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COVER PHOTOGRAPH: Sir Colin Woods, Commissioner of the Australian Federal Police, delivers an opening address on 'How Police Feel' to a seminar titled 'Publicity and the Criminal Justice System' which was held between 17-20 June at the Institute. A full report on the seminar will appear in the September issue of *Reporter*.

reporter

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High crime rate in Perth

Perth has the highest rates in Australia for breaking and entering, robbery with violence, fraud, forgery, false pretences, and assault, according to a paper by Institute researchers Mr John Braithwaite and Mr David Biles, which will be published in a forthcoming edition of the *Australian and New Zealand Journal of Sociology*, (Volume 16, No. 1, 1980). The paper is one of a series by the authors and is based on the results of a survey of crime conducted by the Australian Bureau of Statistics over the 12 months to May 1975.

Safer to live in Tokyo?

'Why is it safer to live in Tokyo?' was the title of a public symposium held at the Institute on 1 July. The symposium was aimed at bringing together the members of an Australian delegation which, with a grant from the Australia-Japan Foundation, visited Japan in April 1979 to study its crime control methods. After a morning session, at which members of the delegation discussed their impressions after one year of trying to apply their experiences in Australia, the symposium was opened to the public who were invited to ask questions and discuss matters relating to crime control in Japan and its relationship to crime in Australia. His Excellency, the Ambassador of Japan to Australia, Mr Mizuo Kuroda, opened the public session.

ANZAAS conference

The section on Criminology and Forensic Science at the recent Jubilee Congress, in Adelaide, of the Australian and New Zealand Association for the Advancement of Science was a great success and would lead to greater cooperation between criminologists, forensic scientists and researchers of the criminal justice services, the Director of the Institute, Mr William Clifford, said recently. The Director and four members of the Research division attended the Congress and delivered several papers.

Legal studies seminar

A one-day seminar for A.C.T. teachers of legal studies was held in the Institute's training section on 4 June. Assistant Director of Training, Mr Col Bevan, said the seminar was aimed at providing the teachers with an opportunity to discuss relevant and contentious criminological issues with specialist research staff at the Institute. 'It is hoped that these discussions were of assistance to the participants by providing them with insights which may be of use to them in the classroom', Mr Bevan said.

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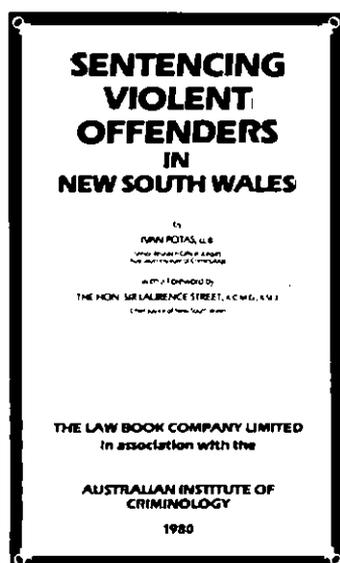
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New Institute publications



Sentencing Violent Offenders in New South Wales, by a Senior Legal Research Officer at the Institute, Mr Ivan Potas, was published by the Law Book Company in association with the Institute, in March.

A loose-leaf production priced at \$65.00 a copy, the book provides a legal analysis of the principles of sentencing as enunciated by the N.S.W. appeal courts (usually the Court of Criminal Appeal) with regard to violent offences.

Mr Potas said recently that the book aimed at, 'providing the courts, when dealing with the problem of sentencing offenders who had committed violent offences, with a reliable basis for determining the sentence to be imposed in a particular case'.

It would also provide the offender, his or her legal representative and the public with a better understanding of the sentencing process, while at the same time providing a yardstick against which other sentences could be measured.

The book brings to light many unreported decisions of the N.S.W. Court of Criminal Appeal, which form the basis of the study.

Mr Potas said the loose-leaf form of the book was designed to enable it to be regularly updated to take account of recent decisions and developments in sentencing practice.

In a foreword to the book, the Chief Justice of New South Wales, Sir Laurence Street, says: 'The author has brought to bear an informed and disciplined mind in the analysis and presentation of the cases upon which this work has been constructed. The result is at the same time both an important social document. . . as well as a most useful aid to the sentencing judge and magistrate in maintaining consistency of approach within the whole court system'.

Restoring Victims of Crime

Jocelynn A. Scutt

Australian Institute of Criminology

'A pilot scheme should be set up to test the potential of restitution as a formalised mechanism operating as a means of keeping offenders in the community'.

This is one of six recommendations contained in a report, *Restoring Victims of Crime*, by Senior Institute Researcher Dr Jocelynn Scutt, which was published by the Institute in May.

The recommendation continued: 'The scheme should not replace or be seen in competition with current work order schemes, but should concentrate upon the victim, taking into consideration two types of victim involvement:

- (a) direct victim-offender negotiation under the guidance of a neutral mediator-negotiator;
- (b) indirect involvement of the victim with the offender, in that personnel running the restitution scheme must consult with the victim as to the damage suffered and the type (and amount) of restitution required, yet without the necessity for bringing about a face-to-face confrontation'.

The report, prepared in response to a request by an annual conference of Australian Ministers in charge of Prisons, Probation and Parole, recommends that a formal program of restitution be introduced into the Australian criminal justice system to serve the dual purpose of recompensing victims of crime and diverting offenders from harmful effects of imprisonment.

It focusses on the historical basis for the introduction of restitution programs, their revival and the problems associated with their implementation and evaluation.

The report is available from the Publications section of the Institute at a cost of \$2.00 per copy plus postage.



William Clifford

DIRECTOR'S DIGEST

It may appear unusual for an Institute of Criminology in Australia to become interested in the controversial film *The Death of a Princess* which has caused such a furore, not only because of the attention it has drawn to the execution of a woman and her lover for adultery, but also because of the Saudi Arabian resentment that its moral and legal code should be presented (in a way which they consider unfair) for the judgement of people in the West; whom, they feel, could not be expected to understand the importance of Koranic law for a fundamentalist Islamic society.

There are, however, many angles to this dramatic issue which are of concern for criminologists all over the world and which raise the interesting question of an Islamic criminology. The issue is not new and there has been contention within Islamic societies as to the application of the severe punishments for the five offences mentioned in the Koran.

These *hadd* punishments apply for adultery, a false allegation of adultery, theft, highway robbery and drunkenness and, as is well known, these punishments can be roughly described as death for adultery, amputation for theft, lashings for false allegation of adultery and for drunkenness.

These are the specific offences in the Koran for which a special, divine, physical punishment is decreed, but there is a second group of offences in Islamic law which are treated (as in customary law) more like torts or civil wrongs.

These *jinaya* cover personal offences such as homicide, wounding, bodily harm and malicious damage to property. In the older days for a quite deliberate homicide

or injury, the *lex talionis* (the primitive law embodied in the phrase: 'an eye for an eye, a tooth for a tooth') applied. The deceased's next of kin could retaliate or waive this right of vengeance either voluntarily or in return for a suitable payment. The wrongdoer was also expected to expiate his misdeed in some way.

