The Dark Side of Paradise

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THE DARK SIDE OF PARADISE

Explaining New Zealand's History of High Imprisonment

JOHN PRATT*

This paper examines and explains the way in which cultural factors specific to New Zealand have contributed to this country's historically high rate of imprisonment; certainly, when compared to the two jurisdictions it has most in common with Australia, and England and Wales, and, by extension, most other Western democratic societies.

I want to show how New Zealand's cultural values provide an explanation for an otherwise unlikely paradox. Since the country's colonization by Britain in 1840, it has been famed for its traits of friendliness, hospitality and informality. Captain Isaac Cooper (1857: 30) remarked that 'houses are freely opened for the use of friends and travellers are welcomed with kindness without display'. Samuel Butler (1863: 56) referred to the freedom from 'much nonsense in the old country, the comparative lack of conventionalism and formality, the absence of sectarianism and the healthy sensible tone in conversation' when he came to New Zealand. William Pember Reeves (1898: 372) stated that 'compared with the races from which they have sprung, [New Zealanders] seem more even, less on their guard, and more neighbourly and sympathetic in minor matters'. In the 1930s, Harrop (1935: 270) warned more reserved British tourists that 'it is advisable on arrival in a hotel dining room to ask for a table for yourself and your party, unless you wish to be placed with other people'. Duff (1941: 82) noted that 'visitors to the Dominion have often remarked on our readiness to shake hands'. In the 1960s, Holcroft (1968: 47) again alerted British visitors to the fact that 'in New Zealand it is permissible for strangers [on a train] to speak to one another; and a man who repelled advances of that sort would be thought impolite'. More recently, the *Lonely Planet* guide states that 'for the visitor, perhaps the most immediately obvious trait of all the New Zealanders is their friendliness' (Williams *et al.* 2000: 32). Michael King (2003: 505) concludes his best-selling history of New Zealand by referring to his countrymen as 'good hearted' and 'tolerant'. Protea Pacific Limited (2005: 1), immigration consultants, refer to 'the uniqueness of the people. Warm, welcoming and friendly, [they] have a wonderful laid-back attitude to life'. Of course, there is likely to be a good deal of hyperbole to these claims. Some of those who have made them undoubtedly had a vested interest in advertizing New Zealand in these ways. However, the consistency and variety of the sources also indicate that there is a strong grain of truth to them, to which most visitors today will attest.

Against these characteristics, however—and this provides the paradox—New Zealand has a less well known history of intolerance and excessive punitiveness in its reaction to criminal behaviour, as measured by its rate of imprisonment. Thus, in 2005, with a

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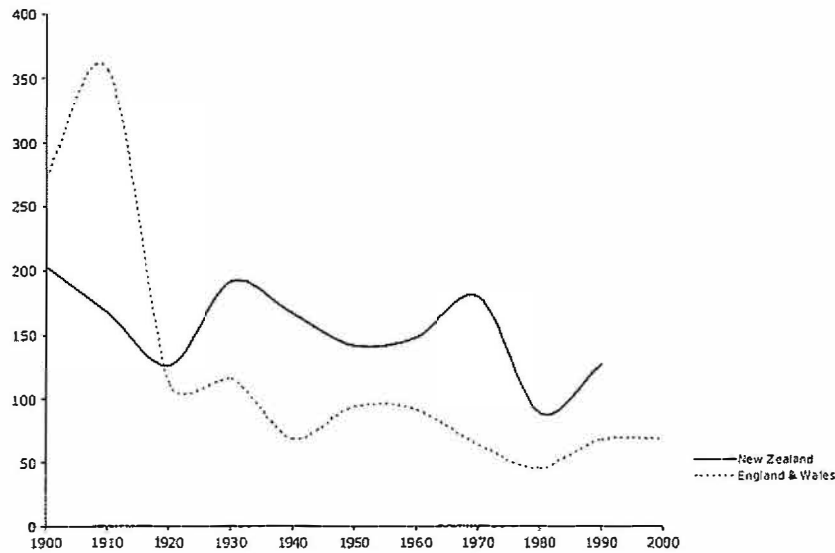
prison population of 7,547, the rate of imprisonment in New Zealand reached 184 per 100,000 of the population—easily the second highest amongst Organisation for Economic Co-operation and Development (OECD) countries. Furthermore, there is a new ethnic toxicity underlying this: 50 per cent of the prison population are indigenous Maori, even though they make up only 15 per cent of the population—in 1950, they constituted only 18 per cent of the prison population. The Maori rate of imprisonment is 350 per 100,000 of the population; that for Europeans is 100 per 100,000. Even so, a high level of imprisonment is not new in this country, even in comparison with the two societies—Australia and England—with which it has most in common, but which are not in themselves well known for liberal penal policies (see Figure 1).

Amongst the few acknowledgements that there have been of this other New Zealand characteristic, Laing *et al.* (1932: 50) complained that 'New Zealand has on the whole very little serious crime. Its prisons, nonetheless, are always full to overflowing and there is daily on an average, a prison population more than three times as great, in proportion to the general population, as that of England and Wales'. In 1933, the Howard League stated that 'on a general population basis, New Zealand should have had in the year 1931–2, compared with Queensland less than 450 daily prisoners; compared with South Australia less than 1000; and compared with New South Wales and Victoria, less than 1200; while the number that she actually did have was over 1600' (quoted in Burdon 1965: 311). The Department of Justice (1954: 3) noted that 'in relation to population, we have 50% more people in our prisons daily than they have in England and Wales'. And the Penal Policy Review Committee (1981: 20) confirmed that 'New Zealand rates of detention seem to be consistently higher than those in some other countries, especially with similar backgrounds'.
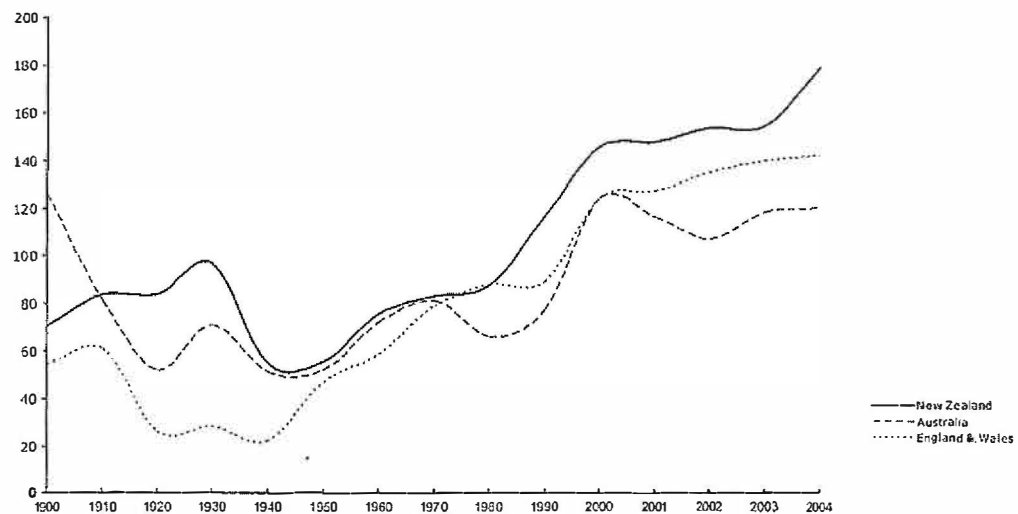
Sources:
New Zealand: *New Zealand Official Yearbook* (various years).
Australia: *Sourcebook of Australian Criminal and Social Statistics 1804–1988* (1989); *Yearbook of Australia* (various years).
England and Wales: *Judicial Statistics of England and Wales* (various years); *Annual Abstract of Statistics* (various years).

