SPEAKING SENTENCES - INSIDE WOMEN'S EXPERIENCES OF GENDER, PUNISHMENT AND REHABILITATION

A thesis presented in partial fulfilment of the requirements for the degree of

MASTER OF SOCIAL POLICY

Massey University

BRIDGET CAIRD

1999

ABSTRACT

This thesis explores the ways in which gender, punishment and rehabilitation shape women's experience of imprisonment in New Zealand. In particular, it seeks to expose tensions between punitive and rehabilitative regimes within women inmates' lives and critically addresses the role of gender within these variables. The thesis is a qualitative venture in an area characterized by a dearth of empirical data specific to women's needs as prisoners. Literature and research from overseas, and a smaller amount from New Zealand, highlight relevant theoretical areas and important issues in women's imprisonment, which in turn provide background for the navigation of sixteen women's experiences in two prisons. The research also forges some junctions between the restructuring of the New Zealand state sector upon prison operations, and women's experience of prison. Accordingly, it establishes links between gender, punishment and rehabilitation, and the current prison managerial environment to identify areas for change women highlight as central to their wellbeing as prisoners.

The research finds that historically, gender has held the strongest influence over the institutional treatment of women prisoners. As a cultural and social process that assigns less value to women, gender continues to play a central role in their experience of both punishment and rehabilitation today. Attention is drawn to women prisoners' experience of punishment as characterized by more than the official deprivation of liberty alone but as an area of numerous additional punishments, both official and unofficial, and which are frequently arbitrary or discretionary in nature. These span the administration of privilege and punishment, to health care, sexuality, work, rehabilitation and recreation. Rehabilitation is described by the inmates as a process of compliance and superficial change where 'curative' efforts inadvertently become aspects of coercion, due to the overriding prison culture of discipline and control. Accordingly, due to conflicting objectives between punitive and rehabilitative regimes within prisons, the worth of rehabilitation in the prison context is exposed as inherently problematic.

Whilst a tension between punishment and rehabilitation in prisons precedes recent structural and managerial changes to New Zealand prisons, the role of neo classical economic priorities within prison management today appears to have brought it into sharper focus. Accordingly, a traditional lack of attention to important variables such as gender and power within women's prisons, converges with the current emphasis upon quantitative standards for prison management, over attention to important qualitative features of imprisoned women's experience.

Conclusively, central empirical features of women's imprisonment and their ensuing needs for sex equity, adequate health care, fair treatment, and work and recreational opportunities that oppose gender constraints and pay attention to stereotypical perceptions of women, are brought to the fore within New Zealand's current prison policy climate. The study provides a guiding canvas for future policy development to pay attention to the junctions between punishment, rehabilitation and gender in women's prisons, for more appropriate responses to women inmates needs.

DEDICATION

This thesis is dedicated to the sixteen women inmates at Arohata and Christchurch Women's prisons who provided the heart of this research. It is also dedicated to all other women who are, or have been, imprisoned.

ACKNOWLEDGEMENTS

IN SEARCH OF WISDOM

Use whatever knowledge you have but see it's limitations. Knowledge itself does not suffice; it has no heart. No amount of knowledge will nourish or sustain your spirit, it can never bring ultimate happiness or peace. Life requires more than knowledge; it requires intense feeling and constant energy. Life demands 'right action' if knowledge is to come alive (Millman, D. 1984).

TABLE OF CONTENTS

PART ONE

CHAPTER ONE INTRODUCTION

CHAPTER TWO. THE HISTORICAL AND CONTEMPORARY SIGNIFICANCE OF THE SOCIAL CONSTRUCTION OF GENDER FOR WOMEN IMPRISONED

CHAPTER THREE. THE PUNISHMENT - INCARCERATION OR MORE ?

CHAPTER FOUR. THE THEORY AND CULTURE OF REHABILITATION IN PRISONS

PART TWO

CHAPTER FIVE. STATE SECTOR REFORM AND STRUCTURAL CHANGE FOR NEW ZEALAND PRISONS

CHAPTER SIX. THE CONVERGENCE BETWEEN NEW WAYS TO MANAGE THE STATE AND NEW WAYS TO MANAGE INMATES: SOME IMPLICATIONS FOR WOMEN PRISONERS

PART THREE

CHAPTER SEVEN. METHODOLOGY : A FEMINIST, QUALITATIVE VENTURE

PART FOUR

CHAPTER TEN. <u>INTEGRATION AND ANALYSIS</u>

CHAPTER ELEVEN. <u>CONCLUSIONS AND RECOMMENDATIONS</u>

List of Tables

PART ONE / CHAPTER ONE

INTRODUCTION

Why this Topic is Important

There is a lack of qualitative research on New Zealand women inmates and this thesis aims to lessen the void. It intends to do so by filling part of the gap and providing a building block towards further research. Accordingly, there is a need to counter the invisibility of women prisoners by allowing their voices to break the silence surrounding their needs and experiences as prisoners.

The numbers of women prisoners vary between four and six percent of total prison populations in western countries (New Zealand: Lash, 1996: 17; Britain: Loyd, 1995: 117; Australia: Denborough, 1996:77). As women prisoners have always been a minority, and also because crime has traditionally been viewed as a 'masculine' phenomenon (Faith,1993; Carlen et al, 1985) women's gender has been used to rationalise differential institutional treatment for women inmates both for punitive and rehabilitative purposes. In effect, New Zealand and overseas research find women inmates voices have traditionally gone unheard as they have been discriminated against and subordinated on the basis of gender, and silenced by policy priorities for male inmates custodial needs (New Zealand: MCIPS, 1989, Te Wairere Ahiahi Young, 1993; Britain: Worrall, 1990; Australia: Hampton, 1993, 1994).

More recently, as a result of restructuring within the New Zealand state sector between 1988- 1996, prisons have been reformed along with other state services. The outcome of this reform for New Zealand prisons is broadly characterised by two features: a distinct ideological shift to structural and managerial techniques reflecting classical liberal economic values and neo liberal political philosophy for resource distribution (indicative of the impact of state sector reform upon *all* government departments), and a renew ed and fervent commitment to the ideal of rehabilitation for prisoners.

However, both New Zealand and overseas research suggest rehabilitation is at odds with the irrevocably punitive nature of prison, and that prison is a most unlikely environment for rehabilitation to take place (New Zealand: MCIPS, 1989, Consedine 1993; Britain: Hudson, 1987, 1993; Australia: Hampton, 1993, 1994, Canada: Faith, 1993).

Furthermore, to my knowledge, any junctions between recent reforms to prison management and rehabilitation within prisons have not been studied in relation to *inmate experiences*. Accordingly, it is relevant to ask how the experience of imprisonment for women in New Zealand reflects this rehabilitative ideal and how it fits within the current prison administrative and policy climate.

The focus upon women inmates' experiences has been chosen to both counter the invisibility of their lives, and as the most authentic window into the reality of imprisonment within the current political climate. Most importantly, this angle has been chosen for the purpose of 'cutting through' the myriad of theory and professional opinion such as those of psychologists, criminologists, penal administrators and politicians, upon prisoners. Whilst these professionals all perform important roles, they garner the power that frequently (and often inadvertently) denies the agency of the true 'experts' upon prisoners needs and experience, the inmates themselves. Moreover, this route into the topic has been chosen in the belief that it will best allow the practical realities of New Zealand women inmates, to identify and define any ambiguities or tension between punishment and rehabilitation within prison, for an accurate analysis and reflection of their needs arising from their experience as prisoners.

The Research Objectives

The research emphasises the value of women's own accounts and analysis of punishment and rehabilitation within their prison experience. The aims of the research are:

- To identify any correspondence between gender, punishment and rehabilitation in the management of women prisoners.

- To uncover any sites of contradiction between punishment and rehabilitation for women prisoners, in particular whether rehabilitation manifests as a 'right' or a 'privilege' for them.

- To expose the effects of punishment/ discipline within prisons upon women prisoners.

- To identify any gender stereotypes towards inmates in women's prisons.

Moreover, it is hoped that this work contributes to the existing body of research on women in prison through:

- Providing a critical gender analysis of women inmates' position through demonstrating the dominant influence of gender upon their experience and treatment.

- Identifying a significant tension between punishment and rehabilitation within the prison context.

- Demonstrating a junction between rehabilitation theory, the impact of state sector reform upon prisons and women inmates' experience.

- Identifying and demonstrating the existence of extensive arbitrary and discretionary punitive measures towards prisoners, from a female inmate standpoint.

The Location of the Researcher In Relation to the Research

I became interested in this research topic for several reasons. Through befriending a woman who is an ex inmate form both Arohata and Christchurch Women's prisons, I became aware of the effects of prison as a non rehabilitative environment. As I began the literature search for material on women in prison, I became increasingly conscious of the influential role of gender upon women prisoners' experience and management, and increasingly curious about what appeared to be a fundamental tension between rehabilitation and punishment, within the prison environment. I was also aware that the literature contained very little of the views of inmates themselves. I wanted to find out what women inmates could tell me about both gender and the relationship between the apparently contradictory objectives of rehabilitation and punishment within prison. Furthermore, I was aware of recent policy shifts in the management of our prisons and wondered how these sat with women inmates, whether they perceived conditions as having worsened or improved, and whether or not they saw prospects for their rehabilitation in prison.

Overview of the Thesis

Chapter One introduces and outlines the genesis and the structure of the thesis.

Chapter Two looks at the impact of the social construction of gender upon the treatment and control of imprisoned women, historically through to today. It covers historical as well as more recent theories and practices towards women in prison, primarily from Britain, and exposes the links between gender and programmes designed to 'cure' or 'redeem' these women of their criminal behaviour. The chapter provides an historical context for the treatment and experience of women in New Zealand prisons today.

Chapter Three focuses on women's experience of punishment in relation to imprisonment. It lists New Zealand's official definition and goals of imprisonment which provide a general backdrop for the review of mainly overseas women prisoners

experiences of punishment. It locates set routine as well as arbitrary and discretionary control processes in prisons as central features of punishment for them. A common pattern between distinguishing features of overseas women's and some New Zealand women prisoner's experiences of punitive treatment are highlighted in terms of gender, health care and arbitrary control practices. New Zealand and Australian statistics contrasting women prisoners' experience of health with those of male inmates are also provided. Accordingly, some theories and historical perceptions of criminal women are suggested for their explanatory value around this theme. The purpose of this chapter is to draw some clear links between punishment, gender and women prisoners' experience and to provide a relevant context for the following chapter on rehabilitation.

Chapter Four explores women's experience of imprisonment in relation to the theory and practice of rehabilitation in prisons. Key features of rehabilitation theory and its advent and impact upon imprisonment are detailed. The ways in which rehabilitative practices take effect within an overtly punitive environment are investigated alongside the role of gender in this context for women inmates. Furthermore, the way in which rehabilitation has become a distinct feature of managerial power over *all* prisoners and women prisoners specifically via professionalism, authority, pathology and the deprivation of liberty is demonstrated.

Chapter Five explores the impact of New Zealand state sector reform upon prisons. It highlights relevant features and roles of strongly influential neo liberal political and neo classical economic theoretical contributions to significant legislative, policy and managerial changes within the state sector from 1984 to 1996. Accordingly, this chapter links key legislative and policy features of New Zealand public sector reform to the current shape of prison managerial practices and accountability structures. The nature of new roles and responsibilities for prison staff and the effect of these upon both staff and inmates are highlighted.

Chapter Six explores the convergence between new ways to manage the state and new ways to manage prisoners, and considers implications of these for women prisoners. It draws links between rehabilitation theory and these new prison policies. The way in

which prison 'outputs' are purchased by the state on a primarily quantitative, rather than qualitative basis, as well as considerations of power, gender and sex equity in relation to women inmates position within the prison policy environment are canvassed.

Chapter Seven establishes the methodological design of this research as distinctly feminist and qualitative. It emphasises the important 'foundation' role of the literature and policy reviews undertaken prior to fieldwork and describes the focus group method for interviewing that was employed. Procedures adopted for access to participants, details of participant recruitment and involvement in the research process are provided, along with data transcription and analysis. Also discussed are some limitations of the methodology, ethical concerns and their resolution.

Chapter Eight presents data from an interview with nine female inmates from Arohata Women's Prison collated together through five themes arising out of their reflections upon the experience of imprisonment, and which stem directly from the four original research objectives.

As in the purpose and style of Chapter Eight, **Chapter Nine** thematically displays data collected from an interview with seven inmates from Christchurch Women's Prison.

Chapter Ten integrates the data from Arohata and Christchurch Women's prisons and then analyses it in relation to theory and research from the literature and policy review chapters. The key research concepts of punishment, rehabilitation and gender shape this integration and analysis. It draws links and exposes differences between the data, and relates it to overseas data, to provide a clear analysis of its significance for New Zealand women prisoners.

Chapter Eleven concludes the findings of the research in relation to the four original research objectives and then goes on to make recommendations for further research, policy and legislative changes.

CHAPTER TWO

<u>THE HISTORICAL AND CONTEMPORARY</u> <u>SIGNIFCANCE OF THE SOCIAL CONSTRUCTION</u> <u>OF GENDER FOR WOMEN IN PRISON</u>

Introduction

There is very little historical or contemporary information regarding women's imprisonment in New Zealand. Consequently, this chapter relies upon overseas research on women in prison; mainly from Britain, Australia and Canada, from late nineteenth century through to today.

The review of overseas literature was undertaken in the anticipation it would provide a strong gender correlation for insight into the prison realities of the women who take part in this study from New Zealand's Arohata and Christchurch Women's prisons. In western culture, as imprisonment serves the purpose of being the final and most severe punitive consequence for illegal activity, prisons represent the official apex of social rejection. Within criminal justice, women prisoners have been accorded a particularly subordinate position, relative to both male prisoners and to women in wider society. This subordinate position is most easily recognised in specifically differential treatment towards women prisoners on the grounds of gendered assumptions of their needs, and the ensuing biased practices within women's prisons that have followed.

This chapter establishes gender as a cultural process and social category in relation to women in general. It explains that gender establishes, in large measure, the experiences and roles of women in relation to men, and also in relation to the way in which women's needs and concerns as inmates are considered. The historical and contemporary significance of the social construction of gender for women prisoners is explored through highlighting derogatory theories attached to these women throughout

the nineteenth and twentieth centuries. Specific institutional approaches in western prisons stemming from these theories towards women prisoners are identified.

Gender and Women

Women have always been a minority within prison populations. The numbers of women vary between 4-6% of total prison populations in all western countries. (New Zealand: Lash, B, 1996: 17; Britain: Loyd, A, 1995: 117; Australia: Denborough, D, 1996:77) Because of the overall lack of numbers of female inmates, a greater degree of specialisation is found within men's prison, such as gradations of security and more training options which are assumed to be organisationally impracticable in women's prisons (Genders and Player, 1987). However, evidence of past and present regimes of differential treatment of women and men in prison finds that this differential treatment rests less upon practical expedience and more upon a system of ideas which rationalises and justifies treating women differently from men (Carlen et al, 1985; Faith, 1993; Genders and Player, 1987; Hampton, 1993). This system of ideas stems from the cultural process of gender.

In order to examine the impact of gender in both punitive and rehabilitative regimes for women prisoners, it is first important to provide an explanation of how gender relates to women generally. The term 'gender' refers to the social construction of female and male identity. It is about the ways in which biological differences between women and men, whether real or perceived, are valued and relied upon to classify women and men by assigning roles and expectations to them (Australian Law Commission: 1993).

The significance of gender is that the lives and experiences of women and men occur within complex sets of differing social and cultural expectations (ibid.). Understanding gender is about understanding that biological differences do not account for the sum total of variations between what women and men appear to be or do.

Accordingly:

> ... *whereas 'maleness' and 'femaleness' are biological facts,*
> *becoming a woman or becoming a man is a cultural process. Like*
> *race and class, gender is a social category that establishes, in large*
> *measure, our life chances and directs our social relations with others*
> (Anderson, 1988: 31).

However, in all aspects of life, biological differences between the sexes are both assumed to be, and upheld as, the unchallenged rationale for those differences. In many ways, the concept of 'difference' in regards to gender has become a euphemism for actual inequalities between women and men. This translates into the saying that women and men are 'equal but different', which belies the empirical reality that the broad social status of women - both politically and economically, continues to be dependent upon, and subordinate to that of men.

Several writers note the prevalence of an idea that women's roles in society should defer to those of men's, and also the concepts of 'nurturing' and 'dependency' as central to women's subordinate gender status. For example, Ann Worrall writes that women's experiences of 'being female,' are mediated by their minds, their bodies and their social interaction (1990: 33). She explains how the discourses within which these experiences are structured and constituted are characterised by the socially ambiguous status of dependence. In this, on the one hand femininity is characterised by self control and independence. Being a normal woman means coping, caring, nurturing and sacrificing self- interest to the needs of others. On the other hand, it is characterised by a lack of control and dependence, needing protection, being fragile, child-like, incapable and capricious (ibid).

Another important issue for understanding the social construction of gender in relation to women is to realise the power contexts within which women are defined. In most social and political thought, as well as in everyday life, women are constantly defined in relation to men, which also enforces the 'woman as dependent' paradigm. Under the

theme 'women as other', McDowell and Pringle (1992: 3) point out that whether women are similar to men, different from or complementary to them, men, masculinity and male behaviour are always the reference points:

> *Women are most obviously defined in familial terms as carers and nurturers. Their identity and status derive from the explicitly gendered categories of mothers, daughters and wives. Women are thus defined not only in relation to men but subordinate to them ... men are not defined in relation to women or on familial terms, but in relation to a much larger 'public' world in which they operate as colleagues, workers and citizens ... It is in this way that men's specific gender is ignored while at the same time 'maleness' is promoted as dominant reality - the universal and the human whereas women are 'other'.*

Women in prison have not been exempt from the gendered conception of women as 'other'. In 1989, New Zealand's Ministerial Committee of Inquiry into the Prisons System (MCIPS) criticised the New Zealand Justice Department for its position of labelling the needs of women in prison as 'special' and 'unique' (MCIPS, 1989: 159). In effect, the Justice Department was seen to be supporting the standard for a normal inmate as male, simply because the yardstick by which women's needs were being measured was the overwhelmingly male prison population.

Along the same lines, a submission to the Committee from a women's prison chaplain expressed:

> *It is of some concern to me that the organisation and management of women's prisons seem largely defined by masculine criteria, using and serving male models of authority and power ... without much consideration of the fact that in the process, the needs and concerns of women ... may be ignored or neglected ...* (MCIPS, 1989: 159).

The needs and concerns of women in prison have been neglected insofar as responses to them have been construed as the needs and concerns of wives and mothers. Prison regimes and ideologies have focused upon the women's deviance from those roles and ways in which the enforcement of women's traditional roles might transcend that deviance.

This highlights a conflict between two issues that affect the experience of women in general, both inside and outside of prison. One is that women's roles are restricted on the basis of gendered expectations. Secondly, as highlighted by the women's prison chaplain (ibid), there is a need to recognise women's needs on a sex-specific basis. For both of these issues it is helpful to clarify that the concept of 'sex' refers to biological difference, whereas the concept of 'gender' refers to inequality (Bacchi, C, 1990).

Of the first issue, the gendered status of women's roles as 'wife' and 'mother' infer that any other role adopted by a woman, or any relinquishment of the gendered qualities attached to these traditional roles, such as deference and passivity, have often not been to a woman's credit. This is because by definition of the strict polarity between men's and women's gendered roles, any deviation from the feminine gender norm would imply a threat to both its appropriateness and stability, and this would also pose a threat to the dominance of the male gender role. This is not to say that women's traditional role as mother and wife is not valuable – or to infer many women do not get immense satisfaction from aspects of these roles. Rather, it shows a paradox between women's traditional role not being honoured with the equivalent value placed upon the traditional male role of family provider and protector, and on the other hand that women's gender role as wife and mother of the domestic set, has been so stoically upheld, as to frequently cast out alternatives.

Of the second issue, Bacchi (1990) has described how the problem for women is that the impact of 'gender' has reconstructed their 'difference' as inequality and as a result women's needs have come to be viewed as 'special', rather than 'sex specific'. Accordingly, women have sex specific needs which deserve to be met on the basis of fundamental right rather than ignored or compromised on the assumption that, as

people, women are the same as men. For example, a significant issue is how women's status when pregnant relates to their position in the paid labour force. Because it is a biological fact that women become pregnant, a woman's pregnancy should not hinder her career or reduce her earning capacity compared to that of men's. To be equitable on a sex specific basis, employment structures and remuneration policies should reflect women's needs in this area.

By the same token, in women's prisons, the issue that many mothers imprisoned have formerly been primary caregivers to their children, or may be pregnant or suffer a miscarriage in prison, are all issues which demand support structures for women inmates that are resourced on a sex specific basis.

In sum, what these issues require at a policy and institutional level for their negative consequences towards women to be ameliorated, is the need to pay attention to the structures that convert women's 'difference' into inequality (Bacchi, 1990), and by the same process, men's 'difference' into the yardstick for the norm, against which women's experiences are measured.

The following section displays the significance of the social construction of gender within theories that have been attached to women criminals and women in prison historically, and accordingly, the nature of approaches that have been traditionally adopted by penal administrators towards these women.

Female Criminals – A Callous Blight upon Womanhood

From the nineteenth century through to today, women prisoners have stereotypically been perceived as a highly disturbed population who adjust far less well than men to being in prison (Faith, 1993; Genders and Player, 1987; MCIPS, 1989). Historically, different reasons for this apparent disturbedness of women inmates have been given and different approaches taken in attempts to counter what were, and to a large extent still are, believed to be feminine malfunctions and inadequacies of women in prison. On grounds of gender, differential treatment of women has always been considered by

theorists and prison authorities as appropriate on the grounds that women are biologically, psychologically and socially different from men (Faith, 1993).

The pattern for imprisonment of women in western nations has been similar throughout the nineteenth and twentieth centuries. Prior to the development of separate institutions for women, which occurred during the early twentieth century in Britain (the first purpose built prison for women in New Zealand did not emerge until 1974 with the opening of Christchurch Women's Prison (MCIPS, 1989:157) women were confined to cramped quarters within men's prisons (Canada: Faith, 1993; New Zealand: MCIPS, 1989). MCIPS (1989) details that institutional demands to accommodate increasing numbers of male inmates have consistently determined the conditions under which New Zealand women have been imprisoned, and that these conditions and facilities have always been less reputable than those in New Zealand men's prisons.

During the nineteenth century, women were primarily sent to prison for drunkenness, theft, prostitution, vagrancy and a smaller number for 'concealment of birth' (Faith, 1993; MCIPS, 1989). Imprisonment meant that these women were literally hidden away to endure abominable conditions of bad sanitation, inadequate nutrition (MCIPS, 1989), and frequent sexual abuses by male guards (Faith, 1993). In contrast to the Victorian ideal of a chaste and morally correct woman, they were seen as a blight upon womanhood and in the words of early Scottish women's prison reformer Elizabeth Fry, they were:

> ... *a grotesque perversion of the ideal of feminine chastity, wifely obedience and motherly love* (Forsythe, 1987, cited in Faith, 1993: 130).

Not only were the women prisoners looked upon as having failed gendered ideals for Victorian womanhood, they were also often considered to be more morally depraved and corrupt than male prisoners. In New Zealand, the official view of the difference between the sexes was given by A.H. Hulme, Inspector of Prisons, in 1882. Hulme perceived most male criminals in prison to be – " *incidental offenders (and) ... not*

wholly dishonest or irredeemable...", which contrasts with his perception of older female prisoners, whom he considered to be: *"... of the most degraded class, and long past all possible chances of reformation"*(MCIPS, 1989: 154).

Similarly, in the view of the Governor and visiting Archdeacon to the Wellington Gaol in 1877, neither a prisoners' aid society or monetary assistance being considered for male inmates was deemed necessary for such undeserving women (ibid). In the same year, chronic overcrowding in the women's quarters of Auckland Prison is documented where sixty women were sharing only eight cells, which is contrasted with figures displaying no overcrowding in the men's quarters due to adequate provision of space (ibid).

In nineteenth century Britain, anthropologists turned criminologists Lombroso and Ferrero (1895), perpetuated a widely held viewpoint that although women involved in crime were rare, feminine nature was innately more evil and corrupt. They viewed women who engaged in crime as a far more threatening phenomenon than the male criminal. British criminologist Morris (1987: 13) cites Hartmann (1977) who quotes an 1860 British newspaper article on a woman accused of murdering her half-brother:

> *It was a wanton murder, not done by the hand of a man, for there was a finesse of cruelty about it that no man, we believe, however depraved could have been guilty of: but it is the revengeful act of a woman ... morbid, cruel, cunning.*

The tenor of the article was likely to have generated public outrage and fear of the dangerousness of mixing femininity with crime. Also representing what appears to have been a pervasive view towards women and crime during this era, criminologist Adam (1914: 3-4) described female criminals as:

> *almost entirely devoid of any gentle or redeeming trait; some are in baseness, cunning, callousness, cruelty and persistent criminality far worse than the worst male offender known to the law.*

Somewhat paradoxically, there was an alternative imagery of the criminal woman - that she was not really a woman at all (Morris, 1987). Lombroso and Ferrero (1895) believed that the maternal instinct in criminal women was weak and that because of this:

> *psychologically and anthropologically she belongs more to the male*
> *than the female sex* (1895: 153).

Morris (1987) reflects this historical portrayal of criminal women. She cites an 1898 article in the Westminster Review which stated that criminal women approximated more in physical character to men and that they were usually 'of a masculine type' (Morris 1987: 13). During this era, Morris (1987) found that criminal women were often given all the worst socially constructed qualities of women - jealousy, maliciousness, narcissism and deceptiveness, as well as the qualities of men. On this basis, Lambroso and Ferrero, unable to place criminal women in either gender, concluded that:

> *... as a double exception, the criminal woman is consequently a*
> *monster* (1895).

The reference to 'a double exception' appears to refer to a belief that criminal women fitted neither a feminine or masculine category.

In the Twentieth Century, Freud (1925, 1933) continued the gendered condemnation of criminal women with his theory that they were neurotic, maladjusted, sexual misfits. According to Faith (1993), Freud's theory is typical of a preoccupation with female sexuality in the criminal justice field. She refers to another instance. In 1934, Sheldon and Eleanor Glueck tracked the lives of 500 women imprisoned in Massachusetts, USA. They noted the women's 'illicit sexual indulgences' and 'illegitimate pregnancies' and summed them up as a 'swarm of defective, diseased, antisocial misfits' who, in their estimation should be either sterilised or kept in prison, 'until they have passed the period of fertility' given their 'lack of control over their sexual impulses' (Glueck and Glueck, 1934; cited in Faith, 1993: 150).

In 1961, Pollock, in his book 'The Criminality of Women', sought to explain Britain's low rate of crimes by females with reference to what he believed was women's inherently deceitful nature which he sourced to women's ability to conceal their lack of sexual arousal (Morris, 1987). Interestingly, neither the Gluecks or Pollock took any account of the power relations between men and women that frequently manifest in sexual relations.

Offensive Women, or Renegades?

In stark contrast with the historical preoccupation with female sexuality in crime and early derogatory theories on women criminals and prisoners, Canadian researcher and community activist Karleen Faith (1993) locates women prisoners within the gendered context of structural power relations. Faith's perception is that these women are 'renegades' of the status quo. In this, she sees the women's lives and actions as representing a counter existence to what the legal, political and economic institutions of the state deem to be 'appropriate' feminine behaviours and roles:

> *Her crimes are the impolite crimes of the woman who lacks the resources to wrap herself in middle class femininity. The 'bad girl' of cultural stereotyping is the product of class-biased, racist and heterosexist myths. Historically and to the present her appearance, actions and attitudes have been offensive to the dominant discourses which define, classify, regulate and set penalties for deviance. She is socially constructed as undeserving of the 'protections' of the woman who is defined within the parameters of gender conformity* (Faith, 1993:1).

British researcher Ann Worrall (1990), in her study of the control of female law-breakers and their resistance, came to a similar conclusion. Worrall (1990) reversed the concept of 'woman offender' to 'offending women' to highlight how offensive women criminals are, to those with a vested support for the dominant discourses of femininity.

At the root of the offence taken to these criminal women appear to be two things - one, that law makers and penal administrators view crime as a masculine phenomenon (Carlen, 1985; Faith, 1993; Loyd, 1995), and secondly, the strict polarity between men's and women's gendered role which they uphold (Faith, 1993). Because crime is viewed as a masculine phenomenon, women who engage in crime are therefore being seen to display the characteristics of the opposite sex and this is an invitation to persecution (ibid.). By breaking both 'the law' and consequently the 'lore' of gendered roles for female behaviour, women criminals come to be seen both as 'bad women' and 'like men'. A variety of commentators note that criminalisation and imprisonment processes often result in women offenders being punished twice, once for breaking the law and once for breaking the patriarchal lore for appropriate feminine conduct (Faith: 1993; Hampton: 1993, 1994; Loyd; 1995; Worrall: 1990; Carlen et al 1985; Morris: 1987).

The Twentieth Century Reform Effort

As a result of malestream popular theoretical beliefs that sourced female crime in a failure to develop 'ideal' feminine qualities, the overwhelming twentieth century emphasis in women's prisons has been to reform women by training them to be good wives and mothers (Carlen et al 1985; Faith, 1993; Genders and Player, 1987; Morris, 1987).

A British Prison Commissioner stated in 1947 that prison training for women should encourage:

> *...better housewives rather than better housemaids. Every aspect of domestic work, whether in shops or in the service of the prison should be made to serve one idea - that of instilling into the women the ideals of a good home and how best they might be achieved* (cited in Morris, 1987: 107-108).

This ideology was endorsed to the extent that during the 1950s some theorists speculated whether prison was an appropriate place for women at all. Custodial institutions for women in both the US and Scotland were built as a series of cottages whereby each had its own kitchen, dining room and each woman had her own bedroom (Morris, 1987; Faith, 1993).

At Corntonvale Prison in Scotland, one woman in each cottage was given the role of 'homemaker'. Her job was to 'keep house' whilst the other prisoners (all women) were out at work during the day (ibid.). 1950's British prison administrator Alexander Paterson promoted this model for women prisoners as ideal and wrote:

> *America is teaching the world that a woman's prison is an anomaly, that it is unnecessary and misplaced. If she is to learn a lesson, she can do so in the home life of a cottage more readily than in an amorphous mass behind a wall too high for low skirts* (Ruck, 1951; cited in Morris, 1987 :107).

These domestic training programmes for women prisoners during the post World War Two era also functioned to keep the women out of the paid labour force (Genders and Player, 1987; Hampton, 1993; Morris, 1987). However, it would be easy to dismiss the values of the British Prison Commissioner and Alexander Paterson as representative of a bygone era. To the contrary, as recently as 1971, vocational training in British women's prisons was envisioned as:

> *domestic cooking, laundering, use of domestic appliances, home decorations ... dressmaking and soft furnishings ... all of these subjects will provide useful skills to women who have been unable to make an ordinary home for their families ...* (Faulkner, 1971; cited in Genders and Player, 1987: 163).

The ideology that women's natural constitution is domestically inclined, has carried through to contemporary programmes offered in women's prisons. A study conducted

by British researchers Genders and Player in 1987 found whilst there has been important changes in the development of some paid work related programmes in women's prisons, particularly office skills and computer training, the major emphasis continued to be upon traditional women's 'subjects', such as home economics and child care.

Ironically, education staff interviewed by Genders and Player (1987) claimed their role was to improve skill levels of the women and provide the opportunity for them to gain qualifications but they admitted that the likelihood of those skills improving the women's chances for paid employment was extremely low. By contrast, Genders and Player found that men's prison educators expressed greater confidence that the skills they taught to male inmates - such as bricklaying, painting and decorating, would have a positive impact upon the men's employment prospects.

Similarly, these gendered reasons for keeping women prisoners in the unpaid, domestic work sphere are critiqued by Australian ex-inmate Blanche Hampton, who writes:

> *The worth of education programs which gear women towards traditional female jobs, generally lower paid and with lower status than other work, is questionable. There is little real possibility, for example that women with a prison record will actually ever get a job working with children having done the 'Child Studies: Understanding Children' course* (Hampton, 1994: 34).

It appears that such courses are aimed at women's unpaid gender role as mothers, rather than the paid work sphere, which reinforces women's domestic, nurturing roles in the private sphere rather than the public sphere of paid labour. At the same time, the emphasis directs women's skills from the domestic sphere at home into the low paid, female dominated service and care-giving sectors of the paid market place.

Aesthetics and Psychiatry

Another feature of women's prisons has been an emphasis upon aesthetics. The underlying rationale has been to treat the women's appearance and environment according to gendered ideals. This has taken conflicting routes. In the late nineteenth century, women's hair was cut short and they were issued with plain uniforms in the belief that this could reduce, or even eliminate, individuality and vanity, which were considered by prison authorities as sins that led to women's crime (Dobash, Dobash and Gutteridge, 1986).

In contrast, Genders and Player, (1987) have found that today British women in prison are more likely to be allowed to wear their own clothes in prison and claim that there has been an attempt to reduce the institutional nature of women's prisons, by making them more akin to a domestic situation.

Faith (1993) cites a superintendent of a Californian women's prison who, in 1972, made great efforts to beautify what she called 'the campus' with fresh paint and landscaping yet was dismayed that nine women, of a total not exceeding six hundred, had managed to escape within less than eight weeks:

> *Women's prison reformers create what they think will at the very least give women a dignified environment in which to serve their prison sentence and at the very best reform their character. But most prisoners are not asking to be reformed and are tormented by what they experience as hell holes, whether the furniture, walls and floors are decayed ... or brand new and freshly painted in 'soothing' pastel colours. For a century, the ghosts of disgruntled and despairing women have been climbing the walls of both besoiled and pastel prisons* (Faith, 1993: 134).

From the point of view of most people who are locked up, there is no such thing as a 'good' prison. With the authority gained from seven years inside, Gayle Horii dispels any illusions one might have about what a prison environment may be:

> *Ours is a cloistered world, one where every minute of our day and night is calculated and where we are forced to conform to inane rules and regulations; one where we are counted over and over again, keys smashing our senses as doors crash behind us locking us in coffin-like cages and cells* (Horri, 1992; cited in Faith, 1993: 134).

A post 1960's psychiatric influence in western women's prisons (Genders and Player, 1987; Morris, 1987) also provides an illustration of how women's prisons have adapted their regimes according to gendered assumptions about what is best for women. The strongest example is 'Holloway', Britain's main women's prison which was redeveloped into a psychiatric institution in the late 1960's. A statement made by Britain's Home Secretary in 1968 clearly conveys the official attitude towards women prisoners; that they could neither be taken seriously as criminals nor were they 'normal women' - that is, they could all be categorised within some degree of 'dysfunction' or 'sickness':

> *Most girls and women in custody require some form of psychiatric or medical treatment. Holloway will be basically a secure hospital to act as the hub of the female system. Its medical and psychiatric facilities will be its central feature and normal custodial facilities will comprise a relatively small part of the establishment* (Faulkner, 1971; cited in Morris: 109-111).

In this way, women in Holloway came to be treated not so much in terms of their sentence or offence, but in terms of the treatment they were believed to require. Morris (1987) found that whilst the dominant psychiatric influence in British women's prisons had demised; at the time of her research in the mid 1980's the psychiatric presence still

remained and the official remedy of prison authorities for dealing with tension and resistance from the women was still tranquillisers.

Summary

The social construction of gender has been the most influential factor that has shaped the treatment and control of imprisoned western women, historically and today. Where women in general face social conditioning and cultural restrictions on the basis of gendered role expectations, and where these differentiate women's experiences and identities from those of men's beyond the sex difference, the criminal justice sector has responded via gender specific theoretical and institutional approaches to women's imprisonment.

The history of theories of female criminality is characterised by a pre-occupation with female biology and sexuality stigmatising women prisoners as abnormal and malfunctional compared to other women. Lombroso and Ferrero's (1885) theory that criminal women had a weak maternal instinct, and Pollak's (1961) idea that they were more deceitful than criminal men, due to the female ability to conceal their lack of sexual arousal, represent the epitome of misogynistic perceptions towards women prisoners spanning both the nineteenth and twentieth centuries.

Accordingly, nineteenth century misogynist ideas that women criminals were not really women at all, that they were in every way worse than male criminals, sexually impulsive, depraved and more recently the suggestion that they were perhaps all mentally 'sick', demonstrate the persuasiveness of a patriarchal criminal justice system's inability to comprehend women criminals at all.

Consequently, women's penal administrators have traditionally sought solace in the hope that women's prisons can redirect inmates to their so-called 'rightful' gendered places of 'wifely passivity' and 'honourable motherhood' by teaching traditional tasks associated with these roles and adjusting the institutional setting accordingly. Research finds this emphasis has carried through to contemporary programs in British women's

prisons in that the likelihood of skills taught to women inmates being rewarded by paid employment post-release was found to be low compared to that of male inmates.

There is a serious concern that any domestic work related focus, to the exclusion of other options for skill development and activity in women's prisons, reinforces women's domestic, nurturing roles in the private sphere, a traditionally underpaid and undervalued work sector, whilst ignoring the value and validity of alternative roles for women.

The western criminal justice system has traditionally viewed crime as a masculine phenomenon. Due to this belief, along with the polarity between male and female roles, women criminals and prisoners have been perceived as doubly deviant on the basis that they have transgressed both the law, and the unwritten patriarchal code for female behaviour. More recently, New Zealand penal authorities have defined women prisoners as a 'special' group, which endorses the 'male inmate as the norm' yardstick for what a prisoner is typically construed as (MCIPS, 1989). This has ramifications for where women inmates' needs are located on a scale of resource priority.

A concern is that defining women inmates as a 'special group', combined with the fact that the female prison population is a minority, prevents sex equity for female inmates. Also of concern is *what* differences or 'special-ness' between the sexes count (Bacchi, 1990) for women's treatment in prison. For example, teaching domestic skills reinforces undervalued female roles in the wider world and workforce. On the other hand, undertaking domestic work must also be an aspect of male inmates' prison experience, but the literature does not find this to be a dominant factor for them in terms of role enforcement or influencing their prospects for paid employment post release.

CHAPTER THREE

THE PUNISHMENT: INVOLUNTARY
CONFINEMENT OR MORE?

Introduction

In relation to the concept of punishment, this chapter lays out the context of prison by identifying and analysing the official goals of imprisonment in relation to one another. It exposes an inconsistency between the goals of retribution and rehabilitation, which provides a general backdrop for a more in-depth discussion of the literature around discipline and punishment for women inmates.

Challenges to the Goals of Imprisonment

The New Zealand Justice Department's official definition of imprisonment is that 'the prison sentence itself is the punishment', and, on par with Australian (Hampton: 1993) and British definitions (Hudson: 1987 and 1993), it involves the 'deprivation of liberty' and as such, 'no further punishment' is supposed to be imposed for the offence for which the individual was imprisoned (New Zealand Justice Department, 1988:19).

However, prisoners, ex-prisoners and prison researchers point out that in practice, the experience of imprisonment as the deprivation of an individual's liberty carries with it a vast array of directly related deprivations and punishments, both official and unofficial, which occur before, during and after the prison sentence. (Te Wairere Ahiahi Young, 1993; Hampton, 1993; Faith, 1993; Denborough, 1996).

The goals of imprisonment, as stated by the New Zealand Justice Department (1988: 18-19) are:

1. *Retribution*; this is punishment to pay back the offender for past deeds and which

encompasses the notion that the severity of the punishment should fit the severity of the crime.

2. *Denunciation*; the punishment is a public statement of the community's condemnation of the offender's behaviour.

3. *General deterrence*; whereby the threat of incarceration is intended to deter citizens at large from committing criminal offences. This relies upon people's fear of the consequences of their offending rather than a change in their behaviour due to recognising what is right and wrong.

4. *Individual deterrence*; whereby the individual is temporarily incapacitated and expected to refrain from further crime after their release, as a result of the prison experience.

5. *Incapacitation*; whilst the individual is out of circulation for a period of time the public is temporarily protected and the offender is unable to engage in illegal actions.

6. *Rehabilitation*; prison is seen as a means of re-socialising offenders and changing their behaviour so as to bring it more into line with society's norms. This has taken the form of attempts to reform or cure offenders. In this, it aims to stop re-offending.

7. *Reparation*; the punishment is seen as redress for the individual victim rather than for society as a whole, which is the basis of retribution.

Although the concept of punishment is not specifically listed as a goal of imprisonment, as imprisonment *is* the punishment, thereby being the deprivation of an individual's liberty, it is understood that punishment as the deprivation of liberty takes precedence over and within these goals encompassing retribution, denunciation, deterrence and reparation and rehabilitation.

Central to the aim of uncovering any tensions between women's experiences of punishment and rehabilitation within prison, a substantial amount of overseas research on prisons and prisoners experiences points to significant issues of conflict between these goals of imprisonment (Faith: 1993; Hampton: 1993; Hudson: 1987 and 1993; and Bean: 1976). New Zealand prison chaplain Consedine (1993) and the New Zealand MCIPS (1989) also expose tension between these goals. In particular, commentators point out that due to the overriding punitive purpose of imprisonment, prisons are an especially unlikely environment for fostering positive empowerment and/or genuine remorse, qualities that one would assume to be essential to the goals of 'rehabilitation' and 'reparation' (ibid). In this context, Australian ex-inmate Blanche Hampton (1993, xii), cynical of the worth of imprisonment, writes:

> *That a rationalisation for imprisonment for reasons other than punishment is needed is indicative of a nagging suspicion that imprisonment is a barbaric act for a supposedly civilised society.*

It appears that prior to its demise the New Zealand Department of Justice (now Ministry of Justice, Department of Corrections and Department of Courts), was aware of certain problems between these goals within the retributive justice framework. In particular, it admitted to a loss of confidence in the effectiveness of rehabilitative measures in prisons and their 'apparent failure' (1988: 19-20), due to high crime and criminal recidivism rates.

Prison Discipline

For her book 'Prisons and Women' (1993), Australian ex-prisoner Blanche Hampton interviewed fourteen women in New South Wales prisons. She compared their experiences with prison policy and used statistics to highlight particularities of women's imprisonment. Hampton believes that many prison researchers, even with the best of intentions, frequently miss what she terms as 'whole chapters of the penal story'. She states this occurs because of most researchers' ignorance of the realities of prison life. When combined with the prison ethos of secrecy and subterfuge, which

often blinds even those who work within the prison system to significant occurrences within it, this frequently obscures key issues (Hampton, 1993).

Because Hampton's claim is substantiated by her experience both as a prisoner and as a researcher within women's prisons, her point deserves serious regard. Furthermore, the specific issues raised by Hampton, are supported by a small handful of feminist researchers (including this one) who have ventured into the domain of women's prisons (Faith, 1993; Carlen and Worrall, 1987; Mandaraka Sheppard, 1986; Carlen et al, 1985). The validity of Hampton's experience and work is enforced and strengthened by their findings and these issues are highlighted throughout the chapter.

Hampton claims the concept that prisoners are sent to prison *as* punishment not *for* further punishment is not adhered to by prison guards. She writes that there is an 'incredibly punitive' element in the attitudes of many prison guards and believes this comes from their training and from the general ambience in prisons which perpetuate it (Hampton, 1993: 126-7).