Also, in older Islamic society the civil authorities were empowered to take any necessary preventative measures against crime and wrong-doing which they felt might be justified on the grounds of public policy. So it seems they could banish or imprison people who might provoke crime and the kind of freedom to arrest and detain, associated with states of emergency in modern law, was a constituent feature of the Islamic interpretation of the powers which might reside in the state.

The Arab League established in March 1960 the Pan Arab Organisation for Social Defence Against Crime, with a secretariat in Cairo. Its aims were to study crime in Arab society, to work for its prevention and to guarantee the suitable treatment of offenders. Later the secretariat was moved to Rabat in Morocco and is currently involved in preparing for meetings of Ministers of Justice and Ministers of the Interior. It is opening two study centres, one for social defence at Rayad in Saudi Arabia and the other for judicial and legislative research in Rabat.

In 1970 and again in 1974, there were meetings of delegates from all the member states to prepare statements on crime and its treatment for (respectively) the Fourth and Fifth United Nations Congresses on Crime. At both of those social defence meetings organised by the League (which I

had the privilege of attending on behalf of the United Nations), there were clear divisions between those states with Western style, imported penal codes and the few states which, at that time, were completely committed to applying the traditional Koranic penalties for the *hadd* offences.

The debate was not unlike that frequently heard in the West with the conservatives demanding more severe penalties (in this case as specified by the Koran) and the other side looking more widely at the rapid changes in social and economic conditions which were responsible for the social problems, including crime, and, therefore, less likely to be amenable to harsh punishments of individual offenders.

However, it is important to add that both sides considered themselves faithful to the Koran and all speakers began their interventions with the formula —

'In the Name of Allah the Compassionate, the Merciful'.

Fundamentalists in the Islamic world believe that there should be no departure from the strict letter of the Koran. Other Moslems believe that the underlying and necessary requirements of the Koran for justice and welfare at all times imply that the letter of the law requires appropriate interpretation. This is not the same thing as saying that one side wants to be strictly literal and the other is calling for reinterpretation. It is to say rather that both accept the need for literal readings, but that there is one side which believes that this literal text can only be justifiably applied where the circumstances of the offence are those precisely specified, not only by the Koran's verses taken out of context, but by its verses read in

accordance with others.

In fact it seems likely that if the injunctions of the Koran for compassion and mercy, justice and welfare be taken into full account, the *badd* punishments could be rarely, if ever, applied and the controls could be left to the State.

It was purely fortuitous that prior to the controversy about the film, I had been invited to prepare a paper on Koranic law, (and on the prospects for a different perspective on the *badd* punishments), for the Conference at the Australian National University in May, on 'Fourteen Years of the Qu'ran'.

Whilst making no pretention of being a Koranic scholar, I have served in a number of countries which Sharia law (Egypt, Cyprus, Jordan, Kuwait, Iran, Malaysia etc.) and, in those countries, I had had a good deal to do with the penal laws.

I have therefore always been intrigued by the need for a distinctive Islamic criminology. I am still convinced that it is possible to be faithful to the Koran whilst at the same time avoiding the direct and (in terms of the Koran itself) relatively arbitrary applications of the *badd* punishments.

The Literalists have to face, for example, the fact that the *badd* punishments do not provide a complete penal code because they were probably intended to limit the even greater severity of certain nomadic penalties of the time.

This allows room for anomalies if they are taken out of context. The complications of modern society, for instance, make it possible for the Holy religion itself to be denounced and blasphemed by the widespread use of modern media - with complete impunity from a *badd* punishment, whilst a person pilfering a small amount out of dire need might lose a hand.

Contract killers, white collar and corporate offenders, drug traffickers and others, can only be punished in an Islamic society either via the *jinaya* requirements or by a modern statute which would necessarily add to the

punishments in the Koran.

This is, in fact, what happens. Moslem countries have their own statutes to deal with such offenders and these are permitted additions to anything within the Koran. A literal version of the Koran, ignoring social justice and welfare implications, would have to argue that an adulterer could be executed, while an irresponsible pharmaceutical executive making millions by marketing a deadly product, would be immune.

In fact, throughout Islamic history there has been a wide area of discretion allowed to the civil authority in dealing with crime. It was by exercise of that discretion that Western penal law was imported to most of the Islamic countries which then provided all the penalties for crime, reducing the Sharia to mainly civil and moral offences.

This is still the way open to those countries who wish to return to the pure doctrine of the Koran, because that doctrine never excluded the demands of justice and, indeed, there are many examples of Islamic judges diverting a person from the *badd* punishment when the circumstances were such that justice would not have been done.

If social justice is taken into account, then it is much less likely that the *badd* punishments would apply automatically and finally. By way of requirements for absolute proof which the Koran would expect, it is doubtful whether there would always be the necessary degree of certainty regarding guilt which the Koran would require. The offence of adultery, for example, requires four reliable eye-witnesses.

The whole question of personal responsibility for actions is as undeveloped in the Koran as in other sacred scriptures and, therefore, there is scope for the development of an Islamic criminology which could help to guide policy and to provide the resurgent Mohammedanism around the world with a modern application of the creative ideas which the Koran contains. It is, therefore, with a full appreciation of the religious zeal and the disillusionment that Moslems feel with the defects of Western society that I would strongly urge the development within the Islamic world of a distinctive form of criminology. The letter of the Koran needs fulfilment rather than negative constraints.



The Chief Justice of Queensland, Sir Charles Wanstall (left), the Director of the Institute, Mr William Clifford, and the Chief Justice of Australia, Sir Garfield Barwick, at a meeting of Chief Justices held on 14 April in Canberra.

Researcher questions alcohol-rape link

A link between alcohol and rape, presupposed by many current research studies, had not been conclusively established, Dr Jocelyne Scutt, a senior Institute criminologist, told the First Pan Pacific Conference on Drugs and Alcohol held in Canberra recently.

In her paper titled 'The alcohol imperative: a sexist rationalisation for rape and domestic violence', Dr Scutt told the conference that the popularised alcohol-rape concept viewed alcohol as a 'triggering factor' which caused aggression and violence.

'By this assessment, aggression and violence are unusual or abnormal; domestic violence and acts of sexual aggression are accordingly unusual or abnormal', she said.

The 'link' was also used to explain violent behaviour in terms of the victim's own relationship to alcohol.

'Some domestic violence studies take the view that women who are susceptible to domestic violence, who provoke violence, or who have a desire to live out a pattern incorporating violence as a way of life marry alcoholics in order to fulfil this need; that they deliberately provoke arguments over the husband-assailant's drinking, so that he inevitably lashes out; or promote drinking in the husband-assailant to fulfil a need to be beaten', Dr Scutt said.

'With rape, this view is most frequently expressed by law enforcement agencies and courts in dissecting the alleged crime. The act occurred because the woman engaged in drinking with her alleged assailant; she became intoxicated and "led him on"; she wished to engage in sexual intercourse, and drinking enabled her to do so without feeling "promiscuous".'

Dr Scutt said that the presence of alcohol and the involvement of the victim in drinking prior to a rape being committed were also used to 'explain' rape in two ways.

'First, that the woman was drinking is employed to depict her as "sexually loose", as unworthy

of protection by rape laws, as showing she "deserved" what occurred, or she "brought it on herself". Second, it may be used to show she was truly consenting to the act: she was obliging, wanted the act to occur, and drank to "give herself courage" and an "excuse" for engaging in sexual behaviour'.

