



# ANARCHY 113

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Single copies 3s. (40c.). Annual subscription (12 issues) 36s. (\$5.00). Joint annual subscription with FREEDOM, the anarchist weekly (which readers of ANARCHY will find indispensable) £3 19s. 4d. Cheques, P.O.s and Money Orders should be made out to FREEDOM PRESS, 84B Whitechapel High Street, London, E.1, England.

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## Women in Holloway

MARJORIE HOLT

"I shall kill myself rather than be sent to prison." (The words of a young girl, on remand, and waiting in the cells at Bow Street, prior to being taken away to Holloway. She was attached to a clip joint and had taken £16 from a man in the street, introduced him to the clip joint, and then slid away. No hardened criminal, she sobbed convulsively and was terrified. Mary, 21 years old, deathly pale and beautiful. I put my middle-aged arms around her and tried to comfort her. Despite the difference in our ages, we were concerned for each other's welfare during our week in the same wing in Holloway.)

The language which came out from this woman's mouth could only be described as a verbal Hieronymus Bosch. This screaming, sobbing, terrified woman was in the stifling tiny cubicle next to mine, where all prisoners on reception are herded in the bath-house to await the doctor. I could not imagine how a woman in this state had ever appeared in court that morning.

"If only I had someone to say to me, 'This is so much for the rent, so much for the electricity, so much for food, so much for clothes'." (The words of a prisoner in Holloway, who, along with her six children, had been deserted years ago by a drunken husband. She had, on a temptation, which suddenly presented itself, defrauded the National Assistance Board of £200. It was obvious that she had brought up a "respectable" family, and her boys had never been in any trouble. Her crime, according to the Welfare Officer, who gave evidence against her in court, was that she was "Utterly improvident and completely unable to manage her financial affairs". She also had debts.)

"The police got a woman to come forward to say she had seen me shoplifting the Christmas before last." (The words of a shoplifter who had contemplated taking her life in her cell the previous night.)

THESE WERE JUST FOUR of the women who were in Holloway when I was there. If you communicate with the Home Office about the injustice of imprisoning these women, you receive the reply that your complaints



are against "sentencing" as such and are not a criticism of the Home Office, whose duties start only when the prisoners are "inside". They maintain that they are sympathetic to your complaints and need no "conversion"—it is merely public opinion that needs bringing up to date on the treatment of women offenders. True! but what about the time-lag which occurs between the change in public opinion and its effect on the attitudes of magistrates and judges. The human time-lag is the lives of hundreds of women being made more miserable than they already are by imprisoning them. The Home Office contends that Holloway will be completely reorganised in another nine years' time, so its utterly destructive influence will continue for at least this period.

My letter to the *Guardian* in April 1969 in which I maintained that only the callous and the distorted would fail to have compassion for the women in prison and to feel horror at the lack of human dignity inherent in the system, drew a reply from a solicitor in Hull who confirmed, "Mrs. Majorie Holt is quite right. There is no need to put in prison many men and women now serving terms of imprisonment." It is obvious that most of them should be in hospitals or having psychiatric treatment outside, or merely being sympathetically helped over a bad patch, and found somewhere to live decently.

Since I had chosen to go to prison rather than pay a £5 fine for my part in the Anzac Day demonstrations in 1968, my fight against the authority which backed the American presence in Vietnam and dropped napalm and high explosives by proxy on defenceless peasants, continued once I was in prison. I refused to have my fingerprints taken in reception.

But on the second day, two wardresses appeared in my cell and said I would be taken to the Governor if I still refused. I did! I was escorted to the "strip" cells—only a mattress on the floor and a chair—and told, "You will see the Governor at 10.30." Since there are no clocks, this meant very little. The cell door first opened to admit the psychiatrist. We parried phrases for some time. I recounted the evils of the American presence in Vietnam, and the immoral backing of it by the Wilson Government. She made no comment, but asked me twice if I was "all right". "Are you asking me if I am fit to do three days on bread and water?" I countered, "because I am." She showed some emotion for the first time. "Oh no, nothing like that." She left the cell. I subsequently discovered that this punishment is no longer given to female prisoners.

I was then taken to the Governor (flanked by four wardresses at various points in the room) to whom I also spoke of the utter immorality of the Vietnamese war. She made no reply. But it was obviously important to her that I had my fingerprints taken.

"Everybody does," she contended. I pointed out that the rules stated they would be taken, "if it were deemed necessary in the interests of justice". But nobody had explained to me what these were. I was then threatened that they would be taken forcibly. No attempt was made to do this.

My seven days' sentence boiled down to five full days—the day of

reception and the day of release being counted in the sentence. Of this I spent nearly two days "banged up" in my cell because I refused to work, contending that Holloway should be closed and that I didn't intend to raise a finger to keep it in existence. But the wardresses are subtle with their punishments. They just omit to unlock your cell door for a couple of days after you have been locked in for meals. To the seriously disturbed this is indeed a punishment and the prisoner starts off banging on the door with the flat of the hand. When she is eventually let out, she is either suitably subdued or hysterical. But there is a good library and I spent most of my time reading my collection of books. The position of most of the prisoners is slightly different—the women are used to reading magazines and cheap novels (if they read at all) of which none seemed to be available, so confinement to their cells with their fears and worries and no contact even with other prisoners, is a devastating process as far as they are concerned. No wonder suicide is generally contemplated. Young girls are shut up, apparently for a misdemeanour the previous day, not specifically stated to them, and while other young prisoners go off to the rare evening film show, they simply stay locked in. A cruel way to punish young, highly-strung girls. There are notes on some cell doors which state, "Leave light on in this cell. Do not lock the door."

Lord Stonham at the Home Office, in reply to some of my queries, said that they were of the opinion that in the whole of the country only 60 women needed close confinement—of these 13 were murderesses—and of the rest, *three out of four were women with children* (my italics) and means other than imprisonment must be found for dealing with them.

The end of a recent four-year research in an endeavour to arrive at a fool-proof theory on the criminality of women has found that for the majority this can be explained solely in terms of their social and economic position in society. It is precisely these women, belonging to the working class and unable to be economically independent, who constitute the larger part of the women in prison. Further research is being undertaken into the type of crime committed, and the effect on children of imprisoning their mothers. This latter should prove interesting. Research in other fields has already told us of the immense harm done and the cost to the community of separating children from their mothers. But in a society which is utterly money-oriented, and punishes women who take unorthodox paths to ease financial burdens, considerations such as the existence of children are relentlessly ignored.

The ambivalence of the two standards of "morals" in society is nowhere more clearly shown than in prison. The young girl attached to the clip joint was still in regular touch with her parents and was only recently introduced to crime. In prison she came into contact with women who had spent a great deal of their lives going in and out of prison, as well as with young ones who said they expected they would do so for the rest of their lives. Yet the male owner of the



clip joint, to whom she had handed over £8 of the £16 she had taken from her client, was never apprehended.

We imprison a deserted woman with six children—sweet and likeable, whose only crime was her inability to manage her financial affairs, for defrauding the Assistance Board, while the evaders of death duties are regarded as responsible and respectable members of the community. I heard it stated recently on the radio that only the mentally defective and those who wish to punish their families ever pay death duties.

The courts accept that it is in order for the police to bring evidence of a petty crime into the courts to imprison a woman more than a year after it had taken place. (Recently disgust was expressed by a magistrate at the action of the police in bringing into court a man of 22 for a crime he committed when he was 14 years of age.) This shoplifter, like all shoplifters, was obviously in need of help and treatment.

The sobbing, screaming woman in reception responded to my suggestion that she should stand up on the seat so that we could talk to each other, by quietening down and trying to get her thoughts in a coherent enough state to tell me her troubles. Her fears were for what she was facing in once more being in Holloway, and what she had suffered there in the past. She was very seriously disturbed, but nobody came to speak to her and eventually the doctor was brought along when she was finally in a state of collapse on the seat in her cubicle. She was the unhappiest woman I have seen for many years and was obviously a hospital case.

Are women outside so indifferent to the position of imprisoned women and the state of the prisons like Holloway? Lord Stonham has maintained in a letter to me . . . "that we (the Home Office) are working towards the position where most women offenders who are ordered custodial care will be hospital cases. (This exactly accords with your observation about the 'terrible mental state of most of the women'.) This is why the new Holloway is to be a 'medically orientated establishment for women, serving the whole country'."

Nobody seems to be left with any doubt that imprisonment is the wrong treatment for practically all the women, but they are still being sentenced—many of them repeatedly. Whatever psychiatric treatment they receive inside is agreed to be totally inadequate due to lack of facilities. But supervised hostels could be started and started now, inadequate women could be helped without "banging them up" in a cell, and mothers with children could obviously be treated at home by the right type of social worker and probation officer.