Similarly, British ex-prisoners O'Dwyer, Wilson, Hicks, Cristina and Tchaikovsky with researcher Pat Carlen (1985: 183) explain that it is in their:

> *professional character' for prison guards to be 'forgetful' and they may complicate or obstruct things as much as possible by withholding letters or parcels, delaying or holding up visits, or 'forgetting' to unlock women for exercise... As prison officers are taught during training that inmates will routinely lie, cheat, make false allegations and use serious violence against staff, it is hardly surprising that even at the beginning of their careers many officers' general attitude is one of animosity towards prisoners.*

The power dynamic between prisoners and guards is such that there can never be a relationship of equality between them. Faith (1993), has observed that even when some guards may 'bend the rules' to show they care for particular prisoners (being repaid

with gratitude by the women they assist), it is still a top down relationship dependent on altruism and appreciation.

Research also finds that there is no soft treatment for women in prison. Numerous accounts from researchers hold that women prisoners actually face disciplinary regimes much more rigid than those imposed upon men, and are more likely than their male counterparts to be disciplined for trivial offences (Carlen, et al 1985; Dobash, Dobash and Gutteridge, 1986; Mandaraka-Sheppard, 1986; Hampton, 1993; Lloyd, 1995).

Some of the 'offences' which could be regarded as a breach of prison discipline in British women's prisons are listed as: having an apple or orange in their locker, walking on certain forbidden parts of the garden, having a wash without permission (Mandaraka-Sheppard, cited in Lloyd, 1995:132). or possessing one T-shirt too many (Carlen, et al: 1985).

As one woman said to Lloyd: *'Can you imagine being put on report for walking on the grass in a men's prison? There'd be a riot'* (Lloyd, 1995: 132).

Similarly, Jenny Hicks, a former inmate writes:

> *I hated the pettiness of it all, the kind of things you were put on report*
> *for ... I lost two weeks pay; just for picking a handful of blackberries.*
> *Someone else lost two days remission just for having a piece of bread*
> *in her cell. You could be put on report for running up the stairs*
> (Carlen, 1985: 34).

Carlen et al. (1985) and Lloyd (1995) suggest that the reason behind particularly strict surveillance and control in women's prisons is to do with gendered expectations that demand much higher standards of behaviour for women as a gender than for men. Both researchers assert women are put on report for behaviour that would be tolerated in a men's prison. Again, this reflects the way in which gender is socially constructed to disadvantage women. Ideas that women as a sex should display passivity, accommodate

others' interests before their own and epitomise the qualities of politeness and graciousness firmly constrict women prisoners actions and penalise their behaviour if they indicate any opposition to the rules of gender compliance. As Faith (1993: 146) notes:

> *Within the frameworks of gender construction and modern practices of femininity, this process signifies ways by which females are taught to be acquiescent and obeisant ... It is telling in this light that male prisoners complain of being "Treated like a woman" and women prisoners complain of being "Treated like children."*

In comparing the figures on 'breaches of prison discipline' in Australia's New South Wales prisons in the period 1984-1985, Hampton (1993: 132) found a disproportionately higher number of women were charged with disciplinary offences than men. Charges were largely of a petty nature, which showed the greater policing and unnecessary interference with which women prisoners were subjected to.

Hampton also describes how a full-scale re-definition of property allowances in 1990, in New South Wales prisons, was particularly demeaning for women. New restrictions on personal property meant that all inmates were only allowed three pairs of underpants and letters and children's drawings were banned at 'Mulawa', the maximum security prison for women (Hampton, 1993: 15-16). The allocation of underwear was later increased to eight, to allow for the obvious fact that women menstruate, but not before many women had had their underwear confiscated. Such policy largely speaks for itself, it is a good example of women inmates being subsumed under prison policies designed for men and petty rule enforcement that would add considerably to internal tensions.

The hostility of many prison guards towards women inmates is often expressed with beliefs that women inmates are 'childlike' in response to the institution (Faith, 1993; MCIPS, 1989); 'more emotional', which is to say they are more expressive of their feelings (Faith, 1993); and 'more manipulative' than male inmates (Hampton, 1993; Faith, 1993). The stigma attached to women inmates as being manipulative, is

consistent with historical interpretations of women criminals identified earlier on in the text, whereby one woman criminal was characterised by the eighteenth century media as more 'morbid' and 'cunning' than any man could be, and the labelling of women criminals by Pollock (1961) as being more biologically deceptive than male criminals. Notions that women prisoners are more 'emotional' and 'childlike' in their response to prison compared to their male counterparts are also linked to patriarchal interpretations of women's behaviour that do not honour women's experience:

> ... *the practice of labelling women inmates as 'more emotional' or 'manipulative' dismisses the integrity of women's experiences and maligns their motives* (Denborough, 1996: 23-24).

However, women in prison have specific needs which men don't have and Hampton (1993) infers in this statement that what may appear to be differences in male and female inmates' behaviour, may in fact be sexist perceptions on the part of the prison guards and professionals, which come from the impact of the social construction of gender :

> *Women are seen as manipulative because they have to be, the system sets it up. Your child is sick and you want to make a phone call. The officer on your wing is not going to let you for whatever reason. So you think, I'll go to the clinic, and on my way back I'll nip into education, welfare, the psychologist, whoever's got a phone and I'll get them to do it. One of them isn't there, the other says, "I'll do it, later." You panic and think, What if they forget? So you leave a message for one, ask another one. By then you've asked three people in your anxiety. They then talk amongst themselves and find out you've asked them all and so you get written off as manipulative. What on earth are you supposed to do?* (Hampton, in conversation with Denborough, 1995; in Denborough, 1996:23-24).

In confirming the significance of gender in prison processes regarding women inmates, MCIPS (1989:161), states that references to women as 'childlike' from prison staff are belittling and only act to support institutional needs for a passive and co-operative female prison population.

In sum, the literature on punishment towards woman inmates highlights a tension between the gendered definition of women as the 'gentle' or 'docile' sex and the sexist interpretation against this standard that women prisoners are 'unwomanly'.

Offences by Inmates

An important component of punishment for all inmates is 'offences by inmates'. Whilst this issue does not relate directly to gender, it has been included in this section because as an important aspect of inmates' imprisonment which incurs punishment. In New Zealand's Penal Institutions Act 1954, many aspects of the offences by inmates listed appear either to involve a great deal of discretionary interpretation by prison officers and superintendents (the latter now known as 'managers'), without account for the context of the apparent offence, or are so broad they seem highly subjective. In section 32 (1) of the Penal Institutions Act 1954, some of the offences by inmates listed are:

(b) Is idle, careless, or negligent at work, refuses to work, or wilfully mismanages his (sic) work.

(d) Behaves in an offensive, threatening, insolent, insulting, disorderly, or indecent manner.

(i) Commits any nuisance.

(l) In any other way, offends against good order and discipline.

In this, being idle or careless at work could also relate to lack of adequate instruction, an innocent mistake or an individual's lack of proficiency in a particular task. Similarly,

sub sections (d) and (l) could cover any aspect of inmate behaviour interpreted by the prison as non compliant, non conformist or disruptive.

Section 35 of the Penal Institutions Act 1954 grants inmates the right of appeal to the Visiting Justice against any decision of the prisons' superintendent. However, due to Section 32 (1) (h), where it is an offence for inmates to repeatedly make groundless or frivolous complaints, and section 32 (2) (c), where it is an offence for inmates to make false and malicious allegations against any officer, it is possible that inmates might feel they have no hope for a just outcome from an appeal.

Any feeling of powerlessness for an inmate may likely be exacerbated with the knowledge that under section 32 (2) (d), it is an offence for inmates, without the permission of the superintendent, to combine with other inmates for the purpose of obtaining any alteration in conditions of the institution or of making any complaint. In sum, without official permission, it is an offence for inmates to even counsel one another for the purpose of a second opinion regarding treatment with a view to making a complaint.

The following subsection explores the idea that women prisoners incur punishment through lack of adequate medical care and deterioration of their health.

Punishment by Ill-Health

The official theory that no extra punishment should be incurred as a result of imprisonment appears to be particularly futile against the reality that women's health suffers seriously as a result of their imprisonment, and the suffering is exacerbated by lack of avenues for remedy. There are two interconnected themes which appear to sum up recurring issues of concern for women inmates about their health within prison, and that stand out clearly from research in this area.

The first theme concerns women's health issues and medical needs not being taken seriously by ordinary prison staff and medical staff (Morris, 1987; Hampton, 1993;

Faith, 1993; Te Wairere Ahiahi Young, 1993). Frequent complaints from women are that their health and medical problems are trivialised and given inadequate treatment; in particular, treatment of the symptoms, rather than the cause of their problem (ibid). The second theme is what appears to be a greater amount of stress in women's prisons which has been found to be linked to the separation of imprisoned mothers, from their children. (MCIPS, 1989, Te Wairere Ahiahi Young, 1993).

New Zealand's 1995 Prison Census records that women prisoners' state of health is far worse than that of male prisoners. Seventy eight percent of women inmates were receiving medical treatment, compared to only 25% of male inmates. Furthermore, the 1998 New Zealand Prison Census records that although both male and female inmates were marginally more healthy than in 1995, the sex gap between inmates remains the same with women inmates still requiring more treatment for their health problems than male inmates. However, neither Census offers an analysis as to why the majority of women appear to have health problems, or why this figure is so much higher for women than it is for men.

One reason may be that women in prison are not receiving the diagnosis and treatment they need, both in terms of preventative measures and care. Data from Australian researcher Hampton (1993), Canadian researcher Faith (1993) and British researchers Carlen et al. (1985), show women inmates experiences of medical treatment in prison are characterised by a feeling that their needs are not taken seriously by health professionals, stigma and lack of early preventative measures. Accordingly, Carlen et al. (1985), in criticising the British Prison Medical Service to women for its failing to provide adequate and timely health care, and minimising women's medical problems, suggest the reason behind this treatment may have something to do with the 'outmoded' medical-psychiatric theory of women's criminality. They put forward that many doctors' tendencies to pathologise, psychiatrise, or trivialise women's gynaecological and obstetric health issues (also a concern of women within wider society), is exacerbated in the women's prison population, where women's lack of autonomy over their bodies and dependency upon the benevolence of the institutions' health service, is something they have no control over.

New Zealand findings mirror the experience of overseas women inmates with regard to their health. Te Wairere Ahiahi Young (1993) found that for her respondents, seeking medical attention was a time when they were most unlikely to receive unpleasant treatment. One woman interviewed by the author stated:

> *"... you're treated like a fuckin' idiot. They think you're after pain-killers, they think you're after drugs. Women with gynaecological problems, you're neurotic, it's because you're locked up, you're stressed out, it's your hormones, or we can't afford it, it costs so much* (Te Wairere Ahiahi Young, 1993:115)."

Similarly, another respondent stated: *"Women do have problems, and we're not all neurotic, and it's not psychosomatic* (ibid)".

From these statements it appears the prison staff were reluctant to take the women's health problems seriously because they viewed the problems as being neurosis derived and manipulation related. However, such attitudes are more indicative of institutionalised misogyny towards women prisoners rather than the inmates deliberately adopting a pathetic disposition with suspicious motives. In this, the 1930s Freudian approach that labelled criminal women as neurotic and maladjusted would be conducive to prison medical staff failing to take women prisoners health needs seriously.

The collaboration of research from New Zealand, Australia, Canada and Britain clearly suggests a remaining presence of late nineteenth and early twentieth century notions towards women criminals within current responses to women prisoners health concerns. In this, Lombroso and Ferrero's (1895) idea that criminal women were particularly abnormal, depraved and cunning may have a bearing upon the lack of integrity modern prison staff appear to vest in women inmates health status. Similarly, as mentioned in relation to New Zealand women's experience of health treatment in prison, early twentieth century Freudian references that linked femininity and crime with the idea of

'neurosis' may also still be impacting upon women inmates health concerns receiving lack of appropriate regard and treatment within prisons today.

Stress has been found to be a significant contributing factor to ill health for mothers in prison. The 1995 New Zealand Prison Census documents that over half the female prison population (53%) had dependent children who had been living with them prior to their prison sentence, compared to only 35% of male inmates. Moreover, 68% of those mothers had, prior to prison, been bringing up their children alone. Researchers have found that because women are most commonly the primary or sole care-givers to their children, mothers in prison suffer acute stress related to their children's care, custody and welfare, which is not typically experienced by fathers imprisoned, who usually have their wives, ex-wives or partners fulfilling the role of primary care-giver to the children (Genders and Player, 1987; MCIPS, 1989; Hampton, 1993; Te Wairere Ahiahi Young, 1993). MCIPS (1989) highlights one submission from a prison doctor who emphasised the strong link between women inmates' illnesses and stress over their children:

> *The doctor considered that whether or not the women expressed deep concern for their children, in most cases they suffered a significant degree of physical and mental breakdown* (MCIPS, 1989:164).

Overseas research finds self-injury/mutilation is a prevalent feature within women's prison populations (Australia: Hampton, 1993; Britain: Carlen, et al 1985; Canada: Faith, 1993; and Heney, 1990). Whilst there appears to be no quantitative or qualitative data available on New Zealand women's incidence of self-injury in prison, information on overseas women inmates' self-injury shows it is a significant mental health problem

There are speculations as to why self-injury is so prevalent amongst women inmates compared to men. Hampton notes how charges of 'inflict wound to self' at Long Bay men's prison were not significant enough to appear in statistical form, and questions whether in men's prisons expressions of genuine distress are recognised as such, and not made the subject of further distress (1993: 32). Faith offers another perspective that the greater frequency with which self-injurious behaviour occurs in women's prisons is

consistent with theories that men are conditioned to turn anger, blame and frustration against others, whereas women often turn such feelings against themselves (1993: 243).

Rather than being viewed as a mental health issue, it appears prisons officially view self harm as a security problem. In New Zealand under section 32 (2) (g) of the Penal Institutions Act 1954, wilful self harm by prisoners is a punishable offence. Similarly, charged with 'breach of prison discipline', overseas women who intentionally injure themselves can be punished with anything from solitary confinement for weeks on end, to loss of privileges, parole and work-release opportunities (Carlen et al, 1985; Hampton, 1993; Faith, 1993).

At Australia's Mulawa Prison for Women, Hampton noted that the majority of charges for 'breach of prison discipline', were 'inflict wound to self', and the figures linked up with a disproportionately higher number of women who were charged with breaches of prison discipline, compared to men, at the equivalent men's prison, Long Bay (1993: 32).

The phenomenon of self injurious behaviour by women inmates receiving particularly harsh reprisals from prison staff links to the previously explored issue of women inmates enduring strict disciplinary regimes on a gender basis. In this, by the rigid code of femininity that prescribes gendered notions for 'ladylike' behaviour, self injury by a woman inmate would represent outright resistance to the gendered ideals of feminine passivity and grace, consequently bearing a penalty of strict corrective punishment.

Unfortunately, administrative inconvenience and the disruption of discipline and order of the institution appear to be the official prison interpretation of these women's self-injurious behaviours, not the profound pain, or the reasons for it, which induce and follow from a woman's injurious actions (Faith, 1993).

Summary

Contrary to the official definition of imprisonment being the deprivation of an individuals' liberty alone, and that no further punishment should be imposed for the offence for which the person was imprisoned, there are strong indications that imprisonment carries further custodial penalties for women on the basis of their gender, and in terms of arbitrary use of power.

Inside prison, women face strict disciplinary regimes and close surveillance by prison staff which typically involves being sanctioned and penalised for trivial offences, for breaches of discipline women inmates claim would not be meted out to inmates in men's prisons. This may reflect a phenomenon of greater control in women's prisons on the basis of their gender, and processes whereby women are expected to be obedient and passive, simply because they are female. Arbitrary punishment and discretionary control processes within custody appear to be viewed by inmates as additional punishment to the deprivation of liberty in prison.

General issues of dependency and subordination for prisoners, are seen to be compounded for women inmates because of the way in which the social construction of gender denies female autonomy and independence. Furthermore, stereotypes of penal administrators that women prisoners are 'childlike' in their response to the institution and more 'emotional' may be attributed to patriarchal interpretations of inmates behaviour that fail to honour the integrity of women's experiences and restrict their autonomy.

Moreover, due to the broadly interpretative nature of offences by inmates in New Zealand's Penal Institutions Act 1954, New Zealand prisons have a large amount of legislative discretionary power to both punish inmates and keep inmates from asserting their right of appeal against decisions made.

Another way in which women are punished in prison is by ill health. In this, New Zealand women's health status in custody, mirroring the experience of Australian, Canadian and British women prisoners, has been found to be far worse than that of

male inmates. This has been attributed to generally higher levels of tension in women's prisons due to mothers being separated from their children as well as women's health issues and medical needs not being taken seriously by staff. It has been suggested that failure to take women's health issues seriously within prisons may be attributed to the pervasiveness of Freudian perceptions of criminal women as neurotic and a general pathologizing of femininity that has traditionally been associated with women criminals.

In terms of mental health, higher incidents of inmate self harm in overseas women's prisons than in men's are suggested as being linked to generally higher stress and tension levels in women's prisons; not on the basis of female biology, but again, because women's needs and concerns may not be taken as seriously as those of male inmates. However, as the official prison response to such incidents is to view them as a disruption of institutional order and discipline, little appears to be being done to address the reasons for the higher amount of self harm incidents in overseas women's prisons.

Having established a broad review of the official definition of imprisonment as punishment, and related this specifically to the literature on women inmates' experience of punishment within prison, the following chapter explores issues arising from literature on the theory and culture of rehabilitation in prisons and relates these to women's experience of imprisonment.

CHAPTER FOUR

THE THEORY AND CULTURE OF
REHABILITATION IN PRISON

The French word 'habiller' means to 'dress' or to 'wrap up'; to be
rehabilitated is to start life anew, once again fully clothed in the
garb of respectability with one's dignity restored (Faith, 1993: 125).

Introduction

For the latter half of the twentieth century, rehabilitative philosophy has been an
established feature of imprisonment. Today, the ethos of rehabilitation continues to
make a significant moral and practical contribution to the management of all prisoners
in custody. With particular reference to gender and women prisoners, this chapter
explores the theory, historical context and implications of rehabilitation in prison.

Rehabilitation Theory, Prison and Women

According to Faith (1993), the origins of the concept of rehabilitation appear to be
metaphorically derived from the ancient method of 'banishment', practised in some
form or other by many early cultures. Although Faith does not provide any examples of
such cultures, she claims banishment involved the loss of an individual's dignity
through being cast into the wilderness to contemplate one's antisocial behaviour. Once
the person had attained forgiveness and absolution through appeals to, and communion
with their gods, as well as their own conscience, she or he would regain the right to be
part of society.

Philip Bean (1976:1) writes that rehabilitation in the modern context of the penal
system means being sentenced to receive help. From the late nineteenth century through
to the 1980s, there has been a strong belief within western criminal justice domains that

the application of rehabilitative practices to criminals and 'deviants' (that is, anyone in an adverse position to the law) could, and would, provide a solution to crime and recidivism. The burgeoning growth in social workers, psychiatrists and probation officers in western criminal justice processes in the last half century is an outcome of this investment in rehabilitative philosophy towards prisoners (Bean, 1976; Hudson, 1987; Hampton, 1994).

The basic components of rehabilitation theory are listed by British criminologist Barbara Hudson (1987: 5-8) as individualism, pathology and the image of a powerful and benevolent state intervening in the lives of inadequate citizens to rescue them from depravity. In this, rehabilitation involves a particular focus by the state upon the individual to determine the cause of the individual's law breaking behaviour, in order to then bring about change within the person through remedial activities so that they desist from crime. Hudson (1987) also points out that rehabilitation theory uses 'determinism', the philosophy that all events are determined by preceding events, in order to ascertain the individual context within which the person's lawbreaking can be seen to occur. Therefore, by adopting a type of 'chain reaction' or 'domino' analysis of individual offending, the rehabilitation ethos tries to establish the actual 'causes of crime', which it then addresses in order to precipitate personal change.

Bean (1976) identifies a key principle in applying rehabilitative theory to criminals and prisoners as being a strong tendency for criminal justice authorities to view criminals and prisoners as belonging to what he terms the 'disease' model. He explains that professionals needed to believe that these people's mental characteristics were somehow 'abnormal' in order to attempt rehabilitation (ibid).

In terms of power and gender issues for women prisoners, the 'disease' model fits Freud's 1930s condemnation of criminal women as maladjusted and abnormal. It also fits Lombroso and Ferrero's 1895 similarly alarmist perception of these women, both of which, as has been explained in Chapter Three, relied upon heavily patriarchal endorsements of male superiority and female inferiority for their biologically deterministic rationales. Clearly then, any exploration of the significance of

rehabilitation for prison inmates, should include a consciousness of links between misogynist theories that have contributed to the differential treatment of women inmates on the basis of their gender, and the reliance of rehabilitation philosophy upon ascertaining some form of abnormality, in those women.

In agreement with Bean's explanation of rehabilitation's reliance upon a 'disease' model for criminals and prisoners, Faith (1993) implies that the concept of rehabilitation relies upon the identification of certain faults within the individual and / or shallow tendencies, in order to 'cure' them:

> *The idea of rehabilitation is most consistent with the belief that criminal behaviours stem from certain flaws or weaknesses of the individual. Attention shifts from the event of the crime to the person who "falls" from grace due to sin or sickness... or who, in deviating from consensual (sic) behaviour norms, violates an abstract social contract, whereby each individual has a responsibility to contribute to society in exchange for the state's protection of his or her human rights. In this paradigm such individuals can be "saved", "cured" or otherwise "reformed" through combinations of religious and moral instruction, psychological treatment and / or vocational training in combination with the behaviour modifying effects of losing one's freedoms* (Faith, 1993: 125).

Rehabilitation in Prison, a Contradiction in Terms?

Hudson (1987, 1993) has extensively explored the modern practice of rehabilitation within the British criminal justice system from the late nineteenth century through to today. Hudson has found that the recent historical origins of rehabilitation towards prisoners (to distinguish from it's earlier 'banishment' origins) in Britain and the United States, actually stems from the old established practice of reformism in prisons. In order to understand the nature and extent of the role of rehabilitation in the prison

environment, it is crucial to clarify exactly how reformism and rehabilitation both differ and relate, philosophically and in practice.

Hudson (1987,1993) establishes that the basic tenet of reformism is the idea that the reform of the individual is to be effected *through* punishment. The assumption of reformism is that individuals deliberately *choose* to break the law and that so long as the prison sentence represents a punishment to equal the crime, the individual will, (again of their own free will) choose not to continue criminal activity, because the penalty will outweigh the benefit. In this, reformism is concerned primarily with retribution as a way to precipitate change in offenders; it is not concerned with identifying the causes of crime.

The crucial difference between reformist and rehabilitation theory in prison is that rehabilitation is not reliant upon punishment in order to bring about change. The overall difference between rehabilitationist and reformist philosophy in the prison context is that reformism entails the reform is to be effected *through* punishment whereas rehabilitation entails that reform *accompanies* punishment (Hudson,1987). In this sense, rehabilitation theory is morally at odds with the theory of retribution and therefore reformism because it seeks to help individuals on the basis of the belief that they are the unfortunate product of their own individual circumstances (ibid).

To reiterate the critique of rehabilitation as a goal of imprisonment made by several commentators in Chapter Three, the grafting of rehabilitation philosophy into the essentially retributive prison context, is an ungainly match between two quite opposing value bases. Whereas the reformist agenda relied upon the 'free will' of an individual to change as a result of being punished, rehabilitation entails a much more comprehensive agenda towards the individual.

Because prison is an essentially retributive institution, logically more suited to a reformist agenda, the advent of rehabilitation within this environment has not occurred without significant trade-off on the behalf of rehabilitation. Accordingly, it is central to the significance of rehabilitation within prison to realise that although rehabilitation

departs from reformism in a philosophical sense, in practice it has *inadvertently intensified* the reformist regime within prisons (Hudson, 1987; Bean, 1976). In this sense, it has not been possible for rehabilitation to simply parallel or accompany retribution within prisons. Instead, many researchers have observed that rehabilitative ideals have become incorporated as aspects of punitive routines and methods of reprisal within prisons at both a structural and individual level (Faith, 1993; Hampton, 1993; MCIPS, 1989; Denborough, 1996).

Therefore, the claim made is that despite rehabilitation's philanthropic and emphatic intentions, its' application within prisons means that any 'curative' efforts towards inmates are inevitably re-adapted into methods of 'coercion'. As MCIPS (1989: 35) stated most poignantly:

> *The overriding culture of prisons is punishment through deprivation... Wherever such a culture exists, the chance of therapeutic treatment being successful is minimal because one of the primary requirements of successful change is an atmosphere of hope, self determination and an opportunity to learn new ways of behaving. This is rarely possible in a prison, where the overwhelming emphasis on security necessitates bars on windows, a strict and rigid daily routine and the removal of any prospect of self determination.*

At a structural level, classification of prisoners is a significant outcome of the impact of rehabilitation within prisons. Bean (1976) and Hudson (1987) note that systems of classification within prisons came about from early rehabilitative efforts because dividing women and men into categories of corrigible and incorrigible provided a basis to categorise their rehabilitative needs. This also provided a means to increase surveillance and control over the inmate population as a whole. Rather than determining what type of *crime* had been committed, as had been the motivating factor for reformism, the rehabilitation mandate called for people in the 'helping' and 'diagnostic' professions to determine what type of *criminal* was being dealt with

(Hudson, 1987: 8-10). This was reflected in the development of security classifications within prisons - from minimum to medium and maximum security.

Hudson (1987) has concluded that due to the way in which rehabilitation strengthened the links between reform and retribution in prisons, the control of 'deviants' became a substitute for any far reaching social reform:

> *Rather than the misfortune of the individual resulting in a transformation of the state, the state empowered itself with the right and duty to transform individuals. No longer was the role of the state to give space and opportunity to criminals to change themselves, the role of the state was to intensify programmes and bring about the desired change itself* (Hudson, 1987).

At an individual level, the significance of classifying inmates on the basis of their corrigibility meant that rehabilitative opportunities such as work and education became privileges on the basis of an individual's malleability to the institution and accordance with prison staff expectations for inmate conduct (Hudson, 1987). Similarly, opportunities such as recreation and parole became rewards for behaviour that accorded with the rehabilitative ideal (ibid). Effectively, this intensified the measure of control and coercion institutions had over prisoners.

Another important issue, which belies the rehabilitative promise behind prison security classifications, is the effect of the inmate's ability to 'play the system'. Being transferred from maximum to medium security is not necessarily representative of the inmate's rehabilitation, or staff's ability to accurately judge the integrity behind an inmate's compliance with prison protocol. As Hampton (1995: 16) writes:

> *From the time of arrest, it is clear that the sooner a prisoner learns to present those with power over his or her life with what they want to hear, the better.*

Therefore, an inmate's progression up or down the security classification ladder does not necessarily signify or fail rehabilitation, but may instead be an example of the inmate's personal resourcefulness, or self determination - one way or the other.

The Ineffectiveness of Rehabilitation in Prison

The determinist foundation of rehabilitation theory has provided many criminologists, penal administrators and politicians with great hope in the belief that if human behaviour obeyed causal laws, the causes of crime and recidivism could be discovered and eradicated through rehabilitation (Bean, 1976; Hudson, 1987).

However, by the 1980s, criticism of rehabilitation as a solution to crime and recidivism became the orthodoxy of the day (Hudson, 1987). This followed the emergence in the 1970s of a sociological position known as 'labelling theory' (Hudson, 1987; Bean, 1976) which held that treatment and intervention could themselves lead to deviant behaviour. Meanwhile, the social and political context of steeply rising crime rates in all western countries and widely publicised disturbances in US and British prisons, similarly contributed to doubt around the merits of rehabilitation in prison (ibid).

Another problem recognised during this time was what became known as the 'contagion effect' (Hudson, 1993). Whilst on gender grounds the concept of 'contagion' connotes the historical pathologizing of femininity in female criminals, it refers to a belief that imprisonment encourages criminality amongst the less criminally initiated and is therefore an adverse environment to attempt rehabilitation. Coinciding with financial problems of western capitalist states, these issues provided justification for a reduction in government spending on the welfare of prisoners during the 1980s (Hudson, 1987). As identified in Chapter Three, New Zealand's Justice Department officially admitted to a loss of confidence in the effectiveness of rehabilitative measures in prisons during this period, noting their 'apparent failure' (New Zealand Justice Department, 1988: 18-19).

However, to date there has been no authoritative recognition within the New Zealand criminal justice sector of the problem of rehabilitation adopting a coercive rather than curative nature within prisons. As it appears, rehabilitation as a solution to crime and recidivism was labelled a failure by penal policy makers without comprehensive and critical evaluation of the role of rehabilitation in prison regimes to establish the reasons for its failure.

From the early 1990s, New Zealand prison policy statements and discourse have been characterised by a strong emphasis upon the concept of 'habilitation' as an alternative to the traditional use of rehabilitation. This is due to a recognition that habilitation, which simply means 'to equip' and 'to make fit for life', was more appropriate for prison inmates than the idea of rehabilitation, which has a more restorative meaning, and appears to infer that criminals return to the same situation they were in prior to imprisonment.

However, on a practical implementation level, habilitation appears not to have offered inmates anything radically different from the traditional idea of rehabilitation. In this, the idea of habilitation has been to give inmates the skills they are perceived to need to avoid re-offending and to help them to reintegrate into their families, the workplace and the wider community. In practical terms this is exactly what rehabilitative efforts attempted to do in the first place.

Accordingly, it appears the adoption of the notion of habilitation over rehabilitation was of rather conceptual than strategic significance for prison operations. It is questionable to what extent the replacement of the notion of rehabilitation with habilitation has actually altered the motivational rationales and tasks of staff undertaking custodial, diagnostic and social work requirements within New Zealand prisons.

Research by New Zealander Julie Liebrich (1991) suggests the pervasiveness of rehabilitation as a value in the motivational culture of probation staff working with ex-inmates. Liebrich (1991) conducted an extensive study within the Corrections division (now the Department of Corrections) in an attempt to ascertain what theories were most

valued by it's staff. From interviews with all National and Regional Managers and a random sample of probation officer field staff from eight districts, Liebrich found that the strongest emphasis of theories held by the staff was upon the rehabilitative ideal. Seventy eight percent of those interviewed thought that the growth of self esteem and resolution of personal problems were key elements in reducing criminal recidivism, and these were noted as rehabilitative properties (1991:16-18). Liebrich's findings are relevant to prison inmates because probation officers not only visit prisoners, they are involved with convicted people by making sentencing recommendations to judges, and post prison release with parole and supervision requirements.

Very recently, perhaps due to an acknowledgement of the value Department of Corrections staff place upon the rehabilitative ideal (at least according to Liebrich's 1991 findings), and possibly also due to the relatively esoteric nature of 'habilitation' as a concept next to rehabilitation, official prison discourse has returned to an emphasis upon rehabilitation. This is evident in a 1997 flow chart outlining how the Public Prisons Service intends to achieve it's corporate mission which lists *rehabilitation of inmates'* as a *'management priority'* (DOC, 1997 a). The flow chart is accompanied by an explanation of how the Public Prison Service intends to arrange the relationship between inmates rehabilitation, security and treatment needs.

Therefore, despite an official swing away from faith in rehabilitation as a definitive solution to crime, it appears that rehabilitation theory remains a significant feature of New Zealand prison operations today. Accordingly, this chapter proceeds in the belief that rehabilitation is an official goal of imprisonment.

Rehabilitation's Inadvertent Enforcement of Punishment in Prisons

Two main issues stand out from the literature on rehabilitation in contemporary prisons. The first concerns the 'feasibility' of rehabilitation in prison. In this, rehabilitation has been identified as problematic because of its intensification of reformism within prison which exacerbates the institution's propensity to punish.

The second issue emanating from the literature on rehabilitation in prisons, particularly from recent feminist research on this topic (Faith: 1993; Hampton: 1993), is a challenge to the 'appropriateness' of rehabilitation. This is because of the way in which rehabilitation regimes focus solely on the individual as problematic. Whilst not dismissing the importance of emphasising personal accountability for wrongdoing, which relates to the prison goal of reparation, this issue is more a challenge to the rehabilitative assumption that the crime for which a woman is imprisoned necessarily indicates something specifically lacking, unresolved or malfunctional within her.

In terms of the feasibility of rehabilitation, as explored in the previous sections of this chapter, the contradictory objectives between rehabilitation and punishment within prisons have inadvertently resulted in the diversion of rehabilitative goals to the retributive nature of penal custody. This has occurred because of the way in which rehabilitation has encouraged classification of inmates on the basis of deviance, as well as enabling greater discretionary power to prison regimes for the granting and withdrawal of inmate privileges on the basis of perceived rehabilitative needs.

Accordingly, former New Zealand prison chaplain Jim Consedine conveys his logic on the feasibility of rehabilitation:

> *... you cannot punish and reconcile at the same time.... programmes*
> *are useful within prisons, but the negative framework of punishment*
> *within which they are conducted nearly always negates the possibility*
> *of substantial positive change... Contradictory objectives can only*
> *lead to stalemate or total paralysis. This is not a problem of opinion*
> *or ideology. It is simply a question of logic* (Consedine, 1995: 157).

Hudson (1987, 1991), writing in the British context is also of the view that rehabilitation fits uncomfortably with the purpose of prison:

> *... rehabilitation? Apart from being something of a parvenu concept*
> *in penological discourse, rehabilitation seems not so essential to the*

idea of punishment; rather, it seems a tangential aim of the application of penal sanctions, an outcome which though it may be desirable in itself, may be unachievable within penal systems, and may be better brought about if separated out from penal policy and practice (Hudson, 1987: 1).

To illustrate the contradictory objectives of punishment and rehabilitation, and in support of the claim that rehabilitation within prison is futile, Faith (1993) provides a statement from a Canadian ex prison officer who describes her former role:

We controlled every moment of the lives of the women we guarded. We told them when and where they could go, when they could eat, shower, sleep, when and with whom they could talk. We strip searched them after an afternoon visit with their children. We made them work to acquire skills, but told them they were only capable of sewing, mopping floors, or preparing food. We confiscated their personal belongings. We read their mail. We threw them in the "quiet room" for punishment. We were the ones who took away their dignity ... [We] were disempowering them and setting them up for failure once back on the street (Bordt, 1992; in Faith, 1993: 162).

The clear message from commentators Consedine (1995), Hudson (1987, 1991) and Faith (1993), is that prison, by its culture of the indisputable endorsement of punishment, discipline and control, makes it extremely difficult for prisoners to retain personal integrity and / or show any genuine repentance, qualities that would appear to be consistent with the 'ideal' of rehabilitation. Hampton (1993: 146) expresses her rage at the injustices she and other women had to survive as inmates, in the name of both retribution and rehabilitation:

I'm locked in here because of my behaviour. My behaviour was not as reprehensible as that being meted out to me. Society condemns my behaviour but accepts the way I am treated. I don't accept society's

views on the treatment of inmates as I am experiencing it. I can't see
how it improves anything as what remorse I may have felt has long
since been replaced with anger and cynicism ... I see the reports
written about me and know them to be false, I mouth the words
required about my desire to rehabilitate and nearly choke, but not
quite. There is only one game in town, getting out of this place. After
that you can all go to hell, with your fantasy legal system, your
fantasy penal system and your fantasy society.

As an explanation for her above statement on her response to prison life, in conversation with Denborough (1996: 29), Hampton describes how the prison context constantly demands that those inside define themselves as 'criminal' and 'bad': *"Every time you want something, every aspiration, every lack in your prison life is blamed on the person you are, every day."* This relates to rehabilitation theory's pathological focus on the individual as well as what Bean (1976) termed the 'disease' model towards prisoners, which Faith (1993: 125) similarly identified as a belief that criminal behaviours stem from certain flaws or weaknesses in the individual.

Hampton's description of the process of constant blaming and labelling of prisoners as 'deviants' by prison staff may be attributed to the official goals of imprisonment. New Zealand's prison goals of retribution, denunciation and deterrence (DOJ, 1987) embody an implicit assumption that the criminalisation process has been conducted in a fair and neutral manner. Accordingly, the offenders are seen to deserve the punishment they receive because it is authorised by the goals of imprisonment.

Rehabilitation and Gender

In terms of the appropriateness of rehabilitative efforts towards women inmates, this issue translates into the questions of how the gendered, inherently punitive culture of prison delivers rehabilitative practices towards women inmates, and what the impact of this is upon their prison experience. Illustrating the intersection between gender, rehabilitation and punishment for women prisoners, an inmate from Mount Eden Prison

in New Zealand gives her account of the irony behind a rehabilitation program, when women were simultaneously treated by staff with discipline characteristic of paternal attitudes towards children:

> *"They have that course in here for some sort of new direction for women or something like that. From what I can gather ... it's an ego thing, a self esteem builder and all that sort of thing. My self esteem was fine until I got here ... it's okay while you're in that room and listening to these women - "you've got to like yourself", "don't put yourself down", and this sort of thing - and you walk out of that room and into your wing and you're told to go and clean your room ...* (Ariana) (Te Wairere Ahiahi Young, 1993: 114)."

From this account, the rehabilitative ideal within prison is negated by the disciplinary/ punitive environment which is seen to prevent inmates from using any new-found assertiveness skills they may have learnt during the course, whilst in prison.

Both Hampton (1994) and Faith (1993) raise another concern on the grounds of gender that relates to Ariana's account of the self esteem course for women inmates in Mount Eden Prison. They identify a strong pattern of therapists, psychiatrists and seemingly empathetic professionals within women's prisons who view many of the women as having low self esteem. Without disputing Ariana's point that the strict paternalistic culture of women's prisons towards inmates is likely to be debilitating for any woman's self worth, Hampton (1994) and Faith (1993) point out that low self esteem tends not to be a stereotype that is applied to male inmates and it is often accompanied by a tendency of professionals to label the women as 'victims'.

Moreover, Hampton (1994: 9-10) suggests that labelling a woman a victim is a way of rendering her voiceless and may therefore be used as a silencing mechanism for the advantage of those with power over her life:

In this sense victims are weak, unstable, passive, dependent and probably don't know what's good for them. They are be definition abused - by their parents, their partners, the world and life in general. Victimhood makes a virtue of parading passivity and past hurt, of ignoring achievement, responsibility and the social, political and economic factors which may have contributed to perceived abuse. All they think, feel and understand can be summed up in the attributes of the label. This is very convenient for the labellers as it saves them from actually having to find out about or listen to their clients ... None of this is to deny the miserable experiences of many inmates, but adopting the 'victim' label doesn't remedy experiences one iota.

Hampton's analysis validates the 1970's sociological position of labelling theory (Hudson: 1987, Bean: 1976) where treatment and intervention were recognised as being able to potentially reduce an individuals' likelihood of rehabilitation.

According to Hampton's definition of victimhood and analysis of its consequences for women prisoners, any perception of the women as victims, is likely to result in a narrow perception of the women's experiences and identities that will offer little insight into their true needs and fail to rehabilitate them. In terms of gender considerations, this is likely to have a coercive effect by confining women to misogynist interpretations of their identity and experiences. Alternatively, it would be more ethical and appropriate for people in the diagnostic and helping professions in prisons to view the women as 'survivors', from or in an environment hostile to their needs.

An example that supports Hampton's (1994) and Faith's (1993) claim that professionals in women's prisons are quick to label women inmates as 'victims' is an article by Dr Patricia Easteal (1994): "Don't talk, Don't trust, Don't feel" which likens the culture of women's prisons to a dysfunctional household. Not coincidentally, Easteal's choice of a domestic analogy echoes mid twentieth century reformist efforts that remodelled some

women's prisons along the lines of a 'cottage system' which was meant to correct women inmates' apparent feminine dysfunction in the domestic arena.

In this analogy, Easteal writes that the women will be characterised by:

> *... low self esteem and deeply embedded feelings of shame ...* (which may lead to) *alcoholism, drug abuse, other forms of dependency, and / or adult relationships marked by victimisation* (1994: 53).

The level of Easteal's commitment to viewing women prisoners as 'victims', rather a 'survivors' with the ability to improve their lives beyond prison, is summed up in her concluding paragraph:

> *The plight of women in prison is tragic. Tragedies end in misfortune and the viewer can sense the impending doom ... the sense of tragedy is pervasive* (1994:57).

Faith (1993) suggests any assumption women in prison have low self esteem may well be a blaming or condescending projection by class biased people who can't imagine that women with so many problems could think well of themselves. She makes another suggestion that because most women imprisoned have had to hustle in some way to survive, it is possible that they may have a greater sense of their resourcefulness than many other women, even when their means of survival may appear self destructive to others.

Again as independent researchers and authors, both Hampton (1994) and Faith (1993) show concern at what they observe as a tendency of many professionals working with imprisoned women to see the cause of their law breaking behaviour as their 'victimhood', from such variables as poverty, drug abuse, sexual abuse and violence. However, without discrediting the grave and pervasive reality of such variables, and their impact on many women's lives, Hampton points out that they do not necessarily predispose women to jail:

While there may be a correlation between abuse and a range of law breaking behaviour, cause is more elusive, especially in the case of 'victim inmates', when you consider all the people in 'dysfunctional' families who don't go to jail or use drugs, or who use drugs and don't go to jail (1994:10).

This also ignores the many impoverished people who never steal. Hampton's (1994) analysis that 'causes' of lawbreaking behaviour are elusive highlights a problem with the pathological and determinist features of rehabilitation. It also raises a question of how these features of rehabilitation, in terms of assessing the individuals' need, might be shaped by the variables of gender and control towards women prisoners. In this, under the auspices of 'help' rehabilitative programs in prison may maximise institutional control over women inmates by not helping the women to help themselves for the purpose of maintaining institutional conformity, dependency and the feminine gender ideal of passivity.

Accordingly, and cynical from her own experience as a prisoner in Australia, Hampton spells out the overall problem with rehabilitation in prisons:

On realising that the vast majority of prisoners pose no great threat to anyone, it isn't hard to see how those charged with the close examination of our prisons ... try to ameliorate some of the worst aspects of what they find. It only remains to specify the assistance that should be given - drug and alcohol counselling, sexual abuse counselling, courses and work opportunities - and how much to spend. There is only one small problem - therapies in this context become inextricably caught up with the coercive nature of the system ... while an inmate may refuse to participate, there are immediate benefits and penalties in the balance. When we reach out a hand, is it to help or control? (1994: 4).

Hampton's analysis clearly raises the issue of power in the rehabilitation/prison paradigm. In this way, a woman's 'consent' to counselling, therapy and courses designed for the rehabilitation of prisoners, may be more informed by her knowledge of the likely retributive consequences for her within prison if she refuses to comply, than her genuine interest.

Similarly, Bean (1976: 46) strongly critiques the way in which rehabilitation's diagnostic approach plays down or ignores the influence of power. Many feminist researchers in women's prisons have also pointed out the way in which the rehabilitative ethos fails to pay attention to wider structural factors such as race, class, gender and sexuality, and the social significance of these variables to do with crime and who gets imprisoned (Faith, 1993; Hampton, 1994; Lloyd, 1996; Carlen, 1989).