Such attempts to 'explain' the offence had the effect of diminishing the reality of rape in society and promoted a view that rape was an isolated phenomenon.

'The irony of the manner in which rape is depicted through the media, through the court cases and the so-called objective, research literature is that the false image of rape as an isolated event occurring between strangers, or an event for which the victim must take responsibility, persuades women to caste constraints over their own activity and to limit their independence', she said.

FALSE IMAGE OF RAPE AS AN ISOLATED EVENT BETWEEN STRANGERS

Dr Scutt said the reality of rape was that it remained one of the most under-reported crimes with very low apprehension, prosecution and conviction rates.

'Furthermore in Australia it is interesting to note that although the victim report rate for rape is approximately the same, proportionately, as that in the United States - 86 per 100,000 in the United States' victimisation survey, 95 per 100,000 in the Australian victimisation survey - police-reported rape rates per 100,000 population are four to five times as high in the United States as in Australia'.

Dr Scutt said alcohol was not the 'culprit' in crimes against women and argued that studies finding a link between alcohol and rape were unreliable.

She said that aggression directed

toward women was a natural outcome of the process of socialisation in today's society.

'Far from being "unnatural" or "abnormal", aggression directed toward women is a natural outcome of our socialisation - of women being socialised into accepting passive and submissive roles, of men being socialised into taking on roles that are dominant and aggressive'.

There were, she said, patterns of male-female relationships built into present social structures which accepted domestic violence as a normal occurrence.

'Masculinity - to which all men should aspire - encompasses controlled (and sometimes, legitimately uncontrolled) aggression. Femininity - to which all women must aspire - encompasses passivity and inaction'.

'Where a passive-submissive individual "interacts" with one who is aggressive-dominant, the inevitable outcome - with or without the presence of alcohol - is violence; where the two parties interact within the family unit, violence potential will exist to the extent that the parties have been socially programmed to fulfil their socially dictated roles'.

Women were made even more vulnerable by their isolation in society, brought about by their financial dependence combined with lack of adequate child care or equal sharing of child care by husbands.

She concluded that: 'Rather than concentrating upon alcohol as the culprit, if the aim is to eliminate domestic violence and rape from our society, clearly what must be concentrated upon are the methods by which we socialise men and women, boys and girls into patterns promoting violence as a way of life'.

'Rather than concentrating upon the "abnormal", we would do better to apply resources toward altering the stereotypical roles that are viewed as "normal" in a social structure that promotes violence against women'. ®

Reoffending to regain care, workshop told

Some juvenile offenders reoffended because they wanted to return to the only caring and secure environment they had ever known — a residential care institution, a recent Institute workshop was told.

The five-day workshop on 'Juvenile Residential Care' was the second on the subject to be held by the Institute and involved 13 participants from each Australian State, the A.C.T. and the Northern Territory. Participants included social workers, welfare workers, clinical psychologists and youth workers involved in juvenile institutions.

A Senior Training Officer at the Institute, Ms Maureen Kingshott, said that it had emerged during discussions at the workshop that some children, lacking any other 'home' environment, sometimes reoffended to regain the protection of care facilities.

'There really are some children who just don't have anywhere else to go. They don't have a home, or if they do they don't want to go back to it. So they want to go back to the only place that has afforded them any sort of caring, where they have friends and where they are looked after', she said.

'For these children there is a real need for voluntary commitment to be available whereby they can admit themselves to residential care institutions for short periods of time'.

She said the workshop had also focussed on the need for continuing juvenile support programs extending from institutions into the community to assist juvenile offenders attempting to adjust to life in society.

Workshop participants had agreed that current policies risked children becoming dependent on the residential institution and there was a need for more emphasis on phasing them out of residential institutions, via half-way hostels, to full participation in the community.

'One of the difficulties recognised in fostering such policies is



Participants in the workshop on 'Juvenile Residential Care' view a film titled '27 A' which focussed on a controversial section of the Queensland Mental Health Act and the effects of institutionalisation on inmates and staff.

the "maximum security" mentality of some juvenile institution staff who resist making responsible decisions through fear of the possible consequences', Ms Kingshott said. 'While this attitude is understandable it frustrates the need to broaden the potential repertoire of skills that could assist both staff and inmates to function more comfortably inside the institutions and in the community outside'.

Other questions canvassed during the workshop included:

- How can we make predictions about a person's dangerousness?
- What causes a person to think he can continue to offend without being caught?
- How can we educate staff and the community 'outside' to be less punitive and less judgmental in their attitudes towards the

minority of offenders who are caught and processed through the criminal justice system?

- How can we engender acceptance of the idea that institutional care involves risk taking — that complete safety and security are stultifying to inmates, staff and the community outside?

Ms Kingshott said that workshop participants had agreed that exchanging staff between institutions in different States and Territories from periods of three of six months would be invaluable in resolving some of the difficulties discussed.

A proposal to form a national association of juvenile residential care workers and to investigate international affiliation for such an organisation had received unanimous and enthusiastic response.

Sinhalese Jailor tells of prisoner promotion

In an attempt to reduce recidivism among long-term, first-offender prisoners, the Sri Lanka Prison Service had successfully introduced a promotion system among such prisoners, with accompanying privileges in pay and duties, according to a Chief Jailor with the Service, Mr Upali Dharmabandu, who visited the Institute recently as part of a training program.

Sponsored by the United Nations Development Project, Mr Dharmabandu was taking part in a three-month training program organised by the Australian Development Assistance Bureau, during which he visited major prisons in Victoria, New South Wales and Queensland to observe staff training, modern correctional methods and prison administration systems.

Mr Dharmabandu is in charge of the Centre for Research and Training in Corrections, within the Prison Officers' Training Centre, in Colombo.

He said that under the Sri Lankan system of prisoner promotion, first offenders with good conduct records were eligible to be appointed Special Duty Prisoners after serving three years of their sentences, and, after serving five years, could then be promoted to Disciplinary Prison Orderlies.

Prisoners holding these ranks assisted in prison administration and supervised work parties of other prisoners within a range of prison industries.

These included carpentry, blacksmithing, tailoring, shoe making, printing, soap manufacturing, cane and mat weaving, and broom making.

Mr Dharmabandu said such prisoners had made a substantial contribution to maintaining prison discipline and security, particularly in the larger prisons, such as Welikada Prison in Colombo, which has more than 2,000 inmates.

He said the recidivism rate of prisoners appointed to the two ranks was very low.

'They know that if they reoffend and come back, it will be as an

ordinary prisoner with no privileges and they are ashamed to face their fellow prisoners again in this way', he said.

Such prisoners were allocated single cells of their own, with privileges which included additional visiting rights, food privileges, and higher rates of pay than other prisoners.

He said the accent on rehabilitation of long-term offenders was very necessary in Sri Lanka because the majority of the country's prison population was serving long sentences.

Murder was a very common offence often arising from racial tensions, land disputes, assaults, and robberies. To aid rehabilitation, first offenders were also kept in separate prisons as were second and third offenders and prisoners on remand.

All prisoners were required to work, except prisoners condemned to death by hanging, a sentence temporarily in abeyance under the present government, and others who were particularly dangerous.