FIG. 1   Prison rate per 100,000 total population: 1900–2004.

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England and Wales: *Judicial Statistics of England and Wales* (various years); *Annual Abstract of Statistics* (various years).

FIG. 2   Ratio of prison receptions to total convictions (per 1,000) excluding traffic offences: 1900–2000.

Further evidence of a level of punitiveness out of proportion to the level of crime problems is found when we examine the ratio of prison receptions to convictions (excluding motoring offences) between New Zealand and England (Figure 2).

How, then, might we explain the paradox of a friendly, welcoming but punitive and high imprisonment society?

Culture not Crime

One explanation for New Zealand's historically high rates of imprisonment would be that this has been in direct response to high crime rates. However, the available evidence does not support this contention. Of course, any cross-cultural comparisons of crime rates are fraught with difficulties because of obvious differences in recording, counting and defining practices. These will then be compounded when attempting long-term comparisons. There are also likely to be further difficulties posed by changes that take place in a given jurisdiction that interrupt a running record. Thus, in relation to New Zealand, a major change in recording crime took place in 1954, making the pre and post-1954 series non-comparable (see Social Trends in New Zealand 1977: 139). Nonetheless, it is possible to compare overall crime rates in England and Wales and New Zealand from the late nineteenth century up to 1950 (while prison rates are available for Australia, each state develops its own criminal laws and therefore crime rates between them are not comparable, nor is a crime rate available for Australia as a whole).

Figure 3 illustrates that by the 1920s, the crime rate for New Zealand was lower than that for England, and it remained so for much of the ensuing period. If its crime rate at
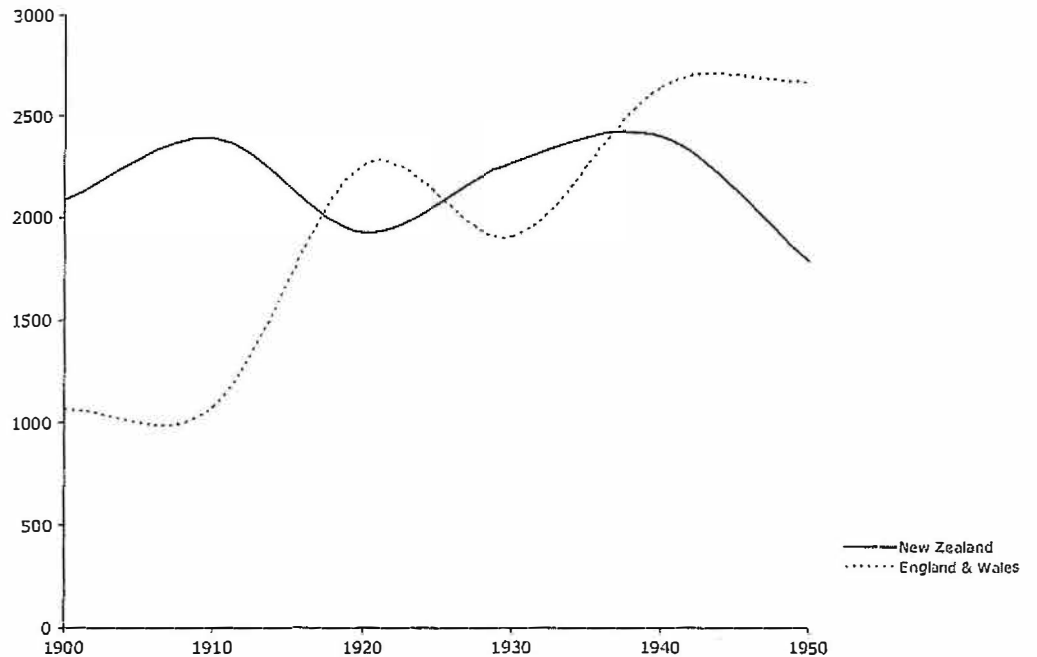
Source:
New Zealand: *Annual Report of the New Zealand Police* (various years).
England and Wales: *Judicial Statistics of England and Wales* (various years).

FIG. 3   Crime rate per 100,000 total population (all reported crime): 1900–1950.

the beginning of the twentieth century appears unexpectedly high, especially given the many contemporary references to 'crime free New Zealand',[1] the thesis developed by Fairburn (1989) provides a persuasive explanation of this phenomenon. He argues that for much of the nineteenth century, New Zealand had been a very atomized society. It had attracted many single transient men, eager to work in the goldfields, on bush clearing and so on. This then explains why it did indeed have particularly high levels of interpersonal violence and drunkenness in the mid to late nineteenth century—dramatically higher than for England on a per capita basis. However, these levels then tail off significantly in the early twentieth century, with increasing social solidarity and homogeneity beginning to take effect on patterns of everyday life (although, as they do, imprisonment levels remain stable but high). At the same time, however, it may be that the factors which led to some high crime rates at the beginning of the twentieth century also help to explain the impressions of the period that New Zealand had comparatively little crime. The high levels of interpersonal violence and drunkenness might have been concentrated amongst the transients. Equally, in the particularly litigious society that New Zealand was at the time (another aspect of the Fairburn atomization thesis), it seems reasonable to suggest that there were high levels of reporting and prosecution of crime in a society that was also peculiarly well policed (see Hill 1995). There certainly

[1] See Fairburn (1989) for an overview of this literature.

