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‘A Gender for Change’
Cycles of Women’s Penal Reform and Reconfigurations of Anti-Prison Resistance in Victoria, Australia

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Résumés

Cet article explore les rapports entre les programmes de réforme pénale et les luttes abolitionnistes ou antidiscriminatoires au sujet de l'emprisonnement des femmes dans l'État de Victoria, Australie. Une approche généalogique permet de documenter des engagements (et retraits) mutuels des fonctionnaires d'État et des militantes opposées aux prisons. De la fin des années 1970 jusqu'aux initiatives plus récentes d'interventions correctionnelles conçues pour les femmes, la réforme pénale est censée mieux répondre aux pratiques toujours discriminatoires de la prise en charge des femmes détenues. L'approche par la critique abolitionniste de la réforme pénale montre comment celle-ci interagit avec le militantisme anti-prison. Utilisant et complexifiant la conception des techniques de neutralisation de Thomas Mathiesen (2000), elle montre comment les militantes activistes s'adaptent et répondent désormais à une évolution génrée de l'administration de la pénalité. En réalité, les tentatives de l'État de faire taire les protestations et d'écarter les changements systémiques nécessaires produisent de nouvelles formes de résistance. Les récits des luttes abolitionnistes et de la réforme pénale dans l'État de Victoria reflètent une relation dynamique dépendant d'une série de changements historiques dans les rapports de forces politiques et sociaux.

This article presents an exploratory analysis of the interface between penal reform programs and localized abolitionist and anti-discrimination campaigns focused on women’s imprisonment in Victoria, