since the beginning of the twentieth century apart from some significant variations. Women are held in three prisons nationally, in Mt Eden Women's Division in Auckland, Arohata in Wellington, and Christchurch Women's Prison. They have a capacity to hold 225 women and as at 26/04/96, held 164 with the majority in Arohata.

According to Braybrooke and O'Neill, women prisoners are concentrated among the poor, and are the most disadvantaged group in our society when disadvantage is measured by indices such as income, employment, education, health and access to same. (1) The absence of information on the position of women in society generally would seem to be reflected in the lack of interest shown by criminologists and historians alike. The Ministerial Review of Prisons in 1989, "*Te Ara Hou*" (2), commented on the dearth of information available to them concerning New Zealand women in prison. The same review also remarked on the lack of research and information on the effects of imprisonment on the children of prisoners. Bronwyn Dalley, in a paper presented to the Sociology conference at Lincoln University in 1990, stated that "New Zealand historians have paid scant regard to imprisonment, and the imprisonment of women in particular." (3) Of the many organisations to make submissions to the Ministerial Review of 1989 (4), there were none from women's organisations including the Ministry of Women's Affairs. This suggests that there has been little interest from organisations that have a brief to advance the cause of women. The first policy document on women in prison by the Justice Department (5) was

released in October 1991. This was written after more than a century of providing systems for women. John Pratt's 1992 history of the penal system in New Zealand scarcely mentions women in prison.(6) There have been a number of theses written by women in New Zealand which have begun to establish an academic history of the subject although in piecemeal and sporadic fashion. There has been no equivalent of Pratt's thoroughly researched work to give an overview of the development of women's prisons in this country. It is this neglect, combined with an interest in the welfare of women prisoners and their families, which motivates this thesis.

At present approximately fifty per cent of the female prison population is Maori, yet women's prisons have not attracted the interest of Maori scholarship. Moana Jackson's report on the prison system from a Maori perspective makes no particular reference to the situation of Maori women.(7)

It is not enough to say that because women make up such a small proportion of the numbers of offenders, that policy and research is therefore unnecessary, although this is the impression gained by a glance at the official research that does exist. Perhaps greater knowledge about women in prison may lead us to greater insight as to why we have so many men incarcerated.

My position as a social worker in a women's prison has increased my knowledge and understanding of the situation of prisoners and their families. It has also heightened my awareness of the lack of information about prisons generally, although *Punishment In A Perfect Society* (1992) (8), is now a useful foundation work on the subject. It is possible that greater knowledge of the situation of women prisoners may lead to more informed decision making about their needs.

This study intends to examine, explain and describe the development of women's imprisonment and relate its development to socio-cultural changes over the last

century. It is my intention to examine whether there have been constant factors among women prisoners and whether there have been consistent characteristics or themes in the type of imprisonment developed in New Zealand. This study will explore some aspects of sentencing to establish whether certain groups of women were imprisoned and the nature of the offending. It is not within the scope of this thesis to consider the provision made for young offenders except where they have been treated similarly to older offenders.

A second aspect of the historical research of the thesis is to explore why there may be common characteristics among women prisoners and constant themes in New Zealand's system of imprisonment for women. This exploration will be based on the social context of New Zealand society, paying special attention to its structure as a colonial society that was imposed on, and interacted with, an indigenous people. The fact that I reside near Christchurch has meant that a large proportion of the research is based in the Canterbury area. I have endeavoured to discuss the official records available and compare them with informal sources such as newspapers and interviews.

## THEORETICAL APPROACH

David Greenberg stated that "Crime does not exist in isolation, it must be analysed in the context of its relationship to the character of the society as a whole." (9) In the same way, prisons and imprisonment do not exist in isolation from other structures and beliefs; rather they reflect the social and cultural attitudes of that society. Dobash, Dobash et al have stated that, "A fuller account of the history of imprisonment must also include a consideration of social, cultural and institutional patterns." (10) This approach will be applied broadly in order to consider the ways in which imprisonment for women in New Zealand developed in perhaps different ways from that of Great Britain.

Theoretical traditions which place emphasis on power relationships in society will provide a framework for an empirical examination. The position of women throughout the course of New Zealand's history is particularly relevant and there is an underlying assumption in this thesis of a feminist perspective. The tools of the research will be used with an inherent acceptance of the basic premises of feminist research.

Smart and Heidensohn et al, represent a wave of women criminologists who have ably challenged mainstream criminological theories. They have shown these theories to be inadequate to explain women's experience of prisons and the criminal justice system. (11) The considerable disparity between imprisonment rates for men and women, internationally, is the most obvious gender difference.

Carol Smart has explained how existing sociological theories, when applied to women and crime, are irrelevant or only partially useful. The concepts of anomie, labelling, differential association, delinquent subcultures and critical criminology have been developed primarily from research on and about men. There has been an

assumption that the same theories can be applied uncritically to the situation of women. The concept of anomie has been applied mainly to the goal of "financial success" and alienation from this goal. (12) Research by men in the sociological traditions has produced research on women, asking the questions those men wished to ask, by predicting and controlling research findings which ultimately support the status quo, i.e. the existing power relationships in society. Research as Kanter stated, too often "rationalized existing power distributions". (13) Foucault, in *Discipline and Punish, The Birth Of The Prison*, postulated that the loss of liberty (imprisonment) is an "egalitarian" punishment which unlike a fine is the "clearest, simplest and most equitable of penalties". (14) There is no account of the effect of imprisonment on women and whether their experience is qualitatively different. The effect of separation of a mother from her children and her constant anxiety when she is the primary caregiver makes her experience of incarceration qualitatively different. Foucault thus defines imprisonment in terms of men's experience.

This thesis is an historical study and the dearth of research material about women in prison in New Zealand, both primary and secondary sources, speaks for itself. Feminist historical research has begun to discover, reveal and record an heritage previously hidden from women and particularly working class women.(15) Barbara Du Bois in her chapter entitled, *Passionate Scholarship*, referred to the selective lenses through which history has been recorded and the resultant androcentric view of the world created for later generations of students.(16) Feminist social researchers endeavour to reveal androcentrism in research traditions and to develop new alternatives.

There is general agreement among feminist researchers that research should serve women primarily as an oppressed/disadvantaged group in society, that it should seek to redress the imbalance of power. It should make women's experience visible instead of invisible as controllers of knowledge in the past have done. There is general

agreement that research should be based on women's experience and that identified problems should emerge from their experience. The growth of research on such identified social problems as rape, sexual abuse and sexual harassment has developed from recognition of the validity of women's experience. Stanley and Wise have stated that "abstract discourse is of little help to feminist scholars without an understanding of direct experience directly related to us as women and as researchers." (17) Traditional social science has by and large ignored this perspective, nor has it allowed for the interaction of women's experiences - between the subjects of the research, other women and the researcher.

In my position as social worker at Christchurch Women's Prison I am located within the institutional environment and share some of the experiences of prison staff and prisoners. Their problems, in a very real sense, become mine, and they have, to a large extent determined the outcome of this thesis. It is to be regretted that few individual accounts of women's experience of imprisonment remain as a testament to women prior to the early 1900's. I have attempted to balance official views wherever possible with interviews with inmates and staff .

The majority of feminist researchers support the concept that the researcher and her subjects are located on the same critical plane and that therefore the work is unlikely to compound the disadvantage of women. The degree to which this alignment is possible is partly determined by the subject and, where it is historical, the researcher can be located in terms of her interpretation of the material available. The consequence of locating on the same critical plane is to share the level of disadvantage. In practice it is not possible for me within the women's prison, to share the same disadvantage. There are levels of shared disadvantage for all women working and living within the New Zealand penal setting but there is a vast difference between those employed and those who are forcibly contained. The research of this thesis attempts to take into account the relative power imbalances and at the same time

perceive, comprehend and empathise particularly with the situation of women prisoners. My own understanding and values have been open to challenge and change. Much of the historical information and interviews has altered my views, largely because the prison community and relationships between staff and inmates reflect a hidden world from which outsiders obtain illuminating glimpses, which are frequently contrary to common assumptions.

While my knowledge and understanding of women's prisons has increased during the last eight years that I have been employed as a social worker, my first experience of prisons in New Zealand came about through a Quaker background and accompanying my father in the 1950s from Quaker services on a Sunday in Mt Eden Road to take flowers to Mt Eden prison. My first impressions were of a forbidding place, mysterious because there was very little to see, and of being separate and distinct from the rest of the world. During the 1960s I had the opportunity to observe through my father again, the effects of imprisonment on the family of an inmate which he was supporting, regardless of his antipathy towards the crime of the offender. I am sure that these early experiences influenced my later response to working with prisoners and their families.

A major premise of this study is that social, economic and cultural forces have conditioned the structure and form of women's prisons in New Zealand. In addition there is a conscious partiality throughout this thesis towards the situation and status of women in society as a whole, within the public service, specifically women's prisons, and for women prisoners, for ultimately we are all defined by a penal system set up by men for men.

## METHODOLOGY

The methodology applied in this thesis is eclectic: a variety of methods have been used. The intention in using multiple methods was to “examine different levels of a social situation and to focus on different aspects of the same problem”. (18)

It has not been the intention of the thesis to focus on short periods in depth but rather to provide an overview of major developments in women’s imprisonment in New Zealand. Other New Zealand historians have focussed on specific short time periods, my intention has been to highlight major themes that may have emerged on the basis of the mixed investigative methods used in the research. Simply to categorise the methods under headings of quantitative and/or qualitative would be to oversimplify the research process. Research is determined by the nature of the questions asked in the first instance and/or the matter chosen to investigate. The choice of subject matter and questions is determined by the researcher and her/his approach to the subject. That approach is determined by the researcher’s values, perspectives, personal experience and socio-political understanding. The interaction between the researcher and the subject, whether direct or indirect as with primary and secondary research, produces the research outcome.

“there is an inescapable *a priori* element in all scientific work. Questions must be asked before answers can be given. The questions asked are all expressions of interest in our world; they are at bottom valuations. Valuations are thus necessarily involved already at the stage when we observe facts and carry on theoretical analysis, and not only at the stage when we draw political inferences from facts and valuations.” (19)

The methodology of this thesis has been determined by the theoretical approaches outlined earlier and the values and stances expressed. The crucial factor in the methods is that they have been used in a particular way. The nature of the research topic has required quantitative analysis by way of collection of official historical data.

Since official records represent a fragment of understanding of social phenomena, these have been balanced by supplementing them with information from local Christchurch newspapers. Frequently comment in local newspapers reflected news from other parts of the country, particularly where it concerned national issues about women's imprisonment. Where it has been possible to interview those women who have experienced the New Zealand prison system, the official views and newspaper accounts have been balanced by first-hand accounts. The questions asked in interviews have been informed and determined to a large extent by the ongoing analysis and understanding acquired through the historical research.

Each of the first six chapters has been placed in a feminist context which outlines significant social and attitudinal change. Imprisonment is a subject prone to the vagaries of populist opinion and political opportunism, necessitating discussion of prevailing opinions of the time.

Another strategy used in the first six chapters was to compare major developments in men's imprisonment in New Zealand only insofar as they have affected those of women. This thesis does not attempt to traverse prison developments per se, but rather to select those changes that had significant impact on the lives of women in prison.

Chapters Seven, Eight and Nine include participatory research although it could be argued that the indirect historical research informs and interacts with participant observation to produce final analyses. The women interviewed and spoken to in the course of the research have been without exception keen to participate. Women inmates and staff have wanted their stories told, indeed have offered far more than anticipated. This may be a reflection of the social isolation of living and working in women's prisons. The participants in both interviews and case studies have been interested in the experiences of those women who entered the prison system before

and after them. There appears to be a thread of common experience among those women who have been involved with women's prisons on both sides of the "fence".

In participatory research, subjects enhance the knowledge and evaluation of knowledge of the research topic with the recording of their experiences. I have appreciated the honesty of the women who volunteered personal information during the course of interviews and case studies and the sensitivity of some of that information. It was revealing to contrast the official accounts with women's experience at the time.

Classical research has demanded an objective, "rational" approach with universality of principles its outcome or goal. The classical approach with strictly quantitative methods assumes the transference of such principles regardless of cultural, social, economic, gender and political differences. This approach was inadequate to explain the experience of Maori women in prison. It would be arrogant to assume that the experience of Maori women would mirror that of pakeha New Zealand women. Chapter Seven has been discussed with our kaumatua and by Maori women connected with Christchurch Women's Prison. The case studies used primarily in Chapter Eight also reflected the experience of Maori women.

Chapter Eight uses ethnography combined with participant observation to inform and discuss the situation of mothers inside. The case studies were completed in 1991 and were in the form of life histories. Casework with mothers and children has not changed substantially since then.

The concluding chapter of the thesis draws on the data in toto and combines this with participant observation to develop some major themes about women's imprisonment in New Zealand today with principles to consider for future development. Each of the major facets of women's imprisonment including that of culture and women with dependant children are drawn into policy considerations for the future.

## FOOTNOTES

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## CHAPTER TWO

### WOMEN'S IMPRISONMENT IN ENGLAND IN THE NINETEENTH CENTURY

#### INTRODUCTION

With the settlement of New Zealand, the question of what to do with those who transgressed against colonial society rules became an issue not long after the first ships arrived. The early settlers brought their own Victorian views of what kind of punishment should be given to law-breakers.

Elsie Locke in 1993, described the punishment system in Britain as harsh, and with an emphasis on deterrence, the "general idea was to make life within prisons so wretched and miserable that the prisoner would never dare to break the law again." (1) A Royal Commission in New Zealand in 1868 stated that "the principal requisites for punishments are that they should be formidable, humane, corrective, and economical. Formidable...by the denial of things most enjoyed and coveted, and by the forced performance of what is distasteful. Formidable....from the certainty that they will be strictly enforced, and will be painful...in respect of those things which experience shows that ordinary criminals actually dread." (2)

What then were likely to be the views of early settlers? How had they been shaped by the history of imprisonment in their own country and by their own knowledge and experience? McDonald, in *Women and Crime in New Zealand Society 1888-1910*, has stated that "No new system of values was believed necessary for the establishment of civilization in the New World." (3) She went on to say that "Property rights, standards of public order and protection of the person were all transplanted to the new land with a minimum of alteration or adjustment to new circumstances."(4) On the other hand, Pratt, has expressed the view that it is a "mistake to transpose sociological

understandings of the history of punishment in Europe ...to a study in New Zealand". (5) He has cited the influence of indigenous Maori culture, the British Colonial Office, European settlers and successive New Zealand governments. It can be seen from Pratt's authoritative work, that these particular factors in New Zealand came to influence the shape of imprisonment for men. However at the time of settlement there was no specifically New Zealand system already developed, and certainly no system specifically for women.

The problem of describing systems of women's imprisonment in England in the nineteenth century is the fact that so little information pertaining to women is available. The standard texts on punishment and imprisonment contain sparse information regarding women and how penal policy at the time of settlement in New Zealand affected them. Perhaps this reflected the small numbers of women prisoners in comparison with men but despite this they have been neglected and forgotten. It is therefore necessary to resort to a description of the most significant aspects of men's imprisonment in order to reach an understanding of that experienced by women.

## HISTORICAL BACKGROUND TO IMPRISONMENT

In England, significant changes were occurring to systems of imprisonment during the nineteenth century which were to have far-reaching effects, well into the twentieth century. Foucault and Ignatieff et al, have written definitive works on the birth of imprisonment for men, as a means of social control, during the eighteenth and nineteenth centuries.(6) It is not within the ambit of this thesis to fully traverse the pre-eminence that imprisonment came to hold as a social sanction by the mid-nineteenth century. Suffice to say, that prior to the eighteenth and nineteenth centuries, physical punishment was the predominant means of dealing with criminal offending. Harding et al, have stated that the use of imprisonment increased in England as a

means among many other sanctions to control and punish. There was a significant increase in punitive imprisonment in the later Middle Ages when the separation of criminals from society was seen as important, so that they would not taint others with their sin. In medieval times, imprisonment was custodial and coercive. (7) Prisoners were dependent on outsiders for support. Those who had wealth were able to enjoy relative comfort in prison. Punishment during this period was public, according to J.A. Sharpe, e.g. use of stocks and public hangings. The audience was from the local community and the offenders were shamed. Punishment was aimed at visibly purifying the offender through physical discomfort or pain. (8) The dispensing of punishment in public assumed a "theatrical quality" with deterrence as its primary objective.(9) In *Crime and The Law*, which deals with law enforcement in this period, Gatrell et al, have stated that communities were able to cope with delinquent behaviour without a police force. It seems likely that outsiders in small communities, particularly vagrants, were more obvious and prone to provoke an immediate response if they committed a crime, and were vulnerable to prosecution. (10) There have been few references to the effects of public and shaming punishments on women. Sharpe has referred to the fact that the traditional punishments for women, such as the branks, were used rarely and he has minimised their significance. Another interpretation may be, that along with many other social control mechanisms women experienced, the branks and the stocks acted as permanent reminders of the consequences of their behaviour. After all, there was no male equivalent to being a "scold".

By the eighteenth century there was recognition that the goals of punishment, deterrence and rehabilitation could be achieved by imprisonment and a realisation that prisoners could be economically useful to colonial expansion through transportation, military service and penal labour. (11)While transportation was the predominant form of non-capital punishment in eighteenth century England by the end of the century two thirds of civil sentences resulted in imprisonment. Women were not transported as frequently as men and were more likely to receive imprisonment. (12)

There was limited organisation in the prison system at this time. Gaolers were dismissed for allowing escapes and life in prison was comparatively free. Convicted felons and political offenders were closely confined but those with money, as in the past, suffered no real constraints. Conditions for the poor were harsh as they were reliant on the bare minimum of prison support. Conditions in County gaols were haphazard and dependent on the whims and character of the gaoler. The conditions in county gaols for women varied enormously and many women experienced “appalling sexual exploitation by turnkeys and fellow prisoners...” (13) John Howard the early prison reformer, after whom the ‘Howard League for Prison Reform’ was named, was extremely critical of the harshness of gaols, bridewells and houses of correction in the 1770's. His criticisms influenced the construction of Horsham Gaol, where a regulated system with paid, salaried staff, adequate prison diet and regular inspections was introduced. Neither Howard nor his later Association expressed interest in the plight of women prisoners.(14)

Joan Lock, in her book *Tales From Bow Street*, has described the situation of women brought before magistrates in 1777. In two cases, the magistrate discovered backgrounds of such poverty that he was unwilling to sentence them to imprisonment and in one case the court took up a collection for the woman concerned. The magistrate nonetheless, demanded that in the latter case, the woman serve fourteen days in Tothill Fields Bridewell. Both women were no longer able to rely on male economic support and their alternatives were, on the one hand to resort to prostitution, and on the other, to steal. The difficulties these women faced without financial support in prison can only be imagined.(15)

## CHANGES IN PUNISHMENT IN ENGLAND IN THE NINETEENTH CENTURY

Sharpe has stated that there has been no linear development in punishment but "contradictory trends". He has agreed with Foucault et al that there was a decline in the use of shaming punishments and a "quickenning of interest in the use of imprisonment as a punishment" (16) after 1750. He, along with Ignatieff, saw the decline of shaming punishments in terms of increased urbanization, mobility and the drift of population away from small villages and towns. Sharpe has also stated that many historians viewed the dissatisfaction with anomalies in capital punishment and the judicial system, led to resorting to imprisonment as a solution. (17) Whatever the various causes and the relative weight ascribed to them by historians, the result of change in the eighteenth and nineteenth century has been the development of imprisonment as a means to influence the mind and the soul, via "power founded on detailed knowledge, routine intervention and upon regulation rather than random repression." (18)

Foucault has described how the representative fear of physical punishment and its public execution became replaced by a corrective penalty of containing prisoners where, "...forms of coercion, schemata of constraint, applied and repeated. Exercises, not signs: timetables, compulsory movements, regular activities, solitary meditation, work in common, silence, application, respect, good habits." (19) were to be applied. Whereas punishment had been designed to publicly shame, punishment in prisons was to exert a corrective influence on prisoners, by introducing them to regimes of ordered work and daily life. Foucault, in his Chapter entitled "Illegality and Delinquency", has defined seven basic principles of imprisonment which he has maintained can be universally applied for the past 150 years.(20) These seven principles are useful as mechanisms to understand the broader systems underlying imprisonment both then and to the present day.

The first principle is that of "correction" or the reformation and rehabilitation of the prisoner by transforming her/his behaviour. This was to be achieved in a variety of ways via the ensuing principles. The next principle is that of "classification" or the division of prisoners into distinct groups defined by age, mental attitude, gravity of offence and gender (my addition), and the practice of separating the above groups. The principle of "modulation of penalties" or the authority to plan a prisoner's sentence progressively so that she/he may obtain early release once their reformation has been achieved. The principle of "work as obligation and right" whereby prisoners are obliged to work and should not be kept unoccupied. They may work in a variety of prison industries, trade training or public works. The principle of "penitentiary education" or the opportunity for prisoners to improve themselves to ensure they will not reoffend. The principle of "technical supervision of detention" or the provision of specialist staff who are to service a prisoner's health, social and psychological needs. Finally, the principle of "auxiliary institutions", or provision for the rehabilitation of prisoners on release through their involvement with other social/religious agencies. Foucault does not include a principle to define women's imprisonment, it being assumed that they would experience identical systems. I would like to propose an additional eighth principle to encompass women's imprisonment which is the principle of prison systems designed to return women to femininity. The reason for including such a principle will become apparent in the later chapters of this thesis.

#### PRISONS IN ENGLAND IN THE NINETEENTH CENTURY

The main aims of prisons in the first half of the nineteenth century were the subject of a great deal of debate and the ascendancy or otherwise of various fashionable ideas. Reform was often the "product of compromise among competing ideas and between abstract schemes and practical limitations." (21) Jeremy Bentham expounded the need for punishment to have a positive purpose of deterrence and reform, otherwise there was a danger in inflicting a greater "evil".(22) It was his belief that hard labour would

reform prisoners. Bentham's most significant legacy was his proposal for the new design of prisons, which were to be more factory-like buildings with a central control tower around which individual cells were positioned, with inmates in full view of their warder. Bentham made no distinction in the prison for women prisoners and thought that the same level of surveillance and hard labour would benefit them, although Lucia Zedner has shown that prison administrators considered that hard labour was "wholly inappropriate for women and taxed their imagination to find a more suitable alternative".(23)

Evangelicalism had a significant impact on the developing nineteenth century prisons in England. It was believed that the chaplaincy could exert moral, reforming influence on prisoners through solitude, prayer and spiritual guidance. It was thought the chaplain could "elicit genuine penitence" (24) and should have ready access to the prisoner. The chaplaincy in New Zealand prisons today has an organisation at Head Office with a national prison network and is still recognised within the Judaeo-Christian tradition as exerting a moral influence.

Early penal theorists and reformers agreed on two main aims of imprisonment, that of deterrence and reform. Debate on the relative merits of both aims continues today in different shapes and forms. The Gaols Act of 1823 in England stated in its preamble that prisons would, in addition to providing safe custody, "preserve the Health....and improve the Morals of the Prisoners confined therein....".(25) There was to be classification of prisoners, regular inspections of prisons, regular labour, employment and religious and moral instruction. While "disorder and neglect" characterised the eighteenth century prison, by the mid-nineteenth century prisons were to become "quiet and orderly places where "conversation and pleasure had been outlawed".(26)

## SEPARATE AND SILENT SYSTEMS

Another major penological debate in the nineteenth century arose over the silent and separate systems. The silent system involved prisoners living communally but not permitted to speak to each other in order to prevent contamination. It was thought that prisoners corrupted each other, particularly where young women were housed with prostitutes.

The separate system involved the physical separation of prisoners into their own cells with contact reduced to a minimum. Both models originated in regimes evolved in England (27), but are better known through the silent system introduced at the Auburn Penitentiary in New York and the separate or solitary confinement system introduced at the Western Penitentiary in Philadelphia. Both systems were intended to achieve a reformatory influence on prisoners' behaviour. In practice they significantly increased the level of discipline and control in prisons. Zedner has pointed out that "since women were considered to be naturally sociable, imposing silent association upon them was seen to be both more difficult, and possibly, more damaging than imposing it on men".(28) Women were considered to be constitutionally weak and less able to sustain a silent regime. The critics of the silent system maintained that it was impossible to enforce (prisoners were able to communicate via other means) and unnecessarily oppressive.

The separate system initiated at Auburn was more severe than that introduced in Great Britain, where it was believed that the influence of the chaplain and prison staff could still be beneficial. (29) Joshua Jebb, Surveyor General of Prisons in 1844., believed the separate system would prevent "corruption", "secure moral reform" and "deter" prisoners from further crime.(30) Penal administrators believed that the separate and silent systems were more necessary for women because of their propensity to "contaminate" one another more readily than men. (31) Despite the doubts of those

working with women prisoners about the effects of the silent and separate systems, Victorian policy makers believed that "the impact of close confinement was less hurtful to women than men".(32) By the mid nineteenth century, 50 prisons had been built on the separate system although Zedner has claimed that many local prisons, where most women were confined, remained unaffected by the above reforms.

### WOMEN REFORMERS

During the nineteenth century a few women reformers had an influence over the development of prisons, particularly Elizabeth Fry. It was Zedner's belief that such genteel women were "heavily influenced by prevailing assumptions about gender and notions of appropriate femininity." (33) Nevertheless they brought the attention of the public to the plight of women prisoners and promoted the employment of women staff and their greater participation in the control of women's prisons. Whilst legislation passed in 1823, required the appointment of Prison Matrons (as they were to be called) to supervise women, it was a long time before prisons became wholly staffed and controlled by women. (34) It was due to Elizabeth Fry's efforts that various Ladies' Committees were set up in order to support the reform of conditions for women, although she found it difficult to sustain the Committees' interest. Among Elizabeth Fry's ideas was the suggestion that a new form of classification of women prisoners should be introduced, based on character, past record and conduct rather than the arbitrary categories of age etc. This was a far-sighted approach which reflected a more individualistic philosophy of treatment, not to be applied officially until well into the twentieth century.

Middle class women also became involved in prisons through the general perception that women prisoners would benefit from personal contact and the influence of women who were seen to be their "benevolent `betters'", who "would provide them

with concrete demonstration of qualities to which they might aspire." (35) Unlike Elizabeth Fry and the Ladies' Committees, Lady Visitors were seen as playing a befriending, more intimate role with women prisoners which was compared with the relationship between a "servant and her middle class mistress". (36) Lady Visitors were not accepted in the same way in men's prisons and Zedner has pointed out that they were unlikely to have been accepted in the "more rigid, quasi-militaristic organization of male prisons". (37)

The end of transportation for women in the mid-eighteenth century led to increased pressure for government to become directly involved with women's prisons and the passing of the Penal Servitude Act in 1853 meant that women were subject to be subject to the same convict prison regulations as men and to lengthy prison sentences. This raised the problem of how to treat women in prison and whether the male model could be applied automatically to women prisoners. (38)

During the late nineteenth century, prisons in England came under central government control partly in order to counteract the confused and inconsistent conditions created by county gaols and convict prisons. Edmund Du Cane, the first prison administrator appointed to oversee a standardized prison system, came from a military background. The 1877 Prisons Act prescribed standard conditions for prisoners who were to have the same food rations, hours of sleep and discipline. Du Cane did not see the relevance of education and training for prisoners. (39) Du Cane's deterrent emphasis led to the exclusion of many women philanthropists and they consequently became focussed on services for released prisoners. Prison visiting, thereafter, became an organised facet of prison life in a more regulated and what was perceived by Du Cane et al, less influential manner.(40)

## INSTITUTIONAL ALTERNATIVES TO PRISONS

Another important development in the early nineteenth century was the growth of institutional alternatives to imprisonment. It was soon apparent that the effects of industrialization and urbanization created a range of social problems not entirely solved by criminal law. Harding, et al, have defined criminal conduct as socially defined behaviour which is enshrined in criminal law. They have concluded that criminal behaviour may involve social or mental malfunctioning such as "mental disorder, habitual inebriation, drug addiction or even something as wide and elusive as social disadvantage or fecklessness. Much of which could be best catered for in more specialist non-penal institutions. During the last 100 years (in Gt Britain) such institutions have existed to a varying extent, alongside imprisonment and have sometimes been used for those who have come technically within the scope of criminal law." (41) Some examples of more "specialist" institutions to develop in the later nineteenth century were inebriates homes and lunatic asylums which relieved the prisons of inmates who were difficult to manage and who had high levels of recidivism. After the 1850's, children were more likely to be sent to industrial schools and juvenile offenders to reformatories.

Women prisoners were not unaccustomed to residing in specialist institutions. Zedner has described the development of refuges, begun as special transition institutions for convict women prior to release, with more open, lenient, regimes and reformative aims. Joshua Jebb recognised the difficulty women had in defying the stigma of imprisonment and saw the refuge as a means to create respectable women trained in domestic arts. The Fulham Refuge was seen as a kind of minimum security institution where Matrons saw it as their role to obtain positions for women on their return to the community. They were set up with both private and government funding in order to avoid the stigma of prisons, yet ultimately faced the same difficulty of prisons in the

mixing of "hardened" and first offender, young and old. (42) Some women refused to attend the refuges because of their fears about conditions there.

Zedner characterized the main issues in penal regimes in the Victorian period as the tension between the Silent and Separate systems, the debate between reform and deterrence and economy including the lesser eligibility principle. The Poor Laws of 1834 introduced the requirement that the Workhouses were not to provide better conditions than those experienced by the poor. Penal reformers could not justify treating prisoners better than workhouse residents for fear of attracting the poor to crime.(43) The Select Committee of the House Of Lords in 1863 reduced prison diets and increased hard physical labour, partly in order to increase the differences between conditions of the workhouse and the prison. The 'lesser eligibility' principle was congruent with a punitive, deterrent regime with the most significant influence on the treatment of women prisoners in Victorian times being the "problem of how to fit women into the system".(44)

#### THE SITUATION OF WOMEN IN NINETEENTH CENTURY ENGLAND

In Zedner's view, women's experience of imprisonment was shaped by notions of ideal Victorian femininity and the extent to which it was believed that criminal women deviated from this ideal. The epitome of Victorian womanhood was an example of modesty, submissiveness, innocence, purity, gentleness and altruism. She was first and foremost a good wife and mother, who exerted moral influence over her family and acted as a "bulwark against the sordid intrusions of industrial life". (45) On the other hand the fallen woman, the woman who had succumbed to moral weakness had fallen to the depths of depravity and was regarded as a danger to others through contamination. Giles Playfair has suggested that the incorrigible female criminal was seen as less controllable and worse than her male counterpart. (46)

Women held limited political and economic power, their influence was generally determined through their relationships with men. Sutch has described the strict moral code of behaviour ascribed to Victorian women and their close adherence to their economic role, which was the production of many children and the maintenance of a good, clean home. Working conditions for working class women in the growing numbers of urban factories were harsh, with long hours of work and minimum wages. The Christian Socialists cited by Sutch stated that the "root trouble was the enormous oversupply of workers", and that "a dressmakers working life was not more than three to four years". The choice of the women was "between dressmaking, the streets, or the workhouse, and this was often the sequence." (47) Those women who resorted to prostitution were likely to be labelled "the fallen" and to be treated accordingly.

The expectations of men's sexuality were different and can best be summarised by the following citation in Sutch's work from Eva Figes, (from W.E.H. Lecky):

"There are always multitudes who, in the period of their lives when their passions are most strong, are incapable of supporting children in their own social rank, and who would therefore injure society by, marrying into it, but are nevertheless perfectly capable of securing an honourable career for their illegitimate children in the lower social sphere to which these would naturally belong." (48)

While the consequences of extra-marital sex were considerable for women, it was acceptable male behaviour. The irony of what has become known as the Victorian "double standard" was that while the consequences for women were likely to be criminal charges, men were excluded from the same social control.

The consequences of the different social and economic status of women, and the Victorian perceptions of acceptable female behaviour, came to determine their treatment in prisons. Penal reformers and policy makers regarded women as more malleable, as unable to do hard physical labour, and as more incorrigible than their

male counterparts. They believed that women prisoners required the moralising and reforming influences of the chaplain, the lady visitor, matrons and warders. There was greater flexibility allowed in female prisons so that prison matrons could "persuade criminal women to repent".(49) Zedner contrasted this with the militaristic and rigid systems administered in men's prisons at the time. While women's prisons had routine regimes with petty rules and punishments they depended "heavily on the personalities and personal relationships of inmates and warders alike". (50)

The statistics for imprisonment during the first half of the nineteenth century show that women in England were imprisoned mainly for drunkenness, petty theft and prostitution. Less than 10 per cent were sentenced to more than six months. In local prisons, women on short sentences maintained their links with the community, while those held in national prisons became institutionalised. (51) The majority of women prisoners "tended to come from an even more socially deprived, outcast group than men".(52) Mothers were allowed to keep their babies with them in prison but were expected to do hard labour when their children reached eight months of age. They were excused the silent system with their children but had to abide by other prison rules.

The regimes, apart from the exception mentioned above, were silent and separate. Women were hobbled for punishment, were put on restricted diets, and solitary confinement was used. Both the silent and separate systems were designed to reduce the chances of contamination. Silence was seen as particularly effective for women because they were "seen as more sociable". (53) Regardless of the rules and regimes that existed for women in English prisons at the time it was Lucia Zedner's view that the nature of women's imprisonment during the nineteenth century was determined more by the interaction and interrelationships between prisoners, matrons and their reforming visitors. These relationships frequently defied the official reports of the period and circumvented the restrictions placed on them.

## CONCLUSION

Elizabeth Fry's ideas had a lasting impact on women's imprisonment. Unlike other reformers she offered practical solutions and stressed the importance of female staff in women's prisons. Her overriding principles of guidance and example to be set by both female staff and dedicated lady visitors became lasting institutions in women's prisons.

Prisons became organised in the nineteenth century into two distinct systems, that of local prisons for women convicted of what were considered minor offences and convict or state penitentiaries for indictable offences. Sentences in convict prisons were lengthy and led to debate about the treatment of women. Men's convict prisons were strict and militaristic whereas it was considered that women should be exposed to moralising influences. Women in convict prisons were subject to a progressive stage system as men were. However as hard labour was deemed unsuitable for women they were confined inside prisons and employed in monotonous, mainly domestic work. While men were rewarded for hard work, women were rewarded under the marks system for good conduct and "propriety".

Women were able to have their babies and children in prison nurseries although conditions were in many cases deplorable. The conflict between rules for mothers and the flexibility required where the care of children was concerned led to the envy of other inmates. Finally towards the end of the century, children were removed to attend industrial schools. The consequences of the separation on both mother and child was not discussed, then as now, little concern was expressed about the likely effect of separation.

## FOOTNOTES

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## CHAPTER THREE

### WOMEN'S IMPRISONMENT IN NEW ZEALAND, 1840 TO 1880

#### DEVELOPMENTS IN NEW ZEALAND PRISONS 1840-1861

E.A.Missen, Secretary for Justice in 1971, described the beginning of penal history in New Zealand as the point in 1814 when Thomas Kendall was appointed a Justice of the Peace for New Zealand. He also referred to the passing of the Murders Abroad Act in 1817 which gave "jurisdiction to deal with murders and manslaughters committed in New Zealand." (1) Few penal historians, (and there are not many in New Zealand) do not attempt to define a specific date from which penal history began and many would not consider that the introduction of some criminal law specific to New Zealand necessarily meant that penal history had begun. In a formal sense, the announcement by Hobson of British sovereignty on May 21 1840, signified the starting point of government.(2) Prior to 1840 there was no regulated system of British government or administration in New Zealand. The early settlements scattered throughout New Zealand recognised that a system of social order was going to become necessary in the new societies. The majority of early settlers viewed Maori society as crude and violent, with little to offer what they perceived as a superior civilisation. It was not to indigenous examples of social control that the early settlers turned but rather to their own experience and knowledge from their country of origin.

The Kororareka Vigilants Association was set up in 1838 by the small settler community in the Bay Of Islands. Local citizens were concerned to protect their property and possessions and introduced a set of harsh and public punishments including tarring and feathering and confinement "...in an old sea chest with holes for ventilation". (3) Keith Sinclair (1991 ) considered the efforts to control some of the

unruliness in the Kororareka community partially successful although punishments were not dealt with impartially. (4) With the signing of the Treaty of Waitangi a system of English government and common law became sanctioned in New Zealand. While it was modified to some degree by interaction with Maori culture and by a "colonial" approach it was, and remains today, fundamentally an English, Westminster, system of government.

In other parts of New Zealand the early settlers spoke of little crime and made limited provision for offenders. Few records of first gaols exist. J.Torrance, agent for the first Patient and Prisoner's Aid Society in Dunedin, described how no punitive establishment was needed. "Settlers of that time assure us that thieving was unknown, that house doors were never locked, and that all kinds of goods were left outside." (5). He went on to say that immigrants were hard working people and that the first gaol built in 1848 was a "diminutive wooden structure" which remained empty for some years. It caught fire after six years as a prison and the one prisoner was discharged. The second gaol was a wooden structure with a 24' by 16' room containing bunks which looked like an immigrant ship, and two solitary or strong cells. It was enclosed by a six foot paling fence. Gaoler and prisoners were a very "happy family".(6)

In 1851, Thomas Hocken described the first Gaol in Dunedin as a tent with leg irons and hand cuffs. The usual offences were breaches of the liquor law and mild misdemeanours. It was well known that the first Gaoler, Johnnie Barr "now and then treated his flock to half a day's holiday with the strict injunction to be back by eight, or they would find themselves locked out."(7) Henry Monson who succeeded Johnnie Barr, and who was conscious of his gaol's shortcomings, constantly wrote to Wellington seeking improvements in facilities. In 1860 a large stone building was added. Then the goldfields were discovered and "hordes of all classes poured into the colony from near and far, and too many of them being of the criminal stamp." (8) In 1862 the large gaol was crowded and "through the energy of the Police Force most of

these undesirable immigrants were upon their release, driven from the colony". The fourth Dunedin Gaol was much larger and was built with prison labour.(9)

In "*The Gaoler*", Elsie Locke has described how there were few women imprisoned in early settlement times (1840 - 1860). Those who were, were usually charged with drunkenness, vagrancy or prostitution and there was little space or privacy for them. Henry Monson the subject of "*The Gaoler*", employed women on domestic duties around the gaol. He took pity on one of his repeat offenders by appealing to the Superintendent to find a place for her because of her "fixed habit" and "weakness of disposition". The Chief Constable who was also a "kindly farmer" found a relative to provide for her. As with gaols up and down the country, women were housed in cells within the gaol and were employed largely on domestic duties. Their numbers were low and often the statistics reflected one or two women who were constantly detained for drunkenness. Between 1851 and 1861 there averaged 2.6 women prisoners in Dunedin Gaol, with only one or two sentenced and in prison in any year.(10)

Elsie Locke in "*A Look At The History Of Women In Prison*" a paper presented to the Christchurch Women's Prison, Suffrage Centennial Hui at Rapaki Marae in March 1993, cited the *Nelson Examiner* of 7 May 1842. The construction of the first gaol for the settlement was "strongly built of logs sawn asunder, facing each other so as to close the openings between each." (11) Nelson also had stocks to supplement imprisonment as a punishment. On the 2 July, 1842, Jane Hopgood, aged thirteen, was charged with stealing and given a one month gaol term, a fortnight of which was to be in solitary. (12)

The conditions for women in the rudimentary gaol structures were poor. Bronwyn Dalley has stated that "Female prisoners frequently fared the worst from the bad conditions". Conditions for both men and women were "poor, unhygienic and overcrowded". (13) In Auckland prison, which was rebuilt during the 1850s, there was

chronic overcrowding. Whilst it was built to accommodate 38 prisoners it housed "more than 70 at some stages". (14) There were no separate facilities for mentally ill prisoners, chronic drunkards or women and children. In the inquiry into Wellington prison in 1854, the Gaoler "placed all female prisoners in solitary confinement" due to lack of cells for women. (15) A report by the Supreme Court Judges in New Zealand in 1860 described the conditions in Auckland Gaol. It referred to a cell "the area of which measures eleven feet nine inches by ten feet ten inches, and which is the principal resort for the female prisoners of every class, is a rickety lean-to, built on to the main pile, and is numbered 23 on the plan. The ventilation is varied through a grated window, the glazing of which is destroyed, and which opens directly over a filthy ditch. Into this ditch are poured the drainings from two privies in the debtor's yard, and from a third (a few yards higher up) in the hard labour yard, of which the contents are conducted by square wooden trough drains into the ditch in question, and there left to ooze into or over the bottom of the ditch." (16) The report went on to add that 5-9 women with children squatted on the floor during the day and slept there at night.

In a report in *The Press* in Christchurch in 1862 there was comment on the overcrowding in Lyttelton Gaol and the fact that the prisoners were "improperly mixed together".(17) There was some debate about the need to enlarge the gaol but this was opposed on the grounds of cost and competition in Lyttelton for commercial space.

The provision of gaol facilities also competed with the other pressing demands of providing essential services in the new colony. Roading, drainage and municipal buildings were seen by the provincial governments as more important than prisons. In the debates of the Provincial Council members, reported in *The Press*, the members' decisions invariably deferred spending on Lyttelton Gaol and the construction of a new gaol in Christchurch, until the outcry from both the judiciary and the local

community persuaded them to cater for increased numbers and improved conditions. In an editorial in *The Press* in 1863., there was reference to the "disgraceful neglect with which the Government (Provincial) has treated the gaol prisoners." (18) Because of the pressure of overcrowding and inadequate facilities the old Police Barracks in Christchurch were given up for the "temporary uses of a Gaol", and a lock-up built nearby.(19) The worst class of female prisoners were to be removed to the old Police Barracks into the care of a warder and his wife. Lunatic women were not considered among this worst class and were left at Lyttelton.

Although these temporary measures were taken to ease overcrowding, a year later a male prisoner in Lyttelton Gaol complained of being confined in a room 24 feet by 17 feet with seventeen people including a mad man. In the same year, Justice Gresson, while swearing in Christchurch Jurors, commented on the fact that Lyttelton housed 71 prisoners although built to house half this number. He warned the community that there was likely to be a continuing increase in crime and that the colony was ill-prepared to cope with more committals. He expressed his hope that the construction of lunatic asylums would relieve the overcrowding but predicted that this would be short-lived until a new gaol was constructed in Christchurch. (20)

The debate concerning the construction of a new gaol in Christchurch demonstrated the low priority accorded gaol facilities. Provincial government members compared the costs of the new stone gaols in Otago and Auckland and thought the amount the Provincial Secretary recommended was excessive. One member "protested against the idea of felons being better accommodated than honest men"(21) and Sir Joshua Jebb, a well known British penal administrator was cited as an expert in cheap gaol construction whose example should be followed. There was mention that a single, central gaol for New Zealand was likely to be built in the near future and therefore it would be unnecessary for the provinces to build. The Council eventually voted a much reduced sum that would house fewer prisoners than the Secretary had suggested.(22)

Bronwyn Dalley has cited the end of transportation to Australia in 1854 as a factor exerting pressure on New Zealand prisons. While only one woman was transported between 1840 and 1854, it cannot be said that the end of transportation would have greatly affected the numbers of female prisoners. It can be said that the extra pressure on male facilities would have affected the situation of women, since without exception they shared the same gaols as men. Women having to serve the new sentence of penal servitude (which was introduced in 1854 in the Secondary Punishment Act) would have needed to be housed in existing gaol space.

Along with the discussion about the increase in crime in the community during the 1860's, there was also concern expressed about the quality of immigrants, and the suggestion that they were contributing to crime in the community. It was claimed by a Mr Harris in 1863, that the Government was allowing many women to enter New Zealand who had no employment or means of financial support on arrival and who were regularly recruited for prostitution. This was vigorously denied by the Government to the extent that they claimed that out of 898 female immigrants to Canterbury between February 1862 and February 1865, only 6 "declined to accede to the regulations which provide for their proper conduct." (23) Elsie Locke's personal history has supported Mr Harris' claim in that without support from a compassionate Minister her own ancestor would have "fallen" through lack of employment. (24)

Prostitutes and drunkards made up the bulk of the female inmate population in this period (25). It could well be inferred that an increase in prostitution would lead to a significant increase in the female prison population and added pressure on gaol facilities. Public concern about the growth of prostitution grew and a public meeting was held in 1867 in Christchurch, which Justice Gresson attended among others. Recommendations were made to set up Houses of Refuge and Correction to remedy

the "social evil". Legislation was to be considered at a further meeting and needless to say, male clients were not mentioned.(26)

While some sectors of the community were concerned about gaol conditions, particularly overcrowding, it is not known how women prisoners experienced the conditions. Very little exists of personal record from this period. In response to the setting up of a refuge in Christchurch to combat prostitution, a letter to *The Press* from "Drunk and Disorderly", claimed that prostitutes and drunken women who frequented the gaol were more likely to choose gaol than the refuge because of the hard work and reformation they were required to undergo in the refuges. The basic rations were described as similar but it appears that more control was exercised over association in the refuge while the gaol provided opportunity for mixing with friends. The letter is well written and tongue in cheek, and it is doubtful that the author was genuine but the opinions about, and knowledge of the women concerned, appears well informed.(27)

Ten years later, an enquiry into the management of the Addington Prison which housed both women and men, exonerated the prison staff after they were accused of supplying alcohol to the prisoners. The testimony of the women prisoners described lax conditions where they were left for long periods without supervision and where children in the gaol were free to fetch and carry liquor for some of the prisoners. The prison staff complained of lack of female staff available to assist with supervision and the needs of the male prisoners taking precedence.(28)

## REPORT OF THE JUDGES IN 1861

The Reports and Memoranda of the Judges of the Supreme Court in 1861 referred to earlier, provided a damning portrayal of gaol conditions overall. The three Judges, one of whom was Justice Gresson, stated that there was no separation or classification and that "All ideas of reformation, of moral or religious improvement, of social development, or of industrial training will be dispelled from the mind of the visitor upon entering the stockade." (29) They stated that prisoners escaped easily and that there was defective supervision with too few staff on low wages, who received no recognition for their service. They worked 14-hour days, from 6am to 7pm, and on the third day each guard did 19 hours out of 24. It was stated that the guards lived at the mercy of the prisoners.(30) Even though lunatic asylums were available, two lunatics were in prison at the time of their visit and male debtors were mixed with "female felons, prostitutes, vagrants and incorrigible female drunkards." (31)

The conditions for the women were such that the Gaoler had to order the removal of a baby out of concern for its health. It was the Judge's view that in removing the child the prison "has defeated this only attempt at reformation" and the prison had hastened "the ruin of a mother in order to save a child". (32) The Gaols were not considered places of safe custody or reformatory discipline. There was a "promiscuous intermixture of men and women" and both men and women were released "worse criminals than before". (33)

It was Justice Arney's view that the punishment of crimes was a state function and that "all the process of enforcing the criminal law, belongs peculiarly to the Crown."(34) The lack of uniformity in the applications of gaol regulations and the lack of facilities

led the Judges to recommend that the state play a central role in the provision of prisons and in maintaining standards.

#### ROYAL COMMISSION INTO THE PRISONS 1868

The ensuing Royal Commission into the Prisons in 1868 began by referring to the attempts made via the Ordinance for the Regulation of Prisons of 1846 and The Gaolers Act, 1858 and a number of empowering acts authorising the Provinces to administer their own prisons. It was the view of the Commissioners that due to the state of the gaols, none of the Acts and Regulations in fact led to any regularity or uniformity of standards. The Visiting Justices appointed under the 1846 Ordinance were given wide reaching powers: however the wording of the Ordinance was so vague, that different interpretations led to a lack of uniformity and widely differing punishments. (35) The Commissioners complained of the Visiting Justices either zealously exceeding their powers or not exercising their "proper" powers.(36) There was mention of the fact that punishments under the various Acts only affected certain groups of prisoners and varied in their severity. Gaol discipline was exercised illegally because there was no provision for it in many instances.

The Commissioners described variations in standards of rations in different gaols and no uniformity of rules and regulations. It was their view that the power to alter rules should not be divested in gaol authorities and they recommended the appointment of an Inspector General of Prisons who would be responsible for the Visiting Justices and who would report to Parliament.

While the Commissioners supported the provision for children in the Neglected and Criminal Children Act of 1867, they commented that the legislation was only

permissive and there were not nearly enough reformatories established. This meant that in the meantime, children would still be confined in gaols.

The Commissioners stated that prison labour was "neither severe nor irksome" and had no deterrent influence. They complained that prisoners employed on public works were exposed to public view (from the point of view that this was not pleasant to the public) and that prisoners could communicate with friends and receive illegal goods. In their view, the public would become inured to, and familiar with, the sight of prisoners and they urged that prisoners be "put out of sight of society altogether". (37) There was comment on the contamination of prisoners and "promiscuous" association. The punishments were not seen as effective on the women many of whom constantly returned to gaol. The chaplains were viewed as undermining prison discipline by allowing communication between prisoners and persons outside. Religious influence was seen as an important part of reformation as long as it complied with prison discipline. There was no provision at the time for secular education in the prisons although some voluntary efforts were praised particularly at Wellington Gaol.

As a consequence of the disparities in gaol management, the Commissioners recommended that the gaols be under central control and that proper separation be instituted, including women and juveniles. They recommended that all prison labour be conducted inside the prison. Governors, they considered, should have English or Australian experience and should exercise the power to hire and fire all prison staff. The Inspector was to play a minor role in approving senior appointments. They recommended that a marks system for rewarding industriousness be implemented along with a progressive system of remission for good conduct. Both the marks system and the progressive system were to follow the principles of Alexander Maconochie of the Norfolk Island Penal colony and Sir Walter Crofton an Irish prison reformer. Both men introduced reformatory systems of imprisonment with the

emphasis on rewards for hard labour and good conduct.(38) Some monies were to be paid to prisoners who worked hard, in preparation for their release.

The Commissioners discussed the aims and objects of punishment generally and stated that it did not need to be vindictive nor retributive but should be sufficient to prevent crime by deterrence. Punishment was seen to be formidable, humane, corrective, and reformatory with the exception of juveniles who were to be treated harshly except for the "well conducted boy". Women were not mentioned specifically and it could be assumed that they were included in the broad philosophy except that the Commissioners had already made comment that they were less likely to respond to gaol discipline.

The culmination of the concern about the state of prisons and the subsequent Royal Commission was the 1877 Prisons Act which attempted to bring about centralised control and administration of prisons. It might be assumed that following the Royal Commission there would have been many changes implemented in prisons. However this was not the case and what changes did occur did little to affect the overall situation of women prisoners.

Ten years after the 1868 Royal Commission, the Gaols Committee reported to Parliament that little had changed in New Zealand prisons. The use of existing facilities to try to bring about change had resulted in the prisons being unable to cope with increased prison musters, as Justice Gresson had predicted, and being unable to classify and separate. The Committee referred to the effect of locking up young women of good character with those of "utterly depraved character and habits" and the fact that juvenile offenders of both sexes had no separate accommodation.(39) Mr Read, the Wellington Gaoler, referred to his female inmates as "abandoned prostitutes; lost to feeling, shame and everything else".(40) While women were not sent to the prison school in Wellington Gaol, both Mr Jonas Woodward and Mr Pearce thought

there was a need for educating women, if only because the Wellington Gaoler knew of no educated women in gaol.

The employment for women had not changed and was mainly of a domestic nature. Work consisted of sewing, knitting, laundry, picking oakum and dry and wet opium and other domestic chores. They were prohibited from working outside prisons. (41)

While some separation of women had been introduced in some gaols, in others, for example Wakatipu and Arrowtown, a woman "has to be taken into the Gaoler's quarters and do her sentence chiefly in the kitchen". (42) The report urged the implementation of the Royal Commission changes and specifically to the setting up of a national Penal Servitude Prison and the appointment of a Director or Inspector of Prisons.

In summary, the character of prisons in the new colony 1840-1880, was determined largely by lack of resources, population and the competing demands of other essential services. By the late 1870's there were "167 women (compared with 877 men) to be found in 19 out of the 34 mixed gaols scattered throughout the colony, with most being confined in the main Auckland, Dunedin, Addington and Wellington Gaols. The great majority of these women were prostitutes, imprisoned for vagrancy, drunkenness and disorderly behaviour, with a smaller number for 'concealment of birth'. The appropriateness of imprisoning such women was unquestioned". (43)

The new communities adhered to the "less eligibility" principle, that of making gaol conditions worse than the poorest likely to be experienced outside. During this period women were imprisoned alongside men with little or no separation and often in the worst conditions in the gaols. Their employment was limited to domestic duties and it was thought inappropriate for them to be employed on public works. They did not have the relief that outside work afforded male prisoners from closely confined gaol quarters. Women were dependent on the intimate prison environment which was

characterized by "strange and impractical rules, picked up (like so much else) in the old country and dumped willy-nilly in New Zealand" (44)

Given the fact that the early settlers brought the social mores of Victorian England with them, it was not surprising that prison rules included no singing nor conversation between prisoners nor between prisoners and guards, and that they were to have no games nor amusements. While the Royal Commission expressed noble sentiments on the principles of punishment, the views of the Chief Justice, Sir William Martin more realistically explained underlying attitudes. It was his view that "The main object of all punishment awarded by the Criminal Law is the repression of crime by the dread of punishment; the reformation of the convict is not the prime object." (45). While this may have been the intention of the gaol system, the lack of facilities and pressure on prison staff meant that frequent breaches of gaol rules and security occurred, indicating a wide gap between public expectations, the views of the judiciary and decision makers, and the reality of prison life.

#### THE SOCIAL PLACE OF WOMEN PRISONERS

W.B.Sutch in *"Women With A Cause"*, has pointed out that the greater proportion of emigrants to New Zealand were working class and poor - many of whom were seeking to escape the appalling poverty of Victorian England. Mc Lintock, writing in the 1880s, described New Zealand society in the 1860s as a "compound of egotistical success and bitter failure, of blatant wealth and crushing poverty". (46) He went on to say that the 1870's were characterized by the growth of industrialism and exploitation of labour without the controls introduced in England, leading to grave social problems. Alcoholism became prevalent in the community and lawlessness grew, along with widespread squalor and ignorance. He agreed with others who thought that "poor immigrant types" contributed to the social ills of the time. By 1880 he remarked that distress was widespread with increased unemployment.(47)

Elsie Locke has described the background of Dunedin prisoners as working class, and referred to the fact that no provision was made in the new colony for either widows or orphans. "Betsy Hockings was already destitute apart from the little she earned by taking in sewing." and "Her life outside could not have been much easier. Her husband could offer no support even if she had sought it, for soon afterwards he spent seventeen days in the gaol as a debtor."(48) She went on to describe Jeanie Stewart who was so ragged that "John Shepherd had to dredge three pounds from the public funds to have her decently covered."(49) The Judges Report in 1868 referred to women who were "destitute of means" and who wrote to them for support.

The Ministerial Review Into Prisons in 1989 ("*Te Ara Hou*"), stated that the Victorian ideals of chaste and morally correct women which included motherhood and good housekeeping as the foundation stones of being a woman, dominated early attitudes and policies towards imprisonment. The comments of the Gaols Committee referred to earlier and the view of the Governor of Wellington Gaol who recommended that women should not receive assistance from the Prisoners' Aid Society on release reflected the opprobrium which women prisoners attracted. A Visiting Justice to Dunedin Gaol was of the view that there was no point in classifying women because "as a rule they are so bad that they cannot be made worse". (50)

Margaret Tennant in "*Paupers and Providers*" has described the Victorian attitude in New Zealand towards "fallen women" which separated them into two classes, the corrigible and incorrigible. Class A were first "falls" and Class B were older more intractable cases. "Women were admitted, often ill, homeless or recently discharged from prison, suffering from the 'd.t.s' or injuries inflicted in fights" and "many went 'over the fence' and ended up in gaol charged with drunkenness, theft or vagrancy." (51) The services of the refuges at the time were reserved for the Class A women. Charitable Aid providers distinguished between the "deserving and undeserving poor".

The deserving poor were seen as "modest, retiring poor" the undeserving as "idlers and drunkards" and "impudent beggars". (52) The result was that many women prisoners on release were unlikely to find financial assistance, particularly given the prejudice against the "incorrigibles". William Rolleston, Member of the House of Representatives in 1878, was among the few who suggested that unless there were alternative means of support offered to prostitutes they would always return to their trade. While he acknowledged that prostitutes should be allowed to reform, he made no mention of the reformation of their clients. (53)

With the passing of the Contagious Diseases Acts in Great Britain in the 1860s, England was to "confer on prostitution the status of a lawful and necessary trade, to provide government certified, healthy women for the use of men in the services and thereby to put the imprimatur of the state on the double standard of sexual morality." (54) This double standard was passed on to New Zealand; prostitution beginning as a result of the visits of the traders and whalers. New Zealand's Contagious Diseases Act went further than Great Britain's in allowing any female over 12 to be examined for venereal disease and detained.

There was no provision made for deserted wives, orphans and widows and their children until 1936 in New Zealand. Given the early restrictive attitudes towards women's employment, their limited educational opportunity and their dependence on a male income earner or charitable aid and the prevalence of alcohol abuse it is hardly surprising that many would have been forced into prostitution or into debt and petty crime. It is also not surprising that they constituted such a large proportion of the inmate population while the double standard remained.

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## CHAPTER FOUR

### **WOMEN'S IMPRISONMENT IN NEW ZEALAND 1880-1920**

#### THE HUME PERIOD 1880-1910

The 1880-1920 period heralded major changes in the prison system in New Zealand. Significant changes were initiated during the Hume period 1880-1910 after the appointment of Captain William Hume as the first Inspector General of New Zealand Prisons, and many occurred soon after his retirement. It is debatable to what extent these changes affected women in prison.

Following the Royal Commission of 1868, the Gaols Committee Report in 1878, and the dismantling of provincial government in 1876, the Department of Justice was established to exercise central control over prisons. The Gaols Committee recommended the appointment of a Prison Inspector to be responsible for prisons and for this appointment to be made outside New Zealand. It was thought that there would be inter-provincial rivalry if a New Zealand appointment was made. The Committee was of the opinion that the appointment needed to be a person with thorough training and experience in prison management and it looked to Great Britain for applicants. Rolleston instructed Sir Julius Vogel to make the appointment according to the criteria set. Vogel discussed the applicants with Sir Edmund Du Cane who had been appointed head of the British penal service in 1869. Du Cane was a former military man whose approach, as opposed to his predecessor Joshua Jebb, was one of deterrence and punishment in preference to reform. (1)

In England, Jebb's vision of moral reclamation had been replaced by Du Cane's emphasis on discipline, punishment and uniformity. Du Cane recommended Captain Arthur Hume who was also a retired army officer and had been Deputy Governor of

Millbank Prison in 1874. Hume shared Du Cane's views on deterrence and also that it was a mistake to educate inmates although Hume favoured teaching trade skills. Ironically, Hume provided detailed statistics of literacy levels throughout his period in office which showed consistently low levels for prisoners, with women trailing behind the men.

Du Cane had assessed most women prisoners as incorrigible offenders who were unworthy of reformatory efforts. (2) Hume commented in 1893 that there was a hopeless class of women in the colony "who have probably spent the better part of their lives in prisons, and whose reform is beyond all possibility..."(3) indicating that he shared Du Cane's views.

There was hostility from prison staff towards Hume, who was critical of the gaolers and the alleged abuse of the power of the Visiting Justices. This culminated in the dismissal of James Caldwell, the Gaoler at Dunedin for alleged breaches of prison discipline in 1883. The *Lyttelton Times* thought Hume's intentions were in fact to dismiss Caldwell because of his opposition to prevailing political opinion and less because of his gaol management. In any event, while Hume was ready to listen to prisoner complaints in relation to Dunedin Gaol and Caldwell's management, he was less interested in their complaints during his office, frequently complaining that open courts only gave prisoners a chance of "airing their fancied grievances and talking to the public".(4)

There was support for Hume's views in the *Christchurch Press* which argued that an Inspector would need to be economic, efficient and disciplinarian. The article stated that it was unlikely, given the unpopularity of prison issues, that Parliament would vote more monies to prisons and it suggested that the new Inspector would need to reorganise existing accommodation in order to bring about classification and separation. This, of necessity, became precisely Hume's approach.

Hume classified prisoners into five main groups made up of, old habituals, new offenders, youths and boys under 16 years, remand prisoners and debtors. He recommended a progressive stage system, which had been introduced at Lyttelton Gaol, and was in turn based on Maconochie's method, with four stages to encourage good conduct and ending with some monies for release. Hume favoured employing retired military, army and naval officers for their experience in managing men, to staff prisons. He recommended the birch rather than flogging as a valuable addition to the 'Cat' (a leather whip with nine tails) to enforce prison discipline but later argued that flogging incorrigible offenders would cure them. (5)

Hume barely mentioned women prisoners - they were not included in his categories of inmates and his only comments initially were reserved for female staff. He was of the view that female prison staff or matrons should not be related to prison officers (as they had been) at their institutions and that vacancies should be filled by women of "superior education and standing". (6) Female staff required no previous experience or training, they were to rely on their intrinsic qualities as women to set an example to women inmates.

Throughout his tenure, Hume was opposed to the practice of incarcerating children, lunatics, drunkards and elderly vagrants. His constant reference to these groups fell on deaf ears. The Liberal government had left the responsibility of caring for these marginalised groups to charitable organisations and private interests which failed to provide for their growing numbers in the new colony. Hume was concerned that prison staff were not trained in treating lunatics or drunkards. Whilst the 1882 Lunacy Act specified that drunkards needing detoxification and lunatics should be treated elsewhere, they were frequently sent to prison. Hume complained of the case of a suicidal woman who was sent to Sunnyside and then was sent to gaol. She required constant watching and he asked, "What are the hospitals for? Are the staff to have no

troublesome patients?" (7) The practice of landing prisons with the destitute and unfit continued well into the twentieth century.

Hume was concerned about the contamination of children and of first offenders and recommended reformatories for children. It was evidence of his sometimes contradictory views that he later expressed concern that sending children to industrial schools would encourage "reckless and drunken" parents to throw their offspring "upon the honest taxpayer". (8) He was unable to implement the classification and separation of inmates due to lack of gaol accommodation, lack of political support for more resources and the high cost of maintaining some of the smaller gaols. He supported the First Offenders Probation Act (1886) as a means to avoid contamination and the fact that it involved minimal cost. The lack of accommodation meant that all types of women offenders were mixed together in sometimes crowded quarters.

In 1900 he promoted the idea of setting up a State Farm for the "better class of prisoners" (9) which would be largely self funding and would teach agricultural and horticultural skills. Prison camps later became a major feature of imprisonment for men, extending into tree planting in addition to general agricultural work. Pratt, regards the growth of the camps as the main difference between the New Zealand and British penal systems at the time, although there were no camps developed for women and it was not until 1911 with the opening of Addington Prison for Women, that women were able to work outside prison buildings.

Hume placed great store by rigorous work and inculcating work habits in prisoners and the range of industry available to men, as in the previous forty years, was more varied than that available to women, harsh though much of it was. Industry for men consisted of stone breaking, construction work, excavations, reclaiming land, bush clearing and brick making as well as inside domestic duties, although sewing was never a feature of male domestic work.(10) Women's work was always inside the

prison walls and was predominantly domestic. It included laundry, knitting, sewing (shirtmaking), mending, cleaning and cooking. (11) Most women's divisions did the laundry for the male section nearby and often with primitive equipment.

Punishments during the period were mainly reduced rations, solitary confinement, forfeiture of marks and deprivation of small luxuries, e.g. tobacco. The kinds of prison offences committed by women were: disobeying prison rules, communicating by letter with male prisoners, idleness, insulting prison staff and using insulting and abusive language. Hume particularly disliked idleness among inmates.

Each of Hume's reports in his opening comments referred to the hygiene, efficiency and economy with which prisons were managed. He placed great store on cleanliness and reduction of cost. He relied on inmate tradesmen to construct new prison accommodation and complained of their shortage at various stages. He introduced a military style uniformity to daily prison routine enforced through regulations and rules. All prisoners rose at 6.30am and worked until 12 noon for dinner. They laboured until 4.30pm when they were locked up in their own cells and served supper. Strict silence was enforced from 8pm. (12)

Hume found political support for his systems and John McGowan, Minister of Justice from 1900-1909, reinforced his belief in the "lesser eligibility" principle which meant that the State was not to provide "better food and clothing than hundreds of honest men".(13) Hume reflected the Classicist, deterrent approach that the offender was a rational man who would respond to deterrence and would not then reoffend. His belief in deterrence became challenged by the increasing rate of recidivism and the recognition of different groups of offenders requiring different management approaches. While the majority of offenders in the early 20th Century were of overseas origin, New Zealand born offenders became an increasingly significant

proportion of the offender population. It was no longer possible to argue that it was simply bad habits from the "Old World" which caused New Zealand's crime problem.

#### THE MOVEMENT FOR REFORM

The 1880-1920 period saw major social and political change in New Zealand. The changing role of women, their emancipation and struggle for political power influenced many facets of women's lives. Women's groups such as the Women's Christian Temperance Union and the National Council of Women took an interest in the penal system and advocated increased representation of women in criminal justice roles, in particular female policewomen, juries, magistrates and justices of the peace.

They promoted new approaches to punishment and communicated internationally with other women's organisations which were challenging traditional ideas about imprisonment, although as Charlotte McDonald has pointed out, it was "surprising how conservative many of their ideas were, especially in comparison with discussion that was being addressed to the role of women in society in other contexts." (14)

At the meeting of the Canterbury Women's Institute in 1895, the Committee advocated more enlightened attitudes towards prisoners and pushed for a Royal Commission into the state of prisons because of the lack of classification, the continuing contamination of new offenders, the lack of training in skills and the lack of support for prisoners on release. (15) In 1897 at a National Women's Convention meeting in Wellington, support was voiced for the reformatory model of imprisonment introduced in the United States in the Elmira Reformatory of New York, founded in 1876. The approach suggested for new offenders particularly, and other specialist groups, e.g. children, was to treat a group of inmates as though they

had a sickness that could be treated through "education (usually technical), spiritual tuition, useful work and `habits of cleanliness' ". (16)

The task of the reformatory was to change the person's character by moral reformation. In the case of women this meant learning a wider range of domestic arts and encouraging feminine behaviour. An inherent paradox existed when this theory was applied to women as a special group requiring treatment, in that by separating them from their own domestic sphere they were to be trained in middle class ideals of domesticity and somehow become more acceptable members of the community on their release.

There was considerable debate about reformatory ideals and examples. Opponents, including Hume, argued that the low recidivism rate for the Elmira Reformatory was due to their selection of reformable inmates. It was thought in some government quarters that the First Offenders Probation Act passed in 1886 met the same requirements as the Reformatory. Reformatories were perceived as the "soft option" and opponents argued that offenders would like them so much they would reoffend simply to be able to stay in them. (17)

Women's organisations, however were promoting the Reformatory method for a range of groups including women prisoners, juvenile offenders and drunkards. Their efforts to ameliorate prison conditions and to begin to individualize treatment of offenders led to constant defence by government and Captain Hume against their criticisms. Hume went to the extent of calling for the return of corporal punishment for incorrigible offenders rather than provide education and training of them.

There were other groups in society promoting a different attitude towards offenders also. The debates of the women's organisations began to include not just a belief that offenders were `sick' and required treatment but also that they had biological and

inherited characteristics which determined their behaviour. The growth of Darwinism and its branch of eugenicist thought, influenced opinion at the time, and led to the view that some classes of incorrigible offenders required long-term treatment through long sentences to bring about radical individual change. (18) The eugenicists attempted to apply current scientific thought about human behaviour and characteristics to the treatment of offenders. It was thought that punishment should be replaced by curative treatment of various classes of unfit persons in special institutions set up for this purpose. It was thought that longer sentences would be needed to bring about reform.

Hume's successor, Frank Hay, was a member of the Eugenics Education Society and Mc Gowan's successor, John Findlay was President of the Society in 1911. Other prominent penal administrators during the 1900 to 1920 period were members of the society: these included Charles Matthews, Deputy Inspector of Prisons in 1913 and Controller General in 1918, and Robert Stout, member of the Prison Parole Board.

While the women's organisations placed more emphasis on environment as a cause of crime, the eugenicists considered biology and mental unfitness as the main causes. Their theories were based on Cesare Lombroso's and others who considered that offenders had particular physical characteristics and that female criminals were ugly and masculine looking. (19) Various medical personalities in New Zealand, such as Dr Archibald Reid and Dr W.A. Chapple, expounded eugenicism and added a concern about the weakening of the human race by allowing the unfit to procreate. The most extreme example of this view was expressed by Robert Stout in 1919 who stated that since "as seems to be have been proved, crime, or the want of power to resist crime, is hereditary, we shall have to take steps to prevent the breeding of the type to which our criminals apparently belong." (20) He proposed that indeterminate sentences be imposed on women during child bearing years in order to protect the race.

The result of the reformist debates was the introduction of the Habitual Criminals and Offenders Act 1906, and the Habitual Drunkards Act 1906, the Inebriates Institution Act 1907, and the Reformatory Institution Act 1909. The Acts gave Magistrates the power to sentence offenders to specialist state-run institutions and to indeterminate sentences of imprisonment until the reformation of the individual was recognised by institutional authorities. Reformatory treatment at the time constituted the inculcation of good work habits as a priority; education and spiritual training were perceived as secondary.

The years 1915-20 saw the development of Borstal training for young men under Minister of Justice Hanan, the further development of prison camps and farms and the construction of new gaol accommodation to allow for better classification of male prisoners. None of these changes greatly affected the situation of women's prisons.

The only development between 1900 and 1920 to impact on women was the final acknowledgement by the Department of the need for a separate prison for women and the designation of the Addington Prison for Women in 1911. Various women's organisations, particularly the WCTU (Women's Christian Temperance Union) and the NCW (National Council of Women) promoted and lobbied for a separate women's institution which went along with their support for greater participation by women in all aspects of the administration of justice. (21) Hume refused to act on their "agitation" on the grounds that there were too few women in prison to warrant the expenditure. He recognised the difficulty of classifying women and conceded that it would be necessary at some stage in the future.(22)

John Findlay, Minister of Justice in 1909, embarked on a programme of penal reform and proposed a range of penal institutions in order to separate and classify groups of inmates. His proposal for a separate women's institution was to contain both the

deterrent, punitive element and the reformatory model. The penitentiary section was to receive incorrigible women; the reformatory, the redeemable. In practice the institution was one building which received all types of female offender. There was some separation of young and first offenders from hardened offenders but there was little difference in approach to both groups.

The work remained predominantly domestic, although for the first time women were able to work outside in prison gardens. While Findlay had proposed classes in cookery, dressmaking and housekeeping, work was mainly laundry, cleaning, mending and maintenance of the prison grounds. While there was a matron appointed, she was subordinate to male managers and the Lyttelton Superintendent visited weekly to oversee the prison.

While men's prisons at the same time were moving towards a more rehabilitative approach with agricultural, open and borstal institutions, the first separate women's institution at Addington was managed in the nineteenth century penitentiary style.

Efforts were made by local women's organisations and staff to improve the overcrowded conditions and introduce better classification. Their efforts to obtain the funds to improve Addington were unsuccessful. Charles Matthews, the Controller General of Prisons, acknowledged Addington's shortcomings and proposed building a new institution in the North Island that would receive more intractable cases. Addington would continue to receive the redeemable women. Point Halswell, near Wellington, opened in 1920 allowing for better classification and separation of women and incorporated reformatory "feminine" care and industrial labour.

In summary, the first examples of women only prisons in New Zealand fell well short of the rehabilitative approach and reformatory ideals of the reformers, largely because of the prevailing attitude of penal administrators that women inmates were

predominantly an irredeemable class and not a priority for funding. They provided limited opportunities for women staff to exercise more control but were still supervised by the men's institutions.

## THE WOMEN PRISONERS

Prostitution, drunkenness and vagrancy continued to be the major offences for which women were imprisoned. Charlotte McDonald has stated that the overwhelming impression left by the police records "is that the woman offender in New Zealand colonial society was hopeless and abandoned. Abandoned because she was constantly being picked up for being drunk, disorderly and vagrant, hopeless because she had accumulated a long string of convictions and had served numerous sentences of imprisonment which had no obvious effect on her behaviour." (23) Women were predominantly sentenced for offences against public order and very seldom for violent crime. The implication for the prison system was that most women served short sentences of three months or less and it was impractical to transfer them to prisons all over the country. When indeterminate sentences were introduced in 1906, very few women received these penalties as very few had received penal servitude in previous years.

The impression of women prisoners as frequently destitute and without financial means continued in this period. Prostitutes and drunken women were perceived as plague spots and centres of vice. They continued to attract much public opprobrium and were removed from the streets via various public disorder offences used interchangeably.(24)

It was significant that the NCW and other women's groups shared public attitudes towards these groups of women and while they advocated treatment for prostitutes in the reformatory sense they upheld middle class ideals of feminine behaviour well

beyond the reach of their sisters. Robert Stout suggested punishing the clients of brothels but found his suggestion met with open derision.

During the First World War there was a noticeable increase in women in prison for prostitution, which C.B.Jordan the Secretary For Justice at the time attributed to more drastic police action "having been taken during the past year in regard to a certain type of offender".(25) The demand for prostitution appeared to rise during war time although there was no public concern expressed about the behaviour of the armed forces. In fact it is safe to infer that it was generally accepted that soldiers deserved to satisfy their natural urges and the Contagious Diseases Act ensured that women were free of venereal disease, at least until it was repealed in 1910.

No provision for deserted wives and their children would be made until 1936 and until then, single unemployed women were dependent on charitable aid. While there had been progress in women's educational and employment opportunities such opportunities were still not readily available to the working class or the poor.

## FOOTNOTES

- 1) Zedner Lucia, *Women, Crime And Custody In Victorian England*, Oxford Historical Monograph, Clarendon Press, Oxford, 1994., p 125-126
- 2) Ibid, P212
- 3) AJHR., 1893 Vol 111, H-J, p2
- 4) AJHR., 1890 Vol 111, H-4, p4
- 5) The Press, 25/6/1890, p 6a
- 6) AJHR., 1881, Vol 111, H-4, p 4
- 7) AJHR., 1888., Vol 111, H-2, p4
- 8) AJHR., 1898., Vol 111., H-20, p24
- 9) AJHR., 1900., Vol 111., H-I, p2
- 10) AJHR., 1888., Vol 111., H20, p4
- 11) AJHR., 1890, Vol 111., H-4, p4
- 12) AJHR., 1884., Vol 11., D-H, H-5
- 13) McDonald, Charlotte, *Women And Crime In New Zealand Society 1888-1910.*, M.A. Thesis, 1977., p36
- 14) Ibid, 1977., p31
- 15) *The Press*, Christchurch, 18/7/1895, 5a
- 16) McDonald Charlotte, 1977., op cit, n 13, p36
- 17) *The Press*, Christchurch, 21/5/1898
- 18) McDonald Charlotte, 1977, op cit, n 13, p40
- 19) Zedner, 1994., op cit, n 1, p79
- 20) AJHR., Vol II., 1919., p3
- 21) Dalley Bronwyn, article in *The New Journal Of History, Prisons Without Men. The Development of A Separate Women's Prison In New Zealand.*p 41
- 22) AJHR., 1898., Vol III, H-20

- 23) McDonald Charlotte, 1977, op cit, n 13, p23
- 24) McDonald Charlotte, 1977., op cit, n 13, p13
- 25)AJHR,1916.Vol,II.,H-20.

