Joseph Akeroyd: rediscovering a prison reformer

A thesis submitted in fulfilment of the requirements for the degree of Doctor of Philosophy

Ronald J Wilson

M Ed (Educational leadership and Management); B A; B. Ed (Physical Education); Graduate Diploma in Special Education; Diploma of Teaching (Primary)

School of Management

College of Business

RMIT University

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I certify that except where due acknowledgement has been made, the work is that of the author alone; the work has not been submitted previously, in whole or in part, to qualify for any other academic award; the content of the thesis/project is the result of work which has been carried out since the official commencement date of the approved research program; any editorial work, paid or unpaid, carried out by a third party is acknowledged; and, ethics procedures and guidelines have been followed.

Ronald John Wilson

3 May 2015
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Summary

Joseph Akeroyd: rediscovering a prison reformer.

School teacher Joseph Akeroyd was appointed Inspector General of Victoria’s prisons in 1924. He held this role until 1947 becoming the longest serving Inspector General in Victoria’s history. However Akeroyd’s reform and legacies were recognised only in part. Examination of his private papers within the context of popular criminological theories demonstrated that Akeroyd single-mindedly pursued a positivist agenda to reform approaches to prison and prisoner management. Akeroyd’s fought private and public battles in his drive to reform in the areas of education in prisons, classification, sentencing and punishment.

The examination of Akeroyd’s influence in shaping prison and prisoner management reform in Victoria and the processes he used unearthed three broad key discoveries; there was significant reform activity in the Victorian prison system in which Joseph Akeroyd was pivotal in his role as Inspector General at that time; there was robust public debate about differing ways to manage crime and criminality; and there was an emergence of criminological thinking predating trends in USA and UK many years later. These discoveries contradicted previous claims there was little or no prison and prisoner management reform in this period. It is clear Joseph Akeroyd played a central role in laying foundation for long term prison and prisoner management legacies through his education led reform.

This study provides a fresh perspective on the nature and extent of transparent and opaque reform in prison and prisoner management in Victoria in the period 1924 – 1947 under Akeroyd’s education inspired leadership. Through access to his personal documentation, Akeroyd’s role in establishing Victoria’s unique relationship between education and prison management can now be recognised and acknowledged.
Dry Salvages, part 3

It seems as one becomes older,
That the past has another pattern, and ceases to be a mere
Sequence-
Or even development: the latter a partial fallacy
Encouraged by superficial notions of evolution,
Which becomes, in popular mind, a means of disowning the past.
The moments of happiness – not the sense of well-being,
Fruition, fulfillment, security or affection,
Or a very good dinner, but sudden illumination –
We had the experience but missed the meaning,
And approach to the meaning restores the experience
In a different form, beyond any meaning
We can assign to happiness. I have said before
That the past experience revived in the meaning
Is not the experience of one life only
But of many generations – not forgetting
Something that is probably quite ineffable…

T. S. Eliot, Dry Salvages, part 3 (Eliot, 2001, p26)
From the very first time I stepped into HM Prison Pentridge in autumn 1977, I knew that I was stepping into a world which I could best described as a parallel universe sited within an easy reach of the central business district of Melbourne.

For many years I, like thousands of other Melbourne residents, had travelled past the imposing bluestone wall which encased the entire prison complex. At each corner that we could see stood a rounded turret rising above the wall and within each turret stood or paced and an armed officer, his rifle slung over his shoulder and his gaze inward. Just visible from the road above along the wall was a hint of rolls of barbed wire. On sunny days the blue grey walls absorbed the sunlight casting shadows across the ground, on wintry days the walls added to the overall bleakness, at night the walls were silhouetted by the strange orange light emanating from within the compound.

When I was much younger we used to drive by Pentridge on the way to visit family. I was always told, “That’s where they put bad people.” There was no elaboration – just a statement of uncontested fact – bad people were kept behind these walls.

The walls, hewn from bluestone mined from a nearby quarry (now a lake) and masterfully put together by convict labour, met at the front entrance providing the support to the castle like turrets and yawning mouth of the famous (or is it infamous) Pentridge Front Gate. Sited in the towers was the famous Pentridge clock tower with a face of a clock facing each of the four key directions – each telling a different time.

Sometimes as we drove past the front entrance during day light hours, a few men in overalls would be out the front tending to the neatly manicured lawns and shrubs. A uniformed officer would be
stationed nearby. These men would not acknowledge any one, their heads down and focused on the
garden beds and the paths. Everything was neat and tidy.

As a youngster, I often wondered what went on behind those walls. In autumn 1977 I was given my
first opportunity to find out. This journey took me through the main entrance to witness the world
inside the walls. This was the start of my connection with Victoria’s prison system – a connection
which lasts through to this very day.

On that first day I presented at the front gate as a teacher on placement to the Pentridge Education
Centre, a special school registered with the Education Department of Victoria. After three years
teaching in primary school settings, I undertook post graduate studies in special education and this
was one of the placements I experienced in that year. My interest in Special Education was piqued
through the recognition there are many children in schools who were not coping with the
expectations of the curriculum of the time and needed some compensatory support either in the
classroom or in supportive environments.

As I approached the front gate on that day, I vividly recall an older gent standing outside on the
pavement next to Champ Street, a small street which served as the roadway connection between
Murray Road and the very busy Sydney Road, Coburg. This gent wore a broad brimmed hat
reminiscent of the 1950s, an ill-fitting heavy brown woollen suit with broad shoulder pads inserted.
Under his left arm he was cradling a cardboard box, tied up with string, to his hip. He was just
standing there- motionless, waiting.

Inside the front gate, I went through the routine that I was to become accustomed to for many years.
My name was checked against a list of visitors, my ID was checked to assure I was that person named
on the gate list, my bag and books checked to ensure I was not bringing any contraband into the
prison. When the prison officers were satisfied that I was the person on the list and that I would not contribute a security risk, a phone call was made to the education centre and an escort called for. The experience of this morning laid the foundation of the regular experiences of working in a prison – the experiences of being checked out at every post, the experience of being viewed as a potential security risk, and above all the experience of having to wait. Everyone waits in a prison.

I was escorted through a labyrinth of alley ways and checking points known as posts all the way to the education centre before meeting the school principal, receiving a brief induction and then being escorted again to another part of the prison where I was to be based for this four week placement experience.

This escort took me back through the main gate and then travelled to another entrance in the prison via a small gate embedded in the wall. Before exiting the front gate, the officer on the front door opened the peep hole and mentioned to someone behind me. “He’s still there. He can’t get across the road. He’ll be back here in no time.” “Typical” was the response from behind me. Sure enough, after almost two hours of my travelling, meeting and waiting inside the prison, the man standing out front hadn’t moved, still clutching his cardboard box to his hip.

This image is burned into my memory and, upon reflection, became the significant symbolic representation of travel between the parallel universes of prisons and community and prisons within community – me entering a prison in a professional capacity as a teacher for the first time and this man leaving the prison, obviously returning to the community after completion of his sentence.

My awakening on this day did not cease here. My first placement was within G Division, the area where prisoners diagnosed with psychiatric illnesses were housed. These prisoners were diagnosed as psychiatrically ill in connection with the conduct of their crime or they became ill throughout the
period of their sentence. The classroom in G Division was something akin to a *One Flew Over the Cuckoo’s Nest* experience. There was one person standing at a window inside the room looking over a small courtyard sited at the back of the building. There was another person in an obviously agitated state on the other side of the window yelling at the guy inside. The prisoner inside was peeling pages from a small bible, holding the torn pages up to the view of the fellow in the courtyard then scrunching the sheet, letting it fall to the floor. After each one the prisoner outside became more and more agitated. “Don’t worry” came from a voice behind the desk, “he (the fellow outside) thinks he is St Peter. He won’t come in.” I turned to the person speaking, and assuming he was the teacher to which I was being partnered with, introduced myself. “I am not the teacher”, replied this quietly spoken and clearly articulate person. “The teacher is over there” pointing to a third person with his head buried in a book in the corner of the room.

Whilst I could not articulate this at that time, these experiences provided the contextual challenge to understand the feeling that I was now in another world and invoked in me the need to seek an understanding of what my role as a teacher was to be within this most unusual environment. More critically I wanted to make sense of these experiences and seek to understand what my role (i.e. the role of a teacher) would be within the context of education in a then contemporary prison environment. In particular the seeds of enquiry were embedded within me to seek to understand the situation the recently released prisoner at the front gate found himself having to face after a seemingly long incarceration and what systems are in place to support those prisoners in G division when they take their steps through the gate to face the world outside prison walls.

The quest to address these questions led me to observe many tortuous threads of argument and positioning held by observers, researchers, practitioners and theorists trying to address the critical challenges of making sense of the reasons any particular person is in prison at that point in time. The questions led to the challenges of understanding the role of the prison and how the prison is dealing
with those in custody with the full knowledge that most, if not all prisoners, will take the same journey through the gate to return to their community. More so, the questions directly challenged me to understand my role as an educator within the prison and the prison system.

In my early days of teaching in the prison system, I felt education was seen as an outsider and just tolerated by some prison management regimes. Others saw it as a critical component of maintaining “good order, security and management” by keeping prisoners occupied, it was viewed by prisoners as the one link to keep in touch with the outside world and as holding one of the important keys for starting afresh. It was seen by education services and allied health services as an important means of supporting the rehabilitative role that many people in the community appeared to expect as a function of prisons. My feeling at the time was that the relationship between education providers and prison management was always tenuous. As long as the provision of education programs fitted in with the prison management regime and did not create a disturbance to the good order, security and management of the prison, it (i.e. education) was tolerated. However, in Victoria, the role of education was considered unique. In Victoria, the provision of education services was the responsibility of the relevant state education authority. In other states in Australia, the provision of education services was managed through the respective corrective services agencies.

Also in Victoria, the 1986 Corrections Act specified prisoner’s rights. S 47 (o) specified that the prisoner had “the right to take part in educational programs in the prison”. This right is not enshrined in any other state of Australia.

1 Corrections Act 1986 section 21 (1) determined that the Governor of the prison is responsible for the management, good order and security of the prison and the safe custody and welfare of the prisoners

2 ibid
For me the questions arose: how did education in Victorian prisons hold such a unique position that it was regarded so strongly to be considered a right for prisoners to access? How did prison education centres operate under the auspice of the Victorian Education Department as registered schools of that department? What were the antecedents leading this unique relationship between education and prison management in Victoria?
Chapter 1 Thesis introduction

Since the inception of prisons in the time of the industrial revolution there have been differing policy approaches dealing with prisoners in western society. These differing approaches have oscillated between punitive and humane practices in managing those imprisoned. Within these practices the role and function of education of prisoners has been of constant focus Semmens (1993, 1999) and Gehring (1993) separately reported on particular developments in the relationship between approaches in planning and delivering prisoner education and prison management across the broader western society. Whilst both referred to various changes in the approaches to prison management practices and the underpinning policy strategies in various western countries, there was a focus on some significant developments that occurred in Australia. The developments related more specifically to the shift from punitive practice to a more humane practice in dealing with prisoners. Semmens noted that the shift signified the emergence of social policy that he in particular, and Eggleston (1998) focused on as pivotal times of change in Australian prison reform. These researchers recognised a significant period of reform in the approach to prisoner management in Australia during the 1840s that also heralded major changes around the western world. It was the time Alexander Maconochie managed the prison operations at Norfolk Island.

Maconochie implemented revolutionary reforms at Norfolk Island in the areas of “classification of prisoners, education, indeterminate sentences, improved accommodation arrangements…” (Semmens, 1993, p. 2). Hughes (1986), Gehring (1993), Semmens (1993), and O'Toole (2006) reported that Maconochie addressed the matter of punishment within the prison setting in order to remove the “destructive effects of the earlier regime of brutality that had been internalized by the prison guards as well as prisoners” (Semmens, 1993, p. 2).

Semmens, Gehring and O'Toole also found examples of reform broadly similar to and possibly inspired by Maconochie’s approach in the USA and Europe. Semmens (1993) called this the time of
social policy reform. However both Semmens and Gehring warned that the social policy reform approach to prisoner management had a limited life span and reverted swiftly to a more retributive and punitive approach by the late 1840s.

In the period between the 1840s and the 1950s there was evidence of isolated areas of prison management and prisoner management reform in Australia and overseas. Gehring and Wright (2003) recorded the consolidation of prison education approaches and practice in some prisons in the USA in the 1930s through the work of MacCormick. O’Toole (2006) noted there were some areas of reform in prisoner management practice in New South Wales with McLean formalizing prison administration processes in 1865 and Neitenstein exploring alternate ways to manage minority groups in prison settings in the early 1900s. However Semmens said that the retributive approach in Victoria’s prisons lasted until the 1950s when Inspector General Alex Whatmore oversaw a more humanitarian and rehabilitative approach to prison and prisoner management (Semmens, 1993). It appeared that this post-world war 2 period witnessed the next wave of significant social policy led reform in prisoner management practice in Australia, and particularly in Victoria, since the Maconochie reform period. Semmens recognised Whatmore for introducing “education, prison industries and recreation activities such as art and craft, sport etc.” into the prison operations (1993, p. 4). Not only was Whatmore recognised for prison operations reforms, but Freiberg and Ross (1999) also acknowledged his efforts in advocating the abolition of Victoria’s controversial indeterminate sentence which had been in place since 1907.

Whilst Whatmore’s period of reform was landmarked by Semmens as significant with the formalisation of education programs for prisoners in Victorian prisons, Lynn and Armstrong regarded the period leading up to Whatmore’s appointment as one of “reformation through education” (1996, p27). O’Toole (2006) reiterated Lynn and Armstrong’s view but neither Semmens
nor Gehring identified this period with the significance attributed to the impact of either Maconochie’s or Whatmore’s influences.

The Maconochie and Whatmore reform periods have been widely documented and recognised, however access to the previously unavailable papers and personal diaries of Joseph Akeroyd afforded an opportunity to investigate policy and strategy reform preceding Whatmore’s appointment. This is the time of Joseph Akeroyd’s appointment as Inspector General of Victoria’s prisons. Access to Akeroyd’s papers provided further insights into the challenges facing reform in many areas of prison and prisoner management but particularly around the areas of education, sentencing, classification and punishment for which both the Maconochie and Whatmore eras were well recognised (Semmens, 1993).

1.1 The Akeroyd era

Joseph Akeroyd was appointed Inspector General of Penal Establishments in January 1924 and held the position until 1947 making him the longest-serving Inspector General in Victorian history. The period of Akeroyd’s appointment was sandwiched between extraordinary historical events at a time the western world was reeling from the impacts – and respective aftermath - of two world wars, a major economic depression and was heading into the Cold War period. Within the context of such significant global economic upheavals, Gehring (1993) found that, apart from MacCormick in the USA, very little if any reform in prisoner education was occurring across the western world.

Not only was his longevity in this role remarkable, his appointment directly from the teaching service was also unique. Akeroyd was the first Victorian Inspector General to be appointed directly to this
role from outside the military, judiciary or prison management background. This unique period is marked by Akeroyd’s adoption and application of what he regarded as the principles of teaching (Akeroyd, 1915 – 1941) that underpinned his approach to reform prison management.

As stated earlier, Lynn and Armstrong (1996) identified the period of 1924 – 1947 in Victoria’s prison history as “The Akeroyd Era: Reformation through Education” reflecting on his influence over policy and practice:

Akeroyd saw the prison system through the eyes of a school teacher, and the accent during his long career was on education and training for prisoners under his administration. He did not display the judgmental attitude of many of his predecessors and was calmly philosophical about crime and punishment. If prisoners could be reformed, it would be achieved through reformatory treatment of which education is the cornerstone (1996, p. 127).

Although the statement recognised that Akeroyd brought a different perspective from his immediate predecessors into his approach to prison and prisoner management, Lynn and Armstrong were not able to fully investigate the extent of the challenge faced in implementing his reforms. Only after the closure of Pentridge Prison were Akeroyd’s private papers and diaries recovered and these papers provided access to Akeroyd’s recorded thoughts and actions on reforming prison and prisoner management policy and practice through the lens of an educationalist. The examination of Akeroyd's papers and official records from the period provided insights into many challenges that Akeroyd and his contemporaries faced bringing about major policy and practice changes during an economically difficult and socially complex time. Not only do these papers provide evidence of the political, policy and strategy challenges of reform at the time, they also provided evidence to consider the legacies of the Akeroyd period.

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3 Whilst Akeroyd was appointed directly from his prior role of Inspector of Schools, it is acknowledged that Akeroyd did have prior military experience having served in the Australian Infantry Forces in the Great War.
1.2 Joseph Akeroyd the educationalist

Joseph Akeroyd (born in 1882 and died in 1963) brought experiences from various fields of work into his prison management role. Whilst there is limited evidence relating to his earlier life, records from the Department of Education archives and his own personal papers and diaries documented elements of his professional life immediately prior to his prison appointment. Such records reveal insights into Akeroyd’s driving motivations as an educationalist.

Prior to his appointment as Inspector General, Joseph Akeroyd led a distinguished career as a teacher and then inspector of schools in the Department of Education in Victoria. Akeroyd’s private papers (VPRS 6604), and the Department of Education historical records (Blake, 1973) showed that Akeroyd studied education at the Melbourne Teachers’ College before undertaking teaching duties in Melbourne’s northern suburbs. At the age of 33, Akeroyd enlisted in the Australian Infantry Forces and earned the rank of captain prior to being deployed for overseas service. When Akeroyd returned to Australia in 1917 he resumed his career as a teacher. During his career he was promoted to the position of Inspector of Schools in East Gippsland and Bendigo. In 1919, the electoral rolls recorded Joseph Akeroyd and his wife, Ethel, as residents of Bendigo until 1924 when they moved to suburban Pascoe Vale. The move coincided with him commencing his duties as Inspector General of Prisons in Victoria.

Within education circles Akeroyd was recognised for his work marshalling teachers in the Bendigo region during a major influenza breakout. His letters of commendation are recorded in his private papers (VPRS 6604). In his diary Akeroyd noted that teachers were keen to volunteer their skills to help citizens throughout the region during debilitating events. He had written to the Chief Secretary extolling the attributes of the staff who expressed a willingness to volunteer their services over and above their professional duties. Akeroyd called a meeting of all interested and proceeded to organise the teachers accordingly: “The happenings of the past week have brought very vividly to light the
sterling qualities of our teachers and I think it truly fitting I should bring them under your notice” (VPRS 6604, 15 February, 1919). He outlined how the “ladies” offered their first aid and cooking skills as well as worked as ward maids alongside the Red Cross, whilst the male sloyd⁴ teachers made screens, lockers and bed rests or worked as ambulance drivers and stretcher bearers or distributed information around the region. Akeroyd wrote: “I would request that the above (report) be shown to the Director as it forms one of the finest examples of citizen service I have known” (VPRS 6604, 15 February, 1919). Whilst Akeroyd was strong in his praise for the volunteering teachers, he was scathing in his remarks about others who refused to contribute to the relief effort. Akeroyd wrote in his diary, and also in a letter to the Chief Secretary, that those teachers who did not volunteer “were branded as shirkers by their comrades during the war” (VPRS 6604, 15 February, 1919). These early recordings of his thoughts provided insight into Akeroyd’s capacity for workforce management as well as his high expectations for professional behaviour in how staff members performed their roles.

Akeroyd demonstrated remarkable empathy towards disadvantaged students facing challenges. His commitment to engage such students provided an important insight into a similar approach he later adapted to engaging prison inmates. Prior to his army interlude, Akeroyd’s diary recorded his concern about the effectiveness of school curriculum and its application to marginalised groups within the community. In June 1915, Akeroyd wrote a report on the effectiveness of schools in the East Gippsland region, particularly in relation to schooling Aboriginal children at Lake Tyers. Akeroyd advocated that traditional curriculum failed to address the needs of the young Indigenous students. Accordingly, he argued that the students remained disengaged from the school process. His diary noted that Akeroyd advocated strongly to the Chief Secretary via the Director of Education to

⁴ “Sloyd work is used in the schools in a disciplinary way as an integral part of general education; the children, generally boys, are employed for a certain number of hours a week in making articles of common household use. It is maintained that work of this kind is especially invaluable in supplementing the ordinary school education of the three R’s. It fulfils the injunction “to put the whole boy to school;” it develops faculties which would otherwise lie dormant, while at the same time it trains the eye and does away with clumsy fingers”. http://ebooks.adelaide.edu.au/m/muskett/philip/art/Section8.html (Last updated on Mon Dec 27 09:40:53 2004)
implement trade / work training programs at the earliest possible age for indigenous students. He also made reference to the importance of considering training-related programs for students not regularly attending school. Akeroyd wrote of the difficulty some students faced travelling long distances from remote properties to attend school amid a strong demand for children to work on the family farm. Akeroyd weighed legal pressure to compel student attendance but realised no effective apparatus existed at the time. He also recognised the pragmatic requirements of farming families that needed all available people to work on their small country properties. Again Akeroyd recommended the importance of supporting requisite skill requirements of rural families by connecting the students with an appropriate training curriculum rather than the prescribed academic curriculum (VPRS 6604, 5 June, 1915).

His diary entries indicated that Akeroyd had a strong civic-minded focus that appeared to motivate him both in his role as a teacher and later inspector of schools. His civic responsibility was evident in his capacity for workforce management and his commitment to keeping young disengaged people connected to education. The diary entries also demonstrated his empathetic understanding that multiple strategies were paramount to keeping young people engaged in education. He especially referred to the application of trade training skills for students disengaged from the academic curriculum. While his diaries remained silent from the immediate period leading to his application to the position as Inspector General through to his appointment and subsequent official transfer on 21 November, 1923 (Chief Secretary’s Correspondence, 1923, PROV, VPRS 8291), it appeared his education-based values provided the basis for his planning once he assumed the role the following year. Akeroyd’s educational principles and values to implement significant change in prison deployment and prisoner management is evident in both his diaries and the public debates recorded in the daily press. His alignment of the principles of teaching with the principles of penology provided a powerful insight into his approach to the challenges of prison and prisoner management before him (VPRS 6604, 28 January, 1928).
Along with his other diary entries, Akeroyd valued the role education played in providing people with the skills to become effective contributors to society. While no evidence exists linking Akeroyd’s thoughts and approaches to any particular influential educationalist philosophy, his papers and practices demonstrate strong belief in the links between education and psychology. There may be some people who found alignment between Akeroyd’s approaches to education policy and practice to the then pre-eminent influential American educationalist, John Dewey. It may be possible that in linking psychology and educational practice that Akeroyd had been influenced by Dewey’s approach to connecting learning experiences with student development, however no direct evidence exists proving that Akeroyd recognised any such link. Regardless, to Akeroyd “the method of the psychologist” (Justice of the Peace, 1932) remained extremely important to him and the link between education and psychology played a major role in the approaches he brought to prisoner education and prisoner management practice.

1.3 Akeroyd the Inspector General

Whatever philosophical principles underpinned his thinking, the essential fact is that Akeroyd, a school teacher and inspector of schools, became Inspector General of Victoria’s Penal system on 24 January, 1924. His role was subsequently expanded on 23 October, 1932 to become Inspector General of Victoria’s Penal Establishments and Reformatory Schools.

It appeared that Akeroyd applied for the position of Inspector General and his application was considered and subsequently approved by cabinet on October 12, 1923 (PROV, Chief Secretary’s Correspondence 1923, VPRS 8291, P000). It remains unclear whether Akeroyd was asked to apply for the position or he applied on his own volition. It is worth noting that his success was recognised by the then Director of Education, Mr. Tate who expressed pleasure at Akeroyd’s appointment and wrote a “large number of officers trained in the Education Department had been appointed to
responsible positions, and though… their transfer somewhat weakened the education department, it
gave a great fillip to the ambitions of younger officers.” Mr. Tate went on to explain that such
appointments resulted from a defined strategy “of giving ambitious young officers facilities for
obtaining higher qualifications…[and]…this policy was producing results which were beneficial to
the public service generally” (The Argus, 30 November, 1923, p. 11). Mr. Tate’s statement points to
an apparent strategy to encourage officers from the Education Department to work in senior
positions within the public service and that it may be inferred that Akeroyd was one beneficiary of
such a strategy.

Whether the strategy extended beyond Akeroyd’s period is unclear but is of interest to note that the
two next Inspectors General (Alex Whatmore and Eric Shade) were also educationalists. Whilst the
three men shared an educationalist background in common, it cannot be assumed that they operated
under similar principles. One notable difference between Akeroyd and his immediate successor
Whatmore is evident in their recorded approaches to the corporal punishment of prisoners,
particularly in regard to the role of flogging or whipping offenders. In the context of public debate
about the role of corporal punishment of offenders in South Australia, Western Australia and Victoria
in March 1950, The West Australian newspaper reported the difference between Akeroyd’s pro-
corporal punishment position and Whatmore’s anti-flogging position. Whilst Whatmore was “an
ardent anti flogger…Akeroyd advocates the lash for those who deserve it” (The West Australian, 17
March, 1950, p. 2). It is Akeroyd’s stance on using flogging as a form of punishment that he was
remembered5 and arguably underpinned Semmens and Gehring’s view that the period leading up to
Whatmore’s time was considered punitive.

5 It is also noted that even today, senior Department of Justice (Correction Services) officials reflect on Akeroyd’s contribution in
relation to his advocacy for corporal punishment.
1.4 Research focus

This research examines the development and implementation of policy and practices of prison and prisoner management in Victoria under the leadership of Joseph Akeroyd. Earlier in this chapter it was affirmed that Akeroyd became the first educationalist appointed to the position of Inspector General of Victoria’s prisons following his appointment in January 1924. Upon his retirement in 1947, Akeroyd became the longest serving Inspector General of Victoria’s prisons and this record stands to this very day.

Akeroyd’s appointment marked the commencement of a relationship between prison management and education which was and is unique in Victoria compared to other states of Australia and to other countries in the Western world. Despite the recognition of Akeroyd’s educational background, the longevity of his tenure and some reflections on his approach to corporal punishment there has been surprisingly little examination of the extent and nature of prison and prisoner management reform occurring throughout Akeroyd’s tenure and to what extent, if any, that legacies of Akeroyd’s reforms influenced those reforms in the Whatmore and Shade periods. Accordingly, this study provides a fresh perspective on the nature and extent of reform in prison and prisoner management in Victoria in the period 1924 – 1947 under Akeroyd’s education inspired leadership. Through access to his personal documentation, Akeroyd’s role in establishing Victoria’s unique relationship between education and prison management can now be recognised and acknowledged.

This research explores and analyses approaches to prison and prisoner management reform in Victoria throughout the Akeroyd period and focuses on Akeroyd’s capacity to influence, initiate, implement and embed reform. In order to explore the nature of prison and prisoner management reform in this period, this research examines Akeroyd’s papers along with other documented sources of those times to map Akeroyd’s and his contemporaries’ ideas. The research then analyses these ideas within the frameworks provided by commonly held criminological theories. This approach
enables an exploration of the underpinning assumptions of understanding crime and criminality policy and practice which underpin Akeroyd’s and others’ approaches to reform.

1.5 Thesis map
To support this historical analysis, the research explores the recorded experiences of Akeroyd and others at the time and applies the nature of various perspectives provided by widely recognised criminological theories and practice to assist an understanding of the rationale and assumptions underpinning alternate viewpoints at the time. This approach helps to examine challenges Akeroyd faced in leading decision making within prison operations or responding to alternate positions held by influential people and justice-related agencies between the years 1924 – 1947. To assist a more contemporary contextualisation of these historical policy and practice developments the researcher introduces some personal stories from his experience as a prison educator at the commencement of each chapter. These vignettes, embedded within page borders, supports researcher reflections on the relevance of Akeroyd’s experiences for the contemporary practitioner.

In order to set the scene for investigating Akeroyd’s experiences Chapter Two examines the history of prison and prisoner management practices since the inception of prisons through to Akeroyd’s appointment. The historical mapping reflects policy and practice developments in prison and prisoner management across the western world before drawing its focus on developments in Australia and particularly in Victoria. Whilst this research reflects on historical practice the capacity to identify and articulate social policy in terms of conflicting theoretical positions is equally important and relevant today.

Chapter Two also identifies commonly-regarded criminological and sociological theories which will be used to support the examination and analysis of differing approaches and practices to prisons and prisoner management held by Akeroyd and others. In order to assist the analysis, focus is given to
the four key dimensions of prison and prisoner management reform as outlined earlier in this chapter, namely in the areas of education, punishment, sentencing and classification.

Chapter Three describes the method utilised to explore the data accessed for this study and then describes the methods used to map the experience of Akeroyd and others against the various theoretical positions at distinct times or phases during his period of appointment. The chapter also explains the development of an analysis tool designed to assist in capturing the voices and actions of Akeroyd as well as the judiciary, prison staff, academics, educators and others before mapping them against the various theoretical positions. The chapter concludes by outlining the approach to writing the reflective chapter using the personal stories along with Akeroyd’s and others’ experiences.

By exploring Akeroyd’s self-recorded experiences, his observations and comments by others at the time, Chapter Four records evidence of Akeroyd’s intentions and actions in attempting to transform prison and prisoner management policy and practices. It also includes a description of the challenges Akeroyd navigated in the transition from a punitive to a more therapeutic approach during the period of 1924 – 1947. The chapter is organised into three phases: Akeroyd’s early years; his middle years; and later years. Each phase, as discussed in the method section, aligns primarily to the changes in the ways that Akeroyd recorded his experiences but also reflect the strategies he adopted to address the challenges he faced.

Chapter Five explores Akeroyd’s reforms within each of key dimensions identified in Chapter Two before. The chapter universalises Akeroyd’s experiences and examines the ways he both succeeded and failed to influence changes in thinking, policy and practice. The chapter also analyses the nature and extent of Akeroyd’s achievements in terms of transparent reform and his failures (against his intentions) in terms of alternate theoretical perspectives.
Chapter Six extends the overall analysis of Akeroyd’s reforms in terms of commonly held criminological theories to draw insights into reform in prison settings. This chapter draws on the perspectives of Stan Cohen, Michel Foucault and Jock Young in particular to provide alternate or critical criminological perspectives to analyse Akeroyd’s reforms and then applies Gehring’s paradigm change model to analyse the effectiveness of embedding these reforms. Finally, Chapter Seven concludes this thesis by reflecting on the researcher’s experiences exploring prison reform and examines the meaning of these experiences as prison education practitioner for sharing with other practitioners. Overall, this thesis provides the first detailed examination of a significant period in Victorian prisons history.
The first four years of my experience teaching in the prison system were very challenging. The challenges did not come from the prisoner students per se, nor did they necessarily come from the prison management side of equation. These challenges were purely personal and kept gravitating around clarifying an understanding of my role as a prison educator.

My colleagues of the time (around 1977 – 78) also struggled to come to a common understanding of focus of the role of a prison educator within a security conscious environment. The Education Magazine (1978) reported on teachers’ perceptions of their roles often in what was perceived to be, at that time, an antagonistic (if not outright hostile) environment. “Education is not highly regarded…if you are not even reading, writing or even doing arithmetic, then you are not doing anything” (p. 7). Another stated that, from the traditional administrative viewpoint, “…education should be strict and not enjoyable. Prison officers, on the whole see their role as purely custodial and would regard …helping him (a prisoner) as signs of weakness…” (p. 7). Others however reported tremendous officer – teacher relationships and cited examples where teachers sat on a range of prison operation committees to provide advice and insights into prisoners’ behaviours or attributes to assist decisions of classification and or welfare planning. However when asked about what prison education can achieve, the teacher responses varied from person to person and location to location. “Perhaps we help to prevent reinforcement of criminal values. It would be pretentious to suggest prison schools are decriminalizing men but maybe we are sending out people a little more in touch with the community, a little less hostile…Prisoners are very isolated; take little interest in the outside community; lose sympathy and sensitivity. Even short term people are often recidivists and prison becomes a way of life… We must never preach” (p. 8). In the same magazine, David Biles, a prison teacher and later renowned criminologist, reflected on his days teaching in the prison system. He particularly focused on the challenge of working as a teacher in an environment where punishment appeared dominant. Of great interest was a story that Biles related where a prisoner stole some glue
from a class he was conducting. By regulation and statute, Biles was compelled to report this theft to the prison governor, but he chose to manage to retrieve the glue by eliciting the support of willing prison officers and dealing with the prisoner face to face, ultimately engaging this prisoner to undertake more and more education programs (p. 15). Whilst this article considered the effectiveness of a non-punitive approach to issue resolution it also identified the risk and challenge of a teacher utilizing traditional teaching or educative approaches within a prison setting.

It was reassuring to me at the time that I read these stories about my colleagues teaching in Victorian prisons. These stories served to illustrate the challenges faced by teachers within a prison setting, particularly the challenges of understanding and playing a role when, in so many instances there is great inconsistency in the understanding of the role and of the function of the prison environment. Many teachers saw their roles to humanize an environment whilst prison officers often saw their role to isolate individuals with a humane containment environment. Some saw their role to maintain the emphasis on punishment of offenders whilst they were in prison.

In January 1989, prison education in Victoria underwent a major reform when the responsibility for managing the provision of education and training services moved from Schools Division or the Victorian Education Department to the state’s Technical and Further Education (TAFE) sector. This is the most significant piece of prison education reform since Schools Division assumed the responsibility for provision of education services in Victoria in 1954.

This period of reform brought forward significant challenges to those involved in prison education to justify and validate the reason for their existence and the rationale of how the programs offered supported prisoners and prison management. The key change was to directly align prison education programs with improving employment outcomes for prisoners. The experiences of working in a context of significant change challenged coworkers, administrators, new host organisations, prison
management and prisoners alike. The continuous discussion centred on the rationalisation of the role of prison education.

My various experiences highlighted that not all of the key players were necessarily of the same perspective. In August 1987, I was requested to provide support for a person recently imprisoned following a highly publicized crime. The key directions provided to me were to ensure this prisoner was engaged in some form of activity to reduce any risk to harm himself. It was seen to be critical to allow criminologists, psychiatrists and similar professionals to interview this person who committed the crime. Accordingly this prisoner was enrolled in a range of courses and activities with the intent to engage him in study and allow him to fill in the time he was spending in the prison hospital. These courses included units in a higher education course as well as hobby leisure programs. The higher education course included elements of study in a unit titled strategic studies. The Department of Corrective Services (as it was called at that time) was very pleased with the response to quickly engage this prisoner in studies and the variety of studies to assist maintain his interest levels. Hence, the role of prison education in this instance provided a critical service in terms of supporting prison management, and the greater corrections related services to maintain prisoner involvement in activity whilst in custody.

However, several years after this time, prison education came under significant criticism for what was thought to be inconsiderate provision of studies for this prisoner. This criticism came from within the Office of Corrections bureaucracy and also from the popular press. It was argued that this prisoner should not have been enrolled in a unit of strategic studies because of the claimed links between this student’s life in the defence forces and the possible links between this background and his crime. These claims resulted in an investigation as to why this student was enrolled in these studies. For me, this was a significant indication of a change in the Corrective Service’s consideration of planning programs from the focus on supporting good order, management and security of prison
management to a more treatment focused approach intended to address perceived criminogenic factors within prisoners.

The consideration of prisoner programs being implemented to directly address specific criminogenic behaviours became formally entrenched in the early 2000s in Victoria upon the advice of the Bearing Point Review which became a critical driver for advising program delivery policy and the resultant allocation of resources for prisoner education.

I was intrigued by the seeming double messages being continually implemented through the education and prison management authorities. In simple terms, there were the utilitarian actions of needing to maintain the practice of good order, management and security (the overarching focus of the Corrections Act 1986) whilst striving to marshal resources to address the offending behaviours of prisoners through the basic psychological / criminological models underpinning the Bearing Point Review (2003). These two perspectives (somewhat simplified in my mind as a practitioner at the time) conflicted in that one was an unspoken assumed driver yet the other was the public rationale for what needed to be done. I felt that once practice and rhetoric became disassociated then, there was fertile ground for “an anything goes” practice to be implemented, as long as the underpinning principles became diffused.
Chapter 2 Prison reform – from the beginning

The advent of the prison is a comparatively modern phenomenon following the first prisons emerging from American and British workhouses in the late 1700s. Since then, ongoing community, political and academic debate regarding the function of prisons has largely focused on the effectiveness of prison and prisoner management practices (Gehring and Eggleston, 2007; Ignatieff 1981, 1983; and Lynn and Armstrong, 1996). Many debates centred on two major themes which have long since provided context for prison reform and prisoner management practices since inception to contemporary times. The first relates to varying perceptions about the nature of crime and criminality at specific times in history while the second examines methods for managing convicted criminals (Young, 1981). The two themes remain central to western society’s criminal justice systems whether applied to criminal justice system policy and practices, prison architecture, approaches to prison management, or changing individual offenders’ orientation from criminal behaviours. The nature and application of reform within broader criminal justice systems remains complex, particularly when focusing on developing and deploying policy and practice within prison settings.

This chapter examines reform in prison settings across the English speaking world before focusing on historically-recorded reform in Australia, particularly in Victoria leading up to and post-Akeroyd’s leadership. Following the historical mapping, this chapter examines the nature and application of reform within prison and prisoner management policy and practices.

2.1 Reform and penology

Examining prison reform literature has identified a relationship between prison development and notions of reform. Establishing the first prisons during the 1770s was itself considered an act of reform in its own right in furthering Quaker ideals for self-reflection and penitence for lawbreakers (Ignatieff, 1981). Jeremy Bentham and John Howard are credited for leading the first prison establishment movement (Ignatieff, 1981). However, as stated earlier, “reform” is often applied as a
broad term seeking to address multifaceted changes within the prison system, including prison management, prisoner management and the individual prisoner.

The Victorian *Corrections Act 1986* (as amended) defines prison management as providing good order, security and prison management. According to the Oxford Dictionary prison management and prisoner management are the key components of penology with the former covering a broad spectrum of prison activities designed to either incorporate prisoner treatment either as a form of rehabilitation or punishment. The role and function of prison and notions of reform embedded in literature will be examined against the backdrop of prison evolution in the western world before narrowing the focus on Australia and more specifically, Victoria.

2.1.1 The relationship between prison and prisoner management reform

Since the first prisons emerged from workhouses during the early eighteenth century, Jeremy Bentham and John Howard’s long lasting influence on contemporary prison building structure and prison management practices are still evident around the world today. British economist and philosopher Bentham was lauded for developing an architectural model informing the physical layout of prisons while as Sheriff of Bedford, Howard was responsible for shaping prison and prisoner management practices in the formative stages. Bentham designed prison buildings incorporating the panopticon structure which allows prison officers to continually observe prisoners in cells from a central location (Lynn and Armstrong, 1996). Howard, on the other hand, established himself as an early authority on managing prisoners’ “salvation” through self-reflection in isolation (Ignatieff, 1983). Both Bentham’s and Howard’s models were later adopted around the world amid ongoing increasing in incarceration rates and the subsequent transport of prisoners to Australia and America. Their models further evolved in America into the penitentiary model which itself was later replicated in the UK and Australia in the early 1800s (Lynn and Armstrong, 1996) alongside prisoner management reform by Quaker-influenced Auburn. He implemented the “silent system” which
imposed a regime of silence on prisoners who risked attracting harsh penalties for breaching the silence (Lynn and Armstrong, 1996). Whilst Bentham and Howard were widely recognised as founding fathers of prison reform in terms of prison development, Ignatieff (1981) pointed out prison reform shifted focus inwards from its broader role within society to internal prison operations during the late eighteenth and early nineteenth centuries.

2.1.2 Reform – what is it?

It was not until the mid-to-late twentieth century that historiographical studies analysed actual prison reform in a much broader social context. Ignatieff, along with Foucault (1977) and Rothman (1971), provided frameworks to critically reflect on prison and prisoner management reform from the first inception of prisons through to contemporary times. Ignatieff (1981) concluded penal reform in the late eighteenth and nineteenth centuries could be analysed through three separate areas. The three approaches involved moving away from punishments inflicting physical pain; imprisonment as the major penalty for serious offences; and interlinking punishment and reform through the penitentiary.