'If a fellow does not work,

we report him and he will be punished'.

Punishments ranged from loss of remissions, restricted food rations, and solitary confinement up to a maximum of 14 days, to, as a last resort, corporal punishment by strokes of the ratan, a long cane.

He said corporal punishment was limited to prisoners who assaulted prison officers, escaped, rioted, or engaged in hunger strikes.

The use of the ratan could only be sanctioned by a District Court judge, who could order a maximum of 24 strokes to be inflicted under the supervision of a medical officer.

Mr Dharmabandu said he was opposed to the use of the ratan, describing it as an 'inhuman' punishment.

During his Australian training program Mr Dharmabandu participated in a one-month training program for executive rank prison officers organised by the Institute's Training Division. ®



Mr Dharmabandu

Prosecutors discuss diversion proposal



Attending the Crown Prosecutors' meeting were (from left): Mr R. Miller, Chief Crown Prosecutor, Qld.; Mr J. Nader, Crown Prosecutor, N.S.W.; Mr J. McCrory, Crown Prosecutor, A.C.T.; Mr C. Bevan, Assistant Director (Training) Institute of Criminology; Mr I. Potas, Senior Research Officer (legal), Institute of Criminology; Mr W. Cox, Crown Advocate, Tasmania; Mr B. Martin, Principal Assistant Crown Prosecutor, South Australia; Mr P. Tiffin, Crown Prosecutor, Northern Territory. Obscured were Dr D. O'Connor, Special Magistrate in the A.C.T. and Reader in Law, Australian National University; Mr D. McLeod, Prosecutor for the Queen, Victoria.

'Imprisonment, for the vast majority of offenders, should be used only as a last resort', Mr Col Bevan, Assistant Director of Training at the Institute, told a meeting of Crown Prosecutors from all Australian States and Territories, except Western Australia, on 1 May 1980.

Mr Bevan said more than 50 per cent of prisoners in Australia were imprisoned for property offences of a comparatively minor nature and their imprisonment served little useful purpose.

Research, both in Australia and overseas, had indicated that imprisonment failed to deter or rehabilitate offenders.

The meeting of Crown Prosecutors at the Institute was held to discuss the feasibility of introducing a scheme, operating at prosecutor level, to divert some

adult offenders from the courts.

Under the proposed scheme, the prosecution of an offender could be suspended at the discretion of a prosecutor, and a diversionary program instituted which, if satisfactorily completed, would allow the prosecutor to discontinue proceedings on the charge.

The scheme has been the subject of a study being conducted by Mr Bevan at the request of Australian State and Territorial Ministers responsible for prisons, probation and parole who conferred in Broome on 29 June 1979.

Diversionary programs which have been operating successfully in Holland, Japan and the United States were discussed in detail at the meeting. These programs included, in particular, a program instituted in the American State of Michigan with the establish-

ment of a Citizens' Probation Authority in November 1972.

Mr Bevan told the meeting that the Authority had been established to aid the offender in making personal and social adjustments to society while at the same time offering him a reprieve from prosecution and the opportunity to make reparation to the victim and obliterate all official record of his arrest.

He said that prior to the establishment of the Authority, Michigan prosecutors, who had wide latitude in deciding who to prosecute and for what charge, had no means of deferring prosecution in lieu of alternative forms of treatment, except for mental commitment.

He said the Authority recognised the fact that many persons who violated the law were 'situational'

or occasional offenders who had transgressed because of an immediate personal or social problem and needed assistance and guidance, but not necessarily penal or legal sanction.

A monitoring study of 565 persons accepted into programs by the Authority in 1973 had shown that only 10 per cent had been rearrested as of April 1977. This, he said, compared with a 48 per cent recidivist rate, during the same period, among offenders convicted by Michigan courts in 1973.

Similar successes had been gained in Holland and Japan — countries where public prosecutors were encouraged to prosecute offenders before the court only where it was essential to the public interest. He said that in Holland in 1975, 44 per cent of all cases were dismissed by the Public Prosecutor and dealt with outside courts.

Mr Bevan said that the Dutch penal system had recognised that long prison sentences did not reduce recidivism and that the stigmatizing effects of imprisonment could increase its likelihood. The Dutch had also recognised that there existed characteristics in individuals which seemed to be associated with criminal behaviour and these included a lack of self-knowledge, confidence, social skills and good family relationships. They had then sought to modify their prisons' regimes to preserve or enhance such qualities.

He said that, through shorter sentences of imprisonment and the diversion programs applied through the Public Prosecutor, Holland had achieved a 'shrinking' prison population at no risk to the public.

Similarly in Japan, public prosecutors were given wide discretionary powers of prosecution and in 1977 only 17 per cent of 527,000 offences reported to police were prosecuted in Japan.

'By way of further interest, there is a check on public prosecutors in Japan, constituted by the



Mr Col Bevan

Inquest of Prosecution, a committee established to review decisions of the Public Prosecutor, but their findings are still not binding upon him. No public prosecutor in Japan, however, relishes a negative finding by the Inquest', said Mr Bevan.

The meeting of prosecutors also examined a preliminary report on the feasibility study.

RESEARCH SHOWS IMPRISONMENT FAILS TO REHABILITATE

The report stated that: 'Any legal measure which prevents an offender from the branding of a conviction, where this can be avoided, is worthwhile'. It described a conviction as an 'indelible mark' which often acted to perpetuate criminal behaviour, and listed five proposals to divert offenders from the courts.

These were that:

1. A list of 'eligible' offences be compiled, similar to those in use in Michigan, U.S.A., which would be appropriate to diversionary programs.
2. A set of criteria be established, based on such matters as the previous history of the criminal offender, to determine the eligibility of the particular offender for the scheme.
3. An offender must have admitted guilt to be eligible for consider-

ation for suspension of prosecution. However, such an admission would not prejudice a later change of plea if he failed to negotiate the conditions of suspension of prosecution and was prosecuted for the offence.

4. An offender must have consented to suspension of prosecution and to referral to the probation authority for an opinion as to the latter's willingness to cooperate in the particular instance.
5. The offender must be, in addition, entitled to legal representation at all stages of this process, and nothing should prevent the victim being consulted wherever appropriate, necessary or desirable.

At the conclusion of the meeting, Mr Bevan said: 'Because of their long conditioning to the British style of criminal justice system, the Australian Crown Prosecutors were a little averse to what they perceived as intervening in people's lives without a formal finding of guilt, and to a system which seemed to involve making 'judicial' decisions behind closed doors. They nonetheless were amenable to the suggestion that further meetings be arranged to plan a pilot program for the A.C.T.®

Research grants

The Criminology Research Council is seeking applications for research grants from individuals and organisations for projects likely to produce results of relevance for the prevention and control of crime throughout Australia. Projects designed to evaluate currently effective measures are particularly invited.

Application forms are available from Registrars of all Australian Universities or from the Assistant Secretary, Australian Institute of Criminology, P.O. Box 28, Woden. A.C.T. 2606.

Seminar part of unique research cycle

A recent seminar, 'Towards a National Employment Strategy for Prisoners', formed part of a unique research project on prisons and work by Institute researcher Mr John Braithwaite.