## CHAPTER FIVE

### WOMEN'S IMPRISONMENT IN NEW ZEALAND 1920-1960

#### DEVELOPMENTS IN WOMEN'S PRISONS

The period post the First World War, saw the further development of separation and classification for male prisoners and continued attempts to further classify women. With the establishment of the Point Halswell Reformatory in Wellington in 1920, only older and short sentence women were left at Addington, with the transfer of younger inmates from Christchurch.

Point Halswell followed the reformatory principle envisaged by John Findlay a decade earlier, although industry and training in the early twenties did not differ greatly from that already provided at Addington. The grounds outside Point Halswell allowed for dairying, poultry and some farming skills. In 1922 the entertainments and games organised by social workers at Point Halswell were commented on in the Annual Prisons Department report. The official lady visitors were complimented for their ongoing support for women prisoners. (1)

In 1925 a new Borstal unit was built for young women (17-21yr olds) at Point Halswell. Borstal units and the separation of young offenders had been in operation for young men since 1917, starting in Invercargill. It is not within the ambit of this thesis to include analysis or description of Borstal training. It became a dominant feature of the treatment of women offenders in New Zealand after the 1920's and was based on Sir Evelyn Ruggles Brise's model in the U.K. which emphasised retraining and drill for young offenders. The numbers of women sentenced to simple imprisonment reduced markedly once Borstal training was available as a sentencing

option. This had implications for the provision of facilities nationally and for the movement of women according to Prison Department requirements. The following table compares the placement of women in 1909 as opposed to 1924 after Borstal training was introduced. As can be seen there were significant shifts in geographical location of women and also in the type of sentence administered after the introduction of Borstal training.

TABLE 1 Numbers of women in prison, 1909 and 1924

	31/03/09	31/12/1924
Auckland	18	14
Dunedin	8	
Invercargill	2	
Lyttelton	11	
Napier	5	1
New Plymouth	2	
Wanganui	6	
Wellington	17	
Addington	15	
Point Halswell		27

Source: O'Neill, Rose, *The Experience Of Imprisonment For Women: A New Zealand Study*, Thesis for Master In Social Science, University of Waikato, 1989, p14

In 1924 with the reduction of inmates held at Addington (15 women) no special occupation could be undertaken. Prison industry was limited to domestic duties. Staff at Addington commented on the ongoing contaminatory influence of two women, short sentence inmates, who were not interested in work that the lady visitors organised for them on release and who influenced women both in and out of prison. The matron commented on the futility of short sentences in these cases.(3) By 1927

Addington had a larger number of inmates making it possible for laundry work for the nearby men's prisons to be viable again. While numbers had been so low it had been possible to provide as many as three lady visitors per prisoner who assisted inmates on release. It was also noted in 1927 that the "girls" (these were the older women inmates) preferred gardening to housework. (4)

In 1928 the industry at Auckland, Addington and Point Halswell was unchanged. All three prisons were providing the laundry service to neighbouring men's prisons. Eight women at Addington were classed as mentally deficient and four were sent to a local mental hospital. There were at the time, 99 women in prison, 43 of whom were Borstal inmates. There were no women of 'superior' education in prison but out of the 134 received during the year, 133 women could read and write and only one woman was unable to read. (5)

During the remaining years up to 1960, the various Controllers General and Secretaries for Justice had little to say about women's prisons. They were not contributing via public works and, apart from Borstal training, no special facilities for particular groups of women were established. Robert Stout's earlier suggestion, that a special facility for habitual female offenders was needed, became a regular theme of comments in the Prison Department reports. Continued remarks were made about the destructive influence of a few continual offenders who received short sentences and the fact that so few reformatory detention sentences were given by the judiciary.

In 1936 owing to the small number of inmates in Addington (9 women) it was difficult for the gardens, poultry and laundry to be maintained. A mechanical laundry was installed in 1937 (prior to this it was done by hand) which meant that they could continue servicing Papanui. (6)

In 1945 the Point Halswell inmates were transferred to Arohata Borstal in Tawa, near Wellington, so that Point Halswell could be used by the Defence Department. Arohata was able to hold a few remand women and short sentence prisoners in addition to borstal prisoners. Berkeley Dallard, Controller General, in an interview with Margaret Long in 1976, said that the Department had been aware of shortcomings with the Point Halswell site for some time. These included its coldness, lack of facilities and sub-standard buildings.(7)

Finally in 1959, while Sam Barnett was Secretary for Justice, the decision was made to close Addington due to the small numbers of inmates. A small building was created at nearby Papanui men's prison for remand and short sentence female inmates. All long term inmates were sent to Arohata or Auckland. Addington then became a remand facility for males. The ability to house longer term women inmates from the South Island did not return until Dunedin prison was designated for women in 1960.(8) This movement was the result of Auckland women inmates transferring to Arohata, due to pressure on the male muster at Mt Eden. The solution was seen to be the removal of the women's division, necessitating the provision of more beds elsewhere. At the time that Dunedin became a prison for women, the then Secretary for Justice (Sam Barnett), commented that a new prison for women at Papanui was necessary in the near future which would be both a maximum and medium institution and it was thought that Arohata would become Borstal only. This proposal did not take into account the origin of the majority of women prisoners which then, as now, was the upper North Island. The following Table illustrates the placement of women in New Zealand prisons in 1960.

TABLE 2 Placement of Women Prisoners, 1960

Arohata Reformatory	4
Arohata Borstal	45
Auckland	8
Dunedin Borstal	11
Dunedin Prison	21
TOTAL	89

Source: AJHR, 1960, Vol III, H-20

## PRISON REFORM

The perception of the reformation of women prisoners followed the principles established in the nineteenth century. The influence of lady visitors was perceived right through to the Borstal Ladies Committee as having a moralistic and beneficial influence on offenders.

Whilst the men's prisons were slowly increasing education and training opportunities with a paid teacher at Auckland, both Arohata and Mt Eden had voluntary teachers throughout the period. More specialist institutions were introduced for classified groups of men including New Plymouth for sex offenders, prison camps for first offenders and a Wanganui Reformatory for older men. No specialist facilities were developed for women apart from the Reformatory and Borstal. However as it turned

out the reformatory sentence was rarely used and most women received short sentences. This meant that they inevitably mixed with first offenders and, throughout the period, comment was made about the contaminatory effects of this association and the lack of influence the penal system exercised on the persistent female offender.

The 1920-1960 period saw a growth in the acceptance of psychological causes of offending and recommendations from both the Parole Board, politicians and administrators for psychologists and psychiatrists to be available to prisons and courts in order to "scientifically" distinguish at sentencing time and then when in prison those who are responsible and irresponsible due to a diseased brain." (10)

In 1925 the Parole Board thought that perhaps there would be no habitual criminals in New Zealand once those of overseas origin were too old. When this did not eventuate and a growing number of habitual prisoners evolved in New Zealand the Parole Board considered that this was due to heredity and mental defectiveness. (11) This was contrary to the Victorian presumption of the "rational man" whom it was thought committed a crime because he was aware of the consequences of his actions. Berkeley Dallard thought that the current Minister of Justice would have difficulty with involving psychologists and psychiatrists at sentencing time, indicating that the new science was not fully accepted. (12)

Following the reforms introduced by John Findlay, subsequent penal administrators maintained that imprisonment was becoming less retributive and more constructive with each administration. Apart from basic improvement in privileges such as visiting, letter writing, canteen (the purchase of small luxuries through prison earnings) and the shift from hard labour to purposeful work, there is no evidence that there was a major shift in approach for women sentenced to imprisonment, as opposed to borstal. In an

interview with Molly Molloy, retired Matron of Dunedin women's prison, it is clear that women sentenced to simple imprisonment, experienced roughly the same conditions as their sisters in the nineteenth century. Molly Molloy described the difficulty she experienced in improving prison uniforms for women at Mt Eden prison in the thirties, which consisted of rough calico underwear and Victorian bonnets for church.(13) There was no diversification of work for women throughout this period and no advancement in education and training although it was a time which saw the gradual expansion of women's roles in the workplace.

The inherent contradictions of reformation and punishment became more pronounced and more complex in the twentieth century. A special Committee in England was referred to in 1924 which recommended that all "incurables" should be classified as mentally defective. Berkeley Dallard regarded this as undesirable because treatment was seen as a soft option and they wouldn't be punished. (14)

Blanche Baughan, Secretary of the Howard League for Penal Reform in New Zealand made no special mention of women prisoners, according to media accounts of League meetings. In 1921 the League recognised that imprisonment was not achieving deterrence or reformation particularly for persistent offenders. They attributed crime to a number of causes, among them, "lack of training, parental laxity, parental tyranny, physical or mental defect and subconscious troubles."(15) There was less emphasis on individual responsibility and more on internal factors and the League stated that, "...it is clear that slapping a boy or girl into gaol will not suffice of itself to overcome any one of these handicaps". (16) Blanche Baughan suggested that offenders were morally diseased and morally afflicted and therefore required "scientific and curative treatment" which echoed the heredity arguments of the previous decade but with more sophisticated arguments.

The League continued to expand on its theme of scientific treatment of the offender and in 1930 introduced the concept of social history of the offender as another important consideration for classification and treatment.(17) The League was concerned about the retributive approach of prison staff and their lack of knowledge of scientific methods of treating offenders. In 1943 at a Dunedin Branch meeting, Dr McMillan a former Minister of Justice, was critical of New Zealand prisons saying that as a "reformatory medium" they had failed, and that prison methods were still outdated. Prisoners were not grouped for "appropriate treatment", particularly the large proportion who were considered to be mentally defective. They were locked up for long periods of time with little to do and with little to read. Borstal prisons once touted as the reformatory answer to juvenile offending were criticized as a breeding ground for prisoners and one which was too heavily weighted towards deterrent and retribution. Dr McMillan was criticized by the Editor for not having taken initiatives to change conditions while he had the opportunity to do so as Minister.(18)

The comments of the Howard League ran contrary to the official stance of the Department which regularly noted that prisons were less retributive and staff required to play more constructive roles. (19) Although there were staff shortages during the war years, the Department stressed the importance of employing staff with the right personality to be able to "influence those in their care by their example". This did not extend to employing university graduates who were considered in 1949 to be "not always the most effectual in the prison service", and that "practical men of common sense are to be preferred". It was thought that "long haired university types" were most unsuitable. (20) In response to criticisms of the retributive attitude of prison wardens, the Controller General Sam Barnett, in 1950, reiterated that the service needed officers with high ideals and intelligence and, contrary to earlier opinion, recommended that promotion should go to those with university or social work training. (21) There was no mention still of any special training or qualities for female prison staff . Employment conditions for women in the prison service were well short of those

offered to men. Molly Molloy, while matron at Mt Eden Women's Division in 1934, described how women staff did not qualify for overtime. They started work at 6.30 am and finished at 5.p.m with one night off per week. They worked the equivalent of 108 hours approx per week. It was not until 1965 that women achieved equal pay with male officers although their promotion opportunities remained limited. It was perhaps understandable that some women staff were seen as disciplinarian, given the demands of their work.(22)

The reform debate between 1920-1960 was centred around men's offending and men's prisons. Women were an invisible prison population where changes were implemented as an afterthought to those implemented for men.

The 1954 Criminal Justice Act was the final attempt in this period to adopt sanctions to reflect reformatory principles of the time, with alterations to the indeterminate sentence to reflect the recognition that New Zealand imprisoned a high proportion of its men with no improvement in the incidence of crime. The Act expanded the role of community-based sanctions through probation, attempts to reduce short sentences and the idea that imprisonment should be seen as a last resort. A significant innovation for prisons was the introduction of Classification Committees which were to study the background of the offender before classifying and recommending prison programmes. The committees were to consider reports about the offender and were to include the Chaplain, Probation Officer and Psychologist as well as custodial staff. They presaged a more individual approach to offenders which became expressed in case management in later years but placed considerable emphasis on the advantage of psychological analysis and therapy. The nature of women's offending and their numbers in prison did not alter greatly from the previous fifty years. Their crime was of less concern to those involved with penal policy making and consequently their needs were overlooked.

## WOMEN PRISONERS

The number of women sentenced to imprisonment during this period varied between a yearly average of 31.26 in 1949 to 103.31 in 1959. (See attached figures in Appendix 1 from relevant AJHR) There was a period during the Second World War of two years of uncharacteristically high numbers, 98.51 in 1943 and 83.60 in 1944. During the Depression years the numbers were high also.

In 1927 Berkeley Dallard, referred to the increase in offences against property and attributed this to a period of "industrial depression". In 1919 the Prison's Department report referred to 52% of women inmates between the age of 40 and 60 as being in prison for vagrancy. In 1928 the majority of women were imprisoned for vagrancy and their sentences for drunkenness had decreased. Women did not qualify for unemployment relief and were still dependent on charity for food and second hand clothing, until the Social Security Act changes in 1938.

Women's numbers remained high until 1935 when they began to decrease to a low of 33.83 in 1939. The increase in 1943 and 1944 was attributed, as in the First World War, to a "greater incidence of prostitution and the efforts of the authorities to combat venereal disease"(23) and in 1944 to the "influx to our cities of armed personnel". (24) It became a feature of the ensuing Prison Department reports on women's institutions to refer to the numbers of women treated for venereal disease. There were no such reports from men's institutions.

After 1938 and the introduction of social security benefits, older women were no longer deemed to be without lawful means of support and prison staff noticed a decrease in this age group in prisons. (25) With the removal of older women inmates

it was noted that the remainder were mainly prostitutes, working the increasing number of ships coming to New Zealand prior to the Second World War.

The problem of dealing with younger women inmates was another regular theme in Prisons Department reports. Concern about the morals of young women was also a constant feature of newspaper articles. There did not appear to be the same concern about young men. It was thought by prison administrators that "... dealing with young women is more difficult than the lads because of their greater emotional instability..."(26) It was thought that moral training was essential, along with the influence of religious and visiting friends.

With the acceptance of psychological causes of offending, the very "low type of mentality" and lack of self control of offenders, were seen as the major causes of offending for a significant proportion of inmates. Arguments were generated between the Inspector General of Mental Hospitals and the Prisons Department to ensure that psychiatrists were available when required by prison staff. Molly Molloy recounted the problem her Superintendent encountered with transferring a difficult female inmate, exhibiting bizarre behaviour. In her interview in 1983 she stated that finally Peter Fraser (Prime Minister at the time) intervened and had the woman transferred.

In 1932 the Howard League considered that many offenders sent to prison really needed "appropriate psychiatric treatment." (27) The Controller General (Dallard) thought that not all criminals were in need of psychological treatment and not all would comply. Towards the end of the 1940s while there was more recognition of the social conditions from which an offender came, there were still comments about Arohata women inmates, expressing concern about their lack of "mental or intellectual capacity".(28) Dallard himself saw women offenders as "more difficult than boys" and "emotional and more easily disturbed". (29) The Controller General's perception of

women inmates was not shared by some female staff. Molly Molloy referred to difficult inmates but that this was only to be expected. She found that most women prisoners were uneducated and that when they did riot, (only twice in her recollection of 30 years), it was over personal matters between prisoners, not against prison staff or prison regimes. She spoke affectionately about her relationship with the many prisoners with whom she worked.(30)

In *Crime In New Zealand* (1968), an analysis of female offending between 1937 to 1965 showed that "the law which is invoked against females and particularly adolescent girls, is in many cases an attempt to regulate sexual behaviour by legal sanctions".(31) The analysis reflected the custom and practice in earlier years of using vagrancy laws to control prostitutes. The behaviour of the police was seen to be a result of "public concern at the spread of venereal disease" (32) and to protect the ships. It was thought that the single risk of spreading venereal disease was the "undiagnosed female". (33) The Police Offences Act 1927 gave wide powers to arrest those whom the police suspected of carrying venereal disease.

It was not surprising given Victorian double standards and the social control of women, that women's behaviour was legislated against. In an article in 1924 with the headline "The Wayward Girl. What Is To Be Done With Her?", it was generally agreed that there were too many girls of the "eat, drink and be merry" type, who were totally lacking in morals. 'Wayward' girls were always cropping up and "nothing is being done for them, except to send them to gaol. It is the old idea of what to do for a lunatic." Left at large the "oversexed" girls were a menace to the community.(34) There was concern expressed about the lack of scientific treatment in prison available to prostitutes necessary to their "mental and physical condition". The Social Hygiene Society supported the reopening of the Te Oranga Home where they could be kept

until they were 21 and they recommended more women police to deal with the "wayward girl problem".(35)

In 1925 the Chairman of the Canterbury Hospital Board, Dr Fox, stated at a meeting that "we have no difficulty with the men; they are the victims of unscrupulous women. They, the victims are not morally depraved. The women are morally the cause of all venereal disease."(36) This statement caused an outcry from the Society for the Protection of Women and Children and a retraction from Dr Fox was demanded. The idea that somehow women were responsible for men's involvement in depravity found credence in a statement by the Chief Justice in 1935 and reported in the annual Prison Department reports as authoritative on the matter. The report cited the provocation of two girls aged 11 and 12 years in a sexual offence case. "...depravity of the most serious kind on the part of young girls....such girls as these are simply inviting the commission of crime of the description of which the prisoner has been committed". (37) The same attitude was evident in the case of a young couple, F.C. Wallace and F.Peattie charged with committing a grossly indecent act in the Botanical Gardens in 1931. She received three years borstal and he received one month's hard labour.(38)

## CONCLUSION

The end of this period witnessed little change for women's prisons and women prisoners. Prison employment remained fundamentally the same as the previous one hundred years except with the removal of hard labour. The war years brought an increase in demand for the laundry services at Addington prison which they were ironically able to provide through an increased muster of women sentenced for prostitution.

Major change in criminal justice legislation and sentencing, and changes to prison regulations, were inevitably based on perceptions of the male offender. There was some recognition of the need to provide greater separation and classification of women, the major development being the Borstal system. The inherent contradiction of reform and encouraging offenders to change while they experienced the debilitating effects of imprisonment remained inherent in the indeterminate sentence, and indeed with the recognition that prison was not a deterrent particularly to the persistent offender. Borstals, it was realised eventually, were hardening young offenders and preparing them to become adult offenders. Community sentencing options were seen as the most viable alternative to imprisonment and in 1960 were expanded. Community sentencing options for women were more limited with periodic detention reserved for men only. Women, according to the early probation officers also had greater difficulty in meeting court fines due to their comparative lack of employment and access to income.

Education and training for women in prison was haphazard and dependent on voluntary teachers. The fact that women were shifted around the country in response to pressures on the male prisons must have caused considerable upheaval to both inmates and staff, some of which was described in Molly Molloy's account.<sup>(39)</sup> The stand-alone women's prisons during the period were subordinate to the nearest men's institution and access to senior administrators and policy makers was only through the male Superintendent and sometimes obstructed by him. Molly Molloy was also of the view that women were "worse off" in prisons and had access to fewer privileges than their male counterparts.

The ultimate acknowledgement at the end of the 1950's that a purpose built, specialist, women's institution was necessary drew interest and suggestions from senior female

staff which were ignored, and at a time when most inmates were of upper North Island origin, a Christchurch institution was settled upon.(40)

## FOOTNOTES

- 1) AJHR., 1923., Vol 111, H-20
- 2) AJHR ., 1924., Vol III, H-20
- 3) AJHR., 1928., Vol 111, H-20
- 4) AJHR., 1928., Vol III, H-20
- 5) AJHR., 1936., Vol III, H-20
- 6) Interview of Margaret Long with Berkeley Dallard, 1976, Department of Justice, Tape
- 7) AJHR., 1960., Vol III, H-20
- 8) AJHR., 1924., Vol III, H-20
- 9) AJHR., 1925., Vol III, H-20, p25
- 10) AJHR., 1926., Vol III, H-20
- 11) Molly Molloy aged 75, Interview with Greg Newbold, 15/6/83, notes taken by Greg Newbold
- 12) AJHR., 1924., Vol III, H-20
- 13) *The Press*, Christchurch, 8/10/21, p13
- 14) *The Press*, Christchurch, 8/10/21, p13
- 15) *The Press*, Christchurch, 9/8/30, p3
- 16) *The Press*, Christchurch, 4/11/43, p14
- 17) AJHR., 1928., Vol III, H-20 P10  
AJHR., 1934., Vol IV, H-20  
AJHR., 1936., Vol II, H-20  
AJHR., 1947., Vol IV, H-20, P7
- 18) AJHR., 1949., Vol III, H-20, p12
- 19) AJHR., 1950., Vol III, H-20
- 20) Molly Molloy, op cit, n 13
- 21) AJHR., 1943., Vol III, H-20

- 22) AJHR., 1944., Vol III, H-20
- 23) Molly Molloy, op cit, n 13
- 24) AJHR., 1928., Vol III, H-20 p4
- 25) AJHR., 1932., Vol III, H-20 p3
- 26) AJHR., 1949., Vol III, p3
- 27) Berkeley Dallard, op cit, n 7
- 28) Molly Molloy, op cit, n 13
- 29) *Crime In New Zealand*, 1968., p236
- 30) Ibid, p245
- 31) Ibid, p215
- 32) *The Press*, Christchurch, 2/2/1924, p15
- 33) *The Press*, Christchurch, 2/2/1924, p15
- 34) *The Press*, Christchurch, 22/05/1925, p15
- 35) AJHR., 1935., Vol III, H-20, p8
- 36) *The Press*, Christchurch, 11/11/1931, p4
- 37) Molly Molloy, op cit, n 13
- 38) AJHR., 1959., Vol III, H-20, p11  
& Molly Molloy, op cit, n 13

## CHAPTER SIX

### IMPRISONMENT FOR WOMEN IN NEW ZEALAND 1960-1990'S

#### PRISON DEVELOPMENTS IN THE 1960'S

The early 1960s saw some concerns raised by Sam Barnett, the then Secretary for Justice, and the Department about the emphasis prisons, and particularly management staff, had placed on the production of revenue with too little concern about "other ways in which the prisoner may help the community and himself". (1)

At the same time the Department was congratulating itself on no longer using drudgery and repression and on the constructive aids to preparing prisoners for a useful life with education, vocational training, psychological and religious services. There are repeated references to the fact that prisons could not influence the real problems causing crime and that this was a societal problem beyond the scope of the Department.(2)

The men's prisons were experiencing staff shortages and prison unrest, leading to a riot at Invercargill prison and a noticeable breakdown in staff/inmate relations. The increased male muster was creating problems with overcrowded prison accommodation and short term solutions were not providing the answer.(3)

It was acknowledged again that the new women's prison planned for Christchurch was a priority and that construction work was to begin in 1961. This "priority" soon lost its status in deference to other urgent demands on the Department.

There were increased comments about the institutionalizing effects of incarceration and the "inherent dangers in confining human beings within walls". (4) Successive Secretaries for Justice until the 1980s, stressed the harm caused when prison was used as a "menace" and "penance", where such regimes were hurtful "alike to the inflictors as to the inflicted". (5)

John Robson, the new Secretary for Justice in 1961, inherited the overcrowding in the men's prisons and the deteriorated conditions of the older prisons such as Dunedin. Robson signalled that he intended to pursue reformatory programmes along with an improvement in basic prison conditions.(6) Although the sentiments of some Ministers and Secretaries lay with "reformation", resourcing continued to be a major problem for the Prisons Department, as it had been earlier. During the earlier colonial era it had been difficult to obtain funds for basic secure custody, let alone minimum standards of care, and reformatory programmes were non-existent. The 1960s saw new accommodation for men built at Wi Tako, Paremuremo, Waikeria and Hautu.(7) The Department's priorities in response to a growing concern about violent male offenders and their secure containment overlooked, and continued to delay, any consideration of women's prisons.

The belief that criminal behaviour was to a large extent of psychological origin, led to continued expansion of psychological services and the introduction of various new approaches. In the 1960s discussion groups were seen as effective programmes for offenders led by Departmental psychologists. (8)

Classification committees continued to develop as a feature of men's prisons.(9) Women prisoners however do not recall attending classification committees until the 1970s. (10). Wi Tako was the only prison to have classification set up for all its receptions.

In 1960, the highest number of women were concentrated in borstals with 45 in Arohata and 11 in Dunedin. This compared with 33 women held in prison or reformatory. (11) Comparisons with the rate of imprisonment for this age group with Great Britain and Sweden showed that New Zealand had a considerably higher rate of imprisonment for this age group.(12) This perhaps reflected intense attitudes to what was widely becoming known as juvenile delinquency and the breaking of strict moral codes.

During the 1960s, concern was expressed about the increase in adolescent offending and John Robson indicated that most resources should be expended on the young offender to the extent of recommending a youth prison. Once again there was no suggestion that young female offenders should receive special consideration.