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seems to have been a dramatically high rate of prosecution for petty crime, particularly vagrancy, in the late nineteenth century—it was the third most common crime in New Zealand during the 1870s (Fairburn 1989: 248). In addition, convictions for drunkenness made up one-third of all convictions in 1880, one-half in 1890 and, in the 1920s, still constituted around one-quarter (Fairburn 1989: 206). Even during the 1960s, once road traffic convictions are removed, those for drunkenness and breach of liquor laws still make up about 20 per cent of all convictions in the New Zealand courts (Department of Justice 1968). On this basis, and as Figure 3 illustrates, it was not the case from the early to mid-twentieth century that New Zealand had a comparatively high crime rate. It was less than or on a par with England (as, for example, Olssen 1981 and Godfrey 2003 confirm) and it included a great deal of very trivial crime; yet, its rate of imprisonment was significantly in excess of England's.

There is then a second series of statistics available to us from 1960 to the present which again shows that the high crime rate/high imprisonment rate explanation is not sustainable.

As Figure 4 illustrates, there were large increases in the rate of recorded crime per capita in New Zealand and England from 1960 to 1990. Thereafter, it sharply declines in New Zealand (in England, there is a slight upward trend), as its rate of imprisonment moves in the opposite direction. A third series—from victimization studies—also suggests that levels of crime are similar in New Zealand to England and Australia. For example, levels of car theft were identical in the three countries (van Dijk and Mayhew 1993); levels of violence and sexual offending in New Zealand were in line with those reported in the British Crime Survey (Young *et al.* 1996); partner-on-partner assaults and threats of assault in New Zealand were reported as being at a 'remarkably similar level' to those
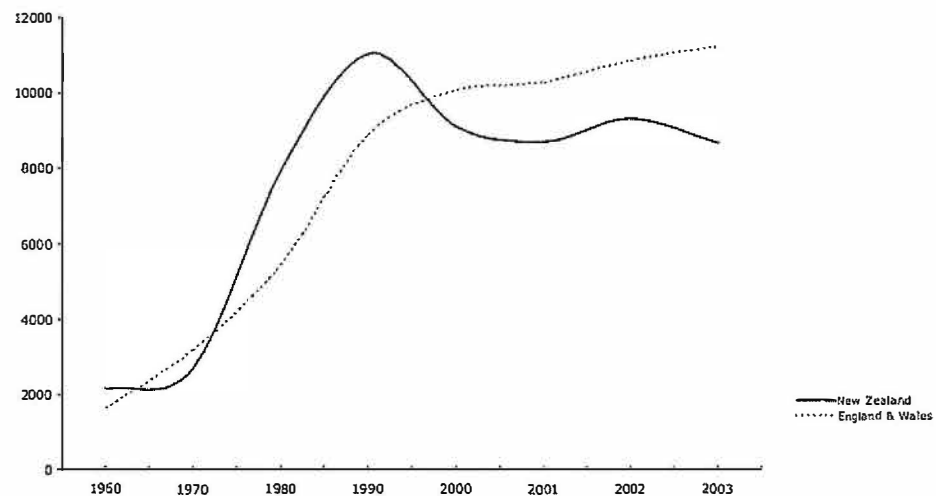
Source:
New Zealand: Annual Report of the New Zealand Police (various years).
England and Wales: Judicial Statistics of England and Wales (various years); Criminal Statistics of England and Wales (2003).

Fig. 4   Crime rate per 100,000 total population (indictable/notifiable offences and their equivalents): 1960–2003.

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revealed in the British Crime Survey (Morris and Reilly 2003: 150). Finally, police homicide statistics in 2000 show this to be at a considerably lower level in New Zealand than for England and Australia (United Nations Survey on Crime Trends 2004).

If it is not the case, then, that New Zealand's history of high imprisonment is attributable to its crime rate, what else might lie behind this? The explanation I want to develop in the remainder of this paper revolves around the way in which the predominant cultural values that evolved in this country contributed to this. But how can a culture which has such strong identifiers as friendliness and hospitality have, at the same time, some association with excessively high rates of imprisonment which would seem to be their antithesis? What I want to suggest is that the friendliness and so on should be seen as part of a much broader canvass that included other characteristics such as social cohesion, homogeneity, security and conformity and which cumulatively were instrumental in New Zealand regularly being described as a 'paradise'. If it might seem, again, that all these are actually desirable societal qualities, or at least not *ipso facto* connected to undue punitiveness, Emile Durkheim (1893/1964) intimated that in a society where these qualities became *excessive* or *exaggerated*, it is likely that law-breakers will seem more threatening by daring to challenge these values than in societies where there is more tolerance of difference. By the same token, such a society's supposed paradisical qualities could then be reasserted and affirmed by sanctioning the transgressors: the more such people could be isolated and projected as different from the norm, the more its own homogeneity (or, in Durkheim's terminology, its *conscience collective*) could be strengthened. He then added that should a society's social cohesion unravel at some point, should there be a breakdown of traditional values—anomie—then levels of punishment will increase over and above their normal measure in a bid to shore this up. These ideas, I suggest, provide us with the key to understanding New Zealand's history of high imprisonment. First, from the early twentieth century to the mid-1980s, it can be seen as the product of a society with an excessive emphasis on social cohesion and conformity; secondly, from the mid-1980s to the present, accelerating levels of imprisonment can be understood as the product of a society were social cohesion seemed to be disintegrating.

New Zealand as 'Better Britain'

Like many writers before and after him, in his book, *Return to Paradise*, James Michener (1951: 243) described New Zealand as 'probably the most beautiful country on earth'. For many settlers, though, New Zealand's physical characteristics were notable not just because of their innate splendour. They had a symbolic importance as well, in reconnecting them with their country of origin, which, in the overwhelming majority of cases, was Britain. For example, 'our eyes are refreshed with green, real English green; hedgerows, and plenty of water and cottages and small houses of every description surrounded by clumps and soars of poplars, hawthorn and other English trees; Christchurch nestles all hidden in English trees, whilst round and about run magnificent roads, shut in on either side by hedgerows, gore, thorne and broome' (Baden Powell 1872: 73). While resemblances of this nature can now seem very strained and artificial, they were only to be expected from those desperate to establish some sense of identity in the new land they had come to. What better identity to affirm, then, what better way of defining oneself and what better way to find reassurance at the end of the

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long journey than to be able to claim not only that the new country was like the old, but it was also markedly superior to it—not just a younger more pristine Britain in its physical characteristics, but a morally and socially 'Better Britain' as well (Fairburn 1989; Belich 1996). It was not only, then, that New Zealand was a beautiful place to live that made it a paradise: it was also a paradise because of its moral and social environment. It was a country with everything that Britain had to offer but which, at the same time, had none of its social problems or undesirable aspects:

New Zealand is an integral part of Great Britain—an immense sea-joined Devonshire. An Englishman going thither goes among his countrymen, he has the same queen, the same laws and customs, the same language the same social institutions and, save that he is in a country where trees are evergreen, and where there is no winter, no opera, no beggars, no cotton mills, he is, virtually, in a young England. (Hursthouse 1857: 657)