Summary

Whilst the theory of rehabilitation is not reliant upon retribution to bring about change within prisoners, research finds that it in practice and effect the onset of rehabilitation in prisons has strengthened coercive and disciplinary regimes towards prisoners. Whilst rehabilitation in the prison context means being sentenced to receive help, the overriding retributive purpose of imprisonment means that rehabilitative efforts must adapt to this dominant framework and 'curative' efforts towards inmates often manifest as coercion.

In this way, rehabilitative practices towards female inmates have endorsed the well established pattern within women's prisons of decision-making towards inmates on the basis of specifically gendered ideals for their discipline and treatment. The significance of this issue for women inmates needs to be considered in terms of the feasibility and appropriateness of rehabilitation in relation to gender. In this, the crime for which a women is imprisoned does not necessarily mean that there is something specifically malfunctional, lacking or unresolved about her *as a woman*.

A strong example of the intersection between gender, punishment and rehabilitation theory and practice for women inmates is the stereotype that they suffer from low self esteem, not as a result of imprisonment processes but because of a perception that they are in some sense 'victims' of their life circumstances. However, the victim/low self esteem ideology may be used as a silencing mechanism for the advantage of professionals who, in the name of rehabilitation, have a great deal of power over the women's lives. In this sense, rehabilitative efforts towards imprisoned women may be utilised as agents of patriarchal control by requiring women to conform to limited gender stereotypes of their identity and similar behaviour standards. Also, rehabilitative attention towards issues of abuse and economic or emotional deprivation in women inmates lives have a tendency to focus on the individual as problematic at the expense of recognising the impact of structural factors in women's lives.

A woman's participation in rehabilitation programmes within prison does not necessarily indicate the appropriateness of the rehabilitative diagnosis or programme to the inmates' needs. An inmates participation may have more to do with her knowledge of reprisal within prison if she refuses participation, or her involvement being likely to contribute to parole privileges, than her actual informed consent or real need for that programme.

This chapter concludes the end of Part One. Part Two consists focuses upon structural change to New Zealand prison management within the context of New Zealand state sector reform. It identifies ideologies behind the reform process and locates their influence within the structure and style of prison management today. The ways in which these new structural and administrative priorities for resource management within prisons may converge with rehabilitation theory, and some implications for women inmates are also explored.

PART TWO / CHAPTER FIVE

STATE SECTOR REFORM AND STRUCTURAL CHANGE FOR NEW ZEALAND PRISONS

Introduction

This chapter reviews ideological influences and legislation that have brought about major policy changes within the New Zealand prisons system during the 1990s. State sector reform since 1984 is established as the chief structural and policy context for these changes. The provision of a clear structural basis and political context for current prison management is an important reference point to women inmates' experiences and situation in prison.

Ideological influences for the re- configuration of the New Zealand state sector appear to be a cross fertilisation of neo classical political philosophy and classical liberal economic ideology into key legislative changes, policy and administrative styles for public service management. This chapter identifies these influences and draws some important links from them to prison management.

Accordingly, policy and operational changes to New Zealand prison management stem both from legislation underpinning the entire state sector reform process, namely the State Sector Act 1988 and the Public Finance Act 1989, and the division of previously joint policy and service provider functions of government departments into separate portfolios. In 1995, the latter resulted in the demise of the Department of Justice and it's replacement by the Ministry of Justice, which performs a chief policy role, and the two separate entities of the Department of Courts and the Department of Corrections (DOC). The DOC includes the Public Prisons Service (PPS). In this, the DOC role is largely prescribed by the Ministry of Justice, which ensures its performance of primarily operational, service provision tasks at the ground level are consistent with the overall policy direction of government. This key structural change for prison

management is considered in relation to the notions of provider and ideological capture. These notions relate to theoretical influences behind both legislative and administrative changes behind, and within, the state sector reform process.

This leads to a review of previous New Zealand research to provide some empirical details of the results of prison management reform. Outlined are the ways in which the reforms brought structural constraints to the public service, which caused upheaval and re-ordering within prison management and operational frameworks. This is shown through staff and inmate experiences of the actual change process. To show some of these key changes, examples from Arohata's 1996/97 Management Plan are highlighted, and the implications for inmates discussed.

The most recent structural change for prisons has been the onset of 'Regional management' a policy that essentially attempts to manage clusters of prisons within individual regions through a single purchaser/ provider contract to each region. Key aspects of this change are also outlined.

Towards State Sector Reform

As with all institutions, the way in which prisons are managed, and the policies that frame their management, are the fundamental apparatus that determine the experiences of inmates inside prison, and to a large extent influences what they take from that institution on release. This includes the management of resources and the ideology that determines criteria for resource distribution. For women inmates, this powerful structural framework forms the social, material and ultimately political conditions of their imprisonment; such as how they are occupied day-to-day during custody, on what basis they receive parole and how the institution responds to them as women.

Reform of the state sector following the election of the Fourth Labour Government in 1984 has hugely altered the structure and functioning of the entire New Zealand Public Service. This has affected the ways prisons are run and consequently the experience of imprisonment for inmates. In order to understand the ideologies behind the

determination of current criteria for resource distribution to prisons, and the management framework through which the implementation of prison policies occur, it is essential to place these factors within the wider context of state sector reform.

Prior to the general elections of 1984 and 1987, influential briefing papers for the incoming Governments were prepared by Treasury; these were subsequently published under the titles 'Economic Management' (Treasury, 1984) and 'Government Management' (Treasury, 1988). Economic Management highlighted the poor economic performance of the state sector and the domestic economy in general, with heavy criticisms of the Public Service for having no clearly defined goals or management plan; few control mechanisms to review departmental performance in meeting their output requirements - namely the goods and services produced by government departments; too much emphasis on inputs - that is the resources used in the production of outputs; and not enough emphasis upon outputs (Boston, Martin, Pallot and Walsh, 1996).

Treasury outlined the steps which it considered should be taken by the new Government to correct these areas; it recommended clear objectives and appropriate incentives for Public Service Departments' performance, clear accountability, and tighter delegation of authority and responsibility (Boston, et al, 1996; Kelsey, 1996; Goldfinch, 1997). The fourth Labour Government rapidly implemented Treasury's recommendations for the Public Sector over the next three years. The subsequent document 'Government Management' pre-empted the New Zealand public service reforms of 1986-1995 by the National government and then in coalition with New Zealand First between 1996-98.

According to Boston et al. (1996) and Kelsey (1996), the specific reasons for state sector reform were public indebtedness, fiscal imperatives, and a new emerging theoretical basis. The action the state took was to implement structural changes for a smaller state sector and more extensive reliance upon market mechanisms for management - namely contracting out, corporatisation, commercialisation and an overall preference for private sector business techniques in all aspects of resource management and organisational structure. In this, the main changes to the state sector

occurred between 1984 and 1995, and in broad terms the focus was upon structures, systems, corporate planning, remuneration policies, information technologies and in particular fiscal restraint (Kelsey, 1996). Boston et al. (1996) sum up the reforms as being about an overall political desire for bureaucratic reform and an over-riding emphasis upon economic imperatives.

The Policy Context: Neo Liberalism and Classical Liberal Economics

Several commentators have remarked that one of the most striking features of New Zealand's public sector reforms was the way in which Treasury, which was the chief institution for the advocacy of ideas behind public sector reform and their translation into policy, claimed that its extensive involvement in this process was neutral, objective and value free (Boston et al, 1996; Kelsey, 1996; Goldfinch, 1997; Hyman, 1992). Key Ministers who shared the views of treasury were also influential. However, the reforms were shaped by particular bodies of economic management theory, all of which share an affinity with neo liberal / New Right political ideals (ibid).

The term 'New Right'[1] refers to a broad policy-orientated agenda that received most prominence during the late 1970s and early 1980s under Britain's Thatcher Government and the United States' Reagan Administration (Goldfinch, 1997).

Classical liberal economics, the primary economic policy tool of neo liberalism, refers to an economic ideology which sees the economy as a self-regulatory mechanism following natural laws (ibid). The extension of classical liberal economics within the state policy context has become known as neo liberalism. Neo liberalism highlights policy decisions based on political rationales that prioritise the economic market place as the primary regulator and distributor of resources across society.

---

[1] This term is used here but it is noted that it is not without it's detractors; the ideas behind classical liberal thought are hardly 'new'. Some authors, Cheyne, O'Brien and Belgrave (1997), prefer to refer to this body of thought as 'neo-liberalism'.

Due to a belief in the self regulating properties of the market, neo classical[2] theory does not advocate a primary role for the state as redistributing resources to ensure social equity and welfare (Barry, 1987). Within this rationale, the market is seen to allocate resources on the basis of supply and demand, with the belief that all individuals have equal opportunities and prospects for reaping its benefits.

However, critics of neo classical economics note the lack of empirical verification to back up the validity of these assumptions (see for example Goldfinch, 1997; Kelsey, 1997; Bunkle, 1995; and Hyman, 1992). Neo-classical economics views all individuals as 'rational utility maximisers'. The concept infers that individuals will only engage in activities if the benefit of doing so outweighs the cost (Barry, 1987). However, as highlighted, the assumption behind this is that all individuals have equal opportunities. The concept also infers that society and the economy, or the 'market', is simply the total sum of their individual actions, wants and needs (Goldfinch, 1997). This primacy afforded to the individual, as opposed to the collective, downplays the roles and influence of power, gender, class and race variables in the regulation and distribution of economic resources. This, of course, is relevant to any discussion of the experiences of women in New Zealand prisons.

An alternative view is that the management of public finance should be primarily grounded in a redistributive role as a means of financing necessary government services not provided by the market in a manner that fosters social and economic equity (Barry, 1994). Moreover, the market, rather than being a self-regulating, non-political entity, may alternatively be understood as an institution structurally geared to maximise the utilitarian advantage of those who hold the most economic and political power (Hyman, 1992; Kelsey, 1996). In this view, those who control markets control the distribution of resources in favour of the power holders' status, to the exclusion of other groups from policy development and more equitable social and economic outcomes.

---

[2] This term highlights the role of classical liberal economic theories today.

Goldfinch (1997) finds all of Treasury's post-election briefing papers concerning policy development pertaining to state sector reform from 1984 to 1993 have been characterised by neo-classical rationales, and this finding is backed up by several other New Zealand commentators (Kelsey, 1996; Boston et.al, 1996; Hyman, 1992; Bunkle, 1992).

Accordingly, in a critique of market-based New Right economic choices for New Zealand social service provision, Hyman (1992:19) writes that rather than responding to genuine socio-economic needs:

> *Markets react to flows of money. Markets are deeply anti- democratic in the sense that they function independently of, and despite democratic institutions.*

In the same vein, Yeatman (1990: 18) states:

> *Lack of attention to power, the claim to value free analysis, and avoidance of distribution questions (inputs) allows economic orthodoxy to avoid equity issues.*

As highlighted, the reform of New Zealand's state sector was founded in classical liberal ideals of the role of the state. In this sense, contrary to Treasury's claim, the structural changes made were not driven merely by the pragmatism of political neutrality. The specific bodies of economic and management theory that received strong advocacy from Treasury and made significant contributions to legislative and policy choices were *Agency Theory*; *Public Choice Theory*; *Transaction Cost Economics (TCE)*; and a set of practices known as *New Public Management (NPM)*, (Boston et.al, 1996 ; Scott, 1996). These theories, (and NPM ideas which are very applicable within this ideological context), all share the common foundation of classical liberalism and may be understood as providing practical formulas for change and reconfiguration of specific areas of New Zealand state sector role and organisation.

Agency Theory and the State Sector Act 1988

Agency theory rests on the notion that all aspects of social and political life can be understood as a series of economic 'contracts' between one party - the 'principal', and another party - the 'agent' (Boston et. al, 1996). The aim is to find the optimal form of contracting to minimise the likelihood of opportunism on the part of the agent around the way in which an agent's actions are translated into outputs and outcomes, sought by the principal (ibid). Essentially, this is about maintaining the greater power of the principal, by prioritising outputs over inputs.

For the restructuring of the New Zealand state sector, Agency Theory was a key theoretical influence in the development of the State Sector Act 1988, which underpinned enormous policy upheaval within New Zealand's Civil Service, as government department employees were then known (Boston et. al. 1996; Kelsey, 1996). The Act significantly altered the employment terms and conditions in the old Civil Service, replacing 'Heads of Department' with 'Chief Executives' (CEs), and instigating contractual performance specifications and remuneration packages for departmental employees that were tightly output-based. This contrasted with the old Head of Department role, which had primarily been concerned with obtaining and maintaining funding inputs.

Today's public sector has CEs responsible to the Minister for the delivery of departmental outputs, who represent the Government as 'principal' or 'purchaser' of departmental outputs to achieve its policy outcomes. Essentially, the State Sector Act put in place a framework for devolved management of the state sector which involved the transfer of authority from central government to departmental CE's and their senior management officials (Scott, 1996). In this, the role of CEs may be likened to that of the government's business partner. Chief Executives also replaced a large aspect of the State Services Commission role as the official employer of government department staff, meaning CEs became responsible for recruitment, remuneration and employment conditions in their departments (State Sector Act 1988, sections 52-69). Indicative of the influence of Agency theory, the State Sector Act 1988 has established a formal

contractual relationship between each departmental minister and CE on a five yearly basis. The contract comprises a 'performance agreement' as well as 'purchase agreement' with the minister that specifies the quality, quantity, timing and price of goods and services to be traded (ibid). Accordingly, the appointment of CE's on a fixed term contract basis has been mirrored in employment arrangements for staff throughout government department hierarchies to ensure continuity of the emphasis on performance (Kelsey, 1996).

Public Choice Theory

Public Choice theory centres upon a belief that whilst the pursuit of self-interest in the economic market will yield socially desirable outcomes, based on the assumption that capital injections into the market will trickle down to lower echelons; the same pursuit of self-interest in the political arena is dangerous (Boston et al 1996; Scott, 1996). In this, Public Choice advocates fear that powerful government departments may acquire an ever-increasing quantity of national resources to justify and maintain their own existence. Accordingly, the Public Choice fear is that the state will grow beyond what is necessary to maintain law and order and stunt economic growth. This has come to be known as or provider 'capture,' which refers to a fear that state bureaucrats may 'capture' too much public income and wealth (ibid).

The Public Choice solution to such 'capture' is to minimise the role of the state and prevent government departments from being able to both develop and implement policy. Consequently, Public Choice theory has been instrumental in separating policy advice from service provision across the New Zealand state sector. In 1995, this preference contributed to the demise of the old Department of Justice and its replacement with a 'Ministry' of Justice and separate 'Department' of Corrections (as discussed earlier); the protocol being that the role of the former is chiefly policy oriented while the latter concentrates solely on service provision.

The Public Finance Act 1989

Both Agency theory and Public Choice theory were heavily drawn upon by the architects of the Public Finance Act 1989; which consolidated changes to the public sector made by State Sector Act 1988 (Boston et al, 1996; Kelsey, 1996). The Public Finance Act enormously altered the financial practices of government departments by putting in place a system of accrual accounting designed to ensure transparency and accountability in the use of public money (New Zealand PSA, 1989; Boston et al, 1996).

Pursuant to the requirements of the Public Finance Act, all government departments now produce Annual Reports detailing the financial status of their operations as well as Forecast Reports of their financial and output obligations to show exactly where and how public money is spent, and on what basis. These measures relate to the Agency theory emphasis upon performance, through the provision of evidence of departmental conduct to the public, and the Public choice emphasis upon accountability and openness to counter the likelihood of provide 'capture' (Scott, 1996; Boston et al. 1996).

New Public Management (NPM)

The concept of New Public Management (NPM) represents a set of practices for organisational management. The term indicates an assumption that there is something called 'management' which is a generic, purely instrumental activity embodying a set of principles that can be applied to both public and private sector organisations (Painter 1988, cited in Boston et al. 1996: 25). NPM stresses cost cutting, quantifiable output measures and performance targets; corporate and strategic plans; mission statements and the development of management information systems. Accordingly, as a practice rather than theory, NPM practices are closely compatible with the three ideologies highlighted as influential in New Zealand's state sector reform process and plays a strong role in the administrative styles adopted by government departments within New Zealands' reformed state sector.

As an example of the influence of NPM techniques, the DOC recently unveiled an illustrative brand for the PPS (DOC, 1997 a). The brand shows a simple bi-coloured jigsaw symbol framed with the statement: *'We can make a difference'* to enforce the DOC mission to reduce re-offending. The brand reflects a common private sector method of distinguishing enterprise to enhance corporate image and boost organisational morale. Also demonstrative of a commitment to managerial investment, is the DOC' production of it's first Strategic Business Plan in 1997, signalling a clear strategic direction for the corrections system into the year 2000.

The influence of Treasury in policy choices made by the executive for New Zealand state sector restructuring, with its heavy reliance upon neo classical economics, characterise the present ideological framework of New Zealand's state sector. In this, the state's favouring of efficiency, based upon quantitative criteria as the standard of choice to develop and evaluate policy and outcomes, over other important factors such as democratic participation, citizenship, fairness, trust (Boston et.al. 1996; Kelsey, 1996; Hyman, 1992) and structural techniques to ensure equitable resource distribution, have ensured that these latter values have to a large extent been structured out of current / reformed government departments' service provision.

Transaction Cost Economics (TCE)

Similar to Agency theory and Public Choice theory, Transaction Cost Economics (TCE) also concerns lowering the risks of individual and bureaucratic opportunism (Boston et al. 1996). Its aim is to develop organisational structures that lower total production and transaction costs of goods and services (ibid.). This translates into an emphasis upon economic 'efficiency' and in terms of the New Zealand state sector is generally understood by service providers and users as 'cutbacks'. This is linked to a perception that the New Zealand state sector lacks international competitiveness and a belief that this can be achieved by adopting or adapting private sector managerial practices in social service provision (Scott, 1996; Kelsey, 1996).

In this respect, as required by the Public Finance Act, the annual report procedure aids decisions by CEs and ministers to manage and plan input and purchase costs for the state. For example, in the DOC Annual Report for 1997, each output class, from Information Services to Custodial Sentences, is accompanied by a record of amount budgeted next to the actual cost in order to show the financial variance. These standards are accompanied by quantity and quality targets, as well as timeliness deadlines, to ensure outputs are achieved within the budget timeframe. A lack of congruity between these details can be used to specify areas for the reduction of costs and restructuring as well as provide justification for reduced expenditure.

An example of the type of data the DOC Annual Report process generates, is a 29 % reduction in demand for support services from remand inmates using New Zealand Prisoner Aid and Rehabilitation Society (NZPARS) services in 1997 (DOC, 1997 b: 34). By TCE rationale, this figure might provide justification for reduction of input to this area in the department's 1998 budget. Also as a method of cost reduction, the practice of contracting with NZPARS (pursuant also to Agency Theory principles) allows the DOC to control the purchasing and production costs of certain services without expending planning and operational costs in those areas.

Provider Capture or Ideological Capture?

The danger of provider 'capture' of public resource by public service providers, as posed by Public choice theory, is challenged by several commentators, including Yeatman (1989); Kelsey (1996); and Boston et al. (1996), on the grounds that ideological and professional capture of the public service by Ministers and government officials, without necessarily the input of the polity (namely community groups, citizen users of public services and the public bureaucracy itself), is of equal if not more concern. In this, the potential for policy development that is motivated more by ideology and not grounded in operational reality is greatly increased with the organisational separation of the two functions. Accordingly, Boston et al. (1996: 94) have commented:

The case for separating policy advice from service delivery attempts to address... - provider capture. Yet in some instances ideological, regulatory or professional capture might be a greater risk, and separating policy advice from service delivery will not solve such problems; indeed, it might exacerbate them.

Whilst the prospect of ideological capture in the context of public service management is not necessarily predicated upon the structural separation of policy and service delivery functions, the contention here is that it may be more likely. Accordingly, the significance of the policy / provider split for prisons is a greater distance between what occurs within prisons on a day-to-day basis and actual policy development. Consequently, for inmates, this means a greater gap between the locus of policy formation and the reality of inmates' day-to-day experiences of those policies within prison.

Yeatman (1989: 19) finds ideological 'capture' of the Australian public service by government ministers apparent in the institutionalisation of what she terms 'ideologically mobilised values' such as 'cost effectiveness', 'productivity' 'efficiency', and 'restructuring' in Australian public service policy documents. She states:

> *'These are ideologically mobilised values because they are used in such a way as to compel immediate consent and brook critical reflection by public servants and their users* (ibid).

Certainly, the policy / provider split between key functions of the New Zealand state sector was motivated by neo liberal rationale in the interests of minimising provider capture. Whilst the joining of policy and service provision functions does not exclude the possibility of *any* form of ideological capture within an organisations' administration, the contention is that a greater distance between empirical features of operation, and policy formation, creates more of a strong hold for it to occur.

As neo liberalism is the current dominant body of thought for New Zealand public service management, it is possible that market driven ideology within structural and administrative changes to New Zealand prison management may bridge the gap between policy development and implementation at the expense of critically evaluating their qualitative impact upon prison operations and accordingly, inmate wellbeing.

As an example, the PPS 1997/98 mission statement (DOC, 1997a) demonstrates the adoption of neo classical economic priorities within prison management. The ideology of these concepts need to be distinguished from qualitative and empirical features of service provision. However, the tinctions between these variables are not made clear. In this, concepts of 'quality improvement', 'cost effectiveness', 'restructuring', 'efficiency', 'targeted inmate services', and 'professionalism' are presented parallel to concepts of a 'safe working environment for staff', 'safety and security for the public' and 'offenders being safe from harm', which gives an impression that NPM techniques within prisons are synonymous with the wellbeing of inmates, prison staff and the public. Similarly, an outline of the DOC role in responding to the government's Strategic Result Area (SRA) 'Community Security' states:

> *Particular emphasis will be placed on efficient management of corrections facilities that maintain public confidence in their security and provide rehabilitation programs that reduce the incidence of re-offending* (DOC a, 1996:20).

Critical reflection on the ideology behind this statement reveals that the concept of *'efficient management'* is being portrayed as the prescription for public security and the reduction of crime. However, 'efficiency' in the context of NPM techniques infers cost cutting and labour discipline (Boston et al. 1996), and in TCE terms would infer contracting out of services and asset specificity, tasks that by nature are qualitatively distinct from actual public security and rehabilitation of prisoners.

The Gap between Strategic Result Areas and Desired Social Outcomes

The proposition of both Agency and Public Choice theory is that by ensuring strict planning and control of 'outputs', the state places a controlled limit upon 'inputs' and ensures they are used in the production of 'outputs'. Consequently, outputs are expected to produce the desired socio-economic 'outcomes'. However, one of the weaknesses of this assumption is that it provides scant, if any detail of the supposed interface, or relationship between 'outputs' and 'outcomes' (Kelsey, 1996).

In an attempt to bridge the gap between short term outputs and longer term outcomes, and also to ensure unity amongst public service standards within the newly devolved management framework, the government has established Strategic Result Areas (SRAs). SRAs specify the government's long term expectations for the state sector via the dissemination of broad, clear policy objectives (SSC, 1996.a.). Each government department develops from the relevant SRA it's own Key Result Areas (KRAs) which are medium term critical goals incorporated into the CEs performance agreement with the minister (ibid). In short, SRAs are the governments expectation for specific yet generic outcomes which prescribe departmental KRAs as measurable result or costing areas.

The SRA which relates to the DOC is 'Community Security' (SSC, 1996 a; DOC, 1997 b). The DOC has an overall goal to reduce re-offending (DOC 1997b). This goal is incorporated in the PPS mission statement (DOC, 1997 a) and relates directly to the governments' SRA of Community Security. Accordingly, the PPS has developed five KRA's from the Community Security SRA and each KRA sums up one or more corresponding goals. The PPS KRAs are:

> *Planning sentences through the goals of integrated and effective offender management; Focusing on unit management through enhanced unit management and organisational development; Managing information through effective collection and use of information; Delivering services through the reduction of illegal*

drugs in prisons; increased inmate employment and activity; recognition of Maori needs; improved, targeted inmate services; effective security and management of risks, and Operating our business through meeting or exceeding expected business standards (DOC, 1997 a).

However, the State Services Commission notes that SRAs and KRAs are unsupported by any legislative requirement to identify empirical indicators of their effectiveness, or to have their effectiveness evaluated (SSC, 1996 b). In this, unlike the mandatory annual financial monitoring and reporting required of government departments under the Public Finance Act, and the contractual performance specifications for CEs and departmental employees brought about by the State Sector Act, the effectiveness of SRAs and KRAs rely upon political will and ministerial discretion. Accordingly, policy activity by the State Services Commission and Department of Prime Minister and cabinet around these linkages, vary in their emphasis.

Another problem for the effectiveness of SRA's is that under the Public Finance Act 1989 neither ministers, CEs nor public servants are responsible for outcomes (Kelsey, 1996). Therefore, as CEs are primarily concerned with outputs and Ministers are not responsible for outcomes, neither being required to empirically chart social progress between KRAs and SRAs, there is no actual social insurance for the achievement of Community Security and it's related KRAs in the DOC. Qualitative checks upon the system are therefore reliant on an effective accountability framework to evaluate achievement or failure between SRAs and KRAs. This may or may not exist.

Having identified the ideological rationales that have informed New Zealand state sector reform, and established some links to New Zealand prison management, the following section explores the effects of these changes within the operation and culture of New Zealand prisons, their staff, and inmates. Empirical features of the reform process within prisons are drawn from previous New Zealand research in this area.

The Result: a New Management Culture and Structure for Prisons

The implementation of new state sector policies, stemming largely from the impact of the State Sector Act 1988 and the Public Finance Act 1989, rapidly brought about new and unfamiliar structural constraints for the management and operational framework of all New Zealand prisons.

In broad terms, the State Sector Act required government agencies to take a serious look at the nature of their operations and how they could contribute to government's plans for a more devolved, financially efficient and effective public service. The Ministerial Committee of Inquiry into the Prisons System (MCIPS) was formed in 1987 to undertake a comprehensive overview and evaluation of all aspects of New Zealand prisons. The document published was 'Prison Review' (MCIPS, 1989). Meanwhile, as a submission to the MCIPS, the Penal Division of the Department of Justice produced 'Prisons in Change' (DOJ, 1988). From a research and policy angle, it was the Penal division's 'Prisons in Change', rather than the more comprehensive and less orthodox MCIPS Prison Review, that set in motion the direction for unprecedented change to New Zealand's prison system.

'Prisons in Change' differed significantly in its political perspective on imprisonment from the MCIPS 'Prison Review'. The conclusions embodied in the latter conveyed a strong belief that imprisonment could not be expected to provide anything other than safe and humane containment for offenders. In this, the report found untenable the belief that prisons could successfully rehabilitate, reform, or reintegrate inmates back into the community. It advocated that existing New Zealand prisons were of little use and for the future New Zealand should develop a more restorative approach to criminal justice beyond imprisonment and recommended against the building of any new prisons (MCIPS, 1989).

By contrast, the DOJ submission to MCIPS focused extensively on the idea that prisons could contribute significantly to rehabilitation and reintegration for inmates into society as well as provide safe and humane containment. In sum, the DOJ found the MCIPS'

Prison Review to be an irrelevant prescription for change and proceeded with its own formula for reform set out in Prisons in Change. Prior to the demise of the DOJ and the establishment of the DOC in 1995, which replaces the Penal Division of the DOJ with the PPS, three major changes occurred to the management of prisons between 1987 and 1994. These were:

1. *Unit management* - a practice of physically dividing the prison population, staff and inmates into smaller and theoretically more stable groups in an attempt to foster a more amicable relationship between the two, and whereby prison officers would be expected to play an increased role in inmates rehabilitation (Sarr,1996: 9-10).

2. *New management structures and roles,* to represent a more participatory style of management for prisons- replaced what had often been described as a quasi-military hierarchy and stemming from the idea of strategic co-ordination rather than central regulation (ibid). This involved custodial staff performing new and unfamiliar roles in the decision making and organisational processes of prison management.

3. *Case management* – a framework for integrating programs and services throughout an inmates sentence involving inmates and prison staff in the development and monitoring of that plan (Sarr, 1996: 9-10)

Prior to the reform of the state sector, prison management comprised a Superintendent for each institution as its top ranking authority. This person delegated responsibility for administrative and custodial tasks to prison officers primarily on the basis of their length of service and placement in an established ranking of prison officers (Sarr, 1995). This hierarchical structure was a ladder of vertical seniority with ten or eleven rankings (ibid).

By mid 1992, all prison management structures within each institution had been significantly reshaped into a four tier, much flatter design which comprised a top tier of General Manager (who replaced the role of Superintendent). The position was supported in her / his responsibility by a newly created second tier of positions – the

appointment of equally ranking Manager Programmes, Manager Custody and Manager Administration for each prison (Logan, 1993; Sarr, 1995). The third tier also involved the creation of new positions – that of Unit Managers, who became responsible for the new staff and inmate unit groupings. Finally, the fourth tier of prison management was made up of the main body of prison officers, some of whom were assigned as Case Managers to inmates within the unit groups (ibid).

The Manager Custody became responsible for the bulk of practical security duties, the Manager Programmes responsible for the operation of case management, and the Manager Administration became chiefly responsible for financial and other administrative functions (Sarr, 1995).

Pursuant to the requirements of the State Sector Act 1988, the repositioning of prison staff meant senior management appointments now became advertised positions and the field of opportunity for prison management now widened to include those outside the prison domain, particularly for Programmes and Administration positions. By mid 1991, the new performance focus prescribed by the State Sector Act 1988 was apparent in the top tier of prison management with all General Managers employed on individual and fixed term contracts to replace the old permanent tenure of Superintendents (ibid).

Patricia Sarr (1995) conducted sixty- six interviews with those who drove the changes to the New Zealand prison system at Departmental Head office, including Penal Division staff who implemented the new policies. She also interviewed inmates about their experiences of the change process. The following descriptions of prison reform rely heavily on Sarr's findings, primarily due to a lack of prison specific information on this topic. Further, Sarr's research process, which involved a roughly equal number of prison management staff, prison guards, and inmates at two men's prisons as well as DOJ staff, shows in depth and comprehensive inquiry and coverage from a variety of sources. Where possible, Sarr's (1995) research is supplemented with other data and policy examples.

Both Sarr (1995) and Logan (1993), have found that overall the change process of state sector reform to New Zealand prisons was chaotic, rapid and unconfident; staff were not given the training they needed to make the transition process, there was little detailed instruction for new policy implementation, and no plan for dealing with staff who were the direct casualties of the change process. Moreover, the process was contextualised by an enormous increase in inmate numbers (12% between 1989-93), staff within a climate of budget cuts; and a strong expectation from Head Office that prisons were to shift their emphasis towards more intensive rehabilitation of inmates (Sarr, 1995; Logan, 1993).

It took from mid 1991 to mid 1992 to advertise and appoint Unit Managers due to departmental difficulties with staff over pay (Sarr, 1995). Another point of contention between prison staff and the state was the new flatter management structure which guaranteed no security of status, promotion or recognition to senior prison staff, many of whom had completed exams and given loyal service over the years (Logan, 1993).

This period is described by Sarr (1995) as one of shifting power balances and relationships as the custody management role, previously the highest rank below the Superintendent, moved to accommodate the Programmes Manager as co–equal. Similarly, the immediate effect of Unit management was loss of rank for hundreds of staff and salaries that staff felt either under valued their institutional knowledge, or over valued the abilities of incumbents whom established prison staff were expected to induct (ibid). Moreover, all prison staff were now employed on a fixed term, yearly contract basis, which mirrored the 'remuneration based on performance' contracts first established with General Managers, and did little to assure established prison staff of their career tenure (Logan, 1993).

Between 1992 and 1993 there was marked increase in escapes from Arohata, Rimatuka, New Plymouth, Wanganui and Christchurch prisons indicating major management difficulties within the Penal Division (Logan, 1993). In 1993, problems at Mangaroa prison between staff and inmates attracted the media spotlight and culminated in a Ministerial Inquiry into the prison, the outcome of which was a report sharply critical of

the overall prison reform process and insistent that improvements be urgently made. Logan (1993: 7-8), the author of the report, described the enormity and unfamiliarity of the restructuring experience in prisons:

The combination of muster growth, state sector reforms and profound change of Penal Division mission, organisation and culture combined to create a dislocation far beyond the organisational experience of the Justice Department and probably without parallel in New Zealand . . . the implementation strategy which was incremental and non-directive lacked adequate planning and control discipline and resulted in a destabilization of the old structures before the establishment of the new. At the institutional level, widely varying attitudes to the containment- habilitation role mix and a lack of clear, consistent guidelines and inadequate training, created an environment of uncertainty completely unfamiliar to a service traditionally based on clear rules and military style command.

A number of key difficulties were identified by Sarr (1995) from her interviews with prison staff in the area of new expectations and responsibilities. These were: confusion for Unit Managers and staff over the expectation that officers take on a more social worker type role towards inmates as well as maintain their traditional custodial role; increased work loads in the way of unfamiliar paperwork and weekly report writing for Public Finance Act 1989 statistical data production requirements – quarterly reports and internal control reports that staff received no preliminary training for.

Second tier managers expressed that they felt inadequately trained for to the new financial responsibilities they were given and third tier Unit Managers were also expected to control their own budgets without budget training. Moreover, staff who were appointed Case Managers to inmates found that because they were not equipped with the skills of social workers, psychologists and educational tutors it was particularly difficult to recommend individual case plans for inmates in their charge.

In sum, Sarr (1995) found that prison guards spoke of fear and resistance to the expectations associated with expanded duties that they had little understanding of the reasons behind; anger and confusion. A significant number suffered marriage break-ups, saw counsellors and endured health problems during this time. The extreme difficulties experienced by prison staff during the restructuring process for prisons, highlights the irony of a process carried out in the name of efficiency, which did away with staff employment based largely upon trust and life time career tenure, replacing it with short-term contracts attached to output criteria and performance-based remuneration; which obviously incurred higher staff turnover, agency and transaction costs during its hasty implementation.

With even less agency to curb the impact of prison reform than prison staff, the inmates interviewed by Sarr (1995) said they experienced it as chaotic and endured the power shifts amongst staff around the demise of old jobs and the creation of new, and consequently bore the strong impact of staff tensions and anxieties around their employment. This highlights the power gulf between staff and inmates in which inmates would clearly have the lesser capacity. Sarr (ibid: 111) cites one inmate who described the power shift between staff as: *"... turmoil between the old school and the new age officers. It really makes problems for us inmates."*

Sarr (1995:110) gives an example from another inmate she interviewed about the restructuring of the penal system. The quote implies that the changes really lacked substantive improvements to inmates' lives. It also indicates the impact of increased reporting requirements:

> *"To me it's just paperwork. I should know because I've always burned bags and bags of it in the boiler. I'd watch it pile up on desks and then I'd get to burn it. I never saw anything like it in my life."*

Information provided by an ex-inmate from Christchurch Women's Prison highlights the gulf of the power imbalance between staff and inmates during this time; she claims that prison guards, tense and unhappy with their work conditions, taunted inmates with

the prospect of the army take-over with threats of 24 hour lock ups and much harsher conditions (E.L Wislang, pers. comm. 15.7.97).

A striking example of the extent to which changes have impacted upon inmates is shown in table 1.1, whereby the annual upkeep for inmates at Arohata halved in just four years:

Figure One:

Allocation for upkeep-per-inmate at Arohata Women's Prison 1994-1998

Financial year	$ Per Annum
1994 / 95	60,000
1995 / 96	38,000
1996 / 97	37,000
1997 / 98	30,000

(F. Grenfell, General Manager Arohata Women's Prison, Pers. Comm 9.9.97).

With regard to the social impact of state sector restructuring, a number of commentators have found that whilst the reforms genuinely increased departments' financial efficiency and organisational accountability, because of the neo-classical bent, there is a real lack of empirical data on which to assess the human impacts of the continual reorganisation of management, policy and service delivery by the state (Kelsey, 1996; Boston et.al, 1996; Hyman, 1992). The remainder of the chapter makes further links between neo classical ideology and administrative and policy changes to New Zealand prisons.

Arohata Women's Prison: into the Market Mould

As a small case study to demonstrate the restructuring of New Zealand prison management, some examples are drawn from Arohata Women's Prison 1996/97 Management Plan. These examples demonstrate the State Sector Act's impact upon the context of individual prison General Managers' accountabilities for prison management to PPS General Manager position; through to the DOC Chief Executive; and ultimately the Minister of Corrections, who is responsible for purchasing prison services (outputs) on behalf of Government. Also demonstrated is the Public Finance Act's impact upon prison management whereby the relationship between the various positions above is qualified, primarily, on the basis of which outputs the PPS has undertaken to deliver.

Arohata's Management Plan is an operational document that specifically outlines the financial costs of the institution; and the areas of operation that these costs can be broken down into. Ultimately, its function is part of the apparatus that helps to determine which ministerial purchases will be made of the PPS for each financial year by the Government, on the basis of which outputs (the services the prison contracts to provide) measure up as being most cost-effective, within financial efficiency and performance indicators. In a micro form, Arohata's Management Plan mirrors the purpose and production of the DOC's Annual and Forecast Report process.

Output classifications for Arohata's 1996/97 Management Plan; (DOC, 1996c: 21-25) are listed as:

1. *Information Services*; these are the costs of producing reports on inmate behaviour and any specific information requested by the Parole Board to facilitate parole and/or inmates' release from prison.

2. *Custodial Sentences*; these are broken down into the costs of maintaining the prison's security classifications - minimum and medium security.

3. *Corrective Training and Remand.*

4. *Custody of Remand Inmates.*

5. *Escort and Custodial Supervision to the Courts*

The 'outputs and their costs' are clearly laid out next to 'performance indicators' in the plan. Key performance indicators (KPI's) are the number of break-out escapes and the percentage of inmates who have a Case-management plan - the latter promoting the national policy of achieving a reduction in re-offending. By matching 'outputs' with 'performance indicators', the CE and Minister are expected to be able to make an informed decision as to the 'quality' of the Minister's likely purchase. In this way, an increase in break-out escapes may do two things - it could show up an apparent under-performance of prison management of custodial maintenance, which could ultimately result in the re-negotiation or demise of a General Manager's contract; or result in increased spending on actual physical security' such as cameras, lighting and fences.

This shows clearly the way in which, in line with the requirements of the Public Finance Act, prison management and administration has now become very tightly focused upon the transparency of its operations in a quantitative sense, where prison operation can be broken down entirely into specific financial and auditable components. However, the breakdown of prison purchasing options into financial components within the market model does not necessarily result in the identification or consideration of inmate needs; although this is not precluded.

For example, particularly interesting within this new paradigm for prison operations is the identification of 'target markets' within Arohata's Management Plan (DOC, 1996, c: 11-13). There are eleven target market classifications listed which include the *'Minister'*; *'inmates'*; *'special interest groups'*; *'local iwi'*; *'the Courts'*; and *'the general public'*. Within this classification, inmates are not construed as social, political beings but as apparently neutral 'markets'. Moreover, they are merely one out of eleven markets. Within this paradigm, primary market needs / plans cannot be translated into the identification of inmate needs because the latter are socio-political, whereas the former are only based around the supply and demand of a fiscal market-place.

Accordingly, Bunkle (1995: 28) contends that public service management upon the basis of a market ethos alone is more concerned with financial efficiency than appropriate response to service users needs:

> *Markets are ... a general panacea of resource re-allocation. They can be used in every sphere of life where resources are to be allocated ... Clearly, if behaviour does not conform to market models then it will have to be changed until it does (for this reason it is important to force everyone into a market world.) ... People are treated like customers, even when they are not; and only the can resource allocation be termed efficient.*

Anecdotal evidence of the extent of the market ethos in prisons is provided by one female ex-inmate who claims that, for a period of about six months sometime between 1992 and 1994, prison staff were required to refer to inmates as "clients" (E.L Wislang, pers. comm, 17.6.97). This requirement was done away with however, due to staff humiliation at their 'clients' constant amusement and inability to take staff seriously within day-to-day prison protocol as a result of their new status (ibid).

Central to the neo classical faith in the economic marketplace as the 'all provider' for society's diverse needs, is the notion of individual freedom to both compete within the market and satisfy needs (King, 1987). Although the provision of an apparatus of law and order is something that free market proponents *do* think the state ought to provide, the application of a market philosophy to prison management seems problematic. Prisons are a state monopoly so other markets able to compete for 'clients' do not exist.

Even if the single market were opened up to private sector tender (now possible under the Penal Institutions Amendment Act 1994), a central tenet of market based philosophy, - the notion of individual freedom where 'clients' or 'consumers' are free to peruse the market at will, and the market supplies accordingly, is impossible to apply to the majority service users: inmates. Where the government as 'purchaser' may

choose what it determines to be the best prison services, prisoners as 'clients' or 'consumers' can hardly 'shop around' for the best prison.

More Restructuring: Regional Management

The establishment of the new DOC in 1995 heralded more major changes to prison management structures and systems. In May 1996 the DOC announced a national review of the PPS. The major outcome of this review was the speedy implementation between 1997-98 of a regional management structure for all prisons. Nine new regional management offices and regions were created (DOC, 1997 f). Rather than being directly accountable to the General Manager of the PPS, all prison managers are now accountable to their regional managers. For example, Arohata prison, Wellington prison and Rimutuka prison now come under the one regional management structure. The purpose of this was to amalgamate prison management and services to inmates as much as possible. In effect this means outputs from individual institutions are evaluated and purchased in bulk by the government, rather than each prisons' operations being assessed on it's own merit.

The regional management concept has also done away with several managerial positions in prisons and replaced them with regionally responsible managers for each particular service (DOC, 1996 e). However, it has also added another tier to prison management. The positions of Custody Manager and Manager Programs, created in 1992 to individual prisons, have been replaced, and to replace Custody management the responsibilities of Unit Managers in individual prisons have been enhanced (ibid). To replace Manager Programs each region has been assigned a single 'Client Support Services Manager', to oversee each prison's programs, social workers, tutors and chaplaincy services for the regions (DOC, 1996 e). A new 'Manager Health Services' has been created for each region as the old 'Nurse in Charge' position for each prison has been deemed surplus to the requirements of the new structure (ibid). For example, in the Wellington region all of Arohata's inmate health and program management, the latter now known as 'Client Support Services' are situated at Rimatuka Men's Prison (DOC, 1997 f).

Similarly, more structural changes to each prison's financial, business and administrative functions have been implemented and amalgamated regionally. The management of catering services for meals have been amalgamated as much as possible regionally also. A single 'Human Resources Advisor' position to each region has been created to oversee the added custody management responsibilities for Unit Managers and co-ordinate staff training (DOC, 1996 e and 1997 f).

The other major change to be brought in alongside regional management is for each region to have a specialised reception centre for induction and assessment of inmates into prison to enhance sentence management processes (ibid). However, it appears this would only cater for male inmates and the women's prisons would continue their current induction procedures for inmates. It is expected that specialised units such as drug treatment units, units for violent offenders and pre release units can then be extended.