Cohen’s research (1985), furthering that of Ignatieff, proved hugely influential within the state of Victoria by analysing historical trends in penal reform. Cohen’s framework is particularly relevant for this research given it has been extensively used in the Victorian Sentencing Committee Report 1988 to reflect on, and set a context for, understanding sentencing practices within Victoria’s criminal justice system until 1988. Further, as the Victorian Sentencing Committee extensively referred to Cohen in its report, it is argued his perspectives provided a solid basis for observing world-wide changes to processes designed to tackle crime and criminality in Victoria.

According to Cohen, the origin of reform is embedded in the concept and practice of change because “all changes constitute reform…all reform is motivated by benevolence, altruism, philanthropy and humanitarianism, and the eventual record of successive reforms must be read as an incremental
record of progress” (1985, p. 18). It should not be interpreted to mean all reform is successful or results in a fine balance identifying and dealing with crime and criminality in society. Nor should it be interpreted that all reform is necessarily positive in its intent. On one hand, Cohen argued refining policy and strategic practice only occurred amid increased understanding of an issue which subsequently led to further reform. Often reform only arose when good intentions and refined moral sensitivities were coupled with increased knowledge. On the other hand, Cohen warned not all reform had been successfully implemented such as the deviancy identification and management systems failing the social control systems. In that scenario, Cohen blamed the failure on:

The reform vision itself is potentially suspect. The record is not one of good intentions going wrong now and then, but of continual and disastrous failure. The gap between rhetoric and reality is so vast, that either rhetoric itself is deeply flawed or social reality resists all such attempts [of reform] (1985, p. 19).

Foucault provided another perspective relating to transforming the prison system not so much with a humanitarian or altruistic intent but rather to support continual management of the working class. Referencing his view that the prison and imprisonment reflected the emerging disciplinary and surveillance regime with both the implicit and explicit intent to objectify and manipulate individuals, Foucault wrote:

The “Great Incarcerations” of the nineteenth century … are to be seen as part of the grand design… inculcated with the ideology of thrift and success, the deviant subjected to discipline and surveillance. This was power … that insidiously objectifies those on whom it is applied, to form a body of knowledge about these individuals, rather than deploy the ostentatious signs of sovereignty…

The historical transition which symbolized the new order was from punishment as torture… to the more economically and politically discreet prison sentence… Punishment became reasonable and the body disappeared as the major focus of penal repression….Interest was transferred from the body to the mind (1977, p. 221).

Presenting first Foucault’s and then Ignatieff’s perspectives identified similar lines of understanding but also offered differing viewpoints regarding the motivation and impetus behind prison reform.

6 Quotation marks provided in original quote
Foucault’s perspectives often portrayed relevant authorities as having a clear mandate to identify, initiate and manage the particular area of reform. Ignatieff, echoing Foucauldian perspectives, wrote “power is seen as a strategy, as an instrumentality, never as a social relation between contending forces” (1981, p. 86). To Cohen, the nature of the reform-driving force takes greater impetus from the “religious and philanthropic impulses” of reformers (1981, p. 86). In other words, Cohen believed humanitarian drivers for reform hold greater weight in debates than utilitarian drivers of state control. In relation to the prison reformers of the eighteenth and nineteenth century, Cohen stated:

In their theory of reform of character, the crucial task was to persuade the poor to accept the benevolent intention behind institutional deprivations. Once convinced of the benevolence of the system…prisoners would be able to take refuge from their own guilt in attacking their confiners. Personal reformation thus meant succumbing to the benevolent logic of the captors (1985, p. 88).

The approach, in Ignatieff’s words, linked prison system reform with individual reform by arguing “symbolic persuasion” characterised reform within the justice system (1981, p. 88). Cohen, however, claimed prison system reform was more complex than Ignatieff’s and Foucault’s views by arguing “the motives and programmes of reformers were more complicated than with a simple revulsion with cruelty, impatience with administrative incompetence or sudden scientific discovery” (1985, pp. 48–49).

Cohen expanded his perspective on prison system reform to incorporate reform drivers under three dimensions “cognitive, theoretical and ideological” (1985, p. 49) which led to destructuring the prison system in the twentieth century. Whilst Cohen explicitly linked such drivers to the twentieth century, particularly the post 1960s era, he implicitly recognised their presence in the mid-twentieth century. He described the drivers which led to transforming the prison system “…away from the state…away from the expert…away from the institution…away from the mind…” (1985, pp. 48 – 49).
Cohen asserted the cognitive movement argued that prisons proved ineffective in the face of better alternatives to imprisonment that rested with community-based programs. In terms of the cognitive reform movement, Cohen wrote:

The irrefutable result of empirical research [that]: (1) prisons and juvenile justice institutions are…simply ineffective – they neither deter nor rehabilitate…(2) most institutionalized deviants can be managed just as safely by various community alternatives…just as effectively…almost certainly more cheaply and…more humanely than the prison… (Cohen, 1985, p. 33).

The theoretical movement pushed for prison reform in the twentieth century to focus on reintegrating criminals into society rather than retribution or rehabilitation. The view is predicated on the argument that learning from sociological studies highlighted that “the theories of stigma and labeling…demonstrated that the further the deviant is processed into the system, the harder it is to return him to normal life. Stabilized deviance is in fact a product of the control system” (Cohen, 1985). Finally, the ideological movement drew its position from a range of ideologies as Cohen stated:

Destructuring became a package of resonant ideologies: criticism of centralization and bureaucracy in the criminal justice system; doubts about the expertise and good faith of the helping professions; disenchantment with the rehabilitative ideal; questions about the desired limits of state intervention… the goal should be less harm rather than more good (1985, p. 34).

Cohen’s analyses indicated each driver for criminal justice reform was not only complex in its own dimension but collectively provided conflicting perspectives on who or what should lead policy reform.

The history of prison reform has been based on varying interpretations of the role, responsibility and capability of the individual to act as part of a social environment. In most instances the focus of any reform at one point of time is based on a prevailing view giving credence to the way society is seen to function. The key poles of the continuum appeared to oscillate between utilitarianism and humanitarianism perspectives.
Young (1999) introduced another perspective to help place the relationship between the individual and the community. Young identified the tension between the exclusive society and the inclusive society to explain challenges to social policy. At the core of this tension, Young explained, is the transition towards the exclusive society in which individual sovereignty in terms of decision making (particularly consumer driven decision making) emerges from the inclusive society where decision making is based around greater community good. Within this perspective, Young (1999) wrote:

The transition from modernity to late modernity can be seen as a movement from an inclusive to an exclusive society. That is from a society whose accent was on assimilation and incorporation to one that separates and excludes (p. 7).

Young found it was the shift towards social exclusion which resulted in changes in the patterns of, and management of, crime in society. Young isolated the timing of the first of the two phases around the 1960s and 1970s with the second phase occurring during the 1980s and 1990s. Young identified two key messages after analysing the tension which arose during the transition periods. His first message concluded the core focus for economic and social policy transitioned from a community focus to a more market-oriented individual focus. It meant capacities for community organisations, such as government agencies, were becoming increasingly challenged to plan and implement policy and strategy for the greater good of the community needs. His second message arose from his observation that the transition phase witnessed an increased focus on identifying and excluding individuals or group of individuals exhibiting anti-social (or non-inclusive) behaviour. This, Young believed, resulted from transforming public behaviour and an increase in avoidance behaviours creating a greater focus on anti-social and criminal behaviours. The upshot of transitioning from an inclusive to exclusive society, argued Young, resulted in significantly increased imprisonment rates. Young’s observations (like those of Cohen) argued a clear or obvious correlation between ideology,
practice and the language does not always exist when it comes to formulating policy approaches to managing deviance in western society.

2.1.3 Transparent and opaque reform

Mapping prison reform through the critical eyes of researchers, academics and public servants showed the tortuous developments in prison and prisoner management policy and practice from the period of enlightenment through to current times. Cohen (1985) differentiated between transparent reform and what he called opaque reform in analysing criminal justice system reforms. His differentiation is useful when considering intended and unintended impacts of reform within the broader criminal justice system and more specifically within the prison system. In particular, his viewpoint in aligning reform practices with the intent of the reform can accommodate analysis of reform acts from the various, and often contradictory, theoretical perspectives which give meaning to particular reforms. Cohen described difference between transparent and opaque reforms as:

There have been two transformations – one transparent, the other opaque, one real, the other illusory. The first laid …the foundation of all subsequent deviancy control systems. The second…is thought to represent a questioning, even a radical reversal of that earlier transformation… to merely signify a continuation and intensification of its patterns (1985, p. 13).

To explain further, Cohen argued opaque reform related to continuing or extending current practices based on the underlying rationale “…diametrically opposite to the ideological justifications” (1985, p. 14). In other words, transparent reform is demonstrated by a clear alignment between ideology, practice and the language used to describe or articulate the practice. Opaque reform, on the other hand, changes in practice where no alignment exists between ideology, practice and language described by Foucault and Ignatieff earlier. From this perspective, this research uses this dichotomous view of reform to recognise some actions are reformatory in that they directly and overtly relate to an ideological perspective, but other implemented changes demonstrate no direct
link to an ideological intent. This perspective will be expanded further in the analysis chapters 5 and 6.

2.1.4 Exploring reform in prison and prisoner management practice

Garland and Sparks (2000) recognised the complexity of understanding the nature of, and dealing with, crime in society by noting “the plain historical fact is that social significance of crime and control is so pervasive, so complex and so contentious that no scientific discipline can dictate the ways in which these matters will be understood or addressed” (p. 3).

The challenge for this research lies in establishing a framework for exploring and analysing prison and prisoner management reform against a backdrop of numerous evolving criminological interpretations which have emerged over time. Indeed traversing this complex field to capture different voices proves an exciting challenge to gain greater understanding of the issues Akeroyd faced. The different perspectives, according to Watts, Bessant and Hil, (2008) often “rely on assumptions, ideas and ways of understanding which have been around for a long time” (p. 10). However Young (2011) offers an overarching challenge to view issues differently by reflecting on historical events through the framework of established theoretical positions to avoid imposing an imaginative view of events. Taking Young’s challenge into account warrants a critical examination of different approaches to establishing a framework for analysis.

Various researchers have adopted different paths in developing frameworks for reflecting on prison and prisoner management reforms because, as Cote (2002) argued, there is “no overarching theory (which) exists in criminology… some theories may have more powerful explanatory powers than others but only in certain conditions” (Cote, 2002, p. xvii). Cote identified two critical research considerations, namely linking criminological theory and criminal justice policy as well as theory and “the existing ideologies, beliefs and laws of the time and society” (Cote, 2002, p. xxi). Cote claimed
criminological theories were not necessarily discarded but were “rebased, reformed and shaped to apply to today’s problem” (Cote, 2002, p. xxi). His approach appears at odds with Gehring’s approach to analysing corrections education reform over the years.

Gehring developed an analytical framework which he applied to an area of prisoner management known as prisoner education, or in his terms, correction education. His framework was modelled on an approach to analysing paradigm shifts constructed by Kuhn which begins with the onset of problems or issues (chaos phase) unable to be resolved using “normal science” (Gehring, 1993, p. 8) that leads to a crisis. At this time a process of “extraordinary science” (Gehring, 1993, p. 8) is introduced to rationalise or adjust anomalies within the scope of the existing paradigm. According to Gehring, Kuhn argued the inability to resolve the crisis leads to revolution and, consequently, the formation of a new paradigm. Gehring argued the paradigmatic cycle was “fuelled by the human inability to construct a perfect theory or model, always capable of solving all relevant problems and impervious to anomalous criticism” (Gehring, 1993, p. 9). Whilst Kuhn did not develop a model identifying and analysing paradigm change, Gehring (1993, p. 11) and Eggleston and Gehring (1986) recognised that transforming one paradigm state to another required satisfying five components or community acceptance before consolidating any transformation. The competing model:

...should be (1) consolidated, (2) elegant, (3) explanatory model of community aspirations capable of (5) subsuming the current (reigning) paradigm, and (5) transcending the current paradigm (Gehring, 1993, p. 11).

Gehring (1993, p13) specified criteria that each element of the paradigm succession model must satisfy as follows:

1 Consolidated
   The competing model must be unified or integrated. Its world view must be coherent and seamless without contradiction. The model must connect a vast constellation of beliefs, problems, assumptions, and facts without contradicting any of them.
2 Elegant
   It must be stated concisely and easily explained.
3 Explanatory model of community aspirations
It must be synthetic or panoramic. The model or theory must help professionals in the relevant community see both the forest and the trees.

4 Subsume
It must solve problems that the reigning paradigm solves.

5 Transcend
It must also solve the most pressing current problems that the current paradigm cannot solve.

Gehring’s model, based on emerging and declining trends, was designed to investigate reform in correctional education policy and practice over time. However, questions arose as to whether his model could be applied to prison management policy and practice trends, and if so, accommodate any analysis of the interrelationship. This question remains critical under the assumption that trends in prisoner management policy and prison management policy are interlinked. Gehring assumed the trends in both areas to be separate and vexed when he and Muth acknowledged the prevailing conflict between the two (Gehring and Muth, 1985). Secondly, using Kuhn’s methodology sparked criticism from the critical criminology movement given his views had been deeply embedded in the ideology of scientism, which underpins the broad positivist theories of criminology (Taylor, Walton and Young, 1973; Young in Fitzgerald, 1981; Cohen, 1985; Young, 2007). The critical criminological movement was particularly concerned about scientific methodology underpinning positivism to create new knowledge at the expense of alternative theories. Thirdly, criticism surrounded the use of the concept of paradigm which in itself is subject to a much deeper debate when compared to the concept of theory. Kinesh (undated) contributed to this argument by claiming the term paradigm had lost its significance in its overuse. Young’s earlier works swing between using the terms theory and paradigm. He referred to criminological theories in his works published in Fitzgerald (1981) only to later refer to them as criminological paradigms in his 1992 paper “Incessant chatter: recent paradigms in criminology”. However, Young (1992) referred to paradigm change in response to addressing issues of crisis in both aetiological approach to understanding the evolving nature of crime and criminality as well as a crisis in policy and practice in response to changing patterns of crime (p. 9). Although his

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8 Gehring’s italics
approach aligned with how Gehring applied Kuhn’s model of paradigm change to changing criminological theories, inconsistency still remains in both Young’s and Gehring’s views of differing paradigms or theories. In fact as a critical criminologist, Young (2011) challenged many positivist perspectives particularly in the manner the concept of normal and abnormal science is applied to criminology. Nor do Young and Gehring share common views about the process of evolving from one (in their terms) paradigm state to another. The commonality lies in identifying crisis or tension points in either policy or practice (or both) where such tension points provide the catalyst to initiate alternate or reformative responses. Therefore, identifying crisis or tension points in policy or practice offers an important signpost of possible revolution of a particular theory at any given time. Accordingly, Gehring’s model, although questioned when applied to prison management reform policy and practice, provides a structure to determine if reforms transcend previously-held paradigms, which makes it useful for analysing change during Akeroyd’s era.

Whilst some consistency exists in determining whether crises or tensions provide the catalyst for reform, Gehring differs markedly from alternative understandings of criminal justice policy and practice reform in other ways. A major point of difference emerges around Kuhn’s concept that paradigm change occurs in a linear progression with one paradigm making way for another once tension points have been resolved through science based investigation. Gehring adopts the linear concept in explaining the phases of corrections education reform in accordance with successive paradigms.

Cote (2002), however, held a different view to Gehring regarding evolving theories of crime and criminality by arguing old theories were not discarded for new theories but instead reformed and represented. Whilst his understanding of changes in theory differed to Gehring, they shared similar views in respect to strategies employed to either introduce a new paradigm or revise and reform an existing theory. In particular, the manner in which the new paradigm or new theory is presented to
people responsible for implementing the change remains significant. It is at this point, that Gehring’s criteria for successful paradigm change provide a useful framework to analyse the discourse of change within the Akeroyd era.

From another perspective altogether, Young (2011) warned against the risk of dehumanising approaches to examine what remains a human issue. In referencing C. Wright Mills, Young recommended using a framework that prioritises personal experiences when investigating broader meanings into particular events. Both Gehring and Cote also recognised the shortfalls that emerged at any point of time within any existing paradigms or criminological theories in relation to prison and prisoner management policy and practice. They warned such theories experience periods of universal change often marked by periods of tension. Therefore, the challenge in developing a framework for analysing prison and prisoner management reform needed, wherever possible, to view events from various perspectives to capture the voice and experience of the people involved. Accordingly, this research examines the various theories designed to explain the nature of crime and criminality as well as underpin respective policy approaches towards crime and criminality within society.

2.1.5 Theories of crime and criminality

Many theories developed over time have established particular views on the causes of crime and criminality as well as identified approaches to resolving such causes. Young (1981) and O'Toole (2002) believed major theories remained prominent in prison and prisoner management debate with many minor theories, while holding relevant perspectives, not so prominent in policy and practice. Major theories such as classicism, conservatism and positivism espouse differing perspectives from one another yet each hold a significant place in contemporary policy and practice. Classicist theory, which recognises rule of law and adherence to contract as sacrosanct, assumes society is made up of many classes of people who apply reason to meet their own respective needs. Hence, reason manages society as evident in the systemic advent of government, legislation and law (Fitzgerald, 1981; Cohen,
1985). Within the classicist framework, a crime or a criminal act is considered an infringement of a legal code that prohibits any behaviour deemed detrimental to the personal safety and property of people who had agreed to live in contract with the state. As it posits rational people avoid engaging in any behaviours likely to contravene the law, any committing crimes are considered to have made irrational decisions (Young, 1981).

The conservatist perspective differs from the classicist perspective in that its roots adhere to traditional organisational structures and societal organisation. Young argued that as the theory had arisen in reaction against the French Revolution “it has always stressed the organic nature of society, defending the traditional order against the individualism and rationalism of the emerging bourgeoisie” (1981, p. 275). Nisbet summed up the nature of the conservatist approach in stating:

From conservatism’s defence of social tradition sprang its emphasis on the values of community, kinship, hierarchy, authority and religion, and also its premonitions of social chaos surmounted by absolute power once individuals had become wrenched from the context of those values by the forces of liberalism and radicalism (1970, p. 11).

Conservative thinking considered acts which threatened societal order had to be criminalized, including acts that not only threatened authority and community values but also offended morality or undermined authority. According to Young (in Fitzgerald, 1981), the conservative considers the root of criminal behaviour lies in pursuing personal gratification, undermining traditional loyalties and the consequent unwillingness of the individual to accept discipline. Accordingly, the conservatist perspective views punishment as paramount to maintaining society order. Punishment focuses on the individual’s offence but uses the public spectacle of court proceedings to serve as a general deterrent. Similarly, the conservatist perspective promotes proportional punishment while embracing judicial discretion (Young, 1981).

Positivist theory, however, adopts a different perspective to both classicist and conservatist views by accepting some individuals engage in antisocial behaviour as result of personality traits or a
dysfunctional upbringing. Despite conceding a general consensus exists in individuals embracing societal values, a positivist perspective favours instituting treatment focused on addressing individual defects rather than imposing a punitive response. Postivistist theorists view sentencing as an opportunity to implement a rehabilitative or treatment approach rather than exacerbating the original “defect” with further punitive measures.

While major theories consider causal factors leading to offending remains with the individual, the minor or sociological theories focus more on societal causalities. For example, strain theory considers deviance as behaviours arising from the disjunction between the individual and society. The strain theory judges deviant behaviour as a “meaningful attempt to solve problems by individuals and groups in particular social situations” (Young, 1981, p. 284) where significant gaps exist between aspirations and opportunities. Matza (1969) cited sub culture behaviours or counter culture behaviours are attributed within strain theory while Young (1981) stated within strain theory that “punishment is irreconcilable” (p. 284). This means that social engineering perspectives were essential for addressing deviant behaviours. Likewise, the new deviancy theory (otherwise known as labelling theory) sees aspects of punishment as serving to identify and isolate certain individuals based on their respective behaviours or social attributes. The theory also provides a perspective on social control with imprisonment imposing limits on individuals to do “whatever they want to do” (Young, 1981, p. 294).

Marxist perspective, the final minor theory reflected in this research, sees people as social beings who as both producers and products of history that “create institutions and meaning within a particular historical period which is determined by the mode of production of the time” (in Fitzgerald, 1981, p. 295). Early Marxist commentators on social order and social control, Ruche and Kirchheimer (2009) argued a link existed between the types of punishment and the modes of time production. Similarly, they argued a correlation arose between the need to regulate labour and the emergence of the factory.
Melossi and Pavarini (1981) likened the prison to a factory in itself by “producing proletariat not commodities” (p. 145) while Cohen (1985) argued that:

…for them [Marxist theorists] the functional connection between prison and society lies in the concept of discipline. The point is to create a socially safe proletariat… someone who has learnt to accept being propertyless without threatening the institution of private property (p. 23).

As stated, the focus on the role of the individual has a major influence on the difference between major and minor theories. The policies arising from major theories tend to focus on causes of criminal behaviour embedded in the pathology of the individual. Consequently, individual reform centres on either changing their behaviour or incapacitating them. The minor theory focuses on power imbalances within broader society resulting in defining deviant behaviour. These theories are examined further in attachment 1.

2.1.6 Interrelationship between the theories

Aligning different aspects of each dimension with particular theories is somewhat risky in its overly simplistic approach, especially given each theories operates in isolation from one another. Taylor, Walton and Young (1973) tracked the evolution of theories along a historical timeline with every subsequent theory building upon learnings arising from previous theories. The work relied on frameworks provided largely by Young who warned against the myth of developing unilinear theory, a view shared by Cohen (1985). Young (1981) advised resisting common mistakes in believing theories developed “in a series of discrete historical stages from classicism through to Marxism, each representing a step in the rational progress towards the solution of the crime problem” (p. 306). Each theory boasted substantial contemporary work to support its interpretations throughout the years, however, Young (1981) said recurrent theories emerge in different historical periods which emphasises their own advantages. He warned what “…is annoying is the amnesia regarding the past and the perennial tendency to one sided interpretations of social reality” (pp. 306 – 307). Young directed his concerns towards advocates of particular theories who embed themselves into a specific
perspective only to continually reinvent their learning from the same theoretical base. Whilst Young (2011), Cohen (1985) and Taylor, Walton, and Young (1973) focused on risks associated with infusing positivist perspectives throughout the discipline of criminology, their ability to canvas various theoretical perspectives enables the relationships between each theory to be explored.

For this research, Young’s timely caution was designed to guard against assumptions that reform in prison settings occurred in a lineal fashion. Rather, reforms in each dimension oscillate between major perspectives depending on which view takes precedence in policy planning at any particular stage. On that basis mapping penal reform (using the dimensions of punishment, sentencing, education and classification) provides a platform to explore the impact of particular criminological theories on the rise and decline of prison and prisoner management practice during Akeroyd’s time.

2.2 Reform and the dimensions of prison and prisoner management

Most research on prison reform examined both prison management reform and prisoner management reform as concurrent and interrelated phenomenon occurring within the evolution of prisons. Four keys areas emerged as central debate platforms governing prison reform with three - education, classification and sentencing – consolidated during the Maconochie’s reform period (Semmens, 1995; O’Toole, 2006; Hughes, 1986; and Eggleston (1998). The issue of accommodation was also mentioned in relation to Maconochie’s reforms but to a much lesser extent in prison reform literature over time. The role of punishment was the fourth area fuelling ongoing polarizing debate with concerns about its dehumanising aspect sparking Maconochie’s reform endeavour. However, the then government’s perception about the lack of punishment during that time which ended Maconochie’s reform agenda. Debate still rages about the function of punishment within prisons in contemporary times.
The research examines the use of the same four areas – namely punishment, education, classification and sentencing during the Akeroyd era. The four dimensions each contribute a particular feature to prison and prisoner management from Maconochie through the Akeroyd era and subsequent periods\(^9\). While not exclusive to prison management or prisoner management reform, the four dimensions reflect key reforms adopted during and after the Akeroyd era.

Accordingly, this section will explore the rationale behind differing perspectives associated with each dimension to examine its intent and application within criminal justice policy and strategy. This information sets the background to Akeroyd’s experiences mapped in chapter 4 before informing the analytical framework in chapters 5 and 6 to reflect on reform in each dimension during the Akeroyd period.

2.2.1 Punishment

The Oxford Dictionary defines punishment as “the infliction or imposition of a penalty as retribution for an offence.”\(^10\) Bean (1981) argued that punishment, in the sense of a sanction imposed for a criminal offense, consists of five elements:

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\(^9\) Oxford dictionary defines dimension as “an aspect or feature of a situation” [www.oxforddictionaries.com/english/dimension](http://www.oxforddictionaries.com/definition/english/dimension)

\(^10\) [http://www.oxforddictionaries.com/definition/english/punishment](http://www.oxforddictionaries.com/definition/english/punishment)
1. It must involve an unpleasantness to the victim.
2. It must be for an offence, actual or supposed.
3. It must be of an offender, actual or supposed.
4. It must be the work of personal agencies; in other words, it must not be the natural consequence of an action.
5. It must be imposed by an authority or an institution against whose rules the offense has been committed (p. 5)

Bean also added that another feature of punishment was that it ought to be unpleasant.

In general terms, the concept of punishment as a means to reform individuals (either directly via deterrence or retribution, or indirectly to confine individuals to allow a treatment intervention) reside largely in the domains of the major theories. While minor theories instead perceive punishment as a means of social control that lacks any genuine relevance to individual reform because crime and criminality issues remain embedded in a massive power imbalance within the broader society. Discussions on punishment naturally flow into discussion on sentencing given one is an inherent consequence of the other, It is evident in classicist and conservatist perspectives that sentencing exhibits distinct differences in intent and application compared to punishment while positivism views sentencing as an effective means to isolate and detain an individual to implement an appropriate treatment response.

2.2.2 Sentencing

The Victorian Sentencing Committee Report (1988) comprehensively reviewed sentencing philosophy in formulating recommendations to the then Victorian Government. In seeking guidance from case law (R vs Williscroft, 1975, VR 299), the Committee outlined three basic principles for trial judges to consider: deterrence; retribution; and rehabilitation (pp. 59 – 60). The principles have their genesis embedded in major theories discussed in the punishment section. The report, however, extends punishment considerations to allow the judiciary to apply mercy by either avoiding punishment or reducing its severity.
Regardless, the broad intent of deterrent principles involves imposing specific sentences or setting specific penalties designed to deter individual offenders or would-be criminals committing future crimes (Victorian Sentencing Committee, 1988). The rehabilitation principle in sentencing is, in the first instance, applied to remove individuals from their normal social setting to improve their attitude as well as help them become more effective or law-abiding citizens. Secondly, imposing a sentence or penalty is believed to afford the offender an opportunity to experience greater self fulfilment. The Victorian Sentencing Committee also concluded the State bears responsibility for rehabilitating offenders via appropriate treatment programs to return a more adjusted individual willing to contribute to society (Victorian Sentencing Committee, 1988). Retribution is a sentencing principle embedded in the biblical “eye-for-an-eye” reference that sees an offender punished in line with the harm they caused to provide a level of satisfaction to victims of crime. Similarly, the denunciation perspective involves handing down sentences which serve as a statement to reflect community abhorrence for the crime committed.

The principles provide evidence of conservatist, classicist and positivist theories being applied to both punishment and sentencing. However, one key aspect appears unique to sentencing that continues to fuel ongoing debate in respect to determinate and indeterminate sentencing.

A major reform in sentencing in Victoria occurred with the introduction of the Indeterminate Sentence Act in 1907 (Freiberg and Ross, 1999). An indeterminate sentence differs from a determined – or fixed term – sentence as it allows the judiciary to impose an open-ended sentence or apply an indeterminate sentence at the expiry of a fixed term sentence. The apparent intent of the law reform allowed authorities to judge if the offender had been adequately rehabilitated before releasing them back into the community. Establishing reformatory prisons coincided with the Indeterminate Sentences Act to house offenders serving indeterminate sentences. The new act also led to the establishment of the Indeterminate Sentences Board to determine whether offenders on indeterminate sentences
should be released. The board also liaised with the Inspector General of Penal Establishments regarding transferring prisoners from fixed term sentences to indeterminate sentences as well as assess if individuals had sufficiently reformed before release (Freiberg and Ross, 1999). The indeterminate sentence, which remained in place from 1907 until 1955, was aligned strongly with positivist theory with its primary focus on providing time and space for an offender to participate in treatment programs before being released from prison.

2.2.3 Education in prisons

Providing education in prisons covers two broad areas, namely educating offenders (also called correctional or corrections education) and, to a lesser extent, offering training programs to prison staff with the majority of literature focusing on the former. The history of prison education reform has already been covered earlier in this chapter but it is worth examining how differing prisoner education practices align with various theories.

As classicist perspectives, as discussed earlier, champion imposing penalties proportional to the offence, any education must focus on the nature of the offence to ensure respect for the law. Under the classicist regime, Young (1981) advises any educational focus be outward to the community while conservatism orients programs toward the individual’s moral development and respecting authority. Conversely, positivism centres education on an offender’s personal, psychological and social deficits by tailoring rehabilitation to address their specific needs rather than punishment. For example, positivist programs address drug and alcohol rehabilitation, dealing with violence and anger while improving academic skills and qualifications. Any programs delivered under the three major theories attempt to link effective education programs likely to reduce recidivism (O’Toole and Eyland, 2012).

Prison education finds more alignment with minor theories than does punishment and sentencing. The strain theory focuses on teaching individuals useful skills designed to improve opportunities
available to them within various cultural or sub cultural scenarios (Young, 1981). New deviancy theory focuses on community education as well as teaching individuals cultural inclusiveness and tolerance towards others. Similarly, Marxist perspectives endeavor to reduce inequalities by directing education towards community and social agencies rather than individual prisoners.

2.2.4 Classification

The way the term classification has been applied to prison systems has changed over the years. More recently, it refers to placing offenders at the prison setting most likely to meet their specific security, education, health needs and family needs (Department of Justice, Victoria)\(^\text{11}\). The Victorian Government website aligns prisoner classification with placement in the context of prisoner case or sentence plans.

Woodham (in O’Toole & Eyland, 2012) argued that contemporary classification practice balance the risks of prisoner escape against the benefit of placing prisoners in settings most likely to satisfy their individual needs. The classification focus weighs the imperative to imprison offenders in settings responsive to the punishment while accommodating treatment programs likely to address their specific requirements. Biles (1977) observed the fluid nature of classifying offenders purely on security grounds in that it could be upgraded or downgraded on a case-by-case situation.

However, the focus has not always oriented to prisoner security ratings. Many of those destined for transportation to Australia were housed in Newgate Prison in London. Rhodes (2014) recorded that in the early 1800s Newgate was a “disordered and corrupted place” where there was no classification process. This resulted in mixing hardened criminals, young and old, men and women in common

accommodation. It was in 1813 that Elizabeth Fry started her campaign to improve living conditions in the prison to support prisoner reform. However it was through this disheveled prison environment that many convicts arrived in Australian penal colonies.

In the early 1830s there was evidence of approaches to classify prisoners in Australian prisons. Point Puer juvenile prison was established in Port Arthur (Tasmania) to separate young from adult prisoners with a clear intent to rehabilitate these juveniles and equip them with labour skills considered useful for their later lives (Hughes, 1986; Atkinson 1994). Lynn and Armstrong (1996) advised early classifications systems in Victorian prisons during the 1830s identified prisoners capable of working for profit to cover prison operational costs while prisoners during the 1860s were classified by age, sex and vagrancy status. These classifications largely remained consistent until the 1920s when a renewed focus on a classification process to support the treatment of prisoners emerged to a small extent in the USA (Doll, 1923) and, as will be discussed in more detail in this thesis, particularly in Victoria under the stewardship of Joseph Akeroyd. These writings demonstrated the core function of classification within prison management changed over time and these changes reflected a connection between the prevailing criminological theory influencing prison and prisoner management attitudes at the time.

2.3 Parallel reform

Whereas Braithwaite (1999), O’Toole (2006) and other prison reform researchers examined prison reform in a holistic way, Gehring (1993) and Semmens (1993) confined their focus to the significance of prisoner education in prisoner management. Gehring examined prisoner education reform in the western world, particularly in the United States, through the prism of his paradigm change model discussed earlier. Separating prison management from prisoner management reform reveals two important insights about the relationship between the two streams. The first considers the impact the Elmira model had on education on prison management in US gaols from the period 1876. Devised
by Superintendent Zebulon Brockway, the Elmira model emerged from Maconochie’s influence before being further shaped by the subsequent Irish Crofton model until Brockway’s resignation in 1900. Brockway (cited in Gehring, 1993) commented that “the unique characteristic of this period was the educational idea of it all” (p. 16). Gehring identified the significant evolution of correctional education during this period by concluding “this was an international correctional education period marked by shared purpose – to improve the world by implementing effective programs” (1993, p. 17).

Gehring (1993) identified five general periods of correctional education history – covering reform, prison reform, citizenship, cold war, and the current cultural period\(^{12}\) – which appeared to relate to the prison reform progression explored earlier in this section. Gehring identified the simultaneous evolution of corrections education and prison management reforms. More tellingly, Gehring and Muth (1985) reflected on the distinct separation between prison management and corrections education reform that sparked animosity and hostility between vested parties. As a consequence, both reforms continued autonomously despite common language and ideological goals which Gehring (1993) lamented meant “instead of being on the cutting edge of teaching and learning, the definition of correctional education\(^{13}\) was reduced to mere education in an institutional setting” (p. 19).

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\(^{12}\) Gehring’s term “correctional education” is synonymous with “prisoner education”. However, Gehring along with many contemporary prisoner education practitioners use the term correctional education to describe the concept of providing educational programs and services to correct a prisoner’s behaviour. It should be noted that throughout this study, the terms correction education and prisoner education are interchangeable and relate to providing education, training programs and services to prisoners during their incarceration.

\(^{13}\) Every aspect of correctional education was impacted (over this period of time). In the US correctional educators adopted a definition of learning that linked them to the behavioural oriented medical model.
2.4 The history of prison and prisoner management reform in Australia

Both Braithwaite (1999) and Semmens (in Sirr 1992; 1999) albeit independently, sought to classify dominant themes describing the perceived prevailing function of the Australian justice system in Australia, including the role of prisons, over time. Adopting a similar framework to emphasise the expected roles prison played at given times throughout history, both separately mapped how reforms had influenced prison evolution from one era to another.

Braithwaite and Semmens first examined the era of retribution, which commenced during convict transportation and continued until mid-1800s, where prisons were primarily seen as a symbolic and actual tool for punishing criminal behaviour. The researchers claimed the era was characterised by regular hangings and flogging in stark contrast to the subsequent reformation era when prisoners were forced to work as punishment. The intent of the latter period had been to expose criminals to people of good character in a bid to improve their behaviour. Neither Braithwaite nor Semmens noted any clear delineation marking a definitive transition from one era to another (Semmens, 1992) and instead their analysis revealed distinctive themes first emerging then fading before again re-emerging over time.

However, 1840 marked a distinct episode of significant reform noted in Australia’s prison history when Alexander Maconochie introduced revolutionary reforms in education, prison classification and indeterminate sentencing after being appointed to manage Norfolk Island prison. Maconochie introduced a points system rewarding working prisoners that could be traded for early release as well as improving prisoner accommodation (Semmens, 1999; O’Toole 2006). Maconochie’s reforms at Norfolk Island proved short lived with Norfolk Island quickly returned to its retributive and punitive
regime. However Maconochie’s influence emerged elsewhere in Australia and overseas\(^{14}\) with Tasmania establishing juvenile industrial schools and reformatories to combat rising juvenile delinquency during the 1860s – 1890s (Petrow, 1995). Petrow observed managing juvenile delinquency occurred simultaneously throughout the colonies but varied in degree depending on government reformatory initiatives. Petrow found focus sharpened on the new approaches during the late 1890s as schools and reformatories increasingly favoured disciplinary practices over reformative practices. Once again the retributive focus subsumed the reformatory approach.

The retributive approach which dominated prisons and prisoner management in Australia gave way to the rehabilitation period in the 1950s which focused on improving offenders’ skills in prison (Semmens, 1999; Vinson, 1998). The final era, reintegration, further enhanced the long-term approach to prisoner rehabilitation by actively engaging them in activities linking them to the broader community (Semmens, 1992; Giles et al, 2004).

### 2.5 The history of reform in the Victorian prison system up to and beyond Akeroyd

Armstrong (1980), Lynn and Armstrong (1996) and O’Toole (2006) reviewed the evolving Victorian prison system as well as allied prison management and prisoner management practices. Apart from the Inspector General Annual reports presented to parliament to offer any insights into the evolution, limited resources existed to conduct a substantive analysis. What resources were available set the scene for examining the Victorian prison and prisoner management practice in the lead up to the Akeroyd era. Further, the examination chronologically tracks the evolution in respect to key personnel running the prison system at the time thereby identifying the historical relation between the Inspector General and prevailing practices.

\(^{14}\) Maconochie’s ideas were also picked up in Ireland by Sir Walter Crofton who converted Maconochie’s ideas, along with his own to construct the Crofton system (O’Toole, 2006). Maconochie he became Governor of Birmingham prison in 1849 where he was subsequently dismissed in 1851.
Victoria only had a limited number of small and insecure prisons leftover from its early failed penal settlement based at Sorrento in 1803 until the gold rush years. Until 1843, the courts in New South Wales handled any serious offences with plans for Victoria’s first large gaol (Armstrong, 1980) only getting underway in 1845 when the Supreme Court started sitting in Melbourne. Armstrong (1980) noted life during early Victorian settlement was “not so charming (where) battles between colonists, blood sports and convict tension often disturbed the peace” (p. 5) and courts applied a dualistic approach to punishment depending on whether the offender was a free citizen or a convict. To illustrate the disparity, Armstrong recorded that “a convict was sentenced to 50 lashes for drunkenness whilst the next accused, (a free settler with whom the convict was drinking) was fined five shillings” (1980, p. 4).

Lynn and Armstrong (1996) described the period from 1840 until the 1870s as a turbulent time in which the success of any prison operations rested on the capability of the presiding inspector general. The researchers implied prison operations appeared to be brutal as evident in the 1857 Select Committee of Inquiry into (Inspector General) John Price’s administration that “an important milestone in the development of a more humane system with improved facilities” (Lynn and Armstrong, 1996, pxvii). Lynn and Armstrong (1996) described the Price era as one of “unnecessarily” severe punishment which “crushed out the last spark of humanity” (p. 39). They also concluded one major feature of Price’s administration proved to be “his total domination of the system” (p. 39) which supported their earlier assertion that the power wrested in the Inspector General’s position set the tone for prison and prisoner management.

The period following Price’s leadership witnessed the development of the panopticon building which housed solitary confinement as well as allowed warders constant prisoner surveillance. Prisoners always wore masks outside their cells and forbidden from conversing with warders unless absolutely
necessary (Lynn and Armstrong, 1996). William Champ, the Inspector General from 1857 until 1868, was renowned as a strict disciplinarian who severely punished any prisoners caught breaching regulations. Although Champ was heavily criticised for failing to classify Pentridge prisoners (Armstrong, 1980) he was recognised for attempting to introduce some reforms designed to broaden the scope of prison work options (Lynn and Armstrong, 1996).

The growth in the number of regional prisons during both Champ’s and his successor, George Duncan’s, reigns as Inspector General until 1880 saw many classified as Industrial and Reformatory schools. The expansion meant Duncan and his successor H. F. Neal were appointed into the dual roles of Inspectors General and Inspectors of Industrial schools. Lynn and Armstrong (1996) described Duncan as a deeply religious man who introduced prison chaplains and teachers to raise the profile on prisoners’ moral reformation. Further, he also introduced incentives to reward prisoners for employment and good behaviour (Lynn and Armstrong, 1996). However his positive initiatives were countered by his extremely strict prisoner management regime, including severe corporal punishment, which subsequently saw both him and his successor Neal dismissed for improper practices.