Nine years at least, did the Home Office say, before they can close Holloway? This is anyway the scheme of the present Government. In the name of humanity close it now!

## Four studies of women and crime

SALLY ANNE

### 1: To be or not to be a female delinquent

THE PROSPECT OF BECOMING a female delinquent is open to most women. The process of being classified as delinquent is easily comprehensible to those who undergo this experience. Unfortunately the "delinquent state" is not viewed in such simple terms by most theoreticians. Since the nineteenth century the characteristics of delinquents have aroused the interest and curiosity of a whole host of writers, anthropologists, psychologists, sociologists, etc. The kaleidoscopic image which emerges may have the unfortunate effect of confusing the delinquent girl or woman who may have a genuine desire to relate her own image of herself to this complicated theoretical framework. An additional complication facing the delinquent girl lies in the fact that certain theories, e.g. that of Lombroso, are notorious for being in and out of fashion at regular intervals. The only consistent point in this kaleidoscope is the implicit value-judgement that delinquency is an inferior status and hence most explanations of delinquency are based firmly on the assumption that "delinquency" is *ipso facto* a disease or stigma which must be explained away. There is no attempt to think of delinquency as a very useful concept and powerful weapon in the political and social sphere. Therefore, in attempting to describe the theories on the delinquency of women, one is forced to play the role of devil's advocate and accept temporarily the uncomplimentary value-judgement.



This value-judgement, judged by traditionalist standards, is particularly uncomplimentary so far as women are concerned. Most women are notorious for their dull, conformist and law-abiding tendencies. This is the natural result of their social conditioning. Hence any deviant behaviour is likely to incur a greater stigma. The nature and characteristics of a female delinquent have always intrigued and baffled most writers. This bewilderment is the natural outcome of considering a human being solely in terms of an abstraction, and a tendency among some writers to think of the female delinquent in terms of the feminine myth.

There are basically four general theories which explain the criminality of women: the anthropological, mystical, physiological and sociological explanations. The anthropologists, led by Lombroso, tried to define the "true" criminal. Influenced by Darwin, they were convinced that such a species of human beings existed, and armed with atavistic arguments they set out in search of it. Lombroso believed that the true criminal was a throw-back to a primitive species and could be physiologically defined. This regression was far more likely to occur in the case of men, since they were more intimately bound up with the "struggle for existence". Women, being of a "maternal and gentle disposition", were therefore less likely to fall into the paths of evil. But the "born female delinquent" was, by Lombrosian standards, a very special specimen. She was more destructive than her male counterpart. The prostitute and the murderess were the closest approximations to Lombroso's prototype of the born criminal. They were singled out because they broke the two behaviour taboos for women: that of sexuality and that of aggression. Those "delinquent" women who didn't conform to the idea of the born criminal were labelled the "occasional criminal" and were in fact "moral women" (in the strait-laced Victorian sense) who were being led into crime through the strong but perverted influence of their male friends.

Inmates of Holloway may be interested in some of Lombroso's descriptions. He noticed that, in general, prostitutes, thieves and murderesses weighed more than moral women. Prostitutes had larger hands and smaller feet, the palms of their hands were more developed than their fingers. Criminals tended to have dark eyes and dark virile hair. This virility of face and general physique was attributed by Lombroso to the atavistic origins of the women. Having defined the physical characteristics of the female delinquent, Lombroso tried to give his species a definite personality. "In general the moral physiognomy of the born criminal approximates closely to that of the male. The atavistic diminution of the subject shows itself once again in the psychology of the female criminal, who is excessively erotic, weak in maternal feeling, inclined to dissipation, astute and audacious, and dominates weaker beings, sometimes by suggestion, at others by muscular force, her vices and even her dress increase her resemblance to the sterner sex. Added to those virile qualities are often the

worst characteristics of women; namely an excessive desire for revenge, cunning, cruelty, love of dress, and an untruthfulness forming a combination of evil tendencies, which often result in a type of extraordinary wickedness." Lombroso's theory has subsequently been much criticised.<sup>1</sup> His analysis proved to be a source of embarrassment in so far as his description of the "born criminal" fitted some of the most respectable citizens of his time. His concept of the born criminal is primarily a romantic one, and is inappropriate when we think of some of the prostitutes who keep returning time and time again to prison. Most murderesses either kill members of their family, or friends. They are frequently victim-precipitated homicides, in so far as the woman was first attacked and subsequently killed her attacker in order to defend herself. In other instances, where the victim is a child, the woman is overcome with remorse and frequently attempts suicide.

Although Lombroso has been criticised and ridiculed, his theory has had a profound influence on criminologists.<sup>2</sup> The Lombrosian analysis assumes a macabre aspect for women both inside and outside prison, when we remember that one of the purposes of the anthropological school was to define the criminal type with sufficient accuracy so that those human beings who fell into this category could be segregated from the rest of the community by imprisonment and by capital punishment if necessary. This analytical aspiration is still maintained by some modern criminologists, e.g. Sheldon and Eleanor Glueck, although they have tended to concentrate most of their attention on predicting delinquency among boys.

While Lombroso approached the "female delinquent" with a pseudo-scientific disdain, Pollack's approach or analysis can only be described as mystical. Like Lombroso, he maintained that the worst type of female criminality could only be described in bestial terms. However, unlike Lombroso, he maintained that the proportion of female offenders had been vastly underestimated. The statement "woman is less criminal than man" was therefore false. Her criminality was mainly of a hidden kind. As the weaker member of the human species she was compelled to rely upon her ability to deceive people. This highly developed capacity for deception could have slightly unfortunate consequences. She was better able, by virtue of her status as general housekeeper, to obtain poison from the chemist, which could be used to kill members of her family. In addition to straightforward poisoning, she frequently indulged in infanticide. She was able to conceal her pregnancy, the birth of her child and its subsequent murder. The picture which Pollack paints could have been derived from Victorian melodrama, but not from reality.

If the kaleidoscopic image was confined to Lombroso's and Pollack's theories, the individual female delinquent may find the result both amusing and perhaps alarming. However the delinquent is regarded as



a many-splendoured thing by most criminologists, and our "delinquent" has to wade through a number of perhaps slightly less esoteric theories in order to get a comprehensive view of herself. Women have been defined sociologically in a secondary role, which has strong sexual undertones, and most of the theories which explain delinquency among women can be fitted within this general theoretical framework.

The physiologists claim that while sexual crises do not automatically lead to law-breaking, they can nevertheless be a powerful contributing factor. Thus Ann D. Smith, the author of *Women in Prison*, states that "Variations in female criminality in the different age-groups are certainly to some extent due to physical causes. Although stresses at the climateric may be experienced by both men and women, there is no male counterpart to the series of psychological crises which women undergo." Thus a female delinquent, according to the physiologists can largely attribute her condition to a lapse during a sexual crisis. There are basically four periods in a woman's life in which sexual crises do occur. These are puberty, menstruation, pregnancy and menopause. "With the onset of puberty, however protected young girls may be in their home, impulses to rebellion and general dissatisfaction and frustration with the limitations of childhood encourages them towards anti-social behaviour, especially if sexual precocity is accompanied by intellectual immaturity."<sup>3</sup>

However, this picture of revolution against the domestic hearth is far too simple and cannot be accepted as it stands. It is fairly common for girls in borstals to have spent some time in approved schools, prior to which they probably underwent another period of institutionalisation in an orphanage or other institution. Even if they have been fortunate enough not to have experienced institutionalisation, their home backgrounds are not entirely "satisfactory" and have generally failed to provide the necessary emotional security. The basic insecurity and the need for adventure is prevalent prior to puberty, and the act of rebellion, which in itself can be a very constructive thing, is probably the result of other factors. The act of rebellion generally consists in running away and having sexual intercourse, sometimes prematurely and sometimes over and above the prescribed sociological limit. The majority of girls in approved schools and borstals haven't committed a specific crime, but are deemed to be in need of care and control.<sup>4</sup>

Icard (1890), Healy (1915), and Pollak (1950) maintained that there is a definite connection between menstruation and delinquency. Healy quoted Gudden's research in 1907 in which he found that practically all the shoplifters whom he examined were either at or near the time of menstruation. Burt (1930) also supported this argument. Unfortunately for the physiologists, his analysis also contained a small but significant grain of commonsense. He maintained that it would be incautious to presume that offences were committed by women

only during periods of menstruation. It was quite conceivable that women carry out their thefts with less skill and greater carelessness on these occasions, and so are more likely to be detected.

The third period—that of pregnancy—has, surprisingly, received little attention. Pregnancy tends towards a temporary lack of balance and self-control in women, and some writers have maintained that there is a tendency amongst women to commit theft during this period. Most writers have concentrated on the effects of the natural termination of pregnancy, i.e. childbirth. Puerperal and lactational insanity are frequently found in cases of infanticide and child destruction.