By eliminating one managerial tier in each prison- that of Custody and Programs management, replacing those roles with single regional positions, adding responsibilities to prison Unit managers and creating another new position of Client Support Services, it appears there would be less staffing costs for each prison, and therefore fewer managerial costs regionally. However, as this structure is still very new, at the time of writing it is not clear exactly how it compares financially to its predecessor. Also not available at the time of writing are the social impacts of this new structure and it's implementation upon prison staff and inmates.

What is clear about this new structure is that it standardises prison management regionally and nationally. This makes financial auditing and purchasing procedures easier for the government and even more fitting with the requirements of the Public Finance Act 1989. Also, in 1994 the Penal Institutions Amendment Act was passed permitting prison management by private contractors. Though there are no prisons currently being managed under private contract, the standardisation of prison management could make some areas of prison management more attractive to private markets.

Summary

The main ideological influences behind legislative and policy outcomes in the New Zealand state sector reform process were Agency theory, Public choice theory, TCE and the adoption of NPM practices. These influences stem from liberal classical political theory and neo classical economics. Treasury and key ministerial roles in the advocacy and adoption of rationales drawn from these bodies of thought underpinned significant policy and managerial changes to the New Zealand state sector from 1984 to 1995.

Neo classical economics, the primary policy tool of liberal classical political theory (or the 'New' Right), views the economy as a self regulatory mechanism and in this does not consider qualitative variables such as gender, race and power relevant to legislative and policy development. The neo-classical economic choices made for New Zealand state sector reforms have re configured the role of the state to emulate market based practices and systems for the management and policy development of all public finance and state institutions.

By establishing CEs within government department's and installing a comprehensive contractual performance framework between government departments, the Crown, CEs and departmental employees, the State Sector Act 1988 put in place a framework of devolved management across the entire state sector. Closely compatible with the changes brought about by the State Sector Act, the Public Finance Act 1989 has reformed the financial practices of government departments to an accrual based system that involves strict monitoring and reporting of all departmental activities on a quantitative basis. In this the Public Finance Act has significantly shifted departmental focus' from an input to output basis.

The policy and service provider split is highlighted as a prominent feature of New Zealand state sector reform. Accordingly, the role of specific ideological influences in this split have been related to the notion 'ideological capture' by neo classical economic rationales, or 'market' driven priorities, in key features of prison management. Furthermore, a difficulty in establishing an interface between outputs and outcomes for

public service provision in general, and for the PPS specifically is highlighted with reference to the distinction between SRAs and KRAs.

The resulting reform process for New Zealand prisons quickly brought about financial and structural constraints to their management and operations. Consequently, there was a flattening of the traditional prison management hierarchy, the demise of old jobs and the creation of new, which particularly brought about new tasks and extra responsibilities for all levels of prison management in terms of financial reporting and monitoring tasks of all aspects of prison operations.

Political choices have meant that the impact of these changes upon inmates is striking in terms of the steady resource cutbacks they have endured. The reduction by exactly half of Arohata Women's Prison annual upkeep per inmate in only four years clearly illustrates this. Moreover, the expectation that prison guards adopt a more empathetic role towards inmates whilst maintaining their security tasks, raises an ethical concern in terms of inmate safety in that it disregards the power gulf between prisoners and their custodians. It has also been noted that inmates bore the brunt of staff dissatisfaction with both the nature and speed of the reform.

The role of the market ethos adopted in prison management is highlighted in a critical evaluation of Arohata Women's Prison 1996-1997 Management Plan. Rather than being construed as socio-political beings, inmates are identified as 'target markets'. Moreover, the relevance of some key notions of classical liberal philosophy, the ideas of 'individual freedom' and 'client choice' are highlighted as problematic within the context of incarceration.

The most recent restructuring initiative in the PPS sees the national management of prison institutions amalgamated into a regional management concept. This represents further devolution of managerial power for the state and also provides the means to standardise all aspects of prison management systems to better serve the objectives of the State Sector Act and the Public Finance Act. Regionalization of the PPS clearly

demonstrates the ideological influence of neo classical economics in DOC managerial priorities.

Having now established the structural context of the management of New Zealand prisons in relation to key legislative and ideological influences that have reformed the entire state sector, the following chapter looks at the implications of these changes for our female prison population.

CHAPTER SIX

THE CONVERGENCE BETWEEN NEW WAYS TO MANAGE THE STATE AND NEW WAYS TO MANAGE INMATES: SOME IMPLICATIONS FOR WOMEN PRISONERS

Introduction

The key objective for this chapter is to establish what the convergence is between new ways to manage the state and new ways to manage and rehabilitate inmates, with specific reference to women inmates. Specific policies implemented as a result of prison restructuring, and policies currently being implemented for inmate management, are discussed in relation to neo classical policy and managerial formulas.

The contention is that classical liberal foundations behind key structural and legislative changes to the New Zealand state sector, and the resource management choices stemming from these influences, have provided fertile ground for policy and administrative choices that now govern prison and inmate management. Against this backdrop, issues of gender, power and rehabilitation are considered in relation to new policies for inmate management.

However, it is important to state that there is a whole raft of New Zealand legislative and regulatory policy provisions that affect imprisonment not identified and analysed in this thesis. Due to the lengthy historical context and wide ranging theoretical implications of The Penal Institutions Act 1954, The Penal Institutions regulations 1961, the Policy and Procedures Manual 1994, and their amendments, analysis of these documents was not possible within the scope of this thesis. Moreover, due to the relatively unchecked ability of Ministers to make significant policy changes via regulatory alterations and additions, without public consultation (Palmer and Palmer, 1997), changes to prison policy occur frequently.

Case-Management, Needs Based Management and Integrated Offender Management Systems (IOMS)

The restructuring of prisons has created new ways for managing inmates. In addition to the policies of Case and Unit management (briefed in Chapter Five), recently the development of a 'Needs based' management framework towards inmates has been introduced to improve the original Case and Unit management concepts. There is also a comprehensive 'Integrated Offender Management Systems' (IOMS) information technology system currently being developed to encompass all aspects of DOC operations including the PPS Case management and Needs based management processes. In sum, Three main policy outcomes of prison reform for inmates are highlighted: Case management, Needs based management and Integrated Offender Management Systems (IOMS). 'Unit management', the practice of dividing staff and inmates into groups in order that staff play an increased role in inmate's rehabilitation, is also a major outcome of the impact of state sector reform on prisons. However, in terms of rehabilitation, Unit management is linked extensively to the idea of Case management, and for the future will be linked to the policy of Needs based management as well, therefore the latter two policies have been chosen for analysis.

Case management refers to the management of programs and services for individual inmates through to parole and aims to 're-integrate' inmates into society through methods of education, psychological services, drug and alcohol treatment, work and chaplaincy (A.M Greaney, DOC communications section, letter, 17.10.97). Ideally, Case management should equip inmates with the relevant skills through their programs to 'fix' their personal problems. In this, Case management has two components - the planning, overseeing and co-ordination of programs and services to inmates; and the delivery of these programs and services in a manner which enables inmates to demonstrate self-responsibility (ibid).

Case management contrasts with the former more ad-hoc model for managing inmates because its purpose is tightly output based and it involves more comprehensive planning and monitoring to fit the adopted private sector style of operation for prisons.

It also responds to inmates on a more individualised basis. Overall, Case management aims to ensure inmates have a sense of purpose during their custody, with goals to aim for and a plan to work to (A.M Greaney, DOC communications section, letter, 17.10.97). However, in the context of the state sector's new design around neo-classical modes of operation, Case-management was not an idea tailored for prisons - or inmates. It is actually one of a number of terms that were largely unknown to New Zealand's state sector prior to the mid-1980s, but with state-driven market-based political choices for NPM techniques for public service management, Case-management simply reflects this preference. Boston et.al. (1996: 6), referring to New Zealand's new model of public management within the state sector have written:

> *"Management" is now applied in many and varied forms - Case-management, change management, collective-management, contract management, financial management, human resource management, performance management, risk management, strategic management and management development.*

The implementation of Case management is consistent with the focus of the Public Finance Act 1988, the State Sector Act 1989 and the paradigms of Agency and Public Choice theory the latter of which advocate that structural and administrative features of public service provision should emulate the private sector. For the employment criteria of CEs in the public service, the State Sector Act stresses management and efficiency skills above knowledge of the subject area, whilst the Public Finance Act provided new opportunities for the increasing industry of consultants in change management, risk management and systems analysis, to transmit their techniques to the public sector (Kelsey, 1996).

Needs based management is the most recent extension of the Case management philosophy. The object of Needs based management is to continue the utilisation of inmate assessment and sentence planning processes brought about through Case management whilst improving the ability of these processes to fulfil their purpose

(DOC, 1997 a). By way of explanation, the PPS General Manager Phil Mcarthy (ibid: 6) states:

> *The key to needs based management is viewing inmates time in prison as an opportunity to deal with the reasons for their offending... through targeting individual needs through specific interventions... Needs based management will not mean being softer on inmates. If anything, we intend to manage inmates more intensively.*

In terms of managing inmates more intensively, Needs based management focuses on improving the assessment and sentence planning aspects of Case management in three ways. First, unlike Case management, Needs based management will involve specialist training and support structures for prison staff at every level in order to equip staff with the skills required for effective assessment and sentence planning procedures. Prison officers will be encouraged to obtain recognised qualifications within the New Zealand Qualifications Authority framework and Unit managers are to be trained in business skills such as finance, marketing and human resource management (DOC, 1997 a).

Second, Needs based management will focus on the PPS fostering closer co-ordination with other internal agencies of the DOC such as Psychological Services as well as external agencies such as the Department of Courts, Police, Social Welfare and the Children, Young Persons and their Families Service (CYPFS) (ibid). Thirdly, the long term goal behind Needs based management is the idea that eventually unit groups will operate as specialised units within the PPS regional management structure (DOC, 1997 a). This serves the purpose of further devolution of managerial power and is also expressly directed at achieving stakeholder confidence - the chief stakeholder being the government as the purchaser of PPS services (ibid). Needs based management is expected by the PPS to be implemented by 1999 (DOC, 1997 a).

Consistent with the ideological origins of Case management (namely the overall NPM emphasis upon developing new management systems which stress quantitative monitoring and reporting requirements coupled with financial efficiency on an output

rather than input basis), the policy of Needs based management towards inmates reflects these operatives. Whilst the policy is portrayed as motivated by inmate needs, it's large emphasis upon variables such as marketing, human resource management, finance training for Unit managers, and the managerial amalgamation of assessment services regionally, rather than the motivation for change being a founding and consistent emphasis upon inmate defined needs, shows the policy stems from a 'business' rather than 'inmate defined' scale of resource priority.

The other inmate management tool – IOMS, refers to the development of an expansive information technology database system for managing prison inmates and all other 'offenders' under DOC supervision (DOC, 1997 a). For those in custody, the forthcoming IOMS represents the most recent extension of the original Case-management model. Whilst it is still in the process of staff training and programme development, in terms of its implications for prison operations, IOMS will rely extensively upon comprehensive Needs based management data for its operation. In terms of criminal justice outcomes, advocates of IOMS hope that by gathering, correlating and constantly updating comprehensive data on all offenders, a better understanding of the reasons for crime will be gained; and such knowledge will be able to contribute to the DOC goal of reducing re-offending, in line with the governments' wider SRA of Community Security.

However, as detailed in Chapter Five, due to an overt lack of qualitative criteria in all aspects of prison management, there is currently no methodology in place to ensure IOMS will be a justifiable output in relation to reducing re-offending and community security. The IOMS emphasis upon gathering data to better understand the causes of offending is also significant because it reflects the pathological influence of rehabilitation theory in PPS operations.

Conducive with the requirements of the State Sector and Public Finance Acts, key concepts associated with policy statements on IOMS are 'performance', 'efficiency' and 'effectiveness' (DOC, 1997a). Whilst these concepts do convey appropriate and important values for resource management, in the context of New Zealand public

service management, they are derived from political and economic paradigms that signal increasing departmental reliance on quantifiable output measurement, rather than an equal emphasis upon qualitative characteristics of social service needs to gauge resource requirements.

As with Needs based management, IOMS also involves the PPS fostering closer working relations with internal DOC sections, as well as the DOC sharing certain tasks and information on 'offenders' with outside agencies – the Police, Department of Courts, Social Welfare and CYPFS (ibid); agencies currently not party to information related procedures towards 'offenders' under the jurisdiction of the DOC. For example, at present, probation officers within the DOC, and who are also contracted to undertake court related tasks, do not have access to ex-inmates' prison details.

It appears that under IOMS, ex-inmates health, behavioural and disciplinary records accrued during prison will be available to the Courts. Therefore, rather than release from prison meaning, to an extent, ex-inmates can start life with a clean slate, any further criminal activity that comes to the notice of the law may become an access code into their past history through IOMS. However, the security aspect of IOMS is currently unclear. Whilst the policy will obviously involve closer networking between the DOC and outside agencies, to what extent prison inmates and ex-inmates will be able to place limits on outside agencies' access to IOMS data concerning themselves, is not yet certain.

Having considered the political context of current key policies for the management of inmates, the following sub section discusses rehabilitation in relation to Case management, Needs based management and IOMS in order to establish its role within this environment.

Rehabilitation and the 'New' Management of Prisoners

It is appropriate here to reiterate some of rehabilitation theory's key aspects in relation to imprisonment, as explored more fully in chapter Four. Rehabilitation in the prison

context means being sentenced to receive help (Bean, 1976). However, the theoretical and practical implications of rehabilitation involve the identification of certain weaknesses or 'faults' within the individual in order to 'fix' these (ibid). Largely, in the criminal justice context these weaknesses or faults are deemed contributing factors to the persons criminality, and the address of these factors by way of rehabilitation is hoped to prevent future offending (Hudson, 1993). Historically, there has been a strong tendency of criminal justice authorities to view criminals and prisoners as in some way abnormal or dysfunctional as a justification for rehabilitation (Bean, 1976; Hudson, 1993; Hampton, 1994).

Whilst rehabilitation itself is not reliant on retribution, many commentators have observed that because the primary raison de' etre of imprisonment is retribution, rehabilitative ideals become incorporated as aspects of punitive routines and methods of reprisal within prisons (Hudson, 1993; Hampton, 1993,1994; Faith 1993; Consedine, 1993; Carlen et al, 1987). Accordingly, it is claimed that the advent of rehabilitation within prisons, which hinges upon an applied pathological focus towards the individual, has inadvertently intensified processes of control and coercion towards inmates (Bean, 1976; Hudson, 1993; Hampton, 1994). Interestingly, this claim reflects the aforementioned comment by Phil Mcarthy General Manager of the PPS, that the forthcoming policy of Needs based management for prisons will not mean being softer on inmates, rather, through Needs based management the PPS intends to manage inmates more intensively (DOC, 1997 a).

Within any organisational context, a new policy must be able to adapt to the dominant value base and idiosyncrasies of the system within which it is expected to operate. To this end, rehabilitation theory is an important component for the moral justification and utilisation of Case-management towards inmates. Similarly, policy statements in relation to Needs based management and IOM convey strong rehabilitative ideals, particularly in relation to reducing re- offending (ibid).

Through its deliberate focus upon individuals, rehabilitation theory's main weakness is that it lacks a structural analysis of wider socio-economic and political reasons for

people's crime and imprisonment. This is not to say that specific acts of harm that break the law cannot be attributed to specific 'criminals'; but that rehabilitation theory, by definition, targets individual 'symptoms' of crime and is unable to identify, let alone address, wider structural factors that should not be ruled out as contributing factors to individuals' criminalisation, and their treatment within prison.

Furthermore, critics of rehabilitation in prisons have noted that causes of offending are elusive and that corresponding a cause of criminal activity to the individual offender involves many counter variables (Hampton, 1993, 1994; Faith, 1993). By the same token, Case-management, Needs based management and IOMS, which incorporate and extend the assessment, information gathering and sentence planning aspects of Case management, are bound to reflect this lack of structural awareness towards inmate subject positions, as well as the erroneous area of pathology and crime, as they attempt to categorise and 'manage' inmate needs.

Another weakness in relation to the individualised focus of rehabilitation theory and role in relation to new management policies for prisons, concerns the practicality of rehabilitation's focus upon the individual in a total institution (Faith, 1993) such as a prison. A principle necessity for the smooth functioning of all totally controlled institutions – schools, hospitals, etc, is the emphasis upon a large degree of conformity and uniformity. Therefore, as individuality is at odds with conformity, any deviation of an individual from the standard uniformity of the 'norm' within a total institution would poses a threat to its maintenance, and for prisons, a possible threat to security.

Another issue worth considering with prison rehabilitation is that activities an inmate participates in are in danger of becoming 'privileges' or rewards for good behaviour, rather than a 'right' to education, new skills, parole or recreational activities. Similarly, to what extent the likelihood of withdrawal of privileges and denial of access to 'rehabilitative' opportunities for inmates might determine or alter the course of an inmate's sentence plan raises issues of power and control between inmates and prison staff. This questions the inmate role in determining their sentence plan. In this way, the possibility may exist for inmates to fulfil their Unit manager's expectations for

participation in certain programs, regardless of whether the inmate personally finds those programs beneficial. These issues clearly relate to the claim that rehabilitation becomes part of control and disciplinary processes within prisons.

Moreover, Case management plans are clearly 'outputs'. Like Needs based management and IOMS, they can be audited. As staff performance is also measurable, being tightly linked to contractual remuneration based performance specifications, it is in the interests of staff to get maximum capacity out of implementing inmates' case management plans, in order to prove their own 'performance' to executive management.

In terms of the feasibility of rehabilitation in prisons, it is valid to reiterate the observations of New Zealand's MCIPS (1989) in Chapter Three and Consedine, (1993), Faith, (1993) and Hampton (1993) in Chapter Four, that the strict disciplinary regime of imprisonment is unlikely to accentuate strengths in, and teach positive life skills to its prisoners. In this context, it would be telling to ascertain whether inmates themselves attribute positive experiences they may have had from opportunities during prison to the credit of prison itself. Evidence from one inmate in New Zealand's Mount Eden women's unit suggests otherwise:

> " ... *They have a Maori group, that's good, I think ... But, then again, when you're in Maori group you're not in prison, you're in a different world when you're in Maori group* (Te Wairere Ahiahi Young, 1993: 117)."

Accordingly, whilst this inmate finds the Maori group worthy for its rehabilitative function, she makes a strong distinction between the merits of the program and prison itself. This also highlights a distinction between the benefits of programs to inmates, and staff outputs in relation to inmate rehabilitation, whereby regardless of the suitability or quality of the program to the inmate, projected output targets for PPS KRAs must be met in order for the PPS to determine its' management of inmates is effective and efficient. Having established the role of rehabilitation in relation to key

policies for inmate management, the following section explores implications for women inmates on the basis of gender arising from the convergence between rehabilitation and new prison management. It also outlines implications of the Public Finance Act for women prisoners.

The Management of a 'Special Group'- Women Inmates

The national policy towards women inmates is that they are a 'special' category and therefore have 'special needs' (DOC, 1997 a; DOC, 1994). Other special categories are remand inmates, inmates in segregated confinement, inmates with psychiatric or intellectual disabilities and ethnic groups (ibid). However, this special status categorisation actually shows up women inmates subordinate gender status in the PPS conception of inmates (and likewise the lesser status of other 'special' category prisoners). Accordingly, ten years ago MCIPS (1989) pointed out that New Zealand women inmates were only construed as a special group because the primary yardstick for what constitutes an 'inmate' was the predominantly male prison population.

The continuance of this male as inmate yardstick in the PPS highlights the way in which the current neo classical agenda for public service policy and legislation in New Zealand, does not prioritise the significance of important variables such as gender, race and class as powerful influences in peoples lives in terms of opportunity and equitable access to resources for all (Goldfinch, 1997; Kelsey, 1997; Bunkle, 1995; and Hyman, 1992).

This obvious gender bias against women inmates has far ranging implications for the location of women inmates' needs on a scale of resource priority in policy development and implementation. Carole Bacchi (1990), in exploring the same/difference dichotomy between women and men in westernised conceptions of gender, points out that 'gender' as a concept is based on inequality, whereas the basis of 'sex' is difference. Moreover, a key factor with Bacchi's (1990) logic is to determine *which* differences between the sexes should count. In this way, both female and male inmates should be construed in policy documents as having 'sex specific needs', rather than women's categorisation as

inmates being based relative to the male inmate yardstick of policy priority. Accordingly, surely is it irrelevant to count women inmates as a 'special' group, just because they are a minority within prisons. By the same token of difference, male inmates are also a 'special' group. One might contend that by neo classical logic for fiscal austerity in social service provision, anything 'special' may easily be construed as 'surplus' or 'inefficient' and thereby provide a justification for resource cutback.

As the present backbone of the PPS strategic focus on reducing re-offending, Case management is aimed at making inmates more 'responsible, and 'independent'. PPS policy statements on Needs based management reflect the same conception (DOC: 1997 a). This idea reveals a stereotype that the average prisoner must be irresponsible and her or his independence is relatively less likely than that of the wider population. As women suffer under the paternalistic notion that they have a special need for protection and guidance (Worrall, 1990), potential for gender bias again surfaces here.

A particular problem for women prisoners in terms of gender is the implicit rehabilitative assumption clearly evident in the new prison policy that the *causes* of their offending may be attributed to personal deficits, (for example, lack of cognitive skills, lack of education and lack of therapy) fails to analytically distinguish between lawbreaking itself and criminalisation processes that both lead *to* imprisonment and occur *during* imprisonment (Carlen P. and Worrall, A., 1987). Although the focus of this thesis is not on women inmates' experiences of criminalisation processes, it is relevant to ask to what extent rehabilitative regimes in prisons contribute to women inmates punishment within prison if they fail to remedy perceived individual 'deficits'.

In terms of rehabilitation theory's lack of structural analysis towards inmates, Australian psychologist David Denborough (1996) contends that psychological understandings towards inmates and an emphasis upon their education, all too frequently disguise political processes and dynamics of power within prisons. He describes how professional jargon from these discourses is used to mask the realities of sensory and material deprivation for inmates, and within their pre-prison lives. For example, from his extensive work in Australian prisons, Denborough cites the

enormous use of the concepts *'self-hatred'*, *'hopelessness'*, *'conduct disorders'*, *'personality disorders'*, *'oppositional disorders'*, and *'anger management problems'* in reference to inmates by his colleagues and prison staff in general (Denborough, 1996: 89-90). Denborough believes that the use of these concepts by staff within prisons, despite however well-intentioned they may be towards inmates, often collude with and silence the injustices of imprisonment. Australian ex-inmate Blanche Hampton (1994: 9) agrees:

> *If therapists in the community have the authority of their expertise,*
> *therapists in prison have the added weight of their reports to inmate*
> *classification committees.*

As established earlier, by using rehabilitation theory as it's moral base, Case and Needs based management, and IOMS processes are therefore inextricably linked to the wide use of psychological understandings towards inmates, and any other rehabilitative tools that can be employed for their management.

Both Denborough (1996) and Hampton (1994) also claim that the rehabilitative focus upon the individual is likely to be strengthened with the use of psychological and educational tools within the rehabilitative process in that both the dominant discourses of psychology and education also have a tendency to individualise explanations for why people commit crimes and wind up in prison. These fields of practice regularly infer that people offend and re-offend because of personal deficits, for example sexual abuse issues, deficits in life skills, cognition, reading and writing (ibid). Yet this focus ignores the fact that many people outside of prison, who never go to prison, have the same variables in their lives; moreover they do not account for the great many educated people who also commit crimes. In this context, Case management, Needs based management and IOMS processes have the ability to maintain stigma against women in prison and entrench gender bias within individual explanations for why certain women are imprisoned.

A further concern is that that IOMS may have the effect of 'locking people in' to certain stereotypes and perceptions of their behaviour that becomes stored in the system. For women, this type of electronically stored information could be particularly inaccurate, given the documented tendency of prisons to label women with gender bias perceptions of their behaviour. For example, a woman who resists her Case management plan may be labelled a 'fighter' or 'trouble'; a sexual abuse survivor may be labelled a 'victim'; a woman in prison who is assertive about her dissatisfaction with her Case management may be labelled 'aggressive' instead; and a woman who loses her temper regularly due to sheer frustration of being separated from her children may be construed as having a 'behavioural disorder'. Accordingly, contentious variables of inmate behaviour and experience may be recorded through IOMS, to be recalled at any point during a woman's path through custody or re-entry into DOC post release. As yet, it is unknown what rights inmates will have under the IOMS system to check data on themselves and correct errors.

Having established that significant junctions between gender, current inmate management policies and rehabilitation exist, and highlighted their implications for women prisoners, it is important to relate these issues to the service provision context of the purchaser / provider relationship between the government and prisons.

A lack of Qualitative Criteria within 'Output' Purchases of Inmate Services

As outlined in Chapter Five, the Public Finance Act requires management of state sector agencies on a financial accounting basis, to ensure that there is financial transparency around taxpayer money. The policies of Case management, Needs based management and IOMS fit within the framework of the Public Finance Act because as administrative systems they must assist prisons to meet Public Finance Act fiscal requirements. In this, the comprehensive planning and monitoring of inmates' paths through custody drawn together in Case management and Needs based management processes, which will ultimately contribute to the IOMS system, makeup the details of output purchases by the state of prison services, and also act as targets for each prisons own output monitoring system.

However, whilst the Public Finance Act does not expressly exclude qualitative targets for state 'purchase' criteria of outputs, as reviewed in Chapter Five, the classical liberal political ideology and neo classical economic paradigms that have shaped the outcome of state sector reform have created an environment where public service distribution and management has greatly directed resource attention away from these areas. What this signifies for women inmates, is that without a structural and policy basis to ensure 'outputs' incorporate extensive qualitative criteria for state 'purchase' of prison services, any disparate outcomes for women inmates as they make their way through 'Case management', 'Needs' based management and IOMS, on their custodial path, may go unchecked.

Summary

The new prison policies of Case management and Unit management, along with the emergent policies of Needs based management and IOMS towards inmates, have been tailored to fit the output monitoring requirements of the Public Finance Act 1989. In effect, these policies represent the prominence of neo liberal and market-based techniques now apparent in the ways our prisons are run.

Rehabilitation theory has been an important component in the state's justification of these new operatives for prisons. The rehabilitative emphasis on the individual – which lacks a structural analysis of wider socio-political factors connected to criminalisation processes and imprisonment practices, is also reflected in the new management policies for prisons.

The attempt to ascertain the convergence between rehabilitation and new management policies for women prisoners has exposed the subordinate gender status of women prisoners in the PPS conception of who constitutes an inmate. The fact that women inmates are officially regarded as a 'special category', only because the primary yardstick for what constitutes an inmate in the PPS is the overwhelmingly male inmate population, effectively warns of a lower and less important emphasis upon the allocation of resources to women in custody than for men.

Similarly, the neo classical influence that has largely shaped the style of prison service management and resource distribution, lacks attention to important qualitative variables such as gender, power and the role of rehabilitation vis - a - vis punishment, in prisoner management. Accordingly, Case management, Needs based management and IOMS are likely to reflect this backdrop in the management of women prisoners.

PART THREE / CHAPTER SEVEN

<u>METHODOLOGY, A FEMINIST,</u>
<u>QUALITATIVE VENTURE</u>

Introduction

This research project has been designed around a distinctly feminist value base and uses qualitative methodology. The chapter outlines the reasons behind the methodology chosen, methods employed for data collection both prior and for the interviews, participant recruitment, the interview process and ethical issues confronted.

Feminist Research - Context and Significance

Harvey (1990) specifies that some important characteristics of feminist research are that it sees gender as central to women's perceptions and lives, the shaping of consciousness, skills, institutions and the distribution of power and social privilege (ibid, cited in Sarantakos, 1993: 61-62). Moreover, feminist research is politically value laden and critical, and as such is not methodic, but dialectic and this implies that it is a creative social process which engages oppressive social structures (ibid). Sarantakos cites Harding (1987) that feminist research places an emphasis upon women's experiences, which are considered a significant indicator of reality and adds that as such it discloses distortions related to women's experiences; for example, the recasting of history to take account of women's roles and reconstructing it in terms of women's, rather than men's, concerns (Harvey, 1990, cited in Sarantakos, 1993: 61).

Feminist research is understood as not solely about women but primarily for women, taking up an emancipationist stance, it entails an anti- positivist orientation (ibid: 62). Furthermore, feminist research as a process of inquiry should be self critical, flexible and continually reflecting upon itself (Sarantakos, 1993; Patton, 1990; Smith and Noble Spruell: 1986). These values have been incorporated into this research project.

It is relevant to give a brief overview of the social research context that feminist research is recognized as belonging to. Feminist perspectives in social research are recognized as being part of a critical tradition in the social sciences which emerged out of a growing disillusionment with positivism as the dominant social science theory (Smith and Noble Spruell, 1986; Sarantakos, 1993). Critics of positivism in social science claim as a technique it has often promised more veracity than it can offer and is often based on hierarchical, elitist and manipulative relationships between the researcher and researched (Jayaratne,1983 cited in Smith and Noble Spruell, 1986: 137).

Such was the growth of this critical tradition that by the 1960s the previously unchallenged British empirical tradition of social research was being increasingly questioned by critics who insisted on addressing the political, ethical, subjective and reflexive nature of social inquiry, questioning the appropriateness of the scientific method for understanding the complexities of social life (Bechhofer, 1981 cited in Smith and Noble Spruell, 1986, 135). In particular, criticism focused on problems with the positivistic notion that the observer must be objective or value free about what they are observing and that 'scientific' knowledge had to be measurable in order to be valid (Patton, 1990; Babbie, 1998).

By contrast, critics put forward that the positivist notion of 'value free' social science was a myth as no observer could truly be value free because all observation of life or what we know to be 'reality', involves culture, attitudes, ethnicity, gender, class, age and a myriad of complex phenomena through which one's reality is filtered (Patton, 1990; Babbie, 1998). In this sense, reality itself may be understood as a subjective process and formation, relative to infinite personal and collective reference points. Similarly, a 'fact' may be understood as also complex and subjective, being simply a phenomena that has been observed (Babbie, 1998).

In sum, the critical social science perspective, of which this research forms a part, claims that all research results, however rigorously planned the research process and theory development has been, still reside within the subjective scope of the researcher.

Therefore, whether the venture produces statistics, questionnaire results or in-depth interview perspectives on the research topic, researchers of the critical school maintain that there can be no permanent over-arching justification for knowledge claims, thereby no permanent criteria for distinguishing knowledge from belief or opinion (Smith, 1992: 102).

Feminist research developed from recognition of the importance of addressing the traditional absence of social science focus on women and issues of concern for women, amongst the dominant accumulation of research on men and men's issues in academic research (ibid). Feminist research also recognizes that social science is not value free, but as with all observation and inquiry, it is value laden.

Accordingly, Jayaratne (1983, cited in Smith and Noble Spruell, 1986), in reviewing British social science journals, noted that studies of work did not include housework and stratification studies were based on the status of the male member of the family. Social research was found to have focused on the official, the public, and the dramatic, ignoring the private, less visible informal systems in which women predominated (ibid). This excluded the behind the scenes roles that women might be playing, thereby inevitably limiting a full understanding of the complete social structure (Smith and Noble- Spruell, 1986). Consequently, social science has often assumed a single society, in which male experience has been assumed to be the norm and then been generalized to women, the 'other' (ibid).

Today, research drawing upon feminist principles is recognized within the social sciences for its value of addressing the perpetuation of gender inequity by social inquiry, practice and policy. It is also notable for contributing to an important critical analysis of existing social frameworks, such as questions around the idea of what counts as knowledge, who controls it and who benefits from it (Smith and Noble Spruell, 1986). In this sense, knowledge may be understood as something that is constructed in a social and political context. Increasingly, feminist research makes the distinction that such knowledge needs to be de-constructed and re-constructed, or

replaced altogether, to ensure it does not predominantly serve the interests of any dominant social group to the exclusion of others (ibid).

The Appropriateness of Feminism to the Subject of Women in Prison

This thesis reflects a feminist value base because in my belief it is the ethos most appropriate within a research context to ethically approach the experiences and concerns of women prisoners for analysis. In this, feminist principles of social inquiry which highlight the variables of gender and power for understanding social structures and social outcomes are seen as indispensible tools for critical social analysis. Moreover, the needs and concerns of New Zealand women prisoners are characterised by a lack of historic archive and current research. This reflects the absence of critical knowledge on women and criminal justice issues generally and calls for a variety of inquiries to be made into this area. Further, male focused criminal justice issues have always compelled and received the most policy, resource and media attention and coverage. To a large degree this reflects the fact that males make up the majority criminal and prison population, but care needs to be taken that a disproportionate emphasis is not placed on the needs of male inmates at the expense of female inmates. Through critical gender awareness, feminist research is equipped to address any such imbalance.

As established in Chapter Six, where attention has been drawn to women inmates in New Zealand, they have been construed as 'special' group, their needs and experiences 'other', rather than 'equal to' the majority male inmate population. Consequently, the women have been subsumed within policy priorities for male prisoners which fail to recognise or resource women prisoners within their own right. The tendency of research outcomes and policy statements to sideline women inmates as 'extras' or a 'special group' within the main male criminal justice cause, is still prevalent. Accordingly, feminist research exposes the importance of how gender difference has been used to oppress women as a group. Fundamentally, this research aims to contribute to breaking the silence around women's experience of prison through eliciting women inmates' own viewpoints, towards improving conditions for them on the basis of inmate defined

needs. Therefore, feminist methodology, principles and analysis were chosen as the most appropriate design for this research.

Methods Employed for Data Collection prior to the Interviews

As displayed in Chapters Two to Six, extensive literature searches were conducted prior to the interview process in order to review data relevant to the research objectives and lay the foundation for the interview guide. For Chapters Two to Four, archival and documentary literature sources were located in an explorative manner using library searches for New Zealand and overseas data. As few New Zealand sources in the topic area exist, the review in this area of the thesis relies heavily upon overseas data of women inmates' experiences. However, the universal phenomenon of gender is the dominant subject within these chapters. Accordingly, the literary sources on overseas women inmates' experiences provide links to New Zealand women inmates' experiences in subsequent data collection and analysis sections of the thesis.

For Chapters Five and Six, a review of documentary and archival sources of data in relation to the features of New Zealand state sector reform and its effect upon New Zealand prison management was undertaken. Primary sources include post election briefing papers to incoming governments, DOC data accessed under the Official Information Act, DOC annual reports and forecast reports, as well as key PPS policy statements. Other sources included journal articles and literature on New Zealand state sector reform by various New Zealand commentators. In Chapter Six, significant features of data from Chapters Two to Four are woven into the policy analysis.

The data these methods generated played a very influential role in both the interview guide deployed, as well as the integration and analysis of data, to elicit the final conclusions and recommendations that evolved from the original research objectives.

The Qualitative Choice

The emergence of qualitative methodology in social research was an outcome of the critical focus on the traditional positivist slant (Babbie: 1998; Sarantakos: 1993; Patton 1990). Being quantitative, the original social science research methodology could (and still does) offer useful data in it's own right, but it lacked the complement of an alternative methodology for data collection and to act as another reference point to it's validity. In this, it gave limited access for both researchers and respondents to the subject view by only procuring results through a one dimensional lens (Patton, 1990).

Alternatively, the clearest way to describe the value of qualitative methodology is that it tries to describe reality as experienced and told by the respondents (Sarantakos, 1993). Qualitative research attempts to do this by engaging methods and analysis which focus on subjective elements and a socially constructed world, critical thinking, interpretative attributes and political issues that reject the notion of taking the world for granted (ibid). Moreover, qualitative research pays attention to "complexities, idiosyncrasies and context" (Patton, 1990: 51).

Accordingly, qualitative methodology has been employed for this project because of its specific ability to best elicit a description of reality as experienced by the women interviewed. Qualitative methodology fundamentally rejects the notion of objectivity which is associated with positivism and standardisation and thereby incompatible with the main principles of qualitative research.

The idea that our world is something we make, not something we discover (Rorty, 1989) is central to qualitative research. This is an appropriate angle from which to approach this research subject because the very small amount of research on or including women criminals and women in prison shows them as frequently misjudged on the basis of gendered perceptions of their behaviour and needs; gender being a socially constructed value system. Also on the basis of their gender, women prisoner's sex specific needs have traditionally been given inadequate attention in women's

prisons. Ideally, qualitative methodology offers particular scope for such issues to be brought forth at the respondents own will.

Rather than objectivity, what is important for this research is that it may be deemed valid. In this, if validity can be assured, the end result should be reliable (Sarantakos, 1993). Qualitative researchers try to achieve validity not through manipulation of variables, but rather through their orientation towards, and study of, the empirical world (Blumer, 1979, cited in Sarantakos, 1993). Also, the topic involves new, exploratory research and qualitative methodology is best for this phase of research as it is open to new ideas.

So that the likelihood of producing valid research would be greater, the research was designed in such a way that without the respondents' approval of the process and method used, it would not have gone ahead. Accordingly, important steps were taken that engaged the inmates before the interview, after the interview and following the themes and data analysis chapter formation to ensure they were comfortable with the process and saw the research analysis as representative of their realities. This was also to ensure that they were comfortable with the research outcome on ethical grounds. These steps and ethical issues and procedures will be set out after the following description of the interview method used, the focus group style.

Focus Group Interviews

A focus group involves a discussion amongst a small gathering of people including a facilitator who introduces the topic for discussion and facilitates the contribution of the participants around the research topic (Thomas, et al. 1992). As a qualitative data collection method, the focus group technique explores a pre-defined topic yet is open and flexible, allowing intensive exploration of opinions, feelings and attitudes amongst group members (Murphy, Cockburn and Murphy, 1992: 37). As this research is qualitative, the purpose of the focus group was primarily explorative. Therefore, the purpose was not to look for conclusive answers to my research questions but to explore aspects of the research objectives as much as possible within the group. The focus

group method of interviewing instead of conducting one to one interviews was chosen for several reasons, and these are now discussed.

A unique feature of group interviewing is that the environment allows participants to react to and build upon responses of other group members, often yielding more and richer information than individual interviews (Murphy, Cockburn and Murphy, 1992). I hoped this method would encourage the women to analyse and explore aspects of their imprisonment together, validating and substantiating one another's opinions and experiences and thereby produce more in-depth and robust data than individual interviews might create. As my respondents would all know and live with each other, I also felt that a group setting would be appropriate for them in the sense that they would probably feel more comfortable with one another than alone with me, and therefore more able to offer information. They would also have the advantage of being able to discuss the interview topics and process from the same reference point.

Another advantage of the group setting was it allowed me to simultaneously take on a facilitator and observer role as the participants interacted with one another in conversation without me constantly being at the centre of the discussion process. Therefore, apart from key questions I asked, much of the discussion directives came from the participants themselves and often key questions from, or relating to, the interview guide arose spontaneously amongst the participants so that it was unnecessary for me to raise the question at all. This was a very positive feature of the process because it meant the participants were actively engaged in directing and facilitating the discussion pathway without too much 'outsider' interference.

This could have meant that the original interview agenda might have altered substantially as the respondents could have de-constructed the research objectives or changed original concepts that were used to construct the interview questions. However, this did not occur as the responses showed clearly that the original research objectives (which the interview questions were derived from) were appropriate because of the amount of enthusiastic discussion they generated. On the other hand, if the original research agenda had been altered by the respondents' answers or terms of

reference in any way, this would not have been viewed as a disadvantage to the research. This possibility is recognised as a valuable feature in qualitative research because it allows scope for the research agenda, and the researcher's ideas and motives, to be challenged by the respondents, thereby producing more ethical research that is more closely aligned to the respondents' reality and experience of the subject (Patton, 1990).

Another advantage of using the focus group technique for this research was its ability to gather data more quickly and economically than individual interviews (Thomas, et al. 1992). As the research was conducted on a small budget with limited time, the focus group method was very suitable.

Limitations of the Methodology, and Reflections

There is a limitation to generalising the findings of this research too far. In this, the focus group interviews involved a total of 16 women inmates only. On the other hand, research participants were from New Zealand's only two women's prisons (to the exclusion of the small Women's Division in Mount Eden Men's Prison which holds short sentence and remand women inmates), and many of their experiences are validated by other New Zealand and overseas research on women's experience of imprisonment.

A limitation of the focus group style of interviewing was that because responses were not given in an individual context, some statements and issues did not come through fully due to being cut off or subverted by other respondents. This resulted in some angles having to be excluded in some places, and where links between data from both prisons might otherwise have been achieved, not quite enough data was available in some areas to substantiate a theme or link between the two groups' experiences. However, this appeared to happen more often when the women were particularly enthusiastic on an issue and everyone had a lot to say. In this sense, any data lost was balanced by the great amount of data that did come fully through, often substantiated with a variety of experiences described and examples given.

Another possible disadvantage of the focus group technique is that some more vocal members dominate discussion and others just conform to the group norm rather than voice their individual opinions (Thomas, et al. 1992). Whenever I felt this might be occurring, I attempted to include less vocal participants by asking them direct questions and this worked quite well to encourage response. However, in some places data was uneven because of more vocal members and others were clearly more comfortable listening.

Another limitation was my inability to control prison staff. However, every step possible was taken to moderate their influence with the overarching aim of protecting participants.

In a general sense, the fact that by the time I came to interview seven inmates at Christchurch Women's prison, I had already conducted an interview with nine Arohata inmates, and accordingly had by then a sharper idea of the type of data I sought, as well as more confidence in my own proficiency as an interviewer, is likely to have had an effect on many differences between data elicited between the two prisons. As other factors such as different prison settings and an alteration to the interview guide for the Christchurch women's group were also influential, it was difficult to discern specific areas in the data where this methodological limitation might have been influential.

Another issue I perceive as a limitation to the research findings, concerns the scope of the overall research design. Whilst the feminist and qualitative framework was a definite advantage to approaching and working with the women, on both ethical terms and for the political recommendations that emerged out of data analysis, the research could have been even more valid, had it been designed as a Participatory Action research project. In this, the research participants could have been actively engaged in the entire research process throughout because the entire process would have been more tightly linked to the women's own terms of reference, values and reality (Whyte, 1991). However, for an M.A thesis there are serious restraints to such an ideal the most obvious being authorship. Moreover, the unequal power balance between imprisoned people and non- imprisoned people, inmates' lack of access to technology and literature

required for research, confidentiality within the institution and restriction upon inmates' time.

I have immense gratitude to the respondents for their positive interest and co-operation in this research. I also have a degree of concern that as an individual researcher the subject and outcome of this project is likely to be perceived by many readers as something which I as the researcher am an authority on. In fact, it is the research respondents who are the experts on the subject of women in prison, and this is why I believe the research would have been more socially and politically engaging, and ideally therefore more valid, had they been involved from the outset. This was something I discussed with both groups during debriefing sessions after each interview and they agreed that they would have preferred more involvement in the project from it's beginning.

As this research is very much a 'building block' towards further research in the area of New Zealand women imprisoned, my reflection on research design is to make a strong recommendation that future qualitative ventures in this area do consider a more Participatory Action research approach as a possible design choice. The steps that were taken for the collection of fieldwork data and recruitment of participants are now considered.