William Brett (1884 – 1890) succeeded Duncan, Neal and Castieu (1880 – 1884) into the role after the latter superintendent’s poor administrative capability, increasing staff problems and weakened prisoner discipline led to his dismissal (Lynn and Armstrong, 1996). However, Brett was lauded for his strong leadership in introducing a prisoner classification system during his 16-year reign. Whilst Lynn and Armstrong (1996) ignored his approach to classification, it appeared Brett segregated prisoners by sentence length and the nature of the criminal behaviour. Despite his initiatives, Brett was also transferred from his role following a “daring escape” which attracted public attention (Lynn and Armstrong 1996, p. 108). His successor, Captain John Evans, followed his prisoner segregation model after his appointment in 1903 that classified prisoners into solitary confinement (for
punishment, or if specified by the courts); “specials” deemed hopeful cases separated from other prisoners; “restraints” for younger offenders; and selected ordinary prisoners who worked in areas of responsibility within the units (Annual Reports, 1891, 1894 and 1899). In the 1933 Annual Report written by Inspector General Joseph Akeroyd as part of his retrospective on Victorian prison history, the period was characterised by the shift away from solitary confinement as a punishment. While Evans had failed to introduce any specific education programs, he was instrumental in supporting skill development within prison industries (Annual Report, 1933).

In the periods leading up to the Akeroyd appointment, a further four Inspector General including Edward Connor (1903 – 1910), William Callaway (1910 – 1914), John Freeman (1914 – 1921) and R. McIver (1921 – 1923) were appointed. Callaway proved the most interesting appointment in that he was never in fact officially appointed to the position but instead retained the position as Deputy Inspector General (Lynn and Armstrong, 1996, p. 122). He was also Undersecretary for the State of Victoria and he held several other government posts after relinquishing the Deputy Inspector General role. In the government roles, Callaway continued to maintain an interest in, and contributed toward, commentary on prison and prisoner management beyond the term of his appointment to Deputy Inspector General.

The introduction of the Indeterminate Sentencing Act of 1907 in the lead up to Akeroyd’s appointment proved to hold great significance during this period (Freiberg and Ross, 1999). Under the new statute, the courts had the power to place a prisoner on an indeterminate sentence with their release date to be determined by the Indeterminate Sentences Board. The Board decided whether prisoners subject to the laws would be housed in reformatory prisons to access education, work and post release employment support. Callaway favoured the indeterminate sentence as an effective means to shift from punishment to education. He recorded his commitment in his 1910 Annual Report:
As criminals are human beings and not inanimate machines, their disposal is a matter of education and the treadmill and other brutalising modes of punishment have given way to the rational scientific method (Annual Report, 1910, p. 5).

However Lynn and Armstrong (1996) argued that Callaway failed to implement the strategies he preached by concluding that “the emphasis on education was not in evidence during his administration, nor for another decade after his departure from the prison scene” (p. 122). Further, Lynn and Armstrong further argued that Callaway favoured using “coercion for deviants” (p. 123) and applying indeterminate sentences to punish prisoners. Callaway wrote:

> The fundamental principle is not that the punishment should fit the crime but that it should fit the criminal. He was imprisoned not for what he did but for what he was. The indeterminate sentence says to him ‘you are imprisoned because your violation of the law has shown that you are unfit to be free’ (Annual Report, 1910, p. 5).

In broad terms, Lynn and Armstrong found that the period leading to Akeroyd’s appointment contributed little toward prison operation reform and in fact:

> The first half of the twentieth century was a static period for prisons which were not the subject of political passions. There were no major scandals or inquiries of note, nor were there signs of the arbitrary or capricious use of power by administrators. The prison system was dormant and there were few demands for changes to the system. (1996, p. xviii)

Apart from Lynn and Armstrong’s (1996) and O’Toole’s (2006) recognition that Akeroyd represented the education era in prison management reform, no further recorded evidence exists for the period between 1924 and 1947. In fact, Vinson (1998) failed to mention the period in his reflection of the history of Victorian prisons instead only acknowledging subsequent reform eras overseen by Akeroyd’s successors, Alex Whatmore and Eric Shade. Whatmore’s legacies were recognised as significant contributors to prisoner education reform by his registering prisons as schools and removing indeterminate sentence (Semmens, 1993; Freiberg and Ross, 1999) while Shade’s legacy involved formalising prison staff education by establishing a staff training college in 1973 (O’Toole, 2006).
2.6 Education influence in prisoner management practice reform in Victoria (19th – 20th century)

In his book *Vision and Realisation*, Blake (1970) identified three phases of prison education development in the Victorian prison system from 1858 until the late 1940s. The first phase American Pentonvillians greatly influenced the Early Melbourne penal programs (1844 – 1853) as indicated by the emergence of the penitence and reformative approach. Prisoners were physically separated from peers and exposed to “good influence and regular worship” (Armstrong, 1980, np). From 1857 until 1924, prison education delivered by chaplains failed to elicit any recorded debate within education, prisons or public arenas. In fact funding was completely withdrawn for teachers after 1890 due to the Depression (Blake, 1970) as subsequently acknowledged by the Victorian Education Department. It recorded that allowances were made in the prison budgets for books and some secular instruction provided by the chaplains. It appeared that the emphasis on prisoner education in Victoria, Australia reflected the international trends identified by Gehring in regard to prisoner education entering a hiatus in terms of activity, funding and debate.

However, unlike the trends in the United States and the United Kingdom, the second phase commenced in 1924 when the significance of prisoner education enjoyed a resurgence following Joseph Akeroyd’s appointment as Inspector General in Victoria. This phase is subject of more exploration within this thesis. As noted in the preceding chapter, Lynn and Armstrong (1996) identified the second phase under Akeroyd’s administration that witnessed a new focus on prisoner education and training. Lynn and Armstrong (1996) found that “if prisoners could be reformed, it would be through reformatory treatment of which education was the cornerstone” (p. 231). It was important to note the commitment to prisoner education or training was enacted in legislation in Victoria during this period. In 1928, the Victorian State Government reinforced this commitment to prisoner education and training in the *Goals Act of 1928* which authorised the Inspector General to provide trade or vocational training for prisoners. Prisoner training was implemented during this
period amid an expectation prisoners would conform by establishing good work habits that would see them returned to the community as reformed characters.

The third phase emerged post-Akeroyd in the Whatmore and Shade periods. Prisoner education remained a priority under their stewardship while, as Gehring argued, the prisoner education activity remained stagnant in the rest of the western world during World War Two and the Cold War. Whatmore, who was appointed Inspector General in 1947, built on the connections established by his predecessor Akeroyd to formalise school operations within prisons which resulted in the state education authority assuming responsibility for prison-based education. Semmens (1999) acknowledged Whatmore’s era (the 1950s) as one of rehabilitation in Victoria’s prison system.

In 1954, prison schools were established as special schools within the primary education sector. Whatmore appointed Eric Shade as the first Chief Education and Training Officer and he would later take over role as Director of Prisons (the successor role to Inspector General). His succession cemented a period of time where the relationship between educationalists took a strong leadership in prison organisation and prison management. This was an era which witnessed a concerted focus on rehabilitation in prisons as well as the interplay between an emphasis on basic education skills on one hand and an alternate focus on work skills on the other. The resulting competition witnessed many priority conflicts within prison management decision making from the 1950s onwards (Biles, 1978). In keeping with the directions commenced under Akeroyd, Biles (1978) reported that prisoners were administered a set of psychological tests upon arrival “in accord with the principle of not only satisfying the needs for education but in also helping to indicate the range of needs that exists in each man” (p. 205). However, not all parties appeared committed to the new directions or, at least, held widely differing views on how the approach would evolve. From 1925 until 1960s, a conflicted understanding of the various roles and functions emerged between education staff and custodial staff seemingly in response to ideological differences between their roles within the prison.
system. Indeed many issues emanated from the second phase of correctional education reform which coincided with significant change in prison management reform initiated under Akeroyd’s tenure.

It is noted the unique Victorian approach had each prison registered as a formal education institution both staffed and resourced by state education funds. Whereas in other Australian jurisdictions, teachers were generally seconded to the respective correction department to deliver programs (Biles, 1977). Biles outlined various prisoner programs on offer including: language, literacy and numeracy and other academic pursuits; vocational skills; socio leisure and recreation programs; and pre-release programs. Biles argued it was important to view prison education differently from traditional school education because “prison programs are not directly comparable to those provided for children in schools” (p. 94). Both the Collin’s Report and Blackburn Report published in 1984 marked the next evolution in prisoner education reformer by recommending transferring responsibility and management of prisons education from the schools division of the Victorian Education Department to the adult education Technical and Further Education (TAFE) sector.

It is argued that the fourth phase, hailing prisoners’ rights to access education, emerged subsequent to Blake’s period of analysis. In implementing the Corrections Act of 1986, Victoria again found itself in a unique position from other Australian states and territories by formalising prisoners’ legal right to access education. The change also reflected a focus shift from merely providing basic skills to aligning prisoner’s education and training needs to emerging labour market requirements in the contemporary Victorian and Australian economy. As a consequence, responsibility for prison education and training shifted from the States school system to Victoria’s TAFE system (Semmens, 1992; Simmons and Wilson; 1992; Penaluna, 1992; Wilson, 1993). While the structural alignment has remained consistent until now, many interesting shifts have occurred in respect to providing education and training programs designed to redress prisoner criminogenic behaviours as well as support employability skills for release (Bearing Point Review, 2003).
2.7 Laying the foundation

This chapter provided an overview of developments in prison and prisoner management reform in the western world. In particular, this chapter identified that reform has been interpreted differently both in practice and in theory across the spectrum of penology by declaring a position on defining reform and identifying scopes of reform for the purposes of this research. This chapter also laid the foundation for examining the extent and nature of reform during the Akeroyd period by recognising varying criminological and sociological theories linking the nature of crime and criminality to the rationale of prison and prisoner management policy and practice. By doing so, this chapter laid the foundation for establishing the methodology to collect the evidence to examine transparent and opaque reform in prison and prisoner management policy and practice in the Akeroyd era. Through the historical recording of reforms implemented by Inspectors General preceding Akeroyd, this chapter also established a starting point to record Akeroyd’s actions by encompassing his achievements and his failures.
I was always fascinated by the symbolism within the operations of prisons. There are so many practices embedded in what I assumed were historical practice but which were not questioned. Apart from the language and practices ensconced from the naval heritage (e.g. the use of the word billets to describe cleaners; the ringing of the bells at naval times i.e. “at six bells” and many more), the symbolism surrounding the classification process was always intriguing.

Classification is a prominent process within the prison management practices. In the classification process prisoners are assigned a security status, have their sentence (case) plan goals and targets reviewed, and is the critical repository of the information guiding further location or parole decisions. The classification process effectively stamps the identity of the prisoner for his or her life in the prison system.

I remember one young prisoner in particular who was a student of mine. This young man was convicted of a double murder. This young man was also involved in a very serious event in Victoria’s prison history. This assault of a young volunteer visitor resulted in her suffering long lasting physical injuries. This event was a horrific experience for this young woman, for the volunteer association and for the prison. This young man’s involvement in this event saw him labeled as the ultimate psychopath and he was referred to as this throughout his prison life. Accordingly his prison classification was one of high security.

From another perspective, I found this prisoner to have an incredibly active and enquiring mind and was constantly seeking to be intellectually challenged. He became one of the first prisoners to undertake and complete an undergraduate degree whilst in prison. Throughout this time, this prisoner was keen to explore his own understanding of himself and a role that he could play in this world. This capacity to want to extend his own understanding, the drive to find what contribution he could
make given his circumstances led me to question whether we were dealing with an “ultimate psychopath”. This young man tragically ended his own life in the early 1980s. For what reasons he did this I am not sure, but I do sense that the realization that the challenge to him to disprove the view others held of him became insurmountable for him. I can only hypothesise.
Chapter 3 Methodology

This chapter outlines the methodology used in this research to examine Akeroyd's and others’ approaches to prison and prisoner management in Victoria between 1924 and 1947. Unearthing Joseph Akeroyd’s personal diaries and private papers from Pentridge prison after its closure afforded an opportunity to investigate developments in prison and prisoner management under his stewardship. Accessing Akeroyd’s documents added a further dimension to official reports, archived correspondence and newspaper records typically reviewed by researchers. Up until now, only Department of Justice staff responsible for assessing the documents’ public value have examined Akeroyd papers in any depth. Given the lack of any detailed analysis, this research involved extracting information from Akeroyd’s papers to identify any challenges he faced during his role as Inspector General before examining ways he addressed them. Accessing newspaper reports of the day, academic texts, historical penal establishment correspondence and Inspector General Annual Reports to Government provided supplementary evidence to conduct contextual analysis. Accordingly historical methodology as a form of social enquiry (Crotty, 1998) was utilised to examine past events to record and evaluate Akeroyd’s achievements by reviewing his own words and official reports at the time.

Accordingly, this chapter outlines the processes used to access the Akeroyd documents and methods used to extract meaning from the documents. In developing the analytical framework, this chapter identifies the approach in connecting Akeroyd’s recorded thoughts and experiences with others involved in prison management in respect to key criminological and sociological theories outlined in Chapter 2. While some documents refer to particular cultural groups such as indigenous Australians, women or particular cultural groups, it is not intended at this point to explore the impact of the relationship between crime and criminality approaches to educating specific groups within the prisoner population in any depth. Instead this research investigated relationships between differing
prison and prisoner management perspectives through voices recorded during this time in Victorian history.

In keeping with TS Eliot’s challenge to seek meaning from experience, the structure of this thesis draws together contemporary and historical observations. Whereas historical texts provided the access the voices of Akeroyd’s time, the researcher introduced vignettes relating some of his experiences working as a prison educator at Pentridge Prison in Victoria. Leading into each chapter the vignettes provide a more contemporary reflection on prison and prisoner management practices whilst the body of the chapter focused on the historical perspectives. Informed by approaches to phenomenological research (Crotty, 1996; Finlay, 2008) the vignettes, along with the analysis of Akeroyd’s experiences, culminate in a reflective yet action oriented commentary on the meaning of Akeroyd’s experiences for contemporary prison educators.

The core of this thesis is the examination of Akeroyd’s experiences and the method used to draw meaning from his experiences and observations. The analysis process involved developing a tool designed to map documentary evidence against various criminological theoretical positions at key times during Akeroyd’s appointment. Using the matrix to examine both Akeroyd’s and others’ positions and shifts in positions allows for greater analysis of prisoner classification, sentencing, punishment and education, as outlined in chapter 1, as well as examining broader prisoner reform concepts.

3.1 Theoretical perspectives informing research methodology
The many interpretations of historical methodology involve some researching the unknown, others using methodology to answer specific questions or relating past events to the present. Still other researchers use history to explore evolving current culture while others record and evaluate individual accomplishments or those of agencies (Sreedharan, 2007). Some researchers attempt to cover all
aspects in one body of work using various methods (Johnson, Onwuegbuzie and Turner, 2007). Methodology is the overall research plan informed by epistemological and theoretical perspectives (Crotty, 1998) which in turn informs the methods used. The interplay of theoretical perspectives with methods provided great challenges for this research. Crotty (1998) identified that historical research methodology broadly rested between critical and interpretive paradigms but aligned to an idealism stance. It indicated the breadth of theoretical perspectives relating to historical research methodology. However this research also applies various criminological theories to examine assumptions underpinning policy and practice approaches to prison and prisoner management. Hence this research approach sourced Guba and Lincoln (1994) to embed a methodology cogniscent of its own cross paradigm challenges as well as encompass alternate theoretical perspectives within historical events. Whilst Guba and Lincoln (1994) explored competing inquiry paradigms to validate various historical viewpoints arising from alternate paradigms because “any given paradigm represents simply the most informed and sophisticated view that its proponents have been able to devise” (p. 109).

Touraine, in proffering his concept of the cultural model embedded within his historicity theory, argued that society gave meaning to itself and its actions at points of time through the written history records (in Elliott, 1999). However Touraine and Bourdieu (also in Elliott, 1999) warned about the challenge of accurately recording history through the lens of prevailing ideology. Both Touraine and Bourdieu indicated examining the discourse between dominant and other ideologies helps provide a clearer perspective of societal cultural model. Touraine argued analysing society was never developed upon content of the historicity but rather “around the tension between the historicity and the natural systems mobilized by social activity” (Elliott, 1999, p. 141). Indeed, this research method focuses on the challenges, achievements and failures of Akeroyd within the prevailing cultural model context of his time. Accordingly, the presented numerous challenges in establishing ways to both collate and analyse data in terms of criminological theories which, in themselves, are subject to ongoing significant debate.
This research explored if tensions arose within Akeroyd’s own reform agenda as well as in comparing his approach to others. The research seeks to uncover the realities of Akeroyd’s and others’ positions on a range of issues by unearthing possible tensions. The research method examines embedded and underlying assumptions by analysing words recorded in various communications to identify theoretical positions of various protagonists. Therefore it was important to investigate meaning attached to key educative, reformative and punitive terms in fashion at the relevant time to understand both the role of prisons within society and prisoner programs. It was critically important to identify any assumptions Akeroyd and others had made by stating or clarifying their respective policy and practice positions to gain an insight into the preferred criminological theoretical position adopted by key players. Hence, this research draws its information from the words used and their imputed meaning, or strings of words, primarily within sourced historical documentation. It was important to identify and analyse meanings attached to key dimensions of prison and prisoner management and, as discussed in chapter 1, to specifically examine punishment, sentencing, prisoner classification, treatment and education practices and processes to comprehend discourse during the Akeroyd period.

3.2 Sourcing the evidence

Until recent times, insights into historical developments during Akeroyd’s time were largely drawn from formal annual reports presented to the incumbent State governments by respective Inspectors Generals, as well as via archived official correspondence. The annual reports, which recorded the Inspector Generals’ observations, achievements and challenges in managing prisons and prisoners in the previous twelve months, had been archived in Public Records of Victoria (PROV) which also provided access to official correspondence written by the ruling government, its various public departments and prison management. However, when Pentridge Prison closed in 1997 a box of papers was retrieved from a cupboard in one office. At some time after the retrieval and seemingly
in preparation for its disposal, Department of Justice (Corrections Victoria) personnel found a wealth of Akeroyd’s personal diaries, personal notes, memos, reports, case studies and other documents written during his appointment. The Corrections Victoria staff handed the documents to PROV which subsequently offered both open and closed access according to its guidelines. The accessible documents included Akeroyd’s hand written personal diaries covered the latter stages of his education appointment until the first four years of him heading up Victoria’s penal system. His diary contained typical entries with dated comments recorded on a daily basis for the first few months decreasing in frequency as time passed. His journal also contained several prisoner profiles written up as case studies documentating specific prisoner names, IQ assessments, academic assessments, observations of behaviours and comments relating to interactions between Akeroyd and the prisoner.

The PROV restricted access to various other documents such as: Akeroyd’s hand written and typed reports and letters as well as letters and reports he received; copies of his speeches; annotated notes; his case studies; private letters to and from colleagues around Australia; court reports; letters from prisoners; and reports on serious security issues (including attempted breakouts). Access to official reports and official correspondence through PROV proved more straightforward then accessing many of Akeroyd’s documents. The latter required ministerial approval to read his papers as discussed later in this chapter. Further concerns emerged after finally obtaining his papers – which appeared quite legible with little deterioration in paper quality – in attempting to establish to what extent the collection reflected the entirety of Akeroyd’s documentation. There appeared little systematic approach to collating or storing his papers which raises concerns many may have been unwittingly

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15 This is not the first time that a diary has been used to explore the experiences of person working in the penal system. Mark Finnane (2004) wrote a book based on the diary entries of J B Castieu, a prison governor in Melbourne in the 1850s.

16 There were also four separate folders each containing case studies, letters and coroner notes relating to prisoners executed under Akeroyd’s watch. Whilst these folders contained fascinating and compelling reading relating to the experiences of people facing a definitive end to their mortality it was considered that these documents were worthy of a separate research project and were not utilised within this particular study.
lost with little chance of substantiating either way. With no means to resolve the quandary, the research focused on working with the available data which is not an uncommon challenges facing historical methodologies (Schutt, 2006).

Ministerial approval was processed through the Commissioner for Corrections albeit for a very limited two week period\footnote{I appreciate the support of the then Commissioner for Corrections, Kelvin Anderson for his assistance in accessing Ministerial approval}. The researcher was allowed to photocopy relevant documents approved by the Commissioner under the condition the papers were secured in a locked filing cabinet. Many closed access documents were undated with no apparent chronological or subject matter order. As the documents appeared randomly collated, the challenge was to reorder them in chronological order by document type in the first instance before identifying a subject or theme order. Whilst the risk remained of classifying documents out of order, the researcher relied on identifying discussion trends to assess the chronological order. Accessing secondary materials such as newspapers and Inspector General Annual Reports contextualised the timing of issues or events Akeroyd referred to his undated papers. Applying the data management tool (discussed later in this chapter) also helped place documents in both a chronological order and theme order.

The PROV resources were supplemented by the newspapers in circulation at the time such as The Sun, The Herald, The Truth, The Argus as well as regional newspaper reports sourced from the Corrections Victoria division of the Department of Justice and PROV archives. The PROV also provided access to each of the Inspector Generals’ annual reports, parliamentary papers as well as official correspondence relating to historical prison management and prison operations.

\footnote{I appreciate the support of the then Commissioner for Corrections, Kelvin Anderson for his assistance in accessing Ministerial approval}
3.3 Managing the data

In order to extract information and meaning from extensive source material, a master matrix was developed to capture Akeroyd's and others' perspectives on policy or strategy position. Developing the matrix was informed by Fairclough's (2005) approach to critical discourse analysis where he outlined a process to manage the data by analysing the spoken and written language text, using the text (in terms of source and application) and the instances of the cultural process to which the text related. Fairclough’s model was modified to capture written text, date the produced text, its origin and meaning within the prison and prisoner management context. Additionally, the data collation matrix captured the criminological theory base and whether the text related to prison or prisoner management (the theme). The matrix helped map various theory positions on each policy, strategy or practice theme in relation to education, punishment, sentencing and classification. It also mapped differing voices to establish a basis to analyse changes in theoretical perspectives throughout the Akeroyd era. The unpopulated master matrix is presented below as table 1.

Table 1: Outline of data capture matrix

<table>
<thead>
<tr>
<th>Source</th>
<th>Theory</th>
<th>Theme</th>
<th>Dimension</th>
<th>Voice</th>
<th>Meaning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Akeroyd's diary notes (dated)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Akeroyd's written notes (non diary) (dated)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Newspaper articles (dated)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

A further table was constructed to identify the theoretical base embedded within the text of each data source. In order to place Akeroyd’s and others’ theoretical positions in the matrix, the researcher then analysed each data source to identify key words or strings of words which expressed the author’s position in relation to prison and or prisoner management. The analysis involved matching key words with theory indicators relevant to specific criminological theoretical position to assist the process.
Accordingly, Akeroyd’s personal diary entries, his private papers, reports (including the annual reports) or reference notes and each newspaper article was analysed by matching words or string of words listed in the table to identify the relevant theory supporting the intent and meaning of the words used. Young (1981) and Cohen (1985) provided a clear outline of each theory and associated attributes which assisted this researcher to build the analytical tool. This tool mapped key words and or strings of words reflecting each theory against the elements drawn from Young’s and Cohen’s writings. Cross-referencing words or strings of words against various aspects of each relevant theory provided a base from which to map and classify each particular writer and speaker position. The words shaped the classification tool outlined in table 2.

Table 2: Theory indicators drawn from analysing Young (1981) and Cohen (1985).

<table>
<thead>
<tr>
<th>Elements</th>
<th>Classicism</th>
<th>Conservatism</th>
<th>Positivism</th>
</tr>
</thead>
<tbody>
<tr>
<td>Human Nature</td>
<td>Rational Equal Rule of Law Contract</td>
<td>Rational but must display self-restraint Responsible to make decision Self-interest subordinated to social good</td>
<td>Determined People are socialised into society Normal versus abnormal</td>
</tr>
<tr>
<td>Social order</td>
<td>Social contract State order minimal Protect individual’s rights State order by consensus Law protects just rewards from fruits of labour Balance reason and self interest</td>
<td>Traditional order Social tradition Unity of family is social cornerstone Order takes precedence over justice Never challenge authority</td>
<td>Social values correspond to the needs of the system People are different based on their abilities and degree of socialisation Consensus of value that can be scientifically ascertained</td>
</tr>
<tr>
<td>Definition of Crime</td>
<td>Violating social contract Behaviour detrimental to personal safety and property Focus on the act Law &amp; morality separate codes Infringing a separate code</td>
<td>Behaviours threatening social order</td>
<td>Act which is deviant</td>
</tr>
<tr>
<td>Extent and distribution</td>
<td>Relies on reported crime such as police statistics</td>
<td>Poor most likely to offend</td>
<td>Relies on science to conceptualise and apply statistics</td>
</tr>
<tr>
<td>Causes of Crime</td>
<td>Irrational behaviour Imbalance between reason and self interest</td>
<td>Pursuit of personal gratification</td>
<td>Product of under socialisation Genetic or physiological incapacity Family background – ineffective socialisation Lack of coherent and consistent consensual values</td>
</tr>
<tr>
<td>Policy Response</td>
<td>Punishment Deterrence</td>
<td>Dual track system – judges on offence but with proportional punishment</td>
<td>Administered by judges with knowledge of psychology, anthropology and psychiatry</td>
</tr>
<tr>
<td>Elements</td>
<td>Classicism</td>
<td>Conservatism</td>
<td>Positivism</td>
</tr>
<tr>
<td>----------</td>
<td>------------</td>
<td>--------------</td>
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</tr>
<tr>
<td></td>
<td>Punishment proportional to the extent law is broken</td>
<td>Focus of the actor</td>
<td>Punishment replaced by treatment</td>
</tr>
<tr>
<td></td>
<td>Punishment aims to make law abiding most rational decision</td>
<td>General deterrence</td>
<td>Punishment proportional to the extent of harm</td>
</tr>
<tr>
<td></td>
<td>Judged by jury of peers / rational people</td>
<td>Punishment to be public</td>
<td>Rehabilitation instead of punishment</td>
</tr>
<tr>
<td></td>
<td>Sentencing applied to agreed and fixed set of penalties</td>
<td>Court system to be symbolic</td>
<td></td>
</tr>
</tbody>
</table>

**Alternate or sociological theories**

<table>
<thead>
<tr>
<th>Elements</th>
<th>Strain Theory</th>
<th>New Deviancy theory</th>
<th>Marxism</th>
</tr>
</thead>
<tbody>
<tr>
<td>Human Nature</td>
<td>Constructed within the society in which the individual lives</td>
<td>People become socialised through societal institutions</td>
<td>The relationships between groups of people grounded in history and relate to the means of production at that time</td>
</tr>
<tr>
<td></td>
<td>People act rationally within the cultural framework</td>
<td>Social control</td>
<td></td>
</tr>
<tr>
<td>Social order</td>
<td>People are socialised into a consensus of values</td>
<td>Pluralist values which have been constructed</td>
<td>Control of the worker and of the workless</td>
</tr>
<tr>
<td>Definition of Crime</td>
<td>Crime is extended beyond economic frameworks into social disorder</td>
<td>Behaviours are labeled as criminal</td>
<td>Crime is constructed by the ruling class and justice administered by the ruling class</td>
</tr>
<tr>
<td>Extent and distribution</td>
<td>Inverse proportion of crime to social status.</td>
<td>No clear delineation between acceptable and not acceptable behaviours</td>
<td>Epidemic in social order</td>
</tr>
<tr>
<td>Causes of Crime</td>
<td>Crime derived from blocked access to opportunities</td>
<td>No clear cause and effect. Criminal acts are identified from ideological and coercive origins</td>
<td>Incorporation, or lack of incorporation, of people into the workforce</td>
</tr>
<tr>
<td>Policy Response</td>
<td>Alleviate disjunction between access/ opportunity and aspiration</td>
<td>Pursuit of conformity gives rise to deviance</td>
<td>Removal of inequalities</td>
</tr>
</tbody>
</table>

Hence this research connected Akeroyd’s and others’ words and actions with respective theories before tracking any changes in positioning over time. Accordingly, this research extracted meaning from primary data, placing it within the relevant theoretical context of prison and prisoner management practices before identifying evidence of any shifts in theory by Akeroyd or others in regards to sentencing, punishment, classification and education.

As stated earlier this thesis concludes with a reflection which contextualises implications from Akeroyd’s experiences for contemporary prison education practice. This research method and
consequent reflection of the meaning extracted from the data focuses on and challenges assumptions underpinning historical and contemporary prison and prisoner management practice.
The name “Mouse” was often applied to a prisoner who was adept at being able to fossick resources from anywhere in the prison. Mouse was often a fellow of slight stature but effervescent nature who buzzed in and out of the various groups within the prison. Just about every prison at every time had a Mouse. One such Mouse provided me with an important lesson about the different perspectives people held on what a prison was and what it did.

On this particular day I was in the circle of A Division in Pentridge prison. The circle is the hub of the division where the wings of the prison intersected. In the panopticon model of prison structure devised so many years before, the circle provided the station for prison officers to maintain vigilance on the happenings in the wings of the prison. I had been waiting for a group of prisoner students to be called in from the exercise yard when one of the senior prison officers escorted a group of women from a hospital auxiliary into the circle. The prison often played host to various philanthropic groups and this group of approximately ten women were being shown into the division and, in particular to view the cell of one of Victoria’s longest serving and notorious prisoners. Quite often, when groups were brought into the prison, they were taken to this particular cell whether the prisoner agreed or not to entertain visitors.

Whilst I was watching the prison officer open the cell door the group of women formed a circle around the open door, peeking in, but not venturing in through the open door, Mouse walked past me after coming straight out of the showers, his modesty covered only by a single white towel which was held together at the front by only his right hand. In his left hand Mouse carried the soap he had used in the shower. To this day I have no idea how Mouse manufactured this situation but next thing I saw him in the middle of the circle of auxiliary ladies, apologising profusely at his lack of decent clothing and of interrupting the visit to the cell when suddenly the soap, still slippery from the shower
shot upwards from his grip. In an effort to trap the soap on the smooth slate floor, Mouse was scurrying around in the circle of women scrambling to pick this bar of soap whilst desperately hanging on to his towel when suddenly his false teeth came flying out of his mouth on to the floor. In an effort to capture both his teeth and the soap, Mouse let go of his towel and was scrambling, head down chasing the two escaping items around the legs of the now shrieking and terrified women trying to avert their eyes from the naked (albeit apologising) man scrambling around before and between them. As the prison officer (with a smile on his face as I recall) gathered the women together and shepherded them out of the A Division Circle, Mouse looked up at me and winked.

I doubt whether this scenario would have made sense outside a prison setting. The elements of this scene are quite diverse: a group of women undertaking, I suppose, a voluntary philanthropic role visiting a prison (for some reason unknown to me); being escorted by a prison officer into the cell of a long term notorious prisoner (without obtaining his permission); and being exposed to a naked male prisoner whilst in the hub of a major prison division in full view of prisoners and prison staff. The only element that made sense to me at the time was that Mouse made his message quite clear in his unique way. Mouse’s performance sent the message that whilst there are people in prison it did not mean that these people were not entitled to some degree of respect.
Chapter 4 Akeroyd’s years

This chapter chronicles events and issues in prison and prisoner management throughout the period of Akeroyd’s appointment. As noted in chapter 2, the majority of knowledge pertaining to prison and prisoner management practices in Victoria prior to Akeroyd’s time was drawn from both information provided in the official annual reports and newspaper records. Whilst such sources also provided insights into the Akeroyd era, it was the diaries and the other records he kept that offered additional insight into the challenges he encountered during his tenure.

Initial examination of archived data showed that Akeroyd used various methods to record his thoughts including a diary for personal reflection as well as annual reports and official letters to disseminate his ideas to others. He also capitalised on other media mediums such as newspapers, radio, speeches and journal articles to communicate to a broader audience. An initial examination identified several trends in various information sources divisible into three broad phases with each defining particular years characterised primarily by the specific method Akeroyd adopted to record his thoughts and activities. During the initial phase dating from 1924 until 1930, Akeroyd recorded his thoughts and reflections in his personal diary which he later transposed for annual reports submitted to the government of the day. The second phase, spanning 1931 until 1940, heralded a shift in the documentary evidence base amid a marked reduction in diary entries in favour of a growing number of public presentations and public debates in the daily press. The third phase spanning 1941 until 1947 signified an increase in Akeroyd’s reflections on prison and prisoner management policy and practice via formal proceedings such as government-led enquiries and reports. This chapter examines the three separate phases to chronologically record Akeroyd’s and others’ observations as well as record specific events spanning the Akeroyd era from his early years through to his middle years and later years.
Akeroyd refined his approach towards individual prisoner reform amid divided community opinion about changes the existing prison system. He encountered challenges to reforms he strove to implement in respect to the dimensions of punishment, sentencing, prisoner classification and educating both prisoners and prison officers. This chapter maps his privately and publicly-recorded experiences and reflections to analyse challenges faced and support received during the three phases of Akeroyd’s engagement as Inspector General.

4.1 Akeroyd’s early years 1924 – 1930

From his early days in his role, Akeroyd documented his thoughts on challenges he faced and proposed resolutions in his personal diary. He adopted the reflective perspective of an educator to make sense of each challenge that required addressing.

His early reflections focused on whether prison life assisted the offender in developing requisite skills to make a positive contribution to the community upon release. On his first day in the role, Akeroyd’s reflections forecasted his vision to establish education-based reform to provide prisoners with marketable trade skills upon their release (VPRS 6604, 3 January, 1924). Later the same day he recorded a further observation:

The whole of the industries – woodwork, boot making, woollen, blacksmithing, plumbing etc etc (sic) are under the care of Uren who is a builder by trade. Experts are in charge of tailoring, boot making and woollen manufacturing departments. Otherwise everything is run by prison labour. The difficulty of obtaining good work is obvious. There seems room for other teaching experts (VPRS 6604, 3 January, 1924).

Akeroyd continued to visit all prison sites during his early days where he recorded his observations about the lack of structure and discipline. He specifically documented concerns about lax discipline at Castlemaine reformatory (VPRS 6604, 9 January, 1924), C Division at Pentridge (VPRS 6604, 9 January, 1924) and French Island (VPRS 6604, 15 January, 1924). He observed a greater need for
education and training programs as well as more teaching staff, which he subsequently acted upon as he noted on 11 January, 1924:

Delivered to Chief Secretary report on Castlemaine Reformatory escapees. He was satisfied. He agreed to the creation of position of school master at Castlemaine after consultation with the Premier. (VPRS 6604, 11 January, 1924).

Akeroyd noted in his early diary entry prison escapes from Castlemaine but it was a significant breakout attempt from Pentridge that would prove a significant challenge. Akeroyd’s diary also recorded a plot hatched in 1923 by Taylor (thought to be Squizzy Taylor) to aid the escape of a “notorious criminal” from Pentridge that authorities foiled on 15 January, 1924 (VPRS 6604).

Akeroyd, in concert with the Chief Secretary, Dr Argyle and the police, conducted an undercover investigation to reveal prison officers and prisoners involved in the escape plot. The foiled escape attempt as well as a series of fires ignited in Pentridge sparked Akeroyd’s concerns to address warders on the need “for tightening of the discipline made manifest” (VPRS 6604, 13 January, 1924).

A diary entry on 28 January, 1924 revealed Akeroyd’s commitment to rapidly implement education reform within the prison system:

On Wednesday night visited Castlemaine with the Board. Received by the Mayor. Enunciated the three principles of (1) classification (2) work of an interesting nature and (3) right ideals with living conditions conducive to self-respect. These are the principles underlying teaching and they also appear to underlie penology. Next day spent some time at the Board meeting. The plan for Hand is to allow him to teach from 8.30 – 12 noon and from 7 to 9 at night. He will plan entertainment, debates etc and generally take charge of the recreational work of inmates. (VPRS 6604, 28 January, 1924)

This diary entry provided the strongest clue to Akeroyd’s philosophy on prison management by drawing parallels to key principles underpinning teaching. A later diary entry revealed that the prison board did not share Akeroyd’s enthusiasm for swift change. On 4 February, 1924, Akeroyd recorded his concerns that the board “is ruled by Morris – too lenient. Takes the view of expediency not that of true reform” (VPRS 6604, 4 February, 1924). Akeroyd’s reflections during his early days in the
new role not only demonstrated his drive to implement education-based principles but also hinted at his frustration towards any resistance stymying his aspirations.

Akeroyd’s diaries and personal notes also revealed his great interest in understanding the relationship between the causalties of crime and criminality. Akeroyd anticipated increasing understanding would help create effective systems and processes to improve the prison system. His drive for comprehension saw him turn to science to create an analytical framework. Akeroyd started to document the life histories of both male and female prisoners to uncover clues explaining their criminal behaviours. Interpreting the causal factors influencing criminal behaviour helped Akeroyd adopt appropriate remedies relevant to the specific individual. He documented his assessment of one prisoner named Eric Gordon in his diary (VPRS 6604, 20 July 1924) as follows:

Bulumnaal murder... Intelligence 95 IQ MA 15 3/12 normal. Quite good reasoning ability in concrete situations. Abstractions not so good. Visualising power very good.... Morally is dead. There is no make up for higher virtues.

Akeroyd continued to record particular prisoner details in his diary until 1928 without offering any rationale for selecting certain prisoners other than his apparent strong interest in offenders convicted of capital crimes.

His commitment to education principles is revealed in his September 1924 diary entry recorded following his visit to Janefield. It was evident that Akeroyd started to formulate his recommendations to transform Janefield into a “proposed site for defective home” during this visit. In his diary entry, Akeroyd listed four principles to be implemented which included handing “the whole show over to the Education Department” (VPRS 6604, 5 September, 1924). This diary entry not only demonstrated his recognition that education played a major role in reforming juvenile offenders but

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also landmarked his concern for them once the youngsters left the prison system. It is at this early juncture in Akeroyd’s appointment that raised the twin issues of reconciling his educative approach to prison management against the need for punishment.

It is clear in his personal reflections that Akeroyd felt punishment played but a minor role in prison reform:

You will begin to realize how I view a prison or a reformatory – as a place of education not of punishment – education away from evil habits and thoughts to thoughts and habits habitual to good citizens. This does not mean prisons are not places of punishment, but punishment is only incidental – it is an accompaniment not the main aim. Of course there is punishment in the long hours of isolation at night time, in the discipline, the shutting off from friends and relatives, the penalties for breaches of discipline etc. (VPRS 6603, undated).

In October 1925, Akeroyd was invited to speak to student teachers at the Victorian Education Department’s Teachers College at University Grounds in Carlton. In his speech notes, Akeroyd claimed that criminals fell into two main classes which, in his own words, Akeroyd identified as follows:

(1) Those who show some definite taint (sic) in mind or body, either from birth or acquired, that makes it impossible or almost impossible for them to conform to laws.
(2) Those who are victims of bad environment or training who could quite possibly conform to laws (VPRS 6603, 7 October, 1925).

Combining his experience as an educator with the prisoner case studies, Akeroyd believed it was critical to link the characteristics of the two distinctly separate criminal classes to an appropriate method of treatment. He elaborated about class (1) criminals as follows:

Except among imbeciles, and of these I have only found two in 20 months work I cannot find that mental deficiency as such is a main cause of criminality. It is the psychopathic or aberrational mental traits (as you please) that lead to criminality, not mental deficiency in itself. These psychopaths are few in number. They require long and careful training and much testing before release. It is a moot point, too, whether psychopaths should be segregated wholly from normal criminals. Certainly they are destructive to discipline, but a gaol wholly composed of psychopaths would be an awful place, and the influence and example of normal human beings must do much to steady up these unfortunates (VPRS 6603, 7 October, 1925).
During the same speech, Akeroyd also defined the criminals he believed had been affected by environmental factors (class (2)).