Whilst the effect of pregnancy has received very little attention from writers, the influence of menopause has been the subject of much sociological comment and controversy. Most writers maintain that menopause has a more disturbing effect upon women as contrasted with the earlier sexual crises, insofar as the change of life leads to a certain biological imbalance which is accompanied by such psychological states as severe depression, anxiety and emotional instability. In addition, the loss of physical attraction, which has a tremendous commercial value in present-day society, acts as a further complication. Pollak (1950) maintained that the peak age for many crimes committed by women was between the ages of forty and fifty, particularly for such offences as shoplifting, receiving stolen goods, offences connected with irritability and lack of control, such as insulting behaviour, perjury and breach of the peace. Menopause has a worse effect upon the single and separated woman as the unsettling effects are aggravated by the lack of the security afforded by a home life.

The physiologists' explanation of female delinquency is not limited to the purely biological aspect of the different sexual crises but also extends to the psychological aspects. The female delinquent is supposed to possess to an exaggerated degree such "feminine" characteristics as excitability, hysteria, depression. These characteristics are not peculiar to female delinquents, and can be found in the rest of the population. Such states as manic depression are quite common in contemporary society. There are primarily two courses open to the female delinquent. She can either dismiss these characteristics as completely inapplicable or inappropriate to her own character, or she could accept the physiologists' argument.

The theoreticians have paid most attention to hysteria amongst female delinquents. Serious interest in the subject began in the 19th century. Sexual repression was supposed to be the main cause of hysteria, which sooner or later manifested itself in false accusations and other bizarre forms of behaviour. The decline of Victorian sexual morality has to some extent considerably modified the argument favouring sexual repression as the main cause of hysteria. Yet Healy (1915) and Pollak (1950) maintained that sexual frustration and hysteria



are to be found in practically all cases of false accusations made by women. Palthorpe (1932) extended the same argument to cases of kleptomania. A recent publication *Delinquent Girls in Approved Schools* drew the reader's attention to a number of cases of hysteria found among young girls in approved schools. Some of these descriptions were similar to the Victorian descriptions of hysterical behaviour. But these girls were known for their "sexual promiscuity". It follows that the old explanation of hysteria is untenable, and that the penal institutions hold a number of seriously disturbed girls who shouldn't be there in the first place. One must also not forget that the penal institutions are particularly conducive to hysterical behaviour. (See Marjorie Holt's article on "Women in Holloway".)

Depression, like hysteria, has frequently been regarded as an emotional outlet for women. Cameron (1944) and McNiven (1944) maintained that melancholia in extreme cases may cause women to take their own lives or the lives of others, usually in their own families.<sup>5</sup> In general a conscious realisation of being peculiar can create a sense of being rejected by society, which may lead to anti-social behaviour as a compensation. This general feeling of inadequacy is particularly prevalent among girls and women who have at some time lived in institutions.

The two alternative choices open to the female delinquent, i.e. the acceptance or the rejection of the physiologists' argument is surely a very difficult one. If the physiologists' claim is based on the assumption that female delinquents are the only people who are susceptible to these severe psychological states, then that claim is untenable. These characteristics are common to the rest of the population and become "publicly visible" in mental hospital language. It is absurd to presuppose that there is such a thing as a delinquent character. The two alternative choices open to the female delinquent are therefore grounded on an individual's self-analysis, as is indeed the case for the rest of the population. The self-analysis could be carried out at two specific points in time, before and after imprisonment. Any differences, both in degree and in kind, would act as an interesting reflection on penal correction.

While the female delinquent can easily understand the immediate relevance of depression and anxiety, it seems highly unlikely that she would appreciate the Freudian part of the kaleidoscopic image. The Freudian analysis of female delinquency is simply based on the penis-envy theory. It would surely be rather absurd to expect a woman who had defrauded the National Assistance Board or failed to keep up with HP payments, to agree that the principal motive for her actions was her desire to possess a penis.

The Freudians, like the physiologists, saw a direct link between women's sexuality and her delinquency. Their spectrum of analysis

didn't have a wider sociological frame of reference. This wider framework of reference can be broken down into two inter-related parts: firstly a woman's reaction to unfavourable factors (e.g. loss of physical attraction, age, lack of marital status) which affect the woman *vis-a-vis* her rôle as a woman; secondly her reaction to other unfavourable factors which arise primarily from her position in the social strata. The largest age-group in penal institutions consists of girls in their teens. The teenager deemed to be in need of care and control, and the girl convicted of shoplifting are fairly common examples. Therefore if there is any correlation between youth and contact with the law, it would be fairly logical to assume that the second largest age-group would consist of women in their twenties. The second largest age-group, however, consists of women in their forties and fifties. (I have already alluded to the effect of menopause.) Generally, most women depend very heavily upon physical attraction. The loss of this attraction has a detrimental effect upon the woman, as less attention is paid to her and her own evaluation of herself is considerably decreased. It is frequently at this stage that marital problems, in the case of married women, and general isolation, in the case of single or separated women, may appear overwhelming. The importance of the marital status as a stabilising factor has been the subject of some controversy. Criminologists like Radzinowicz claim that marriage has a positive effect upon women. They are less likely to break the law since this would have a detrimental effect upon their family. On the other hand, marriage brings its own problems, and the pressure to keep up with the Joneses may be such as to lead the woman to commit fraud or to fall behind with the HP payments. Most of the women in Holloway have children, although not all of them are married, and it may therefore be more plausible to re-define the "marital status" as a relationship status, which is centred round the idea of a nuclear family.

The secondary role accorded to women does not only place a heavy emphasis on physicality and marital status, it also conditions women to underrate the importance of intelligence. It is a fairly common assumption among sociologists that women in prison are, on the whole, not very intelligent; their lack of intelligence being a contributory factor in their incarceration. The intelligence of women in prison is considered to be below that of the general population, and even below that of men in prison. Dr. Charity Taylor noticed that the women who were sentenced for child cruelty and neglect had a very low level of intelligence. In a society in which a certain level of intelligence is necessary for survival, the female delinquent who fits this description may be regarded as a "social failure".

The most contemporary aspect of the kaleidoscopic image draws a direct comparison between delinquency on the one hand and failure or inadequacy on the other. Delinquents are regarded either as failures as people, or as failures as members of society, or both. There is no satisfactory definition of personal failure, and any attempt to arrive



at a definition involves a high degree of conceit. However, using very narrow criteria, one can attempt to define social failure. Thus in a materialist society, poverty would be regarded as tantamount to social failure. Frances Heidensohn, in attempting to arrive at a general theory on the criminality of women, considers that most of the women in Holloway are (a) women who have been sentenced for crimes against property, some of which are of a petty and apparently motiveless nature, and (b) women who come from the poorer or less influential sections of the community. Her theory is based upon sound common sense, and were it not for the fact that it ignores the psychological aspect, it could be acceptable (as a partial and not a general theory). Most of the crimes committed by both men and women are crimes against property. This is a natural reflection of the values of society. In addition a large proportion of the pressures of consumer society, directed through advertising, the mass media, etc., are aimed specifically at women. So it is reasonable to assume that sooner or later a fair proportion of women are bound to get into trouble over, for example, failure to pay HP instalments. Membership of the poorer or less influential section of the community is an immediate disadvantage since it fails to give one the contacts, the scepticism, cynicism or straightforward "know-how" to avoid arrest and imprisonment. These women are at a double disadvantage. Apart from belonging to a less influential section of the community, many of them are likely to be entirely dependent, economically, on their men. It is not unusual to come across an instance of a woman with a large family who is given a very small sum of money on which to manage. She has left school at 15, is totally unequipped to lead a reasonably independent economic life, and finds herself literally bound to the home and the children, living on a pittance, and forced to find some illegal means of coping. Add to this an ignorance of some of the basic facts of the commercial and the legal world—and the picture becomes very grim.

The kaleidoscopic image has therefore moved from the bizarre atavistic arguments of Lombroso to the more mundane but common-sense theory of Frances Heidensohn. The poverty-hypothesis has been of general interest to criminologists, although it has never been specifically applied to women. Its restatement in this form is important since it relates the prospect of becoming delinquent to social status. A recruitment of future delinquents from the top elites of society is always highly unlikely.

At the beginning of this article I stated that that delinquency was a very useful weapon in the social and political sphere, and this, to my mind, appears to be one of the few constructive ways of viewing female delinquency. Lombroso's and Pollak's theories are bizarre, Freud's is laughable, and most of the physiologists and sociologists see only certain aspects. A female delinquent is very much part and parcel of society—at times she *reflects* its sick values, at other times her action is a positive rebellion *against* the values of society. The

question of who is, or what constitutes a female delinquent, is (outside the strictly legal sphere) a ridiculous one, and should not have been the subject of so much thought and effort.