For many years it had been recognised that the plight of the discharged prisoner was made doubly difficult with the stigma of imprisonment and the effects of institutionalization. The early Prison Gate Mission and Prisoners' Aid organizations were set up specifically to assist released prisoners. In 1961 the first pre-release hostels, funded and supported by the Justice Department opened. The hostels were seen as a transitional step on return to the community. No pre-release hostels were established for women.(13)

During the late 1960's there was growing unrest at Dunedin Women's Prison and conditions were described as most "congested and depressing". (14) The women were placed in the old stone building near the centre of the city and both staff and prisoners complained of the inadequate facilities. (15) An article in *The Press* in April 1964 (16) described the women prisoners haranguing the citizens of Dunedin on the street below the jail and throwing objects at them. An ex-prisoner spoke of the effect of containing disturbed women who lit fires and whose violent behaviour was considered difficult by both staff and fellow prisoners.(17)

Unlike the emphasis of the previous decades the predominant cause of crime was now seen as an "unhappy and broken home life" and the Department advocated "strengthening and preserving family life." (18) While psychological causes of crime had been supplanted by more sociological interpretations, psychological services were now an accepted and entrenched part of the criminal justice process. Throughout the period there is reference to the "humane" approach now expected of prison staff and regimes and the need to "get rid of some of the mental furniture to which we have grown accustomed." (19)

The philosophies of the Hanan/ Robson period (1961-69) encouraged a closer link between prisons and the community and an increase in temporary release for home leaves and release to work. Both these measures were introduced to meet the needs of male prisoners, in the first case to allow a select few male inmates to spend time with their families and with work release to provide financial support to their families. The problem for many female inmates was their distance from family which in many cases made it impossible to take advantage of home leaves. In 1969 home leaves were only approved for married inmates.(20)

During the 1960's John Robson initiated and set up a Policy and Research section of the Department at Head Office level. Once regular reports of this section became available in Hansard, the pattern of indifference and lack of interest in the needs of women prisoners was obvious. One report was commissioned in 1968 to study the causes of crime among young women, otherwise all research and recommendations were based on research on male inmates. A full time Director of Penal Education who had a growing number of full-time and part-time teaching staff was appointed in 1964. There were still no teachers for women's prisons. There was a part-time teacher available at Arohata for Borstal women.(21)

In 1969, *Crime In New Zealand* was published by the Justice Department, which apart from some individual histories by a few Secretaries for Justice, was the first comprehensive publication about crime and punishment in New Zealand. In the chapter on female offending there is a suggestion that women may well have been able to commit a large amount of undetected crime because a man "would feel too foolish to admit he had been deceived by a woman" (22). There was no research done in this area to reach such a conclusion however, and the authors accepted that this was speculative. The broad explanation for the wide disparity between female and male offending was that of less opportunity for women to commit crime, due to their social obligations and role, and the "different training given to boys and girls and their different roles in society". (23) The increased participation of women in the workplace was again suggested as possibly leading to increased female crime reflecting a sentiment of earlier anti-emancipation opinions albeit in a more sophisticated form.

Apart from traffic offences the major offences for which women were sentenced were theft and vagrancy. Very small numbers of women were sentenced to imprisonment for violent offences - 15 out of 143 women in 1964. Most women received sentences of under three months - 75 out of 143 in 1964. (24) As discussed in an earlier chapter, vagrancy was used as a means to control prostitution particularly around the wharves. Both staff and inmates in women's prisons at the time recalled a large proportion of "shippies" in prison.(25) The main justification for the double standard of focussing on the women was the possible spread of venereal disease on the ships. Inmates recalled having a standard internal examination on arrival at prison regardless of their crime.(26)

*Crime In New Zealand* acknowledged that a very small proportion of prisoners came from Dunedin and the South Island and that imprisonment at Dunedin Women's caused extreme hardship in terms of separation from friends and family. The limits of three letters a week and no telephone calls caused "severe deprivation"(27) Visits

were out of the question and women would have the "risk of permanent harm to her children". (28) It also mentioned that intractable borstal women and prisoners were sent to Dunedin as punishment, a fact which was supported by the recollections of staff and inmates.(29)

Ironically with the development of separate facilities for women, came greater hardship through the significant effects of separation from families, not only throughout the sentence, but also in the eventual return to a family and children, estranged by distance and lack of communication. The issue of separation is addressed more fully in a later chapter.

While the earlier section on female offending in *Crime In New Zealand*, took into account the broader social causes of women's crime, reflecting the prevailing attitudes about male crime, the final paragraph took a more medical and women's sexuality view and concluded that women were more likely to offend "during adolescence, during pre-menstrual or menstrual periods, at the menopause or during pregnancy and for a short time after the birth of a child". (30) There is no evidence presented to support this view apart from a few case histories. A final warning note is recorded that women offenders have difficulty "leading a feminine social role" which presents "grave difficulties".(31) The implication is that by stepping outside prescribed roles of femininity a woman risked criminal offending in addition to her biological propensity to crime.

Alan Nixon, who wrote *A Child's Guide To Crime* published in 1968, provided the only other substantial criminological work of the time. Nixon's book took a more extreme view and attributed the disparity between men's and women's offending to women's inherent villainy and "it is largely by historical accident that their delinquencies are not adequately recorded in our crime statistics." (32) He proposed that no husbands should be prosecuted for spousal assaults because women who

assaulted their husbands were neither reported nor charged. (33) He reflected earlier Victorian views, that most women had provoked their rapists. His ideal of imprisonment for women was the example set at Arohata of taking inmates out to visit "borstal mothers" for the day to introduce them to feminising and moral activities for young women.

## WOMEN PRISONERS

While the Departmental reports expounded the ideals of imprisonment and its "humane" and "reformatory" purpose, the reality for women did not reflect the more enlightened approach recommended for men. Dunedin Women's Prison was, according to an ex-prisoner a fearsome place. 'Inmate A' found the appearance of the building forbidding and this impression was not altered by her experience there. She voiced anxiety about possible lesbian behaviour she had heard about in the community and which she feared encountering at Mt Eden. As it was 'Inmate A' described few problems from lesbians and was more concerned about other violent inmates. Mt Eden was used for short sentence women only and 'Inmate A' was sent down to Dunedin shortly after her reception at Mt Eden. Her family resided in Auckland. She found the head Matron strict and prone to sweep her fingers along ledges in her cell to check for cleanliness. Hygiene was strictly adhered to by staff and inmates. She described one form of punishment as cleaning with a toothbrush. There were the traditional limited domestic industries only, with no outside facilities or employment. There were no education or therapeutic programmes and 'Inmate A' had no visits or contact with the outside world apart from the occasional letter. The prison uniform consisted of a shortish tunic dress with ankle socks, which 'Inmate A' disliked but which ex-staff saw as neat and tidy. The Prisoner's Aid organisation which had been commended for their work in men's prisons was not available to 'Inmate A'. The only people to talk to were the chaplains when available, otherwise women had to rely on each other.

`Inmate A's' only assistance on return to the community, was through her probation officer who visited the prison prior to release, and who was a vital link on her return to the community. `Inmate A' was told not to return to Auckland as her family were seen as detrimental to her, as a consequence, her release condition was to reside in Christchurch where she was left to take up the threads of life on her own. `Inmate A' described the occasional home visit of the probation officer as vital in her adjustment back to society.(34)

The experience of Doris Lamb, employed at Dunedin Women's in the mid-sixties, was congruent with the ex-prisoner's in that there was greater control exercised by prison staff and the regimes were strict but there was greater involvement of staff with inmates due to the lack of other therapeutic staff. Prison staff were permitted to take the inmates out to local beaches on excursions, to compensate for the lack of outdoor area in the prison. Employment was readily available in the city and women were able to take advantage of the Release to Work provisions. Staff had the authority to take inmates out on a regular basis prior to their release, in order to assist their adjustment and Doris Lamb saw this as valuable. (35)

The prison faced disturbances during the 1960s usually due to internal conflict between prisoners although psychologically disturbed inmates regularly presented problems for prison management. There were no psychologists available at Dunedin Women's.(36)

The overall impression of Dunedin Women's, is that of a forbidding environment with limited facilities, reliant on traditional discipline and control measures. There was little to assist women while incarcerated and some assistance through the probation service for those released with conditions. The Hanan/Robson period was extolled as "the real beginning of community participation in the task of rehabilitating

offenders"(37) but there was little evidence of such changes filtering through for women prisoners.

#### DEVELOPMENTS IN WOMEN'S PRISONS IN THE 1970'S

The 1970s were characterised by a marked increase in the numbers of male inmates and continued pressure on accommodation and staffing. The establishment of a new women's prison had been delayed during the previous decade due to the ongoing priorities created by acute pressure in male prisons.(38)

The next two decades saw ongoing concern expressed about increased levels of violent crime and what was perceived as the "lamentable propensity to resort to violence, or non-violent law breaking in seeking change for aims both good and bad".(39) While the most marked increase statistically was recorded for males there was concern expressed about the increased appearance of women for violent offences. Dr Mukherjee, an Australian criminologist, was quoted in *The Press* in August 1983 as saying that greater female crime was attributable to greater equality and the influence of television. His views were challenged by Georgina Hall, a postgraduate student, who pointed out that male crime rates increased dramatically at certain periods and at no time were attributed to greater equality but to a variety of causes.(40)

In 1974, Christchurch Women's Prison became the first purpose-built women's prison to be constructed in New Zealand. The following tables from the Appendices to the Journals of the House of Representatives illustrate the placement of women in 1973 and then in 1974. As can be seen those inmates held in Dunedin were shifted to Christchurch and Arohata Reformatory numbers increased by 6. The overall numbers dropped significantly in 1974 without explanation.

#### Placement of Women Prisoners Including Borstal Inmates 1973 and 1974

Arohata Reformatory	3
Borstal	61
Christchurch (Paparua)	1
Dunedin	30
Mt Eden	15
Total	110

(41)

In 1974 once Christchurch Women's Prison was opened the following table illustrates the new distribution of women:

Arohata Reformatory	9
Borstal	39
CWP	26
Mt Eden	11
Total	85

Source: AJHR, 1975, Vol II, E-5

Christchurch Women's was the first purpose built women's prison in New Zealand. E.A.Missen, Secretary for Justice in 1971 had supported the "need to be innovative and forward-looking". (43) However the final building represented the traditional principles of progressive containment from maximum security to minimum security with the high security measures impacting on the containment overall. Its industry areas were largely domestic (kitchen, laundry, sewing room) in addition to a new prison garden area outside. The prison was constructed by the Ministry of Works with no consultation with either staff, inmates or those women's organisations that had demonstrated an interest in women prisoners e.g. the National Council of Women. Two minor innovations were the provision of nursery facilities for babies up to three months and a special area designated for pre-release prisoners. Due to the fact that no

Superintendent in New Zealand has allowed a baby to reside in prison with its mother (until November 1995 at Christchurch Women's Prison), the nursery was never used and the pre-release facility was taken over by the need for a reception area.

The support for innovation by the then Secretary appeared to be progressively undermined by standard building practices and by unwillingness to attempt new approaches. No account of the fact that women prisoners by the 1970's were now over 50% Maori and that most were from the North Island was taken in the decision to build in Christchurch. (44)

Women's prisons have not changed substantially since the construction of Christchurch Women's. Today there are four women's prisons in New Zealand. Mt Eden was expanded recently to accommodate 54 but continues to have no teacher, no outside area and limited employment opportunities. Its staff, by the account of inmates (interview 15/11/95 Inmate A) coped very well despite these conditions with close relationships formed with inmates perhaps largely due to the lack of support staff. Up until 1994, Mt Eden has taken short sentence inmates only but a policy of regionalisation supported by the first female Inspector of Prisons has led to more women long sentence servers at Mt Eden. This poses problems in the long term because of the limitations to education, training and employment at Mt Eden.

Arohata still accepts a small number of Corrective trainees whose numbers reduced after the introduction of the NZ Children, Young Persons and Their Families Act in 1989, in addition to women prisoners. Arohata has a full range of outdoor employment available to women with nursery work and horticultural training as well as the traditional laundry, sewing room etc.

Christchurch Women's is similar to Arohata in that it also has outside work available, the main difference is brought about by the greater security measures employed at

Christchurch, e.g. secure perimeter fence. Both Christchurch and Arohata have full-time education officers and social workers to assist with assessment and case management of inmates.

#### GENERAL PRISON DEVELOPMENTS IN THE 1980'S

The 1980s, Penal Division reports, illustrated a new focus on better management and accountability systems. Jim McLay, Minister of Justice in 1980, introduced a policy review system to "analyze effectiveness of policies". (45) The causes of crime, particularly violent crime were attributed to "economic conditions, tensions within our multicultural society and the failure of some to adapt to living in a rapidly changing environment".(46)

A review of penal policy in 1981, under Justice Casey, had little to say about women although it recommended that women's prisons revert to integration with existing male institutions so that regionalization could be achieved in terms of the maintenance of family relationships. The fact that there were many North Island inmates in Christchurch Women's at the time, led to this recommendation, although it was not implemented.(31)

The Department over the next few years appeared to spend a great deal of time in analyzing its objectives, evaluation systems and management systems. The wording of the various "Statements of Intent" revealed a shift in emphasis in philosophy with little effect on practice and procedure, until 1989, when significant changes were adopted after the Ministerial Review of Prisons, also known as *Te Ara Hou*.

In 1981, humane custody was defined as that which is appropriate to classification and "in the minimum degree of security necessary" (47), with an emphasis on work skills and training for inmates. In 1983 the main function of the Penal Division was to "operate penal institutions efficiently and economically". (48). In 1988 there was a "Statement of Intent" and finally a "Mission Statement" in 1989 which referred to "humane containment" and "reducing reoffending". Finally, the Division settled on the last two main terminologies for its functions which were to continue into the nineties.

The Ministerial Review in 1989 was the first review undertaken by the Department to include a section on women's imprisonment and to recommend the formulation of policy specifically for women. Unfortunately the submissions to the Review reflected a lack of interest by mainstream women's organisations unlike the early 1900s. The review recommended the implementation of a Case management and Unit Management system with the aim of individualizing the treatment of inmates in order to encourage participation in programmes seen as effective in reducing the incidence of offending. Such programmes were to target specific causes of offending such as violent and sexual offending.

It was critical of the traditional and limited options available to women, and signalled concern about the lack of consideration given to the dependants of women prisoners, particularly where they were sole caregivers. At no time previously had the impact of imprisonment been considered on children apart from passing mention in *Crime In New Zealand*. This is the subject of a further chapter in this thesis. Suffice to say at this stage that this issue remains an ongoing indictment on a society that prides itself on its progressive family/children's legislation.

## SOCIETAL CONTEXT FOR WOMEN 1960-1990

During the above period, women began to exert strong political pressure through major political parties and in many sections of society for a right to an equal share in decision making and opportunity in all facets of life. While the previous movements for emancipation and greater participation of women in society had impetus at various times, none achieved fundamental access protected by law.

At various times it was feared that women's greater opportunity in the work place and in society would lead to greater criminal activity. In the 1960s it was predicted that female prisoners would double in number even though this was not borne out by the female imprisonment rate. (49) In 1983 as mentioned earlier, a criminologist predicted an increase in female criminality due to greater equality of women. This view has not been confirmed by statistics that show that women still comprise approximately 4% of the inmate population and that men's imprisonment rates fluctuate more dramatically and have increased steadily. The year with the greatest proportion of women in prison remains 1868 when they comprised 19% of the inmate population.

A recent survey of female offenders (50) suggested that women sentenced for violent crimes have proportionately increased, yet these figures need to be viewed with caution given the relatively high percentage sentenced for murder, which with a small prison population may distort the overall picture. Since 1988 the percentage of women sentenced for violent crime has increased from one third to 44% in October 1995. It is impossible without adequate research and consideration of a number of causal factors to attribute this increase to greater equality for women. In any event such opinions without basis would need to be questioned in terms of their planned effect.

While women's participation in society advanced during these decades, there were and continue to be major areas of inequality to address. In 1973, Dorothy Jellicich ( past MP for Hamilton East) described five areas of outstanding discrimination against women. These included the right to equal pay for equal work and the right to housing for single mothers. (51) Other community figures such as Dr Fraser McDonald, Superintendent at Kingseat Hospital described women patients who exhibited symptoms of battle stress from obsession and oppression in their domestic lives.(52) In the same year Sir Robert Muldoon uttered his infamous remarks about the "aggressively liberated woman" who was "rather a sad person" at the National Council of Women conference in Christchurch which drew considerable opposition.

Irrespective of such attitudes, women achieved greater political power and increased parliamentary representation until there is now one political party with a policy of appointing both genders to represent a common area under MMP. Despite these changes and the Human Rights legislation introduced in 1977 which has made discrimination on the basis of gender illegal, women are still not represented in equal numbers as decision makers in all occupations. The prison system particularly reflects lack of representation in management positions at all levels and until recently has appointed male staff to manage two out of the three women's prisons.

## WOMEN PRISONERS

Throughout the 1960s to 1990s there were regular reports about the relative disadvantage of women prisoners in terms of education, family background and economic status. In the 1972 Prison Census, the large majority of women finished their secondary schooling in the fourth form and a significant proportion finished after primary school. There was one woman classified as "professional", the majority were

domestic workers while the remainder were predominantly in unskilled occupations. The Domestic Purposes Benefit had not then been established and there were nil beneficiaries. (53)

The 1989 Prison Census by Braybrooke and O'Neill showed that of women prisoners "a significant number are without partners and have children in their lives; most have no school qualifications; the majority are unemployed and living on welfare; and many are affected by health problems. In sum they are concentrated among the poor. The picture for male prisoners is broadly similar to that of female prisoners, but the profile of prison inmates provided by the prison census suggests that women may be even more starkly concentrated among the poor." (54)

*Crime in New Zealand* referred to women prisoners as "just ordinary women" (55) and few as security risks. It referred to a number of case study examples of women whose lives were more "unfortunate" than most. The case studies described disrupted, dysfunctional family backgrounds and a high percentage of women either adopted or placed in care when young. As mentioned earlier *Crime In New Zealand* then goes on to personalise women's offending in terms of their inherent promiscuousness and criminality. The comments of women prison matrons, during the sixties, supported the overall picture of women as minimal security risks but at the same time they describe a significant minority who are disturbed and difficult to manage.

During the 1980s there were constant reports in New Zealand newspapers about the difficulty experienced at Christchurch Women's Prison with suicidal and psychologically disturbed women. Forensic services in Christchurch were non-existent for these women at the time. The ability to transfer women from penal institutions to psychiatric institutions has been problematic for many years. Molly Molloy recounted an incident at Mt Eden where eventually Peter Fraser, the then Prime Minister insisted on the transfer of a disturbed inmate.

Facilities for criminally insane men have been provided at Oakley (which has since closed) and Lake Alice Hospitals for many years. With the extension of forensic services by the Labour Government in 1990 it was anticipated that women with psychological/behavioural difficulties would be treated, however the recent changes to the Mental Health Act and the unwillingness of mental health authorities to treat those they consider to be 'Borderline Personality Disordered', has left prisons once again the repository of those social misfits society will not, or cannot take responsibility for. Prison staff have for many years observed and been concerned about the plight of such women whose bizarre behaviour (arson, self mutilation, suicide etc) has created extreme levels of stress for both prison staff and inmates alike.(56)

There is now a Special Needs Unit established at Christchurch Women's which attempts within the penal environment to create a treatment-centred approach with some success. It is due to the efforts of a small, dedicated group of staff that these women are supported. There are unresolved issues around the interface between the principles of the Mental Health Act and the Penal Institutions Act both of which have different purposes. The prison system is recognising that inmates with special psychiatric needs are now being sent to prison in sufficient numbers to warrant special facilities. This begs the question of the appropriateness of custodial sentences for this particular group because of the specialist treatment available in the Mental Health system. The accountability mechanisms available under the Mental Health Act do not apply to prisons and the management of "patients" as opposed to "inmates" is considerably different. There is also particular concern about the eventual release into the community of inmates with psychiatric needs where no treatment facilities nor appropriate accommodation are available to a group which is capable of causing considerable harm when they are unsupported and who invariably do not comply with release conditions.

In conclusion, the 1989 Ministerial Review into the prison system, recommended many changes, some of which have been introduced with effect on women's prisons. Obvious examples are the new Case Management and Unit Management systems. The effects of the 1989 Review will be considered in a later chapter. The question of the dependants of sole caregivers and the effect of separation on children from their parents has not been addressed and until this occurs will remain an area of extreme suffering not recognised nor understood by the criminal justice system. The situation of mothers in custody and their children will also be considered in a later chapter.

## FOOTNOTES

- 1) AJHR, 1960, VOL III H-20, p10
- 2) AJHR 1960 VOL III H-20 p10., AJHR., 1963 Vol II H-20 p12., AJHR., 1971 Vol III, H-20 p1
- 3) AJHR, 1960, Vol III, H-20, p11
- 4) AJHR, 1960, Vol III, H-20, p26
- 5) AJHR, 1960, Vol III, H-20, p26
- 6) AJHR, 1961, Vol III, H-20
- 7) AJHR, 1963, Vol II, H-20
- 8) AJHR, 1963, Vol II, H-20
- 9) AJHR, 1964, Vol II, H-20
- 10) Interview with Inmate A, November 2 1995 at Christchurch Women's Prison
- 11) AJHR, 1960, Vol III, H-20
- 12) AJHR, 1973, Vol II, E-5
- 13) AJHR, 1962, Vol III, H-20 p11
- 14) AJHR, 1964, Vol II, H-20
- 15) Interviews 1) Molly Molloy, aged 75 with Greg Newbold, 15/03/83  
 2) Doris Lamb, aged 74 with the writer, Christchurch, 04/12/95  
 3) Inmate A, aged 64 with the writer at Christchurch Women's  
 Prison,  
 15/11/95
- 16) *The Press*, Christchurch, 14/04/1964, p8
- 17) Interview with Inmate A, op cit, n 10
- 18) AJHR, 1967, Vol III, H-20
- 19) AJHR, 1968, Vol II H-20, p4
- 20) AJHR, 1969, Vol III, H-20, p9
- 21) AJHR, 1965, Vol III, H-20

- 22) *Crime In New Zealand*, Government Printer, 1968, p236
- 23) Ibid, p236
- 24) Ibid, p260
- 25) Interview Molly Molloy , op cit, n 15 (1) & Inmate A, op cit, n 15 (3)
- 26) Interview Inmate A, op cit, n 15 (3)
- 27) *Crime In New Zealand*, op cit, n 22, p263
- 28) *Crime In New Zealand*, op cit, n 22, p264
- 29) Interviews, Molloy, Lamb, op cit, n 15(1) & Inmate A, op cit, n 15 (3)
- 30) *Crime In New Zealand*, op cit, n 22, p270
- 31) *Crime In New Zealand*, op cit, n 22, p270
- 32) Nixon, Alan, *A Child's Guide To Crime*, A.H., & A.W. Reed, NZ, 1968., pp 79-82
- 33) Ibid, p80
- 34) Interview, Inmate A, op cit, n 15(3)
- 35) Interview, Doris Lamb, op cit n 15 (2)
- 36) Interview, Inmate A, op cit n 15 (3)
- 37) AJHR, 1970, Vol III, H-20, p3
- 38) AJHR, 1973, Vol II, E-5
- 39) AJHR, 1972, Vol II, p4
- 40) *The Press*, Christchurch, 08/09/1983, p16
- 41) AJHR, 1974, Vol III, E-10
- 42) AJHR, 1975, Vol II, E-5
- 43) AJHR, 1973, Vol II E-5
- 44) Census of Prison Inmates, Department of Justice, 1972
- 45) AJHR, 1981, Vol II, E-5

- 46) AJHR, 1981, Vol II E-5, p3
- 47) AJHR, 1981, Vol II, E-5
- 48) AJHR, 1983, Vol II, E-5, p3
- 49) AJHR, 1961, Vol III, H-20
- 50) *The Offence That Led To The Current Term In Prison*, Department of Corrections, 05/10/95
- 51) *The Press*, Christchurch, 15/09/1973,p7
- 52) *The Press*, Christchurch, 06/04/1971,p2
- 53) *A Census Of Prison Inmates*, Department of Justice, Policy And Research Division, 1988
- 54) Ibid
- 55) *Crime In New Zealand*, 1968, op cit, n 22, p 264
- 56) *New Zealand Herald*, 26/01/1983 & *Auckland Star*, 25/01/1983

## CHAPTER SEVEN

### THE IMPRISONMENT OF MAORI WOMEN IN NEW ZEALAND

#### INTRODUCTION

The experience of imprisonment for Maori women has not been documented nor commented on by criminologists and historians alike. Little source material distinguished Maori women's offending and imprisonment rates from that of European women. Moana Jackson's, *The Maori And The Criminal Justice System*, (Parts 1&21,1988) and S. M. Mead's *Finding A Pathway To The Future* (1979), make no special reference to Maori women. Indeed it must be assumed that the conclusions reached were to be applied to Maori regardless of gender. This tendency to generalise is not acceptable in the context of the present study. A separate chapter about Maori women has been included because of the disproportionate representation of Maori women in prison statistics and in order to recognise the significance of culture and ethnicity in New Zealand imprisonment.