In these cases it is notable that very many have lost one or both parents. Very often a stepfather or stepmother appears in the picture. Again one often stumbles on scenes of poverty, hunger, dirt, immorality, thriftlessness (sic), poor discipline or other lack of discipline etc. From good homes in the material sense one can sometimes trace as a contributory cause lack of harmony between parents. Very seldom is the school or the church mentioned and one fails to find any very definite impression left by teachers or ministers of religion (VPRS 6603, 7 October, 1925).

In the latter scenario, Akeroyd advocated a multilevel approach for treating the specific class of criminal. Further, Akeroyd was conscious that as the second class of criminal spent little time within the prison system, it was critical to adopt a coordinated approach designed to capitalise on the limited time available for individual reform. The first step, Akeroyd believed, was removing the prisoner’s “distinct antisocial grudge” to foster rehabilitation:

Very often when first received into prison, he has distinct antisocial grudge looking upon warders as his enemies. Before any progress can be made this must be removed, and in fact, it soon disappears under kindly treatment. The prisoner is trained to think that punishment comes from the law officials (the court), that the prison officials are under orders of the court to hold him for a certain length of time, and, that, during that time, these officials will help to place him in such a position, that, when he leaves prison, he will be more fitted than before for the battle of life (VPRS 6603, 7 October, 1925).

Akeroyd detailed effective reforms to shift the prisoner’s negative attitude towards their plight:

(1) Ideals. First let us put ideals – ideals of conduct and of living. Good and beautiful thoughts. Training in tolerance for one’s fellows and his possessions. First we must have a fine tone in our institution, and this can only come from a fine type of officer in daily associations with the prisoners – wise, kindly, upright, firm, and well educated with some knowledge of the mental types to be found. The second is in the provision of a school where a trained teacher of good personality is daily in contact with these lads for several hours a day.

Next these lads must be trained in discipline. Discipline from above first, leading later to self-discipline. I find nothing so good as the physical exercises and games taught in the schools. Practically none of these prisoners remain in prison longer than twelve months. Consequently a trade cannot be taught… all can be trained to handle tools. It is anticipated that (the workshop) will be placed under the care of a trained technical teacher who will instruct these youths in practical geometry, sheetmetal work and woodwork – the basis of all trades. (VPRS 6603, 7 October, 1925).

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Akeroyd outlined the final step involved in instilling a sense of responsibility to the community to the offender:

Consider the people we are dealing with. Reared without sense of responsibility to the community in which they live. Accustomed to spend as much time as possible in pleasure with no thought of self-improvement – living only for the moment. How in twelve short months can one cause the door to open of service to the community\(^2\)? It is a difficult matter. The mind must first be prepared by discipline and training. Again the whole atmosphere of the place must help. The daily talks of the superintendent should be vitalizing and only a broad visioned educated man can do such work. The school helps, but I am afraid that we fall far short of the ideal (VPRS 6603, 7 October, 1925).

Akeroyd’s early diary entries and other documents clearly set the platform for his approach towards prison management system reform, in particular targeting individual prisoners. As Akeroyd strongly believed that education principles aligned consistently with those of penology, he also introduced science-based thinking in his bid to understand reasons behind criminal behaviour in order to effectively reform offenders.

While Akeroyd’s thoughts reflected his personal position, it was evident that many of his contemporaries from education, research, politics and the church shared his outlook at the time. However it was equally evident that many in the Victorian community also challenged his views. In order to reflect on divided public debates occurring concurrently with Akeroyd’s evolving position, consideration is given to both the supporting and contrary positions.

4.1.1 Allied perspectives

The Hon. Samuel Mauger, chairman of the Indeterminate Sentence Board, addressed the Methodist Church on effective approaches to managing crime and criminals as recorded in the *Warrnambool*

\(^2\) Note that Akeroyd did not include the question mark in his notes
Chronicle (14 March, 1924) by reflecting on the international focus toward prison reform. The article quoted Mauger as saying:

Prison reform and the treatment of prisoners never received more attention than at present time. In Canada the old prisons are being discarded for forest settlement and development. The indeterminate sentence is being universally adopted. In America long overdue reforms are in progress and the establishment of prison industries is being undertaken. In the homeland one of the effects of the Great War has been to give a fillip to prison reform in a remarkable manner (Warrnambool Chronicle, 14 March, 1924).

Mauger couched his observations within a religious context by reminding the church that “many of the world’s best men have been prisoners – criminals as we loosely call them” (14 March, 1924). Mauger presented his perspectives on the prison system and prisoner treatment in the context of “Jesus and John and Peter, James and Paul were each under arrest or in prison many times, Germany arrested and imprisoned Martin Luther, one of the greatest Scotchmen, John Knox, was for years a galley slave” (Warrnambool Chronicle, 14 March, 1924).

Using religious analogies, Mauger attempted to persuade the church that prisons needed to reform individuals before they returned to the community. However, Mauger cautioned that prisons must embrace the framework of “humane scientific treatment of the unfortunate” by stating:

The only justification for any prison system is that to help the prisoner and protect society and prepare the prisoner for restoration to society. This is what the new penal science in contrast with the old penal law, attempts to do. To correct or cure the conditions in the person has caused the commission of the crime by placing him in a prescribed environment under medical industrial education, and other scientific care and discipline and to reform the person so he is likely to take care of himself and his family after his discharge (Warrnambool Chronicle, 14 March, 1924).

Interestingly, the same newspaper article reported comments from a Miss Dorgan who reflected on the value of education for women prisoners:

Education has done a great deal of good, no doubt, but it has also given us a well-educated and smooth spoken lot of crooks. Miss Dorgan approves of the new system of teaching trades to male prisoners, and occupations such as sewing, raffia and laundry work to women but she doesn’t believe in coddling criminals or in the abolition of capital punishment. (Warrnambool Chronicle, 14 March, 1924)
In 1924, many newspaper articles reported on the importance of introducing a human touch into prisons to support the prisoners’ intellectual growth with Mauger quoted in *The Herald* as saying:

If the idea of making imprisonment reformative instead of purely punitive is ever to be more than the pious aspiration of good and kindly folk, a radical change must be made to the penal system. The first great need is to the introduction into the prison itself, as tutors and exemplars, of bright, strong, resolute young men, skilled in letters and not unskilled in handicrafts. The average warder is an efficient gaoler; his office bars him from being guide, philosopher and friend. The personal touch on the reformative side is as yet unexploited…where…it could be most valuable as a national asset. (*The Herald*, 29 November, 1924).

In 1924, George Browne, vice principal of the Teachers Training College at Melbourne University pleaded for a “vigorous scientific campaign against crime” to be introduced after evaluating the effectiveness of American programs (*The Herald*, July, 1924). Browne criticised previous regimes for failing to handle prisoners and their offending behaviours:

The method of meting criminal offences with severe punishments has never been successful in seriously diminishing crime, for the reason that many offenders are constitutionally unable to exercise the same control over their actions as their more normal fellow beings. It is not very long since the accepted treatment for insane persons was to flog them until their particular devils left them. This we regard now as hideous cruelty, but future centuries may consider our methods of dealing with criminals equally as cruel and ineffective. We punish them and let them go, and soon they are back for their next dose of punishment. Is there not a more scientific procedure than this? (*The Herald*, July, 1924)

Using case studies from the Detroit (USA) program as a template for dealing with offenders, Browne advocated for prisoner classification along similar lines to that of Akeroyd:

(1) The victim of a bad environment, who can often be cured by being given a fresh start under better circumstances.
(2) The criminal of definite feeble mindedness, who can only be easily be detected and segregated before much harm is done.
(3) The high grade criminal, intelligent and crafty, with an hereditary taint in his mental and moral make up. (*The Herald*, July 1924).

Like Akeroyd, Browne placed significant importance on developing case studies to identify factors influencing offending behaviours but also suggested setting intelligence tests to evaluate the mental age of each offender. Browne strongly believed combining the case history with the intelligence test would benefit the first two classes of offenders with the existing indeterminate sentence strategy only
serving the needs of third class of offenders. He conceded “how to deal with the third class is still a problem. The Indeterminate sentence seems the best solution so far; but the first and second classes, if allowed to continue in a criminal career, remain a permanent reproach to the State” (The Herald, 1924). The Detroit program, according to Browne, established therapeutic communities based on a village concept and an industrial colony “where similar cases receive firm but sympathetic treatment, where the gaol was merely a place of retribution, the village community becomes a hospital for the morally sick” (The Herald, 1924).

While Akeroyd’s policies enjoyed many advocates within Victoria, he invited Dr Morris Miller, Director of the State Psychological Clinic of Tasmania, to comment on the Victorian prison system during his visit reported in The Herald newspaper (8 January, 1925). The article called for treating mentally-defective offenders separately from other prisoners as well as reviewing the term “indeterminate” to include prisoners serving indeterminate sentences within the scope of reform. Miller’s remarks prompted extended debate in the newspapers and official reports over the nature of indeterminate sentencing which peaked during Akeroyd’s middle years.

While the indeterminate sentence debate surfaced in 1925, a public debate on the underlying causes of crime and criminality emerged in the following year. In an article published in The Herald, Dr C R McRae, one of Browne’s contemporaries on the executive Board of the Australian Council for Educational Research (ACER), questioned earlier positions on the causes of crime and criminality as well as the appropriateness of programs to redress such causes. McRae dismissed arguments purporting “defective moral sense” as illogical by arguing “morality is entirely the outcome of experience” (The Herald, 29 May, 1926). He also rejected any direct relationship between mental defect and delinquency as equally spurious by quoting Dr Fernald: “Every feeble minded person is a potential criminal, needing only the proper environment and opportunity for the development of the criminal tendencies” (The Herald, 29 May, 1926). McRae further argued that:
Since the mythical “defective moral sense”\textsuperscript{21} or “inherited criminal trait”\textsuperscript{22} is never among the causes of juvenile delinquency, and mental defect is a comparatively rare cause, I may proceed to indicate the real causes. [These are] defective discipline at home which may be either too lax or too strict, some unrealised wish rankling in the unconscious, a family history of vice or crime (and) poverty (\textit{The Herald}, 29 May, 1926).

Such arguments appeared to preoccupy Akeroyd in his middle and later years as he weighed the predisposition to criminality against criminality arising from undersocialisation or environmental influences.

The early stages of Akeroyd’s appointment witnessed interesting public and private debate from Akeroyd and his education colleagues as well as others boasting prison management interest. The ensuing dialogue not only attracted people with a positive interest from education and allied fields but also sparked contributions from the broader political arena. While prompted early in Akeroyd’s career, the nature of the issues continued to pique Akeroyd’s interest as his career progressed.

\textbf{4.1.2 Political perspectives}

Controversy surrounding effective prison management and reform programs continued throughout 1924 with debate extended to present prisoners’ views that the condition of the Victorian prison system was “a vicious one, tending to increase rather than lessen crime, little effort is made in our gaols to teach trades to convicts; that the Indeterminate Sentences board is given powers that are too arbitrary and that prisoners are herded together indiscriminately, resulting in contamination of first offenders by hardened criminals” (\textit{The Herald}, 19 April, 1924). \textit{The Age} and \textit{The Argus} newspapers independently reported on Chief Secretary Mr. Tunnecliffe’s presentation on the government’s approach to prison reform following a recent prisoner strike protesting against continuing

\textsuperscript{21} McRae’s use of quotation marks
\textsuperscript{22} McRae’s use of quotation marks
indeterminate sentence. Tunnecliffe reportedly said “the policy of the Labour Ministry was that prison treatment should be reformatory and not punitive” (The Argus, 18 August, 1924). The Argus reported that Tunnecliffe, having interviewed Akeroyd had “every confidence in Mr. Akeroyd’s ability, but he realised that Mr. Akeroyd was seriously handicapped through the lack of proper classification of prisoners” (The Argus, 18 August, 1924). Tunnecliffe suggested recalcitrant offenders be imprisoned at the Beechworth prison where “facilities for education, development and reform of prisoners would be made” (The Argus, 18 August, 1924).

Both newspapers also reported the importance the chief secretary placed on dealing with youthful criminals by noting the number of young offenders had remained unchanged despite the general prison population decreasing during the past 50 years. However, only The Argus reported on the challenge the government faced regarding the court-imposed sanction of whipping:

Mr. Tunnecliffe said that the Labour party was opposed to corporal punishment, but as the sentence had been awarded by the court he, as Chief Secretary, would have to see that it was carried out. Personally, he was convinced that a man could not be reformed by flogging, which only had a brutalising effect (The Argus, 18 August, 1924).

4.1.3 Communication to government – the use of annual reports

In the early phase of his career as Inspector General, Akeroyd used the Annual Reports to record his thoughts and prepare his positioning for future developments in prison and prisoner management policy and strategy directions. The Inspector General was required to submit annual reports entitled Penal Establishments, Gaols and Reformatory Prisons reflecting on the previous year’s prison system performance to the government of the day.

His predecessor, Mr. C. S. McPherson, prepared the annual reviews for 1921 and 1922 before Akeroyd’s appointment in 1924 meaning his first report covered events that had occurred in 1923 under McPherson’s leadership. It was notable that the reports prior to Akeroyd’s appointment merely summarised statistical information without commentary, a reporting style that soon expanded in the
early Akeroyd years. His inaugural report presented standard statistical information, as in previous report formats, but also introduced additional chapters presenting a policy or issue position for government debate. The marked departure from previous report structures commenced in 1924 (written in 1925) when Akeroyd included chapters on education, industries, indeterminate sentences, probation, discipline and tone. He also incorporated a number of graphs detailing: intelligence testing including cumulative and distribution graphs of prisoner IQ; on school attainment, and on prisoner mental age. The 1924 Annual Report not only signalled the first formal introduction of the role of education and prisoner IQ assessment into prison management but also forecasted to government the fundamental role education and prisoner psychological assessment would play in prison management. Akeroyd maintained a similar approach with only minor amendments for his future annual reports until 1932. However while Akeroyd may have articulated his views in his annual reports, his opponents saved their concerns for alternative forms of media such as newspapers to publicly criticise his directions.

4.1.4 Conflicting positions

Evidence that not everyone embraced Akeroyd’s initiatives during the early years of his tenure emerged from various community sectors as well as prison staff and some prisoners who recorded their dissatisfaction towards Akeroyd’s philosophical approach to prison and prisoner management.

In his early days, Akeroyd spelled out his directions and philosophical position on his expectations of prison staff in an undated document where he made the following comments about staff selection and training:

The first necessity is good staff. The members of the staff must be men of good personality, interested in their work, upright men who rule more by force of character than by force of might – if I may put it so. To this end they are carefully chosen. They must conform to a certain physical and mental standard – in the mental standard being judged by mental tests… After being placed on duty they are kept in temporary positions under supervision until they prove themselves, and are then placed on probation. During the period of probation they are required to pass examinations before being made permanent officers. Then before receiving promotion they must pass examinations in the principles and practices of prison Management and in the Laws & Regulations relating to penal establishments and goals. Many of them will be able to
compile histories of criminals, note the salient points of those histories and give the best methods of dealing with any particular person (VPRS 6603, undated).

Prison staff publically voiced their dissent about his approach to both prison officer associations and the press. Similarly, W. C. Callaway, former Chief Secretary, wrote a letter to the editor of *The Argus* in July 1924 on behalf of Pentridge Prison warders responding to Akeroyd’s proposal to subject staff promotions to an examination process. Callaway’s letter not only reinforced the previous promotion process based on seniority and experience but showcased his concern that Akeroyd’s educational principles were unsuitable for prison operational management:

> A boy fresh from school could, with six month’s preparation, pass a better examination in penology than a warden with a quarter of a century’s good service, unhabituated to the acquisition of book knowledge, which in practice has often proved so futile. Practical experience should be the sole standard of advancement (*The Argus*, 16 July, 1924).

The debate continued throughout 1925 and 1926 with prison warders lobbying politicians to the then Chief Secretary Mr. Argyle with both *The Argus* and *The Age* reporting on one such delegation on 17 June, 1926:

> For the seventh time in the past four years representatives of the penal warders waited upon the Chief Secretary with requests for removal of various sources of grievance at Pentridge and other prisons. The deputation was supported by three members of Parliament – Messrs Keane, Cain and Jewell – and advanced a claim to review the decisions of the Inspector general in cases of warders who appealed against the withholding of increments and asked for promotion by seniority. (*The Age*, 17 June, 1926).

On the same issue reported in the press the following day, Callaway stated:

> The Pentridge warders do not hail with joy the apparent ambition of the inspector general to fill the higher posts with school men. School fills a very useful place in the social organism, but to carry its traditions through life surely indicates a narrow horizon. (*The Age*, 18 June, 1926).

In another letter to the editor, Callaway publicly questioned Akeroyd’s philosophical approach to managing prisoners by casting doubt on his scientific and sympathetic outlook:

> All prison systems should be progressive in order to be effective, as penology it (sic) not like mathematics, an exact science. Mr Akeroyd is an officer of high ideals, but his practical knowledge is limited, and the treatment of criminals cannot be mastered in six months (*The Age*, 18 August, 1924).
In the same article, Callaway stipulated his preferred approach to treating prisoners:

When London suffered from the epidemic of garroting, the lash put an end to the terror, and it may check the robbery under arms so prevalent in our midst at present. It is puerile to talk of brutalising the tiger, and the best remedy for violence and cruelty is homeopathic. Sympathy is well, but sentimental treatment of crime is utter folly (The Age, 18 August, 1924).

In responding to Akeroyd’s initiatives, Callaway provided a voice to prison officers in a couple of matters. Firstly, Callaway disapproved of Akeroyd’s scientific or mathematical approach to penology and, secondly, criticised his therapeutic approach to prisoner management. Whether his concerns are based on theoretical differences about Akeroyd’s positivist approach or simply his reluctance to embrace different ideas remains unclear from the available evidence. Either way, Callaway clearly presented a strong case against Akeroyd’s reform vision.

Prison warders repeatedly challenged the State Government’s commitment to their working conditions during presentations reported in four consecutive years. Both The Age and The Argus (17 July, 1925) reported on the warders’ claims for improved pay and removing various sources of grievance. Their claim, presented to the Chief Secretary by three members of Parliament, included a specific request to establish an appeal board which by-passed the Inspector General in response to Akeroyd’s plan to base promotion on merit rather than seniority.

Akeroyd’s early years were marked by his drive to reform prisons and prisoner management using scientific methodology to develop programs designed to identify causes of crime. His approach focused strongly on prisoner education and training for both younger boys and men in reformatory prisons as well as improving prison officers’ education to instill a more disciplined approach to prisoner management. The latter agenda again brought him into marked conflict with prison warders that persisted throughout Akeroyd’s middle and later years. Akeroyd’s diary entries recorded various
references to scientific methodologies for reforming actions as well as the subsequent movement towards treatment and encouraging robust community debate.

4.2 Akeroyd’s perspectives – middle years (1931 – 1940)

During the middle years Akeroyd maintained his focus on employing a scientific approach to understand the nature of crime and criminality by developing his case study methodology. He also continuously lobbied government and judicial agencies to reconsider the role of prisons within the community. As evident in a marked decline in his diary entries during the late 1920s and 1930s, Akeroyd noticeably shifted from recording his personal thoughts to increasingly expressing his views in the public media. Consequently Akeroyd’s aspirations for a science-based prison and prisoner management regime played out in his speeches, public presentations and his annual reports. During this period Akeroyd strengthened his resolve to pursue a psychological approach to program development particularly by improving reformatory schools in Janefield and Bayswater to better help young offenders. While his focus remained fixed on prison classification and improved prisoner treatment, especially younger offenders, Akeroyd likewise presented strong views on the role of punishment within criminal justice management.

In the early 1930s, the issue of punishing offenders played a major role in public debate. On June 20, 1931, Chief Secretary Tunnecliffe publicly opposed capital and corporal punishment in accord with the prevailing Labour Party position that was “to eliminate the more brutal forms of punishment, and to help men by giving them adequate employment and a better form of prison treatment” (The Herald, 20 June, 1931). Tunnecliffe felt punishing criminal behaviour was being “invariably reserved for the poorer classes” (The Herald, 20 June, 1931). At the same time the judiciary and Parliament appeared at odds in regards to punishment with the former having established the standard of corporal (and capital) punishment as a legal response to the crime committed while the political position (as reflected by Akeroyd’s key employer at the time) condemned corporal and capital
punishment. Akeroyd was left to implement court-imposed punishments during his middle years which presented the added challenge of reconciling differing perspectives alongside his own personal views.

In an article written for the Honorary Justices’ Association of Victoria, Akeroyd plainly stated his perspective on the key principles underpinning the modern penal system in which he outlined the two attitudes to adopt towards the criminal: “The first and oldest is conveyed in the very word penal, it means ‘of or pertaining to’ punishment” while the second involved “the attitude of understanding and sympathy” (Justice of the Peace, 1932). As Akeroyd stated:

It is the method of the psychologist. It recognises that crime is not a single isolated fact in a man’s life; but that it is a mental symptom of mental origin (Justice of the Peace, 1932).

In exploring differences between the two principles, Akeroyd detailed changing theoretical perspectives continually influencing the function and role of prisons over time. Akeroyd provided a framework for identifying the punitive approach in his early years primarily based on conservatist punishment principles designed to minimise criminal behaviours to improve public safety. Akeroyd described the regime he inherited as follows:

Penal institutions, gaols, prisons, houses of correction, etc., were simply places of punishment, designed to punish those convicted of crime. This hostile attitude was justified in terms of social utility for the greatest good not only to the individual but to the community was assured (VPRS 6603 undated).

Akeroyd argued that the punitive approach had been instituted for retribution, reformation, deterrence, and social solidarity reasons. Of the four reasons, Akeroyd found retribution to be the most impalpable for demanding “the criminal should pay back in suffering for the harm he has inflicted on the community as a sort of moral compensation. I find this reason very difficult to understand. It seems to me the counterpart from the point of view of the community revenge, and I fail to see any social utility whatever in it” (VPRS 6603 undated). Similarly, Akeroyd challenged the notion that punishment reformed criminals:
It is held that by punishing criminals you reform them. This end is achieved in either of three
ways: - by creating a fear of the repetition of the punishment, by creating the conviction that
crime does not pay, or by breaking the criminal habits formed but punishment as a means of
reformation is greatly over – rated. Reformation follows punishment only when the prisoner
desires a change in his mode of life, possess (sic) sufficient insight into his inner life to find the
reason for his criminal acts, wisdom to plan wisely, and sufficient strength of character to carry
out his plans (VPRS 6603 undated ).

Akeroyd rejected punishment as an effective deterrent to recidivism by claiming:

It is argued that the infliction of suffering upon those convicted of crime has very great value
in preventing others from criminal acts, and may even defer the criminal himself from
committing another crime. But those of us who work among criminals know that for them
punishment has very little real value considered as a deterrent, as it makes no real change in the
man’s character (VPRS 6603 undated).

Similarly, Akeroyd dismissed claims punishment served as a general deterrent for the broader
community:

It is asserted that punishment of criminals is an instrument for the development amongst the
general public of ideals and attitudes hostile to crime, and that respect for laws grows from the
ideals and attitudes thus created. But would it not be truer to assert that respect for laws is felt
when those laws are representative of the morality of the nation (VPRS 6603 undated).

Akeroyd cited American prohibition laws and illegal betting in Victoria to support his argument by
arguing “severe punishments are inflicted (for both prohibition and illegal betting), but there is no
sign that respect is growing for those laws, but rather the reverse” (VPRS 6603 undated). After
criticising the structure and philosophy of the punitive approach, Akeroyd espoused the values of
another approach advocating an “attitude of understanding and sympathy” (VPRS 6603 undated)
said to be emerging worldwide. Labelled as “the method of the psychologist” (VPRS 6603 undated),
Akeroyd compared its underlying principles of sympathetic understanding to a medical approach. “It
is closely akin to the methods of the medical man in the realm of physical illness. Confronted with a
problem, he looks to the symptoms, traces them to a cause, and treats the cause” (VPRS 6603
undated). Applying similar principles to prison and prisoner management, Akeroyd argued it would
lead to the following:

1. The abolition of definite sentence.
2. The complete investigation of each prisoner’s personality and history, i.e., the preparation of a case history.
3. Treatment based on the knowledge obtained.
4. Reformation of the reformable.
5. Adequate supervision and help after release until the prisoner is in a stable occupation.
6. Elimination from the community either by segregation or otherwise of the unreformable.
(VPRS 6603 undated)23

During his middle years, Akeroyd continued to explore and further refine his understanding of prisoner typologies. Initially Akeroyd established two broad categories in planning appropriate reform programs which he subsequently challenged by applying evidence derived from his own case study research. In a 1935 paper, he divided reform approaches to treat indeterminate sentence prisoners in one manner and “others” consisting of “specials” or “restraint” sub categories in another. Akeroyd described “specials” as young “accidental” prisoners that worked with those “who are backward in education are required to attend school” in either a store or office environment (VPRS 6603, 1935, p 9). On the other hand, the “restraint” group is separated because of their “intractable” nature as Akeroyd considered them in need of correctional treatment (VPRS 6603, 1935, p. 9).

Akeroyd further classified crimes relating to sexual offenders as he explored in-depth the nature of mental deficiency and its relationship to criminality. In 1936, Akeroyd introduced a new chapter into his annual reports that focused on sexual offenders classified as follows:

(a) The first division consists of those who are certifiably insane under the Lunacy act.
(b) The second division consists of mentally abnormal persons – psychopaths – who are not certifiably insane. This division again falls into two sub classes – those who commit sex offences; and those whose offences, whether larceny, housebreaking, shoplifting are the result of mental conflict due to abnormal personality, may be convicted of incest rape, carnal knowledge or other perversions. But his offences are not the result of any abnormal personality, but his lack of morality (Annual Report, Penal Establishment, Gaols and Reformatory prisons, 1936, pp 9 - 10).

23 Akeroyd used the numbering presented in this quote
Akeroyd evidently acknowledged and accommodated conservatist perspectives in explaining crime and criminality within his private or public debates. From this standpoint, Akeroyd appealed to the public to embrace the positivist approach of applying psychology to understand a person’s motives to act immorally. Although the conservatist approach favours punishment to combat anti-social behavior, Akeroyd discounted the consequences in seeking a therapeutic response that teaches the criminal:

To wipe away old habits and form new ones in accordance with ethical behaviours. Will punishment prevail? By itself No. Punishment is merely a negative remedy. In itself and by itself it gets nowhere because it does not teach ethical standards and train the recipient in the practice of those standards (VPRS 6603, 1935).

Akeroyd promoted his vision for transforming prison into influential educational institutions focused on prison reform:

Prisons will become on the one hand education institutes (education being used in the widest possible sense) in which those who have offended will be trained to take an appropriate place in the world of decent citizenship, and, on the other hand, those deemed irreformable (and these are a goodly number) will be isolated from the chance of injuring their fellow men and trained to work for the good of the state (VPRS 6603, 1935).

4.2.1 Prison as an education institution

In 1935, Akeroyd shared his views with a broader audience via a radio broadcast entitled “can criminals be cured?” (VPRS 6603, 20 June, 1935). In notes prepared for his broadcast, Akeroyd reflected on his vision for prison operations and prisoner management before reasserting his basic premise that inadequate moral training in the criminal’s background remained the major contributing factor influencing criminal behaviour. Hence, Akeroyd reiterated his belief that educating the criminal “in the principles and practices of right living” (VPRS 6603, 20 June, 1935) relied upon:

(a) highly trained staff.
(b) small prisons preferably of an open nature such as forest or farm camps where the officers can be a living vital force in the spiritual welfare of each prisoner.
(c) ample work of a productive nature in which the man can be interested and where he can see something for his labour.

24 Akeroyd’s underlining
ample provision of an uplifting nature for the right use of lecture hours, make ample provision for the prisoners’ leisure hours in the way of books, facilities for higher education in theoretical and practical subjects, sports, educational talks, concerts, wireless programs, etc. (VPRS 6603, 20 June, 1935).

Established in 1912, Janefield was originally a health sanitarium for tuberculosis sufferers before reopening in 1937 as residential treatment centre for young intellectually disabled offenders. In 1936, Akeroyd suggested Janefield be transformed into a place to treat young offenders exhibiting mental deficiencies. It also established a reformatory school as part of its operations and it was noted that Akeroyd signed any letters he sent to the Chief Secretary about the school between 1936 and 1939 as Inspector of Reformatory Schools. Indeed, as Akeroyd first suggested in 1924, at least a part of Janefield was handed over to the Education Department.

Akeroyd extended his quest to understand causal factors leading to criminality in his formal reports to government by exploring links between mental deficiency and criminality. Akeroyd expressed his view in the press as he advocated shifting from the formerly punitive approach into the scientific, positivist approach toward prisoner and prison system management. Using annual reports and public presentations to fuel debate, Akeroyd fostered public recognition on criminology to illuminate the driving forces influencing criminal behaviour. The increasing frequency and intensity of debate revealed Akeroyd’s push for public policy reforms to reduce crime and frequency of criminal behaviour as well as use scientific rationale to develop a clear and rigorous approach towards prisoner management regimes. Tracking the interplay between the main perspectives was evident in the debates as well as the means they were communicated publicly in newspapers, political and academic spheres as well as Akeroyd’s private world.

25 Following Akeroyd’s considerations and recommendations formulated in his 1924 diary entry
In 1939, Akeroyd consolidated his vision of a prison as an education institute by outlining the aims of a reformatory school as well as specifying qualifications and attributes required by staff running the school. Circular F 0234 (VPRS 6603, 1 June 1939) documents Akeroyd’s aims for the reformatory school to provide morals and vocational training (VPRS 6603, 1 June, 1939). In the same circular, Akeroyd specified that staff employed at the elementary school boast appropriate educational qualifications. For example, the superintendent was to be a man of “good education, take charge of daily assemblies and direct the attention of both staff and pupils to some worthwhile thought” (VPRS 6603, 1 June, 1939). Similarly, the elementary school teacher and overseers must be trained teachers and officers selected from “young men of outstanding personality, fine ideals and good education and have trained in such institutions as (a) teachers training college, (b) such schools as Dookie or Longernong Agricultural colleges” (VPRS 6603, 1 June, 1939). Importantly, the circular highlighted a key area of Akeroyd’s responsibility not readily addressed in his own papers. As well as prioritising education and training as part of prison management, Akeroyd also focused on ensuring the industry supervisors’ skills remained consistent with current industry practice. Stringent financial times curtailed prison maintenance and staff replacements amid escalating prisoner numbers that rose from 756 (in 1920) to 1301 (in 1930) before dropping back to 1181 a decade later. Despite the financial hardships, Akeroyd held prison industries accountable for their financial viability (Lynn and Armstrong, 1996) while maintaining his own focus on prisoner and prison staff training throughout the middle years of his tenure.

4.2.2 Conflicting political views

As in the early years, Akeroyd faced conflict from prison staff opposed to his drive to promote suitably trained staff members on merit within the system. Politicians, particularly government ministers opposed to early release measures, likewise challenged his views. Finally, concern about inadequate financial and capital resources required to support Akeroyd’s proposed strategies became a public issue. Ongoing disputes with prison warders over his steadfast approach to staff promotion
remained a constant theme during Akeroyd’s years, fresh debates about early prisoner release and concerns about limited resources gained increasing traction in the public arena. Akeroyd soon found himself in public conflict with both his employees and the then Attorney General Slater with *The Argus* reporting in 1931 that the pair were in dispute over the release of prisoners when the Attorney General authorised the release of six prisoners “who served only portion of their sentences” (*The Argus*, 6 June, 1931) on two separate occasions in 1931.

In January 1931, the Attorney General twice recommended the early release of a number of prisoners against Akeroyd’s advice:

> It is not the function of the responsible Minister to revise decisions of the courts I order to carry out such experiments on penal practice as may appeal to him. Provision is made for the release of prisoners after the processes of law have operated, because, in very exceptional cases, circumstances may arise which render a departure from the course which the Courts have laid down. When the processes of justice about which no secrecy is permitted are frustrated by executive acts only casually revealed speculation on their cause is not unnatural. Mr Slater’s explanation of his principles in the administration of his department is no more consoling than the conjectures, which, lacking his assurance might seem to afford the explanation of the Ministry’s decisions (*The Argus*, 5 January, 1931).

The following June, according to *The Argus*, Akeroyd presented a report to the Attorney General recommending nominated prisoners should complete their sentences to maximise time in custody to reform their character before being released back into the community. Akeroyd reported on one prisoner: “He is very irritable. When released, if he does break out and lose control of himself, he will certainly use the knife” (*The Argus*, 6 June, 1931). On another prisoner Akeroyd stated: “Prison has had a deterrent effect on him, but I think that the greater effect will be by making him serve his whole sentence” (*The Argus*, 6 June, 1931). On a third, he recorded: “I do not recommend this release on bond. I am sure that prison will not be harmful for him, but will give him an opportunity to recover some serenity of mind, and, with guidance, work out a course of action that will ensure no further crimes of this kind” (*The Argus*, 6 June, 1931). The week following the publication of Akeroyd’s views,
more newspaper articles reported on the need to maintain corporal punishment both to reform prisoners and deter criminal behaviour.

4.2.3 Conflicting views on punishment

In *The Herald*, (17 June, 1931), an unnamed “ex official” graphically detailed floggings using the cane, birching and the “cat” to the newspaper: “Speaking from an intimate knowledge, I have no hesitation in saying that the administration of a flogging for certain offences is not only wise, but necessary” (*The Herald*, 17 June, 1931). In denouncing Akeroyd’s approach to prisoner management, the “ex official” argued in the same article that “the public will have cause to regret it if, through a false sentimentality for the criminal, flogging is done away with” (*The Herald*, 17 June, 1931). Such examples polarised those both within the prison system and the public alike who held differing theoretical positions.

The judicial approach to corporal punishment posited that perceived punishment served the established government’s needs by deterring individuals from re-offending. The public debate on punishment in prisons gained traction in the media in 1931 following a newspaper article outlining plans to introduce wireless into the Geelong prison (*The Herald*, 10 June, 1931). Its publication sparked a series of articles debating the merit of whipping as an effective means to punish prisoners. One article quoted a prison authority arguing that “a whipping seldom has an evil effect or even a degrading one. The objections to corporal punishment are based on unsound, sentimental reasons that do great harm through mere ignorance” (*The Herald*, 16 June, 1931). News reports in *The Herald* in subsequent days quoted ex-prison officials denying flogging was a brutal act and instead resulted in “well under 7 per cent ever com(ing) back to the gaol” (*The Herald*, 17 June, 1931). Further articles discussed how flogging deterred all prisoners except sexual offenders.
Flogging fails in one set of crimes – sexual offences which, according to this authority who knows criminals backwards, are generally committed by mentally defective men who are unable to control themselves. Mental homes, failing a lethal chamber are the only means of dealing with these (The Herald, 17 June, 1931).

Conflicting views expressed about Akeroyd’s dogged focus on punishment in his early years gave way to more robust public debate among existing and former prison staff as time wore on. It remains unclear if the criticism emerged from an informed knowledge base or merely represented the personal views of disgruntled prison staff keen to maintain the status quo. Although the limited number of published articles reflected the paucity of the debate, the strong public criticism of Akeroyd’s views on prisoner treatment by proponents of the former punitive regime represented a critical juncture in the Akeroyd reform process.

4.2.4 Conflicting views on prisoner management

Newspaper reporting indicated a time of concentrated public debate on a range of prison management issues compared with Akeroyd’s earlier years. The Herald challenged Akeroyd on plans to offer wireless radio to prisoners at Geelong Prison before extending its coverage to Pentridge prisoners (June 10, 1931). Akeroyd responded to the criticism in the same article by saying: “Why not? It is educative and instructive, as selected programmes are always good” (The Herald, June 10, 1931). He also found himself defending criticism regarding staff management issues.

In an undated document published during the latter years of Akeroyd’s middle phase, the Victorian Government’s Chief Secretary’s office condemned the marked rise in prison escapes under his stewardship that saw warders “totally unfitted for the duties that they have to perform” fill the prison

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26 Records noted there were three major escapes from Pentridge in the Akeroyd period. These were J K Monson who escaped in 1926 and was recaptured in Perth, Western Australia; George Howard (1939) and he was recaptured in two days and K R Jones (1940). The previous recorded escapes from a secure setting were in 1901 but there were five further escapes in the ten years following Akeroyd’s retirement. The Annual Reports and Akeroyd’s notes indicated there were escapes from low security settings but there were no consolidated quantification of these.
system. The anonymous writer stated that it was “quite plain that in 12 years of administration the I.G\(^{27}\) has destroyed the discipline, the high standard of which it is taken nearly a century to attain” (VPRS 6603, undated) before also alleging many instances of improper handling of prisoner incidents and staff issues:

The new IG encouraged espionage among staff, and he has been heard to boast that he knows more about the private lives of his subordinates than they do themselves. Prisoners were encouraged to tell tales on one another. So much of this sort of thing was carried on that the ignorant sort the idea that the I.G. must have obtained honours for the subject when he gained his Arts degree (VPRS 6603, undated).

Akeroyd disputed claims raised in the unsigned document by the unidentified authors who documented disharmony among some staff resistant to Akeroyd’s scientific approach to understanding crime and criminality. The author(s) writing that “he immediately set himself up as a criminologist, psychologist, reformer etc. as a psychologist the I.G. is supreme” (VPRS 6603, undated). Ongoing conflicts with staff during his middle phase prompted Akeroyd to call a meeting with Pentridge warders in 1939 following the anonymous publication of a newspaper article discrediting his mishandling of warders convicted of trafficking. At this meeting, Akeroyd implored his staff to support him: “Then why send someone to blackguard me? Why send a man to slander me?” (VPRS 6603, notes from meeting at Pentridge, 13 June, 1939).

Internal resistance faced was not confined to his rank and file, however, with inadequate funding hindering stymying Akeroyd’s attempt to implement proposed reforms. The 1935 annual report details Akeroyd’s philosophical basis to first identify factors contributing to “criminals in the making” before highlighting the importance of treating juvenile offenders to reduce recidivism (Annual Report, Penal Establishments, Gaols and Reformatory Prisons, 1935, p. 9, Parliamentary Papers,

\(^{27}\) I.G. refers to Inspector General as abbreviated by the writer of the letter.
Victoria). Akeroyd also condemned existing physical facilities as unsuitable for modern methods of prison administration in writing:

Owing to the need for rigid economy little money has been available for repairs and renovations to gaol buildings and yards several years past, while improvements have been out of the question. The result is that considerable expenditure has become necessary. Apropos to this matter I would draw attention to the inadequacy of existing buildings to conform to modern methods of prison administration” (Annual Report, Penal Establishments, Gaols and Reformatory Prisons, 1935, Parliamentary Papers, Victoria, p. 9).

Sourcing adequate funds to support his initiatives remained a major concern for Akeroyd. Given the complex time in history amid the onset of the 1929 Great Depression and the period falling between two major world wars, it could be well conceived that Victoria was experiencing financial difficulties. Insufficient access to extensive evidence makes it difficult to hypothesise whether it was the prevailing economic situation or other contributing factors centred in the differing perspectives of the key players that played a more dominant role in the limited funding for prisons.

4.2.5 Akeroyd’s approach to influence others

Akeroyd adopted various means to connect with different groups and individuals in order to communicate his directions, share his learning, address his critics and landmark his achievements. He often used particular communication vehicles to connect with the groups or individuals he sought to influence. For example, he presented his opinions on prison and prisoner management issues in his annual reports; he implemented reform practices by speaking directly with staff members, and he sought to inform the broader community via print news and broadcast mediums. He also engaged with academia for the purposes of researching changes in practice as well bringing outside expertise into prison operations.