The seminar, conducted at the Institute between 8-11 April, was convened to examine proposals to improve prison industry and employment opportunities for prisoners which were published recently in a book by Mr Braithwaite titled *Prisons Education and Work: Toward a National Employment Strategy for Prisoners*.

The book revealed some striking facts about the connection between unemployment and crime. For example, a survey of the Commonwealth Employment Service files on 300 prisoners released from prisons throughout Australia found that fewer than 20 per cent found a job in the six months after release. The book stated that many of the unemployed 80 per cent said they had little choice but to survive by returning to crime. These findings corresponded closely with a finding by the South Australian Office of Crime Statistics that 75 per cent of individuals entering prison were unemployed at the time of arrest.

Copies of the book, published by the University of Queensland Press in association with the Institute, were distributed to participants prior to the seminar, many of whom had assisted Mr Braithwaite in his research.

However, the book represented only the beginning rather than the completion of Mr Braithwaite's research project, for, as he stated in *Prisons Education and Work*, he was attempting more '... than simply writing books and putting them on library shelves'. The research and publication of the book represented only half of an 'action-oriented' research cycle.

'It is the seminar to be held in April 1980, not the publication of this book, which is the crucial element of the social change process', the author states in the second chapter of the book.



Mr R. Kandasamy, a post-graduate student in criminology and an officer of the Singapore Prisons Department, discusses the feasibility of a prison industries corporation during the seminar.

The remainder of the research cycle consisted of submitting the book's proposals to the scrutiny of the collected expertise at the seminar, which is to be followed by a period of monitoring the success or failure of the participants in having the policies implemented, and in a future publication, a report on the results of this follow-up together with an evaluation of the whole research project.

Among the 49 proposals contained in the book and discussed at the seminar were the following:

- No prisons department should have a policy which precludes sales to private enterprise purchasers.
- No prisons department should have a policy which precludes private companies coming into prisons to employ prison labour and sell the products manufactured on the open market. Indeed, departmental policy should encourage this.
- Each State should establish a Prison Industries Corporation. These Corporations should have budgets and annual reports in the form of statements of profit-loss by industry and both of these should be independent of the prisons departments' budgets and annual reports.

- Failing the establishment of a Prisons Industries Corporation, Industry Advisory Committees should be recruited from the private sector to help industry supervisors to establish operating standards comparable with commercial workshops and to provide an independent monitor of shop productivity and the job satisfaction of workers.
- Each State should set itself the target of, by 1990, paying award wages to all prisoners who work in industries where such wages can be paid without the industry running at a loss.
- All States should encourage prisoners to join trade unions and retain union memberships held prior to admission to prison.
- Each State should set itself the target of having 10 per cent of its prison population on work release by the end of 1985.
- All States should consider the feasibility of reorganising their prisons bureaucracy to ensure cooperative planning between training, education and industry.
- Every prisoner who wants to engage in full-time or part-time study should be permitted to do so.
- Industry and training activities

in male prisons should be opened up to female prisoners who would travel to the male prison each working day.

At the conclusion of the seminar, Mr Braithwaite said a degree of consensus had been reached among the seminar participants on a number, but certainly not all, of the book's proposals.

'Work release programs, for example, were seen as desirable for many different reasons, and it was agreed that most Australian States had totally inadequate work release schemes', Mr Braithwaite said.

'However, apart from the physical problem of accommodating work releasees, there is the need for government ministers to be willing to justify such programs in terms of their many successes as soon as there is a media outcry over the occasional offence being committed by a releasee'.

The relationship between industrial productivity and vocational training was also a source of considerable discussion.

'For example, Dr Tony Vinson, Chairman of the N.S.W. Corrective Services Commission, addressed the seminar on the need to sell industrial and training programs in prisons to the community.

'He suggested that industry programs could be justified as a means of prisoners paying their way, paying their debt to the community, as well as in terms of their rehabilitative value for certain prisoners', Mr Braithwaite said.

'NEED TO SELL PRISON TRAINING PROGRAMS TO THE COMMUNITY'

'Dr Vinson pointed out that even though the Parramatta Linen Service had been criticised in both the Nagle Royal Commission Report and *Prisons Education and Work*, critics overlooked the value of an industrial program such as that at Parramatta in terms of reducing the level of tension in

the prison and improving the quality of the relationships between prisoners and prisons' staff'.

The seminar also focussed on conflict between prison industry and trade unions.

'Professor Gordon Hawkins (Assistant Director of the Sydney University's Institute of Criminology) canvassed the arguments for and against prison industry workers being paid award wages and permitted to join trade unions, and he concluded that the arguments in favour outweighed those against', said Mr Braithwaite. 'Also, several speakers argued that prisons departments had made insufficient attempts in the past to argue the case for prison industry to trade unions.

Concluding, Mr Braithwaite described the seminar as having achieved its purpose of exploiting to the full the potential for research conducted in consultation with criminal justice agencies, followed by a seminar at which proposals for reform emanating from a particular area of research could be discussed by specialist personnel working in the field. ®

Fulbright scholarship awarded to researcher

The Assitant Director (Research), Mr David Biles, was recently awarded a Fulbright Senior Scholarship by the Australia-American Educational Foundation.

Mr Biles said recently that he would use this scholarship to study current developments in criminal justice research in the United States from May-August 1981.

He will be attached to the Program of Social Ecology at the University of California at Irvine. ®

Crime trends study completed

A major Institute study of the patterns and trends of crime in Australia between 1900 and 1976 has been completed and is expected to be published by mid-1981.

The study, directed by Senior Criminologist Dr Satyanshu Mukherjee and titled 'Crime in the Twentieth Century: An Examination of Crime Trends in Australia from 1900 to 1976', is the most comprehensive of its kind.

Using judicial statistics from the year 1900 as its primary data source and complemented by police and prison statistics, the study provides an historico-statistical profile of crime in Australia during the first 77 years of this century.

The relationship between crime and socio-economic change is a major emphasis of the study which relates changes in crime to a select range of socio-economic variables which include population, masculinity and age structure of population, life expectancy, marriage and divorce, urbanisation, automobiles registered, gross domestic product and unemployment.

The study has led to a new research project, recently approved by the Board of Management, comprising a 'Source Book of Criminal Justice and Related Statistics, 1900-1978'.

The aim of the source book is to provide data on crimes and criminals dealt with at various stages of the criminal justice system as well as on other related socio-economic variables.

The book will incorporate and update data from the crime trends study and will also include new series of statistics on juveniles, probation and drug offences. It will also contain data collected for, but not included in, the crime trends study. ®

STATISTICS

New Asian, Pacific series

The first of a new quarterly series of prison statistics, compiled by the Institute, on the Asia and Pacific region was issued on 23 May.

The statistics are the result of the recent First Asian and Pacific Conference of Correctional Administrators in Hong Kong, at which a number of delegates agreed to supply data on their countries' prisons to the Institute.

Assistant Director (Research), Mr David Biles, who compiled the statistics with the assistance of the Asian authorities, said recently that the aim of the new series was: 'To provide prison administrators in the particular countries with an opportunity to compare trends in the same way as Australian administrators have been able to during the past four years'.

He said that 10 of the 14 countries which attended the conference were included in the first series and it was hoped that those remaining would supply their data in the future.