Gaining Approval for the Research - Unlocking the Gates

Having gained approval for the project from the Massey University Human Ethics Committee, I wrote to the General Manager of the Public Prison's Service seeking consent to approach Arohata and Christchurch Women's prisons as a researcher. However, after confirming via phone that my letter had been received, and after ten weeks still receiving no reply, I approached the General Managers of both prisons directly. After viewing selected sections of my research proposal, Arohata's General Manager was able to give me approval to do research within the prison, on the grounds agreed to by the University's Ethics Committee, as soon as I could schedule it.

However, Christchurch Women's Prison's General Manager informed me that under the newly implemented regional management structure for the PPS, I needed to gain initial consent from the Canterbury Prison's Regional Manager. This consent was duly sought and the Canterbury Regional manager referred my research proposal on up to the Department of Corrections Head Office in Wellington. I was required to sign a standard 'Agreement for Research undertaken within the Department of Corrections' document issued by Head Office, which covered issues of informed consent and ethical conduct pursuant to the Privacy Act 1993 and then given permission to proceed with the recruitment of participants.

Volunteer Participants

In order to participate in the interviews, respondents needed to be serving a three year sentence or more, or have served three or more separate prison sentences. This design feature was put in place upon the assumption that women who were serving, or had served more time in prison would most likely offer greater insight and analysis of issues discussed.

The first procedure for recruitment involved prison staff selected by each prisons' manager posting copies of the information sheet I designed for inmates up on prison wing notice boards a week prior to my arrival at the prisons. This introduced me and informed inmates of the research topic and procedures, including their rights as potential participants. It was also an invitation to meet with me in a separate meeting before the interview, so that we could discuss the research in order for them to make an informed choice as to whether or not to volunteer. However, at no stage during the initial meeting or interview stages were prison staff present as this would have jeopardised the confidential nature of the research and could have made inmates less likely to be honest and candid about their experiences and opinions to me.

At Arohata, unfortunately, I discovered the information sheets had not been posted on the prison wings notice boards, but instead the staff member who had agreed to do so had approached one particular inmate to act as the carrier of the information sheet and

ask others to be involved. This posed an ethical problem as research participants had to be volunteers of their own will and my research design had deliberately put procedures in place attempting to prevent staff influence towards participants. The ethical significance and outcome of this is covered in the next section. However, despite this concern at Arohata, nine women came forward voluntarily to discuss the research. Of those, eight were interviewed, one woman went on parole and one other woman who had heard about the meeting from her friends also turned up on the interview day.

At Christchurch Women's the recruitment went according to plan and about twenty women came forward voluntarily to discuss the research with me and consider whether they wanted to be interviewed. Obviously this number would be too high for a single focus group, but I left it up to the group to decide for themselves who would be in the actual interview. One woman raised the issue of what to do if some women in the group did not get on, to which I simply affirmed that they needed to work that out amongst themselves and did not need to sign consent forms until just before the interview itself. On the interview day, it turned out that two women who had wanted to be involved were on segregation for testing positive with drugs the day before, and although I asked prison staff if they could be allowed to participate, it wasn't permitted. Seven women were interviewed in total from Christchurch Women's.

At Arohata I had given the consent forms to the women who came to the initial meeting to sign in their own time, but when the interview day arrived several had lost theirs, so at Christchurch Women's I gave them out just before the interview instead. This was fortunate as two women who had not been at the first meeting, but had heard about the research from others, had decided to volunteer.

The meetings I held with inmates prior to the interviews so the women could make an informed decision about whether or not to volunteer turned out to be a valuable exercise and one I would recommend as indispensable for doing research with prisoners. In this, it provided a good 'ice breaker' between myself and potential respondents, many of whom were initially suspicious about the research. The women were able to gain a face to face impression of me and a clearer understanding of the

research objectives and ethical considerations with my assurance. During these meetings, the most poignant question asked by both groups was: "What's in it for us?". This was a very fair inquiry and we discussed the idea of being part of breaking the silence around women's experience of prison towards improving conditions for women inmates on the basis of inmate defined needs. I also told the women they would each receive a copy of the themes and data analysis chapters their information was included in.

I had anticipated that the meanings of some concepts I used to convey the research objectives during these meetings could be questioned by the women and so had prepared some clear explanations for certain concepts just in case. This turned out to be accurate foresight as I was asked what 'gender' meant and explained the difference between sex and gender on this cue. We also set an appropriate interview date and time to suit their schedules and I had this approved by the prison's management.

The Interviews - Breaking the Silence

The interview guide was structured according to the research objectives and key issues relating to them from research carried out prior to the interviews, the results of which appear in Chapters Two to Six. However, in developing the interview guide I found it necessary to refine the original research objectives and these can be compared by viewing the original version in Appendix One, and the refined version in the Forward to Chapters Seven and Eight. The only major alteration is the omission of the original research objective One: 'to provide a social profile of New Zealand women in prison,' which was left out as it did not link with the remaining research objectives.

Both interviews were audio taped and ran smoothly with the groups on the whole very responsive to my questions and ample discussion generated. It was a definite advantage to the group dynamic and my role as facilitator that the women all knew each other so were able to support and prompt one another during discussion. I was very much aware during the interviews that I was an outsider whom they, at their discretion, had allowed into their familiar space. Because of this, I tried not to manipulate the course of

discussion too much, believing that so long as we were within the broad interview guide structure, this was appropriate. I also felt that even if discussion went outside the interview guide, so long as the issue was clearly important to the group as prisoners, it would be worth allowing, however this did not occur.

The way in which the women chose to relate their experiences and analysis to me, as well as the way in which each group as a whole responded to inmates' contributions varied greatly. However, for both groups there were distinct similarities in their style of relating which seemed to expose ways of coping with or surviving prison life. Many incidents the inmates felt were unjust or experienced emotional pain from were related gravely and incited expressions of empathy from other group members.

These issues were then often joked and laughed about in some sense. This appeared to serve the purpose of dissipating group tension and relieving the speaker. Similarly, there was a pattern between both groups with the discussion of issues involving inmate experiences of staff abuse of power over them, unfair treatment or conditions, and sex inequity. These issues were frequently related by the women with a mixture of cynicism, emotional blankness, and anger. It is appropriate here to cite the words of Blanche Hampton (1993: xvii) whose experience as an Australian prisoner reflects and validates the effort the Arohata and Christchurch inmates put in to telling *their truth* for this research:

> *It takes courage ... to put into words an experience which was, for*
> *most of us, something we dealt with overtly, but felt at our deepest*
> *levels to be a nightmare. This is sometimes belied by the apparent*
> *lack of emotion with which (we) ... discuss the events which*
> *transpired during ... incarceration. Emotional withdrawal and*
> *cynicism are survival tools in the prison system, used in dealing with*
> *the bureaucracy, other inmates and even family members ... At a*
> *personal level, the larger issues of brutality and mistreatment evoke*
> *little response beyond frustration at the waste of resource involved.*
> *Some small things, like the memory of carrying foil-covered paper*

dinner plates up to reception for the women who would be received at
prison that day, always make me cry.

Possibly as a result of me not controlling the course of discussion too much, many issues came up spontaneously amongst the women and forged links to other issues which may not have been apparent otherwise. After this happened with the interview at Arohata, I took out several sub questions in the interview guide which had been put in place as prompts, and related to key questions, for the Christchurch Women's interview as they no-longer seemed as necessary.

Because issues around rehabilitation came up regularly and spontaneously in the Arohata interview, as well as in response to my questions, I chose to place more emphasis on this issue at the beginning of the Christchurch interview, so this also changed the interview guide a little but not at the expense of other issues. Similarly, as management came up regularly in the Arohata interview, I also focused on this as a key topic at Christchurch Women's. Other than these changes, the interview guides were identical for both groups and each was asked the same questions. Both interviews ran for just over two hours.

Debriefing

Two days after each interview, I met with each group at a time that suited them for the purpose of rounding up what we had discussed, and for me to ensure the women were comfortable for me to go ahead with their data into the transcription, themes and data analysis stages. At Arohata, all participants turned up, except for one woman who had been transferred to Upper Hutt Police Station remand facility, due to the Arohata muster being full, and another who choose not to come due to disappointment that her day parole had been postponed. At Christchurch Women's all participants turned up.

I began by thanking the women for participating, and then outlined the key points that I felt they had conveyed in the interview. This was open to their comment and I made sure they endorsed my interpretations. At Arohata I asked some of the women to clarify

points they had made a little further and taped their responses however at Christchurch Women's this was not necessary and the tape was left off. I also honoured those participants who had chosen to say less by emphasising their presence as being just as important to the group dynamic as others, and saying that I felt they had contributed value to the interview process just as equally as those who had been more vocal. In this, I had noticed that the quieter women (of which there were only two in each interview) were often performing important support roles to their more vocal friends by sitting beside them, nodding and comforting the other in certain places where sensitive issues were being conveyed. Their presence also contributed to the atmosphere of strong moral support amongst the participants towards one and other in each group.

I specifically wanted the groups' feedback on the interview style and research design. This was a positive exercise because one woman said the interview was the first time she had spoken out about her opinion on prison issues in such a way, even amongst her friends, and that she had found it a healing experience to do so. Another woman said that after the interview she had decided to withdraw all her comments, but after discussing her insecurities with another participant who had been in prison longer than she, had decided her participation was valuable and that her responses should stay.

Other women said they had learned things about prison that they didn't know from other participants and this was positive for them. One young woman was brave enough to say that she had had difficulty understanding some of the words used during the interview and that made her feel stupid. In response, the other women were able tell her she was in no way stupid, that it was great she had spoken up and to give her the meaning of the concept 'stereotype' when she asked what it meant.

Whilst these features were not part of the original research objectives, they were very positive outcomes nonetheless. They fully accord with feminist emancipatory research aims and a reciprocal relationship between researcher and participants. These outcomes also answer the inmates' question as to what was in it for them, with the knowledge shared and support given being an empowering experience.

At Christchurch, some women initiated discussion about past research they had been respondents for as inmates and been dissatisfied with the outcomes of. They were dissatisfied at not hearing back from researchers they had given data to and who had promised to follow up with them, and also felt questions asked of them by other researchers had not always provided scope for inmates to convey their own terms of reference and context. These points enforced the importance of this research process remaining ethical and accountable to the women throughout its duration so they are comfortable with the outcome of their participation. This time together for reflection went on for at least an hour with both groups. Additionally, I briefly visited the Arohata inmate who had been transferred to Upper Hutt Police station remand centre straight after visiting the rest of the group to give her the same opportunity.

The design of the research supported the type of information I was seeking and all the while validated the importance of the experiences of inmates, as a cogent source of data for future policy development.

Checking the Data

Following data transcription and presentation of it in chapter form, I again returned to both prisons with copies for each participant so they could validate the data and ensure their anonymity had been protected. A new ethical issue arose at Christchurch Women's Prison where due to concerns that I might leak sensitive data to the media, arising out of interest in New Zealand women's prisons by the media at that time, the manager of the prison insisted I not be alone with the women. An agreement was reached between the prison, inmates and myself where the inmates gave their informed consent for the prison social worker to sign a confidentiality agreement to be present while they read their data. This was to ensure they passed no new information onto me that I might then pass onto the media. Both groups read the data and required no changes to be made to it.

Ethical Issues and Procedures

Prior to approaching the prisons, acceptance of my research proposal from the Massey University Human Ethics Committee was gained. The following section outlines ethical issues and related procedures the research has encompassed.

Informed Consent

The steps taken to ensure potential respondents made an informed choice about whether or not to be interviewed are outlined above in the section on recruitment. The initial meeting with me before women were given consent forms also ensured that any women who might have reading difficulties, and therefore not understand the information sheet fully, could ask questions and hear the research procedures described by me. However, I also made it clear in writing and at each stage of meeting with the women that their participation had to be voluntary and at any stage they could withdraw from contributing, even after I had transcribed their data if they wanted to. The information sheet (appended) included a piece on respondents' rights, which I also went over in person with the women before they signed a consent form (appended). Prison staff were asked not to become involved in the decisions of inmates as to whether or not they took part. This also ensured that inmates gave informed consent based on their own evaluations of the information sheet and through meeting me, rather than through staff opinions of the project or influence.

No Harm to Participants

As indicated in the recruitment section, an ethical difficulty arose at Arohata when the staff member I had relied upon, did not distribute the information sheets as we had agreed, but instead had spoken with one inmate and asked her to carry the information sheet into her wing and get a group together. It was of the staff member's opinion that otherwise inmates would not have come forward to volunteer. Fortunately, I discovered this from her before I met with the inmates, and was able to make sure the information sheets were posted on several wing notice boards so that volunteers could come

forward without being hand picked. Both groups assured me that their participation was wholly voluntary.

Confidentiality and Anonymity

Confidentiality of all details participants shared during the research process was of paramount importance to their safety and integrity. Only myself, and a woman I employed to help transcribe some of the Christchurch data, heard the tapes and viewed the transcriptions. This person signed a confidentiality agreement for the data she transcribed; however, the majority of data was heard and transcribed by myself only.

All participants were informed both in writing and verbally that all details of their identities would be protected during the research process and within the final outcome. No names were used in the transcriptions and were destroyed at the conclusion of the project. Unless women requested otherwise, pseudonyms were used for their names and no details of their convictions or sentences were disclosed if they could in any way identify the participants to readers.

Potential Harm to Participants

In order to maintain the confidentiality of data from the interviews, I emphasised the confidential nature of the data to be collected to the participants prior to interviewing and asked that they did not share information given inside the group to others outside of it. The participants of both groups also asked the same of me, other than for the research purpose. To ensure the participants approved of the context within which their data was presented once transcribed, each participant was sent a copy of their interview's themes chapter as well as the data analysis chapter. In this, pursuant to the Privacy Act 1993, participants knew what information had been presented about them and were able to check it for accuracy and appropriateness. The data was accompanied by separate stamped envelopes addressed to the School of Policy Studies and Social Work, Massey University with a time frame so the participants could reply to me with any amendments they wanted made. I obtained written assurance from both prisons'

managers that this data would not be read by anyone other than the participants on its way in or out of the prisons.

This chapter identified and explained specific methodological and ethical requirements both anticipated and encountered for this research within the prison context. Careful attention was paid to research design throughout and procedures were adopted to best ensure research objectives were met, especially the hearing of the women's voices. Limitations of the methodology have been acknowledged, as well as issues arising from the prison context, which have been attended to with particular care, in order to prevent harm to participants. We now move onto the heart of the research, Chapters Eight and Nine, which present data from the interviews with both Arohata and Christchurch inmates. The data is preceded by a short forward which explains the purpose, format and relationship of these chapters to one another.

FORWARD TO CHAPTERS EIGHT AND NINE

THE INTERVIEWS –
AROHATA AND CHRISTCHURCH WOMEN'S PRISONS

Chapters Eight and Nine display themes that emerged from two focus group interviews I conducted with separate groups of women, nine inmates from Arohata Women's prison in Wellington (Chapter Eight), and seven inmates from Christchurch Women's prison (Chapter Nine). The two sets of data have been kept separate because they are from different prisons and the amount of data generated from each is extensive. Both groups were asked the same key questions however at Christchurch Women's prison, which was the second interview, I placed more emphasis on the concepts of rehabilitation and management at the start of the interview as following the Arohata interview, they seemed worthy of more exploration.

The purpose of the interviews was to gain insight into the respondents' experience of imprisonment around the key variables of gender, rehabilitation and punishment within the context of the research objectives:

1. To identify any correspondence between gender, punishment and rehabilitation in the management of women prisoners.

2. To uncover any sites of contradiction between punishment and rehabilitation for women prisoners, in particular whether rehabilitation manifests as a 'right' or a 'privilege' for them.

3. To expose the effects of punishment/ discipline within prisons upon women prisoners.

4. To identify the extent of any gender stereotypes towards inmates in women's prisons that may be occurring.

Therefore, the interviews did not concern looking at why the respondents' were in prison or how they came to be imprisoned in any way whatsoever. Rather, the interview motive concerned the participants, as individuals within two distinct groups, conveying their experiences and reflections in response to the research objectives.

At both prisons the interview opportunity seemed to provide a forum for the women to analyse their experiences', compare knowledge and reflect on their understandings of imprisonment and the research objectives together. This was particularly obvious in several different incidences where some women took the initiative to question one another regarding responses to the research questions in order to further clarify the significance or meaning of that particular issue or theme.

In terms of the age range of participants, who were predominantly women in their 30's, both groups took the initiative to inform me that if I had interviewed younger women prisoners I would have very likely got different perceptions and answers to questions. Though speculation of factors that would likely contribute to any discrepancy between younger and older inmate answers to the questions is hypothetical, some probable factors would be varying levels of outside responsibility (such as children), different relationships for younger inmates with prison guards due to a generation gap and often less time having been spent in prison for younger women. Therefore, it was important for the participants to impress upon me that their answers, perceptions and experiences need to be understood as very much speaking for themselves only. This factor reflects the qualitative value of the research where the respondents' initiative to emphasise this issue creates an important boundary to generalising beyond their experiences.

CHAPTER EIGHT

THE AROHATA INTERVIEW

The Participants

The nine women who took part in the interview at Arohata were serving a wide range of prison sentences between them ranging from one year to life imprisonment. The women's ages ranged from 32-52 and all of them were mothers. Their cultural affiliations ranged from Maori, Pakeha and several different Pacific Island representatives.

Interview Themes

Five clear themes emerged from the interview at Arohata prison. Their dimensions are explored with the illustration of selected quotes from individuals that best appear to demonstrate each theme. However, all of the themes are in fact very closely linked with one another. For the purpose of initial clarity they have been separated out, but once established the themes will be drawn together in Chapter Nine, along with those from Christchurch Women's Prison so that their overlapping significance and implications for policy as a whole become apparent. The themes are:

1. Additional Punishment: Arbitrary Staff Power and Control.

2. Two Types of Rehabilitation: the one that's 'Just a Word' and Personal Self Determination.

3. The Analogy between the Staff / Inmate Relationship and an Adult / Child Relationship.

4. New Policy Emphasis on Deprivation.

5. Stereotypes and Stigma.

Theme One: Additional Punishment: Arbitrary Staff Power and Control

The nature of imprisonment demands the institution maintains a regimented level of incarceration, deprivation, routine and security amongst its inhabitants and without such features an institution could not be seen as a prison. It is understandable, therefore, that any deviation from the set pattern of protocol within jail would at the least be an incidental disruption to daily routine and, at worst, pose a threat to the integrity and balance of managerial power within the infrastructure.

However, from the point of view of the women interviewed at Arohata, the way in which this power is exercised by prison staff towards inmates occurs frequently at whim and is often highly discretionary. It appears that due to the large power imbalance between prison management levels, prison guards (some of whom are in sub-managerial positions, others as floor staff), and inmates, the latter of whom obviously have the least power in this setting, there is enormous scope for prison staff to exercise power and discretionary control tactics over those incarcerated. The women interviewed at Arohata clearly interpreted this discretionary control as additional punishment and something that, unlike set routine and security, was unnecessary.

On the other hand, prison policy requires that specific acts of 'power over' inmates by staff are carried out in the name of security; namely random strip searching of inmates, random cell searching and random drug testing. These routines appear to also fulfil an important psychological purpose to constantly enforce the ultimately unequal dominant/subordinate power dynamic between prison guards and prisoners. Before exploring aspects of arbitrary punishment the Arohata women discussed, which begins with the subtitle 'sexuality', it is relevant to highlight the women's interpretation of prison officer power and control over them in terms of set routine and security, and its effect upon them. As the purpose of incarceration is the 'deprivation of liberty', this

establishes the context of arbitrary punishment as additional punishment, where inmates experience is already characterised by strict security and retributive policy.

Retributive policy

For women, the policy of strip searching has particular significance on the grounds of both sex and gender. As one woman commented:

> *"I feel powerless when I have to get stripped...I mean that's the big difference between males and females too is like, you know how you're supposed to be covered...cover yourself- specially from here down (waist)- I mean that's a really sacred area and exposing that to strangers- is really hard to have to deal with...so that's a different aspect where men- I'm not saying all of them but usually oh yeah they'll just hang it out- and here it is,...and like then too, you've got your period or something like that, you know they can see- say if you've got a sanitary towel or something- you have to put it on a piece of paper and show them."* [1]

In this context, another inmate spoke about how important it is for her to draw on her inner strength to maintain her sense of self:

> *"There's one thing I always um personally...they may be able to control me but they cannot take my power off me, they can control me, by whatever way they want to but they cannot take my power... I have always maintained that, the power is mine."*

> *"You've got to keep that, yes- to survive."*

---

[1] A new set of speech marks indicates a new speaker.

*"So it is really what it's all about aye?- is control...you're either
gonna lose it or you're not."*

The anger and pain that occurs when an inmate expressly loses personal control can
result in cell confinement to the 'pound' (solitary confinement), the harshest version of
which is strip conditions, the official response to inmates who are suicidal or self
mutilate. Inmates cannot wear their own clothes on strip conditions but are given:

*"A strip nightie which has been reinforced and they think that people
can't pull them apart, but they have been pulled apart."*

*"We had one woman who was in here recently that was in strip
condition... and she was in one of the lower cells, well she tore that
apart- the floors, the walls, everything, the blankets! ...she lost it."*

Sexuality

In terms of arbitrary punishment, sexuality was an area inmates felt was often subjected
to additional punishment. Two women gave their accounts of deprivation and control
by prison staff concerning aspects of inmate sexuality:

*"I find they treat um, say women to women relationships... as being
classed as a type of punishment, it's like a major thing- yeah I think
that's a big issue- mm, they go to many ways to make it- they try to
deny it, that it's not happening and they try to do everything to break
it up but it is happening and it always will... they'll either move the
girls to separate wings... depends on who you are too a bit I think, if
you get on alright with them they'll leave you alone..."*

One woman had experienced a harsh reprimand on cultural grounds, concerning her
sexuality, from two prison officers:

"In my case there's two Island officers who came up to me and they said to me "You are disgraceful", why is because I like being with a female- I'm an Islander- it's not on to have a relationship with a female...I mean ah- I have feelings, if I can allow my feelings for another female I can do so. Who are they to come and tell me? They come and say "You are a mother... you're married and most of all you're an Islander, Island people don't do such things as turn gay." But I'm in here, I haven't got my husband's love and support anymore and I need that- even from a female."

In this, punishment appeared to be interpreted by the group as something that was not always an action, but could also be expressed scorn, a telling off, or name calling by staff towards inmates.

Health

Several women felt they were being additionally punished as inmates in relation to their health. They believed they were being denied appropriate medical treatment and received inadequate consideration of their health needs, and their lack of power gave them little or no control over this deficit.

"They breach their confidentiality the nurses in here, yeah they'll tell you half way down the corridor with other inmates what you've got. If there's ah other inmates down the corridor and they (medical staff) *wanna see you, they'll go "Oh look I'll get that swab test off you tomorrow!"*

Prison health professional's failure to take women's specific health needs seriously, in terms of preventative treatment, was experienced by one inmate to the extent that she believed if her problems been addressed properly at their onset, she would not have had to have a major irreversible operation:

"If you go up to them with your problem they'll turn around and say to you- "It's all in your head - it's all in your mind",- and I end up having a hysterectomy because of this you know..."

Another inmate also had to contend with a health problem developed since being in prison. She was very worried because she felt the medication given was inadequate and that she badly needed to be seen by a specialist in that area:

"Oh mine - high blood pressure, do you think they'd send me to the hospital and have a thorough check up? No, they're giving me pills to ah- stop it and it's not stopping, it's still rising... I would think that they would send me to the hospital and have a thorough check-up and see what's happening...I go to the doctor every Friday, they just give me the medication to take which makes me sleepy and dozy...and they took that one off and gave me the other one- which I'm taking twice a day and I'm just- spaced out!..."

In terms of prison policy, another worry for the women was a lack of consistency for diagnosis and prescriptions between women's outside G.P's, and prison doctors, whereby new inmates had to re-apply for their prescriptions:

"Another thing is if you're on prescribed medication, on the outside and if you come in to prison I don't think they should be wiped - that really bugs me... they not only won't give you it they'll give you the prison stuff that's virtually- well I s'pose non addictive stuff but whatever if it was valium or whatever, the fact that if a G.P gives it, it should still be continued ...it shouldn't be just wiped."

The effects of prison as a high stress environment upon women's health was also raised:

"...I'm low in iron...I tried with the doctor to see if I could buy my own food like taro and bananas and things like that and he said it's got nothing to do with the food it's being in this place- well any normal person will be stressed being in this place- you know?"

"Yeah I think they need to do something about prison as a high stress place to be in- and your bodies do get deficient more so in B group and I think we need some form of supplement I mean in the food it isn't enough and I think they need to take that into account..."

Difficulties for inmates laying complaints against prison officers

Dealing with additional and arbitrary punishment is not always easy for these inmates. It is prison policy that all inmate belongings must be approved by management in order for inmates to have them in their possession. If inmates have undeclared property in their cells, prison staff are required by policy to confiscate the item. However, one woman who some weeks ago had had some non approved items confiscated, felt she was now being harassed by the officer as following the confiscation he had repeatedly searched her cell. The searching had gone on for weeks, without any further confiscation. She went on to say:

"They're in control, it's like you know I'm thinking of doing it...it's the first time I've felt like papering[2] an officer for harassment but then I'm thinking Oh God do I need the come back? And it's gonna be a comeback so I need to get my priorities right here, which is most probably...I- I want to but then I tend to forget it, but then I'm getting really pissed off with it and it's the first time I've felt so caged in like that with an officer... it puts you in a lower position because you

---

[2] The term 'papering' refers to an inmate's right to formally report staff for misconduct, that if found accurate will result in some kind of reprisal for the staff member.

know you're going to be listened to second, um yeah it's a horrible position. I cried last night in my cell because I was just so upset...he just likes to play mind games with you- he's a bit twisted anyway, I mean y'know going through your lingerie, yeah I don't like anyone going through my stuff but a man like him is like - ,eew. He knows what I'm wearing type buzz. When I came out of the shower I saw him and I was getting dressed and I looked up and it was like- I sort of went into myself, you know how you get that- oerr I don't want to see that- so I tried to deny it- I pushed it out, and now it's- it's kept going on different things and I'm just so angry."

The woman's experience highlights two issues. One concerns the appropriateness of male officers in a women's prison being able to search through inmate belongings. The other is the enormous difficulty for inmates to lay a complaint against an officer, on the grounds of additionally punitive use of power, and expect a fair hearing. As one woman who has been in and out of New Zealand prisons for many years states:

"It's very, very rare that an inmate will have a one on one win with an officer, it's very rare."

In this, the following discussion between several women shows the inmates' subordinate position against the dominant status of prison officers. An incident was related that occurred whilst one of the women was on remand in another prison:

"Swearing at the officers- they can swear at us but we cannot swear back at them"

"We... we can paper them."

"But it's your word against theirs, I've been to one because my son... I was crying because my son was shifting from Auckland to Hamilton

so- that was maybe the last time for a long while I was seeing them, so I start crying and ah one of the officers said "Why are you crying?" You know- and my son got up and said "She's my Mum so don't you fucken speak to my Mum like that!" And that is on my report, it wasn't my fault but it's on my report, it's a misconduct or something"...so I went and saw the Unit Manager who said: "I don't listen to inmates, I only listen to my workers, my officers"; So yes, what can you do?"

"It's a power trip aye- they've got the power."

Visiting privileges

Clearly, the gulf of power between inmates and prison staff is such that scope exists for staff to use their power in an indiscriminate manner. The influence of gender in this power equation is a fundamental question and some insight on the difference between what occurs between the staff and inmates during visits to men's prisons compared to visits to women's prisons is offered by the following:

"Your husband comes in and they treat him like he was worse than a criminal- and like yelling at your family members- giving them orders and telling them what they can and can't do, if you're at a men's prison and an officer says something about your family a man will immediately - the table will fly - "Don't you fucken talk to my family..." and it's acceptable the officer's a runt and they don't intrude, but it's not the same here...the officers in the men's prisons when I used to go to visits, they would come up and they would be extremely apologetic - "Um excuse me, I'm sorry, but you know you just can't do that... but here they just stand up and they bawl at your visitors."

This description was strongly endorsed by the other group members which shows that in these women's experience there is a clear gender distinction between the level of respect prison officers show women inmates and their visitors compared to male inmates in the company of their family and friends. Also, this shows that it was acceptable for male prisoners to rage but not acceptable for female prisoners to stand up for their family rights in the same way.

Family role

Another important issue with implications for visits to women prisoners is that the vast majority of women who are mothers fulfilled the role of primary caregiver to their children prior to prison and still try to play a lead role in family unity:

> *"Cause women have ah- got the head, they're the head."*

> *"...the head of the family really, I mean maybe not so much the breadwinner but you keep the family together, everyone relies on Mum."*

> *"You're just the brains!"*

Therefore, prison staff power and control in relation to women's central role in the family was also construed by the group as an extra and arbitrary punishment inmates at Arohata incurred.

Also in relation to family roles, one inmate complained she was told of the death of her father over 24 hours after prison staff were informed by her family, given no reason for this by prison staff when she asked for an explanation, and granted a very short compassionate leave for the funeral.

Inconsistent treatment

It was the inmates' perspective that women's different personalities and the quality of their relationships with prison officers is often a determining factor in terms of privilege or punishment they receive. This was evident in the area of women to women relationships and this discretionary use of power by officers also showed up in other areas. For example, to work in the prison's laundry, sewing room, kitchen or garden, inmates need to meet criteria involving their security rating, having an interview, and:

"Being accepted by the person training...the instructors, they run the industry- they have the last say."

Similarly, whether or not inmates are charged for breaking rules or breaching discipline may not, in their perception, always have to do with *what* they have done, but with *who* they are:

"I do stuff all the time I don't get charged."

"It depends who you are- they go on individuals- each person and their attitude towards them."

Therefore, according to the group there are inmates who breach prison policy and get away with it, or receive a lighter punishment from prison officers simply because of who they are. The converse is also true. Again, favouritism and inconsistency from officers towards inmates appears to be another aspect of additional or arbitrary punishment.

Standing up to arbitrary power and additional punishment

However, there is a fine line between arbitrary use of power, resulting in inconsistent treatment or additional punishment for inmates, and abuse of power. It was made clear

to me that when prison staff abused their power over inmates, those inmates who had the skills to use quick assertion, could get good results and retain their dignity:

"There was an incident four weeks ago, there was about four of us sitting in the dining room- an officer- a very big huge man...this girl was standing at the bench and she was cutting something, this officer came along- and I'll- I'll go up to his height- about this height above the woman: "Why didn't you tell you tell me when the- um thing didn't fit on the gas grill- why the hell didn't you come in and say something to me?"

"No his tone was uglier"

"Uglier- it was reeally ugly!"

"Adult and patronising"

"Right, and the inmate turned around and she looked at him and she went "Don't fucken speak to me like that you dork- don't patronise me!" Y'know and it's sort of like- he meeked right down and backed off her... it's a power trip buzz."

"This lot we've got at the moment, they're a bit wary-"

"And they're on a power trip"

When I asked what was meant by the term 'wary' the response was:

"There's a lotta women who'll outspeak- if they're called something (derogatory, by prison staff) *they'll speak up and say something about it- for the likes of me if they call me a name I'll just rise up and I'll just go for them, I'll go for their jugulars and I won't back down to*

them either, so they get very wary of who they can say things to and
who they can't."

Staff training

On several occasions the women emphasised the need for prison staff to be trained more appropriately in terms of communication and respect towards inmates in the hope that perhaps this could make the relationship between both parties less acrimonious:

> *"So that's where they need a lot of training cause there's a lot of*
> *women here who've been abused in some way or another- y'know a*
> *lot of emotional abuse n' that and when they're gonna speak to you*
> *like that I mean the inmate could be in therapy trying to rehabilitate*
> *herself or what have you- and you've got some idiot who should know*
> *better than to speak like that to the inmate..."*

> *"... some of them aren't suited... there should be some psychological*
> *testing, some vocational guidance and some directive back out."*

There were concerns that inmates who were not as assertive or personally empowered as others were more vulnerable to being emotionally abused or having their rights denied by some prison officers:

> *"And it's hard too when- a lot of women who have been like sort of-*
> *yeah this submissive type and you have the really confident really out*
> *there women, um some can adjust to rules- rulings quite easier-*
> *maybe a submissive one rather than one who's been more...in control*
> *of themselves, so that a lot of women wouldn't even know that that*
> *they were being abused..."*

Prison staff ability to exercise 'power over' inmates for their own means in order to carry out training tasks is something the women also felt was inappropriate, and

particularly conspicuous in this sense because it frequently occurred with newer inmates:

> *"In remand, I was in remand and one guy went into my cell and put something under my mattress- well I freaked out because one of the officers said if anything they find in your room- you're going down for it, so- I- I don't take drugs but if anything's found in my room- I'd go down for it."*

> *"Yes, they use you as a guinea pig don't they? Even on strip searches when they're- like they shouldn't have done it to me aye, but they did, cause I didn't know at that time that they'd brought about four or five new officers in showing them how to do the strip search. I stood there and I was like- doing as I was told more or less, but I didn't realise that they shouldn't have really done that."*

Control over liberties

The ability for prison staff to control the smallest liberties inmates are allowed, for example purposefully withholding information, are examples of everyday petty tactics the women find frustrating. For instance, an officer refused to tell an inmate whether or not a letter she had been expecting from overseas had arrived when he looked in during the interview. Similarly, staff could arbitrarily control the type of music inmates' listen to:

> *"If we're playing hard out rap- they'll say turn it down- if we play music they like here, they don't say nothing."*

> *"They'll come over and say "Oh what's that song you're playing? - Oh I really like that."*

The data provides many instances of extra punishment spanning every area of inmate life, the most concerning feature of which is its arbitrary and unpredictable application.

Theme Two: Two Types of Rehabilitation: the one that's "Just a Word" and Personal Self Determination

Two clear messages came through from the Arohata respondents in terms of rehabilitation. The strongest was that despite work, programs and education for inmates, rehabilitation on the whole did not exist in prison. On the other hand, thought of in terms of personal growth goals, rehabilitation was believed to be achievable but very difficult in prison.

> *"There's no rehabilitation in here!...Not through- not, not in jail I mean like they have rehabilitation programs like the rehab here , but otherwise if you're just here doing your lag - no."*

> *"It's just a word."*

> *"Rehabilitation comes from within yourself, the individuals themselves- it's their goal, if they wanna do it they'll get there but if they don't..."*

> *"(But) you don't have to come here to do it."*

There were several discussions during the interview about rehabilitation- what it was, what it wasn't and what the women thought the prison should be doing to assist them towards real rehabilitation, or more appropriately whatever it was that individuals themselves felt they needed to achieve:

> *"... well how I see it is that...if you wanna change, and not what the system tells you you should be rehabilitating- I mean there should be stations there to serve you - whatever needs they are, but it's up to*

yourself if you really want to make those changes and you'll rehabilitate yourself and go the way that you want to go, it's either yes I do or no I don't and you'll follow that path, but having a few stations- whatever you need along the way to help you along."

"Yeah I think that's the bottom line for all key rehab issues it's whether or not you want to do it... but there's nothing here. And it's not just a matter of dealing with- like if you're a sexual abuse victim it's not just a matter of dealing with the sexual abuse because that has one off affects on everything you do- but you can change your whole lifestyle, your attitude towards it- that's what I think rehabilitation is."

Along with what the women saw as the inadequacy of prison to provide options styled around inmate identification of their own needs, they had to contend with prison officers who were ill- equipped to help them identify their needs:

"When I came in, I mean I'm in for murder, they sez to me "I think you should do accounting", I said " I don't think I should, I should be doing something for my mind don't you reckon? For why I'm in here!" Y'know and I thought you's are dumb!...I could not, my head was not in the mood for y'know- numbers...like I say they're not trained."

The woman felt that because of the nature of her offence, it would have been more appropriate to be offered some form of counselling or therapy, rather than a 'work skill'.

"We need somebody trained to identify our needs, not just some officer who's been employed to turn- lock keys...how to assess they've got no idea. I've been clean for seven years and they told me I

need to be in that rehab, but it's not an issue I'm not dependant! I'm
not co- dependant...I don't even have to justify it- I just refused."

For those inmates who wanted to spend their sentence getting educated or furthering
their education, a structural constraint of having to spend increasingly more time in
prison industry meant much less time for study:

> *"No- we don't get to go (to education) everyday, I used to study five*
> *days a week every morning until they dropped the time down to a*
> *couple of hours two days a week... to spend more time at work than*
> *education- they're expecting you to rehabilitate but they're not*
> *allowing you the time to study and so forth."*

Conversely, a real problem for inmates with achieving qualifications in prison, is that
their certificates clearly show the holder has achieved it in prison, which would do little
to assure the ex prisoner of her employment chances up against any societal stigma or
perceived risk by the potential employer around employing a woman who has been in
prison:

> *"I have achieved so many certificates being in prison for five years*
> *but what's that gonna do for me when I get out?"*

Inmate empowerment not encouraged

It also appeared that empowerment related skills for inmates were not viewed as an
advantage to the prison and nor were they a budget priority. One woman quoted a
comment from a senior prison staff member, which appears to reflect a belief that it is
not in the prison's interests for inmates to be empowered, or to encourage
empowerment related skills for them:

"Yeah, cause I asked about the self assertive course, that the rehab³ people get to do, why couldn't we have that happening for some of the women? And she said: "What would we do with a bunch of assertive women running through the jail?"... The rehab do all sorts of stuff that we don't get, yeah I said can't we have some of those?- Just selected ones so that we can maybe gain some skills that'll be useful out there..."

"They can't handle it."

Justification for not running the assertiveness course in the main prison was also given on the grounds of lack of budget. On the other hand, budget priorities may also be held elsewhere:

"No, there's no budget for it either, that's what she said, she said "We're gonna revamp education but at this stage there's no money"...

"They've got the money."

"Yeah they've got the money to put things into things for the officers but not the women."

Superficial change

The irony of any so-called 'rehabilitation' in prison, is that whether or not the program has been of any use to inmates (and the interview data indicates that it has not), whether or not inmates think they need to change, whether or not they actually *want* to, in order

---

³ The 'rehab' refers to a national prison drug rehabilitation program being piloted at Arohata at the time of the interview.

to get a favourable report from the parole board towards release, they must somehow show prison authorities that they have changed:

> *"There's no rehabilitation in here!...Yet I won't say that when I get out there, I'll get out and 'present' I've addressed offending, and I've been rehabilitated- yeah."*

> *"With me, they think that I have rehabilitated, but I know within myself I haven't- but that's what they wanted me to be- the model inmate..."*

On the other hand, this woman also felt she had come a long way in terms of self esteem and confidence while in prison, but that this was not something that 'counted' to those who had power over her, or something they would notice, and so it became a private achievement. This woman had been in and out of prison for some time and had come to the conclusion that in order to get an earlier release date she was better off to hide her 'truth' about herself from prison staff and the parole board. She had found that she was rewarded for lying and punished for telling the truth about herself- if the truth was not what those with the power to release her really wanted to hear:

> *"When I went to the board I went with...my *** (work skill), I got it from here and that's what pushed me out the doors...and plus I'd been ah doing A and D counselling...I know that I wasn't clean, but they don't know that, so I just went along with what they thought I did... and that pushed me out the doors too, yeah I got taught to do that here."*

There was unanimous agreement that to go along with, or to portray, untruths about oneself to the prison management and parole board was an important survival skill for inmates. Unlike the outside world where making a rational choice to be dishonest might lose someone their job or the trust of friends, if it meant seeing freedom and ones' family sooner, doing so in prison appeared to be the only rational choice:

"And that's exactly what I did and I'll do it again and again and again."

In this sense, rather than being a place of personal growth which the concept of rehabilitation would seem to imply, imprisonment for these women is anything but rehabilitative:

"If it's anything, this place teaches you how to lie, it teaches you how to disrespect, um..."

"To steal!"

"Yip it does teach you how to steal and it's not just stealing off other inmates or lying- it's the fact that you have to lie to get yourself through!"

"Everything defeats the purpose in here you know, in a lot of respects."

Gendered work

Another aspect of rehabilitation that came through clearly from the interview is the types of prison industry the women work in at Arohata. Though the group did not identify their prison work options as sexist, they are restricted to traditionally female occupied domestic tasks that in wider society reflect those work place skills that are undervalued, low paid and more often unpaid.

With the exception of those inmates who are unemployed, who are those on remand and not eligible to work and a significant number of medium security inmates who cannot get into the only industry open to them- the sewing room, inmate options for work are the prison's commercial laundry (the prison's largest industry), the kitchen or a small number who work in the prison garden. Recently a position has been created for

one inmate to work in the prison administration section as an office assistant. All of these options a reflect a gender stereotype that women are most suited to and most likely to benefit from domestic work.

For a variety of reasons, these inmates found prison rehabilitation largely a farcical experience. Lack of properly trained staff to help inmates identify their needs, discouragement of inmate empowerment related skills, restricted education, a sense that budget priorities were held elsewhere, and an overarching conclusion from inmates that they needed to lie about their rehabilitative gains to prison authorities in order to progress out of prison, characterised their experience in this area.

Theme Three: Analogy between the Staff / Inmate Relationship and an Adult / Child Relationship

Closely linked to the women's concerns about the ability of prison staff to be so arbitrary in their use of power over inmates, and in some cases abusive, was a comparison drawn between prison officers' styles of relating to the inmates and parents' styles of relating to their children. The irony of this was that every single one of the women interviewed was herself a mother.

> "...and it's like with the nineties happening, y'know just- just to be right out there and confident and do this, that, and the other but they'll try to disempower you especially if you've got the old ones here and it's like that adult- child thing and everyone's not reaching that level and it becomes quite frustrating..."

In response to being asked whether they ever felt they were treated by prison staff as if they were children not adults the answer was a unanimous "Yes."

> "And they, some of them are younger than us (laughs)- the cheek!"

"Oooh...like some of us don't even have to be told what our duties are, but they'll come up and say "Come on, do your duties!" We already know, they don't have to say it."

"A lot of them are on power trips, and a lot of women do get intimidated and will do as they're told so it's like they are on like the adult- child thing ... and they get off on it."

The paradox of this adult / child analogy between prison staff and inmates is that whilst children are expected to trust and respect their parents, strong statements were made by the women that showed a lack of respect and trust towards prison staff. When I asked what advice the women would give a friend who had come into prison for the first time concerning the relationship between staff and inmates the answer was unanimously *"Don't trust the staff."*

Moreover, when I asked about the Prison's Code of ethics between inmates and staff, I was told:

"It's bullshit, it's just bullshit."

"Yeah, I think it's up to yourself, I mean...it used to be really like us and them- now you're trying to get onto this friendly buzz[4] but you still know your limitations- you've got to know your limitations..."

The women were very critical of what they saw as unprofessional behaviour by prison staff:

"They do more fighting amongst themselves than we do!"

---

[4] This refers to a new prison policy that encourages a more amicable relationship between staff and inmates.

"They wanna discipline us, they should discipline themselves first!"

"When they have meeting lock-downs it's usually on Wednesday, they go up there and gossip about the inmates- they've got nothing better to do than talk about the inmates!"