Imprisonment with its Western connotations was not a practice of social control in Pre-European Maori society.(1) Enslavement was common and has been frequently documented. (2 ) The concept of imprisonment i.e. denying a person's freedom both physically, legally and psychologically, was unknown to Maori although one could argue that slavery met the above criteria. According to Metge unpleasant work was reserved for slaves and enslaved women were given to Europeans in exchange for desirable goods which included muskets, tools etc.(3)

Social control was mainly exercised through the concept of tapu and muru. Breach of tapu meant death or vulnerability to black magic or ill luck because of an infringement

of a sacred area. (4) The institution of muru meant the plundering of those who had committed some offence against the community. The consequences of muru were far reaching in that punishment for wrongdoing was not necessarily enacted on those who had offended. (5) There appeared to be regional variation in traditions as it was recorded in the memories of Teone Taare Tikao that muru was not common in the South Island but was found on Banks Peninsula.(6)

It is generally accepted that social control was also exercised by the chiefs and tohungas who in the first instance, usually inherited authority, and in the second, acquired authority through advanced learning or skills in a number of arts. (Metge, Biggs, Best et al) Herris Beattie, an early observer of Maori traditions in the South Island reported that "If a theft was committed the tohunga might makutu the footmark to find out who the thief was." (7) Andreas Reischek in the 1890's reported that "The conception of tapu which played such a significant role in the conduct of state and family life has been often described. I need only say that it was still a potent force, and that on occasion even my luggage was declared tapu as a precaution against thieving." (8)

The concept of tapu and its converse, noa (that which was not sacred), permeated every facet of life for Pre-European Maori. Breaches were considered serious offences against a strict moral/spiritual code. Imprisonment was not a sanction used in everyday life although Mrs Jane Manahi, kaumatua of Christchurch Women's Prison until her passing in 1995, recalled an instance of imprisonment in her tribal history where the prisoners concerned were eventually executed by a rival hapu (sub-tribe). Early reference has been made to cannibalism as a means of controlling anti-social behaviour and of dealing with those who were considered useless. (9) There appeared to be little need for sanctions given that the "powers of public opinion were remarkable and had no small effect in the preservation of law and order". (10)

## THE STATUS OF WOMEN

There are conflicting accounts of the status of women in Pre- European society and it is to be regretted that early accounts frequently ignored the situation of women. According to Best "women were looked upon as being inferior to men. At the same time, a woman endowed with initiative could acquire influence." and he described the status of women as "fairly favourable"(11) although they were required to do a great deal of heavy menial work. In contrast Metge stated that the work of women and men was "reciprocal and complementary". (12) Women were responsible for the less tapu tasks, their major economic importance was in child bearing and domestic work.

Herris Beattie in referring to South Island Maori women commented that "...the position of women in relation to that of men was very different in the North Island. The same strictness is not observable for greater freedom and latitude were allowed. Thus women in the South were sometimes adorned with a man's tattoo; thus women in the South sometimes taught the girls weaving, whereas tohunga usually taught it; thus dog's flesh and octopi reserved for Chiefs in the North are said to have been eaten by women as well as men in the South, and so on."(13)

All accounts referred to the ability of women to attain chiefly status through descent and also through their own initiative.(14). Land was inherited from both parents and therefore enhanced the position of women. Women could be matakite as opposed to tohunga and were valued for their ability to find lost things.(15) Heuer (16) has stated that Pre-European Maori women had more power in major decisions affecting their lives than in Post-European times. She described the ability of a woman of rank to choose her husband and how this appeared to be replaced by patriarchy with European influence.

Since women's status was attached to their child bearing ability it is not surprising that there were accounts of the lack of care shown to widows and orphans in early Maori society. (17) Turton stated that "No one who has not resided amongst them and been intimate with their ways have the least idea of the neglect, and want, and visible wretchedness which are attached to such a condition, when occurring among the slaves or lower order of freemen".(18) Maori were not alone in not providing for widows and orphans of the poor and working class. (19)

Observations of Maori society need to be tempered with the knowledge that tribal and regional variations existed, coupled with awareness of the attitudes of the observer. After taking these into account it is clear that Maori women, unless born into rank and class, had prescribed economic and social roles with strict codes of acceptable behaviour. Best stated that adultery was punished more severely when the culprit was a woman although the husband would suffer because of *muru*.

## INTRODUCTION AND EFFECTS OF EUROPEAN JUSTICE

With settlement and the presence of an alternative source of power, chiefly status and authority became "increasingly compromised" (20). At first under the Native District Regulations Act in 1858, there existed dual systems of justice as *runanga a iwi* and *runanga a hapu* as opposed to the chiefs, were designated under this Act to administer a wide range of sanctions. Resident Magistrates and Maori Assessors were appointed to enforce the bylaws of the *runanga* although in practice the chiefs still exercised dominance. Pratt (1992) has cited a Ministerial Memoranda which explicitly required that the *runanga* not include women. Claudia Orange has stated that compliance with British law through the *Runanga* was acceptable as a fine but that when offenders were "likely to be punished by imprisonment or hanging Maori tended to protect its

offenders, particularly chiefs." (21) It could be argued that the fine represented a form of redress and was therefore more culturally acceptable.

It was anticipated that Maori modes of punishment which were based on the principle of redress or restoration would be overtaken eventually and in 1893 the Resident Magistrates Act and office were abolished. The consequence was to remove all legal recognition from the decision making role of the runanga. As Maori inevitably changed with the incursion of European economic interests and the imposition of a British legal system, they became increasingly drawn into the criminal justice system. Nevertheless, the numbers of prisoners committed to gaol in the late nineteenth and early twentieth centuries "demonstrated that a significant amount of Maori wrongdoing will continue to have been dealt with in the Maori way and would not have been indicated in the official statistics."(22)

The first official reports about Maori in the prison system referred to incidents during the Land Wars. In a Hansard speech by the Hon J.R.Richman in 1860 reference is made to a claim that 200 women and children were captured from Te Kooti and shot as examples to the Maori community. This statement was defended by Richman who claimed that on the contrary he instructed Ngati Porou soldiers not to "kill non-combatants, especially women and children" (23). He understood that they had been naturalised with the Ngati Porou.

There is no further mention of Maori women in the Appendices to the Journals of the House of Representatives until 1924. The following Table illustrated their number and their offences in relation to Maori men.

## MAORI PRISONERS RECEIVED 1924

	F	M
Offences against the person		
Conviction summarily		13
Indicted		9
Theft and Deceit		46
Mischief	2	3
Vagrancy	2	1
Drunkenness	1	9
Other offences		28
TOTAL	5	109

Source: AJHR, 1924, Vol III, H-20

Clearly Maori women constituted a small proportion of the overall inmate population and their offences were primarily "antisocial". Maori men on the other hand were sentenced primarily for predominantly non-violent offences.

In 1923 concern is expressed about the increase in crime among young Maori men since 29 under the age of 20 were received in 1921 as opposed to 10 in 1920.(25) The ensuing reports during the 1920s, 30s and 40s showed a consistently low number of Maori women imprisoned with the highest number of 10 in 1934 and finally 7 in 1940. During this time Maori men increased from 109 in 1923 to 303 in 1940 with a significant increase from 1937-40. It cannot be said that Maori men were affected by the same social controls as women and this bears further investigation.

Media reports over this period are a depressing litany to declining employment, health and general living standards in Maori communities. In 1989 an Anglican Synod considered Maori poverty and the setting up of a Maori Mission fund.(26) In 1906 an editorial is entitled "The Desperate Maori"(27) and in 1928 Maori unemployment, vagrancy and living conditions are referred to.(28) Throughout this period and in spite of the poverty of Maori families, regular reference is made to the constant battle by Ngai Tahu and other iwi to obtain legal redress for grievances over land loss during the previous 70 years. The degree of stress and frustration this must have caused to a people already battling with the effects of cross cultural influence can barely be comprehended. One of the earliest sentences for a Maori woman in Canterbury was a period of six months imprisonment under the Suppression of Tohungaism Act of 1908. The woman concerned was aged 72 and *The Press* report commented that the offence could have attracted a fine rather than imprisonment. (*The Press*, 25/7/14, p2) The Maori women referred to over the next two decades in *The Press* mainly appeared before the courts for offences involving their children such as such as not providing for the necessities of life to a 7 month old child- causing death in 1931. (29) Apart from minor misdemeanours, Maori women rarely came before the Courts. It is worthwhile noting the likely effect on a small and close Maori community, of the harsh response of the courts to "cultural" offences.

Following the marked increase in the imprisonment rate for Maori men, the Prisons Department became defensive about the obvious disparity between races. In 1948 it was thought that the cause was obscure but "it may be the drift to the cities, unsettled circumstances or even maladjustment to our civilization" (30), and Dr Dale at Mt Eden prison concluded that it was "the breakdown of rural village life with the demand for labour in the cities and the lack of care for Maori migrants to factories and shops"(30) that led to their greater involvement in crime.

Arohata referred in 1948 to the difficulty young Maori women had in finding housing and their insecurities and restlessness away from whanau. From 1949 onwards comment is made by the Arohata Matron about the ability of Maori women to practice their music and poi dances- this became a constant theme and would appear to be the only concession to a different culture in the prison system. In 1949 Maori welfare officers were appointed to assist Maori women prior to, and post, release and were regarded as successful in supporting women on release.

In 1958 an Interdepartmental Committee on Maori crime was appointed due to ongoing concern about the number of Maori in prison. In 1960 it was concluded that "All we can really know is that people with a proportion of Maori blood in their veins are much more prone to criminal behaviour in some categories of offences than those of European descent" (32)

In *Crime In New Zealand* in 1968 the number of Maori women in prison had increased to 38 out of a total prison population of 98. Most were sentenced for offences against good order, drunkenness, bad language and vagrancy. The reason for the disparity between European and Maori women was suggested as the fact that Maori women were less likely to have legal representation and the Maori "girl" was more likely to plead guilty to wrongdoing.(33)

In the Statistics Department report for the Justice Department in 1990 it is suggested that urbanisation of Maori had the greatest influence on their participation in crime (and this has been widely accepted) along with the social effects of disruption to traditional whanau life and adjustment to isolation in the cities. The report correlated the rate of urbanisation for men in the 1950s and 60s with rates of imprisonment. However as can be seen by the earlier statistics, Maori men had a significant increase in imprisonment rates between 1925 and 1940 while Maori women remained static. Clearly other factors were influencing the imprisonment rates for women. It can be

postulated that either urbanisation of Maori women was a slower process or that they were exposed to greater social control regardless of urbanisation.

Between 1976, 1982 and 1990, Department of Justice Statistics record that Maori women have become the predominant race represented in New Zealand prisons for women. In 1976 of 246 women received in prison 121 were Maori, in 1982 they comprised 204 out of 312 receptions and in 1990, 239 out of 394. Over this period their appearance for violent crimes has remained steady with the largest majority sentenced for property offences - broadly similar to women of other cultures.(34)

The fact that such a high proportion of prisoners representing an indigenous culture has not impacted on an ethno-centric prison structure which has treated and is required to treat prisoners alike is an indictment of successive governments. In recent years attempts have been made to recognise the Treaty of Waitangi and biculturalism but these efforts have not affected the fundamental approach and structure of prisons. The cultural initiatives during the early 1990s have raised staff awareness and it is a credit to those Maori staff who have served in prisons and have an intrinsic knowledge of Tikanga Maori that they continue to provide unofficial support for inmates on cultural matters. This support may include facilitating iwi contact or contacting a tohunga. There is now a greater awareness of the value of learning Te Reo and Tikanga Maori as an integral part of Maori programmes but these cannot recognise the degree to which culture is imbued through all facets of life. Nor can prison programmes attempt to compensate for the decline of the socio-economic status of Maori as described in S.M.Mead's Planning Council paper and elsewhere. Cultural programmes compete for funding and for priority with revenue earning activity. They also create problems for prison managers who are required to balance the needs of all inmates including those who represent racist groups such as White Power. The importance of cultural programmes is closely related to that accorded them by senior managers and whether or not they are perceived as instrumental in reducing offending. It seems evident that

unless effective communication and consultation is maintained with local iwi and new solutions sought for containment there is likely to be little change to the experience of Maori women in prison.

It is unlikely that a separate judicial system for Maori as envisaged by Moana Jackson et al, will occur in the near future, nor will it necessarily impact on imprisonment. Certainly Jackson avoided discussing the implications of a separate judicial system on Maori women. Dame Whina Cooper, who attended a Suffrage Centennial Hui at Rapaki marae in 1993 organised by Christchurch Women's Prison, supported the concept of a whare in the prison grounds to promote whanau/family relationships. At the same hui, two women who had been imprisoned together, one for the murder of the other inmate's sister confronted the offence together for the first time. Throughout six shared years in prison where both women had been separated for fear of their animosity towards each other, no attempt had been made to reconcile the trauma which had profoundly affected them. In the open atmosphere of the hui and the traditional respect for speaking in the whare nui, the sister of the victim challenged the offender for the first time. It was a powerful and moving occasion which involved both inmates and staff in supporting the respective parties to enable them to respond to each other within the protection of Dame Whina's presence. The result was the beginning of the healing of wounds inflicted eight years earlier. Although the Hui met the requirements of the Department's Cultural Development policy, it was not organised without considerable difficulty by the women's prison. A Department that is prepared to be innovative in meeting the unique needs of Maori women inmates, has yet to recognise, let alone initiate such change.

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## CHAPTER EIGHT

### THE SITUATION OF MOTHERS IN PRISON AND THEIR CHILDREN

#### INTRODUCTION

The Ministerial Report on Prisons (1989) , and the chapter "The Forgotten Children", were the first occasions that the situation of children have been acknowledged by the Justice Department. As the 1989 report stated: "To date the lack of adequate information noted by Saphira as to the fate of inmates' children conceals the extent of the problems which occur." (1) There are two aspects to this subject. The needs and rights of the child and the needs and rights of the mother.

#### THE NEEDS AND RIGHTS OF MOTHER AND CHILD.

A study of this subject necessarily acknowledges that the needs of both mother and child can be considered separately but will frequently be intertwined. For example where reference is made to visiting arrangements, this will impact on both. At the same time there is a large body of child development research (Bowlby et al), on the effects of separation on the child alone and the likely consequences of such separation at various developmental stages. Little research appears to have been done on the impact of separation on the mother apart from reference in O'Neill's 1989 thesis which included comments by ex-inmates themselves (2). The question of the right of the mother to continue parenting which in many instances has nothing to do with the offending seems to be an area society conveniently ignores. In 1968 the Justice Department acknowledged the problem. "The need to keep a woman near her family is urgent and necessary if she is eventually to be restored successfully to the community.

Not the least of her worries while in prison is the risk of permanent harm to her children as a result of separation". (3) When the first opportunity, through a fully purpose-built women's prison came about in 1974, there was limited provision made for infants although this was never used due to the prevailing attitudes of superintendents.

In the Department's submission to *Te Ara Hou*, entitled *Prisons In Change* (4), the issue of catering for the infants of mothers inside was abandoned on the grounds of cost. "Separate facilities for mothers and babies would not be feasible in cost terms, given the low numbers, and the Department also believes that a prison is not a suitable environment in which to rear a baby." (5) The issue of the effect of separation on children was dealt with by a recommendation that small regional facilities should be provided for women. The lowest economic muster for these was suggested as ten. There was no mention of any structural change in the construction of women's prisons to better cater to families/whanau. Again, although unstated, it would seem that the argument was cost-related.

Aikman has pointed out that no single government agency or community agency has had responsibility for the children of inmates. As a consequence, they do not have recognised advocacy and their problems tend to remain unseen and overlooked. (6) This situation pertains today although the appointment of social workers has provided some assistance to mothers and children.

Both Saphira and Aikman have recommended the establishment of mother and child units in women's prisons and referred to the dearth of information on the number of women who have children. O'Neill's (1990) thesis has shown from her interviews with ex-inmates that they themselves regard the separation as the most distressing aspect of their imprisonment and the restricted attempts of prisons to meet family contact needs is thoroughly traversed.

Saphira , Aikman and O'Neill , all pointed to the fact that a high percentage of women in prison have sole responsibility for children prior to their imprisonment. In August 1991 and August 1995, 57% and 60% of women held in Christchurch Women's Prison had dependant children. Although variations in this percentage can be expected due the small statistical sample, it can be expected that a significant proportion of New Zealand women in prison will have dependant children. Aikman's and O'Neill's studies indicated that the New Zealand rates of the percentage of women inmates with responsibility for children corresponded with those found in Great Britain and the United States.

#### GENERAL BACKGROUND

Since the *Te Ara Hou*, Review in 1989., there have been no further studies published in the area of mothers inside. Rose O'Neill's 1990 thesis is a general study on women's imprisonment in New Zealand. A most recent and thorough New Zealand study, in the area of women and children and the effects of imprisonment is that of Helen Aikman's published in 1981 and cited earlier. Miriam Saphira completed a study in the same area in the same year.(7) Since 1989 the Justice Department has appointed social workers to all prisons apart from two. Prison social workers have a clear brief to provide for family contact and family/whanau support.(8) This chapter seeks to cast some light on recent developments in this area with particular reference to Christchurch Women's Prison.

Aikman and Saphira acknowledged the importance of recognising the father as sole caregiver. However the percentage of solo fathers was, and still is, a fraction compared with women, who still predominate in this role. This is not to say that whatever changes this study recommends cannot equally be applied to fathers in

similar situations. Aikman stated that, "...in our society , where the upbringing of children still falls primarily on women, and where a large proportion of the women concerned are solo parents, the consequences of separation of mother and child will often be the most severe and long lasting." (9) At the time of Aikman's report, out of the 72 women interviewed 30 had dependant children. In August 1991 in Christchurch Women's Prison with a total muster of 42, 24 women had dependant children.

Historically there has been little attention from penal authorities paid to the question of what happens to the children of women prisoners. Bronwyn Dalley in a 1989 paper (10) referred to the fact that women were allowed to keep infants and young children in gaol with them, frequently in appalling conditions. This practice ceased in 1926 when the Controller General of Prisons said that "facilities for babies and children would not be provided in prison because of the possibility of jealousies developing among inmates and because of the small numbers involved."(11) Provision existed in Penal Institution Regulation 55 in the Penal Institutions Act 1954, for women to keep their infants in prison with them. However successive superintendents have chosen not to exercise this part of the Act on the grounds that the institutions do not provide for infant care. This may reflect the fact that women's prisons have been constructed with purely male institutional requirements. In November 1995, the first breast feeding infant was accepted at Christchurch Women's Prison. This was a first for women's prisons and has highlighted the inadequacies of prison facilities.

## BACKGROUND ON WOMEN IN PRISON IN NEW ZEALAND

The figures on female sentencing quoted in Aikman's report stated that in 1978, 56% were imprisoned for offences against property, 11% were sentenced for crimes against the person.(12) In the 1987 prison census 43% of inmates were sentenced for property crime, 29.5% were sentenced for crimes against the person.(13) In 1978 the majority of female inmates were sentenced to six months or less a total of 40%.(14) In 1987 of the 112 women inmates 46% or 49 were serving a sentence of under 12 months. In 1978 there were fewer female life sentences. The increase has created a special need in the provision for the children of long term inmates although the majority of women are still sentenced for property and other crime.

The socio-biographical census by Braybrooke and O'Neill (1988) showed of women prisoners that "a significant number are without partners and have children in their lives; most have no school qualifications; the majority are unemployed and living on welfare; and many are affected by health problems. In sum they are concentrated among the poor. The picture for male prisoners is broadly similar to that of female prisoners, but the profile of prison inmates offered by the prison census suggests that women may be even more starkly concentrated among the poor." (15) The deprivation outlined by the census was supported by the probation pre-sentence reports which detailed disturbed upbringings, sexual abuse, physical abuse, and frequent fostercare. The pre-sentence reports referred to by Aikman in 1978 indicated similar disadvantage. The statistics for employment in 1972, 1981 and 1987 show a continued increase in the numbers of women unemployed prior to imprisonment, from 14% in 1972 to 69% in 1980, and in 1987 up to 87%. As Aikman stated "The overall picture appears to be one of women who are both poor and have very few skills to cope with society, or with their children".(16). She went on to say that "It is surely wishful thinking to imagine that six months or so in prison will do anything to improve life for them, their children or the community."(17). The history of neglect of

this facet of women's imprisonment began with the lack of attention paid to the needs of mothers and children in Victorian English prisons. Prisons are still unable to come to grips with the issue of dependants. We cannot not afford to attend to the needs of the children of inmates. By not doing so the penal system is exacerbating deprivation and possibly in some instances causing emotional and physical harm.

#### GEOGRAPHICAL ISOLATION

In New Zealand where women make up 4% of the inmate population (18) and where there are three women's prisons cited in Auckland, Wellington and Christchurch, women prisoners suffer from isolation from their families. The problem of isolation has existed for women since the end of last century when penal authorities decided to hold women in the four main centres. The development of better facilities for women over the last century has been at the cost of regionalisation. The Department acknowledged geographical isolation in *Prisons In Change*, to the extent that it accepted that small regional female prisons would address the isolation. The most recent extension (1991) of Mt Eden women's by 24 beds has provided more facilities in the Auckland area but has not addressed the needs of long term sentenced inmates who are generally sent to Arohata or Christchurch Women's. The Department stated in *Prisons in Change*, that "New accommodation for female inmates along the lines suggested in the previous paragraph is therefore seen as imperative." (19) Whether the Department follows up its recommendation with further facilities for women will depend on the priority accorded to women prisoners.

The geographical isolation creates extra stress for the separated mother. In 1990 an application for funding was made through the Prisoner's Aid and Rehabilitation Society(PARS) To the Department of Social Welfare's Family Services Programme, specifically to enable family/whanau contact. The amount of \$20,000 was applied for,

PARS received \$13,000 which was disbursed in the period October 1990 to March 1991.(13) Further application for funding has been made but with a new funding criteria and restructuring of the Department of Social Welfare, was not successful. In the meantime PARS is able to assist in a limited way with travel costs in the South Island.

Helen Aikman referred to the fact that, in 1977, three quarters of the women in Christchurch Women's Prison came from the North Island. In September 1991 North Island inmates comprised 9 out of 50 inmates or 18%. The reversal in figures may reflect a number of developments, among them the prisons response to the Department's recommendation and the attempt to place women close to their families.

Both Saphira and Aikman recommended, "the provision of small community house facilities in each of the regional centres where the great majority of women who are not security risks, can be housed." (21). Both women were unable to undertake study of the viability of such a proposal but did cite overseas examples as possible models.

The most recent report made available by the Policy and Research Unit, Department Justice (*Women In Prison*, 1990) gave the building of regional facilities high priority. It remains to be seen whether these will be implemented.

#### PLACEMENT OF CHILDREN

Saphira's and Aikman's studies predate the Children, Young Persons and Their Families Act ,1989 (C Y P & F Act), which has had a profound effect on the way the Department of Social Welfare addresses custody and care and protection issues. In 1981, either the mother arranged for immediate and extended family to care for her children, or the Department of Social Welfare arranged custody. Sometimes the

Department was already involved with the family prior to imprisonment: a situation which pertains today.

At present, the Department of Social Welfare, under the C Y P & F Act, seeks to place child/children where there is a care and protection issue, with immediate or extended family. In a survey of caregivers in 1991 of children of prisoners at Christchurch Women's Prison the recordings of caregivers reflected the fact that often after a Family Group Conference or Departmental involvement, the placement was still with whanau/family. This contrasted with the recordings of Aikman's which reflected the placement of children in foster homes away from family/whanau. In the comparative survey (Appendix 1) it is indicated where the caregiver has been arranged by the mother with family/whanau. Where the placement was with family/whanau but through a Family Group Conference this is shown and finally where the child/ren were fostered outside family, usually through a Family Group Conference.

In September 1991 at CWP a similar survey showed that children were still cared for mainly by immediate family. Immediate family, were classed as the spouse and adult children, parents, brothers and sisters (of the mother or father). Though the main caregiver may be the spouse, extended family were often involved in a support role. (See appendix 2) Mothers still preferred to make arrangements with immediate family if at all possible. If not, many mothers needed reassurance prior to involving the New Zealand Children and Young Persons Service (CYPS), that they would not lose their children as a result. From the caregivers listed, there was no discernible difference between pakeha and Maori. Both groups favoured placing their children with immediate whanau/family.

At the 16 September 1991, 28 out of 51 inmates had children. Out of those 28, 25 had children still dependent on them. While teenagers are not usually included as "dependent" in my experience they were more often than not still dependent on their

mother for emotional and practical support. Out of the 28, 9 had placements made through a Family Group Conference. Most of those placements were made with immediate whanau/family. There were a total of 55 dependant children, almost two per inmate. Out of the total number of inmates, 9 came from the North Island.

The case studies completed with women at Christchurch Women's Prison in 1991 illustrated the fact that frequently mothers' families/whanau have to make considerable adjustments in order to cater for their children. Where other young children were already residing in the home, they were affected also. For some grandparents (usually grandmothers) it meant becoming full time parents of demanding pre-schoolers or trying to manage the lives of difficult teenagers. Without support their task could be too onerous and occasionally the placements broke down because of this. In some instances the father could be suddenly faced with the sole care of infants or preschoolers; where they have not played the major nurturing role, the adjustment could be traumatic for both father and child. If, as was sometimes the case, the father or de facto was saddled with fines or other debts which he was expected to repay on a benefit, his situation was additionally stressful. He not only had to support the mother who needed emotional support and some financial support but also the needs of the separated child.

Ultimately the cost to the state of the disintegration of the family as a nurturing, viable unit is greater than the level of additional financial support which the divided family may need. Where the mother is incarcerated some distance away from the family home the financial stress and emotional impact on the children can be intense.