The first of three tables, contained in the first issue, showing total prisoners, appears below. The full series is available from the Institute's Research Division.

Table 1 Total Prisoners as at 1 April 1980

	Population			Rate ¹
	Males	Females	Total (in thousands)	
Australia	9,603	335	9,938	14,512
Hong Kong	4,730	134	4,864 ²	5,017
Indonesia ³	36,415	860	37,275	130,000
Macau	211	4	215	350
Malaysia	8,247	179	8,426	13,000
Papua New Guinea ⁴	4,804	276	5,080	3,000
Singapore	3,705	103	3,808	2,750
Sri Lanka	10,415	186	10,601	14,500
Thailand	66,198	3,154	69,352	44,000
Western Samoa	165	5	170	155

- 1 Per 100,000 of population
- 2 An additional 1,282 were detained in drug addiction treatment centres. If these detainees were counted as prisoners, the Hong Kong imprisonment rate would be 122.5
- 3 Preliminary data
- 4 As at 1 January 1980

Juveniles under detention

The monthly series on the number of children and young persons in residential care and remand centres is under major revision. After a series of meetings, the Welstat National Working Party considered and ratified a new set of statistical standards. These standards were later endorsed by the Social Welfare Administrators' March 1980 Continuation Conference.

These measures change substantially the content and format of the existing series. The new series, which is expected to begin from July 1980, will cover information relating to persons in juvenile corrective institutions as well as children in prisons. Because of this impending change some jurisdictions have stopped sending information on the existing series. It is hoped that the next issue of the *Reporter* will publish data under the new series.

Australian prison trends

By David Biles
Assistant Director (Research)

During the period February to April 1980 there has been a marked increase in the daily average number of prisoners in Australia. This increase more than compensates for the decrease reported for the previous quarter. The most striking increases have occurred in Western Australia and Queensland. The numbers of prisoners in all States and Territories for April 1980 are shown in Table 1.

Table 1 Daily average Australian Prison Populations April 1980 with changes since January 1980

	Males	Females	Total	Changes since Jan. 1980
N.S.W.	3,427	134	3,561	+ 34
Vic.	1,730	46	1,776	+ 96
Qld.	1,630	55	1,685	+ 119
S.A.	819	22	841	+ 69
W.A.	1,496	60	1,556	+ 122
Tas.	270	4	274	- 9
N.T.	236	10	246*	- 8
A.C.T.	55	2	57**	- 4
Australia	9,663	333	9,996	+ 419

* 13 prisoners in this total were serving sentences in S.A. prisons and 3 in N.S.W. prisons

** 48 prisoners (including 2 females) in this total were serving sentences in N.S.W. prisons

Table 2 shows the imprisonment rates (daily average prisoners per 100,000 population) for April 1980. The national rate of 68.6 compares with 66.0 found in January 1980. Table 2 Daily average Prison Populations and Imprisonment rates by jurisdiction - April 1980

	Prisoners	General Pop.* '000	Imprisonment Rates
N.S.W.	3,561	5,131	69.4
Vic.	1,776	3,887	45.7
Qld.	1,685	2,214	76.1
S.A.	841	1,300	64.7
W.A.	1,556	1,262	123.3
Tas.	274	420	65.2
N.T.	246	120	205.0
A.C.T.	57	288	25.0
Australia	9,996	14,562	68.6

* Estimated Population as at 31 March 1980 (subject to revision).

The proportion of prisoners who were on remand at 1 April 1980 for each jurisdiction is shown in Table 3.

Table 3 Total Prisoners and Remandees as at 1 April 1980

	Total Prisoners	Prisoners on Remand	Percentage of Remandees	Remandees per '000 Gen. Pop.
N.S.W.	3,544	503	14.2	9.8
Vic.	1,804	115	6.4	3.0
Qld.	1,667	109	6.5	4.9
S.A.	815	135	16.6	10.4
W.A.	1,511	75	5.0	5.9
Tas.	271	20	7.4	4.8
N.T.	255	42	16.5	35.0
A.C.T.	54	7	13.0	3.1
Australia	9,921	1,006	10.1	6.9

BOOK REVIEWS

PRISONS EDUCATION AND WORK: TOWARDS A NATIONAL EMPLOYMENT STRATEGY FOR PRISONERS

By John Braithwaite

Australian Institute of Criminology and University of Queensland Press. 240 pp. \$8.95

Reviewer: JOHN DAWES, Director of Correctional Services, Victoria.

The idea of providing prisoners with training in an industry while they are serving their sentences is fraught with controversy and difficulties, as indeed are most ideas of providing prisoners with anything at all. From a prison administrator's point of view, work should be provided for prisoners as a way of helping them live each day and as a relief from long periods of inactivity. After all, prisoners are in custody 24 hours a day.

Their work should also be meaningful and offer creative opportunities and prisoners should be paid a worthwhile wage. This should be approximate to the basic wage when the value of their board and lodgings and a pension to their family are added to it. The work the prisoners do should assist in the maintenance of the prison community or be of benefit to the general community and prisoners should acquire marketable job skills in the process.

Prisons Education and Work is written in three sections, the first, called 'Work and Crime in Perspective', is an introduction.

The method of criminological research used by Dr Braithwaite is described as 'collaborative reformism'. This method is characterised by the researcher collaborating with criminal justice administrators in formulating research questions. A major pitfall of the collaboration model is however, that prison administrators might try to steer the research effort away from sensitive and complex issues into less critical areas. Dr Braithwaite indicates that this did not occur.

Those who argue that prison

systems are intrinsically evil and should be abolished reject the reformist model because the reformist is seeking to improve the prison system. The reformers attempt to make prisons more humane, by assisting prisoners to be more gainfully employed during working hours and have access to creative leisure programs when not at work. Dr Braithwaite cannot conceive of a society without prisons and asks the question whether Victoria is a more dangerous place to live than Western Australia. Victoria imprisons about 44 people in every 100,000 of its population; Western Australia more than three times as many.

Dr Braithwaite examines the historical and philosophical causes of the inadequate work opportunities for today's prisoners and argues that Jeremy Bentham's 'principle of lesser eligibility' currently applies to prisoners. According to this principle, prisoners should not be entitled to conditions or enjoy benefits which are not available to the poorest economic classes in society. The book analyses how this principle continues to be applied in Australia to the disadvantage of both prisoners and the community. It argues persuasively that a principle of 'greater eligibility' should apply. When a person is sentenced to a period of imprisonment this should be regarded as being the total extent of the punishment determined by the court. That is, the prisoner loses his freedom. He cannot come and go as he pleases and his life is inevitably subjected to regimentation in the prison community.

But often the prisoner's punishment extends further than loss of freedom. He may lose his job outside, his family life suffers, while his day is artificially encompassed within the rostered day of prison officers, and he leaves prison with the stigma of being called a 'con' or ex-prisoner. Clearly the prisoner is subjected to a multiplicity of experiences or punishments over and above being deprived of his

liberty. If the principle of greater eligibility was to be applied then every effort should be directed into making imprisonment a positive experience so as to minimise the negative effects and ensure that the prisoner, when released, has skills and resources which will enable him to survive in the community, if that is his choice. Imprisonment should only be used as a last resort when all other management methods have failed in dealing with serious offenders.