#### NOTES

<sup>1</sup>Most of the criticisms of Lombroso's theory have been directed at his unscientific approach (e.g. Charles Goring in *The English Convict*). The plausibility of the born-criminal hypothesis has not yet been sufficiently criticised.

<sup>2</sup>The modern followers of Lombroso include the Crimino-Biological School, the Neo-Lombrosians and the Endocrinologists. The Crimino-Biological School is mainly concerned with allegations of certain inborn tendencies and predispositions towards criminal attitudes. Bodily features are significant only as far as they are connected with corresponding mental traits, and social factors are not entirely ignored. Thus Ernest Kretschmer, who belonged to this school, attempted to combine psychological and pathological characteristics with certain bodily types and thereby to determine the type of crime which is likely to be committed. The Neo-Lombrosians, in defining the criminal type, replaced the physical type with the psycho-pathological type. The Endocrinologists found a direct connection between born criminality and disturbances of the ductless glands.

<sup>3</sup>Ann D. Smith: *Women in Prison*.

<sup>4</sup>*Delinquent Girls in Approved Schools*.

<sup>5</sup>In the United Kingdom, one in three murders is followed by the suicide, or attempted suicide, of the murderer. In a number of these cases of murder followed by suicide the latter is a woman.

## 2: Changing patterns of crime amongst women?

*Part of this article is based on a paper presented by Raya Levin at the Women's Liberation Conference at Oxford last Easter.*

UNFORTUNATELY WE LIVE IN A SOCIETY in which the concept of criminality is regarded as an important aspect of the social framework. Theoretically, criminality exists by virtue of society's definition, and by the individual's enactment or non-enactment as the case may be, of specific actions. Viewed differently however, the concept of criminality is for practical purposes dependent upon the opportunity to commit the important criminal act, and society's willingness to punish that particular act upon its discovery. With regard to the first factor, society may for example create a crime which forbids people to defy the law of gravity solely through their own volition; but as this is a practical impossibility, the existence of the crime has theoretical and not practical implications. However, most crimes are well within the capacity of most human endeavours, and "opportunity" can be translated in terms of such sociological concepts as social rôle, conditioning, etc. Society's willingness to punish a particular crime may well be dependent upon the role or status of the perpetrator of the particular crime.



These two factors can be demonstrated in considering the possibility of a change in the pattern of crime among women, both from a quantitative and a qualitative point of view. Basically, women's passive social role has, from a very cynical point of view, had some favourable penological consequences. From the quantitative point of view, women have always been less criminal than men. Their non-participation in the wider social sphere is one possible explanation.

Mannheim, in his book *Comparative Criminology* (Vol. 2) puts forward some further explanations. Female crime has been dealt with almost exclusively by men in their various capacities as legislators, judges, policemen. "This centuries old male predominance has not worked in the expected direction, i.e. to the disadvantage of females, but may indeed have favoured them in many ways. Men seem to have made penal laws mainly to prevent and punish actions which they thought endangered their personal interests, whereas certain specifically female forms of misconduct were often regarded as not serious enough or too pleasant or indispensable to warrant penal measures. The legislators being male, may unwittingly have moulded the whole system of criminal law in such a way as to turn a blind eye to some of those anti-social actions most frequently committed by women, such as prostitution, which, unless accompanied by certain other activities, is not an offence in most countries—or lesbianism, lying or quarrelling. However, as the example of witchcraft shows, this hypothesis should not be stretched too far. A modern example of an exception to this hypothesis is the still unfavourable laws relating to abortion. Men have also enacted certain legal mitigations in favour of women, which have an important effect. There was until 1925 a common law presumption that a woman who committed a felony (except murder or treason) in the presence of her husband, had committed it under compulsion and was therefore entitled to be acquitted, but this presumption was abolished by the Criminal Justice Act 1925 S. 47, because of the improved social position and consequent greater independence of women. A statutory provision in favour of women, but limited to one crime—infanticide, is contained in the Infanticide Act 1938."

In addition to such legal distinctions made in favour of the female sex, there is further, the inequality observed in the detection and the practice of prosecution and sentencing. It has been argued by several investigators that women tend mainly to commit such offences which are by their very nature only detected with special difficulties, and even if detected, are only rarely reported and prosecuted, e.g. non-professional shoplifting, thefts by prostitutes and domestic servants, abortions, perjury and indecent exposure. It is however not only the type of offence, but also the manner of participating in it which reduces the official crime rate for women, as they are more likely to play the role of the instigator, aider and abetter, than that of the actual executant, and it is more difficult to detect the former than

the latter. The criminal law and the administration of criminal justice are almost exclusively executant-centred. Closely connected with the form of participation is the sex difference concerning acquittal, as those who take part in crime in less direct ways than as actual doers, are more difficult to track down, and they stand a better chance of being acquitted in case of prosecution. In 1961, 33,040 males and 1,248 females were brought to trial before Assizes and Quarter Sessions—a ratio of 25:1, whereas acquittals numbered 2,784 males as against 163 females—a ratio of 17:1. That members of the public are far more reluctant to take action against girls than against boys is common knowledge, and accounts to some extent for the disparity of cases brought before the juvenile courts. Moreover, when charged and found guilty, women are more leniently treated by the courts than men.

The chivalrous argument postulated by Mannheim is both a complex and a many-faceted one. There is, however, one particularly interesting aspect of it: the connection between the amount of crimes committed by women, and their so-called emancipation. If followed logically, this hypothesis assumes that women should figure more frequently in criminal statistics in recent times in view of the generally freer attitude towards them. I have already alluded to the abolition of the common-law exemption in cases of felony. But a study of the criminal statistics suggests that with the exception of a peak in 1948, there has been a steady decline in the number of women who have been imprisoned in penal institutions. This fact, from a strictly logical point of view contradicts Mannheim's "chivalrous argument". This quantitative decline (although the very latest figures may indicate another "peak") which is perhaps the most significant aspect of change in the pattern of crimes committed by women, can be explained on one of the two following grounds: either the emancipation of women in realistic terms is a pure figment of the imagination, or else the more lenient attitude of the legal system has continued in spite of the "emancipation of women". The emancipation of women, apart from the franchise, is to a large extent an illusion. In the economic sphere the professional woman is almost on an equal footing with her male counterpart, but for the vast majority of women equal pay has yet to come. The rise of the Women's Liberation Movement has pointed to another more disturbing aspect of the emancipation illusion. Psychologically, women are regarded by men, and, worse, by themselves as secondary and passive human beings. Without a psychological liberation, the emancipation question can only be limited to the franchise and the economic sphere. The argument which favours the emancipation-criminality hypothesis sees in emancipation a freeing or liberation to participate more fully in social life and subsequently in criminality on a wider and less specialised scale. Thus for example, women would figure more frequently in crimes of violence and crimes against public order. However, there is a very important flaw in this argument when we consider the present evidence. The women who figure most frequently in criminal statistics are not those upper and middle-class



women who are at least aware of the problems of emancipation, but are women from the lower social strata, who perhaps have never heard of, or been aware of, the existence of, the "problem". They are in prison largely because they have been unable to cope with the pressures of life. Raya Levin, in her paper on *Changing Patterns of Crime Among Women* stressed this particular point. Some women are unable to cope and have to resort to such measures as fraud, breaking into gas meters, and sometimes even minor forms of prostitution. To alleviate this form of degradation and poverty, society needs revolutionary changes. (One method suggested by Raya Levin consisted of the payment of a salary to women, or men, who were responsible for bringing up children.) Emancipation in the case of these women may have the reverse effect, and lead to a *reduction* in the female crime rate. However difficult the ramifications of the emancipation-criminality hypothesis may be, it is fairly reasonable to assume that the attitude towards women offenders is becoming more lenient. (The 1948 peak may be explained on the grounds of a general disruption after the Second World War.) The quantitative decline is due to a number of factors, the retention of the "chivalrous attitude" in spite of the "emancipation illusion" constitutes one such factor. In addition women are not, from the political point of view, regarded as dangerous. (Women are supposed to be basically non-aggressive and are not regarded as security risks even when imprisoned.) Women are regarded as extremely important in maintaining the social *status quo*, and from the point of view of the power elite, they perform a very useful social function. Any attempt to take severer penal sanctions against them may have the dangerous effect of rousing women from their passive role as retainers of the *status quo*.

