

aroused by contemplation of the Elmira Reformatory in the United States of America. This material, with which many readers will be familiar, is deftly sketched.

Within these frameworks the New Zealand story unfolds. It is of interest that, despite the adoption of theories current in Europe and the dedication to replicating the English model, Pratt discerns some distinctive features in the New Zealand system. Among the local conditions that led to variations in the penal system was a shortage of labour (p77–80). This militated against implementation of the useless labour schemes which featured in the classic prisons of Britain (p15). Another important factor in the New Zealand history is the self-image captured in the title of the book. The debates about penal policy frequently contain references to the fact that the New Zealand population was not “tainted by crime” in the same fashion as the Australian population. This led to suspicion of immigrants, both Australian and Chinese, in the 1860s and 1870s (p104–106). It also paradoxically led the New Zealand authorities to eschew the eugenics approach to criminology which Lombroso adopted (at p182). Unfortunately and most unfairly, as Pratt demonstrates using statistics about Maori crime in the nineteenth century, this attitude also led to great emphasis on the application of the European penal system to Maori offences.

The history of the penal system in New Zealand is summed up by Pratt in two propositions. The Maori system of punishment which featured *utu* (compensation) and *murū* (blood and body sanctions) which relied on strong community involvement was silenced despite the provisions of the Treaty of Waitangi. The Western, or European-based, system of imprisonment failed in its purported objective, the reformation of the offender. This second conclusion is, of course, in line with the contentions of Foucault. Pratt does however qualify his adoption of Foucault’s theory by drawing between the formal intentions of the government and policy makers and the unintended consequences of their actions.

The weakest part of this book lies in the presentation of the historical material. The historical research itself cannot be faulted. Two points are made. This reader found the continuous use of quotations adorned by “my italics” very irritating. A more effective presentation would rely on paraphrase of the accompanying material and direct quotation of only the important words or, alternatively, a reiterative paraphrase of the important words. Secondly, although Pratt makes extremely effective use of tables to explain the theoretical and criminological material, no such assistance is associated with the historical material. A chronology or even a table of statutes would have been welcome.

### Eilis S Magner

Senior Lecturer, Faculty of Law, University of Sydney

JOHN PRATT, *Punishment in a Perfect Society: The New Zealand Penal System 1840–1939*, Victoria University Press, Wellington, 1992, 288pp, ISBN 0 86473 239 2.

---

In this valuable contribution to the history of punishment, Pratt not only fills the knowledge vacuum which prompted his research into New Zealand penal history, he eloquently challenges the “Eurocentrism in most if not all of the sociology of punishment” (p9). Unlike the white settlers in nineteenth century New Zealand who wanted to build a “perfect society” — a problem-free “Britain of the South Pacific” — by transplanting the British

model of justice to the new colony, the author resists the temptation to “transpose sociological understandings of the history of punishment in Europe and North America” to a study of New Zealand. Instead of seeing New Zealand penal history through ready-made lenses of existing social theories and marvelling at its predictable unfolding, Pratt performs an original and painstaking job of unravelling the historical evidence and making sense of its theoretical significance.

Pratt sets out to show how the modern penal system in New Zealand is built on two apparently separate histories: the “history of failure” (history of prisons) and the “history of silence” (history of indigenous justice). The history of failure is one which has become familiar to students of penal history; numerous revisionist accounts of the birth of the prisons have been written in recent years. Yet the New Zealand story has its own peculiar ironies: by using the British system as its supreme model, the colony not only replicated the penal discourse and ideologies of the British system, it went on to replicate the latter’s failures as well. Pratt describes in vivid details the ready adoption of British penal ideas in the colony, the practical compromises which were taken and the constant repair work which then became necessary. Unfortunately, the overall result of the penal changes is, according to Pratt, “a very ungainly building which is made up of a complex series of contrasting and often contradictory architectural designs”; it therefore comes as no surprise that the system “regularly fails to produce the results that are expected of it” (p245).

The history of silence refers to the gradual subjugation of the traditional punishment practices of the Maori people to those of the British system. Pratt describes the “irreconcilable differences” between the two systems. Where the British system emphasises individual criminal responsibility, the Maori tradition stresses kinship responsibility. While British justice aims at deterrence and individual retribution, Maori justice aims at redressing the social imbalance caused by criminal behaviour. To white settlers, Maori justice was arbitrary and uncertain; to the Maori people, imprisonment was culturally alien and degrading. Pratt’s account of the silencing of the indigenous punishment practices shows the complexity of the processes of negotiation, accommodation and resistance. It was not a simple story of oppressive colonisation.

Some of the themes that emerge from this historical account are, of course, familiar: the contradiction between the public utility of prison labour and its penal inefficiency, the tension between the aims of deterrence and rehabilitation, the endless search for better classification systems, the wide gap between penal ideas and penal practices, and so on. One fascinating feature of social history is, as Pratt so carefully documents here, the familiarity of themes and ideas can be deceptive: the development of New Zealand’s penal system does not follow any fixed, predictable path, but is rather unique in its “irrationality”. Some of the questions addressed in this book are illustrative of this unique history: why, in spite of its “perfect society” image, does New Zealand have high levels of imprisonment? Why is probation so little used in New Zealand even though it was the first country to pass probation legislation? Why was New Zealand relatively untouched by the eugenics movement in the “new penology”?

Pratt has produced a scholarly and impressive study of the New Zealand penal system. It is unfortunate that similar histories of punishment have still not been written in Australia. *Punishment in a Perfect Society* should be required reading for students and researchers in criminology and legal studies.

## Janet Chan

Senior Lecturer, School of Social Science and Policy, University of New South Wales