## THE EFFECT OF SEPARATION

In the chapter "The Forgotten Children" in *Te Ara Hou* (22) there was reference made to the submission of Sue Dick, who at the time was a Child Psychotherapist at the Child and Family Guidance Centre, Christchurch. In her submission she summarised the work to date on maternal deprivation and attachment/bonding theory. Suffice to say that there is a mounting body of research, which shows the potential damage to the child which separation at various developmental stages can cause, and that the consequent bonding of the child to another adult may supplant his/her relationship with the mother.

Sue recommended that in any placement the following variables should be taken into account: The age of the child and the child's expressed wishes about placement. The availability of relatives to foster the child and whether there was conflict between family members about where children should go. Finally, the proximity of the placement to the imprisoned mother and the desirability of the child maintaining contact with her.(14) Where the placement was of a child under five, Sue Dick recommended a more thorough investigation because of the child's psychological attachment to the caregiver and questions whether it would be in the best interests of the child to return to the mother on release. She noted the fact that there was little information on the effects of imprisonment on children.

Saphira and Aikman went some way to answering the question of "where are the children/babies of incarcerated mothers in NZ?". The CWP (Christchurch Women's Prison) 1991 survey compared with the 1981 survey of Mt Eden women prisoners cited in Aikman provided some further information.

## PLACEMENT AT THE TIME OF ARREST

While most women make provision for their children prior to arrest, particularly if they are remanded on bail, there are occasions when preparation is not possible following an abrupt arrest and remand in custody. While the mother may have anticipated arrest at some time due to the offending, she will not be able to predict time and place. Under these circumstances there is no preparation and the stress to the children and family is great. A mother of teenage children has described to me her children's hatred of the police following her arrest as the result of a police undercover operation. Other mothers have described how their children fear police for they are seen as the cause of the separation and not the offending (which may be unknown to them).

While the probation service has a statutory duty to provide a pre-sentence report on the offender which details family circumstances this role does not extend to ensuring that the children will be catered for. Sue Dick in her paper recommended the appointment of an advocate for the child/ren "who would ensure that the child is not caught up in the punitive climate surrounding the mother's offending and sentencing, in which the child's needs and welfare could be ignored or neglected." (24) She suggested that "legal counsel" may be an appropriate form of advocacy. There may be other less costly means of providing the advocacy role. There is also the fact that it is only the police who will know the time and place of arrest. The most recent policy document from the Justice Department, *Women In Prison* (1990), recommended that the police should be the appropriate agency for ensuring the needs of the child are met. This may conflict with their punitive role, unless a special position were created to service this area alone. Given the philosophical and cultural changes in the placement of children, as expressed in the C Y P & F Act, the work of placing children is a complex matter, requiring considerable expertise and training in child

and family work in a culturally appropriate way. The appointment of social workers with placement and cultural expertise may be preferable.

At present the arrangements for children at time of arrest may be temporary only, e.g. with a grandmother who may be able to care for them for a few days. The arrangements may be made in haste and without considering the interests of the child. The length of time in custody is also an important variable when deciding on placement.

#### PLACEMENT AFTER ARREST

Aikman referred to the fact that a Department of Social Welfare report, *Child Abuse in New Zealand*, 1972, revealed that in 42% of abuse cases studied, the mother and her children had been separated for some time during the child's first three years of life and that 15% of those mothers had previous criminal convictions. She concluded that many prison mothers are "at risk" in terms of their parenting skills. Efforts to enhance and improve parenting are limited by the restrictions of the custodial sentence. She pointed out that the separation through imprisonment is only likely to "heighten the chances of child abuse and to add to the cycle of deprivation which is so evident in the prisoners own lives." (25).

The long term oversight of child placements is presently a haphazard affair. Unless the situation of children is drawn to the attention of the NZCYPS as a care and protection issue, there is no recognised authority designated the responsibility of ensuring the needs of the child are met. While the Prisoners' Aid and Rehabilitation Society and the prison social worker may attempt to meet some of the demands of the separation, frequently they are primarily involved in supporting the needs of the mother. There is

sometimes a conflict of interest, particularly where the caregiver is opposed to any contact with the mother and there is no advocate for the child.

Goldstein et al (26), pointed to the importance of the child's right to be a "wanted" child, to have "continuity of relationships" and his/her "right to form attachments in which the caretaker might become the psychological parent, in some instances producing ties which in the child's world might assume greater emotional significance than residual ties with absent biological parents."(27) Taking this into account it is therefore important that the placement of children is stable and monitored, and that caregiving families receive support to enable them to provide on-going care.

#### WHO HAS RESPONSIBILITY FOR THE CHILDREN?

Aikman also suggested that legal counsel may act as child advocates at the point of sentencing. *Te Ara Hou*(1989) suggested that the police are the appropriate agents to ensure placement of children. The latter view is endorsed in recently released Justice Department policy. Both options do not address the skills required in making such placements nor do they recognise the issue of on-going monitoring.

The Children, Young Persons and Their Families Act 1989, or CYP&F Act as it is known, stated in its general "Objects, Principles and Duties," that the Act is to "promote the wellbeing of children, young persons and their families and family groups by - Establishing and promoting, and assisting in the establishment and promotion, of services and facilities with the community that will advance the wellbeing of children, young persons, and their families and family groups and that are:

“Appropriate having regard to the needs, values, and beliefs of particular cultural and ethnic groups; and assisting parents, families, whanau, hapu, iwi and family groups to discharge their responsibilities to prevent their children and young persons suffering harm, ill treatment, abuse, neglect, or deprivation: assisting children and young persons.....where the relationship between a child or young person and his or her parents .....is disrupted.”(28)

The Act goes on to state the general principles to guide any powers discharged under the Act emphasising the right of the family/whanau in decision making. The police are of course the only agency aware of the time and place of arrest, however my understanding of the CYP&F Act leads me to the conclusion that the NZCYPS should be the agency responsible for placement and ongoing support of the child/ren. In many cases Departmental involvement would be minimal. It is imperative that there be more effective interdepartmental dialogue between Justice and Social Welfare to address the issues relating to the interface of the Criminal Justice Act 1985 and the CYP&F Act 1989 in order to better protect the rights of the child. A recommendation to this effect, from a prison social workers conference in 1992, has thus far received no response.

#### CONTACT BETWEEN CHILDREN AND THEIR MOTHERS IN PRISON

The 1981 reports of Saphira and Aikman and latterly Rose O'Neill's study, described the difficulty mothers have in maintaining contact with their children. Little has changed in this regard since 1981. In some instances the caregiver will resist all attempts at contact by the mother including correspondence. Where the mother has already lost custody, did not maintain contact whilst outside, and where contact may unsettle the child, this is understandable. This pertains to a small minority of cases at CWP. Some mothers who have had sole custody prior to imprisonment, fear that their relationship with their children will be undermined by the caregiver. In some cases

they have had to institute access proceedings in the Family Court with varying degrees of success. There have been occasions when the caregiver relents with one visit which is then not followed by further contact. It is important that the caregiver support the mother's parenting role when the child/ren are going to continue to have contact on release by way of encouraging the child to write, ring or trying to make visiting as pleasant as possible. It is unrealistic to expect mothers to take up full time care of their children on release with no preparation.

The question of family contact divides conveniently into a number of areas which include: the visiting facilities provided in the institution and the time allowed for visiting; visiting privileges; the ability to make telephone calls and to write letters; transport and accommodation costs; the needs of the mother vs the needs of the child; and parole provisions, including home leaves and day paroles.

Visiting facilities at CWP are pleasant in appearance but inadequate for the care of active children. There is now, since 1993, a fixed playground area outside the gymnasium, and a limited range of toys available. The fixed play equipment is a considerable improvement. Staff have a supervision role and while some may interact with visitors others may not. Neither Arohata nor Mt Eden prisons have play areas or adequate facilities for enhancing family contact.

At Christchurch Women's Prison, prisoners are allowed Saturday visits from 9-11am and from 1.30-3.30 pm. Visitors are required to leave the grounds during the lunch break and this creates difficulties for families without transport particularly in inclement weather. Where there is not sufficient time for the child's needs to be met, the family/whanau, working through the prison social worker may request special visits. Approval for these visits has fluctuated according to the attitude of various prison managers. Those inmates who have offended against the rules of the institution may have to forego such visits.

Telephone calls and their availability have been subject to change during the last eight years. The most recent change in April 1996., has limited calls to an approved list of ten numbers which inmates can contact through a phone card. The system assumes that inmates will receive enough financial support while in prison to pay for the cards. Collect calls are available through negotiation with prison managers and dependant on a social needs assessment.

Since 1981, the policy re telephone calls has changed and while calls in 1981 were not allowed except in special circumstances, inmates have reasonable access to the phone card. It is ironic that the cost of making a toll call through a phone card is almost double the cost of a collect call.

Letter writing is of limited value to mothers of pre-school children unless the caregiver is prepared to assist with letters. Some inmates have limited literacy and are shy of writing and have never attempted to do so - writing would be foreign to them and their families/whanau. The provision of paper and envelopes is still important however, for communicating with family/whanau and friends. Some mothers, with children cared for in different homes, find it hard to write to them all. At present postage is paid by the prison for three letters, after this inmates have to purchase their own stamps. Some prisons have a liberal policy in this regard.

As can be seen from the figures quoted earlier there are fewer North Island inmates held in Christchurch. Inmates from the North Island with dependent children are severely disadvantaged. The costs of travel are often prohibitive for the families concerned. In 1981 there was limited funding available to families through the special needs grants system of Social Welfare. This avenue of assistance was not open to non-beneficiaries. The special needs grants criteria changed in 1989 and now excludes family contact for prisoners. In 1990, PARS Cant/Westland was successful in

obtaining limited funding for this purpose and applied for assistance in 1991 in which they were unsuccessful. Presently, families are faced with the full cost of flying, from Northland in some cases, which has meant that one mother had not seen her preschooler in 7 months prior to PARS funding the visit.

Where the needs of the child are assessed by caregivers to be adversely affected by contact with the mother, maintaining contact is problematic. In some instances the caregiver has stated that visitation rights have merely upset the child/ren and therefore have not been worthwhile. They bear the burden of calming children who sometimes display symptoms of distress over a period of weeks. The prison social worker can let families know about the likely effect of visits and can arrange private visits which may be easier for the child to begin with. In some instances the caregiver will ring the prison, concerned about the effect of separation and will request extra visits. These are usually allowed, bearing in mind that any extra demands on staff time will impact on the prison unless this is allowed for in budget allocations. Where the child may benefit from visits but the caregiver is opposed to them, there is no advocacy for the child. Denying visits also denies the mothers parenthood and can critically affect the mother's ability to parent on release.

The ability to maintain family/whanau relationships through home leaves and day paroles has also been affected by policy changes. Whereas in 1981, prisoners were eligible for a 72 hour home leave every two months, in 1991 the provisions changed to one per month. An inmate was eligible to apply after having served two months of their sentence, one month of which had to be spent with minimum classification. There was no guarantee that an inmate would be granted such a parole and the sponsoring family or friends had to pay all travelling expenses. At Christchurch Women's Prison the decision to grant a home leave was considered in some depth at a case management meeting and then referred to the prison superintendent or general manager, as she/he became known.

Day paroles could be applied for on a monthly basis although these could be used by those living some distance from the prison. Women serving long sentences for violent crimes were not eligible for paroles until the last twelve months of sentence. We saw earlier that the number of women sentenced for violent crime has increased leaving fewer women eligible for parole privileges. Whereas in 1981 there was provision for work release for all inmates, during the last 12 months of sentence this is now only available to inmates serving a sentence of over two years. Weekend leaves are no longer permitted. All prisoners may be eligible for special leave in emergencies - in the event of severe ill health or death of a relative or friend. Compassionate parole provisions do not include children's operations or in the case of a grandmother, the birth of her grandchild.

Since 1995, the terminology for paroles has changed and they are now called reintegrative paroles. They have been curtailed to eligibility after serving one third of a prison sentence and day paroles are no longer permitted in addition to home leaves. There has been some confusion over the changes in this area and prisons are at present awaiting a new set of guidelines. The motivation for such changes has usually been the breaches of parole by a few high risk male inmates. Women as a rule, who are usually minimum security, do not commit violent sexual offences while on temporary paroles. They will however, be affected by reactionary changes brought about by the behaviour of their male counterparts. As applied in 1981, mothers may not be able to use the above privileges if they are not eligible because of their sentence; if they cannot afford it; the family/whanau are too distant; and if the caregivers are opposed to contact.

The policy document, *Women In Prison* (1991), recommended all day visits in conducive surroundings to mothers and their children. This recommendation was dependent on capital cost and on the extra penal time required for extended weekend

visits. For those families in the South Island the increased contact has been welcome and was of great benefit to children, particularly pre-schoolers and babies.

Sue Dick ,(29) recommended two or three visits a week for children over the age of two or three, and felt that for babies and under two's the prison should consider a mothers and babies unit attached to the prison. As can be seen by the earlier paragraph there remain real impediments to family contact. Aikman and Saphira both recommended the construction of small community houses to allow non-violent offenders to live with their children and for older children to be able to stay overnight and on weekends. *Women In Prison* does not suggest major structural change in women's institutions in the provision for children: rather, it seeks to adjust the present system.

Both the previous writers recommended more flexible visitation rights for children. This has become possible with the appointment of social workers who are able to assess, recommend and arrange such visits and with the introduction of case management which recognises an inmate's family/whanau needs but is still dependent on discretionary support by prison managers. Any further extension will require an increased allocation of resources in capital work (the alteration of visiting facilities) and staff time.

#### FINANCIAL SUPPORT FOR CAREGIVERS

As a result of no agency having responsibility for inmates' children, there are frequent instances when financial support after the imprisonment of the mother has been

difficult for the caregivers to obtain. There is provision for the continuation of the domestic purposes benefit (DPB) of the mother (circular memo 1991/50, DSW, H/O) and a case may be made for other essential costs to be maintained e.g. rental, hire purchase. The application has to be made by the mother and some regions appear to be less familiar with this provision than others. There is also some delay while the information is verified. Sometimes the caregiver has to provide clothing and equipment to meet the needs of the child/ren in the first few weeks.

Where there is no domestic purposes benefit the caregiver can apply for an unsupported child benefit through supplementary support services. This is only considered where the period of imprisonment is twelve months or more. Where the period is less than one year the family may qualify for enhanced family support, though this is less than the unsupported child benefit, \$42 as opposed to \$84. The father or children's father may apply for a DPB in order to care for the child/ren full time. All benefits are sometimes difficult to obtain and there is often some delay in granting benefits and allowances. There is an anomaly in the situation of caregivers who are not on benefits and where the mother is in prison for less than twelve months. Enhanced family support is simply not enough. Some families are not aware of the benefits available to them and will not apply, others find DSW staff unhelpful and give up trying. Some fear that any DSW involvement will mean that their child/ren will be taken into custody.

In 1981, Aikman commented that the failure to provide children with financial support was a serious abrogation on the part of government. This could be addressed by an advocate for the child who could be responsible for organising benefits so that the trauma of separation and adjustment is not exacerbated by financial stress.

Another factor affecting families of inmates is the cost of supporting the mother. The tobacco subsidy was discontinued in 1990 and while the anti-smoking lobby may

support this, it has placed an extra burden on families. Prisons are often stressful environments and for many inmates smoking is a minor drug on the scale of substances available. Mothers are unable to contribute to their families, leaving them dependent and feeling helpless. The lack of financial control and increased dependency can mean that a mother acquires an unreal perception of financial cost.

### POST RELEASE SUPPORT

Prisoners are not eligible to apply for a Housing New Zealand tenancy until they are released. When they have lost their accommodation through the imprisonment the "system" does not then assist them prior to release. The \$350 "Steps to Freedom" grant must cover a bond, food and household goods for a week. There is a two week stand down period, although ex-inmates can apply for a waiver of one week on hardship grounds. The financial obstacles to reintegration are many, and if a mother is trying to reunite with her children at the same time, she may be bound to fail. Frequently an inmates' belongings have "disappeared" in her absence.

Helen Aikman suggested co-ordinated support for women just out of prison. The PARS societies have had years of experience in assisting prisoners, with increased resources they may be able to play an enhanced role where released parents are concerned. PARS Canterbury/Westland, along with the prison social worker supported a proposal to provide post release housing for women inmates. It was envisioned that a house would provide an opportunity for mothers and children to reunite in safe, supported surroundings at minimal cost. The Nga Wahine Ki Otautahi Trust, set up for this purpose has been successful in obtaining establishment funds and went through town planning application processes for occupation approval. It found considerable community resistance to occupation although most objectors supported the proposal as long as it was sited elsewhere. The Trust was a community initiative

that sought to provide transition support to ex-inmates. In 1993 after some years of failing to obtain town planning approval, a house was provided by the Sisters of Mercy and to date has been able to support some women on release.

#### POLICY CONSIDERATIONS: MOTHERS AND THEIR CHILDREN

Some policy considerations were outlined in the introduction to this study. Aikman stated in her chapter on policy that "Penal administrators in New Zealand have had a long standing policy against separating women prisoners and their children." (30) This statement may be applicable to the period prior to 1926 when mothers were able to keep their young children and babies with them in gaol. Since 1985 there has been provision in the Criminal Justice Act, Sect 91, for the early release of a pregnant mother on the birth of her child. This section became Section 94 under the amendments to the Criminal Justice Act in 1993. Application is made in the first instance by the mother to the General Manager of the prison and must then be approved by the Minister of Justice. There have been at least ten applications for early release under this section of the Act from CWP since 1989. Two women were declined early release due to the risk they presented to their unborn children. None of the released mothers have received further sentences of imprisonment to date. The Act protects the right of a mother to keep her newborn child. It does not address the situation of the baby who is a few weeks old on sentencing. On the one hand the importance of mother/baby bonding and the harmful effects of separation is recognised- on the other it is not. Some argue that pregnancy can then be used by women to avoid imprisonment - this attitude is not borne out by the fact that sometimes the mother is not aware of the fact that she is pregnant at the time of sentencing and in any event ignores the multitude of considerations a woman will generally make prior to consciously bearing a child.

For some mothers where addiction is a major issue, prison may be the best option in terms of the mother's, and her child's, health. The standard of overall health care available in prison is often superior to that which the mother has access to while outside. There have been two cases during my time at CWP, where the mother has been able to withdraw slowly and safely from methadone in the prison environment. Unfortunately there is currently only one facility nationally, which caters to substance abuse treatment for mothers with young children.

Where pregnant mothers held in Christchurch come from other parts of New Zealand and do not have family support, they require considerable support from prison staff. Where no other support is available prison officers have often provided what little support they could to a young mother on the birth of her child. Voluntary organisations such as the Salvation Army and Pregnancy Help are frequently called upon to equip a new mother.

While in 1981, Aikman commented on the fact that women were under pressure to keep their babies, there is currently the provision for independent counselling both within and without the prison. Most custodial staff take a professional and objective attitude in these situations. On the other hand there is still pressure from other inmates to keep the child. At CWP out of the last six , Section 91/94 referrals, one chose to adopt. Two mothers had their infants removed at birth due to warrant action by the Department of Social Welfare. Neither mother was released consequent to losing the child as the trauma and extreme punishment of separation experienced by both women are not recognised in the criminal justice system.

Aikman referred to comments made by the Superintendent of Arohata in 1981 about the ability of some inmates to raise their children, given the other issues in their lives requiring priority. The same concern is expressed on occasion by staff at CWP who know inmates' families well. Aikman was of the view that rather than run the risk of

destroying the bonds between the children and mothers who genuinely wish to care for them, and are capable of looking after their children, that the Section 94 Release is a humane mechanism.

The solution as far as Aikman and Saphira were concerned was the development of mother and child units. There are overseas examples of mother and baby units within prisons. (31) This study does not attempt to traverse such examples although further study of them would be worthwhile in the event of New Zealand initiating change in this area.

The Justice Department, in *Women In Prison*, does not favour mother and child units, seeking instead to increase present visiting privileges. The Department may consider that in providing for children we shall see more women sentenced to imprisonment when alternative sentencing should be the preferred option. This fear is not borne out by recent sentencing examples at the prison where co-offenders, male or female, have been given identical sentences when the other issues of offending history are taken into account. The fact remains that the separation itself can cause considerable harm developmentally. With the current policy of unit management in prisons and the "normalisation" of prison life for the offender, the provision for children within special units perhaps becomes more of a possibility. It is pertinent not to forget that the circumstances with which children have had to contend "outside" are potentially worse than life in such a community facility. Although careful consideration must be given the likely effects of eventual separation.

Aikman and Saphira hypothesised about the possible positive effects of providing for mothers and children in prison which could assist a normalisation process. In New South Wales a Taskforce was set up in 1985 (32) so that the debate on provision for children was properly informed and included public representation. The New Zealand Social Welfare Department has a legal brief to ensure the safety of children and

enhance their wellbeing. The Justice Department (now Department of Corrections) in its "Mission Statement" is committed to "humane containment". For many women that means the right to continue nurturing their children. Both Departments may benefit from shared resources in addressing the issue of inmates with dependant children.

## FOOTNOTES

- 1) Justice Department, *Prison Review, Te Ara Hou: The New Way*. Ministerial Committee of Inquiry into the Prisons System, 1989, p163
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- 3) *Crime In New Zealand*, Government Printer, 1968., p264
- 4) *Prisons In Change*, Submission of the Department of Justice to the Ministerial Committee of Inquiry into the Prisons System, Department of Justice, 1988, p391
- 5) Ibid, p392
- 6) Aikman, Helen, *Victims Of Our Institutions : The Children Of Women Prisoners*. Research Paper for Family Law. Victoria University, 1981
- 7) Saphira Miriam, *Children in Prison: An Alternative to Incarceration With Separation*, 1981, Dept of Justice Internal Paper.
- 8) Prison Social Worker, Christchurch Women's Prison, Job Description, 1989.
- 9) Aikman Helen, 1981, op cit, n 6, p1
- 10) Dalley Bronwyn, *Aspects of Women's Imprisonment in New Zealand, 1880-1920*. Paper presented to Social Work Conf. Dec, 1990 Lincoln University.
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- 12) Aikman Helen, 1981, op cit, n 6
- 13) Braybrooke, B., & O'Neill, R., *A Census Of Prison Inmates*, Policy and Research Division, Department of Justice, Wellington , June, 1988
- 14) *Prison Census*, Department of Justice, 1978
- 15) Braybrooke B., & O'Neill R, 1988, op cit, n 13
- 16) Aikman Helen, 1981, op cit, n 6, p8
- 17) Aikman Helen, 1981, op cit, n 6, p8
- 18) *Prisons In Change*, 1988, op cit, n 4, p384
- 19) Ibid, p390

- 20) Prisoners' Aid and Rehabilitation Society, Canterbury, Westland Branch, Application to Family Services Programme, Department of Social Welfare, 1990
- 21) Aikman Helen, 1981, op cit, n 6, p11
- 22) *Te Ara Hou*, 1989., p164
- 23) Dick, Sue, *Incarcerated Mothers. The Effects On Children Under The Age Of Five*, Submission to the Prison Review Committee, Unpublished, 1988
- 24) Ibid, p2
- 25) Aikman, Helen, 1981, op cit, n 6, p15
- 26) Dick, Sue, 1988, op cit, n 23, p1
- 27) Ibid, p1
- 28) Department of Social Welfare, *The Children, Young Persons And Their Families Act*, 1989, p14
- 29) Dick Sue, 1988, op cit, n 23, p4
- 30) Aikman Helen, 1989, op cit, n 6, p41
- 31) *Women In Prison*, Report of The Task Force on Women in Prison, 1985, Department of Corrections, New South Wales & *Mothers and Young Children In Custody in New South Wales*, Custodial Services Division, March 1988, Department of Corrections, New South Wales
- 32) *Women In Prison*, Report of The NSW Task Force to the Hon. John Akister, M.P. Minister of Corrective Services, 1985

## CHAPTER NINE

### POST TE ARA HOU, THE NINETEEN NINETIES AND BEYOND

The Ministerial Review of Prisons in 1989, as mentioned in earlier chapters, marked the first occasion on which women prisoners and their dependants were commented on in any depth by the then Department of Justice. This was, in part, a response to a changed social climate in New Zealand, where the influence of the women's movement has brought about the expectation that women should and would be consulted over major policy changes affecting women.

The Review also marked the first occasion that the history of women's prisons in New Zealand was noted. This contrasted with developments overseas, where comprehensive works on women's imprisonment in England and the USA had been produced in the seventies and early eighties (Dobash et al 1986., Smart, Carol et al 1976). The Review provided a brief background and then went on to recommend changes to women's prisons in New Zealand. Its fundamental approach was to treat the subject of women's imprisonment as additional to the bulk of the Review. By its very design and presentation, it maintained that the majority of changes recommended under each section heading would affect the prison service as a whole without considering whether, in fact, women may respond differently to the changes. The assumption that educative, psychological, administrative, health and employment services would all affect women in the same way was an assumption based on the presumption that women were no different from men and that their needs were no different. Indeed this reflected the predominant opinion of penal administrators throughout New Zealand's settlement period and into the twentieth century.