Akeroyd’s annual reports became an important vehicle through which he sought to engage with the incumbent governments during his middle year’s period. The 1932 Annual Report documented his plans to write even more prisoner case studies to source further evidence necessary to implement
treatment programs designed to facilitate personal change. It was the first time such a practice had been brought to the Government’s attention in what appeared to be a deliberate attempt by Akeroyd to publicise his plans to focus on individual prisoner needs:

Special emphasis, however, must be placed in getting in touch with individual prisoners, learning their histories, gaining their confidence, and encouraging them to amendment of life. It is just this personal touch which helps to bring about a change in attitude of mind, and to strengthen a resolve to follow a different course of living (Annual Report, Penal Establishments, Gaols and Reformatory Prisons, 1932, p 15, Parliamentary Papers Victoria).

The 1932 report landmarked his approach to implement programs based on changing attitudes as well as recorded his initiative to broaden prisoners’ minds through lectures on the “Science of Everyday Living” and “Psychology” (Annual Report, Penal Establishments, Gaols and Reformatory Prisons, 1932, p. 16, Parliamentary Papers Victoria). Its significance lies in documenting Akeroyd’s commitment to scientific approach in first gathering evidence about individual needs before engage them in science-based programs created to address such needs. It appeared as though Akeroyd was preparing the Government for a shift in approach by, arguably, building an irrefutable science-based rationale for change.

While the 1932 Annual Report paved the way for implementing science-based approaches, Akeroyd's later annual reports strengthened his viewpoints and reinforced his commitment to influencing how the government tackled crime issues. In the 1933 report, Akeroyd deviated from previous reports by introducing additional chapters apparently designed to generate government debate. One chapter entitled Does Crime Pay? documents Akeroyd’s observations on motivational factors contributing to offending behaviour:

It would appear from the foregoing that crime is not a very profitable pursuit, or else the criminals squander the proceeds of their crime. Probably those that benefit most from the commission of crime are the receivers who manage to retain their freedom whilst those who plunder for them that go to prison (Annual Report, Penal Establishments, Gaols and Reformatory Prisons, 1934, p. 8, Parliamentary Papers Victoria).
His comments arguably remain open to interpretation but he appears driven in his mission to generate deeper governmental policy discussion on the nature of crime and criminality, or possibly, increase his own influence in how government tackles criminal matters. In another chapter in the same report, Akeroyd offers a retrospective view on 100 years of the Victorian penal operations. He summarised positivist directions that emerged under his rule to demonstrate significant results achieved compared with previous years. He also reflected on pressures managing limited staff numbers against many “fulfilling duties of higher ranks in an acting capacity” and engaging “temporary staff from the railways” (Annual Report, Penal Establishments, Gaols and Reformatory Prisons, 1934, p. 16, Parliamentary Papers Victoria).

Akeroyd’s ongoing commitment to improving educational opportunities within the penal environment continued during his middle years. Akeroyd clearly established his philosophical position when he controversially argued prisoners’ ethical standards should be improved through teaching and practice rather than punishment during a talk to the Melbourne teachers’ college students and staff, as quoted earlier:

Teaching and practice are required. The more one works amongst criminals the more one becomes convinced that two outstanding factors in the curing of the criminal – education in the broadest sense; and supervision and guidance after release (Annual Report, Penal Establishments, Gaols and Reformatory Prisons, 1935, p. 9, Parliamentary Papers Victoria).

In his 1938 report, Akeroyd claimed his approach to initiating prison education programs was “only” guaranteed manner to effectively reform prisoners:

It is now generally recognised that by training and teaching only, can that ambition and capacity to stand alone in the struggle of life be attained in the men who have drifted into crime largely through the environment in which they lived (Annual Report, Penal Establishments, Goals and Reformatory Prisons, 1938, p. 14, Parliamentary Papers Victoria).

Alongside Akeroyd reports, a parallel phenomenon was emerging amid the new field of criminology in shaping public debate and informing public policy. Justice Barry invited Anita Muhl, an internationally-recognised criminologist, to lecture at Melbourne University where she connected
with many others, including Akeroyd, who subsequently wrote a foreword for her book *The ABC of Criminology*:

The science of criminology is a fascinating subject of great importance to the community, for it deals with the physical, mental and moral makeup of the individuals who offend against the law and who are commonly known as criminals (Muhl, 1941, p. 9).

Through his writings, broadcasting, newspaper articles and daily meetings, Akeroyd relied upon the scientific authority of criminology to cement his arguments of prison and prisoner reform. Other than minor amendments, Akeroyd persistently focused on both science and case study methodology in subsequent annual reports until 1932 to understand the nature of crime and criminality. Until his retirement in 1947, Akeroyd witnessed significant developments in the positivist approach including establishing the Centre for Criminology at Melbourne University. This period also posed significant challenges for Akeroyd who remained frustrated at his inability to implement changes to prison operations. Akeroyd recorded his reflections on Victorian prison and reformatory operations as follows:

Castlemaine Reformatory Prison to me constitutes a paradox. Here we have modern methods of medical and psychological examination, vocational training etc., being applied in an environment typical in every respect, and to an extent not found anywhere else in Australia, of the old prison system, with its rigid insistence on the old penal principles. The boys are continually reminded by the administrative authority that they are there for help and training so they can be readjusted to the community to which they return as self-supporting, self-respecting and valuable members, and they are not held in any punitive sense. **BUT** they are surrounded by every evidence of the old prison life and discipline of the most rigid type (VPRS 6603, undated, p. 17).

During this period, Akeroyd developed a clear strategy to provide what Gehring might consider an elegant explanation of a treatment-focused model of prison and prisoner management based on a scientific methodology. Akeroyd aligned himself with key allies espousing similar sentiments to reinforce key community messages through his formal government reports, media coverage and the newfound Centre for Criminology at Melbourne University and other key education-based research

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28 Akeroyd’s emphasis using capital letters
organisations (such as Australian Council for Education Research, Melbourne Teachers’ College) to legitimise his opinion and practice.

4.3 Akeroyd's later years (1941 – 1947)

As in his middle years, Akeroyd various positions on issues were recorded in third party reports such as newspapers and government reports initiated by others. Akeroyd no longer recorded personal observations in his diary or documented his private reflections in letters and reports however his achievements and challenges were readily recorded by the daily press and other public media. The media reports quoting Akeroyd primarily fell into four significant areas that characterised his final years as Inspector General, including: the poor condition of prison stock; inconsistent approaches to promoting staff; the inquiry into prison punishment; and strong public reaction to treating sex offenders. The poor prison stock exemplified Akeroyd’s battle to fully implement all his program ambitions amid scarce financial resources following the Great Depression and world wars. The perceived inconsistency in managing staff promotions compared to his earlier rigour hinted at the possibility the job was wearing him down. The corporal punishment inquiry highlighted challenges Akeroyd faced reconciling earlier conflicting perspectives between punishment and reform. The strong position adopted in classifying and managing sexual offenders had consolidated Akeroyd's view that the psychologist / criminologist was distinctly more effective than that of the medical scientist (in this instance psychiatry) in dealing with sex offenders. Each issue is considered in turn in order to further clarify relevant points.

4.3.1 Prison stock issues

In his later years, Akeroyd faced a raft of challenges managing prison stock, including transforming Pentridge Prison and Geelong Prison into military prisons and increasing prison industry production to support the war effort (Lynn and Armstrong, 1996). Aside from minor references in annual reports, newspapers articles prompted major discussion about ageing and inadequate prison stock
during Akeroyd’s time. In 1944, the newspapers reported that Victoria still languished behind other countries in respect to prison reform despite Akeroyd’s many achievements. Newspaper articles published between 1944 and 1947 criticised inadequate government support for Akeroyd’s initiatives. *The Truth’s* (October 28, 1944) headline; “Prison Reform No Mere Ideal, Report shows much already done” outlined the reforms Akeroyd had introduced over the years:

The changed system of punishment at Pentridge has worked wonders. In 1923, discipline was at a low ebb, the treatment of prisoners was far from ideal, the system of studying the prisoners’ problems sympathetically and training instead of merely punishing them is paying good dividends for Pentridge (*The Truth*, 28 October, 1944).

The article explored the main handicaps stymying Akeroyd’s goals:

Progress in the education of prisoners has stopped somewhat short of the desired objective because of obsolete and unsuitable buildings and equipment and because the true functions of prison is not adequately appreciated yet. (*The Truth*, 28 October, 1944).

An earlier article by Edith Onians echoed similar sentiments:

There has been a marked improvement in our prisons during Mr. J. Akeroyd’s humane administration. Still, we are sadly behind other countries in the treatment of prisoners and their aftercare. (*The Age*, 14 October, 1944).

Ms. Onians likened the Victorian prison program status to prisons in England, America and Sweden, in particular, commenting on the depressing appearance of the Victorian prison uniforms and the “dark and forbidding” structures like Pentridge Prison (*The Age*, 14 October, 1944).

R. K. Gerrand observed little had been done to improve building stock since 1926 before criticising Chief Secretaries (up until the Chief Secretary of the day) for failing to commit funds towards prison improvements:

Hundreds of prisoners at Pentridge live in buildings only one step ahead of the hell hulks and stockades they replaced nearly 100 years ago. Some of the gaol’s oldest and worst buildings are still in use, very little changed, and more crowded than ever. (*The Herald*, 31 May, 1945)
Gerrand described the impact poor quality facilities had on education and reform programs: “Modern reeducation work is out of the question with the present buildings. Complete redesigning of the whole place is needed” (The Herald, 31 May, 1945). Geraldine Turner commented on Gerrand’s article:

That the modern gaol is not a place for punishment, but a place where offenders are sent by the courts as a punishment, and from which they should emerge as better citizens, prepared to take a responsible place in the community is a firm belief of Pentridge governing authorities. But with the facilities with which they have been struggling at Pentridge since 1924 it is almost impossible to achieve this purpose (The Herald, 3 June, 1945).

The newspaper articles supported Akeroyd’s proposed and actual reforms with Gerrand writing in a subsequent news article:

The Government must already be aware of the needs from the reports of the Inspector General (Mr Akeroyd) in whose term of 21 years a great chance (sic) has been made the whole outlook and organisation of the prison. His recommendations on many vital issues appear to have been ignored, Pentridge school, doing excellent work with miserable equipment for its task, needs to be made a technical school. One of the most serious deficiencies of the present system is the lack of special institutions, buildings, equipment and staff for the rehabilitation treatment (The Herald, 6 June, 1945).

4.3.2 Staff promotion

In his letter to the Chairman of the Public Service Board on 22 July, 1947, Under Secretary L Chapman criticised Akeroyd for suggesting positions of responsibility be filled from within existing staff ranks. He accused Akeroyd of reversing their agreement to fill senior posts externally by instead internally promoting an incumbent prison worker. According to Chapman’s letter, the about-face ignored advice offered by both the Under Secretary and Akeroyd’s own deputy:

I cannot help feeling that he is retiring from the department he has allowed his regard for one or more officers within his department to outweigh his judgement as to what he previously urged was necessary in the interests of the community and the inmates of the gaol. I feel is a surrender to sentiment at the expense of departmental needs (VPRS 6603, 22 July, 1947).

The letter feared Akeroyd’s change-of-heart demonstrated an uncharacteristic divergence from his early disciplined approach to staff training and recruitment against defined qualifications. It suggested Akeroyd was tiring after significant years in a demanding job heralding radical reform in prison and
prisoner management. Conversely, it may have also revealed his changing viewpoint towards staff management, recruitment and promotion practices in his later years amid constant challenges.

4.3.3 Punishment

There are references to Akeroyd’s alignment with an emerging criminological revolution in Melbourne evident in Anita Muhl’s book:

   It is the object of the science of Criminology to ascertain its own department, as do the Physical Sciences in theirs, the relation of Cause and Effect^29. It strives to find causes and to control effects. If criminals are treated in bulk, so to speak, or if on rule only, the rule of punishment, be applied to them, it cannot do this. Seldom does rigorous punishment alone fan this spark of flame.30 Far more often, understanding and sympathy, following on from some soul-stirring experience, light the way that leads to this new outlook (VPRS 6603, 1941, p. 2).

The quote reflecting Akeroyd’s position on punishment coincides with views he held in his early career phases. However in the final stage of his career, Akeroyd questioned the role punishment played in reforming individuals to such an extent that by the end of his tenure his position had changed. In 1947, Akeroyd was summoned before the State government inquiry into corporal punishment in order, according to Inquiry Chair the Hon AM Fraser, for the committee: “to obtain your [i.e. Akeroyd’s and Dr Allan, Government Medical officer’s] views concerning corporal punishment under the terms of the Crimes Act” (VPRS 6603, Report of the Inquiry, 1947, p. 5). The panel questioned both Akeroyd’s and Dr Allan’s experiences and observations in respect to the role corporal punishment played in prisoners’ sentences. Akeroyd referred to specific case studies (including his first-hand conversations) to describe how whipping and birching affected inmates. His responses indicated that Akeroyd now saw some merit in corporal punishment based on conversations he had with the punished prisoners.

^29 Akeroyd's used the capital letters in this quote

^30 Akeroyd refers to “the spark divine which at times enables even the worst of men to rise superior to his surroundings and say “I have finished with my former life. From this day on I shall live the life of the ordinary, average, decent citizen.” (Muhl, 1941, p2)
Akeroyd relayed the following observations to the inquiry regarding two prisoners he called “Dick” and “G”:

Now Dick, what made you the man you are? He started to say something, but I interrupted him and said, ‘Now, Dick, do not try to pull the wool over my eyes; we know each other too well for you to attempt that. Was it the whipping that made you what you are?’ (VPRS 6603, Report of the Inquiry, 1947, pp. 6 – 7)

In outlining the prisoner’s story to the panel, Akeroyd added his own learning from Dick’s experience: “It is my firm belief that in every case to which I referred the whippings did good in that they enabled the afterwork on the person to fall upon fruitful ground” (VPRS 6603, Report of the Inquiry, 1947, p. 7). However in the case of prisoner “G”, Akeroyd admitted punishment had had little impact on the individual:

I spoke with him after he had received his punishment with the “cat”31. I said, “How did you feel about it?” He replied, “I have had worse hidings than that in a pub roughup.” The punishment did not affect him either way. You could not have done anything with that man; he was beyond the pale (VPRS 6603, Report of the Inquiry, 1947, p. 7).

Akeroyd also described a young prisoner who had returned to gaol charged with murder after his initial release: “Whipping might have stopped him but certainly talking to him would not” (VPRS 6603, Report of the Inquiry, 1947, p. 9). Akeroyd’s position on corporal punishment was recorded as follows:

I endeavoured to ascertain what effect the whipping had upon the prisoner. For the purpose I would have a long interview with him prior to the infliction of the whipping and make a report to the secretary of the Law department for the information of the Attorney General. Some days after the whipping, when the prisoner had somewhat recovered from its effects, I would have another talk with him and report in writing the effect the whipping had on him. I came to the conclusion that, generally speaking, whippings did good (sic) (VPRS 6603, Report of the Inquiry, 1947, p. 6).

Akeroyd claimed whipping should be reserved for men convicted of brutal crimes rather than psychopaths or criminals convicted of sex crimes (VPRS 6603, Report of the Inquiry, 1947, p. 7). In

31 Akeroyd’s use of quotation marks
such cases, Akeroyd recommended remanding offenders to a mental health institution as the most effective remedy (VPRS 6603, Report of the Inquiry, 1947, p. 9). The debate extended to ascertain Akeroyd’s position on capital punishment with his personal notes recording him having witnessed and overseen four hangings. Akeroyd advised the inquiry he remained unconvinced capital punishment had any long-lasting deterrent impact on prisoners but conceded in some instances prisoners refused to carry guns for fear of taking “the drop” (VPRS 6603, Report of the Inquiry, 1947, p. 8).

As advised earlier in this chapter, Akeroyd’s wavering position on corporal punishment in particular and punishment in general, contradicted a former position he adopted in his early stages of his incumbency. The inquiry transcript suggested Akeroyd no longer opposed punishment but instead conceding it “doing good” for particular types of criminals. It is also apparent that Akeroyd applied scientific methodology in judging the benefits of whipping by questioning affected prisoners soon after the punishment had been meted out. In effect, Akeroyd used his own education background to gain insights from the experience for both himself and the punished prisoner. His marked turnaround in attitude towards punishment extended to further classifying and understanding specific criminal behaviours, especially sexual offenders.

4.3.4 Classification

Akeroyd’s final annual report provided a vehicle to share his parting thoughts on dealing with sex offenders. He dedicated a significant chapter (1.5 pages from an eight page report) to questioning plans to segregate sex offenders from other prisoners to offer them therapeutic treatment. Akeroyd rejected claims that separating sex offenders would prove either a productive or effective remedy amid his doubts the “realm of medicine” delivering “worthwhile results” (Annual Report, Penal Establishments Goals and Reformatory Prisons, 1947, p. 6, Parliamentary Papers Victoria). It appeared Akeroyd’s comments responded to an emerging sympathetic feeling between psychiatry
and the judiciary for more therapeutic support for sex offenders (The Truth, January 2, 1948). Akeroyd’s position was predicated on his observations that segregating sex offenders from other inmates would “heighten the tendency to sex criminality” and “so far as can be found no evidence has yet been produced that psychiatric treatment or treatment by purely medical means has yet produced worthwhile results” (Annual Report, Penal Establishments Goals and Reformatory Prisons, 1947, p. 6, Parliamentary Papers Victoria). Akeroyd further argued that assimilating sex offenders into the broader prison population allowed greater supervision and observation by prison officers best placed to judge the likelihood a prisoner would reoffend (Annual Report, Penal Establishments Goals and Reformatory Prisons, 1947, p. 7, Parliamentary Papers Victoria). Akeroyd further argued applying indefinite sentence principle to sex offenders gave prison officers the confidence to pronounce a sex offender ready to return to the community without reoffending (Annual Report, Penal Establishments Goals and Reformatory Prisons, 1947, p. 7, Parliamentary Papers Victoria). Akeroyd’s position drew criticism from the Melbourne Truth which reported: “This report was written in 1947, not 1847!” (VPRS 6603, undated).

4.4 Akeroyd’s reforms

Akeroyd’s drive to reform prisoners, prison management and prison operations was based on his strong commitment to education principles and the scientific methodologies underpinning psychology. In short, Akeroyd established a clear approach to bring about reforms in prison and prisoner management. In undertaking the reforms, Akeroyd progressively encountered challenges from many fronts, including from staff, politicians and the judiciary who publicly expressed conflicting viewpoints in the media. His commitment to an education-led approach is regularly referenced in his personal diaries via his private thoughts, ideas and observations to help him articulate or validate his own thinking. His personal reflections recorded in his diary entries dating from 1924 – and gradually dwindling to the early 1930s – revealed Akeroyd’s private battles in the early phase of the era. Reduced diary entries into the second phase coincided with his stronger
representation in bureaucratic and political engagement via written reports, presentations and papers for public. His growing confidence in his vision combined with access to various media platforms to influence key decision makers led to less internal reflections in his personal diaries. Noticeably, most documentation in his latter career had been generated by other people recording Akeroyd’s views shared in formal government inquiries, letters and government reports.

Akeroyd’s refined thinking and actions throughout the three phases spanning his Inspector General career reveal a person committed to reforming prison and prisoner management practices by challenging theories underpinning existing practices to assert his own positivist perspective. Akeroyd consolidated his position in both the private and public spheres by communicating his position across a wide range of media platforms, his annual reports and his public presentations. Interestingly, his almost daily press coverage regularly printed many points he generally espoused in his annual reports. Arguably this strategy (whether intended or not) assisted in presenting his views and aspirations in a clear manner to the wider community while simultaneously challenging previous approaches to managing the prison environment. This chapter provided a chronological reflection of Akeroyd’s and others’ recording of events at the time before analysing in-depth Akeroyd’s influence on policy and practice when considering punishment, sentencing classification, treatment and education.
One adage to remember about working in a prison is to expect the unexpected.

General reflection about the role of a teacher and the process of teaching conjures an environment which is largely controlled, safe and managed through a broad shared agreement of expected behaviours and well managed experiences to facilitate the learning experiences for students. I know this is a “safe” picture of what happens in schools and I also know that things can go awry. Working in a prison environment can be all these things as well except when the students escape from a secure classroom to stage a bloodied self-mutilating protest on the roof of H Division or the day when the bomb exploded in A Division or the day that one of your students has an out of body experience from a severe heart attack.

These events are generally not expected in any normal classroom environment, but, in a blasé way, are not a surprising aspect of life in a maximum security prison. The A Division bomb incident was one of those events that was bizarre to the observer participant.

In every way this was a normal day in the prison classroom. The students had been escorted back to the Division for lunch when there was a low but ominously powerful thud which rattled windows and shook the thick bluestone walls of the Division. I went out the classroom (sited just adjacent to the front entrance of A Division to witness the glass skylight above the A division circle shatter sending shards of glass in 360 degrees. This was then followed by billowing black smoke pouring out the now broken window frames three stories above the area I was standing. Next the blast of billowing black smoke gushed out the front door of A Division.

What happened next is indelibly etched in my mind. Following the stream of smoke was a mass of men pouring out the front door – prisoners and prison officers alike. These men ran to a point about
15 meters from the entrance then they stopped in their tracks. They turned around as one to look back into the open front door as the smoke still made its way out, then after a hiatus of maybe 10 or 15 seconds, then they ran back into the building again en masse. Not a word was spoken (or that I heard).

Here was a group of prisoners and prison officers drawn together in this single yet remarkable event – the community of the prison assembled not on the basis of their roles but as a collection of individuals brought together by a common threat or common event. Their collective reactions were so in tune with one another – here was a community that did not separate prisoners from prison officers for that instant.

Whilst this event showed a different perspective of prison life following a common traumatic event, the time that prisoner “R” suffered a heart attack also provided a different perspective. This was around the same time as the A Division bomb incident.

“R” was a full time education student and was involved in an undergraduate course. He had an interesting theory on building surrogate family structures within the prison environment with the intent to support the growth and development of the young prisoners in the Division. His ethnographic study was seen with some suspicion but also with some interest by the prison authorities and the prisoner group. I will not go into his study but to say that “R”, undertaking his second “life” sentence suffered a major heart attack whilst in his cell. “R” recalled the experience vividly and explicitly. He was able to do this, he explained, as he was able to observe everything that went on from his out of body experience. He related to me that he went from feeling extreme pain to feeling no pain but he was able to observe everything that went on from a point above his body. He described how one prison officer, someone with whom he had many battles with over the years, fought so purposefully to resuscitate him even though it looked to all intents that “R” was certainly dead. The
prison officer persisted with his CPR, organised other officers to get the ambulance and was continually speaking to “R” encouraging him to live. At the same time “R” was able to observe another prisoner sneak in behind the officer, unplug “R’s” clock radio and take it out of “R’s” cell. “R” described how he followed this prisoner to his own cell and saw where he secreted the clock radio. Next thing “R” described was the severe pain returning.

“R” was taken to hospital only to release himself from the hospital three days later. He told me that on his return to A Division, he went straight to the other prisoner’s cell and removed the clock radio to return it to his own cell. The learning for “R”, however was the respect he gained for the prison officer who worked so hard to resuscitate him. This challenged “R” who did have a clear them and us perspective to realise that this prison officer went well over what “R” felt was the call of duty to bring him back from the brink. Nothing is what you expect and you need to expect the unexpected. “R” died two from massive heart attack two days later after telling me his story.
Chapter 5 Akeroyd – a reformer?

This chapter presents first-level analysis of prison and prisoner management policy and practice reforms during the Akeroyd era. Chapter 2 specified this research’s position in defining criminal justice system reform. Cohen defines reform as “change where the change is motivated by benevolence, altruism, philanthropy and humanitarianism and the eventual record of successive reforms must be read as an incremental record of progress” (Cohen, 1985, p. 18). This chapter examined reforms attempted, achieved and failed in the dimensions of education, classification, sentencing and punishment between 1924 and 1947 in Victoria. Cohen not only defined reform but offered insight into transparent and opaque reform. Whereas Chapter 4 recorded prison and prisoner management developments during three distinct phases characterising Akeroyd years, this chapter describes the four dimensions of education, sentencing, classification and punishment Akeroyd implemented during his tenure. It examined the challenges he faced, and responded to, introducing various reforms as well as scrutinising his shifting viewpoints across his early, middle and later year phases. This chapter sets the base for Chapter 6 by analysing the transparency and opaqueness of his reforms.

5.1 Impetus for reform in the Akeroyd years

The evidence presented in earlier chapters established that since Victoria separated from New South Wales little prison and prisoner management policy and practice reform occurred in the years leading up to Akeroyd’s appointment. In fact, O’Toole (2006) claimed Victorian prison system reform had regressed to the point it was seriously languishing on the brink of collapse before Akeroyd assumed the Inspector-General role (Paterson, 1989). Various research indicated Akeroyd’s predecessors recorded little, if any, useful information to guide him in his role (Paterson, 1989; O’Toole, 2006; Lynn & Armstrong, 1996) The review of literature revealed little focus on reforming individuals apart from imposing strict punitive regimes, including work as a means of punishment (Semmens, 1999).
In short, Akeroyd inherited a prison system that was operating under a punitive approach for nearly 70 years, struggling financially with deteriorating prison building stock.

From the outset, Akeroyd inspected many prisons and met prison staff and the Reformatory Prisons Board. His diary entries documented the challenges presented by the poor and rundown facilities as well as inadequate focus on reforming individual prisoners. Within the first month, Akeroyd recorded his reflections of a meeting between the Reformatory Prisons Board and the Castlemaine mayor in late January 1924. His diary entry outlined his stand on aligning prison and prisoner management practice with education practice. Akeroyd detailed the three teaching underpinning his approach to penology, namely: “classification, work of an interesting nature, and right ideals with living conditions conducive to self-respect” (VPRS 6604, 28 January, 1924). He also recorded his concerns about the ability of staff, ranging from the Reformatory Prisons Board members through to rank and file, to implement his proposed reforms as well as manage daily operations. His travels to country prisons handling numerous critical events during his few months reinforced his observations. The events included fires and escape plots at Pentridge prison (VPRS 6604, January 1924), Sale and French Island (VPRS 6604, 4 February, 1924).

Akeroyd documented his meeting with the Reformatory Prisons Board in Castlemaine “afraid the ‘Board’ is ruled by Morris – too lenient. Takes the view of expediency, not of true reform.” (VPRS 6604, 4 February, 1924). This diary entry is significant for not only conceptualising his notion of true reform as well as revealing his concerns about implementing his reforms under the incumbent prison board and staff. Akeroyd is particularly critical of Morris saying that he “is getting troublesome although he is only secretary, he is too insistent in his own view” (VPRS 6604, 4 February, 1924). Akeroyd’s concerns pertaining to staff capabilities were validated by a series of operational incidents in his first two months.
Akeroyd found himself beset with prisoner unrest at he attempted to establish himself in the role, assess the extent of reform and judge his level of staff support. He also had to deal with fires deliberately lit in Pentridge prison as well as a scandalous plot instigated by notorious gangster Squizzy Taylor (with the help of some warders) to release prisoner Angus Murray (VPRS 6604, 10 February, 1924). Akeroyd diarised his daily actions working with police to thwart the Murray escape attempt as well as detailed meeting prisoners to identify and address grievances. At the end of the 10 February entry, Akeroyd resolved to introduce change because “the necessity for tightening discipline is manifest”. The true extent of the reform appeared to dawn on him amid indisputable concerns about neglected physical resources, staff lethargy and antipathy. His proposed reform strategy momentarily took a backseat to pressing daily operational management matters demanding his immediate attention.

Despite the frequency of serious incidents, Akeroyd remained committed to changing the prison management system with his notes indicating his intrinsic motivation to support individual prisoner reform. Chapter 1 provided insight into Akeroyd’s character and personal motivation as Inspector General. His private papers recorded the commendations he received for supporting the Bendigo community during the 1919 influenza breakout as well as his commitment to supporting disadvantaged children (particularly young indigenous children) in accessing education programs. Akeroyd’s diaries and private papers not only provided insight into his civic mindedness, his commitment to ensure the disengaged were engaged in education. These humanitarian attributes and motivation revealed his altruistic intent to improve prisoners’ lives by assisting them to contribute effectively to the Victorian community (VPRS 6603, 7 October, 1925). As defined by Cohen, education, classification, sentencing and punishment can be analysed from both a pragmatic and altruistic perspective.
5.2 Education reforms

Akeroyd made it clear from the outset that education would serve as the major platform for implementing reforms that focused on practices and structures as well as the professionalism he expected from his staff. His diary and papers outlined the changes he sought after travelling from prison to prison as well as meeting prison management and staff. Akeroyd’s education-based reforms focused on three key areas of prisoner management, namely providing education programs to prisoners, staff training and introducing school-like organisational structures. His reforms also indirectly influenced prisoner classification, punishment and, to a lesser degree, sentencing.

5.2.1 Reforms in prisoner education

Akeroyd initially focused on facilitating prisoner reform by firstly educating prisoners before developing a relationship with the Victorian Education Department, two acts that subsequently became entwined during Akeroyd’s early and middle phases. Akeroyd’s diary entry dated 3 January, 1924 stressed the importance of introducing prison education and training programs to help them develop “marketable skills” and “schooling in trade work.” (VPRS 6604, 3 January, 1924). Akeroyd reiterated his position on education in prisons when discussing his three penology principles with the Castlemaine Council, members of the Reformatory Board and Castlemaine prison management (VPRS 6604, 28 January, 1924). Akeroyd next commenced formalising the relationship between prisons and the Victorian Education Department which at that point in the state’s history neither managed the school curriculum delivery nor schools within the prison system. Although not clearly articulated in his writings, Akeroyd adopted an unwritten policy of engaging the education department to accept prime responsibility for delivering school curriculum within prisons.

The first evidence of the principle appeared on 10 February, 1924 when Akeroyd sought approval from the Chief Secretary to appoint a school master at Castlemaine prison (VPRS 6604, 10 February, 1924). Once approval had been granted, a position description was advertised in the Education Gazette
specifying the appointment had to be made via the Secretary of the Education Department to “instruct in prescribed courses as set out for elementary schools when required by the Inspector General to furnish intelligence tests and personal history when required by the Inspector General” (Education Gazette, 24 June, 1924). It represents the first evidence of a formal agreement between the prison management and the Victorian Education Department with the latter appointing a teacher to deliver school programs in prison and conduct assessments as required by the Inspector General.

Further evidence of Akeroyd’s determination to ensure the education department managed education delivery in reformatory schools emerged in his recommendation to establish a juvenile home at Janefield, similarly managed by the state government (VPRS 6604, 5 September, 1924). His actions reinforced his view on education-oriented thinking to address deficiencies he identified in the prisoner group by articulating his ideals on prison management built around the pillar of education for prisoners (VPRS 6604, 7 October, 1925).

During his early and middle years Akeroyd outlined his focus on addressing prisoner needs as individuals rather than dealing with them as a collective group which marked a distinct about-face from previous prison management regimes. His novel approach to individualising prisoner management was evident in his diary and private papers written as part of planning and implementing individual case records. In Akeroyd’s words his approach would result in “the complete investigation of each prisoner’s personality and history, i.e. the preparation of a case history” (VPRS 6603, undated) which would then underpin treatment programs based on education principles. It was Akeroyd’s scientific way of using “the way of the psychologist” to gather information and identify symptoms before planning and implementing effective prisoner treatment programs. However the challenge of realising his 7 October, 1925 vision started to concern him as his early years’ statements about reforming all prisoners through education became increasingly refined with a particular focus on young offenders. He further refined his views to focus on “reformable” prisoners during his middle years (VPRS 6603, 20 June, 1935). Akeroyd strengthened his approach to classifying prisoners by
dividing them into reformable and unreformable categories in 1935 and 1936. He similarly classified prisoners by their offending typologies mental attributes which demanded comprehensive physical and financial resources to adequately address their individual needs.

His intricate knowledge of offender psychological makeup added to the complexity of addressing his reform aims. Segregating prisoners into reformable and unreformable may have represented Akeroyd’s attempt to effectively allocate strained resources rather than satisfy an increasingly unsurmountable objective. It also reflected his evolving view on corporal punishment which will be discussed in greater detail later in this chapter.

Akeroyd’s commitment to providing prisoner education and fostering a relationship with the Education Department led to major developments during his middle years. Not only did the number of department teachers teaching in prison increase but Akeroyd introduced school-like structures into prison management regimes. In his 1935 Annual Report, Akeroyd outlined the rising provision of education to prisoners by writing “school is carried on at Pentridge, Castlemaine and Geelong prisons. At Geelong, school work proceeded under the supervision of Mr. D I. Gray of the local state school” (p. 10). His quote demonstrated state-supported schooling had grown from the single Castlemaine teacher in 1924 to several teachers appointed in Victorian prisons in 1935. No other documents record the growth beyond 1935 but written evidence exists of Akeroyd’s plan to formalise school-like structures within prisons and boost the calibre of staff working to help him achieve his goals.

In 1939, Akeroyd further strengthened his vision to create reformatory schools by detailing prerequisite qualifications and staff attributes in circular F 0234 in 1939 demanding moral (religious) training, elementary training and vocational training (VPRS 6603, 1939). The same circular also specified critical staff educational qualifications involved in elementary level school. The
The superintendent had to be a man of “good education, take charge of daily assemblies and direct the attention of both staff and pupils to some worthwhile thought” (VPRS 6603, 1 June, 1939). The elementary school teacher and overseers had to be trained teachers while officers had to be selected from “young men of outstanding personality, fine ideals and good education and have trained in such institutions as (a) teachers training college, (b) such schools as Dookie or Longernong Agricultural colleges” (VPRS 6603, 1 June, 1939).

Akeroyd reinforced his views on the importance of prisoner education and training as a major tool for personal reformation in his 1938 annual report by stating:

It is now generally recognised that by teaching and training only, can that ambition and capacity to stand alone in the struggle of life be attained in men who have drifted into crime largely through the environment in which they have lived (1938 Annual Report, p. 14).

During his middle phase Akeroyd publicly shared his views on formalising prisoner education engaging trained and qualified teachers to deliver prison education and training programs with the broader community and the government. Akeroyd also further strengthened connections he had fostered with the Victorian Education Department during his early years which resulted in more prisons implementing education programs for inmates. Evidently, it led to significant prisoner education reforms occurring during Akeroyd’s early and middle year phases whereas his final years focused on punishment and sentencing reforms more so than prisoner education. However in his middle years Akeroyd extended his views on the role of staff within reformatory schools to incorporate education into prison reform.

5.2.2 Reforms in prison management

Akeroyd focused on education supporting prison management in both his middle and later years with his writings during the former phase concentrating on acquiring qualified staff to teach reformable prisoners (VPRS 6603, 1 June, 1939). As reported earlier in this thesis, Akeroyd was
expressly clear in the need to select appropriate staff to implement his prison management reforms. He highlighted the importance of multi skilled staff educationally and physically able to carry out their duties of communicating with prisoners, writing and compiling reports and dealing will all types of behaviours.

Akeroyd aligned prison management operations closely with that of education institutions by adapting school-like structures to frame staff training, selection and advancement processes within a prison setting. Akeroyd insisted prison staff members sit examinations, compile prisoner case histories and pass mental testing to secure promotions. The processes he introduced reflected similar promotion procedures required by the education system from which Akeroyd had come. It is debatable, however, if the training used to compile case studies had been derived from education circles at this time. Akeroyd led by example by forming and consolidating individual case studies with his diary and other records demonstrating his commitment to maintaining extensive prisoner case study records that detailed their IQ status, their social, cultural and family backgrounds. His leadership in compiling comprehensive record keeping reflected his expectations that prison officers adopt a similar approach to prisoner management. The evidence indicates Akeroyd favoured management and staff modelling desirable behaviours for prisoners to emulate as well monitoring and managing prisoner behaviour rather than resort to punitive tactics.

Aligning penology with teaching principles sparked significant changes in prison management with Akeroyd’s approach often attracting criticism internally from within the prison officer ranks as well as the broader community. Major resistance was reported in newspapers as well as recorded in Akeroyd’s own private papers and documents written by unidentified prison staff, such as:

Mr J Akeroyd, M. A. was appointed Inspector General of the Penal and Gaols department and he immediately set himself up as a Criminologist, Psychologist, reformer etc. This learned gentleman immediately set about reorganising the whole of it. He delivered lectures on Criminology and Psychology and generally instructed officer, many who had been associated
with the department for nearly as many years as Mr. Akeroyd had lived, on how such institutions as penitentiaries should be conducted (VPRS 6603, undated, thought to be around 1939).

The document author, somewhat cynically, revealed several inconsistencies in Akeroyd’s decision making and his revolutionary approach which often generated conflict among prison staff struggling to reconcile their new roles as prisoner case managers. The staff revolt manifested in complaint letters, letters to the editor and, in the early days, staff resistance to perform their new duties. Staff soon realised Akeroyd had not only modified their roles but changed internal promotional processes which threatened existing workplace practice comforts staff members had enjoyed for a long time. Akeroyd’s diaries and notes recorded many face-to-face encounters with disgruntled staff reluctant to embrace the new approaches as he continued to expound his position on prisoner treatment in both his public and private communications. Akeroyd’s ongoing battles with changing staff attitudes remained a constant factor throughout his career.

Akeroyd’s diary entries and in his private papers indicated a disciplined approach to staff management throughout his career in which he regularly confronted – and dealt with – staff unwilling to perform their duties to his standard. In one entry dated 4 February, 1924 he wrote: “Today transferred O’Brien to Ballarat. Gave him a dressing down – a red hot one mainly on his personal appearance.” (VPRS 6604, 4 February, 1924). Another diary entry dated March 1925 in recorded “the warders were addressed and the necessity for tightening the discipline was manifest.” (VPRS 6604, March, 1925). Many examples of his daily focus on staff performance were best represented in Akeroyd’s annotated notes responding to complaints laid by his own prison officers. Never one to shy away from his critics, he readily countered opposition to his demands that staff demonstrate relevant academic qualifications to secure a promotion.

However, in his later years, his marked departure from his consistent and disciplined approach to staff promotion sparked the ire of Under Secretary to the Chief Secretary (VPRS 6603, 22 July, 1947)
who had long agreed on strategy with him to fill senior positions externally. According to Chapman, Akeroyd rescinded his decision by appointing an internal applicant for a senior role within the prison. As stated earlier, this move contravened both the Under Secretary’s advice and, according to Chapman, also that of Akeroyd’s own deputy Inspector General.

As Akeroyd’s actions demonstrated a marked divergence from his typical disciplined approach to staff appointment requiring relevant qualifications and external experience, Chapman’s letter raised concern about Akeroyd’s unorthodox behaviour compared with his approach in earlier years. It suggested something had changed in Akeroyd’s positioning, perhaps suggesting he was becoming tired or worn down by his significant number years at the helm overseeing radical prisoner management reform. Conversely it may be possible his viewpoints were also changing alongside major challenges to his fundamental theoretical positions, which will be explored further in Chapter 6.

5.2.3 Communicating education reforms

At the same time he implemented staff practice changes and school-like structures within the prisons, Akeroyd adopted two main strategies to establish educational allies within the broader community. Firstly, he garnered likeminded people to support his approach to prisoner treatment as well as using supportive agencies to broaden his sphere of influence. Secondly, he presented his views to government via his annual reports and the wider community via news articles. Chapter 4 noted that Akeroyd changed the structure of his annual reports by dividing information into chapters on education and prisoner assessment as well as introducing discussions on the nature of crime and criminality.

In his early years Akeroyd forged relationships with other educational agencies such as the Australian Council for Educational Research (ACER) Carlton Teachers’ College and the Tasmanian State Psychological Clinic of which he made reference in his diaries and personal notes. Although he may
have done so in practice, no documented evidence exists of him actively seeking counsel or support from any other Victorian criminal justice agencies, such as the police service or the judiciary (except in foiling Squizzy Taylor’s plans to help Angus Murray escape gaol in January 1924). In fact, the available evidence suggests Akeroyd confined his requests for help and advice from his educational and psychological contacts alone to distribute community information during his early years.