Clearly, what would be seen as a problem or undesirable was also a reflection of the values of the main body of immigrants who made the journey to New Zealand in the nineteenth century: essentially, they were lower-middle and respectable working-class. They thus neither brought with them the 'airs and graces' of their social superiors, nor wished to see them replicated in New Zealand. Ferguson (1893: 36) mockingly contrasted 'English migrants with genteel manners (the facade of moral and physical weakness) with the solid virtues of the hard-working colonial'. Such emblems of class distinction were not needed in a country which quickly became known for its egalitarianism as well as its friendliness. As Buller (1880: 142) explained, New Zealand was a country where 'the social disabilities, exclusive caste, the overstrained competition and the stereotyped conventionalism of the Old World have not yet taken root—there is a clear field for men of talent, skill and energy to climb the social ladder, and to attain a degree of wealth and social elevation that is possible to only a favoured few in older countries'. In other words, then, New Zealand was also paradisical because it provided opportunities for 'getting on' which would never have been available to its immigrants if they had remained in Britain, where barriers of breeding and lineage, as well as wealth and property restricted movement between the classes.

With the embedding of these egalitarian qualities in New Zealand society, Harrop (1935: 270) was able to claim that 'there is an absence of class distinction in its extreme forms in New Zealand'. Furthermore, 'New Zealand boasts not a single millionaire nor any who are starving' (Cowie 1937: 187). Visitors observed workplace relations which would have been unthinkable in class-conscious Britain: '. . . in my first New Zealand office I was flabbergasted to discover the office boy perched on the manager's desk discussing Saturday football with that high functionary as if he had known him all his life' (Cowie 1937: 38). In the 1960s, Holcroft (1968: 83–4) noted that 'some men may have more money than others, or hold better positions; but people who know where they come from and who still know their brothers and sisters and cousins are not going to feel inferior. Social stratification may exist in tables of figures prepared by the Statistics Department, but in real life it is hard to discover'. And, of course, in a society with so little class distinction, personal relationships were indeed likely to become friendly, relaxed and informal. Without the sense of social distance and reserve that ordered the conduct of personal relations in Britain, handshakes and greetings to strangers could become a normal feature of social etiquette. At the same time, by the early twentieth century, race relations seemed settled and harmonious, unlike in competing colonies

such as Australia and South Africa. It was a country with friendly, unthreatening 'natives' who provided exciting cultural displays for tourists. For example, at Rotorua, famous for its thermal springs, 'there are regular concerts by Maori parties . . . . Intricate *poi* dances by the women, exemplifying the trotting of horses, the rhythm of paddlers in a canoe, or the flight of a butterfly, are interspersed with the boisterous *hakas* of the men, and the whole company joins in singing the Maori songs of greeting and farewell with their haunting choruses' (Harrup 1935: 153).

At the same time, however, these social qualities did not evolve serendipitously. The state very quickly became—had to become—the guarantor of these aspects of paradise that the initial settlers and subsequent generations were trying to create, or had come to New Zealand in anticipation of finding. In these respects, another defining feature of this country came to be the much greater role for and public tolerance of the central state than was the case in Britain. The state had had a vital role to play in securing the well-being of the settlers during the 1860s Land Wars with Maori. During the 1870s, when immigration evaporated once the gold fields in the South Island became exhausted, the state itself, borrowing heavily overseas, then provided assisted passage for around 100,000 immigrants and helped to nearly double the European population in a decade. In the 1890s, the state was compelled to bail out the Bank of New Zealand— the cornerstone of the country's banking system but, at that time, close to bankruptcy. It thus came to be regarded as having a legitimate, necessary, benevolent presence in the shaping of New Zealand society, and in providing social stability, cohesion and security: at times of crisis, the state could be relied on to provide assistance. As Siegfried (1914: 54) astutely noted, 'in the early days of a colony there is usually little co-operation between the immigrants; the government is usually the only bond which unites them, and some time is necessary before natural groupings are formed. The government is thus brought by the force of circumstances to perform functions, which in the old countries would lie within the province of private initiative'.

These tendencies continued for much of the twentieth century. For example, Cowie (1937: 166) wrote that:

. . . the Government of New Zealand today has its share in every second economic enterprise from usury to dentistry. These paternal rulers look after the railways of the country, make sure that other means of transport do not expand too rapidly and provide an organization to attract tours from overseas. On the West Coast of the South island they have a state coal line and in every centre they have state coal offices. To provide against emergencies they have a state Fire Insurance Office; they have a share in a general insurance organization . . . the rulers of New Zealand have a forestry department which controls large scale conservation, regeneration and afforestation; a health department which invades every branch of medicine; a Public Works Department which, in a country where private contractors cannot afford to operate on a large scale, builds most of the railways, bridges, roads and hydro-electric schemes.

Holcroft (1968: 94) later observed that 'there can be few countries which have revealed more clearly in their public institutions a conception of the state as an extension of the family'. In the 1970s, in response to further economic crises, the state was heavily involved in the development of projects designed to make the country self-reliant in energy as well as controlling wages, prices and rents.

However, its citizens were not mere passive recipients of state munificence. On the contrary, it seems instead that they were actively involved in local government and

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community affairs—at times, to a remarkable degree. As Hall (1966: 191) pointed out: 'New Zealanders must indeed be regarded as inveterate "joiners", and the smaller the place, the greater the pressure to conform'. Jackson and Harre (1969: 72) referred to 'the numerous special purpose bodies such as harbour, electric power and hospital boards, rabbit and oppossum destruction boards, boards for fire fighting, milk distribution, water supply, urban drainage, transport, soil conservation, nassella tussock control, land drainage and underground water. This small population[2] has over 715 local authorities and even this has been pruned down from more than 900'.

There was also a greater proximity of government to people than in Britain, which must have simultaneously made New Zealand seem a very open, transparent society. Wood (1958: 89) observed that 'there can be few countries where the ordinary man can get so clear a picture of political issues and of the results of government policy for which he is ultimately responsible'. Indeed, the very highest echelons of government could seem directly accessible 'because [government ministers] are the men with influence in cabinet and caucus, yet like MP's, regarded essentially as ordinary mortals, they constitute a prime target for those wishing to influence policies' (Jackson and Harre 1969: 69)—so ordinary, in fact, that the Prime Minister's home phone number was publicly available in the 1960s.