Employment and industry are useful examples of the way in which basic assumptions about gender were apparent. While the report recognised the importance of employment in specialist male institutions such as Paremoremo maximum security prison, no acknowledgement was made of the difficulty women have faced in obtaining useful employment in industry which was not gender-determined, e.g. sewing, laundry etc. Apart from the short period of time in the early 1900s, women have had to wait until Arohata was established in the mid 1950s, before outside work was available to them. Mt Eden Women's Division still has no outside employment and limited opportunities within the building. While it can be argued that Mt Eden is reserved mainly for remandees, there are women serving sentences of seven years there at present. Another example of a generalised recommendation, that of health service provision, did not take into account the particular health needs of women who are entitled to have access to women doctors as a matter of choice in the community. Often this choice relates to the sexual and physical abuse experienced by women.

A further example was the section on the release provisions for inmates and their entitlement to financial assistance. While it was acknowledged at the time of the Review that \$160 aid on release was not sufficient, no distinction was made for those women who as primary caregivers were/are expected to set up stable family homes for their children, virtually on the day of release. It cannot be assumed that mothers are released to ready made homes. Frequently accommodation has to be abandoned and furniture sold or stored shortly after starting a prison sentence. While the Review mentioned assistance available from the then Social Welfare Department, it did not take into account the difficulty experienced by ex-inmates in explaining their financial circumstances and having these explanations accepted.

It is not possible within the scope of this chapter to critique the approach of each section of the *Te Ara Hou* report. Suffice to say that a case could be made under each section which would show that the impact of the recommendations was likely to be

different on women and would justify a Review of equal depth which gave women equal consideration despite their smaller numbers.

The census of 1987 showed that 46% of women were sentenced in courts in, or north of the Waikato area.(1) Prison beds in the northern part of the North Island, constituted 15% of total women's accommodation. The Penal Policy Review Committee in 1981, recommended that women should revert to being housed regionally, in small facilities, attached to men's institutions. The submission of the Department of Justice to the *Te Ara Hou* Review, recommended the regionalisation of women's prisons also. This was contrary to the *Te Ara Hou* Report, which recommended strongly against regionalisation because of the "...conditions and ethos under which men are detained, no benefit would result for women." (2) The fear of the Review team was that the needs of the dominant and majority group would prevail over the needs of women inmates. This was the experience in the past and nothing led the Review team to consider that the situation had changed. It was their view that at the time of the Review, women's prisons "provide a closer approximation of what we see as humane containment than that found in any of the men's prisons we visited." (3) The report is frustratingly vague about the ways they found women's prisons to be more "humane". It can be conjectured that the smaller size and dedication of staff, created more humane environments, despite the influence of the broader prison structure. It may be that it was simply that women inmates and staff tended to conduct themselves in different ways. Due to the impression gained by the Review team of women's prisons, their single concession to regionalisation was the recommendation that a fourth women's prison be built in the upper North Island in order for women to be in greater proximity to their families. The Review was opposed to the integration of women into men's prisons due to the enforcement costs of separation and the increased supervision likely to be required.

Since the Roper Review some changes have been implemented, others have been ignored or partially implemented. The major recommendations concerning women's prisons have been largely ignored. Its most significant legacy has been the impetus it gave towards finally introducing a separate policy for women's prisons, which has resulted in a new policy developed for the Policy and Procedures Manual of 1994. This manual has replaced most of the 1954 Penal Institution Regulations.

The 1954 Regulations or PIGO as they were known, covered all aspects of prison life for operational and regulatory purposes. The administering of a prisoner's sentence was determined in PIGO under the various sections pertaining to institutional rules and responsibilities. It was recognised that there were major problems of interpretation of PIGO and that it did not reflect an environment now affected by the Human Rights Act and a changed social and economic climate. There were many anachronisms in the old regulations, some of which had been changed by successive governments e.g. the amount a prisoner could earn through industry. The other major impetus for revision of the Regulations, has been the political change in the 1980s towards private interests assuming control of social functions, previously ascribed to the state, and the need to provide updated operational procedures. The health sector reforms are an example of the effects of this change in direction.

The Justice Department has now been divided into a Department of Corrections, which at this stage includes the Probation service, the Department of Courts and Department of Commercial Affairs. A new Ministry of Justice has been created, fully operational from mid-1994, whose function is to provide policy advice to the Minister and relevant Departments and to provide contract services to private providers. The National government has been unequivocal, since obtaining office in 1987, in promoting private prisons. The problem for this government has been to set up a structure which would ensure that private prisons have a contemporary and workable

contract for service within the parameters of the Penal Institutions Act and Regulations.

The only other attempt at formulating a policy for women's imprisonment, prior to the 1994 Policy and Procedures Manual or PPM as it is called, took place in 1990. This comprised a consultative group of women managers and Policy and Research Division personnel of the then Department of Justice. The 1990 Report recommended that differential treatment of women inmates be abandoned in favour of humane containment regardless of gender. It supported the Te Ara Hou recommendation of a new institution for the Auckland urban area but rejected the concept of separate women's prisons in favour of separate accommodation, facilities and resource allocations. It recognised that the high incidence of sexual abuse experienced by women prisoners (reported to be 80% in Te Ara Hou) must be reflected in their management, and that integration with males was inappropriate. While there was some discussion about the requirements of breast-feeding mothers and children no particular recommendations were made. Consequent to this consultative exercise, the next attempt at policy formulation occurred in 1993-4 a part of the development of the new PPM.

#### POLICY AND PROCEDURES MANUAL 1994

The new policy does not differ greatly from that developed in 1990, in that it again supports women's confinement in separate, secure facilities. It is advanced, in that the procedures determine the manner with which women are to be treated which is to take "into account their particular needs as women and acknowledges their family/whanau circumstances..." (Appendix 3) There are 20 operational procedures in order to achieve the policy directive. It is not clear as to how some of these are to be monitored or audited and there are no specified accountability mechanisms. There is evidence that the Department of Corrections has developed considerable expertise in auditing

financial and administrative systems. It has struggled with accountability systems which measure the quality of service provided. If we take some examples from the new policy on women inmates, numbers "g" and "h" (Appendix 3) which pertain to women's rights to maintain and enhance their relationships with their families, there is no designated responsibility to ensure this occurs. It could be argued that the inmates complaints procedures, (also detailed in PPM) should provide an avenue of accountability but this assumes that inmates on reception are aware of the policy and are referred to appropriate personnel to assist with these matters.

Another example, among many, is number "i" (Appendix 3) which recommends regular contact with children. Access to a telephone in prison is at present restricted to a card phone system with approved numbers. The ability of a sole caregiver to resolve a family crisis, as they are frequently called on to do, in the short span of time that a phone card allows, is severely limited. At present many families simply cannot afford phone cards and this has led to the use of staff, particularly the social worker where one is available, to facilitate maintaining basic contact. This conflicts with the spirit and intention of the procedure which states that women should be given "every opportunity to ensure their dependants are adequately cared for".(Appendix 3) Variations in the access to telephones is discretionary and dependent on particular managers in particular prisons.

## POLICY DEVELOPMENT PROCESS

The history of policy development, as has been shown throughout this thesis, is that women have usually not been considered and policy has changed according to the needs of male prisoners or in response to their actions. Just as the research undertaken under the auspices of the Department of Justice in the 1960s (a subject touched upon

in the relevant chapter) was, with very few exceptions, about men. Research by the Policy and Research Division in the 1980s and 90s has rarely considered research about women offenders.

A comparatively recent example is the paper produced on prison programme provision entitled "*What Works Revisited*", produced in 1990.<sup>(4)</sup> This paper made significant recommendations to the then Department, some of which have been implemented through case management and programmes in prisons. It was based almost entirely on overseas research and research on male offenders. This reflected in part, the dearth of research about women offenders and their recidivism rates, internationally and in New Zealand. It cannot be assumed that those programmes which are deemed to be effective for men will, *quid pro quo*, be effective for women. This is to assume that the causes of offending are identical. Merely the fact of the wide disparity between women's offending rates, and that of men's, indicates that there are likely to be different causative forces occurring for women. Until such time as the new Department of Corrections recognises the importance of resourcing research adequately, and giving priority to women offenders, prison programmes will be less effective than they might. It is possible that a greater understanding of cause and effect in women's offending will assist with greater understanding of male offending rates also.

An example of the ad hoc and reactive way in which policy can be developed by the Department, is the telephone restrictions referred to earlier. It is generally understood that a male inmate had the audacity to ring the Minister of Justice (Doug Graham at the time) in late 1995, which the Minister objected to. The new telephone restraints were introduced in April this year in response, and without wide consultation and an understanding of the likely implications for women inmates. The difficulty with this kind of policy change is that it is reactive, informal, (in the sense that it does not follow an accountable process) and is imposed without considering the implications. It

has created restricted contact with lawyers to an approved name via a phone card, and for women who have complicated custody proceedings, is insufficient to allow them to give and receive advice. Telephone access may seem a small privilege but when seen in the wider context of a mother in prison, at considerable distance from her family, it has a dramatic effect on the survival of prisoners and their families alike.

Recognition needs to be made of the fact that the new PPM was developed through wide consultation with prison managers and floor staff. This was the first opportunity for prison staff and prison stakeholders such as PARS to participate actively in Departmental policy making. Unfortunately this has been the exception rather than the rule, in a Department which due to political and environmental pressures frequently resorts to reactive, short-term solutions.

## MANAGEMENT OF WOMEN'S PRISONS

Just as policy development has been characterised as predominantly reactive and hierarchical in nature, so can the management culture of the Department be so characterised. The Justice Department and then Corrections Department, has historically taken a classical, rational, hierarchical approach to management of prisons. This approach can be attributed to management climates at the time, but was also influenced by the large number of appointments made from the police and the armed forces. The 1989 Ministerial Review of Prisons, resulted in the implementation of a flatter management structure and encouragement for managers outside the service to apply for positions. The flatter management structure and new management style promoted in the Review was congruent with the shift from "control" to "management" of inmates with its modern connotations, as opposed to the lineal direction of a military-style organisation. The consequent loss of hierarchical, ranking officer positions, and the appointment of some outside managers led to a degree of organisational dissatisfaction and a difficult climate for outside managers to adjust to. Flatter management structures were envisaged to represent a split between custodial and programme functions in prisons, which at Christchurch Women's led to a proliferation of second tier management positions. It was understandable that such a split was considered necessary for the implementation of the *Te Ara Hou* reforms, in order to place managers who were considered to support the reform strategies. It was indicative of this split that an Assistant Secretary Penal Institutions was appointed from outside the Department, in order to action and guide the reform process. In hindsight, this action precluded existing, able prison managers from initiating the reform process from within the Department. The unfortunate side effect has been the perceived split between custodial and programme functions and the perception that custodial staff were to have a control role and programme staff (social workers, education officers etc) were to have a rehabilitative role. In contrast it has been the women's prison experience that, where no support staff were available, (See chapter

1960s, Dunedin Prison) prison officers were more than capable of rising to the challenge and filled some parts of this role. Due to the controversial nature of prison work and its inherited dual deterrent and rehabilitative demands it is understandable that there are still staff who perceive their roles purely and simply as custodial. This was not, however, what the Roper Review sought to achieve.

## UNIT MANAGEMENT

Unit Management was introduced in the early 1990s (due to the difference between prisons in implementation it is not possible to provide a certain date), in order to achieve better fusion of the control and care functions of the prison officer role and to bring it in line with the newly introduced Case Management system. Unit Management was based on an integrated system of managing inmates which originated in Sweden and was developed in Australia. (5) Unit management combined with case management, emphasised a more individual, therapeutic and integrated approach to the management of prisoners. An example was the redefinition of the prison officer job description to include the ability to counsel inmates. There has been, and continues to be, tension between this function and the statutory demands of the prison officer role. The model has met with a degree of opposition among some staff and it is still little understood in some quarters. Its advantage is the recognition of the value of the role of the prison officers in terms of their effectiveness in encouraging behavioural change among inmates, through modelling appropriate behaviour. It is broadly based on a residential social work model, although to suggest this would be unacceptable to some staff. The new structure was to create one or two unit manager positions to be responsible for a set number of inmates regardless of gender.

Like many reform programmes introduced at a time of fiscal restraint, unit management was under-resourced so that training of incumbent staff lagged behind its implementation. As with many penal reforms, the ability to audit and evaluate the effect on service delivery is still inadequate and poorly developed. It would be true to say that that which can be easily measured, e.g. the numbers of violent incidents (as long as they are reported), is measured, while the quality of interaction at the time of the incidents and the manner with which they were dealt with, is poorly evaluated. A cynical response would be that, in a climate of competition for funding and promotion, it is not in a manager's interest to record all incidents. Recent changes to the Ombudsman's Act, and the expansion of its role in terms of prisons will, no doubt, continue to assist the Department with developing its accountability.

The increase in second-tier managers with the creation of Programmes and Unit managers and Staff Development Officer positions at Christchurch Women's Prison, resulted in six second tier managers who, along with the General Manager, were responsible for 40 staff and an average of fifty inmates. As the result of staff dissatisfaction, some of which was engendered by the disestablishment of ranking positions, Christchurch Women's was subjected to a number of consultancy reviews. The most recent of these, completed in May 1994, by Peat Marwick, recommended the loss of four management positions with the control of the Women's Prison assigned to Rolleston men's prison.<sup>(6)</sup> Submissions made by a number of concerned female staff and outside organisations with an interest in the prison (PARS), highlighted that the loss of independent status may lead to the slow erosion of resourcing in favour of the larger institution. It was also questioned as to whether the prison would be able to implement the new policy on women inmates, if control was assigned to managers who had no experience of working in a women's prison and limited understanding of the particular needs of women inmates.

The Peat Marwick report supported the interchangeability of staff between the men's and women's prisons at all levels of the organisations. Practice has shown, with the number of changes and the response of staff, that it was not a simple question of interchanging staff because of the special skills they discovered they needed in order to deal with women inmates. The reasons for this are various, some of which are contained in the PPM policy. It was imprudent to place staff in a women's prison without screening them for understanding wider gender issues surrounding sexual abuse, the needs of primary caregivers, equal employment opportunities (EEO) and sexual harassment issues.

Following the most recent regional review in the Christchurch area a new regional resource management approach with the devolvement of some Head Office functions has been introduced. The most senior management position in Christchurch Women's Prison has been given comparative status. And it is intended that it will have independent financial control. Based on the lessons of the past, it is only through independent budget and independent control that Christchurch Women's Prison can protect the resources it needs to meet the needs of women inmates although there is constant budgetary pressure with the current political emphasis on public service restraint. In depth policy analysis is required to establish a policy framework for recognising that women prisoners have different requirements which would allow for innovation and alternative styles of management. It is surprising to note how little the fundamental prison culture has changed and how much resembles the Victorian systems introduced by our ancestors.

In conclusion, this last chapter focusses almost exclusively on recent developments in the prison service in Christchurch Women's Prison. Apart from the research data from this area, Christchurch is also the subject of an existing review which is likely to create a model for national development. The debate about independent resourcing and stand-alone status is by no means over. Arohata Prison has been faced with the

same dilemma of reducing costs as an independent institution or becoming attached to Rimutaka Prison as a satellite unit. This type of policy change is rarely open to public scrutiny and certainly not to consultation.

## WOMEN PRISONERS

The preceding chapters in this work, have painted a picture of women prisoners in New Zealand and their role in New Zealand society. They have, since 1840, constituted a small percentage of the total prison population. Their small numbers has been one of the reasons for their neglect in penal policy development and implementation. The consequences of the pressures of increased male crime has caused reaction by successive politicians and penal administrators and this has been another reason for their neglect. The third most important reason has been the perception of women's place in society and the social control mechanisms which have either directly or indirectly maintained their status. The fact that women tend to be the maintainers of social relationships and invest heavily in family/whanau in the broadest sense gives them an enhanced emotional stake in the community; it also means that the personal cost of imprisonment is high.

The social cost of stepping outside defined parameters of their sexual role has invited punitive responses through prosecution and imprisonment. While women can no longer be imprisoned for prostitution, they may still be charged with soliciting, while their male clients are protected.

Women prisoners, and particularly Maori women, represent the most economically disadvantaged group in New Zealand society. They have the added pain and anxiety of separation from their children to experience while in prison. They face added

impediments to reintegration in that they are expected to provide stable homes and resume their roles as wives, mothers and carers immediately on release.

Through the writer's experience during the last eight years it has been apparent that a high incidence of women's crime is related to their socially defined relationships. Their experiences of sexual abuse and abusive relationships whether with fathers, relatives, or partners, frequently confirm women in victim roles. A victimisation which is confirmed daily in attitudes expressed about women which denigrate, objectify and control them.

#### FUTURE PROBLEMS AND ISSUES

As a conclusion to this thesis, and in the light of the information it contains, I propose a number of distinct and unresolved issues for women's imprisonment in New Zealand. In the years ahead, consideration of these issues may enable the Department to better reflect the needs of women inmates and prison staff and enhance its effectiveness as a Department in terms of "reducing reoffending" (Departmental official logo, 1996).

1) Women need to find and offer solutions of their own, developed with their needs paramount, which reflect a more co-operative approach, independent of prison systems set up by men for men. When patriarchal systems have been applied to women it has produced regimes which are quasi-military, have led to long term conflict and which have attempted to fit both female staff and inmates into predetermined expectations of femininity or what constitutes feminine behaviour.

- 2) The need to address regionalisation for women inmates and the construction of better facilities in the upper North Island for all the reasons illustrated in Chapter 8.
- 3) More research for women offenders, about women offenders, designed to evaluate the effectiveness of prison programmes and regimes.
- 4) The improvement of existing facilities at Mt Eden Women's Division to better reflect the new case management/ unit management approach and the new policy for women inmates.
- 5) Greater recognition of the needs of Maori women and consultation with local iwi to improve an ethnocentric prison structure.
- 6) A consultative, interdepartmental committee, to consider the needs of primary caregivers who are separated from their children, and the needs of pregnant and breast-feeding mothers, to better reflect the principles of the New Zealand Children, Young Persons and Their Families Act 1989.
- 7) More research into the causes of women's offending and analysis of how much is related to their place within male-dominated domestic economies.
- 8) Consideration of alternatives to imprisonment for women who, by and large, do not represent a high risk prison population.

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#### APPENDIX 1 STATISTICS FOR WOMEN AND MEN IN PRISON 1873-1995

##### STATISTICS FOR WOMEN IN PRISON IN NEW ZEALAND, 1873-1877

	women	men	total	% women
1873	43	353	396	11
1874	59	467	526	11
1875	97	436	533	18
1876	104	512	616	17
1877	91	436	527	17

## STATISTICS FOR WOMEN'S IMPRISONMENT 1880-1920

## DAILY AVERAGE

YEAR	F	M
1883	96.4	571.5
1884	96.8	511.6
1885	72.4	554.9
1886	74.5	532.05
1887	71.5	566.1
1888	86.13	591.26
1889	75.02	551.22
1890	67.6	515.01
1891	58.39	459.22
1892	52.33	469.15
1893	54.72	457.34
1894	51.45	495.89
1895	57.02	526.81
1896	57.12	514.38
1897	49.22	518.25
1898	54.4	563.55
1899	53.98	537.03
1900	54.17	529.29
1901	62.76	593.83
1902	58.92	609.37
1903	68.20	673

1904	71.05	707.57
1905	72.70	728.72
1906	80.73	802.8
1907	80.90	791.35
1908	69.89	783.04
1909	62.1	848.45
1910 Beg of Year 67		882
1911	64.18	799.08
1912	64.07	853.82
1913	66.55	826.69
1914	63.72	916.09
1915	76.79	931.33
1916	82.78	895.99
1917	96.99	817.27
1918	84.97	896.98
1919 Beg of Year 71		976
1920	67.10	872.59

## TABLE OF OFFENCES INMATES RECEIVED DURING 1917

	women	men
Offences against person indicted	5	93
summarily convicted	3	64
Offences against property	19	353
Theft and deceit	4	72
Vagrancy	60	203
Drunk	39	477
Others	100	908
TOTAL	229	2170

MINISTERS, INSPECTORS, CONTROLLER GENERALS AND SECRETARIES.  
DEPARTMENT OF JUSTICE 1880-1920

1880- 1910 Arthur Hume Controller General of Prisons

1900- 1909 John McGowan, Minister of Justice

1910- Frank Hay Inspector of Prisons

1910- F. Waldegrave, Undersecretary to Minister of Justice

1910- John Findlay, Minister of Justice

1911- Frank Hay, Inspector of Prisons

1912- Hanan, Minister of Justice

1913- C.B.Jordan Undersecretary of Justice

1914- C.B.Jordan, Undersecretary of Justice

1915- C.B.Jordan Undersecretary of Justice

1915- C.E.Matthews Inspector of Prisons

1916- C.B.Jordan Undersecretary of Justice

1916- C.E.Matthews Inspector and Head Of Prisons Department

1917- J.A.Hanan Minister in Charge of Prisons Department  
 1917- C.E.Matthews Inspector and Head of Department  
 1918- Thomas Wilford, Minister in Charge of Prisons Department  
 1918- C.E.Matthews Inspector and Head of Department  
 1919- Thomas Wilford, Minister in Charge of Prisons  
 1919- C.E.Matthews Head of Department  
 1919- M.Hawkins, Acting Inspector  
 1920- J.G.Coates, Minister in Charge of Prisons  
 1920- C.E.Matthews Controller General of Prisons

STATISTICS WOMEN IN PRISON 1920-1960  
 DAILY AVERAGE

YEAR	WOMEN	MEN
1921	67.10	872.59
1922	60.91	1,113.45
1923	53.13	1,074.34
1924	68.99	1,127.50
1925	75.26	1,248.99
1926	89.68	1,366.25
1927	93.58	1,364.58
1928	88.06	1,411.52
1929	70.43	1,367.83
1930	75.92	1390.10
1931	85.92	1548.47
1932	93.31	1575.86
1933	97.72	1445.14
1934	77.80	1283.62

1935	55.77	1156.44
1936-37	44.59	1005.34
1938	33.66	836.91
1939	33.83	875.33
1940	36.83	921.26
1941 -42	63.22	961.33
1943	98.51	1001.32
1944	83.60	946.55
1945	58.13	997.85
1946		
1947	37.79	1,071.66
1948	35.81	1,069.41
1949	31.26	991.55
1950	40.13	1,025.93
1951	77 receptions	
1952	81 receptions	
1953	103 Rec	2,251 Rec
1954	53.35	1,138
1955	49.98	1,159.99
1956	68.27	1,234
1957	86 in prison in December	
1958	75	1,543.08
1959	103.31	1,682.66

STATISTICS FOR WOMEN'S AND MEN'S IMPRISONMENT 1960-

DAILY AVERAGE SENTENCED INMATES

Year	Women	Men
1960	103.31	1682.66
1961	96.39	1743.96
1962	100	1795

1963	97	1784
1964	104	1757
1965	90	1814
1966	96.7	1782
1967	122	1719
1968	106	1904
1969	105.2	2056.3
1970	88	2034
1971	106.7	2129
1972	128	2511
1973	120	2523
1974	91	2402
1975	99	2358
1976	91	2527
1977	112	2770
1978	113	2707
1979	125	2650
1980	136	2612
1981	123	2661
1982	109	2458
1983	104	2480
1984	108	2537
1985	99	2434
1986	90	2212

1987	109	2520
1988	116	2834
1989	148	3055
1990	157	3341
1991	141	3611
1992	132	3702
1993	148	3902
1994	133	3690
1995	144	3842

## APPENDIX 2

## SURVEY OF CAREGIVERS OF INMATES CHILDREN - Sept 15 1991.

Inmates	Dependant Children	Ages	Caregivers
A	2	15 & 9	Whanau/family Older daughter
B	1	2 yrs	Fostercare. FGC
C	1	5 yrs	Friend of mother.
D	2	3 & 5	Whanau/family maternal grandmother.
E FGC.	2	2 & 4	Whanau/family. Maternal grandmother
F	1	2 yrs	Fostercare. FGC
G	2	8 & 10	Whanau/family Husband.
H FGC	1	9	Whanau/family, Older sister.
I	2	15 mths	Fostercare, FGC
J	1	13 yrs	Fostercare, FGC Extended family
K	1	13 yrs	Friends of mother.
L	5 1	4 primary 14	Fostercare, FGC Maternal grandmother.
M	2	2 & 8	Family/whanau with natural fathers.
N	2	14 & 16	Family/Whanau ex-husband.

O	4	3, 9, 11, 13	Whanau/family maternal grand parents, uncles and aunts.
P	1	5 yrs	Fostercare, FGC Friend of mother
Q	4 14, 16	17 mths, 8,	Whanau/family Husband.
R	1	2 yrs 6 mths	Whanau/family maternal grand parents.
S	4	6, 8, 11, 12	Fostercare, FGC Extended whanau.
T	1	4yrs	Family/whanau Maternal Aunt and uncle.
U	1	10 mths	Whanau/family maternal grand mother.
V	1	15 mths	Whanau/family Maternal grand mother.
W	2	14, 16	Whanau/family Maternal Great Aunt.
X	2	3, 6	Family/whanau Husband
Y	1	2 yrs 6 mths	Fostercare. FGC
Z	3	teenagers	1 independent 2, whanau/family
Aa	1	17	independent
Bb	2	16, 18	Independent

28 Out of 51 inmates on muster with dependant children.  
Out of 51 inmates, 42 came from the South Island.