Melbourne Teachers’ College Vice Principal Browne wrote newspaper articles in July 1924 on adopting the scientific approach to resolve justice issues at the same time McRae (ACER) initiated public debate on juvenile delinquency and prisoner’s intellectual capabilities in May 1926 and Mauger (Indeterminate Sentences Board chair), contributed to the community debate on prisoner education. While most collected evidence supported Akeroyd’s directions, he did not make many public pronouncements in his early years. However he attracted criticism from W. C. Callaway in the press who voiced prison staff’s concerns about his approach to staff recruitment, promotion, and favouring education over punishment.

His involvement in forming the University of Melbourne Centre for Criminology in his middle years inspired Akeroyd and others to strengthen their influence over the criminological debate within community and government circles as evident by his increasing references in his annual reports. Akeroyd extended the debate further by broadcasting his educated insights to the general public via radio interviews, community presentations and newspaper articles. Documents revealed no lessening in Akeroyd’s educational colleagues’ supporter base over time as he continued to demonstrate cause-and-effect in actively promoting his vision and plans to the government and general public. His annual reports comprehensively debate the link between crime, criminality and the individual as well as focus on treating and classifying prisoners. Many issues Akeroyd raised in his annual reports reflected daily newspapers coverage of his messages as well as the increasing public response via letters to the editors to his stance on dealing with crime and criminals. Community criticism during
his middle years mainly focused on the merits of corporal and capital punishment which will be discussed in the section on punishment later in this chapter. In Akeroyd’s later years, most commentary on prison reforms arose from daily newspaper articles interpreting events for the public compared with the non-existent press coverage in his early years. However as time wore on, Akeroyd’s direct connection to the public increasingly diminished as his contributions evolved into official reports, such as transcripts arising from the State government inquiry into corporal punishment, with criticisms also being channelled through official government correspondence.

Overall, Akeroyd’s communication style varied according to the audience and time period. In his early phase he recorded his reflections in a personal diary as an introspective communication device, perhaps, as a means to crystallise his thoughts. It did not appear that Akeroyd contributed to public debate during the early years, leaving it instead to others, such as Browne, Mauger and McRae, to discuss issues in the public arena. Growing in confidence and commitment to his treatment-based approach during the middle phase, Akeroyd did radio interviews, visited educational and community organisations, wrote articles for publication and shared his views in comprehensive and educative annual reports. He continued the latter practice into his final stage as a means to inform the government on matters related to managing prisons and prisoners. In his final phase, commentary and debate came largely from third party reporting.

5.2.4 Akeroyd the influencer

At the same time he was initiating changes in staff practice as well establishing school like structures within the prisons Akeroyd extended his base beyond the Centre for Criminology to include educational and research agencies such as the ACER, Carlton Teachers’ College, and Melbourne University’s emerging Centre for Criminology. The evidence indicated that Akeroyd’s educational background and contacts provided him the main links and frameworks for the advice and directions
he sought for planning and implementing his reform, but through these agencies, Akeroyd was extending his sphere of influence for future plans.

While establishing staff education reform, prison schools (including the reform schools at Janefield and Bayswater) and connecting prison education with educational allies in the community remained the cornerstone of Akeroyd’s prison reform agenda. His move to appoint state school teachers and introduce school-based curriculum to educate prisoners represented a significant breakthrough in prisoner reform as Akeroyd’s unique legacy began to take shape.

The literature revealed Whatmore enhanced the relationship between the state’s prisons and education system by registering them with the Victorian Education Department in 1954 (Blake, 1973; Semmens, 1999). Regardless, Akeroyd’s drive to embed education into penology created a major and enduring nexus in Victoria as he revolutionised prison staff roles by shifting focus from punishment to treating prisoners. Akeroyd faced challenges to his theoretical perspective to reforming punishment, sentencing and prisoner classification in his bid to connect penology and education in laying the foundation for an enduring legacy.

5.3 Classification reforms

Akeroyd’s principles of penology were outlined earlier in this chapter with one diary entry written on 28 January, 1924 expressly identifying prisoner classification as one of his principles. His ongoing focus on the nature of, and process of, classification was evident during his career as an important aspect in supporting his focus on prisoner treatment.

Using the term classification was not new to the prison system as Hughes (1986) and Semmens (1999) wrote that classification was an important component of Maconochie’s Norfolk Island regime. Lynn and Armstrong (1996) noted prisoner classification prior to Akeroyd’s appointment in the late 1880s
separated young from old, infirm from the healthy, women from men, prisoners serving on indeterminate sentences from others into blunt and functional classification categories based on broad prison population groupings.

Akeroyd refined prisoner classification during his career in line with his growing understanding of prisoner needs by applying methodical case study notes and engaging in assessment dialogues with his professional colleagues to plan individual treatment programs. Akeroyd used evidence to broaden his understanding of the underlying causes of criminality and his case studies to understand individual prisoners as well as group of prisoners based on their offending patterns. His prisoner classification process involved correlating the personal attributes of a prisoner to the nature and frequency of crimes committed. He next devised suitable programs for specific prisoner classes with his early diary entries recording his plans to segregate juveniles and reformatory men into separate classifications (VPRS 6604, 15 January, 1924). His early reflections and public presentations primarily focused on inadequate education and training available for young male prisoners. During the first month in his new role, Akeroyd’s personal diary espoused his beliefs that young prisoners needed discipline, structure and a learning environment as well as his desire to separate them from older inmates in his revamped classification system.

His thoughts recorded in his private papers and personal diaries in his early years reflect his commitment to rehabilitating young offenders while also challenging broader community perceptions via public debates in the late 1920s and early 1930s. Akeroyd’s contemporaries also contributed to the debate with Dr C R McRae writing press articles about young offenders and factors influencing their offending behaviours. McRae’s newspaper article in *The Herald* (29 May, 1926) represented one of the first public comments during the Akeroyd period which drew public attention to risks young offenders face. The article attempted to help readers understand delinquency by
arguing a host of factors contributed to offending behavior such as “defective (overly strict, or lax)” discipline at home”, a “personal morbid complex”, poverty and or “excessive instincts” rather than a singular cause (29 May, 1926). McRae proposed that while causes remain complex they “can be unravelled, and when the causes are found, it is well within human power to unravel them” (29 May, 1926). The article was instrumental in sparking community debate by linking crime, criminality and personality to social causes. While difficult to directly link McRae’s article with Akeroyd’s thinking, both shared common threads in exploring mental and moral defectiveness as well as an extensively investigating juvenile delinquency. It was clear at this stage that Akeroyd expanded his predecessors’ prisoner classification processes by focusing on the behaviours and personality traits of offenders.

From 1936 to 1939, Akeroyd detailed specific programs for young offenders and juvenile delinquency in key chapters published in his annual reports. In an undated academic paper (thought to be around 1936), Akeroyd believed it was crucial to identify and crackdown on delinquency as a precursor to criminality. Akeroyd wrote:

Delinquency, the forerunner of crime, is not now regarded by competent thinkers as naughtiness which must forthwith be punished, but as a symptom of some hidden, and often apparently unconnected cause (VPRS 6603, undated).

This statement suggests Akeroyd had started linking criminality and juvenile delinquency in a different way from his predecessors and common thinking of the time. Befitting his inquiring mind, Akeroyd drew upon his science-based thinking and his colleagues to explore juvenile delinquency and classifying offenders in greater depth.

Drawing on contemporary academic and medical authorities to validate his views, Akeroyd reinforced the positivist perspective to frame his reflections and planning. In June 1939, Akeroyd

32 McRae’s italics
wrote “A Reformatory School for Boys” (VPRS 6603, 1939) in which he proposed establishing a school within the prison system that focused on the moral and vocational training of young boys “thus enabling the boys when released to withstand temptation, live good moral lives and earn sufficient as farm laborers to keep them” (VPRS 6603, 1939). The title proved an interesting choice in linking the word “reformatory” to schooling given his ongoing battle with authorities to engage reformatory prisoners (including those on indeterminate sentences) in education and training programs.

Akeroyd continually challenged himself to understand moral deficiency to determine any direct links with mental deficiency, an understanding that deepened throughout his tenure. In his address to aspiring teachers in 1925 he further categorised mental deficiency in terms of “idiots, imbeciles and feeble minded persons” in an undated paper (thought to be around 1930). He intended to seek more intensive tests to classify prisoners in order to implement better treatment programs as part of his broader prison management reforms. Through his connection with ACER, Akeroyd introduced the Stanford Binet intelligence tests to create an initial psychological profile of new prisoners upon entry to the prison.

In his later years, Akeroyd’s focus shifted to sexual offences which appeared to be a universal trend. According to Hinds and Daly (2001), up until the 1930s and 1940s sexual offenders and sexual offences were classified separately from other offences or offenders. During this period, classifying sexual offenders in the United States followed a rise in the focus on offender treatment programs. Muhl (1941) devoted 29 pages of her book (the longest chapter) to issues surrounding the nature of sex crimes and the respective treatment practice. Muhl focused on the offender’s underdeveloped

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Akeroyd referred to the tests as the Simon – Binet tests in some of his documentation. It is recognised that the Binet – Simon tests were forerunners to the Stanford Binet tests which were published in 1916.
sexual knowledge on one hand and their feeblemindedness on the other. In each instance, Muhl maintained punishment was ineffective for sex offenders and instead strongly recommended treatment during their incarceration. Akeroyd’s focus on sexual offences and sexual offenders increased in his later years. No direct cause-and-effect relationship linked Akeroyd’s and Muhl’s positioning exists but the prevailing interest worldwide at the time was examining sex offenders and the best means to deal with them.

Akeroyd showed signs of shifting his perspective toward the end of his tenure by dismissing psychiatric evidence for failing to understand sexual offenders as “pure, unadulterated phooey” (*The Sun*, October 20, 1947). His remarks distanced Akeroyd from his original position in which he strongly supported Muhl’s perspectives (as a psychiatrist) during her lecture tour years earlier. It remains unclear what prompted Akeroyd’s public statement at that point of time but it was evident that his words coincided with his increasing interest in sexual offence prisoners. It is possible to conceive Akeroyd started thinking critically about positivist criminology and forming opinions about other theoretical approaches to prisoner treatment which will be explored in greater detail in Chapter 6.

5.3.1 Changes in classification process post Akeroyd

The legacy Akeroyd and his supporters created in linking prisoners’ attributes to criminality paved the way for future debate and consideration, particularly their genuine interest in developing prison programs identifying criminogenic behaviours, a well-embedded approach in the contemporary policy literature such as the Bearing Point Review (2003). However classifying prisoners within the Victorian prison system changed markedly from Akeroyd’s days as he and his contemporaries focused on classifying behaviours and personality traits linked to offending behaviours. *The Law Handbook* explains contemporary classification processes relating directly to a prisoner’s potential security within the prison system that assessing their potential risk to the public (Fitzroy Legal Service,
2003). Risk levels are ascertained via court reports and internal prison assessments. Akeroyd’s legacy linking treatment programs to specific prisoner attributes remains intact but the term classification has been somewhat modified in policy and practice to refer to prisoner risk assessment and risk management (Birgden, 2004).

5.4 Sentencing reforms

From the outset of his career, Akeroyd expressed frustration by moves excluding prisoners serving indeterminate sentences from prison education programs. Akeroyd’s attitude towards indeterminate sentences, which remained a viable sentencing option in Victoria between 1907 and 1955 enabling authorities to detain habitual criminals until they earned their release (Freiberg and Ross, 1999) varied according to differing information sources.

5.4.1 Changing approach to reform indeterminate sentence

In the early days, Akeroyd’s commitment to reforming prisoners via education programs earned numerous statements of support from indeterminate board members. In 1924, newspaper articles reported on the need to introduce “Human Touch” into prisons to support prisoners’ intellectual growth. Reformatory Prisons Board and head of the Indeterminate Sentencing Board Mr. Mauger supported education as a means of introducing a more humanist approach towards prison and prisoner management reforms. While Mauger’s support may have provided Akeroyd some comfort in his aspirations for an education-led approach, he feared prisoners serving indeterminate sentences and sent to reformatory prisons faced restrictions accessing school and work opportunities. The restrictions contravened the 1907 Indeterminate Sentences Act enacted to provide education, work, training and post release support for habitual prisoners (Lynn and Armstrong, 1996) with its deterrent implication designed to encourage prisoners to “earn their way out of custody” (Freiberg and Ross, pp 14). Akeroyd’s writings indicated his concerns that reformatory prisons failed to meet legal expectation, especially enabling indeterminate sentences to access educational programs. No available
evidence explains the incumbent practice prior to Akeroyd’s appointment however it is evident he was gravely concerned by the implications of indeterminate sentences on prisoners.

In his early days, Akeroyd sought experts to advise him on prisoner management matters such as Dr Miller, Director of the State Psychological Clinic of Tasmania, who visited and commented on Victorian prisoner management practices as outlined in Chapter 4. Dr Miller publicly expressed concerns about the need to treat prisoners with mental defectives separately from other prisoners (The Herald, 8 January, 1925). He also called for an expansion of the “indeterminate” term to include prisoners serving indeterminate sentences within the scope of reform. Akeroyd was similarly concerned by his inability to treat indeterminate sentence prisoners housed in reformatory prisons where they were unable to access his education and training programs. Miller’s concern reinforced Akeroyd’s fears about indeterminate sentenced prisoners being exempt from accessing education and treatment programs while Morris prompted public debate in the newspapers and official reports over the nature of indeterminate sentencing between 1925 and 1943.

While the debate surrounding the appropriateness of the Indeterminate Sentence Act and its associated practices continued for many years, Akeroyd’s 1943 annual report best illustrated his major concerns:

> Nowadays, however, the prisoner has usually been an offender from an early age, and the problem becomes one of training him to live in accordance with the ethical standards of the community in which he resides. The problem is the same for gaols as for reformatory prisons despite the fact that the Parliament of Victoria has decreed a sharp distinction between the two (Annual Report, 1943, p. 15).

Inadequate access to reformatory prisoners continually concerned Akeroyd throughout his career amid divisions between theoretical definitions of reformatory compared with practical realities. Many diary reflections focused on individual prisoner reform as Akeroyd’s 1935 radio transcript (VPRS, 6603, 1935) demonstrated a strong emphasis on the role education, training and discipline played in helping correct juvenile delinquency. Yet it appeared Akeroyd was generally bemused by policies
curtailing reformatory prisoners’ access to beneficial treatment programs. Freiberg and Ross (1999) noted that in 1944 Akeroyd adopted a different perspective to applying indeterminate sentence in his 1944 annual report:

Apart from an efficient police force and despite any defects in administration it is the most potent weapon this State has in its fight against crime (Annual Report, 1944, p 15).

Akeroyd’s comments conflicted with early statements claiming indeterminate sentences caused significant unrest and “rebellion” amongst the prisoner ranks (Annual Report, 1944), marking a shift in Akeroyd’s attitudes towards indeterminate sentences perhaps reflecting the growing support in the broader community. Akeroyd’s conflicting stance on indeterminate sentencing wavered from comprehensive support to complete abolition presumably reflected his belief that providing time for a treatment program to be fully realised was preferable to shortcutting a prescribed sentence completion date.

Akeroyd spent his early days persuading the government to overturn the indeterminate sentence to encourage prisoners serving time in reformatory prisons to participate in education programs. His initial vocal challenges became increasingly quieter as he increasingly advocated the benefits of the indeterminate sentence (Annual Report, 1944). In statement published during his later years, he actually specified repealing the definite sentence as the number one ideal (VPRS 6603, undated). Arguably, his inability to influence the government in removing the indeterminate sentence led to him subsequently supporting the indeterminate sentence to further his treatment ideal.

Akeroyd’s oscillating views before his final acquiescence symbolized the battle between conflicting theoretical perspectives of positivism and conservatism as Akeroyd struggled to influence the prevailing judicial perspectives. Chapter 6 explores the conflicting theories in greater detail while this chapter recorded Akeroyd’s shifting positions towards indeterminate sentencing during his career span. As Freiberg and Ross (1999) noted the debate on indeterminate sentences continued beyond
Akeroyd to eventually see indeterminate sentences repealed under Whatmore’s leadership. It was not the only time that Akeroyd backtracked on his original views as indicated in his position on the deterrent role punishment played in prisoner reform.

5.5 Punishment reforms

Sentencing and punishment processes within the Victorian court system fell under state jurisdiction in Akeroyd’s time where it still remains. Judicial power in both public and political debate challenged Akeroyd to reconsider providing a consolidated therapeutic approach to prison management. In his early days Akeroyd openly questioned the function and effectiveness of corporal punishment both in his private thoughts and public comments.

5.5.1 Initial position on punishment

In his early and middle phases, Akeroyd believed applying corporal punishment undermined imprisonment as an effective means of reforming individual prisoners. He maintained this view despite recognising he had been employed to mete out punishment dispensed by the courts. In a speech he delivered to the Victorian Education Department’s Teachers’ College on 7 October 1925, Akeroyd claimed effective prisoner management involved identifying areas of under socialisation within the individual offender before developing treatment programs designed to remediate any perceived inadequacy (VPRS 6603). As Chapter 4 described, Akeroyd undertook great measures to share his perspective with government through his reports, to his staff through his case management approach and to the wider community through public presentations and radio interviews. Despite his overt concerns about the efficacy of punishment in prisoner reform Akeroyd found himself in a bind as he was mandated to administer corporal punishment by using the cat’ o ’ nine tails and the birch in and implement court-ordered capital punishment. The resulting tension arising from Akeroyd’s public and private commitment to therapeutic prisoner treatment alongside carrying out court-sanctioned corporal and capital punishment appeared to trouble him.
In his 1932 article written for the Honorary Justices’ Association of Victoria, Akeroyd opposed existing sentencing and punishment regimes under Victoria’s court system as he reinforced the need to address underlying causes of crime. Akeroyd wrote that crime:

Was not an isolated fact in a man’s life, it is a mental symptom that can generally be treated. It is not the investigation of an offence and the punishment of an offence. But an investigation of and the treatment of an offender (VPRS 6603, 1932).

Akeroyd challenged the prevailing framework the criminal justice system had been working under for many years to both the public and the judiciary. He reiterated his commitment towards replacing traditions notions of punishment with treatment programs in reflections recorded in an undated paper he submitted to the English and Scottish Committees of Inquiry into prison management. As outlined in Chapter 4, Akeroyd expressed his frustration at his inability to transform prison management attitudes from the punitive to the curative. It bears repeating that Akeroyd’s written statement detailed his frustrations at the judiciary’s lack of understanding as to how punishment stymies any capability to “cure” the criminal:

In the face of all this, they are asked to accept and incorporate into their in most being, so to speak, the idea that they are not held as punishment, or in any vindictive sense; and their anti-social tendencies are expected to be cured. I wonder!34 (VPRS 6603, undated, p. 17).

In his early years, Akeroyd largely confined his railings against existing punishment protocols to his diaries and private documents but public debate about punishment in prisons gained momentum in the newspapers in 1931. In June 1931 a series of articles published in The Herald investigated whipping as a punishment and its various impacts on prisoners. Within days, subsequent reports in The Herald referred to ex-prison officials who argued that flogging was not a brutalising act and resulted in “well under 7 per cent ever com(ing) back to the gaol” (Campbell, The Herald, 1931; VPRS 6603, 17 June, 1931). However throughout Akeroyd’s early and middle years the public debate evolved from

34 Akeroyd’s emphasis in his writing
applying punishment to classifying criminals. As Akeroyd strongly communicated his position favouring treatment over corporal punishment at the time, it was quite unexpected that he would later adopt a strong pro-punitive position in the latter stages of his career.

5.5.2 Accommodating punishment

The major shift in Akeroyd’s thinking emerged in a 1935 radio interview in which he outlined the prevailing definitions of criminal as:

A person who commits such acts such as render him liable to legal punishment such as fines, imprisonment, whippings and execution. The criminal is an immoral person whose immorality finds expression in immoral acts. The ordinary citizen fashions his conduct according to these standards, the criminal does not (VPRS 6603, 20 June, 1935).

His initial words may simply have reflected the prevailing legal definition, however, his subsequent observations in the same interview informed the radio audience as to his own personal views:

So much for our definitions. Now of late years a very great change has come in our dealings with criminals. That change is by no means complete; but is gradually gathering impetus the world over. In the olden times only the crime was considered and punishment was meted out according to the gravity of the crime. Study your man, make an exhaustive analysis of all his reactions, the makeup of his mind, his heredity and the environment in which he lived. Then in the light of the knowledge so gained prescribe a remedy (VPRS 6603, 20 June, 1935).

His turn of phrase “so much for our definitions” recognised the prevailing classicist and conservatist theoretical positions before Akeroyd dismissed them in favour of presenting his alternate positivist perspectives to the audience. His radio interview also marked a turning point in his original theoretical position by, on the one hand, strengthening his commitment to a positivist approach while, on the other, publicly recognising the classicist position on punishment. His acceptance of popular attitudes was signalled in his 1935 radio speech when he asked, “Will punishment prevail?” (VPRS 6603, 1935).

Akeroyd’s statement can be interpreted in a couple of ways. It could be seen as dismissing the role of punishment in favour of a treatment model. However his words “by itself no!” suggest that Akeroyd acknowledged punishment only yielded beneficial results in conjunction with education. At
this point in 1935 Akeroyd began separating prisoners into either reformable or unreformable categories which similarly suggested his belief that therapeutic programs (especially education) no longer represented the curative panacea. Akeroyd’s written foreword published in Anita Muhl’s book questioned if punishment promoted constructive learning in the individual (1941, p. 2 and VPRS 6603, 1938)35 while Muhl doubted punishment acted as an effective deterrent and that the “next sensible step is prevention” (1941, p. 12). Muhl argued treatment should focus on addressing behaviour contravening the criminal code rather than examining if offenders were born criminals. Muhl believed “there is no such thing as a criminal type or born a criminal. Criminals are made because of early failure to develop adequate responses to life” (1941, p. 13). Her position posed significant challenges to Akeroyd’s earlier beliefs on the biological and socialisation determination of criminality. However, the extent to which Muhl’s position influenced Akeroyd’s thinking during his middle years and his directions in his later years remains subject to some conjecture. On one hand, both denounce punishment as an effective deterrent but Muhl’s acceptance of criminal law validated the prevailing classicist position within the criminal justice system. Muhl reconciled her positivist direction in treating criminality by addressing an individual’s undersocialising factors with her classicist position towards a criminal law code. Muhl never stated a position on the punitive capacities available under the criminal law code and detailed her position on punishment but appeared at ease that two widely divergent theoretical perspectives could co-exist. The available evidence provides no insights as to whether Muhl influenced how Akeroyd implemented punishment under his treatment-oriented regime but there is little doubt Akeroyd completely accepted punishment as a legitimate practice in his later years.

35 There are two versions of the foreword he prepared for Anita Muhl’s book. This version dated 1938 was the document in Akeroyd’s closed papers. The other version was that published in Muhl’s book. There was very little difference in both versions. The published version included an acknowledgement of the Dean of the Faculty of Arts, Professor Boyce Gibson as the auspicing agent and it also included a recommendation that Muhl’s book should be read by those “whose daily life brings them into contact with crime” (Muhl, 1941, p. 10)
His pro-punishment stance became firmly entrenched over time as evident in the 1947 Inquiry into Corporal Punishment which was established to review the role of corporal punishment within prisons. Akeroyd responded to questions from the review panel:

I came to the conclusion that, generally speaking, whippings did good. I am referring to any sort of whipping. It did good in this way, that it made the prisoner realize his position fully and made him amenable to the subsequent teaching in the ideals of citizenship (VPRS 6603, 1947, p. 6).

At the same time, the press also reported Akeroyd’s views on punishment when he stated that prisoners ought to be treated as follows:

- Moral delinquents respond best to long imprisonment;
- Whippings are a necessary evil. Only the birch or the cat-o-nine tails can break through the resistance of the toughest, most degraded criminals. (*The Sun*, 20 October, 1947)36

His comments signified a marked turnaround in Akeroyd’s views from his early days as he advocated that, in some circumstances, corporal punishment complemented his therapeutic education programs. Little doubt remains that during the final years of his tenure, Akeroyd viewed corporal punishment (i.e. flogging) as a legitimate form of deterrence. His turnaround queries if Akeroyd had subsequently adopted a different theoretical viewpoint or simply changed his views on punishment to rationalise his psychology-based treatment model. It raises a somewhat perplexing question about Akeroyd’s true legacy in respect to punishing prisoners. He remained resolutely committed to treatment over punishment in his early and middle years despite the need to implement corporal and capital punishment only to publicly favour corporal punishment in his later years by arguing punishment in itself proved a form of treatment. It is his subsequent position that appears to serve as Akeroyd’s legacy in the minds of some contemporary Justice officials37 and in the press (*The West Australian*, 1947).

36 The newspaper used the dot points

37 An unnamed senior Department of Justice official commented to me that Akeroyd was best remembered for his pro punishment stance.
Although contradicting his earlier approach to prisoner reform, Akeroyd came to view corporal punishment as an effective form of treatment likely to benefit individual prisoners. It suggested Akeroyd lacked the ability to change embedded judicial approaches towards punishment so instead accommodated corporal punishment into his own theoretical perspective by talking about its benefits in respect to treatment. Arguably Akeroyd contributed little to widespread systemic reform in respect to corporal punishment given it had been institutionalised for many years before his appointment to Inspector General. However his influence in the reform debate can be seen in the manner in which corporal punishment was viewed and discussed during his tenure.

5.6 Reform in the Akeroyd era

The significant changes in prison and prisoner management practice throughout Akeroyd’s period as Inspector General was evident in his rigorous approach to planning and implementing individual prisoner reform compared to the punitive approach of his predecessors. His unwavering commitment to his education-inspired approach helped identify deficiencies in each prisoner before implementing a treatment response to remedy them. For the first time in Victoria’s prison history, individual prisoner needs were assessed using IQ testing, interviews and extensive case notes on interview methodologies to create individual case plans. A similar practice, known in current terminology as individual sentence management plans, continues in contemporary prison and prisoner management planning.

The assessments and resultant plans underpinned his therapeutic program response to support individual prisoner reform by formalising prisoner education. Akeroyd’s connections with the Victorian Education Department and formal education agencies within the community led to the establishment of school-like practices within prisons, including engaging teachers to introduce school curricula in prison and other associated reformatory locations such as Janefield and Bayswater.
Akeroyd’s initiatives in prisoner education paved the way for Whatmore to successfully register schools within state’s prisons with the Victorian State government in 1954.

Akeroyd also recognised that educating prison staff would enable the prison system to support individual prisoner reform. He initiated staff training programs and formalised education-based staff promotion structures which was seen as revolutionary in prison management practice at the time. As O’Toole (2006) noted, Eric Shade’s further formalization of prison officer training program in the 1970s could be traced back to the education schemes introduced by Akeroyd. His scientific approach and commitment to identifying criminal typologies through prisoner classification processes informed his prisoner management practice, Government policy and community awareness. Akeroyd raised public awareness by engaging various community and government sectors via radio broadcasts, his annual reports and newspaper articles. Additionally, his contribution to establishing the University of Melbourne’s Centre for Criminology saw Akeroyd and his colleagues within judicial and education circles strengthen criminological debate within community and government circles. Akeroyd capitalised on his education background and professional insights as Inspector-General to influence government and public opinion via his informative Annual Reports, radio interviews, community presentations and newspaper articles.

His achievements revealed many areas in prisoner and prison management practice in Victoria demanded reform. He fell short of realizing all his reforms against significant and ongoing opposition during his leadership. However, he oversaw much greater reform than any predecessors during an unprecedented period which saw education and prison management merge in the Victorian prison system under the unassuming leadership of an educationalist. It was during this same period that relations between prison management, the Victorian Education Department and prisoner education practice evolved – a historical relationship that endures in prisoner management reform today.
The significant changes he introduced into prison management practice in respect to formally classifying prisoners in terms of their offending behaviours also remain in existence although nowadays drawn along a prisoner security risk spectrum. Same too, the process of conducting case studies to formally record prisoner attributes and assess their individual needs based on psychological profiles. Akeroyd’s initiative appeared to be the first of its kind in Victorian prison management history and, more notably, has subsequently evolved into the contemporary practice of generating case and/or sentence management plans.

Apart from Lynn and Armstrong’s (1996) reference to “The Akeroyd Era”, there appears little acknowledgement of the former Inspector-General’s impact on reforming prison and prisoner management in Victoria. Indeed Akeroyd’s legacies are quite profound both during his leadership and beyond given his next two successors, Alex Whatmore and Eric Shade, who had both taught in the prison education system under Akeroyd were both recognised for consolidating prison education within the state’s education system. Interestingly, Whatmore is considered instrumental in abolishing the indeterminate sentence while Akeroyd has been remembered more for his perceived pro-punishment stance rather than his education-led reform.

This chapter described significant achievements in prison and prisoner management reform occurring during 23 years of Akeroyd’s tenure. Evidence showed he maintained a steady and persistent focus on leading, developing and implementing education-inspired reform and played a major role in influencing community attitudes towards sentencing, prisoner classification and punishment. He was not without his detractors facing significant challenges throughout his journey from sectors opposed to his prisoner management practices. From his singularly education-focused approach, Akeroyd struggled to achieve his original goals as demonstrated by his shifting attitude towards sentencing and punishment in response to powerful conflicting views within the broader criminal justice system of the time. Chapter 6 explores the nature of prison reforms Akeroyd’s
reforms in terms of the relative transparent and opaque nature of the reforms particularly with reference to the relative positions of the various criminological theories.
The MALWAYS experience opened the door for the voice of some prisoners to articulate their understanding of how they ended up in prison. Through a drama production at the Deer Park Women’s Prison (now the Dame Phyllis Frost Correctional Centre) a group of women prisoners wrote, produced and acted in a play titled MALWAYS. This title was a deliberate play on words in which each of these women mapped their life and experiences onto a social map characterised by the Melbourne street directory known as “Melway”.

In this play, the women likened their life as being bounded by the grid G5 on a particular page of the Melways road map. The boundaries of G5 encased and encompassed life as they knew it. All the options they believed were available for their decision making were framed by the experiences they had in their G5. All their social contacts, family contacts, education (formal and informal) were those bounded by the perceived walls surrounding this grid. There was not an appreciation or awareness there was a G6 or an H5 let alone another page in which there were other grids!

As bounded in their respective G5s, the women told the story that the features within their social map were interpreted along with their own experiences and as learned by the experiences of others (family, friends, etc.). For example, one woman explained that the traffic lights on the edge of her G5 were always appeared red. She was not cogniscant that the lights could be green nor associate with the licence that a green light afforded to go further. Hence, figuratively, she did not countenance the option of making a decision to travel down this road. Another explained there was a railway station in her G5. To her this railway station was a social meeting point. She knew that trains came through...

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38 The capital letters reflect the emphasis in the title of the play titled MALWAYS facilitated through the drama group Somebody’s Daughter.

39 Melway is a registered brand name for a street directory. It is published annually by Melway Publishing Pty Ltd. It is the predominant street directory used in Victoria and commonly referred to by consumers as Melways.
the station and that she could get on a train to go somewhere. However she also did not consider that the train tracks connected with other train tracks further down the line and these tracks led to alternate stations which linked with other tracks (i.e. other G5s on other pages of her Melways). The key message was that G5 symbolised the scope of options and the scope of behaviours they learned.

It was through this play that each of these women told her story that she came to a point in her life that she realised the symbols could also represent opportunities to do something else rather than reflecting a limited option bounded by the culture of G5. Each told her story, in her own way, which she started to realise that she had a choice to explore the various meanings behind the symbolic representations within their life grid and then seek to understand the opportunities presented through this expanded awareness. To each of them (as each explained), the exposure to education programs helped them to gain an alternate viewpoint of the awareness of the options and then an awareness of the capabilities to capitalise on these opportunities.

The alternate learning arising for me from these experiences arose with the understanding that some sectors of our community benefit from retaining people in their G5. Our community has a substantial financial commitment to operating prisons and prisons need prisoners to give them (i.e. prisons) meaning. Our growing security industry needs to ensure there are people to protect against.
Chapter 6 The nature of reform in prisons

Penal reform is challenging, complex and never ending. The previous two chapters laid the foundation for this chapter with Akeroyd and his actions as Inspector General of Prisons occupying centre stage. The four dimensions of penal reform during the Akeroyd era forensically examined in Chapter 5 – education; classification; sentencing; and punishment – concluded that Akeroyd was a reformer. In this chapter the focus shifts to the nature of reform itself. This chapter extends Chapter 5’s analysis of reforms in the four dimensions by examining the influences of different criminological theories at the time of Akeroyd. This chapter explores the transparent or opaque nature of the reforms before analysing their legacy post-Akeroyd. It also provides new insights into reform during the Akeroyd era by recognising his contribution to reform in Victoria’s prison system. As demonstrated in Chapters 4 and 5, reform is neither simple nor straightforward. As evident during the latter years of his reign as Inspector General Akeroyd’s reforming zeal became diluted and compromised. The analysis in this chapter assists in understanding reform in prison and prisoner management.

Using the criminological theories outlined in Chapter 2 this chapter examines the relative theoretical frameworks underpinning reforms and opposition to such reforms during the Akeroyd era. Cohen (1985) provides guidance to examine the transparency and opaqueness of reform by analysing the alignment between the ideology, language and practice. The chapter applies Cohen’s concept of transparent and opaque reform to Akeroyd’s and others’ position on policy and practice in the four dimensions across the Akeroyd era. Following that analysis, the chapter further explores subsequent reform development during the Whatmore and Shade periods immediately following Akeroyd’s time. This chapter concludes by reflecting on Akeroyd’s prison and prisoner management policy and practice reforms to offer greater insight into the complex nature of reform in prison settings.
6.1 Theoretical perspectives

There is a connection between criminal justice policies and criminological theories. Many researchers including Young (1981), Cohen (1985), Wicharaya (1995) and Henry and Einstadter (2006) examined the relationship between theories and policy positions aligned to their respective theories. Young and Wicharaya noted the complex relationship between theory and policy because each theory held certain assumptions which proved inconsistent across the theories. Wicharaya (1995) argued “crime policies are derived from criminological theories that usually possess conflicting policy implications” (1995, p. 2). He explained that there were many criminological theories consistent with particular policy positions because “people tend to believe in one or another theory of crime because its policy implications are consistent with what they believe should be done about crime (1995, p. 2)”. Wicharaya also stated people studying crime originated from a range of disciplines that framed different perspectives on human nature and social organisation. For example, economists examine the nature of crime and criminality in economic terms, sociologists from a sociological perspective, lawyers from a legal perspective and medical practitioners from the treatment perspective. Wicharaya (1995) pointed out that “competing criminal policies make certain theoretical assumptions about crime that we must hold in order to believe that they (the policies) must work” (p. 3). Einstadter and Henry (2006) concluded there was a direct relationship between the theoretical criminological perspectives and the assumptions underpinning policy. They argued that as not all theoretical perspectives make their assumptions explicit, they needed to be teased out by examining prison and prisoner management practice. By examining events at the time, this analysis assesses the alignment of language, policy and practice to identify the theoretical assumptions.

The Akeroyd period provides a suitable historical standpoint from which to examine the interrelationship between the recognised criminological theories following profound changes towards prison and prisoner management practice immediately implemented following Akeroyd’s
appointment. As Chapters 4 and 5 demonstrated, Akeroyd immediately declared his intention to shift prison and prisoner management from the prevailing punitive approach to a therapeutic focus. He introduced different ways of understanding the causes of crime and criminality as well as approaching prison management. By examining his practices and the language surrounding such practices, this section analyses the theoretical perspectives Akeroyd drew his inspiration from, and others criticised him. Akeroyd’s reforms analysed in Chapter 5 demonstrated his commitment to a treatment-based therapeutic model that relied upon evidence gained from a scientific methodology informing the provision of education programs which addressed these needs (VPRS 6603, undated paper). His evidence-based treatment focus influenced the changes Akeroyd implemented in prisoner and prison management. Akeroyd’s concept of scientifically gathering data both about and from prisoners was derived from three main evidence sources.

His first approach involved identifying prisoner needs by introducing individual case studies. He led this initiative by example. Akeroyd’s diary entry dated 24 July, 1924 outlined him introducing the practice in the case of Eric Gordon (VPRS 6604, 24 July, 1924) and, as noted in Chapter 4, it was practice that continued in his diary until 1928. Akeroyd continually referred to his accumulating and examining case studies in his Annual Reports until 1940. Secondly, Akeroyd reported prisoner IQs in both his case studies and the first annual report he submitted to government in 1924 as a quantifiable measure of the prisoners’ intellectual status. He used the data to argue the need for treatment-based intervention to improve the prisoners’ capabilities to function as effective citizens upon their release. Thirdly, Akeroyd introduced the concept of prisoner treatment based on the accumulation of scientific knowledge. Mauger’s article in the Warrnambool Chronicle (14 March, 1924) and Browne’s July 1924 article in The Herald both independently and publicly endorsed Akeroyd’s scientific-based approach to treating prisoners. By applying the analysis matrix outlined in Chapter 3, Akeroyd’s scientific approach in gathering statistical data to inform both his decision making and
shift focus to prisoner treatment rather than punishment clearly placed Akeroyd’s theoretical base within the positivist theory.

Akeroyd’s positivist commitment became even more emphatic in his middle years. He repeatedly used term “the method of the psychologist” (particularly in Justice of the Peace, 1932; VPRS 6603, undated) as well as in his references to applying the “medical model” to support prisoner treatment (VPRS 6603, undated). Akeroyd’s actions included differentiating prisoner and prisoner groupings according to their identified needs as well as further exploring the intellectual capabilities of prisoners and the psychological underpinnings of crime and criminality. Consolidating his positivist positioning in the middle years occurred concurrently with the establishment of the Centre for Criminology at Melbourne University where Akeroyd established contact with Muhl. Connecting with her psychiatric expertise led to two substantial developments. The first being Akeroyd’s interest in classifying prisoner groups against psychological profiles and offending profiles. His interest in Muhl’s expertise coinciding with the accumulation of prisoners’ needs data enabled Akeroyd to consolidate prisoner classification process in line with their psychological profiles. The second development was the increase in positivist influence to inform Government about reforms in prison and prisoner management. Akeroyd published his concept of scientific evidence in his Annual reports that offered insights into the causes of crime and criminality as well as the use of science-based approaches to inform treatment policy and practice. Akeroyd effectively harnessed the growing voice of criminology present in Melbourne during this time to inform, advise and influence Government policy (Finnane, 2006).