If this was a reflection of New Zealand's qualities of informality and egalitarianism, so too was the way in which the public were accustomed to making direct approaches to government themselves. It became and still is the practice for the general public to make submissions to parliament on all aspects of law changes. Hall (1966: 81) also noted that 'petitions committees regularly deal with petitions presented to parliament and make recommendations on them to the government. Individuals often choose the petition to parliament as a method of drawing public attention to what they consider to be a legislative anomaly'. Involvement of this kind meant that there was always a strong populist tradition in New Zealand politics, and an attendant scepticism of expert knowledge. Indeed, in an egalitarian society, there was no need for specialists: '. . . the preference for the opinion of the ordinary man over that of the expert is but one aspect of the uncompromising assertion of the principle of equality which is a national fetish' (Jackson and Harre 1969: 71).

At the same time, the advanced role of the state also allowed for the development of social reforms which gave New Zealand a reputation for fairness and social justice. In 1886, it was one of the first countries in the world to introduce probation as an alternative to a prison sentence. In the 1890s, it legislated for universal suffrage, as well as labour reforms and non-contributory pensions. Pember Reeves (1898: 323) wrote that the social reforms of that period were the 'outcome of the belief that a young democratic society, still almost free from extremes of wealth and poverty . . . and which supplies an unequalled field for safe and rational experiment in the hope of preventing and shutting out some of the worst social evils and miseries which afflict great nations alike in the old world and the new'. Indeed, the commitment to utilitarian social reform was in keeping with the 'Better Britain' idea and was another point of differentiation between the old society and the new: state-provided security in the former contrasted with the free rein given to the vicissitudes of individual misfortune in the latter. Accordingly, the Labour government in the late 1930s passed the Social Security

[2] In 1970, New Zealand had a population of 2,852,100.

Act, which 'gave the country a virtually free health system, a means tested old ag
pension at 60 and universal superannuation at 65' (King 2003: 358). By doing so, a
Olssen (1981) later claimed, '[the government] appeared to have put New Zealan
back *on its true course as the most advanced and humane society in the world*' (emphasi
added). As if in proof, Beaglehole (1936: 135) had made the point that New Zealan
had the lowest infant death rate in the world: '. . . the creative spirit in our Dominion
indeed, has flourished not in any sort but in the more characteristically colonial field o
humanitarianism; and it may be argued that to have achieved the lowest infantil
death-rate in world is worth a Cezanne or even a Leonardo—or two.' So these tendencie
continued in the post-war period. New Zealand was one of the first countries to provid
compensation for the victims of crime when it established the Criminal Injurie
Compensation Board in 1963. In 1973, the establishment of the Accident Compensa
tion Corporation replaced private suits for negligence and provided compensation fo
accidents on a no-fault basis.

Of course, these extensive state-provided guarantees came at a high price. Cowie
(1937: 192) claimed that 'New Zealanders now pay more taxation per head than
Englishmen, whose fiscal burden is usually regarded as the highest in the world'. Thirty
years later, Jackson and Harre (1969: 71) wrote that 'the maximum rate of 68 cents in the
dollar is reached in New Zealand on a taxable income of $7200. Equivalent tax in the
United Kingdom is paid on incomes of $19000; in Australia on $25600; in the United
States on $29000; and in Canada on $82000'. However, the high taxes needed to sup-
port an always growing central state seemed a burden worth bearing. As Wood (1958:
70) explained, 'New Zealanders have been seekers after security rather than adventure'.
New Zealand had never promoted itself as a country where unparalleled riches were to
be made. Instead, by cutting the country's economic cake into progressively small slices,
it was guaranteed that there would be helpings for all: '. . . in old world lotteries of life,
there is one gigantic prize to innumerable blanks; in new world lotteries of life there may
be no gigantic prize, but there are innumerable goodly prizes and scarcely any blanks'
(Hursthouse 1857: 609). Similarly, in the *1888 New Zealand Handbook*:

. . . though there is not much chance of making a large fortune in New Zealand any more than
anywhere else, yet a comfortable living, a house in healthy surroundings, a fair start for their children,
and a reasonable provision for their own future are within reach of emigrants if they are careful and
industrious . . . steady, careful men, willing and able to undertake farm work, who are prepared to go
not the country districts, and turn their hands to anything they may find to do, are pretty safe to get
on. (Quoted by Fairburn 1989: 43)

For much of its history, then, if it was not an ostentatiously wealthy society, it was known
as one which was friendly, relaxed and egalitarian, as Roberts (1935: 166) observed: 'New
Zealand has scarcely known poverty, even in the period of world depression. There has
been no starvation and want, although everyone has felt the pinch of added taxation and
salary cuts. *At the same time, people are still living happy and contented lives*' (emphasis added).

The Dark Side of Paradise

Nonetheless, there has been a dark side to this friendly, contented land of opportunities
for all, with its benevolent state directing the flow of economic and social traffic to
sustain it as exactly this. As we have seen, throughout its history, there was a much

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greater value placed on utility rather than dilettantism, on homogeneity rather than diversity. Thus, Samuel Butler (1863: 46) finished his eulogy on New Zealanders' informality and hospitality (vs) by warning that 'but it does not do to speak about John Sebastian Bach's fugues, or pre-Raphaelite pictures'. Such an attitude was to be expected. As Herz explained:

. . . the people who came out here had to work, and to work hard. . . . Is it astonishing that they seek only the things of real and practical value—the things that mean money; or that they own a touch of disrespect for life's other aspect, and regard Art, for instance, as a thing well enough in its own way, but really not absolutely necessary? (Herz 1912: 348)

Rather than works of art or similar ephemerals, New Zealanders were more inclined to put a value on the mundane and the practical: '. . . the four-gallon petrol tin common to the colonies is one of the most useful articles at the colonials' disposal, and it is remarkable what can be made of them' (Roberts 1935: 163). Indeed, the ability to demonstrate profound and ingenious do-it-yourself capabilities became another character trait:

. . . on Friday evenings it is usual to see men going homewards with lengths of beading across their shoulders with sheets of wall-board under their arms, and cans of paint in their hands. An enormous amount of painting is done by house-holders: you may see them on the roofs or struggling with extension ladders; and their wives have become almost as much at home with wall paints as with kitchen utensils. (Hocroft and Bigwood 1968: 61)

Again, then, the emphasis was on the functional rather than the aesthetic. The consequence was, though, that 'these activities do not leave much time for the finer side of life: the social graces are incidental, and are indulged hesitantly' (Holcroft 1968: 116). This was evident in various aspects of popular culture:

New Zealanders have somehow lost the art of meeting in public places other than beaches and football matches. There are few cafes or restaurants in European style . . . and the public house lacks the element of club activity of its English namesake . . . the characteristic of New Zealand life is lived, with friends and frequent guests, in small family homes, in the designing, improvement and maintenance of which vast care and amateur craftsmanship are often expended. Conventionality of design, of course, heavily predominates. (Wood 1958: 172)