"And when their meeting is finished they go off and have cups of coffee..."

"Except when there's certain officers who turn round and say: "You're nothing but a lazy bunch of bastards, you should be going and unlocking those inmates and then going for your cup of tea."

Therefore, in a similar way to children noticing double standards between adult behaviour and what adults expect of them, the inmates felt many prison staff were hypocritical to set a standard of behaviour for inmates, and yet not demonstrate it themselves.

Officers with a personal stake in inmate achievement

Another issue that may relate to the parent / child analogy for prison staff and inmate relations is a concern that many prison officers place too much of a personal stake in inmates' lives and achievements which although it has advantages:

"There's a few staff that will- or a couple, that will do their utmost as I see it to try and make things happen, or be there for support..."

On the other hand, this support may turn out to be short-lived and is not always particularly helpful to inmates because it brings 'obligations' and a sense of debt for inmates:

"A lot of staff take um- you personally, they can get very personal, yeah if you're close to an officer and you do something just out of the ordinary, they become personal, they get really upset about it...

(a lot of interruption with many enthusiastic voices talking over each other in support of this statement) -

... No not her, she guessed that I would be back but it was another officer...she turned around and said "So your case manager did all that work for you for nothing!", She didn't do nothing! I did the work not her, all she did was just do the paper work, and yet she knew jack-shit about me! I come back again from being six months out and it was like- "Oh you're back again so it was wasted time."

A related issue that came through was an element of indignation from the women that they often saw prison staff and management taking the credit for inmate achievements:

"And when you go to the parole board they are crediting them, they're not crediting the individual themselves for making the changes- they credit the management officer! The management, everything we do- "Oh, we did this- to them."

"I got my School C in Te Reo, they benefited from that."

"What about the drama group when they had the drama in here? And they got all the credibility, they got money from it and it went to Head Office...just as well we got our takings. Because they're hierarchies- they like to look at themselves as being up here (motions above her head with her hand) *and we're the slaves."*

The adult/child analogy between inmates and staff has been demonstrated in a number of ways which highlights the way in which the imbalance of power between staff and

inmates is played out in a paternalistic manner by prison staff. Moreover, condescending attitudes and double standards from prison staff are not lost on inmates.

Theme Four: New Policy Emphasis on Deprivation Negative for Inmates

As an aspect of recent changes involving the development of stricter security measures and procedures in prisons nation-wide, at the time of the interview, a new policy on cell contents was being implemented at Arohata. In the women's eyes this change was part of what they adamantly believed to be an ad-hoc and overall negative direction for inmate management. This new policy was discussed by the group as an example of the epitome of negative change in prison.

As most of the group had been in prison for at least four years, and one woman for ten, overall they had a strong experiential grounding in the raft of structural and regulatory changes to prisons since the establishment of the Department of Corrections. However, apart from the new cell contents' policy, other policies and changes were not discussed specifically but referred to in the wider sense of summarising their significance.

Although the concerns in this theme link strongly to the themes on punishment and rehabilitation, they are presented as a separate theme to reflect the groups' perception of high level decision makers outside the prison infrastructure as responsible.

> *"It's just ...in here I feel we're being really really victimised at the moment through this Corrections buzz... yeah and using us how society- that we're a different breed altogether- cause we're all out there as one, we're all going back so you may as well start listening to us before we go back out there and then maybe the community might be a bit better out there."*

> *"They're taking more and more..."*

> *"Away."* (whispered)

The new policy on cell contents was discussed at length:

> *"They issued these formal papers on cell content standards, what you are allowed and what you're not allowed, there used to be.... You were allowed to personalise your cell."*

> *"That right's been taken away."*

> *"Everybody and it doesn't matter who you are, how long you're doing or how short you're doing every cell must be the same."*

At this point there was a lot of talk passing information on exactly what was being taken away. They knew they were allowed a jug, TV, fan, computer and small tape deck but were no longer allowed posters on their walls, including pictures of family:

> *"Only on the board- whatever you can fit on the board that's it- nothing on the walls."*

One of the who was women serving a life sentence, expressed her frustration at the pettiness and lack of consideration this change embodied, next to the already powerless position inmates are in, whilst they try to create something between a personal security and survival space in their cells, for the duration of their sentence:

> *"These are the things that really bug me I mean like that list man, I mean it's too concerned with taking everything out of our rooms just in case it's a little bit of enjoyment for us, they forget things like... we've all had terrible ordeals happen to us- we can't go and see our children...all main issues like that, people don't seem to realise that we too have feelings and that we are very helpless when we can't go to whatever tragedy in our family, and we see our life- on the notice board. I mean who cares if you have fifteen or fifty photo's ? They tend to push that aside, it's just things and not feelings that matter."*

There was particular concern regarding possible clothing restrictions:

> *"Oh yeah they're thinking about having three undies, three pairs of socks..."*

> *"Well that in itself is not good for women..."*

Another concern for the negative consequences of this new policy was also raised:

> *"And stealing, those that haven't got it are going to take it."*

Political charlatanism

One woman had a very clear sense of precisely which political level to direct her anger and indignation at restrictions to inmate possessions. The following statement refers to the Minister of Corrections:

> *"Really I have- who the hell is he I mean what qualifications does he have this guy... be it life experience or paperwork to back him- where does he come from? He sits up there and then he starts to interpret what imprisonment is about, it's something about loss of freedom I think- we're contained and he's decided- you know to suit himself, perhaps his ego or his political career... it's not a four star hotel- it isn't, even with a few bit's of extra... and just- who the **** is he ?*

Accordingly, in a wider sense of the culture of policy changes that had occurred since prison restructuring in the early 1990s, a key aspect of this theme was a belief that those making the policy decisions concerning inmate and prison management didn't really know what they were doing. This was due to what was seen as conflicting messages coming through between rehabilitation and punishment:

> *"They either want us to be um- rehabilitate ourselves on a mental*
> *level and then other times they've got us on a physical slavery level*
> *like it used to be years ago and it's like they- they to me it's like they*
> *don't really know what they want to do. They want this and they want*
> *that but they don't know... you know.'*

> *"They're contradicting aye? Very contradicting."*

Added to this perception was one that saw the policy changes to inmate conditions and treatment in a wider context of political opportunism lacking real substance or staying power:

> *"They're basically trends aren't they?... then we'll get another*
> *minister up there interpreting it his own way... whatever the flavour*
> *of the month is out there y' know they'll say what the treatment is and*
> *then oh yeah they'll pick up on that one."*

In sum, there was a clear perception that inmate needs were not being listened to for policy development, that as a minority they were being conceptually set apart from wider society in terms of humane consideration of their needs, and that this was not a socially responsible or sustainable way to manage prisoners. Moreover, new policies such as cell contents and clothing restrictions were viewed as detrimental and overly punitive. This physical deprivation was seen as contradictory to prison efforts to rehabilitate inmates on a mental level. Accordingly, Ministers were perceived as initiating policy on whim, that inmates experienced as inappropriate to their needs.

Theme Five: Stereotypes and Stigma

The group discussed their experiences of stereotyping and stigma directed at them from some prison officers. Unlike in relation to women's health and work status, gender stereotyping was not apparent in relation to the inmates interpretations of the concepts of 'stereotype' and 'stigma'. However, it is possible that different research questions

may have uncovered more data in this area. Several women related incidents they had been involved in or witnessed during imprisonment that reflected moralising judgements and prejudice against them from those in positions of power:

*"Who was in that meeting with us with ****** ? Remember what he said? What was the words he used?... it upset just about the whole wing... and he said: You need us we don't need you. Yeah, and he called us a name, it was along the line of murderers and robbers ...it was an uncalled for comment anyway."*

"There's an officer here who'll just treat you as a crim, he thinks because he's a taxpayer, he keeps us here. He's prejudiced- very prejudiced, well I think he is- he said that to me- he goes: As far as I'm concerned you're just a crim- you's are just crims it's us as taxpayers that look after yers in here..."

"And they forget that we were once taxpayers ourselves."

"Yeah they forget that our family work too and they're taxpayers as well!"

One woman's experience illustrates an equally inappropriate display of power and prejudice along similar lines:

"Well I been told to go back to where I come from that I don't belong here!...one of the officers told me to ah- that I don't belong in New Zealand because I'm in prison that I should be back where I come from... and I call that racist... it's my right to be here as anyone else- to be in this country. Well, I didn't respond... I thought I was the intruder..."

Summary

Varieties of punishment in prison fell into two categories for the women interviewed; either policy driven, or of an arbitrary, additional nature. In particular the retributive policies of random strip searching and cell confinement on strip conditions were emphasised by the group as fulfilling an important physical and psychological function for enforcing the dominant/subordinate power relationship between officers and inmates.

Arbitrary punishment was demonstrated with reference to women's sexuality and health. In this, inmates in lesbian relationships were frequently separated from one another. The group believed inmate health concerns were not taken seriously enough in terms of confidentiality, preventative treatment and adequate diagnosis. There was also a concern that inmate integrity was doubted by prison medical professionals, who might believe problems were psychosomatic, and not give early enough treatment for female specific health problems.

Other forms of arbitrary, additional punishment identified were officer inconsistency in administering retributive policies, where some women were punished and others not; lack of respect from officers towards inmates and their families during visit privileges and psychological bullying by officers towards inmates. Officer lack of respect towards inmate families made most women's roles as primary family caregiver particularly difficult to maintain. However, though inmates had the right to lay a complaint against an officer, they found inmate credibility was seen as more dubious and believed it was very difficult for inmates to receive a fair hearing. The need for staff training, especially in communication, was raised.

In terms of rehabilitation, the punitive culture of prison was seen to make rehabilitation for inmates, in a personal growth sense, extraordinarily difficult. They found officers ill- equipped to identify inmate needs. Moreover, practical options responsive to inmate defined needs were said to be non existent for the majority prison population. It came through that for the women rehabilitation was a private thing and not assisted by the

way in which prison authorities placed expectations on inmates to rehabilitate themselves without providing resources responsive to their needs.

Accordingly, the relevance of rehabilitation in prison was seen as compliance with authoritative expectations for inmates, due to immediate penalties and benefits in the balance, rather than real change or skill development for them. Because parole is a privilege and an earlier release date could be obtained through such compliance, inmates found that often to portray untruths about themselves and appear rehabilitated was an important survival skill. In this, honesty could land inmates in a no win situation. Inmates could find themselves rewarded for lying and punished for telling the truth, if their truth was not what the prison management or parole board wanted to hear.

A concern of mine is the lack of work for Arohata inmates outside traditional female work spheres in the prison, mainly laundry and sewing tasks. As work is officially regarded as an aspect of rehabilitation, Arohata prison reflects the most economically marginalized work sector of New Zealand's economy- the predominantly unpaid, female gendered domestic sector. This provides little scope for inmates to obtain work and financial independence beyond the benefit threshold post release.

Linked closely with arbitrary styles of punishment, the group drew an analogy between adult/child relationships and relationships between prison staff and inmates, in terms of use of power. In this, the dominant/subordinate nature of the relationship had a disempowering and intimidating effect on many inmates. The paradox of this analogy was that whilst children are expected to trust and respect their parents, the inmates were adamant that on the whole they could not trust prison staff and did not respect what they saw as a lack of professionalism by staff. Another concern, was that many officers held too much of a personal stake in inmate lives and achievements, which resulted in officer disappointment or resentment towards inmates, if they re-offended or did not gratify staff expectations.

A new prison policy to reduce cell contents was viewed as particularly harsh by this group. They felt it disregarded the important symbolism of possessions for inmates in

terms of links to family and the outside world. Material possessions provided solace and identity affirmation in an often hostile environment.

There was a strong emphasis upon high level decision makers outside prison as responsible for inappropriate policy changes around inmate conditions. The women believed these decision makers did not really know what they were doing because recent changes highlighted a contradiction between physical punishment and deprivation on the one hand, and attempting to rehabilitate inmate conscience and consciousness on the other. The group believed not seeking out inmate opinions and needs was not a socially responsible way to manage prisoners. In this, it would be better if authorities responded to inmate defined needs because they would all sooner or later re-enter society.

Prejudice and pigeon holing of inmates as dead end criminals by officers also contributed to the contradiction between rehabilitation and punishment in prison. Investment in stigma and prejudice towards inmates showed refusal to see inmates as capable of change or worthy to their communities in any way and was a psychological form of officer abuse of power.

CHAPTER NINE

THE CHRISTCHURCH WOMEN'S INTERVIEW

The Participants

Of the seven women who took part in the interview at Christchurch Women's Prison, five were aged in their thirties, one was in her late twenties and one was eighteen. Their cultural affiliations were Maori and Pakeha. Sentence lengths ranged from ten months to three years, thirteen years and life.

Interview Themes

Five key themes emerged from the interview with inmates at Christchurch Women's prison. As with the Arohata interview, their dimensions are explored with the illustration of selected quotes that best appear to demonstrate each theme. In Chapter Ten these themes are drawn together along with the Arohata themes to explore links and analyse their political significance. The Christchurch themes are:

1. Rehabilitation - Forced, Futile or Possible in Prison?

2. Domestic Rehabilitation as Gendered Punishment.

3. Prison Management - a Window into the Relationship between Punishment and Privilege.

4. Punishment and Inmate Health.

5. Stereotypes and Stigma.

Theme One: Rehabilitation - Forced, Futile or Possible in Prison?

There was extensive discussion on the subject of rehabilitation amongst the women. Mirroring the Arohata group, a central concern was that because inmates need to comply with Case management requirements in order to receive privileges and parole, they often feel forced to lie about themselves and to do courses they are not interested in:

> *"You shouldn't be forced to do it, it should be your choice. They are making you be false...they're saying "We want you to change, here are the courses, whether you want to change or not"...yeah, they are forcing you to lie. They hang a carrot over your head, home leaves, moving, um you know- "You can move out of this wing if you do this course, or you can go home to your kids if you do this course."*

A related concern was that those inmates who did not want to do courses were often disruptive, making it difficult for those who did want to be there:

> *"Whether you want to do it or not...and the ones that don't want to be there are disruptive, they don't want to do it. But they are made to stay and get their silly little certificate in the end, so they can go to the (parole) board."*

Whilst officially inmates do not have to do the courses, as clarified in terms of the 'carrot' metaphor, there are privileges and deprivations inmates need to weigh up in relation to compliance with management expectations for their rehabilitation:

> *"Because they hold the power in the situation... um, the inmate themselves have the right to refuse to go to that course if they don't want to- but the only thing is they still hold that golden carrot over your head- paroles. So you are really in a no win situation."*

However, there was little variation in the courses offered year to year:

"The thing is they expect you to repeat the same courses, exactly the same courses and you've done it once and sometimes you've done them four times over."

"They are not made any different... You might do it one year but in two years time they might want you to do it again- but you're doing the same thing, you're not learning anything because you've done it!"

Inmates are interviewed by a Case management panel to determine what courses an inmate is to do, and to set up a Case management plan. However, according to these women this situation is less of an interview and more of a 'tell her what to do' session by a group of people who do not know her. In this, inmates were not asked their view:

"Yeah and they sit there at the head of it and you sit here and they say: "Right, well your crime is this and we think you can do this and this and that to prevent your coming back"- and they don't have a clue! They don't ask you they tell you what you're gonna do."

"Yeah, and if you sit there with your head down they say you've got self esteem problems, it's all... yeah".

Due to choosing not to follow part of her Case management plan, one woman had recently had her home leave held back because she had refused to do one course- an assertiveness skills course:

"Oh it was horrible, just they all y'know thought they knew ya life and everything like that, and what you need to do and it's like being told what you need to do... O.k, and I think that I'm assertive enough, yeah I didn't think it was the right course for me to do."

"It makes you go to the courses, bullshit your way through them…tell them what they wanna hear so that you've got a little piece of paper at the end of it. It makes them look good basically, if you don't want to be there that's what happens."

Another woman spoke of how through her own volition she now truly did want to change her lifestyle; however her current attitude was quite different from that of several years ago:

"You see I'm at a point in my life where I want to change. I want these courses and I wanna do these things. So I am not going in there to bullshit. But two years or five years ago I would have told them exactly what they wanted to hear- and I'd get out quicker, y'know? And I would get out there and re-offend because I hadn't done anything- true, y'know? It had just been lies."

Moreover, as with the Arohata women, the retributive context of imprisonment makes it very difficult for inmates to reap any personal empowerment benefits from courses completed:

"And when you do the assertive course, anger management courses you go down and you use any of the tools that you learnt in the course, like assertiveness- you're getting smart! …and you've changed your attitude!"

"They always hold their power against you."

"When you feel good about yourself they'll knock you down"

"You are not really being able to use those future skills from going to the courses they set in prison. Where do you go thereafter aye, after

those courses are finished. Where do you let your esteem out, your
assertiveness out, where do you let it out in a place such as this?"

The courses the women found most beneficial were for the most part not the government funded ones:

"Some courses are alright aye...but very few and far between. The
courses that are good are the ones that volunteer like AA (Alcoholics
Anonymous) and NA (Narcotics Anonymous) and Reiki and the
Kapa Haka and all those."

"You get more from those ones than the ones that we do through the
day- the ones we have to go to."

"... That's what they should do with all the classes- educational
choice."

Another problem raised that was seen as a deterrent to following one's own path towards personal growth was that for those inmates who wanted to take tertiary or university courses, there was little time set aside for them to do so:

"If you're doing education or school work you might only be
allocated one or two hours in one week, the rest you have to do in
your own time... and I think that if you were really studying hard you
should be allocated a day or two days or however many days it's
going to take, you should be encouraged to do it."

In sum, there were strong similarities between Christchurch women's experiences of prison rehabilitation and those of Arohata women. The women felt they had to comply with courses prescribed by the prison because if they refused, they would be deprived of important privileges. Consequently, inmates felt both forced to do courses they were often not interested in, and to lie by pretending they were making gains from courses

they had not chosen. Other negative associations with rehabilitation were the case management interview process as condescending to inmates, the punitive context of imprisonment preventing inmates practising empowerment related skills, and too few hours for education.

Theme Two: Domestic Rehabilitation as Gendered Punishment?

Great indignation was expressed and many examples given by this group of restrictions to opportunities and privileges their imprisonment entailed that they believed was simply because they were women. By being confined to traditional female performed domestic tasks as their main activity in prison, and deprived of what they knew men's prison activity options included, the women felt they were being additionally punished on account of their gender.

Domestic emphasis

> *"The way it is at the moment we are not qualified for anything. Anyone can get a rag and run it along a border, or pick up a hoover. That's our work skills! That's it and we are treated I believe with a very sexist attitude towards what we're offered- kitchen, sewing, cleaning, I mean how domestic is that? Garden! That's all women's work, I mean that is the way it's perceived and it's absolute bullshit. There is no reason why we can't do carpentry, why we can't do mechanics, all sorts of skills. I mean we're not little women who want to stay at home anyway,- obviously."*

> *"Generally unpaid, generally taken for granted work."*

Several had husbands, partners and fathers who either were or had been in prison too. These women were acutely aware that New Zealand men's prisons offered more work and course opportunities to inmates than what women in prison received:

"We were scrubbing walls in the prison yesterday, and I said to one of the screws um "Have you got the men over there (Paparoa, the adjacent Men's prison) *scrubbing the corridors?" He just laughed, and... I don't think so!"*

"No, because the men have forestry, they go out and cut wood. They have to farm."

"They have the Piggery, the chickenery,"

"But we can't! Sometimes they do carpentry."
"And house painting."

During my three visits to Christchurch Women's Prison for the interviews over a period of a week, each time I entered the building I was struck by the strong smell of disinfectant emanating from the floors and walls, a characteristic usually found only in hospitals.

The drudgery of domestic work and its disempowering effect was also pointed out:

"If you are doing something that you perceive as useful, it's going to be of much more benefit to you than if you are doing menial meaningless work... There is no rehabilitative value in scrubbing the corridor- you get no self esteem from it, you get no personal worth, absolutely nothing."

"Yeah you just do it to stop being locked aye- all the time."

In this, the emphasis on domestic work was perceived by the group as punitive, rather than rehabilitative, or merely just the avoidance of an even worse option.

Fewer privileges for women?

The women believed they also received fewer sport and recreational privileges on a gender basis:

> *"We have a gym here o.k ? That's a white elephant. We can go down and play volleyball, but that's it. There are no sports teams coming in here to play. Not like the men's who go out and play league. We've just started that in here - playing league, but the men can go out and play indoor cricket- they can go and play all sorts of sports."*

Getting permission to play rugby league was a big achievement for the inmates at Christchurch Women's as not only was it a first but they had come up against a lot of opposition towards the idea from some members of prison staff:

> *"At the beginning there was a lot of back stabbing about it, medical staff didn't want it happening because of the injuries. If the girls got hurt and had to have time off work they were gonna stop the league.*

However there was little recognition that the obvious solution to the likelihood of sports injuries would be to allow the players to increase their strength and get fit- as an injury prevention measure.

> *"We have a stupid little weight machine that always breaks all the time and we have to have a screw with us. We have to ask all the time...Um "Can we go down to the gym please?" "Oh I haven't got time", and they're in the office having a coffee- or "Can we go for a walk?" "Oh no we haven't got time". There is probably three or four staff in this prison that will take the time to take you down to the gym and they encourage the women to do sports, but the vast majority here don't."*

Therefore, another issue was the discretionary nature of inmate privileges, the belief that privileges were unevenly given by prison officers.

The inmates also believed that despite Christchurch Women's Prison's same security classifications as Paparoa Prison nearby, male inmates received more visit privileges from family and friends than they did:

> *"My husband was in prison. When he was in the huts I visited him on- all day Saturday, all day Sunday- apart from lunch time of course, special visit Monday, special visit Wednesday, sports visit Friday. Yeah we don't get any of that."*

> *"Hell no, once a week we get."*

According to the women it is the right of inmates at Christchurch Women's Prison to receive a visit once a week for one hour, and any time granted beyond that becomes a privilege.

> *"They have big family days, and look what they* (male inmates) *get for their family days- what do they get? Loads of food y'know- people bring in mussels and fish and paua..."*

> *"Music, kareoke, they put on sausages and bread."*

> *"We are allowed, our visitors are allowed to bring in a box- like about that size (small), finger food."*

Family role

It was pointed out that as women usually fulfilled the role of being head of household and main caregiver, women were better at supporting their male partners in prison than men were towards their female partners in prison. It appeared to the women that the

importance of this female role towards male inmates was recognised in men's prison's whereas the same was not so for women prisoners in terms of support from their family or partners being encouraged to the same degree:

> "So that's why... the women look after the men, I think if anyone should be getting long visits it should be the women."

> "All a man has to say is he's having a domestic- if he doesn't see his wife he'll nut off."

> "Yeah! I've had the prison ring me, when my ex was in prison- " Oh Catherine- y'know, Jas' is really nutting out, can you drive down now?""

Sexuality

A reason for this gender discrepancy between male and female inmates visiting privileges was given:

> "And do you know why that is ? Cause men can't get pregnant. I've heard it here time and time again. It's because women can get pregnant and men can't. So it's okay to have sex in a men's jail... it's wink, wink, nudge, nudge, say no more- but it's not okay to have sex in a women's jail."

In my view, this comment reveals a lot about patriarchal privilege for male inmates. According to the interview group, there is unofficial recognition of male inmates desire to express their sexuality during visit privileges but such logic is unheard of towards women inmates. The basis of this logic towards male heterosexuality versus female heterosexuality is chauvinist and when transferred to the situation for women inmates may be seen as a form of enforced chastity and control over women prisoners' sexuality.

Gender discrepancy between rules?

According to the group another gender discrepancy between their treatment and the treatment of male inmates at the neighbouring prison was the many more small rules that placed constant restrictions upon the women daily:

> *"And again because of our numbers we can have numerous, ludicrous and petty rules and regulations, um for instance not having your shoes off in the corridor, or smoking in the corridor or having sugar in your cell."*

> *"You're not allowed out of your cell with your walkman."*

> *"All sorts of ludicrous rules that they simply cannot police across the road because of the numbers. And because they just find it a complete waste of time anyway, but here they just love it!"*

Both work and recreation in prison were perceived by the women as gendered. The overwhelming emphasis upon domestic work for them was experienced as particularly punitive on the basis of their gender, and non rehabilitative. Overall, the women believed they received both less work options, and less sport and visiting privileges than male inmates at the adjacent men's prison. They also claimed they were restricted and controlled more than male prisoners through the existence of many small rules believed not to be apparent in male prisons.

Theme Three: Prison Management - a Window into Punishment and Privilege

The subject of management was an addition to the original interview guide. I introduced questions around 'management' to the Christchurch group because I felt that discussing this topic could be a good avenue to focus inmate perspectives on the nature of punishment and privilege in prison. In this, the prison's management is the

distributing source of punishment and privilege to inmates, as well as setting the overall basis for all staff decisions towards inmates.

A call for consistency and courtesy

Overall, it was agreed that consistency and absence of favouritism towards others are indispensable tools of good management practice. When I asked what they thought good management was, responses from the women were immediate:

> *"Consistency."*

> *"Someone that says one thing and sticks to it, not to change their mind y'know a few days later or a few hours later, they're very bad at that here."*

> *"They play head games, um they say one thing and then they contradict themselves."*

> *"Yeah, you don't know where- you never believe it until it actually happens...they know we're not going anywhere so they don't care."*

The value of basic courtesy towards inmates from staff in terms of informing them if they would be receiving visitors, with enough time to get ready, or to go out on day parole, was also important to the group:

> *"...they'll tell you five minutes before you've a visit, say- just an example, five minutes before you've got a special visit, you've got no time to get ready- you might sloth round the prison with no-one to impress and when your visitors come you want to look good- feel good! But you don't get the chance."*

"Or your day paroles, they just come and got me yesterday and said "Come on, you're going on a day parole". I asked in the morning cause I knew that I was going on one and they said "No, there's nothing", and then they come and got me after lunch and said "You're going". Just locked my cell so I couldn't go and get ready to go out..."

The significance of the issues these statements raised in terms of staff / inmate relations, courtesy and power were immediately linked to the institutions' management:

"So the failure there goes back to management again because it's always management that has to make the um ruling in and out aye."

"And it also goes back to the courses they give you, self esteem courses that make you feel good about yourself; they will take you out on a five minute warning- you don't have time to even look good, let alone feel good."

The women told me that for most privileges, inmates are required to submit a request slip in order to be granted the privilege of doing what it is they would like to do:

"There was another girl in our wing, we both put in a slip on the same night. We are both classified high medium, she was allowed to go upstairs and exercise, they said no to me. Now we are both in the same wing, we're both the same classification, so the decisions are not consistent."

A problem related by the women was that it was not unusual for inmates to either just not hear back from the manager who would make the decision ruling on the privilege asked for, or to find that other women who had made identical requests, yet at a later date were granted theirs:

"We   haven't heard back yet."

"You can take that as a 'No'."

(Laughs) *" After only a few months,- I'd say so!"*

Similarly,

> *"I've been here a year. I asked for phone calls to my father and visits*
> *to my father,- he's over the road (Paparoa Men's Prison). I'm still*
> *waiting, I've had one phone call and no visits."*

> *"Hell! And Kay she was here for- what a month and got a visit with*
> *her man from across the road."*

Punishment and inconsistency

According to the women in the group, punishments handed out to inmates who broke prison rules were also apparently neither given on a 'same crime - same punishment' basis, or a 'worse offence - worse punishment,' basis. Moreover, inmate co-operation with authority did not necessarily get taken into consideration either:

> *"...just a few weeks ago, me and Hine got caught smoking*
> *(marijuana) O.k, we pleaded guilty...got 5 day's cc's and 21 days*
> *o.p's[1]. Some people went up yesterday and they and they had smoke*
> *and Benzo's and it's her 7th dirty urine and she got 3 days cc's and*
> *28 o.p's."*

Inconsistency in administering numerous small rules and regulations, such as having to wear shoes in corridors and not being allowed sugar in cells, which included

---

[1] 'C.C' stands for the punishment of 'cell confinement and 'O.P' stands for 'off privileges'.

punishments for breaking them, was another area where the group highlighted unfair treatment:

> *"...they are not consistent with punishments if you break the rules."*
>
> *"You know those stupid rules like the shoes and sugar and shit, some people get charged and other people get away with, depends who you are, like if you cruise they leave you alone. You get a fair bit of that in here. Like smoking dope's the same, some of them turn a blind eye... and others are straight on to it* (laughs), *secret squirrels..."*

Comparing today's management with its predecessor

Several members of the group had spent time in prison under Christchurch Women's previous management prior to state sector restructuring- one as long as fifteen years ago. These women had very clear opinions about today's style of management at the prison compared to that of the 1980s.

> *"Everybody got the same for what charges they went up on. There was no- ah favouritism, everything was the same ok...no head games whatsoever."*

> (There were)... *"bad points as well, but um- the good points certainly over-rode the bad."*

> *"Yeah definitely, because you knew what was going to happen, you knew if you smoked dope you were going to get 3 days cc's or 21 op's and not one get 5 days cc and 7 added onto their sentence."*

Amongst the three women who had been in prison prior to re-structuring there was disagreement over whether or not prison today was now better under the new management style. One woman thought prison today was easier because she found the staff more flexible, however, the other two strongly disagreed:

"I don't, I like the old school-"

"Me too, it was a lot harder but -"

"That's what I liked about it cause you knew where you were at."

"Today it's more- you gotta be more slyer and vindictive in what you're doing, it's like back then you sorta like- you got away with it, it was ok. If you got caught, you got caught and it was over and done with. There was none of this talkin' bout' it months down the track or they're carrying on about it three days later, it was just- over and done with."

Not being able to count on prison officers to be consistent with punishments and privileges was something the group placed a lot of emphasis on For those who had been prisoners under the previous structure, that they had felt they could trust officers to be consistent under the previous management, the new inconsistency was a very important issue to them. Although the previous structure was perceived as no less punitive, and in one woman's words actually 'harder' than today's, in preference terms they valued consistency over less punishment.

Visiting privileges

Whilst the group continued to be critical of what they called the 'head games' or inconsistency and favouritism problems, on the other hand there were several important changes attributed to the new prison management which they wholeheartedly acknowledged as positive, particularly as they were seen as very pro women:

> *"She* (a prison manager) *is actually working for things for women, I mean she's a women's person. She's very, very pro- family, even when I've been on booth visits I've never had to have a booth visit with my parents and my children- I've always been able to have*

contact visits with them, and that's not just with me, she does it with the vast majority of women. She is all for family access and building up um ties with family... I believe to the best of the prison's ability they allow us as much access with our family as they possibly can."

"And I have a grandson who comes in every Friday for 2 hours and I mean I really appreciate that, yeah they never used to have that. Y'know, it was just visits and that was it."

Economic dependence

There was a lengthy discussion around the group's perception of the possible merits for inmates of prison privatisation. Whilst they thought that privatisation would have good and bad points, the main advantage of privatisation was that they hoped it could bring about higher wages and therefore greater economic independence for them whilst in prison:

"Some of us are on 63 cents a day."

"At the end of the day the pressure goes on the families to support you in cigarettes and stuff if you smoke, shampoos- all that sort of stuff. It gives you no incentive, you just sit back they'll look after ya. If you have to do it yourself there would be a lot more incentive."
"It also feeds into um, stand overs and bullying and tea-leaving – stealing. Some people who haven't got smokes are going to steal it...and so the stronger survive and you see it very clearly in here."

Lack of options for inmates to be more economically independent in prison highlights a way the punishment of their prison sentence extends to their families in an economic sense. The claim this increases the likelihood of theft and bullying in prison portrays an environment of greater hardship and less responsibility amongst inmates. From the

group's point of view, if inmates had the option to be more self sufficient in prison, this would decrease these problems.

As a window into inmate experiences of punishment and privilege, prison management at Christchurch Women's was highlighted by inmates as lacking consistency in the administration of both. There was also a call for more courtesy from staff in the administration of privileges and less favouritism towards some inmates at the expense of others. Frequent inconsistency in the management of inmate punishment and privilege was in itself seen by the women as an extra punishment. Whilst some women who had been in prison prior to restructuring believed the prisons' previous management style had been more consistent in it's treatment of inmates, they noted that the prisons' current management was much more permissive of family visits for inmates. Another area of prison management highlighted was inmates' lack of economic independence. Lack of self sufficiency was experienced as a deprivation with negative social effects.

Theme Four: Punishment and Inmate Health

This theme covers punishment in relation to inmate health. The group specified several areas of inmate health that they felt incurred additional or extra punishment on top of their prison sentences.

Addiction and methadone

It was the group's view that drug addicts in Christchurch Women's Prison often had their medical diagnoses and health treatment thwarted because they were addicts, and that this was an additional punishment for them. It was claimed prison authorities and health professionals were more suspicious of their ailments than of those who were not known drug addicts.

"I don't believe we get a decent standard of um medical attention...if you ask for a panedeine you want to do a bake, they see you as an addict first and a patient second."

Inmates who had had to come off the national methadone treatment program within prison faced particular difficulties:

"I have a running argument with them now, my immune system is breaking down. I have chronic liver function things and ever since they took me off my methadone I have had glandular fever, I've got no energy and I have rashes all over my body... I believe that it doesn't like living without methadone, ok, I'm 36 now and I started when I was 16... all I'm getting is: You're doing this to yourself...it's psychosomatic apparently, and after 10 months of this they're finally sending me to a liver specialist."

The inmate claimed she had been told that the next time she had an allergic reaction she would be put on segregation because the prison authorities believed she was deliberately harming herself. Under section 32 (2) of the Penal Institutions Act 1954 wilful self harm is a punishable offence. However, the inmate believes her allergy is due to an aspirin derivative in her medication, which she knows she is allergic to.

The current protocol for methadone in prisons (DOC, 1996, d) is that all inmates, including remand, are withdrawn from the drug over a 21day period. There are three medical circumstances where this period can be extended to 42 days, however the majority of methadone using inmates are withdrawn over the 21 day period. This means that inmates physical pain intensity varies according to the amount of methadone they come into prison on. Someone on a 200 milligram dose would go through a lot more withdrawal pain than someone on a 50 milligram dose, over 21 days.

In 1997 an 'Evaluation of Protocol for Methadone Treatment in Prisons' (Hannifin, 1997) was undertaken for the DOC. Following on from the evaluation, development of

policy recommendations for changes in this area by the PPS are (at the time of writing) currently underway. However, as at the time of writing, recommendations for improvement of prison methadone policy have not yet been finalised or approved, the concerns of these women are worth noting.

One aspect of methadone withdrawal for inmates that may be construed as additional punishment for them is the quality of medical and health attention they receive during detoxification in prison. The 1997 Evaluation of Protocol for Methadone treatment in Prisons found no indication that prison staff were formally trained in the provision of detoxification. It states:

> *Administering a methadone countdown in prison is different from a structured and sympathetic drug withdrawal/ detoxification service that has been set up to meet the health needs and motivation of a client or patient* (Hannifin, 1997: 21).

The experience of the inmate quoted at the beginning of this theme appears to support this finding:

> *"...Oh they got me down to 10 milligrams (of methadone) and I had a really bad anaphylactic seizure in here. The nurse came into my room- Lana, she's another inmate- she took my Doc's off and she was rubbing my feet, I was hyperventilating because I couldn't breathe, well she started throwing syringes on the bed asking Lana what she should inject me with! They got down 3 oxygen canisters- none of them worked, at this stage I could not breathe. Lana was saying : "Ring the fucking ambulance man, ring the ambulance", because the rash just- just exploded like...I go blind from it...my eyes were closed, it was freaky, and the nurse was freaking out! I mean what sort of medical care is that?"*

The most serious concern the group expressed for prisoners taken off methadone in prison was that there was no post release drug support service. The prison made no re-assessment of inmates taken off the methadone program for placement back on the program when they re-entered the community:

> *"We had a girl in here not so long ago who was on the methadone when she came in and they took her off the methadone. She got out and O.D'ed , she was only a kid- 26. "*

> *"Yeah, 9 days after her release she O.D'ed."*

> *"Because they're addicts they are put on the methadone to stabilise them and of course if you are forced off drugs and you don't go off them of your own wish the first thing you are gonna do is drug seek. They O.D and die. "*

Due to most regions having long waiting lists for clients to get on the methadone program, which can take or years, according to the women I interviewed, release from prison for ex methadone clients often meant going back to the bottom of the methadone waiting list. The women felt this was an additional and dangerous punishment imprisonment carried for methadone users.

Pregnancy

Another area that the women are hoping to see improvements in is women's sex specific health needs around pregnancy. Two incidents that occurred prior to prison restructuring were related. These incidents concern miscarriage due to inmates being refused access to outside medical attention, or despite their requests for a doctor at the prison, arriving at the hospital too late:

> *"Yeah... in 91 I came in here pregnant. I started spotting quite heavily and I said to the nurse "Oh I think there's something wrong*

I'm spotting", and she said "Just go and lie down"; I said " I want you to get the doctor"- I was only in here for a short time, I think …only two months but by the time I got out the baby had died inutero, but I got um septicaemia from it because the baby had died and poisoned me and I passed out on the street in Ashburton and um yeah I woke up in Christchurch Women's Hospital. The doctor said from the state of decay and everything that it had been dead this amount of time … I'd been out of jail 4 or 5 days, I'd gone to see my doctor and he was arranging to go down to Timaru hospital and have a scan but the baby had already been dead three weeks or something…"

Similarly, another inmate in the group had witnessed a woman lose her baby in jail under the previous management structure:

"It was early hours of the morning when she pushed her alarm and the screws came down and they said to her "We can't unlock you", cause at that time they weren't allowed to unlock until they rang up the QC or whoever it was in management at that time, and she thought she was losing her baby…they just left her in her slot until the next morning. The nurse came down and said "You'll be alright", and she said "No, I'm hapu!" ra ra ra, she was only a couple of months, but the next morning she couldn't even walk, she was in tears- they gave her nothing- just nothing. The whole wing was up in arms with that cause we heard it, and well - you know."

The women were not sure if the situation for pregnant inmates had now improved in prison, but it appeared to have:

"Last night a girl in here who's 5 months pregnant um, had a clot and she started bleeding, they were pretty quick onto it- they got her outta her cell and to the hospital."

Neurosis

A concern over health treatment in general was also viewed as additional punishment. This had to do with a general feeling prison health professionals did not always take the women's health concerns seriously. The following quotes also reflect concerns from Arohata respondents who felt prison medical staff often thought inmate health problems had more to do with their minds, than their bodies. One woman was worried that because prison medical staff hadn't been able to pin point what was wrong with her they doubted her integrity:

> *"I've had a lot of aches and pains and I don't ever go to the doctor unless I have something really wrong with me...the blood tests are not right but they haven't been able to find anything wrong with me and I am starting to feel that they are looking at me like I am a hypochondriac...I hate going up there."*

Another inmate expressed her opinion of the significance of this issue on gender grounds:

> *"... But generally neurotic is a word that you only ever find- that is attached to women! You don't hear- see that so and so, gee that guy is neurotic, no you hear it about women. Gosh she's neurotic... or she's got her period- that's another one!"*

One inmate felt the possibility prison medical staff could be wrongly judging some inmate's health problems as psychosomatic was a dangerous risk to take. She believed prison medical staff inconsistency resulted in one inmate with mental health problems having to wait too long for treatment:

> *"Ok, I'm on Prozac, because they think maybe I'm depressed and maybe that's what is causing all these problems- they just throw anti depressants at you and yet there is a girl here that was trying to get*

on anti depressants and she's been writing stuff in her diary about how she's suicidal and how she wants to cut herself up and blah blah blah, and it's taken since Christmas (5 months), this has been happening to have Forensics see her."

Mental health

As detailed earlier in relation to wilful self harm by prisoners, psychological problems can result in punishment rather than treatment:

"Self mutilation is a charge, it's a chargeable offence...you are stripped, you go on strip cell conditions – it is a punishment."

Lack of appropriate and adequate attention to inmates with psychological problems came through clearly as a major concern from this group, particularly as it impacted on everyone else who did not have a psychological disorder:

"See at the moment, this is what some staff have said- because of the overflow of the psychiatric hospitals and their lack of funding we are getting people in here who really shouldn't be in prison...it's another political issue- when our muster got really full we (inmates) *said why not open up the Special Needs Unit (SNU) but staff were refusing to work in it because they're not qualified psychiatric staff and it's become a union issue..."*

"It's unfair to put people with mental disorders with people that haven't. Because we stress out- we've gotta hold it together but if we don't...and nut off at them, we're whipped out and put in the pound. They're forcing their (staff) *problems onto us."*

Because inmates without mental health problems had to endure harsher conditions as a result of cohabiting with those who did have mental health problems, the women saw

this as additional punishment. It was within the context of what these women saw as the mismanagement of inmate health that the issue of imprisonment being more than a one off punishment was raised:

> *"Do you wanna hear something really funny? I remember when we did that Kia Mamauhara (an inmate drama production) and all those people came in from the outside...and she '(prison staff)' was spinning yarns like- "Oh their punishment is when they come through that gate. That's their punishment..." And I remember thinking to myself- "Hey, what about everything else that goes with it?" But that's what she told the community, society - and they believed her."*

> *"Yeah, it's the official party line. There was an article in the paper not so long ago by Paul Monk and he's the Regional Manager and that's what he said- as far as he's concerned the punishment is being sent to jail, it's not the warden's job or whatever to give out more punishment. Of course you've gotta expect rules and regulations in this type of institution but it's like...take our T.V's and tape decks away and give us no paroles and no education... yeah he said that's not the official position."*

It appears these inmates' experience of punishment differs significantly from the PPS official stance and that they experience many extra forms of punishment that relate to the area of health.

Theme Five: Stigma and Stereotypes

Through reflecting on their interactions with prison staff and management, the women drew out some judgements made about them concerning their characters as criminals and as women. One woman gave an example of her experience with prison staff, demonstrating gendered expectations towards her for appropriate female behaviour of which she was seen to be not living up to:

"I have a different lifestyle from a lot of other lifers that haven't come in previously. Most of them it is a one off crime- a crime of passion, they probably have been beaten up for years and they flip out one night or whatever. I was in a different category...repeat offender, been to prison before. But anyway, I wouldn't buy into what the officers were saying and I dealt with it in a different way and now I'm perceived as cold, heartless and unfeeling, and not dealing with it because I chose not to cry on their shoulder or pour my heart out to them or deal with it in that way...that screwed me up for a long time."

Another reflection on gender related to the stereotype that criminal women are manipulative. Several women found they often had this label levelled at them from prison staff:

"You hear it all the time, you know like if you have an argument and the staff might say you're just bloody manipulative, or you're just trying to manipulate the situation to your advantage."

"I'm always getting thrown at me that I use my intelligence to manipulate the officers or any situation into my advantage... I think everyone does that in life, lawyers are manipulating in court..."

However, the biggest stigma this group found they came up against from prison staff and management was their position as drug users. Prejudice levelled at known drug addicts from the prison's management was discussed extensively by this group. Whilst not all of the group members were in prison for drug related crimes, those who were had a lot to say:

"...How can you give someone self esteem courses and then call them a lowlife junkie? I'm not saying that drug addicts aren't liars and ... aren't very manipulative, yes that is how we keep our habit and yes I

admit to those failings. Butt I am a multidimensional person. I have a
good education, I've got lots of other things I'm interested in as
well... it's not just, that doesn't define me... She's told me I'll spend
the next 10 years in wing 3 (high medium security). She's even said
that she finds it incredible that my parents are still supportive of
me... and I'm not just speaking for myself, it's with every drug addict
she does it to."