Whilst Akeroyd’s early and middle years centred on growing the positivist influence in policy and practice, his later years struggled to consolidate his positivist reform against conflicting perspectives. The most overt and constant source of conflict during Akeroyd’s time arose from within the prison
officer ranks. The conflict commenced in Akeroyd’s early years with the staff voice carrying conservatist theoretical counterpoints to his positivist position in several ways. As Chapter 4 outlined, the prison officers’ viewpoint was published publicly predominately in newspaper articles through Callaway, whereas Akeroyd’s diary recording, notes and correspondence to staff captured the internal voice (i.e. internal to prison operations). Callaway’s voice provided the conservatist perspectives of staff position on the role of punishment. The prison officer group was reluctant to either accommodate Akeroyd’s treatment approach to prisoner management or apply his education approach to staff recruitment, selection and promotion. Callaway presented the prison officer views through submissions to the Letters-to-the-Editor pages and press commentary. His strong criticism of Akeroyd’s positivist approach centred on two areas: the perceived shift to a sympathetic role of staff towards prisoners; and the risk of diluting the importance of harsh corporal punishment (*The Age*, 18 August, 1924). The language used in Callaway’s published letters detailed his strong disapproval of Akeroyd’s scientific approach, which he disregarded as “utter folly” (*The Age*, 18 August, 1924). In representing prison officer views, Callaway promoted the punitive approach by favouring the lash to curb offending. Callaway’s position was forecast many years before when he assumed the role of acting Inspector General. His statement in his 1910 Annual report recorded in Chapter 4 showed that the focus of punishment should be on the individual rather than the act. He words “the fundamental principle is not that the punishment should fit the crime but that it should fit the criminal. He was imprisoned not for what he did but for what he was” demonstrated his conservatist underpinnings. Whilst his words had been printed in 1910, Callaway reiterated his position in *The Age* (18 August, 1924) when he argued for greater focus on applying corporal punishment to curb offenders’ behaviours which represented a stark contrast to Akeroyd’s “sympathetic” approach.
While the conflict between Akeroyd’s positivist perspective and the prison officers’ conservatist perspectives played out in the press, the direct voice of the prison officer was evident in daily prison operations. Although the conflict between Akeroyd and prison officers remained overt, other conflicts emerged on approaches to sentencing – particularly indeterminate sentencing and corporal punishment – in a less obvious manner in the public arena. On this issue, Akeroyd’s treatment-based positivist approach conflicted with the judiciary’s classicist approach. Lynn and Armstrong (1996), O’Toole (2006), Freiberg and Ross (1999) and Vinson (1998) described that sentencing and punishment options the courts had delivered both before and during Akeroyd’s time had been based around the principle of the rule of law. Prisoners were sentenced on the basis of behaviours which contravened social order and placed community members’ property at risk. As Freiberg and Ross (1999) wrote, the courts in Victoria preferred definite sentences over indeterminate sentence because of the clear judicial position that “prison was for punishment not for rehabilitation” (p. 14). This consideration placed the court sentencing and punishment approach within the classicist perspective. At the same time Akeroyd was trying to create a clear, unified and unambiguous positivist theoretical framework to scientifically identify and treat criminals’ needs.

The conflict between Akeroyd’s positivist perspective and the court’s classicist perspective was clear as he was mandated to implement the court imposed sentences and punishments despite holding a different perspective to the classicist perspective of the courts. Chapter 5 examined the evidence surrounding this conflict before concluding that Akeroyd revised his position on both sentencing and punishment, with his stance on corporal punishment exemplifying his commitment to positivist ideals. It was there that Akeroyd realised that the processes and interpretations of the statutes dictating sentences and punishments to individuals were clearly managed through the legal system. This meant Akeroyd was unable to influence the courts or government to change the statutes and incorporate his treatment considerations. Rather than abandon his positivist ideals upon recognising
his inability to change the rules, Akeroyd then rationalised his theoretical perspectives to view punishment as a form of treatment.

The data reinforced the views of Young (1981) and O’Toole (2006) that the dominant theories of positivism, classicism and conservatism were influential in providing the core frameworks for policy and practice. The assumptions embedded within each of these theories were consistently present in the language used to describe the rationale for practice and policy during the Akeroyd era. However this research unearthed some other information that extended the understanding of other theoretical perspectives that emerged in the 1970s (Young, 1981; Cohen, 1985; Agnew, 2006). Consistent with the dominant theories (as Young referred to them), Akeroyd and his contemporaries largely examined the role and actions of the individual criminal in order to identify underlying causes and solutions to combatting crime within the community. Yet the data indicated that the dominant theories did not provide Akeroyd with a complete picture. Akeroyd’s education-based principle reform as well as his and McRae’s interest in the relationship between social structure and the juvenile delinquent extended the theoretical thinking beyond their positivist thinking as well as beyond the parameters of conservatist and classicist thinking once they started to consider factors beyond the individual pathology to provide answers to the causation of criminality. Whilst the data yielded no solid evidence that strain theory emerged in the Akeroyd era, consideration was paid to societal impacts such as lack of schooling and employment success that were later characterised as fundamental to the viewpoint of strain theory.

The criminological theories of positivism, classicism and conservatism were clearly influential in providing the frameworks for policy and practice approaches in the Akeroyd period. Akeroyd assumed the causes of crime and criminality as well as the associated policy and practice implemented to resolve such causes were largely embedded in positivist thinking. The courts and broader legal
system connected with the classicist approach whilst prison staff positions mixed classicism with conservatism. The emerging strain theory thinking showed that the assumptions within the dominant theories failed to explain the causes of crime and criminality or establish policy and practice to deal with this challenge.

Changes in prison and prisoner management policy are driven by developments in knowledge that is drawn from, and informed by, assumptions surrounding the nature of crime and criminality. Examining policy and practice changes in terms of criminological theories provides policy makers and practitioners with a framework in which to make assumptions explicit. This enables a more effective capacity to examine respective changes and engage in mutually meaningful dialogue with opposing views.

6.2 Transparent reform

It is important to reflect on the difference between transparent and opaque reforms. Chapter 2 outlined the difference between opaque reform and transparent reform rested with the alignment of practice and ideology (Cohen, 1985). Transparent reform prevails where there is clear alignment between the ideology, the practice and the language used to describe the practice. Whereas, opaque reform arises from a mismatch between the practice and the language used to justify or provide a rationale for the practice. This will be explored further in the next section.

The collected data revealed many changes in prison and prisoner management practice throughout the Akeroyd period as well as, as Cohen (1985) pointed out, changes in criminal justice policy and practice is reform. Many reforms were directly influenced by Akeroyd’s positivist focus whilst others by his and others’ responses to classicist and conservatist perspectives embedded in court and government practice. This section examines the transparent reforms in the Akeroyd era, which are summarised in table 3.
Table 3: Areas of transparent reform in the Akeroyd era

<table>
<thead>
<tr>
<th>Transparent reform</th>
<th>Prison Management</th>
<th>Prisoner Management</th>
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<tr>
<td></td>
<td>Education</td>
<td>Education</td>
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<tr>
<td></td>
<td>Staff selection and promotion based on educational levels</td>
<td>Prisoner education</td>
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<td></td>
<td>Staff development through education</td>
<td>Individualised case studies</td>
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<td></td>
<td>Government engagement</td>
<td>Community engagement</td>
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<tr>
<td>Classification</td>
<td>Evidence-based classification for grouping offenders</td>
<td>Government engagement</td>
</tr>
<tr>
<td></td>
<td>Classification</td>
<td>Classification based on individual needs assessment</td>
</tr>
</tbody>
</table>

The first area of transparent reform involved formalising prisoner education programs with Akeroyd focused on identifying the educational, social and employability needs of prisoners (particularly young prisoners) through psychological profiling and case study interviews. By introducing teachers into the prisons he implemented structured schooling experiences to address the prisoners’ specific needs. Akeroyd clearly communicated his rationale to staff and government by prioritising prisoner access to education and training programs within both classroom settings and prison industry workplaces. His clear alignment with ideology, language and practice was evident by his first implementing prisoner case plans before introducing programs planned to remediate identified gaps. Whilst evidence in earlier periods in Victoria’s penal history revealed incidental and ad hoc schooling practices (outlined in Chapter 2), Akeroyd provided the first formalised approach to planning and implementing prisoner education programs based on the needs of individual prisoners.

Akeroyd’s education reforms arose from his commitment to supporting prisoners to become active and contributing citizens. He inspired prisoners to ignite “the flame” of learning with his altruistic and humanitarian attributes discussed in Chapters 1 and 5 that addressed Cohen’s definition of reform outlined in Chapter 2. Akeroyd’s practice in implementing initiatives, the language he used to
describe his initiatives and the consistency with which they aligned with his positivist philosophy remained steadfast in the face of conflicting positions. Akeroyd’s 1936 Annual Report clearly articulated the direct link between tailored programs based on assessing the needs of individual prisoners with the reform of the individual. He reinforced his belief in every Annual Reports submitted until 1940 that clearly articulating individual needs gave rise to education programs that led to prisoner reform. Akeroyd used his evidence to justify the success of his education-based approach to reform. Akeroyd clearly aligned his strategy with his positivist theory base consistently throughout his career to describe and report on his practical achievements. The consistent alignment in language, practice and ideology confirmed the transparent reform strategy prevalent during the Akeroyd era. Along with his positivist-inspired education-led reform throughout the prison system, Akeroyd engaged strongly with Victoria’s government education system to provide education (and later training) programs for prisoners. Whilst not fully implemented during his reign as Inspector General in Victoria, Akeroyd worked on the key principle of involving the body responsible for providing education services to the broader community, the Education Department of Victoria to also assume responsibility for educating prisoners. His strategy laid the foundation for consolidating prisoner education as an integral component of prison and prisoner management.

Akeroyd’s consistent approach towards prisoner reform through education also extended further to staff education which formed the basis of the second area of transparent reform. His initiative arose from a strong desire to ensure all prison resources focused on the prison as an educational institution. Akeroyd placed great importance on having educated prison staff carry out specific roles in supporting prisoner reform. His drive to raise prison staff education standards generated conflict between staff and management relationships during the lifetime of his appointment. It was also the first attempt to formalise prison staff qualifications as well as base recruitment and promotion standards on educational qualifications rather than on seniority within the Victorian prison system.
Akeroyd’s attempt to shift staff roles from that of overseeing punishment to observing human behaviour through staff education generated enormous criticism and tension throughout his tenure. Despite staff criticism over their role change, examining the transparency of Akeroyd’s reform rested on aligning Akeroyd’s language, practice and ideology.

Akeroyd strove to improve the quality of staff to build prison management capability to support prisoner reform. Akeroyd wrote:

A great deal of care is given to choosing applicants for permanent appointment to the staff. After a preliminary test of physical proportions an intelligence test is applied. Finally close inquiry is made into the history of those who survive the first two tests….during the period of temporary employment they are instructed in their duties and closely watched to determine whether they will make first class officers. After the probationary period each officer is required to pass an examination. (Annual Report, 1936, p. 10).

Akeroyd’s belief that he had achieved his goal of employing staff capable of implementing his positivist reforms as evident in his final Annual Report:

At the present moment the Staff in every way is far in advance of that of 1924. Its members are better educated, more loyal and with a sound appreciation of the problems of human behaviour and a more tolerant and understanding attitude toward those erring humans in their care. (Annual Report, 1947, p. 10).

Throughout his tenure, Akeroyd was consistent in his expectations of prison staff and expressed satisfaction that he had realised his goal of securing better-educated staff to implement his prison reform agenda. Akeroyd’s intent, his words and practice during his time remained consistent with his education-based positivist perspective thereby supporting the assertion that his approach to staff selection, promotion and education had been transparent.

Not only did he implement both prisoner and prison staff education reform, Akeroyd also directly lead reform in a range of other prison management practices. Following a lengthy period of inactivity within the state’s prison policy and practice reform, Akeroyd notably drove reformative practice
through his active leadership in instigating individual prisoner case studies. The case studies were critical tools for Akeroyd to gather evidence of the education, work skills, social skills and psychological needs of prisoners in order to formulate a tailored treatment plan. The case studies became important in supporting the process of prisoner classification which will be discussed shortly.

Chapter 4 of this thesis explored the ways Akeroyd established and modelled the standards and practice of professional behaviour he expected others to employ. This modelling included the practice of writing detailed case studies that included formal psychological testing and structured recording observations of prisoners’ behaviours in order to identify problems and map solutions to resolve them. Akeroyd regularly referred to using scientific methodologies to provide rigour in collecting and analysing data. To him, applying the “way of the psychologist” was central to the reform approach he adopted from a positivist perspective. It was from this theoretical mindset that Akeroyd changed prison and prisoner management policy and practice from a punitive to treatment approach.

Akeroyd clearly founded his approach to identifying prisoner needs and applying appropriate remedial treatment upon his understanding of scientific inquiry, which he applied at every opportunity. He actively encouraged a rigorous approach to all components of treating prisoners. He maximised every opportunity to learn from the prisoners’ own lives to understand the phenomenon of criminality. He personally interviewed prisoners at various times throughout their sentences and sought reflections from those subject to corporal punishment after the event. Akeroyd also interviewed some of the general prison population following an execution to gauge their reactions. Akeroyd used the interview process to enhance his understanding of the nature of criminal thinking as well as test prisoners, especially young offenders, learning from key events in prison life⁴⁰. Not

⁴⁰ An example of Akeroyd’s methodology in collecting these stories is reflected in the bundles of papers he collected on each of the prisoners executed under his watch (except for Eddie Leonski the US soldier hanged for murder). This research has not gone into detail into each of these particular bundles of papers apart from noting the existence and broad scope of these bundles because these
only did Akeroyd fastidiously record notes on many prisoners as their sentence progressed to build his own knowledge on the causes of crime and criminality, he used the evidence to educate Government and the wider public through his annual reports and his public presentations.

Aligned to prisoner reforms, prison staff education and establishing case studies discussed above, was formalising the prisoner classification process. Akeroyd’s approach to classification was based on evidence derived from prisoner psychological profiles which provided guidance for planning appropriate prisoner education programs. Chapters 2 and 5 found that prisoner classification prior to Akeroyd’s appointment involved segregating prisoners based on gender, age and physical wellbeing. Prisoner classification was the first principle Akeroyd articulated in outlining his principles of penology in 1924. Akeroyd’s rigorous approach classification became more refined as he gained greater understanding into the nature of crime and criminality. He classified prisoners based on prisoner typologies such as personality traits and offending behaviours in order to link education or treatment programs to best support their needs. Akeroyd's approach to classification remained consistent with his positivist principles in that he gained evidence of the individual capabilities (and therefore incapabilities) in a scientific method by gathering and analysing data. Akeroyd used the data to arrange programs designed to remediate prisoners’ individual inadequacies to make them more effective and contributing citizens. Akeroyd’s approach to classifying prisoners was a transparent reform that clearly aligned his intent, practice and language to his positivist approach towards treating prisoners.

Although Akeroyd’s approach to classification remained consistent throughout his career, in 1935 he differentiated between prisoners considered reformable and those who were not. In the late 1920s papers are worthy of detailed investigation on their own merits. Whilst the researcher found these bundles of papers compelling reading, the overall content was tangential from the key focus of this research.
he identified juvenile delinquency as a category and then in the 1930s he categorised sex offenders from the rest of the prison population. With his further investigations into sex offenders and Muhl’s influence, he started to differentiate between reformable and unreformable prisoners as he gained more insight into the relationship between offending and the individual. Akeroyd’s case studies led him to observe that offending behaviours in some sex offenders were firmly entrenched in their psyche whereas others were more susceptible to individual reform. The differentiation between reformable and unreformable became more significant in the post Akeroyd period which will be discussed later in this chapter.

In many reports and presentations to respective audiences, Akeroyd employed scientific facts to back up his positions on various subjects as well as challenge others who disputed his position. As discussed earlier, writing individual case studies became a powerful tool for establishing his authority on causal factors underpinning criminal and aberrant behaviour. Accumulating this evidence allowed Akeroyd to further explore causes of criminality in individuals during his middle and later years which witnessed his growing interest in classifying types of psychological attributes with particular criminal behaviours. Classifying various behaviours offered authorities, public and prisoners alike an explanation for individual behaviours which further reinforced Akeroyd’s authority to assert treatment regimes designed to address such behaviours. In short, Akeroyd used the essence of positivist theory by applying scientific methodologies to define the “reality” of the situation before classifying that reality in evidentiary terms. His meaningful approach helped to resolve the issues and use classification language to influence the implementation of his directions.

Akeroyd’s transparent reforms outlined above were considered successful in the consistent manner in which they were planned, implemented and deployed during his tenure. Akeroyd’s consistent focus on his positivist perspective is reflected in the language he used to describe not only the practice he
wanted but in motivating and educating his staff, the general public and government to accept his prison management reforms. He prevailed in connecting with established networks as well as influencing like-minded people to accept his changes and above all, his capacity to generate scientific data to support and validate his arguments.

6.3 Opaque reform

Whereas the transparent education-based reform mentioned above demonstrated an alignment between Akeroyd’s ideology (theory), language and practice, reform in sentencing and punishment witnessed no such alignment. Although Akeroyd never achieved his reform goals in either area evidence of change exists in Akeroyd’s position towards both areas and how he communicated such changes throughout his appointment. His shifting position on reform arose from the conflicting ideological or theoretical positioning between Akeroyd and his prison staff as well as the court system. This thesis identified Akeroyd’s approaches to sentencing and punishment as opaque reforms (see table 4).

Opaque reform is an intricate concept but, as Cohen (1985) pointed out, is becoming more prevalent with the broadening professionalisation of particular aspects within the criminal justice system, such as policing, criminal law, offender treatment, institution management among others. Broadening professionalisation brings with it a greater refining of ideas but not necessarily a change in practices. Cohen (1985) wrote:

Changes occur when the reform vision becomes more refined and ideas become more sophisticated. Institutions do not as much fail as adapt and modify themselves in the light of changing moral sensitivities, scientific knowledge or social circumstances. Institutions were kept going because of their functionalism and the enduring power of the rhetoric of benevolence (pp. 18 – 19).
Opaque reform occurs when the rhetoric describes change in practice or a change in the approach to practice (with benevolent intent) even when the practice itself may not have changed. As stated earlier, opaque reform is tested through the lack of alignment with ideology, language and practice.

Table 4: Opaque reform in the Akeroyd era

<table>
<thead>
<tr>
<th>Opaque reform</th>
<th>Prison Management</th>
<th>Prisoner Management</th>
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<tr>
<td></td>
<td>Sentencing</td>
<td>Punishment</td>
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<tr>
<td></td>
<td>Indeterminate sentence and determinate sentence</td>
<td>Application of corporal punishment as treatment</td>
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The data showed that Akeroyd shifted his theoretical position on the indeterminate sentence over the course of his tenure. He shifted from agitating for its removal through to embracing it for its capacity to engage prisoner education. In his early days, Akeroyd was concerned that imposing indeterminate sentences failed to match the intent of the legislation which was to engage prisoners in programs designed to prepare them for release from prison. However, deploying the sentence prevented prisoners accessing education programs in prison. The conflict proved particularly problematic for Akeroyd on his appointment and frustrated his plans to implemented wholesale education programs for prisoners.

The evidence presented in Chapter 4 and analysed in Chapter 5 demonstrated that Akeroyd moved between the languages of the conservatist, classicist and the positivist theories to frame his shifting positions. Chapter 4 recorded that Akeroyd called for a review of the indeterminate sentence in 1925 in a bid to overturn the law to create certainty around the determined sentence. The clarity would provide a defined time to work with a prisoner to ensure they were legally able to access education programs. The data arising from his 1936 position on sentencing best demonstrated the shift in his language as Akeroyd started to differentiate between prisoners who offended as a result of “backward
education” and people with abnormal or psychopathic personalities (1936 Annual Report). The distinction meant the first group were afforded treatment while the second group were “restrained”. Although Akeroyd’s logic was not absolutely clear from the data available, differentiating prisoner classifications influenced his thinking on applying indeterminate sentencing to reformable prisoners in order to extend their exposure in educational programs in custody. Akeroyd’s later support of indeterminate sentence contradicted his earlier opposition as he recognised it afforded prisoners the opportunity to benefit from education programs which represented the “most potent weapon the State has in its campaign against crime” (Annual Report 1944, p. 10; Freiberg & Ross, 1999). His statement coupled with subsequent claims that the negative aspects of the indeterminate sentence stimulated a “spirit of rebellion among older prisoners denied release” (Freiberg and Ross, 1999, p.. 15) exemplified changes to Akeroyd’s theoretical positioning in three areas. In the first instance, Akeroyd’s positivist position in advocating for the indeterminate sentence because he felt that its open-ended structure allowed prisoners to be kept in programs until the educational benefit could be realised (VPRS 6603, undated). Secondly, Akeroyd advocated for the indeterminate sentence from a classicist standpoint by arguing that the value of the sentence supported community law and order. Thirdly, he entertained a conservatist position by acknowledging that whilst the indeterminate sentence position was unpopular with prisoners he rationalised it was in their best interest to accommodate the sentence.

Akeroyd’s shift in favour of the indeterminate sentence was two-fold. Not only did it allow him to maximise prisoner treatment opportunities but also explore the psychology of the immorality of psychopaths or immoral prisoners in order to train them to become contributing citizens (VPRS 6603, 1935). Whichever position he adopted, Akeroyd always argued for what he felt offered the best option for treating prisoners. On the one hand, Akeroyd arguably rationalised his position in the face of immutable resistance from the legal fraternity against his inability to influence the judiciary to change its position on indeterminate sentencing. Alternatively, he was politically astute enough to
engage classicist language to leverage further prisoner treatment support from the indeterminate sentence. Regardless of his success in achieving sentence reform, his use of positivist language was clear in trying to engage the theoretical perspectives of conservatism. Given his inconsistent positions towards sentencing reform, this research regarded Akeroyd’s position on indeterminate sentencing to be an example of opaque reform.

Among the many conflicts Akeroyd faced during his tenure, issues surrounding punishment illustrated rich insight into the battles encountered and how he was able to handle them. In his early days, Akeroyd clearly held a position more closely aligned with positivist theory in his approach towards prisoner management rather than the classicist position which upheld punishment as the best method for deterring criminal behaviour. Akeroyd documented his perspective on punishment in numerous published articles and government reports as well as presented his position in public. However he recognised that courts imposed and mandated corporal punishment which meant Akeroyd oversaw the dispensing of corporal punishment on prisoners. The primary interest for this thesis was the manner in which Akeroyd constructed case studies on prisoners who had been whipped to determine what, if anything, the prisoners had learned from the experience. Hence, it is argued, Akeroyd turned to theory to obtain greater meaning to understand the value of corporal punishment. He turned the acts of punishment into a learning experiences by gathering data to conclude a scientific outcome to make sense of the experience. Akeroyd was on record for stating that the whippings “did good” (VPRS 6603, 1947).

His changing views on corporal punishment represented yet another major turnaround in Akeroyd’s position as time progressed. In an interview to the State Government Punishment Inquiry (1947), Akeroyd advocated the role of punishment as, in his terms, a means of treatment. Akeroyd’s acceptance of the conservatist and classicist-based practice of corporal punishment is evident in the
way he both described, and advocated for, punishment as a form of treatment which demonstrated an alignment of theory, practice and language. His acquiescence raises the question whether Akeroyd’s had now accepted conservatist and classicist perspectives or whether Akeroyd genuinely believed that punishment was an effective form of treatment. The former interpretation implies a failure to reform whereas the latter indicates a shift in Akeroyd’s thinking on the function of punishment within his positivist position. Akeroyd’s strong wording on the value of corporal punishment as a learning opportunity (including the value of deterrence as a learning experience) in the 1947 corporal punishment inquiry indicated that he had embraced punishment as a treatment option rather than conceding he had no other option. On this basis it is argued that Akeroyd’s approach and rationalisation of the purpose of corporal punishment represented an example of opaque reform.

This analysis highlighted that from his positivist perspective Akeroyd invested time and energy trying to implement punishment and sentencing reforms. In doing so he questioned the theoretical rationale that underpinned the existence and implementation of sentencing and corporal punishment practices. Whilst the practices remained unchanged, this analysis argues that opaque reform occurred in the way that Akeroyd framed the practices of sentencing and corporal punishment within a treatment context. Akeroyd publicly communicated his changed approach to punishment by promoting the rationale in his positivist treatment terms yet still the practices of whipping and birching continued. A similar argument arises in Akeroyd’s approach to both indeterminate and determinate sentences. Although sentencing was not as evident in open debate as corporal punishment, the data showed Akeroyd rationalised his approach to sentencing within his positivist perspective while the classicist practices of sentencing continued unchanged. While existing sentencing and punishment remain unchanged in Akeroyd’s time despite his best reform endeavours, it is notable that changes eventually occurred after he retired. The status of Akeroyd’s reforms (and attempts to reform) in those years after his retirement will be discussed in more detail in the next section of this chapter.
The concept of opaque reform is helpful for examining the lack of alignment between policy, practice and language which result in an inconsistent relationship between policy and practice over time. Opaque reform indicates conflicting policy perspectives can occur concurrently as evident amid any mismatch between the language and the practice. It appears in cases where the agent holds less autonomous power within the respective jurisdiction or, as a result of an inability to influence change. Opaque reforms can arise where the language describing a practice may be couched in terms reflecting a particular theoretical or policy direction but the application of practice demonstrates that it does not align with that direction. This may be a rationalisation in describing a practice or it may be a more purposeful approach to practice despite the policy directions. It is important to identify an opaque reform practice to assist policy makers and practitioners recognise that parallel practices can hinder the successful implementation of reforms.

6.4 Later reforms

The previous section of this chapter outlined the reform agenda during Akeroyd’s time, by identifying reforms that had been implemented and others that failed. The next section examines the impact (if any) of Akeroyd’s reforms within the two eras following – the Whatmore and Shade eras. This section focuses on reforms recorded in both eras in the dimensions of education, classification, sentencing and punishment.

The first and probably most significant aspect for post-Akeroyd reform analysis involves the intersection between education and prison management. Akeroyd introduced transparent reform in instilling the principles and values of education into his prison and prisoner management reform. Akeroyd steadily introduced school teachers and school curriculum into each prison as he established school-like structures within prisons. Whatmore extended the reform when he became Inspector
General with each prison becoming a registered school in 1954 staffed by experienced educators and funded by the Victorian Education Department. Each prison had its own education centre, registered school number and school council, and became part of the state school system as well as remaining a prison in its own right. In his 1955 annual report, Whatmore recorded the achievements in establishing education facilities and services at all prisons under the coordination of chief education officer Eric Shade. Whatmore adapted Akeroyd’s initiatives to construct a sustainable and coordinated model of education delivery to prisoners across the state (Parliamentary Papers, 1955 – 1956). In his annual reports, Whatmore also adopted Akeroyd’s terminology in referring to education programs under the heading of treatment programs as well as incorporating a separate section on prisoner classification. Whatmore embraced Akeroyd’s approach in classifying each prisoner according to his specific educational and treatment needs. However, unlike Akeroyd, Whatmore presented this classification process as voluntary (Parliamentary papers, 1956 – 1958).

The relationship between Akeroyd and his staff over staff education and promotion had been fractious as he shifted their roles from punitive containment to more learned observers of prisoner behaviours to support prisoner reform through case planning and case management. The conflict appeared to diminish in the Whatmore period as evident by Whatmore reporting in 1958 that “the ready acceptance of training by officer, the fear of training and of examinations so frequently expressed in previous years appeared to be entirely lacking in the period under discussion” (1959 Annual Report, Parliamentary Papers). Formalising the staff training program extended to cover courses for prison administrators, welfare officer, youth carers and supervisors in 1968 (Social Welfare Department 1969 Annual Report, Parliamentary Papers) as well as establishing a consolidated staff training college in 1973 administered by Shade (Lynn and Armstrong, 1996). The

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41 In 1961, The Social Welfare act 1960 was proclaimed consolidating six divisions of Family, Youth, Prisons, parole, Training and Research and Statistics under the Department of Social Welfare. Whatmore became the first Director General of the Department and subsequent Annual Reports were issued under the name of the Social Welfare Department.
education focus for staff training Akeroyd had established was significantly expanded during the Whatmore and Shade eras until they became an integral part of daily prison management operations. This expansion enabled the realisation of Akeroyd’s visions of a treatment-oriented prison system that fully integrated education into prison management.

However Whatmore further specialised staff roles within prisoner management to include prisoner welfare officers, prison supervisors, prison industry supervisors and prison administrators. Extending education programs highlighted increased role specialisation within prison operations in response to the growing knowledge base about prison operations and management of criminals (Cohen, 1985). While this thesis argues that Whatmore’s capacity to drive education reforms further than Akeroyd’s was a testament to the strength and focus of Akeroyd’s transparent and positivist reform. It also recognises that both Whatmore and Shade brought their education background to their respective roles which, arguably provided a fertile atmosphere to nurture and grow Akeroyd’s education reforms.

Akeroyd initiated the process of classification to gain specific assessment of a prisoner’s treatment needs. Whatmore did not mention applying prisoner classification measures to assess needs until his 1950 Annual report. It was at this point that Whatmore reported on his trip to the United Kingdom and, like Akeroyd before him, recommended formalising the alignment between the processes of classification with treatment. In 1960 Whatmore established prisoner treatment as a separate unit within the prison management structure which included managing prisoner and prison education and industries under the Chief Education Officer. Managing prisoner classification also fell within this section with Whatmore adapting Akeroyd’s classification and education into the prison management organisational structure.
In his 1970 annual report Shade outlined refinements to the classification process which, due to limited resources, reversed the strategy set up by Akeroyd. Whereas Akeroyd had established programs based on an individual prisoner’s needs ascertained through classification processes, the Shade approach involved consolidating a program profile for a particular prison before classifying prisoners to a specific prison based on their education needs. The 1970 Social Welfare Department Annual Report also provided the first hint that the classification process focused attention on the reformable prisoners as reminiscent of Akeroyd’s classification approach during his later years. However the 1970 report also indicated the pressure arising from increasing numbers of reception prisoners and moving sentenced prisoners out of Pentridge to make room for new intakes. Whilst Akeroyd’s classification principles remained consistent during the Whatmore and Shade periods, the early 1970s provided the first indication that classification served a purpose beyond a needs assessment. It also helped prisoner management flow through the prison system. The process gradually evolved to become the major means of channeling prisoners through the system based on security classification, while also focusing on specific rehabilitation needs. While formalising the prisoner classification process continued into the Whatmore years the modality of classification had changed from Akeroyd’s intended directions. Whatmore did maintain a focus on classifying prisoners based on treatment needs but also used the classification process to address challenges posed by increasingly overcrowded prison system. Classification adopted this secondary role to expedite the movement of prisoners to gaols best suited to their required security level. This process changed even further after Shade’s time to eventually become the primary focus for classifying prisoners according to their security risk perceived by prison management (Fitzroy Legal Service, 2003).

42 Reception prisoners are those received into prison prior to sentencing if on remand, or prior to classification if sentenced directly from court.
Changing classification orientation provided an example of an enduring practice established within one particular criminological theoretical perspective serving another purpose within a different theoretical perspective at another point of time. This is consistent with Wicharaya’s concept of unintended consequence of prison reform (1995). The process of classification formalised by Akeroyd continued beyond his reign to adopt a different focus from that originally intended by him.

Cohen (1985), Foucault (1977), Young (1981) and others argued punishment was central to all discussions on the rationale of the existence and the function of prisons. Managing corporal punishment was critical in reflecting Akeroyd’s capacity to implement reform. As stated earlier, it was Akeroyd’s reputation as an advocate for corporal punishment which attracted publicity. The application of corporal punishment endured for a while beyond Akeroyd’s time with two references to whippings. The first was in Whatmore’s 1949 report which stated that “one whipping was ordered but later that was remitted” (1949 Annual Report, Parliamentary Papers) and the second was in his 1958 report which recorded two whippings. Whatmore referred to whipping in his 1958 report “the preponderance of very short sentences is again noticeable. It [whipping] is purely punitive and gives no opportunity for any form of rehabilitative training” (Social Welfare Department 1958 Annual Report, Parliamentary papers). Reports beyond this period made no reference to corporal punishment. Unlike Akeroyd, Whatmore consistently maintained that corporal punishment failed to support prisoner rehabilitation and eventually, under Whatmore’s watch, corporal punishment was removed from sentencing options after the 1967 hanging of Ronald Ryan. This shift also coincided with Whatmore’s recommendations to the State government to reform the Victorian approach to punishment by introducing probation and other diversionary options such as good behaviour bonds. These reforms were introduced in the early 1970s (Finnane, 2008).

Whatmore also implemented significant changes in the approach to indeterminate sentencing that led to its abolition in Victoria. Freiberg and Ross (1999) wrote that the courts “lost faith in the system”
in the late 1940s (p. 15) in reference to the system of managing indeterminate sentences. Evidence from the Akeroyd era failed to provide any further insight into this issue so it is not specifically clear what the “loss of faith” referred to. In 1951 Whatmore recommended that the indeterminate sentence be abolished which finally occurred in 1955 when it was removed from the statutes (Finnane, 2006). In his 1956 annual report, Whatmore reflected on the legislative changes as a “landmark in the history of the department, this is the first significant penal legislation for approximately 50 years” (1956 Annual Report, Parliamentary Papers, p. 3). At the same time, Whatmore’s reforms saw maximum and minimum sentences introduced which formed the basis of modern sentencing practices in Victoria. Although Whatmore did not specifically reflect on the sentencing changes in his 1956 Annual Report, he did write about the package of legislation introduced. The new laws also established a new prison management structure that introduced a probation service and a parole service as well as consolidating the prison service as separate operating units. Within this report, Whatmore outlined the growth of the prison management industry to encompass non-custodial aspects to sentence management. The extent of the reforms indicated that Whatmore must have effectively engaged all critical stakeholders such as the courts, government legislators and the general public to facilitate the radical changes.

6.5 The complexity of prison reform

The term reform is ubiquitous within penology. It has been used to discuss changes within individual prisoner as well as legislation that impacts prison operations and management practices. In some instances penal reform has been used to refer to all these areas simultaneously. Chapter 2 described the major areas of penal reform recorded in history as well as discussing the drivers for reform in terms of the major criminological theories. This chapter has already explored theories that lay bare various assumptions on the cause of crime and criminality to identify measures to redress the causes. The interrelationship of how such assumptions inform policy and practice contributes to the
complexity of penal reform. Akeroyd initiated a major change in the approach to prison and prisoner management in Victoria that served as a springboard for further reforms in the subsequent Whatmore and Shade periods. In examining Akeroyd’s experiences, this research witnessed the complexity of penal reform amid the emergence of Akeroyd’s education focused positivist reform.

Gehring (1993) provided a framework to analyse prison reform, as discussed in Chapter 2, which applied particularly to prisoner education reform. However it would also prove useful to apply to the theoretical thinking to prison and prisoner management reform. As a reminder, Gehring’s model relies on the following attributes to ensure a successful paradigm shift. Namely, it must be: consolidated; elegant; explain community aspirations; address the challenges of the prevailing paradigm; and above all, transcend the prevailing paradigm (Gehring, 1993). Applying the model to the Akeroyd era provided insights into the intricacy and complexity of prison reform.

Using Gehring’s framework for assessing successful or effective paradigm change reveals evidence suggesting Akeroyd purposefully if not unwittingly adopted a coherent framework to implement a change in theoretical positioning. By analysing key phases of Akeroyd’s years, it is evident that Akeroyd used reflection and self-questioning to develop his theoretical position during the early phase of his career. Akeroyd tested his thoughts by observing prison staff in action before embarking on his reform journey destined to challenge current practice, in particularly the role of prison officers. Establishing a case management approach (including the results of individualised IQ testing) became a fundamental strategy to support Akeroyd’s arguments. The case studies enabled Akeroyd to develop a base of empirical data to source evidence designed to support his positioning in his own mind as well as promoting his position to others. Not only did the case studies offer Akeroyd an evidence base but also drew focus on the major issues pertaining to the individual prisoners. This proved a first for prisoner management in Victoria’s history as all previous consideration had focused
on the masses. This is not to say that he did not use the evidence to draw inferences about classes of criminals as evidenced by his approach to classifying crimes and criminality.

It was equally evident in the early phase that Akeroyd either gravitated towards, or engaged, people of similar theoretical dispositions to complement his work. By attracting likeminded thinkers, and often apparently influential thinkers (such as ACER, Browne, Cunningham, Mauger, Muhl and others), Akeroyd established an authoritative base to demonstrate that consistent and consolidated alternate methods could make prison and prisoner management work. In this early phase it was also significant that Akeroyd restructured the prison workforce to influence the deployment of his ideals. Recruiting more-educated prison officers and introducing merit-based promotions based on qualifications and training rather than on time served also strengthened his ability to implement revised strategies.

Consolidating an alternate approach to prevailing practices and building an authoritative ally base in his early phase, enabled Akeroyd to focus on communicating his vision to a wider audience. Akeroyd’s middle years saw him mount an elegant campaign supported by a robust body of evidence – published initially in his annual reports and subsequently in the daily newspapers – strengthened his reform agenda. The newly-formed Centre for Criminology reinforced his position in its emergence as a vehicle for policy advice to the government of the day as well as legitimising the positivist position to a wider audience by adhering to scientific methodology and rigour. His regular presence in newspaper reports and on radio enabled Akeroyd to communicate his aspirations for an effective prison management system that used treatment programs to transform prisoners into effective citizens. It appeared that Akeroyd relied heavily on the media to engage community debate on his fresh perspectives to prison reform. The regular presentation of newspaper reports and letters-to-editors indicated the strong community feedback and buy-in to Akeroyd’s initiatives. Using the concepts of syntactic simplicity and the number and complexity of arguments postulated, Akeroyd
presented elegant alternatives to determining the causes of criminality and treating criminals compared to the prevailing punitive positioning. His messages were also reinforced in a number of venues and media by those allied to his position at the time. However the challenge remained to understand the extent to which Akeroyd’s thoughts, aspirations and initiatives subsumed and transcended the current theories.

The critical test rested in applying an appropriate punishment regime within the criminal justice prison system. Akeroyd made numerous definitive statements early in his role that punishment had no place in the world of treatment. The debate raged consistently throughout his incumbency culminating in the government inquiry into punishment in prisons in 1947. Analysing Akeroyd’s reflections revealed a changing focus on the role of punishment as the years progressed, namely a growing accommodation that punishment was one means of treatment within the prison setting. His overall shift from refusing to accept punishment to acknowledging it as a legitimate component of prison operations indicated Akeroyd’s inability to persuade his colleagues and antagonists to completely embrace the ideal treatment model he first envisioned. Indeed it could be argued Akeroyd’s influence proved no match for the powerful position the judiciary played in implementing sentences.

Akeroyd was not able to satisfy all elements of Gehring’s successful paradigm change model. Akeroyd presented a consolidated and elegant alternative to the prevailing punitive approach to prison and prisoner management through his carefully structured evidence-based positivist arguments. He engaged colleagues who supported his positivist reform ideals which he communicated to the community via the press and community engagement meetings. He also presented his ideas to the incumbent government via his annual reporting and connections with the Centre for Criminology. However he fell short in his bid to subsume and transcend the prevailing classicist and conservatist perspectives on the role and function of punishment. Gehring’s model provided a plausible
explanation for the limited reflection on the role of Akeroyd as a reformer because he had failed to satisfy all elements of a successful paradigm change.

Gehring’s model presupposes that at any one time there is a particular paradigm (or theory in terms of this thesis) informing prisoner education policy which prevails until supplanted by another. However Gehring also advised that reform is complex in that if the dominant paradigm fails to accommodate other perspectives then alternate practices may emerge in prison and prisoner management. While Gehring did not use this term, he outlined the risks of parallel reform that involved prisoner education reform developing independently from prison or institution management reform. Emerging parallel practice within the prison system described by Biles (1978), Gehring and Muth (1985), and Harris (1992) raises the risk that each aspect of the prison or prisoner management service developing its own reform agenda in the void of a truly-shared common purpose (Gehring and Muth, 1985). Akeroyd’s experience showed that the multiple perspectives inherent with prison and prisoner management make it difficult to develop a shared purpose within a prison environment.

While Gehring’s model introduces a structured framework to examine successful reform in prison settings, exploring transparent and opaque reforms provides further insight into the complexity of prison reform. Determining the relationship between criminological theories underpinning any one reform event remains the critical variable in judging its level of transparency or opaqueness. Using criminological theories to analyse assumptions underpinning various positions on education, classification, sentencing and punishment reforms revealed no single theory dominated the full scope of prison and prisoner management at any one point of time. However, one theory may have had stronger influence in particular aspects of prison and prisoner management reform than the others. For example, the strong relationship between positivism and reforms in education and classification
generated transparent reform in Akeroyd’s time while the influence of positivism in punishment was subservient to the classicist influence of the courts.