A quantitative change in the pattern of crimes committed by women is far easier to detect than a qualitative change. There are basically two possible criteria for determining a qualitative change. The first consists in what constitutes society's general idea or conception of female criminality. The second is based on a factual analysis of the types of crime committed by women. Society's conception of female criminality has changed throughout the ages. Mannheim has maintained that historically seen, the crimes in which women were usually involved in former ages used to be adultery and incest, witchcraft, poisoning and infanticide. Although the typical female crime differed from age to age, the *raison d'être* for the criminal pattern can be explained either as being determined by some powerful body, e.g. the Church or elite, or else it can be understood in terms of a reaction to harsh economic or social conditions. During the Middle Ages when the stranglehold of the Roman Catholic Church was at its strongest, witchcraft was regarded as the most typical crime. Kurt Baschwitz, who wrote an international history of witchcraft trials demonstrated that most of the accused were elderly women and poor specimens. This proves that there is a strong connection between helplessness and criminality. Co-existing with witchcraft, one comes

across the crime of "vagabondage" which may be regarded as a reaction to extremely harsh economic and social conditions. Pike maintained that women were constantly mentioned in the fourteenth century, not only as receivers of stolen goods, but also in connection with brigandage and their crimes of violence; they were, he writes, often "almost as brutal as their husbands or paramours, and among the masses of vagrants, women too played a prominent part, not only as companions of the males, but often without them as prostitutes and beggars". Later, in the eighteenth century, the type of female crime which attracted the most attention was infanticide. Radbruch and Gwinner call it "the key offence of all eighteenth century efforts to modernise the mediaeval criminal law". Schiller, Burger and Goethe made effective propaganda in their works for the abolition of the death penalty for this crime. The French Revolution stimulated the reform effort, and a prize competition held in 1780 in Germany on the question 'What are the most practical means to prevent infanticide?' enlisted four hundred replies, among them Pestalozzi's. Generally infanticide can be regarded as one of the crimes symptomatic of the callous exploitation by the aristocracy of women belonging to the lower social class.

The Victorian concept of female criminality was prostitution; and as such represented a perverse form of exploitation. It is an ironic fact that prostitution should have played such an important part in a society which was known for its strait-laced and hide-bound sense of morality. Most "respectable" Victorian women were taught to accept a totally unrealistic and frigid attitude towards sex. Consequently there was a big demand for the prostitute market. Henriques, in his book *Modern Sexuality*, paints a depressing description of the Victorian prostitute trade. Chastisement and a passion for defloration were common features of the Victorian prostitute's scene. The twentieth century's concept of female criminality is not stereotyped, and covers such prosaic offences as drunkenness, prostitution, cruelty to children, shoplifting, and motoring offences. This multiple approach means that society's attitude is more realistic, since women are no longer deemed to predominate in one specific crime. The description of these crimes as prosaic, also reflects a different form of realism to the extent that female criminality is no longer regarded as romantic or mystical but is viewed in a very mundane light. The exploitation or the economic hardship is not so blatant. These women either come from the non-vocal, uninfluential sections of the community, or else, as in the case of the vagrant drunk, have broken the conventional middle-class norms. The exploitation lies in the fact that these women lack a certain social status, or else have refused to conform to certain norms and values. At the beginning of this brief historical sketch, I said that witchcraft demonstrated the connection between helplessness and criminality, and it is my contention that a significant part of the pattern of crimes committed by women will demonstrate the connection between non-conformist behaviour and criminality. Shirley Williams, at a recent NACRO Conference, stated that the Home Office will in



the future concentrate on two groups: drug addicts and those who don't conform to straight society.

However, before indulging in any crystal-gazing, one should briefly mention some factual analyses of crimes committed by women. Society's conception of female criminality acts as a fairly reliable guide to any qualitative change. Thus, for example, the Victorians' preoccupation with prostitution substantially affected the criminal statistics. The present pattern of crimes committed by women is a complicated one and still reflects the "feminine role" ascribed to women. When broken down statistically, nearly 50 per cent of the women and girls who receive custodial sentences are guilty of crimes against property. Others have been convicted of offences relating to prostitution (over 20 per cent), drunkenness (about 15 per cent), violence or assault, cruelty to children, and, in a very small number of cases, murder. Viewed superficially, this pattern reflects "the general values of present day society". It is a significant fact that in a materially-orientated society, 50 per cent of crimes by women relate to offences against property. Most of these offences are petty in nature, and as we have seen, reflect the inability of the poorer woman to cope with the pressures of life. The financial swindles of big business although vastly different in both extent and scope, constitute the "socially acceptable" forms for the misappropriation of property. The emphasis on property in the criminal pattern is not only consistent with the values of respectable society, but is also consistent with the general pattern of criminality for both men and women. But the "opportunity" and "role" concepts are responsible for important differences in the pattern of property offences for men on the one hand and for women on the other. The proportion of property offences for men is higher. This may be due to the fact that women can look upon prostitution as an easy way of earning a living. The most typical female property offences are shoplifting and receiving. Women very rarely participate as principals in burglary or robbery with violence. The only qualitative change in property offences committed by women reflects a slight change in status. There has been a decline in domestic pilfering as fewer women choose domestic work.

Women also predominate in such typically feminine offences as prostitution, child cruelty, infanticide and abortion. In this context there hasn't been a qualitative change in the pattern of crimes. The only slight change is found in the case of prostitution. According to social historians there has been a significant decline in the number of common prostitutes. Improved economic conditions and a less hypocritical attitude towards sexual intercourse, may be possible explanations. In addition, the 1958 legislation makes the common prostitute "less visible". Yet the majority of prostitutes in prison are common prostitutes. They are the least organised and the most vulnerable section of the prostitute population, and for such the high risk of imprisonment is a foregone conclusion. The less hypocritical attitude towards sexual intercourse means that the prostitute has to deal with

a more restricted and specialised clientele. The emphasis in the case of the "services rendered" will be less on straightforward intercourse and more on perversions. Although statistically insignificant, the most depressing aspect of these typically feminine crimes is infanticide and child-destruction. The number of cases of infanticide and child-destruction have decreased, but the main characteristics remain. In spite of the availability of information, most of these women are unprepared both intellectually and emotionally for childbirth and the ensuing responsibilities. An additional complication lies in the fact that a high proportion of these children were unwanted, and the mothers were either unwilling or unable to procure an abortion in time. Infanticide and child-destruction is not committed only by the unattached girl or woman, but is resorted to by women who already have large families. In addition to sheer worry and anxiety, a number of these women have also suffered from puerperal and lactational insanity.

Although not commonly regarded as "typically feminine crimes" certain aspects of drunkenness and hard drug addiction demonstrate a reaction to the feminine role. Statistically, the number of cases of drunkenness among women has decreased, but nevertheless they still form a fair proportion (15 per cent) of the total number of crimes committed by women. The decline in total figures may be due to improved economic conditions. But basically the need for alcoholic oblivion is deeply rooted in feelings of personal failure. Although there are fewer women alcoholics, their sense of personal failure is usually greater. They have failed in the conformist's conception of a woman. As men have been conditioned to be more extrovert, failure or a break-up of personal relationships does not have such a devastating effect. For women, personal relationships generally constitute their one and only point of reference. There is one aspect of drunkenness among women that frequently tends to be overlooked: there is a fairly high risk among prostitutes of becoming alcoholics and drug addicts. They have debased the naive, romantic conception of love, and have in return been debased as human beings. By some strange paradox the prostitute is one of the strongest affirmations of the feminine myth, but is regarded by the respectable upholders of this myth as one of its greatest threats. Conventional society has its methods of revenge, and alcohol and drug addiction are two psychological escape routes from this revenge.

Our society has been substantially influenced by the Protestant ethic, and consequently any form of illegal euphoria is heavily sanctioned. An additional reason for these heavy sanctions lies in the fact that a fairly large proportion of drug users are drawn from the non-conformist sections of society. Generally, drug users who are imprisoned tend to be young, drawn from the West End scene, and take drugs ranging from pot to heroin, for a number of reasons. Unless heavily addicted, they don't do any damage, except to themselves. The largest proportion of female drug addicts, however, is to be found



in suburbia, and consists of housewives who have a real need for barbiturates. Fortunately they don't figure in the criminal statistics.

What about the future of female crime? To pose such a question requires some conception of the society of the future, and in particular of the social role of women. The main characteristics of the society of the immediate future will be an increased materialism, and a sense of alienation. If the materialistic trend in society continues, women will to a large extent be committed to prison for crimes against property. We could say, cynically, that provided the pressure to consume continues, crimes against property will predominate, irrespective of any increase in the economic prosperity of women. The Women's Liberation Movement is important, but its effect won't be felt in the immediate future. Women will still predominate in what are now described as "typically feminine crimes". Henriques has maintained that prostitution will become a less common feature because of the growth of libertarian attitudes, but contrary to popular expectations, women are far from liberated sexually. This, together with a general coldness and alienation in present-day society, means that shy or inhibited men will still have to resort to prostitutes. Drunkenness and drug addiction are important aspects of our society and represent the reverse of the coin of material prosperity. It seems highly unlikely that this tendency will change in the near future. In fact the evidence seems to point to the opposite conclusion: to an increase in emotional poverty. The imprisonment of addicts and alcoholics is one of the most depressing aspects of the criminal pattern, for it is a visible reminder of society's total vindictiveness towards those it deems to be social failures.