In chapter 4, Dr Braithwaite evaluates empirical evidence surrounding vocational programs for prisoners. He believes that his review of studies leads to the conclusion that vocational programs 'can often have a moderate effect on crime' (p. 53). By this, I presume he means that a prisoner with marketable skills is less likely to commit crime upon release.

Part 2 of the book is titled 'The Australian Situation'. Here Dr Braithwaite describes what is happening in Australia's seven prison systems in the areas of work, education, vocational training, work release and job placement services. This is a fascinating but sad review of the principle of lesser eligibility in action. Many prison industries in Australia are ill-equipped and irrelevant to modern needs.

In Darwin, the prison routine permits only 4 hours per day opportunity for work and prisoners, when released, compete in a labour market characterised by very high unemployment (10 per cent in 1979 at the time Dr Braithwaite wrote the book).

Tasmania's prison system, like that in the Northern Territory, is small and therefore has problems in generating economies of scale and providing a worthwhile range of options. Pay for prisoners is meagre. The Hayes Gaol Farm is described as economically successful and the management is encouraged by operating a Central Farming Account which affords a degree of autonomy in making financial decisions.

Yatala Labour Prison in South

Australia is the most productive high security prison in the country with a lower proportion of idle inmates than other capital city security prisons.

South Australia emerges as one of the more successful and humane prison systems in Australia.

Western Australia has the second highest imprisonment rate in the country with nearly two thirds of its prison population in medium and low security prisons. Western Australia's prison industries are not tied to producing goods for sale to government departments and a private firm has experimented with a manufacturing plant within a prison. A fishing boat operates from the Geraldton Prison providing fresh fish in prisoner diets and opportunities for prisoners to learn useful employment skills.

Victoria's prison industries are regarded as emphasising industrial output with little emphasis on vocational training. Dr Braithwaite indicates that much of the industrial plant is old and worn and is not regarded as adequate to train prisoners and allow for transfer of skills to outside industry. Victoria is unable to offer sufficient employment prospects for prisoners, providing about 220 jobs for 850 prisoners at Pentridge. The incentive payment scheme operating at Pentridge in the number plate industry and in the workshops at Sale and Castlemaine Prisons increased production dramatically. Computer training at Pentridge is described as 'the most promising and innovative vocational program in an Australian prison' (p. 107). It is worth noting that the Victorian Minister responsible for prisons has just established a committee including industries, union and government representatives, to advise him on the future development of prison industries in this State.

Queensland's prisoners are inadequately paid and insufficient industry places are available.

Many improvements have been noted in New South Wales by Dr Braithwaite, following the recent Royal Commission in that State.

New South Wales has the largest prison system in Australia and operates an incentive payment scheme, work release and study release program.

Part 3 of Dr Braithwaite's book is titled 'Policies for the Future'. What are the constraints on achieving efficient prison industries? Prisoners are regarded as a poor workforce, though not always of their own making. There are problems of achieving a balance between manpower and capital equipment and prisoners continuously being removed from industry or education for custodial functions such as searches, visits, meals and interviews.

There are massive security problems associated with prison industries. Even the simplest tools or basic raw materials can be converted by skilled prisoners into lethal weapons as every prison administrator knows.

Chapter 13 is the most important part of the book, containing 26 major recommendations for reorganising prison industry. I regard as the most important, recommendations 3, 14 and 17. Recommendation 3 is that each State should vest its prison industries in a Corporation managed by a Board of Directors reporting to Parliament separately from the Prison Department and preparing a statement of profit or loss. Corporations exist in Singapore, Canada and the U.S. Federal Bureau of Prisons and have proved very successful in improving opportunities for vocational training and employment for prisoners.

Recommendation 14 suggests all prisoners should work a 35 hour week. This is impossible to achieve while the prisoner's day before lock-up is encompassed within a single day shift (at Pentridge 9½ hours). During this reduced day out of his cell, the prisoner eats 3 meals, receives visitors, attends to his toilet needs, engages in exercise, and possibly works for 4 to 5 hours. To increase the prisoner's day would require additional staff. Recommendation 17

suggests that by 1990 all prisoners should receive award wages paid from profit-making prison industries.

I accept all Dr Braithwaite's recommendations and believe the risks of violence in prisons are greater if the status quo is maintained.

In Chapter 14 Dr Braithwaite recommends work release programs as a meaningful way of assisting prisoners to make the transition from prison to work and freedom. The final chapters of the book address themselves to improvements in trade training and education programs, assisting prisoners to find jobs on release, and the special problems faced by women and Aboriginal prisoners.

In my view the book has a number of weaknesses. The discussion in Part I should have examined prison industries and the prison system as part of public administration and therefore subject to government allocation of funds and yearly, often unpredictable, budgets which are major constraints to good planning. The problem of attracting adequate budgetary support is difficult for prison administrators and often response to crises rather than rational planning seems to determine priorities and size of budgets.

Dr Braithwaite, while mentioning the varying imprisonment rates in Australia, does not consider the implications for prison administrators in trying to place in meaningful work a group of prisoners serving longer sentences for more serious crimes, often of a violent nature. This is particularly relevant in Victoria.

The book oversimplifies the issue of prisoner motivation and the psychological mechanisms at work when a prisoner rationalises his return to crime because he could not find work.

The book does not adequately consider the large number of serious offenders held in the major prison systems of Australia.

Dr Braithwaite accepts uncritically the reasons behind the *Criminal Law and Penal Methods*

Reform Committee of South Australia, First Report, Sentencing and Conviction, recommendation that the Cadell Prison Farm in South Australia be closed. The book fails to appreciate the benefits to administrators of farms and less closely supervised industries in managing disturbed offenders who need space for psychological survival.

This is an important book which will repay careful reading by anyone interested in Australian criminal justice systems. There is too little informed public debate about prisons and prisoners. Dr Braithwaite's book is a scholarly and detailed account of prison industries in Australia. If his book succeeds in lifting the veil and some of the mystery surrounding prisons and helps to reduce the caricature of prison staff as brainless sadists and of prisoners as balding bristly-chinned heavily tattooed morons, then I believe he will have achieved his aim.

The Institute thanks the *Age* newspaper for permission to reproduce this review.

THE FAILURE OF IMPRISONMENT

By Roman Tomasic and Ian Dobinson
George Allen & Unwin. 157 pp.
Reviewer: I.W. SMYTH, Sergeant,
N.S.W. Police Force.

The authors of this book have provided an interesting perspective on the failure of imprisonment and aspects associated with the prison system. In doing so they first focus on the failure of the prison system, as the first chapter, and then trace the historical background to imprisonment, in which they examine the work of various theorists and criminological exponents who sought to bring about changes in the early prison system. The rise of capitalism and the industrial revolution are explored in terms of the methods of imprisonment at that time. The authors, in later chapters, examine such topics as: punishment and the dangerous offender; aspects of

prison systems in Australia; the community corrections movement; probation and parole; alternatives in 'action'; and, finally, an overview. An extensive bibliography is included.

In discussing the failure of imprisonment, Tomasic and Dobinson apparently assume that the majority of persons reading their book will be familiar with the courts and sentencing procedures. In doing so they fail to indicate to the reader that persons who are committed to prison are, in the main, not first offenders, with the exception of those persons sentenced for indictable matters.