It seems that, in every sphere of life, there was no desire to step outside the norms of utility and functionality:

. . . if the proprietors of cafes, some of whom have come from countries with notable traditions in the use of food, are asked why they make no attempt to introduce a little more variety, they declare that customers will not touch the unfamiliar, and are quite happy with braised sausages and a dab of mashed potato. (Holcroft 1968: 40)

These same norms informed modes of dress and personal presentation. Herz observed that:

. . . this evident disdain of culture finds expression in the clothes of people. They are neither elegant nor fashionable. The suit of the man is rough and substantial. He is far too fond of his soft shirt with its limp collar and loose tie. . . . As for the girls and women, . . . their carriage is too careless, their style of dress too untidy, too fluffy, too dowdy and too pretentious. (Herz 1912: 351–2)

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Duff (1941: 6) remarked that 'the climate produces men and women whose bones are well covered with flesh . . . and whose clothes tend therefore to be put on rather than to hang on, to enclose the body rather than to drape it, to keep it warm rather than to give it grace'. Similarly, Holcroft (1968: 41–2) referred to 'the unadventurous and conforming trends of men's clothing . . . [for women] the accent is on utility and comfort rather than glossy plumage'. The point is, of course, that in a society where utility was a necessary virtue, where egalitarianism had largely replaced class distinction, and where practical capabilities had a higher value than aestheticism, there was no need for refinement in dress or self-presentation. One would be judged not on appearances, as in Britain, but on capabilities. Nonetheless, when we tie together these diverse threads of New Zealand life that evolved during much of its history, Siegfried's (1914: 56) perception that there was 'a strange narrowness which seems anchored to the very depths of the New Zealand soul' seems well founded. In effect, the emphasis on cohesion and conformity seemed to limit and inhibit individual expression, as we see in King's (2003: 407) oblique reflections that on VE day celebrations in 1945, 'scenes that followed . . . were unusual in a country that did not normally favour public displays of emotion'.

However, this sense of inhibition and pressure to conform had more serious consequences than a general lack of frivolity and an unexciting night life.[3] It also led to the absence of any significant reflexivity in public discourse. It was soon observed that:

. . . nothing is more offensive to Colonial views than to have the dark side of things in the country fairly set forth. But should anyone write very favourably of climate, produce, commerce, institutions and the wonderful future of New Zealand, well, then his future is made, he is a god out here. ('Hopeful' 1887: 182–3)

At the same time, the very nature of the qualities that were most sought after in prospective immigrants during the nineteenth and into the twentieth century had ensured, as Fairburn (1989: 55) has noted, that there would be no incipient intelligentsia: '. . . conventional education was no use for getting ahead and . . . attitudes towards it [we]re somewhat negative or indifferent.' Furthermore, the very qualities of friendliness, informality and openness that New Zealand became so renowned for also made critical debate and intellectual argument difficult and awkward: the society that was so open and transparent also became closed and opaque. Holcroft observed that:

. . . visitors from overseas, and especially from England, have noticed the wide use of pen-names in newspaper correspondence. It is still not easy for men to be outspoken over their own signatures when they could meet the person affected by their criticism when they next walk through the streets. (Holcroft 1968: 90)

Nor were its universities immune from the emphasis on utility and conformity. Wood (1958: 162) found 'a suspicion of the expert and an undervaluing of research'. There was thus little by way of critical scholarship or social analysis (and little encouragement of any):

. . . the fact that there is, properly speaking, no New Zealand sociology is itself a comment on the society . . . New Zealand has no class struggle, no poor, no intellectual tradition, no overt conflict,

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[3] '. . . the absence of night life may seem strange to visitors, but it causes no uneasiness to New Zealanders' (Holcroft 1968: 78); even in the late 1980s, 'on Sunday . . . everything was closed in New Plymouth—so far as I could find—except a video-shop, an Indian-run store, and McDonald's which was seething and boasted a drive-in too. Even "Playmates Massage Parlour" in the main street was shut' (Berry 1988: 175).

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little self-awareness as a social entity and has sought for similarity rather than diversity in a restricted immigration programme. (Jackson and Harre 1969: 125)

In effect, the very qualities that had brought about stability and social cohesion had also brought about a crushing conformity, enforced by intense levels of formal and informal social control and fear of appearing different, fear of not belonging to and fear of being rejected by this tightly drawn homogeneous community.

When Hall (1966: 41) commented that 'in New Zealand, urban or rural, few deviate from conformity', he was actually referring to the high standard of care that was expected to be displayed in relation to gardening and home maintenance. However, the exclusionary power of social cohesion had a much broader compass. Throughout the history of New Zealand, the famed qualities of friendliness and openness have been denied to those who were outside its narrow parameters of acceptability. We find some of the earliest examples of this in warnings given to undesirable immigrants—people such as the 'De Smythes', the 'Grumblers, or Dismal Dummies', and the 'Fast Gents'. The first had inadequate financial resources. The second 'are the fastidiously genteel people of feeble intellect . . . who would prefer a crust and thin claret in the drawing-room, to roast beef and a pot of ale in the kitchen'. Then came the 'emigrant grumbler . . . the man or woman who grumbles *always* . . . the sun is too brilliant, the sky too blue, the trees too large, the meat too fat, the house not so large as they lived in when they kept three servants and visited a family who knew a baronet; *and they only wish they were back*' (Hursthouse 1857: 632–3).

New Zealand was never intended to be opened up as a paradise for all-comers: only the specific groups who could be accommodated within its homogeneous domains would be welcomed. In these respects, rather than seeing immigration as a vital source of diversity, as well as of people and capital, most of the time, it seems to have been regarded as, at best, an unwelcome necessity, in need of extensive controls because of its threat to homogeneity and uniformity:

. . . immigration policy discriminated positively in favour of Britons; it discriminated negatively against most other groups. Restrictive legislation began in 1881 and progressively tightened to the late 1920s. From 1897, prospective immigrants other than British and Irish were made to pass a language test, which from 1908 could be manipulated by officials to exclude almost anyone. The system remained largely in tact at least until the 1950s and arguably until 1974. (Belich 2001: 223–4)

In effect, the desire to defend paradise led to a marked intolerance of those who threatened the social cohesion that, although very carefully and deliberately constructed, always seemed fragile and contingent, not just because of New Zealand's remoteness and isolation that inevitably made it so, but also because of the constant threat from those who refused to conform or were thought to be unacceptably different in some way or other. Hence, the ferocious anti-vagrancy and prostitution legislation that was passed in the 1870s; and while New Zealand may have been the first to introduce progressive measures relating to pensions, unemployment benefit and so on, it also policed them more stringently than came to be the case in similar societies (Hill 1995); it was more punitive to conscientious objectors than England and Australia (Belich 2001); it was also later (1985) than the other main English-speaking countries in decriminalizing homosexual acts between consenting male adults. Just as the strong central state was there to bolster stability and security, so it was also there to fervently

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police morals and conduct. Belich (2001: 160), writing of the extensive anti-drink and moral crusade of the late nineteenth and early twentieth centuries, observes that 'hun dreds of statutes served [it]—44 restricting alcohol consumption alone between 188 and 1913'. Similar attitudes extended to film censorship. In 1932, 262 films wen banned or cut. Two years before, New Zealand joined Mussolini's Italy as the only twe countries to ban *All Quiet on the Western Front* (*idem*). By the same token, the willingnes to become involved in community affairs could also mean, as Belich (2001: 169 suggests, that 'people considered it their right and duty to impose their own code or others'—and, in such ways, further strengthen informal social controls and the pressure to conform.