For the individual, we can say that the choice is either, from a cynical point of view, to exploit the system, but to avoid being classified as criminal, or to postulate a society in which the concept of criminality is non-existent. The first solution is escapist, the second is the more rational and the more difficult alternative. The difficulty stems from one basic fact, and that is that the stereotype of the criminal or the outcast has been ingrained for so long in our subconscious. And there is always the danger of substituting one stereotype for another. We can see this happening today, as the stereotype of "social inadequacy" slowly acquires the same degree of stigma that has always been reserved for the stereotype of "crime".

### 3: The penological future for women

*Lord Stonham, of the Home Office, has prepared a Report on the Treatment of Women Offenders, based on the analysis undertaken by his Department, not yet published. This article is a commentary on the Report.*

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THERE IS VERY LITTLE INFORMATION on women offenders. This blissful state of ignorance is due to a number of factors: firstly the smaller number of women offenders (the proportion of women to men offenders is 1:35), secondly a general lack of interest in the subject, and thirdly a reluctance on the part of the authorities to allow any constructive research. We, as anarchists, would therefore welcome this report as a potential source of information.

Any such report should satisfy the following two criteria: it should fail to provide a sound analysis of the "problem" which forms its subject matter, and its recommendations should be both vague and contradictory. Does this report live up to our expectations?

The "problem", if that is the correct word, is the treatment of women offenders. Two questions immediately spring to mind: what exactly is treatment, and what are the special characteristics of women offenders which may make them particularly susceptible to treatment? The word "treatment" implies cure or healing, and therefore has a distinctly medical tone. When used in the penological sense, the word means "punishment" and hence has the very opposite meaning. The major part of the report uses the word treatment in the penological context.

There are hardly any substantial descriptions of women offenders. They remain a rather vague penological category or abstraction. According to the report there are some women with drug problems, some alcoholics, and some who are mentally ill; the younger woman or girl may prove to be a reluctant student in a vocational or academic course. These are very illuminating statements! The only slightly substantial reference to women offenders is found in the first paragraph. ("I could emphasise that women offenders are a special case requiring forms of treatment, which are not necessarily suitable for men. They



are special not because they are women, but because a woman who risks a custodial penalty is a comparative rarity and thus justifies consideration as a special case.") We are told that women who risk a custodial sentence are special, but there is no attempt made in the report to define this special quality. (The statement that very few women fall foul of the law, unaccompanied by any tangible description of them, is worse than useless.) There is, for example, no easy comparison or equation between this "special quality" on the one hand and mental illness on the other. The report makes it quite clear that only a certain proportion of women offenders are mentally unbalanced. ("Certain types of women offenders need medical treatment and residential care. . . .") There is an additional complication, for the phrase "a woman who risks a custodial sentence" is based on the nineteenth century concept of free will. It assumes that a woman knowing the full implications and horrors of imprisonment deliberately sets out to break a social norm, the contravention of which merits the penal sanction. Unfortunately for the romantics, most women offenders are renowned for their ordinariness, and for the lack of any deliberate course of action which is aimed at their own incarceration.

A new theory on female delinquency regards most senseless crimes (e.g. petty theft, child neglect) as a subconscious appeal for attention, amounting to a risk subconsciously undertaken. When stated like this, the new theory may appear to substantiate the report's statement about women offenders. But the call for attention constitutes a cry for help and not an appeal for imprisonment, which frequently leads to a further regression on the part of the individual. However, in the interests of fair criticism, one must agree that there is some truth in the report's statement on women offenders—women offenders *do* become special cases in so far as the care and attention paid to them by the legal and penal machinery spotlights them as society's scapegoats, guarantees their separation from their families and friends, and hinders their reacceptance into society, much to the annoyance of the women. The problem summed up as the treatment of women offenders therefore refers to the punishment of an undefined, ambiguous category of human beings. The report has satisfied the first criterion.

Governmental reports, particularly penological reports, are renowned for their ambiguity and their contradictory statements. This ambiguity is a protective device. The substance of such reports is based directly on important political and social values, and the reports must therefore give the appearance of maintaining a balance between reactionary and progressive views. In other words they must pay lip-service to liberal sentiments, whilst firmly maintaining the *status quo*. The ensuing confusion acts as an excellent excuse for the Government's failure to implement those few recommendations, which do emerge from the mass of verbiage. The Gladstone and the Du Cane Reports on Prisons were excellent examples of this ambiguity.

The Sociological Report on the Treatment of Women Offenders

follows in the tradition of these two reports. The first section of the report appears, to the naive optimists among us, to be fairly promising. ("We have now completed a careful examination of our policy regarding female offenders and are reviewing the necessary powers and facilities which would enable us to reduce the female prison population. . . . I cannot anticipate the findings of this committee, but it is at least arguable that the number of women held in custody could be reduced either without detriment to the community at large or to the rehabilitation of the individual who would at present receive a custodial sentence. . . . For example, an obvious candidate to custodial care is community work. . . .") Read as a whole, this section appears to be "fairly liberal" and at least promises a questioning of the present *status quo*.

The final section of the report raises a few fundamental and important questions. The most important question is, of course, centred round the abolition-retention controversy. The rather naive question: will prison be abolished for women?—is prompted by the additional fact that this report had the reputation of being a very liberal one. However, it eventually becomes clear that prison for women will definitely be retained. ("We must provide a variety of regimes for females in custody." . . . "We have decided on a penal system for women based on a northern and southern complex with a rebuilt Holloway as the principal establishment around which the others are pivoted.")

This retention flies in the face of a mass of evidence which points to the irrevocable damage done both to the woman offender and to her family. Only a small proportion of women need secure conditions in so far as they are dangerously mentally ill. The alternative even here is constructive psychiatric care and not prison. The rest of the women could stay in the community. Most women outside penal institutions are neither aggressive nor dangerous. The social conditioning of women to accept a secondary and passive role is an effective factor in this context. Frances Heidensohn, in her article "Prisons for Women" (*Howard League Journal*, vol XII no 4, pp 281-288), describes the hysteria frequently found in penal institutions. All writers on the subject from ex-governors to sociologists say that there is more unrest in prisons for women. It takes the form of hysteria and personal attacks rather than mass riots, and is even more difficult to control. "Bang-Ins" and "Smash-Ins" are fairly common, and recent Prison Department Reports suggest that there are growing tensions due to the increasing concentration of what is called "poorer inmate material".

The individual woman who is imprisoned is deprived of the essential quality which distinguishes a human being from a walking automaton, and that quality is autonomy or self-determination. Deprived of the right to make her own decisions, she also suffers from the deprivation of her family, friends, sexual relationships, her livelihood and material goods—above the standard of material goods provided in prison. In



particular a woman suffers from the severed contact with her family. It is heartbreaking for a woman in prison to be incarcerated, helpless in the knowledge that her marital or other relationships are probably disintegrating, and that apart from missing her children, there is always the danger of their being taken into care. Most of the women in prison come from the lower stratum of society, and therefore this is a grim reality. The damage is not limited to the term of imprisonment. Once the corroding process of institutionalisation sets in, it becomes difficult for the woman to adjust to the outside world on release, when she may encounter after-care organisations which are society's apology or bad conscience for imprisonment.

The abolition question is not the only demonstration of the Report's intention to maintain the *status quo*. The Report also has an unquestioning approach to present penal philosophy; it accepts the traditional idea of human behaviour and motivation, and finally it condones the present penal system. Its acceptance of present-day penal philosophy is demonstrated by the following extract: "Turning to custodial sentence, a basic question is whether treatment is compatible with punishment. To my mind the only punishment inherent in a custodial sentence in a civilised society is the deprivation of liberty. There is or should be no punishment within the prison apart from that for offences committed in prison. *Our regimes are entirely geared to treatment.*" This quotation could quite easily have been extracted from a guidance manual for prison personnel, and is based firmly and squarely on the treatment-hypothesis. I have already alluded to the misuse of this word "treatment". The word has a distinctly respectable tone to it. There is, however, a contradiction in the use of the treatment-hypothesis. The Report uses the treatment concept as both analogous to, and at the same time quite distinct from, punishment. According to the Report, punishment consists of both the deprivation of liberty and punishment for offences committed in prison. As the prison regime is supposed to be entirely geared to treatment, these two types of punishment are regarded as treatment. However, the statement "There is or should be no punishment in prison apart from that for offences committed in prison", suggests that the deprivation of liberty which was at one time regarded as punishment is no longer regarded as such. Hence the treatment-punishment hypothesis is based on a false analogy. Even if we could ignore the linguistic difficulties which arise from the treatment punishment equation, one cannot ignore the simple fact that "treatment", in the penological sense, damages the individual.