Examining Akeroyd’s conflicts and achievements led to a deeper understanding of the interrelationship between the criminological theories and their impact on prison and prisoner management. Akeroyd introduced his education influenced positivist reform strategy immediately upon his appointment. His assumptions about the function of the prison were influenced by his long term commitment to his education principles. His approach was alien to the legal fraternity, government and prison staff working in the prison at the time as they were working from a different set of assumptions about the role and function of the prison. A distinct lack of understanding emerged between Akeroyd, prison staff and the courts as to each other’s positions on prison and prisoner management. A complex environment of conflicting perspectives emerged as each body was operating from different theoretical bases that led to different assumptions about the function of prison and prisoner management. The conflicting perspectives were evident to two ways. There was the overt conflict in understanding and implementing prison and prisoner management practices between Akeroyd and his staff as well as the internal conflict Akeroyd faced trying to create a prison environment with a social focus while being bound by law to manage the prison as a judicial institution.

Akeroyd was successful in embedding the treatment focus in Victoria through the transparency of his reform. Akeroyd introduced his education-led reform at a point of time when although there was no or very little formal education in prison, there was a community readiness to embrace prison treatment programs. He remained a clear ideological and theoretical driver, his practice was consistent with theory and his language demonstrated his commitment throughout his tenure. His success at implementing the education-based treatment approach meant that this social orientation of prisoner management endured for years beyond his stewardship. His legacy posed an ongoing challenge for
prison administrators in Victoria to establish and manage prison management practices that encompassed the social and the judicial aspects concurrently.

The areas of opaque reform in Akeroyd’s era identified a critical risk in implementing reform within prison and prisoner management. Akeroyd attempted to change the focus on punishment and on sentencing under his positivist banner against resistance from prison staff, the courts and the public in general. The risk in granting one theoretical perspective precedent over another in setting policy directions or influencing practice can alienate one or more perspectives at any point of time. Within a prison environment, as Akeroyd witnessed, differing assumptions on the function of the prison range from the punitive to the treatment and rehabilitation of individual prisoners. Each aspect is underpinned with its own theoretical assumptions and policy drivers which can lead to parallel practices that follow their own reform directions agendas in the absence of a truly shared and consolidated common purpose (Gehring and Muth, 1985). Akeroyd’s experience showed that the multiple perspectives inherent with prison and prisoner management make it difficult to develop a shared purpose within a prison environment.

The further risk of attempting to impose one particular theoretical perspective over all practices in a prison can lead to the informal validation of parallel practices. When an area of practice aligns with a particular theory (e.g. education with a positivist perspective; security focused institution management with a conservatist focus) and one perspective dominates whole-of-organisation directions, it raises the likelihood that the proponents of the subsumed perspective might feel alienated and, in turn, establish a counter cultures in order forge their own practice directions (Ashforth and Mael, 1989). As Akeroyd’s experiences showed, the subsumed theoretical perspectives can emerge either overtly in the form of staff conflict or subvertly by challenging the prevailing position, as evidenced by the perceived intransigence of embedded court practice and custom. This can lead establishing parallel practices within the prison such as Biles (1978), Gehring and Muth (1985), and Harris (1992)
independently described where education practice works to a different theoretical direction to institutional management practice which in turn attempts to respond to broad legal, political and community expectations.

6.6 A final comment on prison reform

Reform in prison settings is complex and contradictory yet it is also constant. Reform is complex due to the many different understandings about the function of a prison and what constitutes successful outcomes. There are different drivers for reform that can, and often do, occur concurrently and independently within the same society. Some reforms emerge from a process of systemic analysis of existing legal and operational practices with evidence-based arguments. Some occur in response to crises occurring within prison operations while other reforms seek to respond to perceived community issues arising at any one point of time. In some instances reform can reflect changing individuals’ behaviours, legislation or institutional practice. The first issue is that the word reform is used extensively by different stakeholders in the broader criminal justice system in many different ways. For example, some wrote about prison management practice reforms arising from findings of Commissions of Inquiries including Royal Commissions (O’Toole and Eyland, 2012). Such reforms may result in legislative changes that confer powers into prison management structure or change regulations. Others referred to legislation reforms in relation to particular functions of the criminal justice system. These changes may alter prosecutorial practices, appeal processes and sentencing options (Victorian Sentencing Committee, 1988; Freiberg and Ross, 1999). While many reforms focus on systemic change, another interpretation focuses on changing an individual offender’s behaviour. The process of reforming an individual from a criminal to a law-abiding citizen is captured in historical and contemporary literature.

Secondly, the concept of reform is linked to assumptions embedded in various criminological theories that offer different understandings about the intent and application of prison practices.
Examining treatment and punishment issues during in the Akeroyd era revealed different understandings on the role and function of prisons from prison administrators, staff and the courts. Akeroyd changed the focus of prison and prisoner management from the purely punitive focus to embrace an individualised therapeutic approach. The more complex arrangements demanded new skills to enable successful implementation of his approach from a systemic management standpoint. Akeroyd engaged with professionals from education, medicine (psychiatry), psychology and criminology backgrounds to source divergent and critical commentary into the existing prison management and judicial practices. Introducing a science-based approach to gathering data and presenting findings challenged existing practices with evidence-based arguments. But, as Gehring (1993) advised, it is difficult to completely overturn prevailing paradigms unless all aspects of the emerging paradigm can be proved superior in every way. Akeroyd experienced difficulties arising from the conservative and classicist perspectives of staff and courts that were completely embedded within criminal justice practice at the time. Although Akeroyd’s positivist practices eventually became accepted over time they coexisted alongside practices aligned with major conservatist and classicist schools of thought. Herein lies the challenge for reforming prison management policy and practice. The influence of particular theoretical positions not only shifts in time but also operates in parallel according to the various functions within a prison. To make matters even more complex, prison and prisoner management practices have been institutionalised within the cultures of each discipline working within a prison (i.e. prison officers or treatment staff or teaching staff). It creates an extremely dynamic environment involving theoretical rhetoric changes influenced by politics or emerging research, yet practices tend to operate independently. Promoting reforms based largely on one specific theory or ideology to the exclusion of others risks alienating or subverting practices held sacred by some groups operating within prison settings. As witnessed through information regarding Akeroyd’s experience, this may result in overt conflict with staff or in the opaque practice of rationalising practice to suit a theory.
Another risk associated with embedding reform predominately in one theory may also result in previously subsumed practices re-emerging at later times as the underpinning theory regains influence. This is commonly referred to as “reinventing the wheel”. There are many examples of remerging themes relating to treatment programs and punishment such as Martinson’s famous “nothing works” paper (Martinson, 1974; Sarre, 1999) which challenged the effectiveness of therapeutic programs in reducing recidivism. More recently de Kretser argued that punishment does not work (*The World Today*, 25 May, 2012). The current trend for increasing incarceration rates across the western world that focuses on imposing tougher punishment and longer sentences with the expectation such measures will deter repeat offending. The prison is a complicated institution comprising various expectations of function and practice that renders prison and prisoner management reform complex and ambiguous.

Prisons are complex organisations that boast multiple perspectives about the function of the prison. Each perspective has a bias based around particular theoretical assumptions with relevant language reflecting the meaning embedded within that bias. Whilst the words used may be commonplace, the underlying meanings carry different meanings that establish conversations with parallel interpretations. This challenges prison administrators and prison policy makers to identify and introduce reform founded on thorough engagement with all relevant stakeholders with the clear intent to ensure each alternative position is clearly recognised, understood and validated.
Chapter 7 Experience and meaning

At the commencement of this thesis, Eliot’s “Dry Salvages” provided the context for a major challenge for this research. This challenge was best expressed in the following excerpt from his famous poem:

…We had the experience but missed the meaning. And approach to the meaning restores the experience in a different form… (Eliot, 2001).

My experiences working in prisoner education provided significant professional awakenings and shaped my approach to a long varied education career. By exploring Akeroyd’s achievements and challenges this research helped me to restore my experiences and look at them in a different way. The experiences not only shaped my professional practice as a prison educator but also honed my insight into the relationship between education and crime and criminal justice issues. Through this chapter I will reflect on my learnings as a practitioner.

7.1 The experience

The first day working at Pentridge prison was indelibly etched in my mind. The image of the recently released prisoner, waiting outside the main gates and unable to cross the road was my first inkling of the daunting task that lay within the walls albeit I was unable to articulate that at the time. My first stint at working in a maximum security prison lasted just over three years. In that short period I had so many experiences that I had not expected. My relatively sheltered life as a teacher did not groom me for working in a prison. I saw tragedy of prisoners struggling to understand why they were in prison and trying to work out the emotional, social and physical barriers keeping them in prison. Some merely succumbed and accepted the day to day existences of being told when to get up, when to work, when to eat and when to go to bed. Others puffed their chests to confront and defy their keepers and or fellow inmates with every day providing a battle to fight. I witnessed their feeling of importance in a world of belonging where, for this brief period of time they were with others who felt like them. A few decided this life was not for them and they either made a concerted effort to
make changes whilst others simply took their own lives. I heard stories of horror and I inwardly (and sometimes overtly) recoiled with disbelief at what some people do to others. As an educator I found this intense microcosm compelling yet repelling. I felt the exhilaration of being in the middle of this underworld working with people whose names and faces graced the front pages of the popular press yet I felt the comfort of not belonging to it and being free to leave at the end of each day. Worst of all I experienced varying degrees of detachment from this grey, forbidding, insular and bizarrely homogenous world of a maximum security prison. This was a significant change for a primary teacher filled with the idealism of helping young children explore the world of learning to facing hardened offenders. Like many of my colleagues, I took solace in deep black humour to cope with existing in forbidding environment and be able to make sense of a world that did not make sense. I did not realise at the time how removed I was from understanding the lives of these prisoners or circumstances leading to their attendance in my prison classroom.

I realise now that I entered into this world as a naïve 25 year old with assumptions about who prisoners were and why they were in prison. Through this research I have realised that I had very limited knowledge about crime and criminality which prepared me to effectively engage with prisoners as students. Even though I had undertaken special education qualifications, I believe that the content of that course did little to prepare my or others understanding of the intricate nature of crime and criminality in order to become an effective prison educator.

There was no-one in the environment who could help me. My colleagues understood as little of our environment as I did. Now I can see how separate prison education was from prison management. The educators, with their assumptions of change through education, were isolated. The impact of this lack of preparation was professionally devastating. Unwittingly my language accommodated the prison lingo, every sentence I spoke either in the prison, or worse outside, was punctuated with profanity and it was natural to speak that way. I sought humour to deal with the tragedy happening
all around me and that even translated to the world outside the prison. I was not alone as these experiences were echoed in the lives of so many of my colleagues. We formed this image of the tough guys teaching tough guys in the tough world of a maximum security prison. We accepted the atypical as typical and now, much to my disgust, I realised that many of my colleagues adopted the unspoken approach that near enough was good enough because no one really cared about this group of people.

Small things hit home to prick my professional conscience. Ross\textsuperscript{41}, a student of mine at Pentridge, came up to me at Christmas 1980 and gave me a small bunch of lavender sprigs. Ross was a naïve university student unwittingly recruited to be a drug mule in order to get funds to study. He said he had nothing else to show his appreciation for the work I did to keep his studies progressing. The genuineness of Ross’ gift and words hit home when I questioned whether I capably did help given my own spiral into institutionalisation. I knew I needed to take a break from prison education, restock but ensure I arm myself with the capability to be a professional and capable prison educator. At that point I committed myself to return to Pentridge prison as a far more professional and committed educator with the personal, technical and resilience skills to prevent me from falling to that lowest common level that my colleagues and I fell.

I can see now that I did not have the skills or tools to deal with working in this complex environment. I did not have the comprehensive understanding the nature of crime and criminality to provide insights into why a prisoner was in prison at that time nor did I have an understanding of the theories about planning and implementing education programs appropriate to those individuals. Given this lack of theoretical and conceptual knowledge I realise now that I did not have either the confidence or the language to articulate my concerns about existing practice. I was merely fitting into a world

\textsuperscript{41} Not his real name
with so many competing values that it was easier not to consider values at all. Essentially, I was becoming institutionalised.

Professional pride and my disgust that I had so easily let my values slide led to new resolve. I made a commitment to myself to consolidate and commit to those principles I was able to articulate at the time. Those values were: respect for each individual prisoner who entrusted me as their educator; that each prisoner had a unique story about his path to prison; recognising that each prisoner was capable of making decisions about their actions; that prisons socialised prisoners to be prisoners; and that education was the most important means to connect prisoners with the world outside prisons.

I now see that I was attempting to develop an eclectic theoretical position which weighted all factors equally in explaining criminality. The assumptions I made eventually led me to better understand my practice as an educator. As I learnt about different perspectives regarding crime these early reflections have helped me identify my position in the spectrum of theories. Certainly each theory contributes a particular unique perspective to prison management and it is important for prison educators to ensure they understand what each can offer. The positivist, conservatist and classicist theories of crime and criminality place flaws in individual behaviour at the centre of the cause of criminality whereas the emergence of critical criminological theories based on strain and Marxist theories consider the complex impact of social marginalisation of individuals. Planning for effective education programming and organising effective delivery strategies requires well-grounded theoretical understanding of what a prison is, what it intends to achieve and what it does in reality. Using the knowledge of different theoretical perspectives about the functions of a prison the prison educator recognises he or she is continually working and communicating with others who hold differing assumptions to undertake their respective roles. To fail to recognise this and to work in isolation from other agencies can only result in limited program offerings which may in turn further marginalise the most marginalised group in our community.
7.2 Akeroyd as a model

As I learnt about Akeroyd, through his own words and those of others, I found him an inspiration. Like me he came from a mainstream school system, but he was clear in his vision from the very beginning of his time in prisons. Akeroyd pushed through barriers of resistance to embed his reforms with a steely resolve. He pioneered the merging of prison education and prison management in Victoria and he did so by maintaining his vision of the educable prisoner being assisted to enter mainstream, law abiding society. I have had the benefit of accessing many more years of research findings than Akeroyd had access to and I find myself amazed that many of Akeroyd’s achievements were not recognised until now. It was through the examination of how Akeroyd’s idealism translated to practice that I came to examine what form of meaning I gained from the experience.

I found Akeroyd’s actions inspirational, reassuring but also unsettling. Akeroyd’s single minded and determined approach to reforming prison and prisoner management was awesome. I am grateful to him for institutionalising the value that education and educationalists can and do positively contribute to prisoners’ lives. Commitment to his values shaped his drive to change the prison management approaches he inherited from his predecessors. I greatly admired his determined and focused approach to plan and implement change and his capacity to take on detractors throughout his career. His capacity to build a core of colleagues and use his networks to broaden his sphere of influence was masterful and provided a blueprint on planning and implementing change.

Whilst I found Akeroyd’s approach and actions inspiring, I also felt reassured there was consistency between Akeroyd’s actions and my beliefs. Akeroyd’s focus on the needs of individuals and his commitment to the importance of education to create an environment to facilitate change in individuals validated my core principles. Akeroyd recognised that everyone had his or her own story and he interviewed and recorded each individual’s details. If he did not recognise the uniqueness of
each person’s journey it is doubtful that he would have taken the effort meticulously record these
details. Through these individual dossiers, Akeroyd furthered his knowledge about groups and
classifications of people and this helped him to formulate strategies to treat or remediate individuals.
Whilst Akeroyd's focus was based on psychological and intellectual deficits of individuals, my focus
on the importance of individual stories was fuelled through the MALWAYS experience I wrote about
earlier in this thesis. The prisoner voice from MALWAYS talked about individual experiences and
demonstrated that people do make choices and their decisions are based around the range of options
they believe are available to them. This differentiates my perception from Akeroyd’s on the
appropriate focus of education. Whereas Akeroyd’s focus was clearly on addressing assessed
psychological and social deficits my focus was to recognise that prisoners can and do make decisions
but need to be challenged to expand their range of options to make the best decision available.

Whilst Akeroyd’s contributions were inspiring and validating, they also provided warnings where
reform can fail. With the benefit of hindsight the analysis of Akeroyd’s public and private battles to
clarify, articulate and embed his reforms demonstrated his naivety in understanding the nature of
crime and criminality. His assumptions on the causation of criminality sat strongly in one aspect of
the theoretical spectrum outlined earlier. His positivist thinking dominated his focus on the causation
of crime being embedded in the psychological and under socialised deficits of individuals. The risk
of promoting reform based largely on one specific theory or ideology without clearly understanding
and acknowledging others leads to the risk of alienating or subverting practices which are held
important by some groups operating within prison settings. As witnessed through Akeroyd’s
experience this may result in overt conflict with staff or it may also result in the opaque practice of
rationalising practice to suit a theory.

I found the examination of Akeroyd’s experiences reassuring yet also daunting when considering the
challenge of implementing change in a prison environment. Whilst Akeroyd was not able to
implement all the changes he envisioned, his achievement in embedding education as an essential part of prison operations demonstrated that significant change in the complex environment of prisons is possible. But subsequent events show that this was not a final victory, despite many changes being embedded in legislation. Many times I have witnessed the emergence of reforms only to see these recede and then re-emerge at a later time badged in different words. And Akeroyd and his reforming zeal have been largely forgotten.

7.3 Crime, criminality, education and current debates

Although it is 90 years since Akeroyd commenced his role as Inspector General of Victoria’s prison system the debates about crime and punishment today have a depressingly familiar tone. At the core of the debates are the polarised views on the causation of crime extending from individual culpability (primarily due to personal deficit theories) through to social dislocation. The range of competing perspectives between the mainstream and critical theorists explain inconsistent application of the law to peoples’ behaviours. The learning from critical criminology theorists showed some behaviours considered illegal in some settings yet the same behaviours are lauded in other areas. For example we encourage the brutality of corporate bullying yet condemn bullying in any other social form; we fete those who kill in war but demonise those who kill in the community; as a society we support the taking of drugs such as alcohol but criminalise the taking of other substances despite the extensive community harm of alcohol abuse. I am not saying that I advocate any of these activities, I simply make the point that in some instances behaviours are seen as criminal whilst in alternate settings, the same behaviours are tolerated or even celebrated. This means there are differential applications of law and order approaches to peoples’ behaviours and what is legal or not legal is not always clear cut in individuals’ minds. Further, our community is not harmonious and unified under a single set of values. Our community is made up of diverse groups some of which are considered to operate outside the law. I question why we have groups of people, such as bikie groups, ethnic and regional based gangs that work so hard to be seen as a separate non-conforming sub culture and why there are law
makers that work so hard to maintain the alienation of these groups. As Young (2011) wrote “…the enforcement of rules shape crimes and deviance and the existence of rules invites transgression” (2011, p. 215). This is exemplified in recent Australian state governments’ pushes to criminalise bikie gangs resulting in strong pushback by members of these groups. Again I reiterate that I do not condone the behaviours of bikie groups but highlight that increased focus of social control agencies, security agencies and law enforcement on individuals or groups can be counterproductive.

Whereas the education focus was integral in the Victorian prison management regimes of Akeroyd, Whatmore and Shade, both Biles (1978) and Harris (1992) intimated that its influence waned in the times after Shade. Biles and Harris went on to claim that prisoner education became a subordinate component of contemporary prison and prisoner management. They argued independently that prison educators felt undervalued in the prison and that education principles were subjected to overriding commercial, economic and populist drivers. In many ways, contemporary prison education debates, particularly in Victoria, have not adequately presented a strong case for the value of education because the capacity to articulate its value has been lost in the polarised language of the dominant theories and the overarching government imperative for economic policy drivers.

Given the articulation of these perspectives it now raises the question of clarifying the role of education in contemporary prisons in Victoria. Whereas the current focus is on preparing prisoners with the vocational skills on the assumption that once prisoners gain skills they will find work and that through work they will derive the income to address other aspects such as accommodation, health and family needs.44 The assumption limiting the connection between the roles of education and training for work carries the significant risk that there are employment options available within the community and that work options within the prison are the same as those available in the

community. If there is not a direct compatibility between the training options provided in prison and real work options then the structure of education and training in prisons risk further marginalising those in prison. Worse still, if there is not a concerted approach to prepare and support prisoners to proactively develop the skills and ability to make their own decisions about life and work options then token education and training provision is merely babysitting. The cheapening of education intent to provide qualifications for non-existent work rails against the core Akeroyd principle of not further marginalising prisoners.

Akeroyd would be distraught with the current practice to commodify education in prisons to provide a service that is not arming prisoners with the capabilities for effective decision making. Further he would be concerned about the commercialisation of education provision in prisons leading to the practice of employing short term contract and casual staff with limited capacity and knowledge to support a holistic approach to prisoners’ education. This practice does not question whether practitioners have content capability but does question whether current prison education management policy makers ensure practitioners have well-grounded understanding of the environment into which they undertake education practice.

Contemporary prisons populations are escalating and prisoners present with more complex needs than in Akeroyd’s time. This is evident through increasing levels of mental illness, continuing high representation rates of indigenous and continuing high representation from lower socio economic groups. The prison is the repository for the significantly marginalised people all of whom will return, at some point, to the broader community. Akeroyd demonstrated that education can be and needs to be an integral component of overall prison management to support prisoners to leave prison and become active citizens. Akeroyd’s legacies challenge contemporary prison education practitioners to reflect on the purpose of their mission and arm themselves with the skills and knowledge necessary to effectively and professionally fulfil this role.
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Attachment 1 The traditional criminological theories

An important aspect of the research method was identifying and mapping the rationale underpinning the reasons Akeroyd and others took in expressing their views and justifying their reforming actions at the time. Chapter 3 outlined the method used to manage the data thereby enabling an analysis of the relative positions of Akeroyd and others. The researcher developed a tool (presented in table 2, Chapter 3) to assist mapping Akeroyd’s and others’ words against key aspects of each of the commonly held criminological theories. Using guidance particularly from Young (in Fitzgerald, 1981) and Cohen (1985) these theories are outlined in more detail below.

Classicism

The classicist school of thought developed in the late eighteenth century responded to the “arbitrary systems of justice ...and the barbarous codes of punishment by which the law was upheld in the period of feudalism and absolutist monarchies” (Young in Fitzgerald, 1981, p 253).

The approach recognised the rule of law and the adherence to contract as sacrosanct. It was based on the premise that reason was imbedded within the individual and that society was constructed of many classes of people meeting their respective needs by applying reason. Hence society was seen to be managed by a structure of reason as evident in the systemic advent of government, legislation and law (Fitzgerald, 1981; Cohen 1985).

Within the classicist framework, a crime or a criminal act was seen to be an infringement of a legal code with that behaviour deemed detrimental to the personal safety and property of people who had agreed to live in “contract” with the state. According to classicist theory, rational people avoided engaging in any behaviours which contravene the law. Hence, according to the theory, people committing crimes were considered to have made irrational decisions. (Young, in Fitzgerald, 1981).
As Young stated:

In the classicist paradigm, the whole concept of the causes of crime relates to the question of rational motivation. Within a consensual majority, where reason and self-interest are in a proper balance and the costs of crime clearly outweigh the benefits, no one would be tempted to commit crime hence, by definition, this would be an irrational calculation (in Fitzgerald, 1981, p. 260).

Thomas Hobbes, sometimes referred to as the father of classicism, posited the view that the state would exert control irrespective of what eventuated. Hobbes, according to Lloyd and Sreedhar (2013), drew a link between civil obedience and peaceful societal coherence. Under their premise, it was logical to assert that every person within society was subject to the sovereign power of the state, and needed to be accordingly taught such was the case. According to Taylor, Walton and Young (1973), the Hobbesian perspective went further to argue that once an individual became aware of the link between subjectivity to sovereign power and peaceful co-existence then he would logically agree to adhere to the laws of the state unless he was irrational. The fundamental premise underpinning the classicist viewpoint is that citizens are considered to be “naturally independent” but are bound together within society through social contract that is overseen by the monarch or the state in return for protection of rights, property and safety (Young in Fitzgerald, 1981).

The classicist theory provided a focus on the legal framework to identify, address and redress individuals contravening the law. It means “rational” people must judge the nature and extent of any criminal act and treat suspects in a just and rational manner. The judiciary, court systems and the establishment of juries represent the rational person. The core assumption underpinning the theory is that people committing criminal acts must be considered irrational in their decision making. In this instance, the law is the agent responsible for punishing offenders before educating them to become law-abiding citizens. Convicted criminals require an education system and legal system geared towards rehabilitation to ensure a criminal is restored to a law-abiding citizen once their punishment has been served (Young, 1981). However, the critical feature of the classicist approach to punishment,
as noted in Bentham’s position, rested with the codification of the laws and punishments commensurate with the degree of harm inflicted by the criminal act (Ignatieff, 1981).

In essence, classicist theory emphasises the responsibility of each individual within society to maintain social order and that the framework of the legal system provides the basis for “social contracts” (O’Toole, 2002, p178). Through the lens of the theory, the individual is seen to be responsible for their own actions and any engagement in criminal acts are subject to a punishment commensurate with the harm generated by the criminal act.

**Conservatism**

The conservatist school of thought had its roots in the adherence to traditional organisational structures and societal organisation. Young argued that “conservative theory arose as a reaction against the ideas of the French Revolution...it has always stressed the organic nature of society, defending the traditional order against the individualism and rationalism of the emerging bourgeoisie” (in Fitzgerald, 1981, p. 275). The nature of the conservatist approach is summed up by Nisbet (1970) who stated:

> From conservatism’s defence of social tradition sprang its emphasis on the values of community, kinship, hierarchy, authority and religion, and also its premonitions of social chaos surmounted by absolute power once individuals had become wrenched from the context of those values by the forces of liberalism and radicalism (p. 11).

In relation to crime and criminality, conservative thinking considered acts which threatened societal order had to be criminalised. It included acts that not only threatened authority and community values but also offended morality or undermined authority. According to Young (in Fitzgerald 1981), the conservative considers the root of criminal behaviour lies in the pursuit of personal gratification, the undermining of traditional loyalties and the consequent unwillingness of the individual to accept discipline. Maintaining social and authoritative order becomes the central tenet which dictates a punitive regime is required as a symbolic deterrent both for the individual as well as the broader
community. The concept of punishment as a deterrence arises from such an approach. Hence it may
be argued that the conservative outlook reinforces the concept of communal values within the wider
community at the expense of treating the individual.

Young paid attention to the theory whereas O'Toole made no reference to conservatism in his
classifications of the criminological theories. It could be argued that O'Toole combined both
classicism and conservatism in his descriptions of criminological theories.

other theories in the understanding of crime criminality and consequent public policy approaches.
Strain theory; new deviancy theory and Marxist theory were all seen as relatively minor theories within
contemporary criminological studies, however examining the connection between education and
prison management revealed they might play a larger role in contributing to a broader understanding.
The so-called minor theories differ significantly from the aforementioned major or dominant theories
in that the latter focused on the individual as the core of the issue. Whilst Young and O'Toole argued
that the minor or sociological theories held limited influence in justice policy formulation, they do
provide an alternate perspective by focusing on social structure and social forces as core determinants
in developing an understanding of crime and criminality.

**Positivism**

The positivism school of thought emerged during the nineteenth century and, as Young argued, was
based around the “the unity of scientific method” (1981, p. 267). There are many varieties of
positivism within the fields of criminology and social sciences, but as Young (1981), O'Toole (2002),
Cohen (1985) and Walton, Taylor and Young (1973) argued, the most popular interpretation
identified that biological, physiological, psychological and social influences all contribute to the
creation of the criminal. The positivist theories claimed that the predisposition to the formation of a
criminal resided within the individual. As Young stated, positivism contended that “social order is consensual and that crime is a product of under socialisation” (1981, p. 267). Within this theoretical position, some schools of thought adhered to an individual determinist perspective. Eysenck (1969; 1977) held the view that people were substantially different both in their abilities and the degree of socialisation capabilities and experiences (1969). Young (1981) provided such explanations to the cause of crime and criminal behaviour in terms of the following: innate genetic and/or physiological determinants of the individual; family background which resulted in under socialisation; and the social milieu which lacked coherent and consistent consensual values. In social policy terms, the positivist school of thought required education and training programs to be structured around diagnosing an individual’s needs with the intent to rehabilitate them to reenter society.

Whilst the positivist thinking was essentially based on applying scientific methodology, Bessant and others (2006) argued “lots of different versions” drew their respective positioning within the broader positivist school based on applying scientific method based “partly on induction, and empiricism and partly on deduction and the use of mathematics or statistics” (Bessant et al, 2006, p. xvi). Taylor, Walton and Young (1973) sought to distinguish between positivism as it applied to social and psychological theory and that which was used in the area of criminology. Whilst all aspects of positivism were based in the committed application of scientific theory to individual behaviour and dispositions within a social context, criminological positivism often adopted an alternate perspective to the prevailing classical criminological practice. The emergence of positivism within a criminological context arose as an alternative perspective to the previously dominant classicist perspectives. Taylor, Walton and Young appeared to confine their largely critical view to the criminological context, separate from any broader discourse on the application of positivist developments within the community outside the prison. Perhaps their view highlighted an important differentiation that events occurring within the realm of crime and criminality should, arguably, be viewed somewhat differently from other functions operating within the broader community.
According to Taylor, Walton and Young, (1973), positivism comprised three major characteristics, all of which were critical for a scientifically methodical approach to treating offenders. The characteristics included the quantification of behaviour, the determinism of behaviour and scientific neutrality. Regarding positivist methodology, Taylor, Walton and Young wrote:

The premises and instruments which are alleged to be successful in the study of the physical world are seen to be of equal validity and promise in the study of society and man. Insisting on this premise, positivists have proceeded to propound the methods for the quantification of behavior, have acclaimed the objectivity of the scientist, and have asserted the determinate, law governed nature of human action (1973, p. 11)

In summary, positivism in its many forms holds the position that criminal, behaviours are determined through the individual’s interactions with their environment and that such criminality can be treated. A critical component of positivist perspective is that scientific methodologies play a central role in understanding and identifying criminality as well as treat criminality.

Minor or alternate theories

Strain theory

The labelling or strain theory was best attributed to the work of Robert Merton (1964). This theory sited the individual within existing and determined social frameworks. Within this framework, labelling theorists argued that not everybody had been born into an environment where the social indicators of success were easily attainable to all. Merton argued:

In this same society that proclaims the right, and even the duty, of lofty aspirations for all men do not have equal access to the opportunity structure. Social origins do variously facilitate or hamper access to the forms of success represented by wealth or recognition or substantial power. Confronted with contradiction in experience, appreciable numbers of people become estranged from a society that promises them, in principle, what they are denied in reality (1964, p. 214).

Young explained that under the strain theory deviance is considered to be “a result of a disjunction between the structurally induced aspirations of individuals and the structurally determined
opportunities… such a tension is rooted in the total society, and in pointing to the strain theory recognised a fundamental irony in the social order” (1981, p. 283). David Matza, (1969) well-recognised for his work on juvenile delinquency, argued that the irony became a fundamental element in analysing individual and sub cultural responses to frustration born from a lack of access to socially-espoused aspiration. Within the context of the theory, the importance of skill training for individuals arose as a basis for education programs. As Young pointed out “in terms of treatment of the individual…what is necessary on the immediate level is to teach the individual skills that will allow people to most profitably…use their opportunities and demonstrate that many subcultural ‘solutions’ of limited usefulness” (1981, p. 185).

Whilst the theory presented some plausible perspectives to consider in gaining a broader understanding of the complex nature of crime and criminality, it tended to focus on the lack of access to commonly-perceived social aspirations of individuals or groups of individuals excluded by some form of socio-economic or structural disadvantage. Like many theories to date, it appeared to struggle to consider the reason behind some wealthy individuals or groups committing unlawful acts.

**New deviancy theory**

The new deviancy theory is similar to the strain theory in analyzing individual behaviour within the structure of society. Whereas the strain theory gave a framework for analyzing the behaviour of individuals and groups within a given social structure, the new deviancy theory argued that individuals lose their autonomy within a framework of social control imposed within society.

It was argued that the emergence of the new deviancy theory occurred in response to the strength of the positivist influence in criminology. Forms of the new deviancy theory emerged in post-modernist, labelling and feminist theories. As Young argued:

> In the strain theory we saw the irony of how the pursuit of conformity gives rise to deviance…counter posed against this, in new deviancy theory, it is the irony of social control giving rise to gross deviance (1981, p. 291)
Within such complex and intricate theoretical structures, criminologists and sociologists fought to distance themselves from the perceived overarching or institutionalised frameworks that explained the relationships between crime and criminality. Cohen argued the intellectuals of the time “left…the deviants huddled in their closets with their custodians and healers…proclaimed their independence from correctional interests…to distance themselves from the machine – not to make it more effective, nor even to humanize it, but to question and demystify its very moral legitimacy” (1985, pp. 6–7). The new deviancy theorists paved the way for Marxist theories on social control, and later more incisive post-modernist discourses on social control to enter the debates.

**Marxist theories**

Marxist theorists, according to Young, rejected the notions that people have free will. Instead they argued that people are social beings who are both “the producers and products of history; they create institutions and meaning within a particular historical period which is …determined by the mode of production of the time” (in Fitzgerald, 1981, p. 295). Ruche and Kirchheimer (1938), early Marxist commentators on social order and social control, argued a link existed between the types of punishment and the modes of time production. Similarly, they argued a correlation arose between the need to regulate labour and the emergence of the factory. Melossi and Pavarini likened the prison to a factory in itself “producing proletariat not commodities” (1981, p. 145). Cohen, commenting on Marxist theories, argued that:

…for them (Marxist theorists) the functional connection between prison and society lies in the concept of discipline. The point is to create a socially safe proletariat… someone who has learnt to accept being propertyless without threatening the institution of private property (1985, p. 23).

Young extended his analysis of Marxist criminological perspectives by arguing they viewed the criminal justice system as an integrated system which exerted coercive and consensual controls in a number of ways. Young’s Marxist interpretations argued that the criminal justice system created a
reserve workforce that supported the employing class by serving both as a deterrent to those in the workforce and providing a ready and malleable source of workers when required. Hence the prison itself served as a reward and punishment for the workers and the workless (1981, p. 199).

From a Marxist theoretical position, the criminal justice system worked to manage members of the working class to teach and reinforce the habits of discipline to work and maintain the social order for work. The Marxist theories lacked a strong influence on contemporary policy-making within Victoria and Australia in general, hence the view the theory serves only, in Young’s terms, as a minor theory within prison management policy strategies. However the influence of Marxist perspectives in the critical analysis of prison operations and prison management increases the importance of this perspective’s role in setting frameworks for reflective analyses.

Interrelationship between the theories

The theories outlined above have been categorised into discrete and seemingly independent viewpoints separated by one or two major distinct orientations but such distinctions remain ill-defined. Taylor, Walton and Young (1973) tended to track the evolution of the theories in a historical timeline amid the view that each subsequent theory built upon learnings which arose from previous theories. The work has relied on the frameworks provided by largely by Young who also warned against the myth of developing unilinear theory and also by Cohen (1985). Young warned “not to make the common textbook mistake of believing that they [i.e. the theories] developed in a series of discrete historical stages from classicism through to Marxism, each representing a step in the rational progress towards the solution of the crime problem” (1981, p. 306). Each theory boasted substantial amounts of contemporary work to support its interpretations throughout the years. However, Young also warned that “theories, however recurrent, emerge in different historical periods with special emphases and advantages of their own… What is annoying is the amnesia regarding the past and the
perennial tendency to one sided interpretations of social reality” (1981, pp. 306 – 307). Young’s concern is directed to those advocates of particular theories who embed themselves into that particular perspective and continually reinvent their learning from the same theoretical base. Whilst Young (2011), Cohen (1985) and Taylor, Walton, and Young (1973) focused on the risk of infusing positivist perspectives throughout the discipline of criminology, their capacity to view across particular theoretical perspectives provides a useful capacity to explore the relationship of each theory to one another.

For this research, Young’s timely caution was designed to guard against assumptions that reform in prison settings had occurred in a lineal fashion but rather that reforms oscillate from one major perspective to another and back again depending on which perspective is in favour at the time. On that basis, mapping penal reform since the establishment of prisons explores the rise and decline of prison and prisoner management practice over time.
### Attachment 2 Example of populated tables

**Table 5: Extracts from populated table (examples)**

<table>
<thead>
<tr>
<th>Text</th>
<th>Theory</th>
<th>Dimension</th>
<th>Voice</th>
<th>Key point of article / notes</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>Akeroyd’s diaries and private papers</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3 January</td>
<td>&quot;They receive no definite training and evidently</td>
<td>&quot;On industries “the difficulty of</td>
<td>Reflection on first day in the job - identifies</td>
<td></td>
</tr>
<tr>
<td>1924 diary</td>
<td>leave prison with a s little marketable skills as</td>
<td>obtaining good work is obvious. There</td>
<td>the opportunity for engaging the teaching /</td>
<td></td>
</tr>
<tr>
<td>entry</td>
<td>they entered”</td>
<td>seems room for teaching experts”</td>
<td>education process</td>
<td></td>
</tr>
<tr>
<td>9 January</td>
<td>Conservatist</td>
<td>I immediately went out (and) gained</td>
<td>&quot;Talked with the boys and found them happy</td>
<td></td>
</tr>
<tr>
<td>1924 diary</td>
<td></td>
<td>the impression that supervision was</td>
<td>but discipline was lax… Wrote letter to</td>
<td></td>
</tr>
<tr>
<td>entry</td>
<td></td>
<td>lax&quot;</td>
<td>Dwyer (assume OIC Castlemaine) asked him to</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>tighten up discipline and make recreative</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>work in evenings”</td>
<td></td>
</tr>
<tr>
<td>11 January</td>
<td>Teacher position agreed</td>
<td>Expressed concern about French</td>
<td>Forming opinion on inconsistency in</td>
<td></td>
</tr>
<tr>
<td>1924 diary</td>
<td></td>
<td>island prison management approach</td>
<td>approach to prison management by staff</td>
<td></td>
</tr>
<tr>
<td>entry</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Text</td>
<td>Theory</td>
<td>Dimension</td>
<td>Voice</td>
<td>Key point of article / notes</td>
</tr>
<tr>
<td>----------------------------------</td>
<td>---------------------------------</td>
<td>----------------------------------------</td>
<td>----------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>28 January 1924 diary entry</td>
<td>Classicist / Conservatist / Positivist</td>
<td>Prison Management / education</td>
<td>Re visit to Castlemaine: “Enunciated three principles of (1) classification; (2) work of an interesting nature; (3) right ideals… These are the principles underlying teaching and also they appear to underlie penology</td>
<td>First indication of using educative principles to drive prison / prisoner management</td>
</tr>
<tr>
<td><strong>Annual Prison Reports</strong></td>
<td></td>
<td>Prison Management</td>
<td>Government Policy</td>
<td></td>
</tr>
<tr>
<td>1924 (re 1923) Akeroyd's 1st report</td>
<td></td>
<td>1st reference to classification</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1925 (re 1924) Akeroyd's 2nd report</td>
<td></td>
<td>1st reference to education</td>
<td></td>
<td>Included graphical mapping of IQ (hand drawn). Education listed as a key heading within report for the first time</td>
</tr>
<tr>
<td>1926 (re 1925) Akeroyd</td>
<td>Industry training skills noted.</td>
<td></td>
<td>Discipline and Tone report</td>
<td>Education section included under general welfare in report in annual report</td>
</tr>
<tr>
<td>Text</td>
<td>Theory</td>
<td>Dimension</td>
<td>Voice</td>
<td>Key point of article / notes</td>
</tr>
<tr>
<td>------</td>
<td>--------</td>
<td>-----------</td>
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<td>-----------------------------</td>
</tr>
<tr>
<td>1927 (re 1926) Akeroyd</td>
<td></td>
<td>No specific education reference</td>
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<td>1928 (re 1927) Akeroyd</td>
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<td>separate sections for each prison within report</td>
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<td>Separate reports for French Island; C'Maine; Beechworth</td>
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<td>education reports included under each prison section within report</td>
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