In this, stigma against drug addicts from the prison was perceived as additionally punitive and also contradicted any rehabilitative ideals.

Summary

Inmate perceptions of rehabilitation in prison mirrored and extended those of the Arohata group. The emphasis was upon inmate choice, that women should not be forced to do courses they didn't want to. In this, inmates often found themselves in a no win situation where they could refuse to do courses but would then be denied privileges such as home leave and parole. Therefore, the central concern was what inmates saw as enforced compliance with management and parole board expectations for inmates. This caused inmates to often feel they had to lie about where they were at in relation to their crime and rehabilitation.

The Case management board that decided individual inmate rehabilitation programs was seen as out of touch with inmate needs because board members did not know the women and inmates were not listened to. Overall there was a perception that rehabilitation and change expectations were futile towards inmates when they did not have free choice. Additionally, because of the retributive culture of prison, inmates found they were generally not able to practice future skills for empowerment in prison anyway.

The group felt their confinement to traditionally female performed domestic tasks as their primary work option was a way they were additionally punished on account of

their gender. The drudgery of domestic work and its disempowering effect was seen to have no rehabilitative value.

The women believed they received fewer recreational and visit privileges than male inmates in the neighbouring prison and other men's prisons and that this was inequitable. Similarly, the existence of petty rules to the women's knowledge not evident in men's prisons was seen as a way in which female prisoners were more controlled than male prisoners.

Prison management was viewed by the Christchurch group as the distributing source of all punishment and privilege to inmates. The group thought that enforcement of the principle of consistency, as well as absence of favouritism and basic courtesy towards inmates was lacking in their management. For example, the value of a privilege granted to an inmate could be lessened by the punitive way it was given such as failing to give a woman adequate notice of a visit or day parole.

Today's management at the prison was seen as both less punitive and less consistent than that of ten to fifteen years ago. It appeared the group valued consistency in the management of inmate privileges and punishments *over* less punishment- if punishments and privileges were managed inconsistently. In this, it seemed that inconsistency in the management of inmate punishments and privileges was itself experienced as retributive.

Positive changes under the prison's new management included increased visiting privileges. This was something the women were very grateful for, as most inmates were mothers and the main family bond person, it was very pro women. However, it was not clear how this change measured up on a gender equity basis against male prison visit privileges. Medical care for pregnant inmates also seemed to have improved but it was apparent that women were still ignorant of correct prison protocol in relation to pregnancy complications and inmate rights in this area.

Another issue in relation to prison management and inmate wellbeing was that current low wages and economic dependence were disempowering for inmates. Lack of means to be more financially independent in prison was also seen as more punitive because it impacted on prisoners' families to support them as well as increasing the likelihood of internal theft and bullying for supplies.

The topic of punishment was discussed extensively in relation to inmate health. It was claimed stigma against drug addicts caused them to be treated as addicts first and patients second. For methadone addicted inmates, there was concern that prison medical staff were not formally equipped with the skills to deal with methadone detoxification. Moreover, prison had no links to ensure there would be follow-up support services post release for inmates who had been forced off methadone in prison. There was a belief this increased the likelihood of fatal overdose for methadone dependant inmates, soon after release from prison.

In general, the group felt their health needs and integrity were not taken seriously enough by prison health professionals. They saw this as a dangerous health risk to take and also worried that inmates with mental health problems in particular were not getting adequate and appropriate treatment in prison. Because self harm is a punishable offence, psychological problems could result in punishment, rather than treatment. Lack of proper care for inmates with mental health problems was also seen as punitive for those without mental health problems because it increased tension in the wing and inmates were punished if they did not tolerate difficult behaviour from those women.

In terms of any stigma or stereotypes directed at them, the group felt the biggest stigma inmates came up against was for those who were known drug addicts. This was also noted as contradictory to rehabilitative principles. Another prominent stereotype, which appeared to be connected to the women's gender, was frequent perceptions by prison officers of inmates as manipulative. Conversely, manipulation may be seen as a technique of being resourceful in an environment hostile to ones needs. Similarly, not gratifying possibly gendered expectations for women to show vulnerable emotions and confide in prison staff, resulted in one woman being branded by officers as cold and heartless.

PART FOUR / CHAPTER TEN

INTEGRATION AND ANALYSIS

Introduction

This chapter first integrates the data from Arohata and Christchurch Women's prisons, and then considers it in relation to theory and research from the literature and policy review chapters. The aim of the chapter is to draw links, and provide reasons for differences between data, to give a clear analysis of its significance for women in New Zealand prisons. It also places the data within the broader context of other research.

The chapter is structured by first exploring punishment, then rehabilitation, and then gender. However, links are drawn between these variables in relation to the research objectives and data, theory, and other research. Links between women inmates' experiences and the prison policy and managerial environment, and the way in which punishment, gender and rehabilitation relate to these factors, are explored in the final section.

The Punishment - More than Incarceration

Both Arohata and Christchurch inmates made statements that demonstrated they believed prison was meant to be a place where they were deprived of their liberty and that this was the full extent of their punishment. However, in both groups' experience, prison entailed a variety of additional punishments, many of which were of an arbitrary and discretionary nature. These are outlined below.

Inconsistency and favouritism

Inconsistency and favouritism towards inmates from prison staff in the administration of punishments and privileges was a serious concern for the Christchurch group. Whilst

in any institution some degree of inconsistency is inevitable, when the issue of inconsistency becomes more than incidental, it must be asked whether that inconsistency is actually a structural factor. Incarcerated for months or years on end, these inmates soon noticed if they were receiving different treatment from others in the same situations.

Staff contradicting themselves by going back on their word to inmates, failing to respond to inmates for privileges sought, and granting privileges to some inmates and not others, for no apparent reason, are examples of using the denial of privileges as punishment. They demonstrate a direct link between privilege and punishment for these inmates. This caused unnecessary anxiety and frustration for the women because it was unfair and made life unpredictable.

Similarly, another concern for the Christchurch women was prison staff failing to punish inmates on a same crime / same punishment basis. Where Arohata women did not convey this concern, a closely related issue for both Arohata and Christchurch groups was that when prison staff liked some inmates on a personality basis, they were more likely to turn a 'blind eye' to inmate wrong doing.

Whilst inconsistency and favouritism was also a notable concern for Arohata women, particularly in terms of some inmates getting punished for breaking rules where others didn't, less emphasis was placed upon this issue. This difference may be due to the different security ratings of the two groups. The Arohata women interviewed were all minimum security inmates whereas the Christchurch women were in high medium, to medium security wings. Therefore, the Christchurch women's imprisonment is governed by less privileges and harsher conditions so any inconsistencies may have been more notable or difficult for them due to the lack of mitigating factors.

For the Christchurch women, staff inconsistency was framed as a management issue. As several of the inmates had been in prison prior to prison restructuring in 1991, they were able to compare the two management structures. However, it was not clear exactly where the distinction between differing management 'styles', on the basis of 'human',

rather than 'structural' agency, (the latter as in the devolution of managerial power) lay in relation to this theme. The topic of 'management' is a distinguishing feature of the Christchurch women's discussion of staff inconsistency and favouritism because it was an addition to the interview guide, that Arohata women were not asked to consider.

According to the inmates, the management of Christchurch Women's prison prior to 1991, had been more consistent and fair towards inmates in the administration of punishments. Though it was seen as no less punitive, and in two women's opinion actually 'tougher' than today's, they appeared to value consistency over lesser punishment administered inconsistently. On the other hand, another inmate's viewpoint that prison today was easier on the basis that she experienced prison staff as more flexible, counters this viewpoint. It is possible that on the basis of staff favouritism, one inmate's experience of inconsistency might be another inmate's experience of flexibility.

Carelessness and lack of courtesy

For both groups of inmates, staff carelessness and lack of courtesy in the administration of privileges meant important privileges were devalued by the punitive way they were handed out. In this, due to prison staff rudeness to their guests, visits for Arohata women could be uncomfortable, and Christchurch women complained of being given little or no notice by staff for visits or day paroles. Being given little notice of these important events at Christchurch also reflects an incident during the Arohata interview where a prison guard refused to tell an inmate whether or not an overseas letter had arrived. The link concerns the deprivation of information as a control tactic that both groups experienced as additionally punitive. Furthermore, for Arohata inmates the experience of prison staff controlling what type of music they listened to and for Christchurch women their privilege of gym use being subject to staff discretion, indicate arbitrary and petty control over significant and enjoyable aspects of inmates lives.

These women's experiences of prison staff using their power in a particularly arbitrarily fashion, to tamper with inmate privileges in the act of administering them, highlights that from an inmate perspective, a significant aspect of prison staff role is characterised by decision making on the basis of staff rather than inmate advantage. It appears that being discourteous to inmates advantaged staff as a means of better maintaining their power over inmates. However, common courtesy is a behaviour easily adhered to and always mutually beneficial and it is up to prison management to rigorously ensure such behaviour as well as consistency by staff when dealing with inmates.

Gendered punishment

There were aspects of their treatment that both groups interpreted as punitive on grounds of gender. The issue of lack of courtesy by prison officers towards their visitors for Arohata inmates also concerned the belief, based on some women's outside experiences visiting male inmates, that this did not occur at men's prisons. Moreover, rude behaviour by officers towards the women and their guests, was seen as having a particularly negative impact upon women inmates because the majority of inmates who were mothers were primary caregiver of their children, prior to prison. If the relationship between prison staff and inmates is tense and uncomfortable during family visits, it would make it very difficult for the inmate to give and receive the support required to maintain family bonds whilst she is imprisoned. Such a situation would be likely to further disempower her and create antagonism and resentment from the inmate towards the staff member.

In contrast, the Christchurch inmates expressed a favourable attitude towards prison management in relation to family visits and in their opinion this had to do with the Prison manager being very 'pro women,' as they put it, in relation to women's family roles. This suggests that the reason for the difference between Arohata inmates' and Christchurch inmates' experiences in this area may be a result of different values being transmitted from prison management to staff towards women in terms of women's family role, and differing management styles.

However, although the Christchurch women were happy with the supportive nature of prison staff towards them during family visits, they believed inmates at Paparoa Men's Prison nearby, as well as other men's prisons, allowed inmates more family visit privileges. This was seen as a reflection of male prisons' recognition of female partner's roles as support persons to male inmates. Although inmate experience between the two groups differed in relation to the respect they received from prison staff around women's family role and prison visits, on balance, Arohata women also believed male inmates were advantaged over female inmates in this area.

Another aspect of their privileges Christchurch women compared with Paparoa Men's Prison, concerned sport and recreation. They believed male inmates' sport and recreational privileges were more frequent than theirs. Accordingly, the low commitment at Christchurch Women's prison to grant inmates recreational privileges was viewed as unjustified. Again, this is an area where possibly due to Arohata prison's location, far from any men's prison, inmates would have less information to compare their treatment with male inmates', and as minimum security inmates they would have more liberty than the Christchurch group.

Also in terms of gender, the Christchurch group told of having to abide by many small rules and regulations, and therefore incur many small punishments for breaking them, which they believed did not exist in men's prisons. This links with the Arohata groups' claim that the quality of their visits were often lessened by prison officers' interference and negative, domineering attitudes towards women and their visitors, not believed by the women to be experienced by male inmates. The similarity is that both issues reflect inmate perceptions that there is a link between greater control over women inmates and the need for sex equity.

On the other hand, the distinguishing feature of the Christchurch women's concern in this area was that it concerned set routine and security. As by the time I came to do the Christchurch interview, I had already conducted the Arohata interview, I had a clearer idea of the type of information I was seeking from inmates and this may have had a bearing upon the Christchurch women being more forthcoming in relation to this area

of convergence between punishment and gender, whereas the convergence for Arohata inmates was only in terms of staff arbitrary power.

Nonetheless, a structural reason for any greater control towards inmates in Arohata and Christchurch Women's prisons may have to do with institutional geography. Arohata prison was not purpose built and was originally a hospital (MCIPS, 1989). Similarly, though Christchurch Women's prison was purpose built, inmates claim its layout, without upstairs wings, also results in a higher staff / inmate ratio.

To follow up on whether the custodial staff to inmate ratio is higher within New Zealand women's than men's prisons, I sought data from the DOC (Head Office) Human Resource division. Unfortunately, it transpired that the DOC does not keep information on staff to inmate ratios in prisons. However, I did obtain numbers for both groups from July 1998 and November 1998 for Arohata Women's Prison and Rimutuka and Wellington Men's Prisons in the Wellington region, as well as for Christchurch Women's Prison and Paparoa and Rolleston Men's prisons in the Canterbury region (C. Walker, pers. comm. 2/12/98). The months of July and November were chosen to avoid the December to February period where the New Zealand Prison Census records the lowest inmate numbers. By combining the data from the women's prisons together, and then the data from the men's prisons together, I was able to get some idea from the year as to how inmate and custodial staff ratios measure up on a gender basis between institutions.

Figure Two: Numbers of Inmates per Custodial Staff Number

Month	Inmates	Ratio	Custodial staff
July 1998	female	2.46	1
	male	3.34	1
November 1998	female	2.51	1
	male	3.15	1

(Source: C. Walker pers. comm. DOC Human Resource division, 2.12.98.)

The outcome, as shown in Table Two was a notable difference between the prisons canvassed on a sex equity basis where women inmates were found to be under more custodial staff supervision and surveillance than male inmates. In this, for every group of three male inmates there was one custodial staff, whereas there was one custodial staff for every group of *two* female inmates. Whilst a person to person difference of one could be perceived as a less than notable difference, if one were to draw an analogy between a single facilitator role to two persons and a single facilitator role to three persons, the interpersonal relationship dynamic can be imagined as quite different. However, methodological limitations of this data are noted. First, all male prisons were not canvassed and nor was the Women's Division of Mount Eden Prison in Auckland.

Furthermore, only two months from 1998 are accounted for. Accordingly, the results do not claim to give a broad picture of staff to inmate ratios across all prisons, nor of the entire year. Moreover, all custodial staff under contract to the prisons canvassed are not working all the time (whereas inmates are present all the time), so the data gives a more generous ratio of staff than would be the reality for inmates at any given time. However, despite its limitations, the data does validate the Christchurch group's claim that due to their lesser inmate numbers than male inmates, women's prisons exercise more control over inmates, at least on a person to person basis, than do men's prisons.

Sexuality

Control over women's sexuality in prison was interpreted by both groups as a form of punishment. At Arohata, women in lesbian relationships were separated and heterosexual Christchurch women complained they were overzealously chaperoned by prison staff during visits from male partners. Of the latter, they claimed this did not occur at men's prisons and felt it was unfair to control women's sexuality just because women get pregnant. This issue also highlights a strong convergence between punishment and gender. The social construction of women's gender has always deemed women's sexuality and autonomy over their own bodies an area for sanction (Faith, 1993). This may also link to control over the music women inmates listen to as well as

deprivation of sport and recreational privileges for them where anything construed as enjoyable must be removed from a woman's experience of prison.

Power

Another aspect of their experience the Arohata inmates saw as additionally punitive, concerned the difficulty for inmates to lay a complaint against prison staff, and receive a fair hearing. Inmates believed prison management automatically favoured prison officers' versions over inmate versions of perceived unnecessary punishment or abuse of power. Though the Christchurch group did not express this concern, in my perception their frustration at prison staff failing to give them notice of visits and paroles, and frequent inconsistency with the administration of punishments and privileges, appear to indicate a similar sense of powerlessness for the women to address problems with the prison's management. In this, it was significant that the Christchurch women did not mention laying complaints against staff.

The overt dominance of prison staff and subordinance of inmates, characterised by staff 'power over' inmates in all aspects of inmate life, appeared to make it extraordinarily difficult for these women to stand up to what they perceived as additional punishment and unfair treatment in prison. It is possible this difficulty is compounded by prison staff favouritism towards selected inmates. Particular examples of 'power over' inmates by prison staff in this sense were relayed by two Arohata women who claimed they were used as 'guinea pigs' for staff training and demonstration procedures, without their informed consent, one for a strip search and another a drug search.

An incident involving racist abuse from a prison officer towards an Arohata inmate, for which the inmate blamed herself at the time, also illustrates the denigrating effect of prison officers abuse of power over inmates. This feature, along with the prison officer's authority, appears to have prevented the woman from confronting the officer.

Being treated as though they were children by prison staff was a way Arohata inmates also felt punished by being put down. However, this issue was not mentioned by the

Christchurch women. As the Arohata group was made up of more Maori and Pacific Island women than the Christchurch group, their indigence at this aspect of staff behaviour towards them may have been culturally located. On the other hand, both groups' experiences of prison staff inconsistency and lack of courtesy towards inmates does illustrate the extent of staff power over inmates and relates to the dominant/ subordinate analogy between prison staff and inmates that the Arohata women drew.

A concern from the Arohata group was that prison staff held too much of a stake in inmate achievements, to the extent inmates were scolded or put down by staff if they failed to meet expectations may also relate to this adult / child analogy. This indicates a blurring of the boundaries between professional and personal standards of behaviour from staff towards inmates and may relate to the new policy of staff being directed to establish more rapport with inmates. This idea is further explored in the final section of this chapter, concerning policy.

Closely related to the belittling effect of being treated as children by prison staff, Arohata inmates highlighted bullying and intimidating behaviour of prison staff. They believed many prison officers lacked communication skills, behaved unprofessionally and that staff training could assist here.

Health

Also relating to women's autonomy over their bodies in prison was a strong affinity between Arohata and Christchurch women inmates' experiences of inadequate health treatment. Both groups felt prison medical professionals doubted inmate integrity and often perceived their health problems as psychosomatic. As their health is an area where inmates are very much at the mercy of the institution for appropriate diagnosis and treatment, if health professionals' judgement is clouded by mistrust of inmate motives, inmates are in a particularly powerless position.

Both groups had concerns regarding prison health treatment of women's sex specific health needs. The issue of miscarriage for the Christchurch women and hysterectomy

for the Arohata inmates worried them on grounds of past experience. A serious concern is that none of these inmates were aware of prison protocol and policy in these areas.

A significant aspect of punishment for the inmates at Christchurch Women's Prison was prison approach to mentally ill inmates. They believed some women were not receiving intervention early enough and it was unfair upon other inmates to have to put up with the outbursts of these women. This was seen as increasing tension and stress in the wing which put mentally healthy women at risk of being punished if they refused to put up with problems created by those who were not. The issue was exacerbated by the fact that the prison had a separate 'Special Needs Unit' (SNU) for mentally ill inmates, yet which was under utilised, as prison staff refused to work in it on the grounds that they were not trained to deal with the mentally ill.

Prison treatment towards mentally ill inmates was not an issue raised by the Arohata women and again this may have to do with the prisons' different security ratings. As Arohata's security rating is mainly minimum, with a small medium security rating, and Christchurch Women's Prison is mainly medium, and high medium, with a small minimum security population, conditions at Christchurch Women's Prison for inmates are on the whole far more restrictive. Accordingly, tension and stress levels at Christchurch Women's Prison amongst inmates may be higher than for those at Arohata, contributing to higher levels of inmate mental illness.

Prison policy towards methadone dependent inmates was viewed as unnecessarily harsh by the Christchurch group. Though the same policy for withdrawing inmates off methadone exists at Arohata, the Arohata group did not raise this issue and the Christchurch women's emphasis may have had to do with several group members having a personal interest in drugs due to addiction and drug related convictions.

Material deprivation

For the Arohata women, a national policy to reduce cell contents was thought to be particularly harsh as inmates were already deprived of so much. Taking more away was perceived as petty, and damaging for inmate wellbeing. The change was also seen to be

inappropriate for women's sex specific needs as there was talk of restricting inmate underwear to three pairs only. This policy was also seen as likely to increase theft. Though there is one reference to the prospect of having their TVs and tape decks taken off them, which may refer to the recent policy on cell contents allocations, the Christchurch women did not discuss this issue. This difference may have been because they knew less of it, or it could relate to an observation one Christchurch inmate made in relation to the prison's administrative style, that because prison staff so often changed their minds, inmates never believed anything until it actually happened. It also may indicate something of the discretion managers now have in implementing 'national' policies.

What did concern the Christchurch women was the low wages inmates earned, and as with the Arohata inmates, this was seen as a condition that increased theft. It also gave inmates no incentive to work and placed pressure on their families to support them.

Key areas of punishment for inmates at Arohata and Christchurch women's prisons have now been covered, and differences and similarities accounted for. Within the context of punishment, the ways in which these issues relate to theory and previous research, are analysed in the following sub section.

Theories of women criminals, punishment and previous research

New Zealand's official definition of imprisonment is that it simply involves the deprivation of an individuals liberty and as such, no further punishment should be imposed for the offence for which the individual is imprisoned (DOJ, 1988). Conversely, the experiences of Arohata and Christchurch Women's prisoners, mirror the findings of New Zealand researcher Te Wairere Ahiahi Young (1993), and overseas researchers Carlen et al (Britain, 1987), Hampton (Australia, 1993), Faith (Canada, 1993) and Denborough (Australia, 1996), all of whom have found that prison entails a vast array of official and unofficial punishments. These researchers also find women prisoners' experience is strongly shaped by the social construction of gender, and this includes feminist analysis of theories towards criminal women. In this, as a cultural

process and social category which assigns less value to women, gender itself may be interpreted as a punitive process towards women.

Arohata and Christchurch women prisoners' experiences of prison officer inconsistency and favouritism in the administration of privileges and punishments, carelessness and lack of courtesy towards inmates, reflect what researchers Carlen et al. (1985) noted as the enormous amount of discretionary power custodians in British women's prisons were able to exercise over inmates, through the granting and withdrawing of inmate privileges on a relatively arbitrary basis. For example, their observation prison officers frequently obstruct and complicate things for inmates (ibid) bears a strong resemblance to the Christchurch women's claims of being given little notice of paroles and visits and prison officers' refusing to take them to the gym, for no apparent reason, and Arohata women's experience of prison officers' rudeness towards them and their guests.

Carlen et al. (1985) attributed women inmates' experiences of prison officers' discretionary control tactics towards them to the style of prison officers' training, which was seen to incite general animosity towards, and mistrust of, inmates. Similarly, Arohata women also concluded prison officers needed more training in how to behave towards inmates. This also highlights the findings of New Zealand researchers Sarr (1995) and Logan (1993) who found that New Zealand's prison restructuring process, in emphasising a more social worker type role for prison officers, had created a contradiction between the containment / rehabilitative role of prison officers towards inmate. This idea closely resembles Arohata and Christchurch inmates perception of a contradiction between punishment and rehabilitation in the prison context, where it was argued punishment of inmates always undermined their rehabilitation. This is explored in the following section on rehabilitation.

Professional behaviour from prison staff that does not blur the boundary between personal and professional motives, including arbitrary control tactics, favouritism and 'picky' punishment of inmates, should prevent inmates feeling they are being additionally, or unnecessarily punished by prison staff. However, there appears to be a fine line between 'professionalism' in terms of prison officers being able to exercise

discretion towards inmates in a legislative context, and inmates' experiences of inconsistency in the administration of punishments that they perceive as additionally punitive.

Accordingly, another contributing factor to inmates' experiences of prison staff inconsistency with inmate punishments, appears also to be the legislative context of offences by inmates. Section 32 of the Penal Institutions Act 1954 lists some offences by inmates in such a broadly interpretative manner that it is not unlikely some inmates would find themselves punished for offences not charged to others in same circumstance scenarios. In this, the legislative context of prison officers' 'containment' role, which involves the administration of punishment, itself appears to encourage arbitrary interpretation and discretion by officers.

Similarly, both group's beliefs that the nature of an inmates' relationship with staff has a bearing upon disciplinary outcomes, is another aspect where the broadly interpretative nature of Section 32 of the Penal Institutions Act would aid prison officer discretion towards inmates. Moreover, where inmates might feel they should appeal against a decision regarding their discipline or treatment in prison, because under the Penal Institutions Act 1954 their complaint can be deemed 'frivolous' or 'malicious', possibly incurring further punishment, this may act as a strong deterrent to inmates seeking redress.

In some areas of their punishment, the influence of gender stands out. The Christchurch groups' belief that they were governed by a great many more rules than male inmates, is supported by a host of overseas research, that finds more rigid disciplinary regimes in women's prisons than men's, and that women inmates are more likely than their male counterparts to be disciplined for trivial offences (Britain: Carlen, 1985; Mandaraka Sheppard, 1986; Loyd 1995; Australia: Hampton, 1993; Canada: Faith, 1993).

Two reasons are suggested for this apparent greater control and discipline. Carlen et al. (1985) and Loyd (1995) suggest gendered expectations towards women may manifest structurally through more rules in women's prisons that demand a higher standard of

behaviour for female than male inmates. On the other hand, a higher staff per inmate ratio in women's prisons due to institutional layout and low female inmate numbers may cause women's prison officers to be more 'picky' with women inmates. Both these issues were highlighted by Christchurch inmates and the latter was validated earlier in this chapter by a small survey to discern inmate to staff ratios in some New Zealand prisons. Although institutional layout of prisons was not compared, as the history of institutional planning for New Zealand prisons sees women's accommodation continually having taken second priority to men's (MCIPS, 1989), this also reflects upon women's gender.

Nor is Arohata women's experience that they were treated with paternalistic attitudes by prison staff inconsistent with previous research into the experience of women in New Zealand prisons, or elsewhere. Nearly ten years ago, MCIPS (1989) made the point that prison officers' interpretation of women inmates' response to prison as 'childlike', was a 'power over' tactic, belittling to the women and only served institutional purposes for a passive and co-operative prison population. Similarly, Canadian researcher Faith (1993) found women inmates' claimed they were treated like children and male inmates claimed they were treated like women. Faiths' (1993) research strongly indicates that female and male inmates' experience of control towards them by prison officers is influenced by their gender, in that women inmates experience greater subordination.

A dominant perception amongst penal policy makers and administrators that crime is a masculine phenomenon (Worrall, 1990; MCIPS, 1989; Faith, 1993), may also relate to women prisoners claims of differential treatment on grounds of gender. In this, because criminal women fail to conform to gender norms for gracious and passive female behaviour, feminist critics have noted how 'offensive' they are to the dominant discourses of femininity (Worrall, 1990; Faith, 1993)). For example, as gender associates physical prowess with masculinity (Bacchi, 1990; Faith, 1993) this may have a strong bearing upon Christchurch women inmates' difficulty with getting their sport and gym privileges supported by prison staff, as well as their belief that male inmates at nearby Paparoa Prison received more sport privileges.

Women prisoners' sexuality is an area that has received a lot of attention from misogynist theories of women and crime. Nineteenth century Scottish prison reformer Elizabeth Fry perceived women criminals as a 'grotesque perversion of feminine chastity' (Forsythe, 1987; cited in Faith, 1993), Freud (1925, 1930) portrayed them as sexual misfits and 1930's researchers Glueck and Glueck (1934 cited in Faith, 1993) believed criminal women were characterised by a lack of control over their sexual impulses. These early theories may correspond with Arohata inmates' experience that women in lesbian relationships were often separated (lesbianism perceived as yet another site of 'deviance'), and Christchurch women inmates' belief that the prison exerted overzealous of control measures towards women receiving visits from their male partners, that they believed were unheard of in men's prisons.

Previous research also shows Arohata and Christchurch women inmates' experiences of inadequate health treatment are not isolated concerns. Other New Zealand research (Te Wairere Ahiahi Young, 1993 and MCIPS, 1989) as well as British (Morris,1987), Australian (Hampton, 1993) and Canadian (Faith, 1993) research into women prisoners experience of health treatment finds their health needs in prison are frequently trivialised, given inadequate treatment, and that women prisoners typically complain their health problems are treated as psychosomatic. All of these factors were present in the data gathered from Arohata and Christchurch Women's prisons. New Zealand women inmates concerns are exacerbated in this area where New Zealand Prison Census data records their health status as far worse than male inmates (Lash, 1996).

Nineteenth and Twentieth century theories of crime that drew links between pathology and femininity (Lombroso and Ferrero, 1885; Freud, 1925, 1930; Pollock, 1961) may have a bearing upon health treatment towards women prisoners today. Freud's (1925, 1930) belief that criminal women were neurotic, as well as a theory that criminal women were innately more deceptive (Adam, 1914) correlate to these women's experiences of prison medical staff failing to trust their integrity. This included women's concerns from both prisons that prison medical staff perceived them as hypochondriacs and manipulative. The issue of manipulation is explored later under this chapter's section on gender.

There is also a close resemblance between Christchurch women's claims the prison discriminated against drug addicts and New Zealand researcher Te Wairere Ahiahi Young's respondents' claim prison medical staff mistrusted women's ailments because they thought the inmates were after drugs. An evaluation survey for methadone in New Zealand prisons found a big sex discrepancy in methadone users between the prisons it surveyed (DOC, 1996, d). Over the 3 month period in which 7 prison's were surveyed, Christchurch Women's Prison (the only women's prison included), had the second highest number of inmates received on methadone, which indicates a disproportional number of female than male inmates with opiod addictions (ibid). Other New Zealand research has found that 10% more women prisoners have an opioid dependency than male prisoners (Whitney, 1992). Therefore, it appears that a greater proportional number of female inmates endure additional difficulties with methadone dependency in prison.

Attention of overseas researchers to women prisoners' mental health is dominated by evidence of high levels of inmate self harm (Britain: Carlen, et al 1987; Australia: Hampton, 1993; Canada: Faith, 1993). However, whilst data from Christchurch Women's Prison does refer to one inmate (not a respondent) who wanted to 'cut herself up', the women's main focus was upon what they perceived as the prisons' inadequate treatment of mentally ill inmates, also punitive to mentally healthy inmates because they were expected to share the same limited space and tolerate the women's difficult behaviour.

Though it was not clear from Arohata or Christchurch Women's data whether inmate self harm was a common occurrence, section 32 (g) of the Penal Institutions Act 1954 lists inmate self harm as a punishable offence which shows that like their British, Australian and Canadian counterparts, this aspect of mental illness is one where New Zealand prisoners who self harm are punished, rather than treated.

Over the last ten years, fiscally austere policy priorities have consistently restrained budgets for New Zealand health and welfare agencies and institutions, which, as indicated by the Christchurch inmates', may have put pressure on prisons' to accept

inmates who would otherwise be referred to psychiatric facilities. Imprisonment was never designed to rehabilitate the mentally ill and accordingly, it is not appropriate to expect inmates or prison officers to understand or provide for the needs of the mentally ill. Clearly from Christchurch women inmates' position, the prison's attempt to do so is not working from an inmate or staff angle, and makes life significantly tougher for inmates.

Arohata women's descriptions of new cell contents deprivation rules being implemented at the time of the focus group interview mirrors measures introduced to Australian prisons several years ago (Hampton,1993), where Australian women inmates were, for a time, only allowed three pairs of underpants. That such clothing restrictions could even be considered in women's prisons indicates the inappropriateness of male oriented policy to women prisoner's sex specific health needs. It also indicates no comprehensive inquiry was conducted by New Zealand policy makers into the Australian experience of this policy; an oversight where New Zealand could do well to learn from Australia's error.

As follows, the data is integrated in relation to the inmates' experience and perception of prison rehabilitation. Accordingly, the theory of rehabilitation is then related to the data.

Rehabilitation, a Process of Compliance and Superficial Change

Due to the data on rehabilitation from both Arohata and Christchurch groups revolving around an essential conflict between rehabilitation and punishment in prison, inmate's experiences and analysis of rehabilitation at Arohata and Christchurch Women's prisons were virtually identical. The integration of data on rehabilitation is relatively short compared to the integration of data on punishment. This reflects the nature of women's experience of rehabilitation in prison as a philosophy and practice very much subordinate next to the coercive and punitive nature of incarceration. In the following data integration, key issues give insight into the nature of rehabilitation towards inmates

at Arohata and Christchurch Women's prisons. This is followed by a discussion of these findings in the context of theory and of other research.

Both groups of women believed that despite work opportunities, courses and education, actual rehabilitation in prison did not exist. Accordingly, there was a unanimous belief that real rehabilitation was a private development that involved free will to personal change. As control and discipline towards inmates rather than encouragement and support were seen as characteristic of prison officers' relationships with inmates, the women found it extraordinarily difficult to practice empowerment related skills in prison. Even with the availability of 'self esteem' building courses, and when prison staff did encourage inmates, other factors such as the general control / dependency characteristic of staff / inmate relations, and unrealistic expectations of staff towards inmates, consistently undermined their rehabilitation.

Moreover, women's experiences of assessment by prison management and staff to identify inmate needs towards rehabilitation, did not involve consultation with the inmate but rather, value judgements by prison officers and case management authorities of what they thought women needed. This in itself was frustrating and disempowering for inmates. Accordingly, Arohata women noted that prison officers were not appropriately trained to help inmates identify their needs. Similarly, on the grounds that Case management panels did not know the women they were interviewing, Christchurch inmates portrayed the nature of the Case management interview as particularly condescending.

For both groups a central concern was that because inmates needed to comply with Case management and Parole board requirements, inmates often felt forced to lie about themselves and do courses they were not interested in. In this sense, because privileges and punishment were held in the balance as to whether or not inmates complied with prison expectations for their so called 'rehabilitation', the women viewed prison rehabilitation as a coercive experience with superficial results. Accordingly, both groups conveyed that an important survival skill for inmates, was to lie about their progress in relation to their crime and rehabilitation, because they knew if their truth

differed from what was expected of them, they could be deprived of valuable privileges such as home leave, seeing their children, or being moved to another wing.

It appears the context of rehabilitation in prison meant the inmates understood very clearly, despite lack of appropriately trained staff or resources responsive to their needs, that they should, especially toward the end of their sentences, try to appear rehabilitated by behaving as though prison has made them better people. Therefore, from the experiences of these women, the relevance of rehabilitation is more in terms of *compliance* with the expectations of prison management because there are immediate benefits and penalties in the balance.

This highlights the futility of rehabilitation without individuals having free choice to make any personal change decisions. However, Christchurch inmates noted that the courses they were expected to do, which were government funded, lacked variety as they were often the same year after year. Therefore, inmates often found themselves in a position of being forced to repeat the same courses and others not wanting to be there were disruptive. It is not obvious from the data as to whether lack of courses, or course repetition, was a problem for Arohata inmates. However, as Arohata women made no comments as to the value or benefits of prison courses available to them, it could be assumed that government funded courses available to inmates at Arohata were perceived at best as neutral by these inmates.

A structural constraint with rehabilitation for both Arohata and Christchurch inmates was restricted study time. Christchurch inmates felt that those who wanted to study were simply not given enough time, whereas Arohata inmates complained that their time for education had recently been reduced to less than half of what it had been. Also noted by Arohata women as futile in relation to rehabilitation was that certificates for qualifications gained in prison were clearly marked as attained in prison and due to societal stigma towards criminals, this was a non constructive promotion of ex prisoners' qualifications.

Work by inmates in prison is officially regarded as an aspect of rehabilitation (DOC, 1997), and the Christchurch group were very critical of the amount of time they spent in prison doing domestic labour. Due to domestic work being a traditionally female and undervalued work area, they viewed this emphasis for women inmates as sexist, disempowering, and particularly non rehabilitative. Moreover, they knew men's prisons provided inmates with a lot of non domestic work options such as farming, forestry and trade skills and they saw no reason why their gender should prevent women having the same opportunities. Similarly, although the Arohata group did not offer a critical perspective of their prison work options in relation to gender and rehabilitation, it was clear their industry options of laundry, sewing, kitchen and some garden work, were also domestically oriented.

Incarcerating women in an environment where their daily schedule is dominated by cleaning, washing, sewing and other domestic type work characterises a domestic rehabilitation regime towards women on the basis of their gender. This is an outdated model for women's institutions and reinforces women's subordinate gender status institutionally and in the economy at large.

Stigma towards the women from prison officers and management was also viewed as non rehabilitative. For Arohata inmates, being stigmatised by prison officers as hopeless criminals indicated a refusal to see them as capable of change. Similarly, the Christchurch groups' claim the prison had a stigma against drug addicts was noted for the way it contravened self esteem courses for inmates. This type of 'pigeon holing' of inmates ignores the women's status as mothers, workers, partners, citizens and multidimensional persons with many relationships with non criminals. Such denigration towards prisoners clearly highlights the tension between punishment and rehabilitation. There appeared to be a tension between staff expectations that inmates do their best to rehabilitate themselves, and stigma towards the women in various guises.

Rehabilitation, theory and conflicting evidence

Despite being an official goal of imprisonment (DOJ, 1988), and recently embraced by the PPS as a management priority (DOC, 1997), rehabilitation in Arohata and Christchurch women prisoners' experience is characterised by forced compliance and superficial personal change. Their experience mirrors the observations of overseas researchers (Canada: Faith, 1993; Australia: Hampton, 1995: Britain: Hudson, 1987, 1993; Bean, 1976), New Zealand research (MCIPS, 1989) and New Zealand commentator Consedine (1995), who find rehabilitative efforts in prisons enhance punitive regimes and increase control over prisoners. Accordingly, the experience of Arohata and Christchurch women inmates' confirms previous research that there is a fundamental tension between rehabilitation and punishment in prison.

Bean (1976) and Hudson (1987, 1993) have concluded that whilst the theory of rehabilitation in itself has a philanthropic and curative approach, because of the predominant culture of discipline, control and punishment in prisons, curative efforts inadvertently become aspects of coercion. In this, both Arohata and Christchurch prisoners found themselves in a 'no win' situation because if they refused to comply with prison expectations for their rehabilitation they would lose valuable privileges but compliance with a process that paid no heed of their needs meant lying and praising its merits.

Christchurch women's experience of the Case management board as condescending towards them may reflect what Bean (1976) described as a key notion within rehabilitation theory in prisons known as the 'disease model'. This refers to a position taken by professionals towards prisoners where in order to attempt rehabilitation, they need to believe that criminals' mental characteristics are somehow abnormal. Furthermore, the Christchurch inmates' claims that Case management board members made value judgements as to whether inmates had low self esteem and needed assertiveness training, may reflect what Hampton (1995) and Faith (1993) have suggested are gender stereotyped interpretations of women inmates needs, that facilitate control processes in women's prisons. Similarly, an Arohata woman's point that she

felt inmates were treated as though they were a different breed from wider society altogether, alludes to a very close relationship between diagnosis (or pathology), and the emphasis upon optimum control within prisons, played out through the rehabilitative ethos.

Accordingly, Arohata and Christchurch women inmates' experiences of rehabilitation, appear more indicative of reformism. In the theory of reform, individual change is to be effected *through* punishment, whereas rehabilitation in prison is simply meant to *accompany* punishment (Hudson, 1987,1993). However, because an essential feature of rehabilitation theory is pathology (Bean, 1976; Hudson, 1993), and the basis of the Case management process is to tailor a sentence plan based on some notion of what causes the person's offending, this factor, along with rehabilitation being an official goal of imprisonment (DOJ, 1988), establishes rehabilitation as a feature of New Zealand prisons.

Arohata and Christchurch women's experiences illustrate that in practice rehabilitation does not simply accompany punishment in prison. The coercive aspect of prison that causes inmates to conform and comply with institutional demands is as much a feature of their so called 'rehabilitative' experience, as it is of their discipline and control. As Hampton (1994) has expressed, it appears the sooner an inmate learns to present those with power over her life with what they want to hear, the better. Accordingly, as MCIPS (1989) has observed, due to the deliberate removal of any prospect of self determination for inmates, the feasibility of rehabilitation in prison is highly doubtful.

A serious concern with regard to the pathological aspect of rehabilitation towards women criminals, is that historically, misogynist theories towards them have linked pathology with femininity, contributed to stigma, and enforced myopic gendered interpretations of women prisoners needs. When one considers the historical impact of the social construction of gender upon women prisoners, which originally deemed them maladjusted and dysfunctional as women, and currently has Arohata and Christchurch women inmates confined to an overwhelmingly domestic labour ethic for the 'work' aspect of their rehabilitation, the reliance of rehabilitation theory to determine their best

interests, becomes seriously doubtful. Therefore, the women's rehabilitation, as well as their punishment, is a gendered experience.

In order to rehabilitate in the prison context it is essential to know the causes of offending. However, as stated by Hampton (1994) actual causes of offending are elusive. Where there may be a correlation between crime and a variety of variables such as poverty, dysfunctional family background, drug abuse, violence and sexual abuse, this does not account for the many non imprisoned people who also correlate to theses variables, and yet never go to prison, as well as inmates who display none of these variables.

Accordingly, rehabilitative efforts towards prisoners throughout this century have not reduced offending. Where an important aspect of rehabilitation towards prisoners is to focus on the individual as problematic, the irony is that because of its necessary co-operation with disempowering processes in prison towards them, Arohata and Christchurch women identified the process of rehabilitation *itself* as problematic. Therefore, in the prison context the deterministic foundation of rehabilitation fails to account for the way in which beyond the individual inmate, rehabilitation itself becomes a pathological feature of 'power over' and subordination processes in prisons towards inmates.

Links between Arohata and Christchurch inmate's experiences of prison rehabilitation have now been established. Issues arising from these experiences were located in relation to overseas research and theory on the relationship between punishment and rehabilitation in the prison context. The following section considers significant issues to do with gender not already covered within the integration and analysis of punishment and rehabilitation focused data.

Gender

The first objective of this thesis was to identify any correspondence between gender, rehabilitation and punishment in the management of women prisoners. Through the

integration of Arohata and Christchurch women prisoners' experiences of punishment and rehabilitation, aspects of their experience attributed to gender have been incorporated. This section therefore covers only issues nôt already discussed.

In terms of any gender stereotypes towards women prisoners, as analysed in relation to rehabilitation, the most obvious for both groups was their confinement to the traditionally undervalued female occupation of domestic labour. For the Christchurch group, several woman's experiences of being labelled by prison officers as 'manipulative' appear to be related to the gendered stereotype that criminal women and women in general are manipulative (Hampton, 1994; Denborough, 1996).

However, Hampton (1994) disputes this stereotype towards women on grounds that because prison is an environment particularly hostile to their needs, manipulation is a logical survival technique for many women. Similarly, this interpretation was reflected by a Christchurch inmate who likened manipulation to being assertive, as a life skill. This links with the experience of Arohata women where empowerment related life skills for inmates, such as assertiveness training, were not encouraged. Whilst assertiveness training for Christchurch inmates was encouraged, because women were so often put down by prison officers when they practised their new skills, the punitive culture of prison often defeated the purpose. The difference between the prisons in this area of assertiveness training appeared to reflect different output priorities. Where at Christchurch Women's prison courses in this area were available to all, at Arohata they were only available to inmates taking part in the prison's drug rehabilitation programme.

These concerns from both groups suggest the way in which people with narrow perceptions shaped by gendered constructs of 'female behaviour', may be quick to categorise any display of assertion or lateral thinking by a woman as a negative characteristic. In prison, it appears such perceptions by staff easily become aspects of control.