The traditional penal philosophy is based firmly on the Hobbesian idea of human behaviour and motivation. The emphasis throughout the Report is on punishment and discipline, even the idea of responsibility operates within the "discipline" framework. ("For others we need a regime where good order and discipline is taught to those women. . . ." "Open conditions, linked with a hostel scheme, is clearly appropriate for

a substantial proportion of women.") There is no mention of human understanding or any qualities which could operate in an open-ended situation. This authoritarian framework must surely be dismissed as an obsolete remnant of Victorian moralising, which is particularly ineffective as far as women are concerned in so far as women are individual-oriented as distinct from group-oriented, and are thus probably more able to understand an open-ended situation as distinct from an authoritarian one. (While all prisons are both degrading and depressing, most penologists find the social set-up in prisons for women even more depressing than in their counterparts for men.)

The report advocates a re-examination of the penal policy for women offenders. Yet it accepts the present penal system. The last four paragraphs of this report are written in praise of the closed prison. Yet closed prisons for women have been described by women who have been in one as "stinking holes which should be closed down". The references for "liberal" reforms in prison are exceedingly patronising in so far as there is implicit in them an assumption that the reforms are sufficient and perhaps even over-generous compensation for a woman's imprisonment. ("In managing the whole of the women's prison system we are moving steadily towards more permissive regimes. Women are now allowed to wear their own clothes, and if they have none suitable they go out to shop and buy them and we pay." "Women are allowed on hostel schemes under different conditions to men, women are allowed to have knitting wool and dress materials sent into a prison for their hobbies; all categories of convicted women are allowed to have personal wireless sets. It may be that in the future it will be appropriate to extend at least some of these facilities to male prisoners, but there is no doubt in my mind that it is right for women to have them now.")

Open prisons, like the closed ones, are given a considerable amount of praise. ("Our main experience of this area of treatment is the hostel scheme which operates very satisfactorily from Asham Grange. . . .") Attendance centres are also accepted without any reservations.

These are the negative aspects of the Report which contradict the liberal tone of the first few sentences. Are there any positive aspects? Imprisonment for women will be reduced. But here again, as on the abolition question, there is a great deal of ambiguity. We are told that the penal system for women will be rebuilt. Will the prisons accommodate fewer women, or will they (following the Government's general policy of expanding the prison population) be built for a larger female prison population? Who will be sent to prison and who will be subjected to alternative sanctions?

The hostel scheme at Asham Grange is held up as a model alternative. Yet Asham Grange is an open prison, and while it may not be as claustrophobic as Holloway, the women who are sent there are still constantly reminded that they are in prison. Open prison still



means an enforced separation for the women from their friends and families.

The most important alternatives are consistent with the general tone of the Report. There are however three types of recommendations which are partially acceptable. These can be divided into those which constitute a rationalisation of the nature of sanctions, those which suggest medical alternatives for drug addicts, alcoholics, and the mentally disturbed, and those which can be classed as community and educational alternatives.

The rationalisation of the nature of sanctions is limited to offences against property, and takes the form of deductions from earnings. "A woman might be employed as she is at present, but a large part of her wages could be deducted perhaps towards payment of a fine or costs of repayment to her victims, or simply go into public funds. This type of award might be particularly appropriate for offences against property." The sanction for offences against property has therefore developed from a purely vindictive (i.e. imprisonment) to a *quid pro quo* basis. The next development of this type of sanction could take into account the character and means of the particular "thief" and the amount of injury inflicted upon the owner of the stolen piece of property—petty theft from chain stores being regarded as more easily forgivable than theft from an old age pensioner. Secondly, before applying the sanction one could also see and appreciate the relevance of the particular theft within the context of the values of society. A person classified by the traditionalists as "socially inadequate", may by virtue of that classification have few or no alternatives to theft open to him or her. The third and final stage of development consists in a questioning of the need for the sanction. The report recognises that drug addicts, alcoholics and the mentally disturbed should not be sent to prison. Whilst this recommendation is important for all three categories of people, the inclusion of drug addicts and alcoholics in its recommendations is to be particularly welcomed. The insane are theoretically no longer sent to prison. But the laws of insanity are so complicated, that it is easy for a seriously mentally disturbed person to find herself in prison. However the mentally disturbed have at least been considered theoretically to be unfit for prison and there have been alternative methods of coping with them, although some mental hospital wards can be subjected to the same amount of criticism as prison. The attitude towards addicts and alcoholics has been both stupid and vindictive. Severely addicted people need medical, psychiatric and social care. In comparison with men, there are fewer women addicts, but they usually have a more deep-seated neurosis, which cannot be understood, let alone cured, in a prison. The Report does not give any details of the proposed "medical care" for the mentally unbalanced, the alcoholics and the addicts. We need constantly to scrutinise the alternatives suggested, in order to avoid the re-creation of the repressive atmosphere of prison.

The third recommendation suggesting community and educational alternatives also needs to be carefully examined. The concept of community care doesn't, as the word implies, mean care by the community. The women simply continue to live in society and are supervised by an official. While this is an immensely preferable alternative to prison, the attitude problem is bound to arise, particularly if the attitude of the official is both traditional and authoritarian.

Community work undertaken by the female offender has also been suggested as a possible alternative. This is fine theoretically, but will these women be willing or capable to undertake this work? There is of course the famous argument that altruistic work has a positive benefit for those who undertake it, and that this type of work can act as a healthy outlet for neurosis. Contact with "problems" can also have the reverse effect of causing regression on the part of the individual. The woman may simply need to escape or withdraw temporarily from the community, and not be thrown back into it. Some of the claustrophobic aspects of "straight society" make the need for withdrawal perfectly understandable. The idea of community work should therefore be based on the nature of each individual case.

There are basically three types of educational courses suggested by the report: academic, vocational, and domestic or home-care classes. Most women in prison haven't had a good enough academic or vocational education to enable them to survive the harsh realities of the outside world. This position is not unique or limited to women in prison, but is applicable to quite a large proportion of women. This is a general reflection on society's attitude on the importance of education for women. There is at least theoretically no objection to providing academic and vocational classes provided they are not given in a penal setting. Most women who are convicted of child neglect are generally very bad or indifferent managers. Consequently courses in home-management are good commonsense. At present home-management courses are given in Holloway, but of course in a context where the woman is completely separated from her home. Further, the Holloway classes are run at material standards which are well above the standards which a woman can expect to find in her own home. It would therefore be better for a woman to attend these classes outside a penal institution. And while home-care classes may help her to overcome the practical difficulties of running a home, they will not solve any deep-seated psychological cause for her neglect of her household or her children.

The Sociological Report on the Treatment of Women Offenders, taken as a whole is a failure in both its analysis and vision. In spite of the ambiguous wording and its sentiments, it firmly supports the *status quo*. The only faint glimmer of hope lies in the three recommendations which have just been discussed.



## 4: Schools for scandal

IN 1968 THE FEMALE PRISON POPULATION consisted of 805 women and girls. Of these, 310 were under 21 at the time of reception or conviction. Statistically, this population of 310 was subdivided into two categories: the unsentenced (80 girls) and the sentenced (220 girls). Since 1968, in spite of the so-called "liberal pronouncements" by the government, the female prison population has increased by almost 25 per cent—the general increase being also reflected in the under-21 age group. Undoubtedly, as many of these girls subsequently return to prison as part of the adult population, they must, according to the traditionalists, constitute "a real danger to society and to themselves". As the traditionalists are primarily responsible for determining "delinquency" and "the safety of society", this fear is probably well-founded!

One of the main criteria for determining the degree of "dangerousness" is the crime for which these girls have been sent to approved school, borstal, and eventually to prison. The majority of young girls in approved schools and borstals are non-offenders in the strictly legal sense—they are initially sent to these institutions as they are deemed to be in need of care and control. A girl can quite easily be so classified by the mere act of running away from home. The legislation which introduced this concept of care and control was originally designed to protect the child from brutal or indifferent parental behaviour, and, as the realists would maintain, allows for a great deal of State interference in the parent-child relationship. If there was any degree of liberalism behind the introduction of this concept, the practical outcome is both a contradiction and a complete negation of that liberalism. A girl who runs away from home obviously has problems—at best it could be just a simple case of sheer incompatibility of temperaments, or it could be an impossible situation involving physical or mental cruelty. Whatever the reason, the solution to a person's own private problems doesn't lie in an early involvement with the penal system.