I feel that the authors should have mentioned the fact that most persons who are imprisoned have lengthy records, and that they have in the past received the benefit of non-custodial sanctions with a view to keeping them out of prison. When all other methods have failed, however, then the person has been committed to imprisonment.

The chapter dealing with the historical background to imprisonment presents a useful overview of the early trends of punishment and imprisonment, however the chapter which deals with punishment and the dangerous offender raises several questions, as there are numerous instances which can be cited to show that the labelling of a person as being dangerous has not been in error. This is contrary to the hypothesis advanced on p. 28 and further reinforced at pp. 40-41.

The authors have examined the value of rehabilitative work carried out within the prison and have expressed their view that there is little or no benefit to be obtained from it, and that the same could be said for education, as studies have shown that prisoners will only participate in these schemes with the view of obtaining an early release. This is a topic on which many readers will agree with the authors' findings but, on the other hand, they will be able to point to some successful results which have been obtained from these schemes.

There is no doubt that this book has been written with a view to readers critically examining the present prison system and exploring other acceptable alternatives.

At times the authors tend to support the reformist view that there should be no prisons. There is no doubt that a need exists for changes in the prison system, nor is there any argument that the prison as a means of rehabilitation has failed to satisfy the stated criminological objectives of imprisonment.

Tomasic and Dobinson have presented valid points in their analysis of the failure of imprisonment and suggest methods for its improvement.

The book is recommended for all persons affiliated with penology and students of sociology, however, persons reading this book should first have a knowledge of the court and prison systems as such knowledge is a useful compliment to the information in the book.

JUVENILE DELINQUENCY: CONCEPTS AND CONTROL (Second edition)

By Robert C. Trojanowicz
Prentice-Hall, 462 pp. \$14.55
Reviewer: JOHN LEE, Lecturer in
Law, Victoria University of Well-
ington, New Zealand.

Clearly, any writer is constantly the victim of biases and ideology, and for me this conflict is indeed in the open after reading this second edition of *Juvenile Delinquency: Concepts and Control*. While the reported intention is to provide a multidisciplinary overview for students and practitioners, the tone of the book is primarily positivist and correctionalist, and consequently presents too narrow a perspective — one which is potentially harmful.

My reservations about this book are primarily three-fold. First, there is the narrowness of approach due to biases or ideological limitations. Second, and obviously flowing from these limitations,

there is an absence of references to the many studies, of either a theoretical or empirical nature, which are now emerging in current international criminological literature: studies which, despite their apparent contradiction to the views of the author, merit comment, if only to imply a broad overview. Third, as a claimed study of control, there appears to be a lack of appreciation of the real dilemmas and difficulties at any level in correctional management.

It is hard to appreciate that it is possible to discuss juvenile delinquency in 1979 without passing comment on emerging literature about the youth culture, the black youth culture and a working class culture. The question needs to be asked whether there is in fact in the United States a specific black culture which may play some part in the development of black delinquency. Allied to such cultural studies are those of 'folk devils and moral panics': one is forced to ask whether these studies do not exist or whether they play no part in the author's conceptual view of juvenile delinquency. Despite the work of Piliavin and Briar there is no comment about the concept of deviancy amplification. Symbolic interactionism gets no mention, and the approach to female offending seems to pay homage more to Lombroso than to current feminist studies. Somehow it seems that 'new' or 'radical' or 'critical' criminology does not exist and clearly the most benign of Marxist philosophy is completely disregarded.

The lasting shock after studying the book was to find that it is still possible to discuss seriously the control of juvenile delinquency in the United States without reference to the work of Jerome Millar in the early 1970s. As a former correctional administrator I had hoped to follow up the work of the Harvard Law School whose studies, possibly uncritical, of the process following Millar's decision to close training schools have fluently described a major step (forward or backward) in the con-

trol and treatment of juvenile delinquency in Massachusetts. Was Millar never in Massachusetts and did he not close training schools?

These comments indicate considerable dissatisfaction, but it must be said that there is much in this book which will be of use to students and practitioners who have already developed a critical and broad appreciation of the wide field of criminology. The chapter on methods of treatment usefully discusses the widening spectrum of positivist or correctionalist treatment modalities, though there is no positive evaluation of these modalities. Indeed there is no questioning of the efficacy of correctional treatment.

Even though the book focusses much on control, there is insufficient critical comment on the studies of institutional management which suggest how treatment programs may be implemented. Chapter 11 usefully discusses community-based treatment programs but fails to show much

appreciation of the very real organisational dilemmas in such activity. However, while the author appears to have some feel for these defects, frustratingly he does not develop his theme into any real study of recruitment, development and organisational management.

This is an unsatisfying and unsatisfactory book — of limited use only for students who have developed both a critical faculty and a wide appreciation of the totality of criminology. For me, two features of the book highlight this dissatisfaction: the concluding chapter opens with an acknowledgement for help given by the Assistant Editor of the *Michigan Farmer*, and a proposed essay subject 'Which school of criminological thought, the positive (sic) or the classical is most appealing to you and why?'. Maybe the *Michigan Farmer* recognises only two schools of criminological thought; it is hoped that South Pacific students are more perceptive.

Book of Proceedings

A book on the proceedings of an international course in Crime Prevention Planning which was held at the Institute in May-June 1979 is to be published in July.

Compiled by the Institute's Director, Mr William Clifford, the book is titled 'Plotting and Planning' and contains 18 papers delivered by 11 of the participants in the course.

The titles of the papers and their authors are:

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| 1 | Criminology and Planning
<i>W. Clifford</i> | 7 | Development and Crime Prevention in Japan
<i>K. Suzuki</i> |
| 2 | National Planning and Criminal Justice Services
<i>W. Clifford</i> | 8 | Sectoral Planning for the Criminal Justice System
<i>J.A. Montero Castro</i> |
| 3 | Planning within the Criminal Justice Services
<i>W. Clifford</i> | 9 | Town Planning and Crime Prevention
<i>R.W. Hewison</i> |
| 4 | Methods and Techniques for Crime Prevention Planning
<i>W. Clifford</i> | 10 | The Citizen in the Heart of Our Cities
<i>R.W. Hewison</i> |
| 5 | Economic Problems of Crime Prevention
<i>W. Clifford</i> | 11 | Social Problems and Planning
<i>G.J. Campbell</i> |
| 6 | Physical Planning and Crime Prevention
<i>W. Clifford</i> | 12 | Police Policy Planning
<i>R.W. Whitrod</i> |
| | | 13 | Conflict and Cooperation in Criminology and Urban Planning
<i>J.R. Minnery</i> |
| | | 14 | The Problems of Implementing the 'Orderly' Philosophy in Urban Planning
<i>J.R. Minnery</i> |
| | | 15 | Regional Planning and Crime
<i>D. Winterbottom</i> |
| | | 16 | Educating for Less Crime
<i>C.R. Bevan</i> |
| | | 17 | Crime Prevention Planning — A Fieldwork Approach to Regional and Local Case Studies
<i>J. Marjoram</i> |
| | | 18 | Country Studies
<i>W. Clifford and J. Marjoram</i> |