These examples represent periodic outbursts of intolerance. The high rates o imprisonment (which they helped to feed) were a more continuing illustration of the way in which the friendly welcoming society could also be punitive and exclusionary. For low-level crime as well as the more serious, prison became the-taken-for-granted sanc tion. There was little impetus for much of the twentieth century to arrest this, in the absence of any body of critical scholarship or alternatives to it that had been firmly embedded in the penal system. Although New Zealand had pioneered the introduction o probation in the late-nineteenth century, for several decades it remained a largely iner sanction. Probation orders constituted around 6 per cent of all dispositions in New Zealanc magistrates' courts in 1939. In 1938, 31.1 per cent of convicted offenders appearing before English courts of summary jurisdiction were put on probation. The correspond ing figure for the United States was 33.4 per cent (Grunhut 1948). Certainly, the early twentieth century 'new penology' debates reached New Zealand (Pratt 1992). However there was a strong eugenics strain in the local colouring (see Chapple 1901), clearly related to the 'Better Britain' beliefs. This was then influential in the recommendations for indeterminate prison sentences and other forms of confinement for the socially unfit rather than in coherent proposals which would have restricted entry to prison (Department of Justice 1910). Overall, then, prison served as a convenient receptacle for major and minor criminals and some who do not seem to have been criminals at all, such as elderly indigents. Between 1896 and 1901, the percentage of those aged between 50 and 60 in prisons rose from 12.8 to 19.4 per cent, and those over 60 from 5.6 to 7.6 per cent in the same period. As was explained in the *Report of the Inspector of Prisons* (1901: 3), 'it is needless to point out that none of the above mentioned class can in any true sense of the word be termed "criminals" but merely tend to swell the figures and create an erroneous impression as to the criminal situation of the colony'. At the end of the nine-teenth century, drunks and lunatics were similarly placed in prisons in the absence of any alternative facilities for them: '. . . encumbering gaols with such cases is not only inhumane and improper, but is also unjust to the patients themselves, who on account of having lost their reason—probably through no fault of their own—are branded with the prison stamp' (*Report of the Inspector of Prisons* 1902: 1).

By the same token, the very nature of the offences of many prisoners—drunkenness and other forms of petty crime—not only refilled the prisons but also confirmed the incorrigible nature of the criminal population and their estrangement from the rest of society. For example, 'although there were 4713 separate admissions [to prisons] during the year these represent only 2890 distinct persons. Of these 197 had been convicted twice, 1231 three times, 78 four times, and 719 over four times' (*Report of the Under Secretary for Prisons* 1926: 8). Again, in 1930, it was reported that '34% of the total number of

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persons committed to prison were serving terms of less than one month, 58% for terms of less than three months and 73% . . . sentenced to imprisonment were for terms of less than six months. It will thus be seen that the proportion of serious crime is relatively small' (*Report of the Under Secretary for Prisons* 1930: 2). But it will also be seen that the proportion of prisoners with minor criminal records was considerable. In such ways, however, a high level of imprisonment (for very many low-level criminals) became a largely unrecognized feature of a country which did not seem to have a crime problem any more serious than that of similar societies. Prison camps located in outlying areas in the inter-war period (Lingard 1936), as well as the closure of some of its urban prisons, as in Wellington, and rebuilding them in more remote provincial districts, meant that the prison itself and what it represented could be largely forgotten about by a society known for its more paradisical attractions.

Post-1984: 'Paradise Lost', Punishment Reasserted

What I am arguing, then, is that the same set of conditions that made New Zealand such an *inclusionary* society also had the effect of making it a very *exclusionary* one. The homogeneity and social cohesion that had been brought about by a very rigidly controlled immigration policy did indeed lead to demonstrations of friendliness and hospitality to those within its narrow boundaries of acceptability. But it simultaneously led to suspicion and intolerance of those who were outside of this framework. On this basis, the dark side of New Zealand that its high rate of imprisonment represents was not some sort of aberration—not some inexplicable pigment on an otherwise wonderful social texture. On the contrary, the friendliness and the punitiveness were two sides of the same coin—natural products of an excessively homogeneous society striving to maintain its own perfection, and excessively vigilant against the dangers which it thought threatened it.

However, by the early 1980s, New Zealand's economic and social characteristics were no longer sustainable: government debt was bringing the country to bankruptcy, emigration, particularly by young people escaping the stifling controls now regulating so many facets of everyday life, was outstripping immigration.[4] After 1984, a massive social and economic restructuring was engineered by successive Labour and National governments pursuing a neo-liberal reform programme, although with no mandate from their electorates for this. Almost overnight, New Zealand moved from being one of the most regulated to one of the most deregulated Western economies. It has since become a much more heterogeneous and pluralistic society (helped greatly by big increases in Asian immigration in the last ten years). Now, the *Lonely Planet* guide reports that 'the major cities each have their own unique character. There is also a growing cultural life with some great nightlife, live theatre, dancing and arty cafes. Arts and crafts are popular and many New Zealand cities have fine art galleries' (Williams *et al*. 2000: 13).

At the same time, however, the New Zealand state has divested itself of much of its authority and sovereignty (cf. Garland 1996): this in a society where the state had always had an enlarged and accepted role and in a society where there has been a strong tradition of open and populist governments. For many who have lived through these changes, it is as if all the road maps of everyday life which the state had previously

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[4] See *New Zealand Yearbook* (1984: 112).

drawn up and provided for them have been removed. In the new ones that rep them, only vague landmarks have been sketched in, and they have to undertake t own cartography to find their way through life—with no assurances as to its succe: outcome. Of course, these changes have not altogether erased what had come t(New Zealand's defining characteristics of the pre-1980s period. Some, in fact, l been reaffirmed since then: gender equity and the pioneering of restorative justice example, continue the tradition of social justice. But elsewhere, these earlier charact tics and values have to compete with a range of new ones—so we now find that indivic ism competes with collectivism, meritocracy with egalitarianism, choice with uniforr indulgence with frugality. In other respects, claims for wide-ranging ethnic right Maori have cast a long shadow across a country that liked to think that it had harmon race relations. It has led to a further fracturing of homogeneity as Maori now insist o1 authoritative rather than merely decorative presence in New Zealand society, whil the same time, their dramatic overrepresentation in crime and imprisonment stati today has come to represent a largely unspoken but omnipresent menace.