Certain aspects of the "treatment for the young in penal institutions" are frequently brought to our attention. Nan Berger, writing for the National Council for Civil Liberties, states in *The Rights of Children and Young Persons*, "Even before the scandal of excessive beatings of

boys at the Court Lees Approved School turned the spotlight on the approved school system, there was widespread doubt about such schools as effective instruments for re-establishing the disorientated boys and girls sent to them. The inquiries connected with the savage beatings tended to obscure the inadequacies of the whole system, which included the lack of qualifications of the majority of staff employed in even the basic looking-after of the children, let alone of disturbed children, as most of the inmates of approved schools are; the lack of understanding of the family backgrounds from which the children come; the negative discipline in nearly all cases, based on the final sanction of the cane; the lack of any real attempt to compensate the children in these schools for the lack of home background, of which all of them are deprived while at school, and which many have never had since they came from poverty-stricken, deprived homes; the lack of attempts to bring families into close association with the school and the lack of reasonable facilities at the school for parents who visit; the lack of attempts to build the children up as human beings by encouraging good relationships between staff and children; the lack of respect for psychiatric and social welfare advice; the lack of attempts to treat the children as individuals and not as people who have to be debased and shown their place by a rigid system of punishment and reward designed to debase them and make them resentful."

Nan Berger's analysis is both comprehensive and accurate. Descriptions even by the heads of approved schools, e.g. *Delinquent Girls in Approved Schools*, demonstrate that there are a number of highly disturbed girls in approved schools. Cases of pin-swallowing are fairly common, as are other manifestations of severe hysteria. Most of these girls have had depressing home backgrounds. In a number of cases where the girl's background can be classified as a "home" and not as an "institutionalised" background, the parents have either been separated or divorced, the remaining parent is generally unable to offer the "emotional security" which the girl needs. Thus for example, there was a case in which the girl's mother was a prostitute—the girl had to sleep on a thin mattress under the mother's bed, which was frequently in use as a place of business. Even when both parents were at home, or the home appeared to be a happy and stable one, appearances could be deceptive, for there was frequently a lack of communication in the family. A large proportion of girls in approved schools have had no "home" background, they have been used to the dismal round of institutions, orphanages, etc. The one consistent factor in the background of these girls is the inability to make lasting personal relationships. It must of course be pointed out that such backgrounds are not conducive to the establishment of permanent personal relationships. Transfer a girl with this sort of background and heritage to a strict penal environment such as that described by Nan Berger, and the result at the very best is a retention of the *status quo* together with the onset of institutionalisation, and at the worst, complete and utter disaster. Although the Court Lees case



related specifically to what officialdom politely termed the "excessive beatings of boys", this sadistic practice is also carried out in approved schools for girls. Confronted by an embarrassing situation, the Home Office acknowledged the use of corporal punishment in approved schools for both boys and girls. Such a practice, when carried out on girls who are openly recognised as mentally subnormal or emotionally unstable, is particularly disgusting and obscene.

There is, in addition to the question of physical cruelty, the problem of mental cruelty. The concept of "care and control" was directed against parental indifference and/or cruelty. Nan Berger's analysis shows however, that this parental cruelty is replaced by an institutional cruelty which in the truly Kafka-esque sense can be more devastating and more demoralising for the individual girl. To begin with, the initial act of sending a girl to an approved school involves the process of stigmatisation. Thus the girl arrives at the approved school with a label of social inadequacy or delinquency. And that label of inadequacy is based firmly and squarely on solid conventional middle-class norms, which are basically anti-poverty and anti-emotional in nature. They are generally alien to the individual girl's own emotional frame of reference. The inability to provide a certain level of material wellbeing is tantamount in our society to a "parental sin". This attitude is fairly common amongst run-of-the-mill social workers who usually come from a comfortable middle-class background, and whose attitude when confronted by material poverty is both patronising and highly offensive. The middle-class is to a large extent dependent upon the concept of the nuclear family. The very act of running away is a threat to that concept and the transgressor of this code must be dealt with by the state machinery, and there is no attempt to consider the emotions of the individual girl.

The initial act of stigmatisation is continued and reinforced during the girl's stay in approved schools. The process of rehabilitation is concurrent with this stigmatisation. (Removal from the community and one's daily contacts, together with a repressive regime, are the essential ingredients for "rehabilitation".) The stupidity of all this lies in the management's inability to cater for the real needs of its clientele. Think of a person in terms of the "delinquent" or "inadequate" abstraction, and you are likely to forget the all-important abstraction "human being" which implies a whole complex range of emotional desires and needs. A punitive boarding school is not the best environment for human development and maturity. The frantic boredom is frequently relieved by absconding—thus dispensing with the management's services; by fights and acts of cruelty between members of the clientele, and, quite naturally, by conversations and discussions on the best methods of outwitting both the management and straight society generally. An ability to pick locks or "screw a joint" are skills that are usually acquired following these heated debates.

Borstals are the next rung of the penological ladder. The English system has, as far as girls are concerned, a strangely critical attitude to the simple act of running away. A girl who has been sent to an approved school for running away from home, may find herself incarcerated in a borstal for absconding from an approved school. She may quite rightly feel indignant at society's contradictory intentions of protecting her from any further inclinations to run away as she may become exposed to "moral danger" and at the same time, of protecting itself from her as she is deemed to be a sufficiently dangerous menace to warrant incarceration. Although borstals are to a large extent a logical continuation of the approved school system, there is one essential difference between them, the fact that this institution acts as a general introduction for the young girl to the *adult* section of the penal system. There is no longer any pretence or attempt to retain the rehabilitative, educational facade, for borstals, particularly closed borstals, are prisons. A girl of fifteen can be sent to borstal.

The repressive atmosphere of approved schools, so accurately described by Nan Berger, can also be found in borstals. In addition, the individual girl has to contend with the punishment system found in adult prisons. Thus the penalty for breaking or smashing a saucer can amount to a few days in "chokey". Of course, the punishment system is far more refined. It isn't sufficient merely to place a highly-strung teenager in chokey with all its terrors. One must also go through the procedural niceties of being put on report, and must hear the sanctimonious justifications for chokey from an insensitive, unimaginative woman who hasn't the slightest conception of what it can feel like to be confined in a carefully guarded, bare cell with no natural light, in complete isolation, subsisting on a minimum diet of poor quality.

Borstals, like approved schools, present a regime of sheer unadulterated boredom. A girl is sentenced to a period of borstal training. The period is spent in performing mundane, repetitive, heavy domestic chores. The whole repressive and degrading atmosphere reduces the girl to a state of acute anxiety and hysteria—the emotional outlets from these states consisting of fights, tattooing and other forms of self-mutilation, and finally attempted suicide. The only positive aspect for the borstal girl is the acquisition of useful knowledge on "how to start on the game", "how to hustle for drugs", or "how to con a sucker".

This result is fully justified in a society which tolerates these schools for scandal.



## OBSERVATION ON ANARCHY 110: THE STATE IS A WAR MUSEUM

IN THE INTRODUCTION TO HIS COLLECTION of Tim Daly's poetry (ANARCHY 110) Adrian Mitchell said, "The State wouldn't tolerate a Peace Museum" and Tim must know just how right that is.

The State couldn't possibly tolerate a Peace Museum because the State itself is a vast prickling War Museum, a grotesque structure where the exhibits are real and human beings do actually die and murder.

And the Imperial War Museum in London is simply the essence of the State itself. A place we can go to celebrate "our" victories and get a morbid kick out of man's ingenuity when it comes to killing himself.

Tim decided we cannot begin to hope for peace until we have set about destroying the sickening glorification of uniformed murder. And so they called him a threat to the community and took four years out of his life.

But to fill children's heads with images of flame-throwers, man-traps, machine-guns and gas-masks is part of an education, and such a mind-broadening experience that they have to keep the doors open seven days a week!

What can you do while there are still "schools" where teachers organise trips to a War Museum as an end-of-term treat? They even have a gun designed to shoot round corners.

The State cannot comprehend its own sickness and wants to convince us that it represents health. Not only could it not tolerate a Peace Museum, it wouldn't understand what it means.

But none of us can hope to build such a museum now, just as none of us can really hope to be free in a society based on the twin corruptions of authority and exploitation.

The Museum of Peace must be the Society of Peace and Tim made a move towards it because it is in the ashes of the State War Museum that we shall begin to build our own society.

HARRY HARMER

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**in**  
**Anarchy 114**  
**Emma**  
**Goldman,**  
**Alexander**  
**Berkman**  
*and the dream*  
*we hark back to . . .*