Another stigma towards women inmates with a strong gender connotation concerned a Christchurch woman's experience of being labelled by prison officers as cold and heartless. This appears to reflect a gender stereotype that women who do not display emotional warmth and vulnerability are unwomanly (Worrall, 1990; Faith, 1993). This links with late 19th and early 20th century theories that portrayed criminal women as meaner and more incorrigible than criminal men (Lombroso and Ferrero, 1895; Adam, 1914; Pollock,1961), due to the inability of theorists to reconcile criminal woman's gender with their behaviour and actions.

Further issues in relation to gender that arose from Arohata and Christchurch women's experiences have now been integrated and analysed. The analysis drawn shows that women's gender continues to play a strong influential and defining role in their experience of incarceration. The following section highlights links between Arohata and Christchurch women's experiences in relation to gender, punishment and rehabilitation, that either reflect, or have implications for, current prison management and its policy environment.

Some Links between the 'New' Management of Prisons, Gender, Punishment and Rehabilitation for Women Prisoners

The policy review section of this thesis (Part Two) focused on the impact of state sector reform upon New Zealand prisons. It identified new structures and systems arising out of the reform process and suggested implications of these for women prisoners. Furthermore, it established that key policy choices for approaches to inmates, namely Case and Needs based management, IOMS and Regional management, stem from neo classical priorities for public resource management, *not* from inmate needs.

As the interviews with inmates at Arohata and Christchurch women's prisons focused on their *experience* of prison around the concepts of rehabilitation and punishment, the significance of state sector reform from an inmate perspective did not come through directly during discussion. Moreover, the policies of Needs based management and

IOMS, introduced to PPS staff in 1997, and Regional management, implemented in 1997-98, are new and at the time of interviewing, inmates had not heard of them.

Overall, the interview data emphasised that the social environment prison policy operates within, rather than the policy itself, was usually of more significance to inmates. This had to do with the way in which policy and protocol were administered by prison staff. It also includes the way in which the social construction of gender shapes the administration of women inmates' work and privileges. Therefore, other than policies that had obvious direct effects upon inmates, such as Case management, changes to cell content allocations and low wages, in a broad sense factors within their environment stemming from management ethics and processes of power, were what mattered most to the women interviewed. Nonetheless, these environmental factors ultimately reside within the overriding context of both national and institution specific prison policy.

Devolution of managerial power

The devolution of managerial power in New Zealand prisons following restructuring of the prison system in the early 1990s, may be a causal factor in relation to Arohata and Christchurch women's experiences of inconsistency and discretionary control practices from prison staff, that they felt were additionally punitive. The tasks of managing each institution are now spread over a much wider group of employees who have more autonomy and this may foster less consistency and more discretionary decision making in prisons than previously.

On the other hand, as found by Sarr (1994) and Logan (1994), where the devolution of managerial power in prisons opened up opportunities for promotion and greater responsibility for many prison staff, there was resentment and agitation from others not recognised for their long service and loyalty to the penal system. It is possible that inmate experiences of petty disciplinary and control tactics, such as lack of courtesy from staff, or control over small pleasures in the areas of recreation and music, may

also be a result of other staff feeling a need to assert their dominance over inmates to compensate for lack of recognition by their superiors.

Case management as a quantitative priority

In relation to their rehabilitation, inmates critiqued Case management on the basis that it's dominant feature was forcing inmates to comply with rehabilitative objectives not of their own choice, and through the threat of deprivation of privileges. This feature of inmate experience ought to be considered in relation to the way in which prison management today is tightly bound to staff performance targets and fiscally driven 'output' criteria. In this, where new policies for the management of prisons (as with the management of the entire state sector) stem from neo classical ideals for resource management, prison services are both purchased by the state, and managed by prisons, primarily on the basis of quantitative criteria.

The preference for neo classical priorities in prison administration also appears to have brought into sharper focus the tension between rehabilitative and punitive regimes in prisons. A greater emphasis upon prison rehabilitation via Case management, IOMS and Needs based management must surely rely upon tighter control of inmates to ensure they comply with rehabilitative related 'outputs'. Indeed, this factor of increased expectation for inmate rehabilitation (and the data shows women inmates experience of prison rehabilitation is strongly linked to their experience of punishment), combined with managerial compliance with performance targets for staff to meet 'outputs', may exacerbate the tension between punishment and rehabilitation for inmates.

Therefore, policies implementing rehabilitative expectations towards inmates may well appear to be effective and efficient on a financial basis, without their social purpose being achieved. As suggested by Boston (et al. 1996), Kelsey (1996), and Bunkle (1995), the principles of financial efficiency and effectiveness espoused by the ideologies of Agency theory, TCE and NPM, which have shaped the development of managerial policies for all government department resources, including prison management, do not necessarily equate to social effectiveness.

Fiscal austerity and rehabilitation

There is a junction between fiscal austerity in the name of 'efficient' resource management, and rehabilitation theory's pathological focus upon the individual inmate. Arohata inmates complained that prison management were taking 'more and more away' from them. This complaint from the women is backed up by evidence that shows a reduction by exactly half of the prisons' per inmate budget between 1994 -1998 (F. Grenfell, General Manager Arohata Women's Prison, Pers. Comm 9.9.97). Moreover, both Arohata and Christchurch inmates noted the lack of time they were able to spend in education. Clearly this has to do with less prison resource being available to prison management in areas inmates feel are important for their wellbeing. However, surely there is only so much that prisons are able to do towards inmate 'rehabilitation' (sic) with limited resource. Accordingly, there is a concern that any failure of inmates to appear 'rehabilitated' may be blamed on the individual alone rather than engaging in a structural analysis of both the tension between punishment and rehabilitation in prisons, and fiscal austerity in prison management.

The policy / operational split

The policy / operational split between government department functions, largely attributable to the Public choice theory 'fear of provider capture' role in state sector restructuring (Boston, et al, 1996), also offers a broad structural context around prison management and inmate experiences. Accordingly, as the DOC is primarily responsible for operational functions, it has a very small policy division and PPS policy development is characterised by managerial changes and system development, rather than empirical research into the nature and conditions of inmate experience. Whilst the MOJ is contracted to provide research and policy advice in the criminal justice domain, it is not directly linked to prison operations. Consequently, the potential for policy not responsive to inmate needs is likely to be amplified by this split.

Neo classical economics, power, and sex equity

Women inmates concerns for sex equity in prison lend support to a major critique of neo classical theory that legislation and policy formed along neo classical principles does not see variables such as gender and power relevant to legislative and policy development (Yeatman, 1990; Hyman, 1992; Bunkle, 1996; Barry, 1987). Dominated by neo classical rationales for public resource distribution and management, current prison management structures and policies mask the impact of processes of power within prisons and outside upon prisoners. When exposed, these processes of power support the often found convergence between economically liberal ideas and morally conservative ones (Jesson et al, 1988). Because economic liberalism does not account for processes of power such as sex and resource equity, tension between punishment and rehabilitation towards inmates, stigma, inconsistency and arbitrary punishment, moral conservatism in many aspects of prison management are likely to remain unchecked.

In considering the impact of the convergence between economic liberalism and moral conservatism for women inmates, the emphasis must be placed upon resource distribution and equity. As Bacchi (1990) suggests, in considering the implications of gender for legislative and policy provisions, there is a fundamental need to pay attention to structures that convert women's 'difference' into inequality. As established in chapters Eight and Nine, concerns for equity with male inmates was a significant issue for the women interviewed at Arohata and Christchurch women's prisons.

Accordingly, for appropriate resource distribution and ethical management in women's prisons, there is a fundamental need to pay attention to the distinct features of the female inmate population from an *inmate* perspective. This would clarify *what* differences between the sexes should count (Bacchi, 1990). However, until the PPS ceases to construe women inmates as a 'special group,' and the official yardstick for who constitutes an inmate is no longer determined by the disproportionately male inmate population, it will be a significant challenge to get women inmates needs investigated and taken seriously in their own right.

In particular, the new regional management structure for prisons will need to be carefully monitored in relation to resource distribution between prisons on a sex equity basis. For example, women inmates calls for greater attention and care from prison management in relation to their health, and 1995-1998 Prison Census data on women inmates health, suggests the need for a more intensive qualitative focus on this area within women's prisons. The amalgamation of regional prison health services means greater effort will need to be taken to ensure women prisoners' needs are not overshadowed by resource response to the majority male prison population.

Privatization

In relation to the Christchurch group's hopes for the gains prison privatisation might bring them, the current adoption of market oriented policies and practices for resource distribution in the state sector does bring New Zealand prisons much closer to private sector styles of operating. Where the Christchurch group hoped prison privatisation might ameliorate economic inequality and dependence amongst inmates, this converges with the paradoxical myth of the free market that there is a level playing field for all and yet only 'survival of the fittest' (King, D 1987). The notion of 'survival of the fittest' belies a more empirical truth behind New Zealand's current fiscally austere social policy climate, where 'efficiency' and effectiveness' also equate to less democratic participation, fairness and trust between state and citizens, because the services theses concepts are applied to are evaluated by the state primarily on a financial and quantitative basis (Boston et al, 1996; Kelsey, 1996). The attraction of privatization to the Christchurch group therefore seemed to have more to do with what they hoped it could offer them, rather than a broad understanding of the ethos of privatization within a market economy.

The research data from Arohata and Christchurch Women's prisons, has now been integrated and analysed in relation to key notions and influences highlighted around punishment, rehabilitation and gender, from the literature reviewed in preceding chapters. With regard to links between women inmates experiences in these areas, and the impact of state sector restructuring upon prison management, it has been noted that

whilst the women interviewed were not able to comment extensively upon the prison policy environment, nonetheless, their experiences do have implications for prison management and the policy context, within the particular areas canvassed. Conclusions and recommendations on the basis of these important issues follow in the final chapter.

CHAPTER ELEVEN

CONCLUSIONS AND RECOMMENDATIONS

Introduction

This thesis endeavoured to draw out and expose any tensions between punitive and rehabilitative regimes within the lives of New Zealand women imprisoned. It also aimed to identify the role of gender within women's prisons, via the inmates' experiences. Accordingly, the value of women's own accounts in relation to these variables within their prison lives has been central to the research path. This particular route into the topic was chosen in the belief that it would best allow the practical realities of these women's experiences to elicit any ambiguities and junctions between punishment, gender and rehabilitation within their prison environment.

My hopes for the research were that it would, in some sense, be able to empower respondents through the knowledge shared during the research process (via the qualitative design),and contribute to breaking the silence around women's experience of imprisonment, for future policy development. Accordingly, the research was very much anchored in a belief that the respondents must be held as the true experts on their prison experiences, and therefore of their needs, in order to signify areas where policy development might better research and respond to women inmates' needs.

This chapter concludes the findings of the research in relation to the four original research objectives, and then goes on to makes specific recommendations for further research, policy development and legislative changes.

Final Conclusions

Research Objective One was to identify any correspondence between gender, punishment and rehabilitation in the management of women prisoners. The findings in

relation to this objective demonstrate a significant correspondence between these factors.

Historically, the social construction of gender has been the strongest influence over the institutional treatment of women prisoners. As work within prison is officially regarded as an aspect of inmate rehabilitation, the over bearing emphasis upon domestic oriented work for women inmates at Arohata and Christchurch women's prisons (areas predominantly unpaid or underpaid in the wider economy), is an explicit example of how women's gender rationalises the subordinate treatment of women inmates. Restricting the 'work' aspect of women inmates' rehabilitation, predominantly to skills representing women's traditional unpaid role in the household, is additionally punitive to them on grounds of gender. It also stereotypes them in the same manner that earlier Twentieth Century prison programs attempted to 'redeem' women prisoners by confining them to tasks associated with traditionally undervalued feminine gender roles.

Women inmates believed they experienced disadvantages with significant aspects of punishment and privilege not experienced by male inmates. Gendered ideals demanding higher standards of behaviour and greater discipline and control towards women inmates may account for any disadvantages women inmates experience in these areas. Similarly, concerns from Arohata women that they were 'treated like children' indicate the way in which gender demands greater deference to authority for women.

Concerns that prison health professionals stigmatised many of women inmates' health ills as psychosomatic, also indicate a punitive element in their health treatment which may derive from negative perceptions of women criminals on a gender basis. Moreover, Arohata and Christchurch inmates' experiences of disciplinary and control measures towards their sexuality highlight the way in which gender has traditionally sanctioned women's sexuality, and a misogynist historical perception that women criminals were over sexed. Derogatory attitudes where prison staff label women inmates as 'manipulative' and 'cold and heartless' may also relate to gendered stereotypes and expectations of female behaviour, experienced by women inmates as punitive.

Research Objective Two endeavoured to uncover any sites of contradiction between punishment and rehabilitation for women prisoners, in particular whether rehabilitation manifests as a 'right' or a 'privilege' for them. The following conclusions emerged in relation to this objective.

Due to the overriding punitive and disciplinary culture of prison, rehabilitation is frequently experienced as a coercive aspect of imprisonment. Inmate co-operation with rehabilitative objectives in prison is often only based upon concern for the loss of privilege or avoidance of punishment. Accordingly, rehabilitation is experienced coercively and adhered to compliantly. Inmates are expected to rehabilitate, but are regularly unable to practice esteem related skills such as assertiveness, which is seen to undermine prison officers' power over inmates.

The Case management 'interview' does not involve determining inmate needs from an *inmate perspective*. In this, professional judgements towards women's needs based on assumptions of the causes of their criminal behaviour, do not *ask*, but *tell* women what their needs are. This is an alienating and frustrating experience for inmates.

Due to prison expectations for inmate compliance with rehabilitative objectives, inmates can find themselves punished for honesty and rewarded for lying. In this, because inmates do not have the right to determine their own needs in relation to rehabilitation, it is in their interests to comply with their case management plan, regardless of whether they see it as appropriate. Due to forced compliance with rehabilitative objectives for inmates in prison, real change or personal growth in relation to prison rehabilitation is often superficial.

The total power and control prison exerts over inmates, characterised by complete dependency upon the institution to meet their needs, arbitrary and discretionary punishment, and official and unofficial derogatory practices towards them, means prison is essentially a disempowering environment for inmates. Central features of control and dependency between staff and inmates constantly undermine rehabilitative features within prison regimes. Accordingly, the fostering of hope, faith and self

determination, as necessary prerequisites for positive empowerment and personal growth, is extraordinarily difficult in the prison context.

As one of the official goals of imprisonment, rehabilitation is a right and although inmates have the right to refuse it, regimes of punishment and privilege are used to coerce inmate compliance with prison expectations for their rehabilitation. Therefore, for Arohata and Christchurch women inmates, rehabilitation is frequently experienced as neither a *'right'* or a *'privilege'* but as an integral aspect of the punitive culture of imprisonment.

Current prison management, within the wider context of state sector reform, appears to have brought the tension between punitive and rehabilitative regimes in prisons into sharper focus. Whilst policies such as Case management, Needs based management and IOMS, certainly do place a 'qualitative' emphasis upon inmate rehabilitation, qualitative criteria are not a priority within the purchaser / provider arrangement between government and it's departments. Accordingly, important features of women inmates' experiences in relation to such policies may easily be overlooked. As there is a strong historical precedent of lack of critical attention to power and gender variables within women's prisons, the risk is that this quantitative dominance within prison resource management today will perpetuate the traditional 'invisibility' of qualitative features around women inmates' needs.

Accordingly, fervent reliance by the state upon concepts of *'financial efficiency'* and *'cost effectiveness'* to rationalise resource distribution, may also occur at the *'social expense'* of appropriately responding to women inmates' needs. For example, the data placed a consistent emphasis upon women inmates concerns for equity with male inmates in many aspects of their treatment, including rehabilitation. Moreover, the extent to which New Zealand's current prison policy and managerial climate highlights the tension between punishment and rehabilitation in prisons was reflected by some inmates through their impression of prison policy makers as political charlatans.

Furthermore, rehabilitation theory's emphasis upon pathology, played out through the moral authority of prison staff and professionals to identify and address the causes of inmate offending, give inmates no agency to identify their own needs. Moreover, it has been noted that actual 'causes' of offending are particularly elusive. For these inmates, the experience of forced compliance with others' moral objectives to fix *their* perceived social problems was exacerbated by lack of free choice to pursue their own personal goals, or even to determine what they were. Accordingly, with the backdrop of gender restriction, control and dependency, deprivation and punishment, as pervasive features of women's imprisonment, this research strongly contends that it is not possible to address the causes of offending within prisons, at least not in a 'rehabilitative' sense.

However, to date there has been no authoritative recognition within the New Zealand criminal justice sector of the problem of rehabilitation adopting a coercive rather than curative nature within prisons. As it appears, during the 1980s rehabilitation as a solution to crime and recidivism was labelled a failure by penal policy makers without comprehensive and critical evaluation of the role of rehabilitation in prison regimes to establish the reasons for its failure. So, with onset of a new commitment to rehabilitation in New Zealand prisons, it appears history is repeating itself.

There are indications that the devolution of managerial power in prisons, another consequence of state sector reform, and meant to minimise the likelihood of political opportunism by government departments, may have increased arbitrary punishment and discretionary control processes towards inmates. This may be due to some prison staff now having greater autonomy and responsibility in relation to inmate management and security. Conversely, those staff with less power may engage in more petty control tactics over inmates as their way of asserting authority. Again, such aspects of prison staff conduct are disempowering towards inmates and directly contravene rehabilitative ideals.

Research Objective Three was to expose the effects of punishment/ discipline within prisons upon women prisoners. However, a relatively small amount of specific data for this objective was obtained. Lack of data in this area may be due to the psychological

effects of punishment within prison being a very private matter for inmates, not shared readily to outsiders. In this the effects of punishment upon inmates were less clear than the incidents and themes they related to.

Nonetheless, some effects of punishment upon prisoners were noted. The most significant was that on the whole they lacked trust and respect towards prison staff. This was due to inmate beliefs that many aspects of staff administration of punishment, as well as conduct towards them, were unprofessional or unfair, and did not treat inmates with the dignity they felt they deserved.

In general, there was a strong feeling amongst inmates that unnecessary personal injustices by way of additional punishment beyond the set deprivation of liberty a prison sentence implies, were being done to them. In this, many aspects of their treatment appeared to cause frustration and cynicism towards prison staff. One woman explained how the punitive procedure of strip searching caused her to feel powerlessness and another told how it affected her by causing her to draw upon her inner strength, in order to survive. Self blame and confusion around derogatory attitudes of prison staff, where one inmate was racially abused, and another labelled 'cold and heartless', also seemed to be an effect of punishment for some.

Research Objective Four aimed to identify any gender stereotypes towards inmates within women's prisons. Inmate experiences of gender stereotypes, namely gendered stigma towards their health needs, gendered options connoting traditional female roles in under valued domestic work sectors, and derogatory labels towards them from prison staff that converged pathology with gendered notions of femininity; were firmly grounded in the data relating to women's experience of punishment in prison. Therefore, the achievement of this objective has become subsumed in that of Objective One.

Recommendations

1.   Both New Zealand and overseas research show there are problems with rehabilitating people within a punitive environment. MCIPS (1989) concluded that there were irreconcilable contradictory objectives between rehabilitation and containment within New Zealand prisons. Accordingly, it recommended the separation of rehabilitative and punitive / containment goals and practices within the criminal justice sector. This research supports those findings. It clearly demonstrates that for New Zealand women prisoners, rehabilitative goals are subverted by the punitive environment of incarceration. This occurs through the arbitrary use of power by prison staff for disciplinary and control purposes, including the deprivation of privilege as punishment, to force inmate compliance with rehabilitative objectives.

The women interviewed were of the strongest conviction that real personal change could not occur without their free will. Therefore, forced inmate compliance with rehabilitative objectives was futile and resulted in token change only. This research contends that it is *entirely appropriate* for prisons to provide inmates with work and educational or skill development opportunities. However, it is also of the belief that it is *entirely inappropriate* for prisons to punish or deprive inmates in any way for failing to oblige 'rehabilitative' expectations.

On this basis, it is recommended that where the goal of rehabilitation occurs, or may logically be interpreted as implied by any PPS KRA, that message be removed from the PPS. Accordingly, the rehabilitative role should belong *outside* of prisons, accompanying post release and non prison sentences through the DOC. Prison management and staff need to understand that whilst constructive work tasks, skill development, and education are to be encouraged and promoted to inmates, forced inmate compliance via privilege deprivation is a non worthy and potentially damaging approach towards inmates. This will not reduce re offending or encourage healthy relationships between inmates and staff because it denies inmates the free will to personal growth, or positive change. It also enforces the

adverse dominant - subordinate characteristic of the power dynamic within prison staff / inmate relationships. Accordingly, the recommendation of New Zealand's MCIPS (1989), that the criminal justice sector separate out it's containment / punishment role from it's rehabilitative role is fully endorsed.

2. This research contends that the dominant influence of neo classical economic ideology and related practices in current New Zealand public sector management, which revolve almost exclusively around quantitative standards for financial and resource management, cannot account for pervasive and potentially dangerous qualitative features of prisoner management and experience. It appears that most such features within prisons go unchecked and only come to light at their most sensational via the media spotlight. These problems, as identified in relation to women inmates experiences of gender, punishment and rehabilitation, and characterised by the particular brand of retributive power and control characteristic of prison regimes, may require legislative change for their resolution. At the very least, policy attention to address problematic features within the management of women inmates, should occur.

In light of this need, the research recommends that just as the Public Finance Act 1989 instigated checks and balances to the financial operation of government departments, legislation or policy based on a new ideology for social ethics needs to be developed to address the current lack of qualitative accountability in prisoner management. In the prison context, this could ensure resource distribution between prisons is equitable, gender equity between male and female inmates' conditions and treatment, and address favouritism and inconsistent treatment in the administration of inmate punishment and privilege.

3. The research finds that inconsistency, discretionary decision making, and favouritism towards inmates by prison staff in the administration of privileges and punishments, are experienced by New Zealand women inmates as additionally punitive. Accordingly, where policy and protocol for professional, ethical and courteous behaviour by prison staff towards inmates already exist, they require

strict enforcement by prison managers. A necessary requirement for this enforcement is the development of intensive and regular prison staff and management training in ethical behavioural standards, consistent and fair professional conduct towards inmates. An applied approach to such training based on identifying real life difficult or challenging experiences prison staff have had with inmates, to explore alternative and optimum approaches to use would suffice. Such an approach is therefore recommended.

4.   The development of a charter of inmates' rights to be given to each inmate, based upon the optimum rights to be treated with dignity and courtesy, in accordance with prison procedures is strongly recommended. To be effective, this would need be supplemented by a consistent monitoring / compliance regime for prison staff, to ensure their practice respects the charter.

5.   Although the purpose of this thesis was not to compare conditions and treatment within women's and men's prisons, for equity purposes, there should not be any differences between the type and amount of rules, or general arbitrary treatment patterns between inmates in different sex prisons. Accordingly, if there are more rules in women's than men's prisons, management structures between prisons are inequitable. Similarly, if one sex receives more or less recreational or visiting privileges than another, inmate treatment is also inequitable. Accordingly, it is strongly recommended that the PPS undertakes a comprehensive sex equity investigation into all aspects of female and male prisoner management. This would determine the extent, and hopefully take action to ameliorate, differential treatment between inmates in women and men's prisons, both on an arbitrary basis and in terms of and set routine and security.

6.   Both the 1995 and 1998 New Zealand Prison Census data record a significant discrepancy between female and male inmates' health status whereby female inmates' health is worse. Poor health and inadequate health care was also a serious concern for both groups of prisoners in this study. Accordingly, a comprehensive investigation into the condition of women inmates' health, needs

to be conducted by the PPS, to elicit reasons for the poorer state of health of women inmates than their male counterparts. The implementation of policies and practices to ensure optimum health treatment for women inmates should follow.

7. It is recommended that Section 32 (2) (g) of the Penal Institutions Act, where inmate self injury is a punishable offence, be repealed and a clause enacted to ensure inmate self harm results in appropriate medical and psychological or psychiatric treatment.

8. This research recognises that the present failure of the PPS to offer women inmates alternative work options to spending the majority of their prison work time doing traditionally undervalued, female dominated, menial domestic labour is an outdated model for women's prisons. Accordingly, it recommends the PPS reform women inmates work options to skills more likely to promote post release economic independence for them beyond the benefit threshold, and which do not reflect marginalized, female gender dominated work sectors. Therefore, the work and educational focus for inmates in women's prisons, must be upon future employability and personal self determination or resourcefulness. Skills taught would be comparable to those trade skills available to male inmates, current computer competency skills and educational modules most likely to encourage future paid employability.

9. A problem noted by Arohata women was that certificates for qualifications gained in prison were clearly marked as attained in prison, and due to societal stigma towards criminals, this was viewed as a non constructive promotion of ex prisoners' qualifications. This problem, as well as the problem of lack of course variety pointed out by the Christchurch women, might be resolved if prisons adopted a policy to ensure inmate qualifications and education schemes were wholly accredited to outside training institutions.

10. It is recommended that prisons be legally prevented from using any inmates, or their cells, for staff training or any other demonstrative procedure for prison staff

or visitors to the institution, without the inmates' prior, written informed consent. Also important is that inmates do not receive any reprisal for refusing consent to such a procedure.

11. It is recommended that legislation be formed and enacted to give inmates the right to a prompt and fair hearing of any grievance that arises between themselves and prison staff or management, for the purpose of resolution. The legislative provision must also make this right *easily accessible* to inmates through a revision of legislative clauses that could prevent inmates from exercising such a right.

12. It is the opinion of the researcher that due to the considerable pain and anxiety associated with drug withdrawal, compulsorily detoxifying inmates from methadone is an additional punishment beyond the straight deprivation of liberty a prison sentence is meant to entail. In this, drug addiction is not a liberty. On this basis, it is inappropriate for prison sentences to entail the additional punishment of compulsory and complete methadone withdrawal and it is recommended that this practice towards methadone dependant inmates be ceased.

Endnote

This thesis has exposed central features of women prisoners' experience within two New Zealand prisons, from their perspectives. Consequently, conclusions have been drawn, and recommendations made to emphasise imprisoned women's needs for sex equity, adequate health care, fair treatment, and work and recreational opportunities that oppose gender constraints towards them, within the managerial structures and practices of women's prisons. The study provides a guiding canvas for future policy development to pay attention to the junctions between punishment, rehabilitation and gender in the management of women's prisons, for more appropriate responses to women inmates needs.

APPENDIX A

INVITE TO INMATES TO BE PART OF
A TALK GROUP ABOUT PRISON

Hi, my name is Bridget Caird. I am a 26 year-old student doing a Master of Arts in Social Policy at Massey University.

My interest is women's experience of criminal justice and I would like to hear about your experience and opinions in this area.

I would like to know about your beliefs on rehabilitation and discipline in prison. It is my assumption that you are the experts on your needs within prison and that you have the ability to offer the most accurate knowledge and evaluation of your position in this respect.

You don't have to answer any questions you don't want to.

My supervisors are Wendy Parker and Mervyl McPherson from Massey University.

WHAT DOES IT INVOLVE ?

It involves volunteering to be part of an informal talk group with 8-10 inmates and myself. I will come to the prison so you can put a face to my name and find out what I am about so you can decide.

To be in the group, you will need to be doing a three year sentence or more; or have served three or more separate sentences inside.

There will be two talk group meetings with the same people, and they will be tape-recorded. You may ask for the tape recorder to be turned off at any time.

I want all those in the group to be able to get on with each other so you need to know who will be in the group before you decide. If inmates from different wings are to come together for the group, I will make sure staff tell you who they are, so you can decide whether or not to be involved. On the other hand, you can pull out of the group at any

time before or after we talk. Because there is a limit of 10 for the group, it is possible that some of you may not get in. However, for ethical reasons it is important that you are volunteers and staff do not determine who gets in the group.

YOUR RIGHTS

You have the right to not take part.

You have the right to ask any questions about the study at any time.

You have the right to refuse to answer any questions.

You have the right to pull out of the study at any time before or after we talk.

You have the right to give information on the understanding that your name and details will not be used in any way that could reasonably identify you. You can tell me to take out or to change any information you have given me.

You have the right to see what I write about you and to tell me to make any changes to it, before I write the final report.

WHAT CAN YOU EXPECT FROM ME?

You can expect me to have the highest respect for who you are as an individual, and as an inmate. I will have a real interest in your viewpoints and any experiences you choose to share.

You can expect me to listen to you without judging you.

You can expect me to answer any questions you ask about who I am and what I am about.

How much time will be involved?

The first meeting will be two hours. The second meeting will be forty minutes.

Who will hear the tape?

The tape will only be heard by myself, my supervisors and one other woman who will help put it down on paper. Because they will all hear what you have said, each will sign a confidentiality agreement about that information.

Who will read it?

I will send each woman from the group a copy of the write-up before the final report is put together. After you have read this, we will need to be in contact again so that if you want me to make any changes to the report or to leave any information about yourself out I can do so.

I will make sure a copy of the thesis (book) goes into the prison library.

Another copy will be read by my university supervisors and examiners, and then go into the University library for all to do research and study.

APPENDIX B

CONSENT FORM

I understand what Bridget wants to do and have had the details of the study explained to me in person. My questions have been answered to my satisfaction and I understand that I can ask any questions at any time.

I understand that my participation is voluntary.

I understand that I have the right to pull out of the study at any time, and that I do not have to answer any particular questions.

I agree to provide information to Bridget, as long as my name and details will not be used in any way that could reasonably identify me.

I understand I have the right to ask for the tape recorder to be turned off at any time.

I understand that there will be up to 10 inmates in the group, and I will know who all of them are before I take part in it.

I realise that, to be in the group, I will be expected to keep what we talk about confidential.

I agree to participate in the study under the conditions set out in the information sheet.

Signed: _____

Name: _____

Date: _____

APPENDIX C

INTERVIEW GUIDE

1. What are the things you get to do in here in terms of rehabilitation and work?

    Do you have any say in what you get to do, like what courses you want?

    So how do you get into a certain work area or into a course?

    Who decides you get into a course or work area here?

2. Do you ever get made to do courses you don't want to do?

    How so / Why?

3. Has anyone ever gone on a course hoping it will help their parole chance?

4. What are the expectations you have for courses here?

    Are they met?

5. How is it decided that inmates get parole / or home leaves?

    Are inmates refused parole very often?

    Why?

6. Thinking of the last time you were punished or disciplined here, what was it for?

    What was the effect it had upon you?

    What did you do afterwards?

    Do you know whether it was different from how a male inmate might be punished for the same thing?

    Apart from the obvious of being in prison, what is the worst way you have been punished inside?

7. Do you think the system of discipline and punishment in here is fair?

8. Can you give me a picture of the types of things you can be put on report here?

   I'd like to get an idea of the range of things, from small to big.

   Are there any less obvious ways you receive or feel punished?

9. Are courses or work ever withdrawn from you as punishment?

10. What do you think is good management? (* this set of questions was not asked of Arohata inmates)

    Are there any ways you think the prison could be better managed?

11. What's the atmosphere like in here? How do you describe it?

12. If I was your friend and I'd just come into prison for the first time as an inmate, what would you tell me as the first thing I need to know about prison?

13. Do staff ever provoke you?

    How do you react?

    Are there ever consequences?

    Do you ever feel that staff abuse their power over you, if so, how?

14. Would you say there are high standards of behaviour for inmates in here?

    Do you know whether or not male inmates get the same treatment as you?

15. Are there any big changes that have happened to prison since you've been inside?

    What was, or is their impact upon you?

16. It's only recently that men's prisons have started drug testing inmates but women's prisons have been doing so for years, why do you think this is?

17. Can you name any labels put upon you by prison staff that you feel are unwarranted?

18. Do you get the health treatment you need in here?

    Any new health problems since being inside?

19. Can you tell me any encouragement or help staff have given you in here that has

    in some way eased your time inside?

    Any new skills you've learnt in here?

    Have you been able to use them in here?

20. Do you have any plans for when you get out?

    What are they?

* Are there any other comments or questions you'd like to make or ask?

BIBLIOGRAPHY

Adam, H. (1914). *Women and Crime*. London, Werner Lourie.

Australian Law Commission. (1993). *Equality Before the Law*. Sydney, Australian Law Commission.

Babbie, E. (1998). The Practice of Social Research. California, Wadsworth Pub. Co. Belmont.

Bacchi, C.L (1990). *Same/Difference – Feminism and Sexual Difference*. Australia, Allen and Unwin.

Barry, N. (1987). *The New Right*. Beckenham, Croom Helm.

Bean, P. (1976). *Rehabilitation and Deviance*. London, Routledge and Kegan Paul.

Briar, C. "Women, Economic Dependence and Social Policy", in: *Social Policy and Women's Experience*. Briar, C., Munford, R and Nash, M. (eds). (1992). Palmerston North, Dunmore Press Ltd.

Boston, J. Martin, J., Pallot, J., and Walsh, P. (1996). *Public Management: The New Zealand Model*. Australia, Oxford University Press.

Bunkle, P. and Lynch J; "What's wrong with the New Right ?", in: *Social Policy and Women's Experience*. Briar, C. Munford, R. and Nash, M. (eds) (1992). Palmerston North, Dunmore Press Ltd.

Bunkle,P.(1996). *New Zealand Women 1985-1995: Markets and Inequality*. Wellington, Victoria University.

Carlen, P. (1988). *Women Crime and Poverty*, Open University Press, London.

Carlen P. and Worrall, A. (eds). (1987). *Gender, Crime and Justice*. Britain, Milton Keynes.

Carlen, P. (ed) with Tchaikovsky, Christina, O'Dwyer, Wilson and Hicks. (1987). *Criminal Women: some autobiographical accounts*. Cambridge, Polity Press.

Cheyne, C. O'Brien, M. and Belgrave, M. (1997). *Social Policy in Aotearoa, New Zealand: A Critical Introduction*. Auckland, Oxford University Press.

Consedine, J. (1993). *Restorative Justice: Healing the Effects of Crime*. Christchurch, Ploughshares Publications.

Denborough, D. (1996). *Beyond the Prison, Gathering Dreams of Freedom*. Adelaide, Dulwich Centre Publications.

Department of Corrections. (1994). *Public Prisons Service Policy and Procedures Manual*. Wellington, Department of Corrections.

Department of Corrections. (1996 a). *Department of Corrections Post Election Briefing*. Wellington, Department of Corrections.

Department of Corrections. (1996 b). *Becoming a Prison Officer* (pamphlet). Wellington, Department of Corrections.

Department of Corrections. (1996 c). *Arohata Women's Prison 1996-1997 Prison Management Plan*. Wellington, Department of Corrections.

Department of Corrections (1996 d) *Protocol for Methadone Treatment Programmes In Prisons*. Wellington, Department of Corrections.

Department of Corrections. (1996 e). *Christchurch Review*. Wellington, Department of Corrections.

Department of Corrections. (1997 a). *Delivering a Better Prison Service – A Blue Print for the Future Public Prisons Service*. Wellington, Department of Corrections.

Department of Corrections. (1997, b). *Department of Corrections Annual Report 1996-1997*. Wellington, Department of Corrections.

Department of Corrections. (1997 c). *Department of Corrections Forecast Report 1996- 1997*. Wellington, Department of Corrections.

Department of Corrections. (1997 d) *Inmate Employment, Increasing Inmate Employment Through The Development of Prison Industries*. Wellington, Department of Corrections.

Department of Corrections. (1997 e). *Report on the Evaluation of the Protocol for Methadone Treatment Programmes in Prisons*. Wellington, Department of Corrections.

Department of Corrections. (1997 f). *Moving Forward: Wellington Regional Prisons-information for staff*. Wellington, Department of Corrections.

Department of Corrections. (1996). *Public Prisons Service Policy and Procedures Manual*. Wellington, Department of Corrections.

Department of Justice. (1988). *Prisons in Change, The Submission of the Department of Justice to the Ministerial Committee of Inquiry into the Prison's System*. Wellington, Department of Justice.

Department of Justice. (1993). *Corrections Operations*. Wellington, Department of Justice.

Dobash, Dobash and Gutteridge. (1986). *The Imprisonment of Women.* Oxford, Basil Blackwell.

Dyer, B. (1994), *The Habilitation Offenders - an experimental study.* New Zealand, Mental Health Foundation.

Easteal, P. (1994). Don't Talk, Don't Trust, Don't Feel, The Dysfunctional Culture of Women's Prisons, *Alternative Law Journal.* 19 (2).

Faith, K. (1993). *Unruly Women - the Politics of Confinement and Resistance.* Vancouver, Press Gang Publishers.

Genders, E. and Player, E. "Women in Prison: the treatment, the control and the experience," in: *Gender, Crime and Justice.* Carlen and Worrall (eds). (1987). Britain, Milton Keynes.

Goldfinch, S. "Treasury and Public Policy Formation," in: *The Political Economy of New Zealand.* Rudd, C. and Roper, B. (eds). (1997). New Zealand, Oxford University Press.

George,V. and Wilding, P. (1994). *Welfare and Ideology.* Hemel Hempstead, Harvester Wheatsheaf.

Hampton, B. *Prisons and Women.* (1993). Australia, University of NSW Press.

Hampton, B. (1994). *No Escape, Prisons Therapy and Politics.* Australia, University of NSW Press.

Hannifin, J. (1997). *Evaluation of Protocol for Methadone Treatment in Prisons.* Wellington, Department of Corrections.

Heney, J. (1990). *Report on Self-Injurious   Behaviour in the Kingston Prison for Women.* Ottawa, Ministry of the Solicitor General, Corrections Branch.

Hudson, B. (1987). *Justice Through Punishment, A critique of the 'justice' model of corrections.* London, MacMillan Education Ltd.

Hudson, B. (1993). *Penal Policy and Social Justice.* Britain, Macmillan Press Ltd.

Hyman, P. "The use of Economic Orthodoxy to Justify Inequality: A Feminist Critique", in: *Feminist Voices, Women's Studies Texts for Aotearoa / New Zealand.* Du Plessis, R. (ed). (1992). New Zealand, Oxford University Press.

Hyman, P. (1994). *Women and Economics: A New Zealand Feminist Perspective.* Wellington, Bridget Williams Books.

Jesson, B. Ryan, A. Spoonley, P. (1988). *Revival Of The Right, New Zealand Politics in the 1980s.* Auckland, Heinmann Reed.

Kelsey, J. (1996), *The New Zealand Experiment: A World Model for Structural Adjustment?* Wellington. Auckland University Press, Bridget Williams Books.

King, Desmond, S.L. (1987). *The New Right: Politics, Markets and Citizenship.* London., MacMillan.

Lash, B. (1995). *Census of Prison Inmates.* Ministry of Justice.

Lash, B. (1998). *Census of Prison Inmates.* Wellington, Ministry of Justice.

Leibrich, J. (1991). *A Study of the Probation Division's Role in Reducing Re-offending.* Wellington, Department of Justice.

Logan, B. (1993). *Ministerial Inquiry into Management Practices at Mangaroa Prison.* Crown, Wellington.

Lombroso, C. and Ferrero, W. (1895). *The Female Offender.* Fisher Unwin, London.

Loyd, A. (1995). *.Doubly Deviant, Doubly Damned, Society's Treatment of Violent Women.* Penguin Books, London.

Mandaraka Sheppard, A. (1988). *The Dynamics of Aggression in Women's Prisons in England.* Britain, Aldershot Gower.

McDowell, L. and Pringle, R. (1992). *Defining Women, Social Institutions and Gender. Open University Press,*UK.

Millman, D: *The Way of the Peaceful Warrior.* (1984). California, H.J Kramer Inc.

Ministry of Women's Affairs. (1996). *The Full Picture, Te Tirohanga Whanui, Guidelines for Gender analysis.* Wellington, Ministry of Women's Affairs.

Moffat, H. (1994). *Unintended consequences of feminism and prison reform.* Forum on Corrections Research, University of Toronto, Centre of Criminology.

Morris, A. *Women, Crime and Criminal Justice.* (1987). Oxford, Basil Blackwell.

Ministerial Committee of Inquiry into the Prisons System (MCIPS). *Prison Review: Te Ara Hou, The New Way.* (1989). Wellington, Crown.

Murphy, B; Cockburn, J and Murphy, M. (1992*). Focus Groups in Health Research.* Health Promotion Journal of Australia. 2 (2), 37-40.

New Zealand Public Service Association. (1989). *Backgrounder: The Public Finance Act 1989.* Wellington, New Zealand Public Service Association.

Palmer, G. and Palmer, M. (1997). *Bridled power, New Zealand Government under MMP.* Auckland, Oxford University Press.

Pollak, O. (1961). *The Criminality of Women.* New York, A.S. Barnes.

Patton, M. (1990). *Qualitative Evaluation Methods.* Newbury Park, California. Sage Publications.

Rorty, R. (1989). *Contingency, Irony, and Solidarity,* Cambridge, U.K, Cambridge University Press.

Sarantakos, S. (1993). *Social Research.* South Melbourne, Macmillan Education Australia.

Sarr, P (1995). *Corrections: Recent attempts at Workplace Reform and Managing Change in New Zealand Prisons.* (thesis). Victoria University, Wellington.

Sarr, P. (1996). Change Process Fires Prison Boilers. *Public Sector.* 19, (1), 9-12.

Scott, G.C. (1996). *Government Reform in New Zealand.* Washington DC, International Monetary Fund.

Schulhofer, S. (1995). The Feminist Challenge in Criminal Law. *University of Penn Law Review.* 143, 2151-2157.

Smith, J.K. (1992). Interpretative inquiry: A practical and moral activity, *Theory into Practice.* Vol. XXXI (2), 100-106.

State Services Commission. (1992). *Getting the Bits Right- A guide to Best Practice in the Provision of Information Systems in the State Sector.* Wellington, State Services Commission.

State Services Commission. (1996 a). *Strategic Management in Government: Extending the Reform Model in New Zealand.* Wellington, State Services Commission.

State Services Commission. (1996 b). *New Zealand's State Sector Reform: A Decade Of Change,* Wellington, State Services Commission.

Statistics New Zealand. (1993). *All about Women in New Zealand,* Wellington, Statistics New Zealand.

Thomas, S. Steven, I. Browning, C., Dickens, E. Eckerman, L., Carey, L. and Pollard, S. (1992). Focus Groups in Health Research: A Methodological Review. *Annual Review of Health Social Sciences,* 2, 7-18.

Te Wairere Ahiahi Young, P. *Mothers in Prison: The Experience of being Separated from their children.* (1993). (thesis), University of Waikato, New Zealand.

Treasury. (1984). *Economic Management: Brief to the Incoming Government.* Wellington, Treasury.

Treasury. (1988). Government Management: *Brief to the Incoming Government.* Wellington, Treasury.

Waldron, J. (1993). *Liberal Rights.* Cambridge, Cambridge University Press.

Whyte, W.F. (ed.) (1991). *Participatory Action Research.* Sage Publications, Newbury Park, California.

Worrall, A. (1990*). Offending Women - Female Lawbreakers and the Criminal Justice* System. London, Routledge.

Yeatman, A. (1990) Reconstructing Public Bureaucracies: The Residualisation of Equity and Access. *Australian Journal of Public Administration*, 49 (1), 17-21.