King (2003: 505) wrote that in the aftermath of the restructuring, 'the price plurality in so many sectors of national life might prove to be a permanent degre disjunction and social divergence'. With no more guarantees of security and stab: with the fading away of 'Better Britain' as the structural and cultural supports neces for such representations have been undermined, with the growth of an endemic i curity and anxiety in their absence, what we have seen developing over the last dec is a coalescence of populist forces around crime and punishment issues—a coalescc made up of angry voices that regularly feature on talk-back radio, of single-issue p sure groups campaigning for tough law and order policies such as the Sens Sentencing Trust (SST), of victims turned heroes who have taken the law into t hands to defend themselves or their property, of fringe political parties which 1 have a parliamentary presence due to the move to a mixed member proportic representation system in 1996 and which regularly highlight the supposed crime th and the need to respond to it with more imprisonment. Even though reported cr has been falling, it has been the impact of this coalescence which has been respons for the sharp rise in imprisonment in the last few years. Here, then, we see the symb importance of punishment over and above any instrumental role it serves. The gro in imprisonment in New Zealand over the last decade has happened not as a respc to crime rates which have been in decline but because here, at least, is a way of pro ing cohesion and uniformity, even when these characteristics are unravelling (where. Here, at least, is an area where nearly all agree that difference is intolerable : needs to be removed. In a continuation of the tradition of public involvement in c munity and political affairs, common sense and anecdote outweigh statistical evide about crime and reassert the need for New Zealand to become more punitive to c(bat it. The 92 per cent vote in favour of the following Citizen Initiated Referendum 1999 has been the most dramatic expression of this populism: '. . . should there l reform of our justice system placing greater emphasis on the needs of victims, provid

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[5] These were introduced to the democratic process in 1993 by the National government, perhaps as a reflection of its 1 conscience. To be voted on, a referendum needs t• be presented to parliament with 10 per cent of the signatures of the elect(They are non-binding.

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In their subsequent expressions of support for the referendum (see Pratt and Clark 2005), politicians from all the main parties have been able affirm their own tradition of being responsive to public opinion (although this had been blatantly ignored when restructuring was taking place). Again, the subsequent emergence of the Sensible Sentencing Trust (SST) continues the New Zealand tradition of active citizenship, as well as restating the close links of 'ordinary people' to government. The wave of populist criticism that has thereby been generated in the last few years once more prioritizes the aspirations of ordinary people against elitist experts. For example, in 2000, the Justice Minster warned judges to take note of public sentiment and expectations when sentencing. They risked losing their autonomy and discretion if they did not: '. . . public opinion does not take kindly to being ignored, particularly where there is a suspicion it is being dismissed arrogantly' (*The Press* 26 February 2000: 1).

The referendum became a referent against which the contents of the subsequent Sentencing, Parole and Victims Rights Acts 2002 could be justified as they passed through parliament (Ministry of Justice 2002)—laws which have since contributed to the escalation in the prison population.[6] Furthermore, the Labour Minster of Justice acknowledges that the prison population will increase by another 1,000 in the next few years, while four new prisons are being built at a cost of $NZ800 million. Equally, the Prisoners and Victims Claims Act 2005 has become another expression of the vindictiveness which has always been present on the dark side of paradise, that intolerance of difference, that suspicion of unworthiness and anger at those who profit undeservedly. This law allows crime victims, or their families or other organizations such as the SST campaigning on their behalf to sue ex-prisoners for up to six years on their release for any windfall they might have by then received, such as lotto winnings, earnings from gainful employment or any *court-adjudicated damages.* It was prompted by public consternation and outrage to one such case where six prisoners were awarded relatively modest damages for ill-treatment by the prison authorities (over a period of years in one case).[7] In explaining the legislation, the Justice Minister emphatically rejected the notion that anyone 'pays their debt to society' while in jail:

. . . it costs us $NZ50000 a year to keep someone in prison . . . that is a cost to society, not the repayment of a debt . . . you don't repay your debt to the victim by being in prison. (*The Dominion Post* 8 January 2005: E3)

Clearly, New Zealand's punitiveness has moved to a new level. Going to prison is no longer enough punishment; nor, of course, will punishment cease on release from prison. It is also clear that at a time when prison conditions seem certain to deteriorate because of overcrowding, prisoners' abilities to complain are likely to be undermined by this legislation: what is the point of doing this when there are no prospects of redress? On this point, the Justice Minister has stated that 'prisoners don't have much to do with their time, so the Ombudsman gets lots of complaints, most of which are not upheld' (*idem*). Similar sentiments have been expressed in an extraordinary article in

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[6] These laws, *inter alia*, prescribe longer sentences for some crimes and encourage judges to make more use of maximum penalties, restrict parole for some and give victims more representational rights at parole hearings, etc.

[7] They had been kept in conditions similar to American super-max with no authority for this.

one of the country's leading newspapers. In a gross distortion of the realities of pris
life, it claimed that 'count in the free meals and toiletries, spare time, no responsib
ties, computer and gym access, paid part-time work,[8] student loans, sex, drugs a
gambling, and suddenly jail does not seem so tough' (*The Dominion Post* 9 April 2005: A

In New Zealand, as the social basis for its claims to be a paradise has been und
cut, so the demand for more punishment becomes a way of boosting the weakeni
conscience collective. It is as if the prison has become a symbol of reassurance and sec
ity in a society that has become more insecure and punitive as the vision of t
paradise it was thought to be has clouded over. Of course, friendliness and hospital
tell us a good deal about a particular country, but so, too, does the way it punishes
criminals. As Sir Winston Churchill commented nearly a century ago, 'the mood a
temper of the public in regard to the treatment of crime and criminals is one of t
most unfailing tests of the civilization of any country' (*Hansard*, col. 1354, 20 J
1910). In these respects, prison conditions and prison levels represent somethi
more than the way criminals are punished. They, too, are barometers of a particu
country's cultural traits and values. In New Zealand, they represent the dark side
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Acknowledgements

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[6] There is no work available for probably the great majority of prisoners; some can earn $NZ1 per hour for work in the kitc
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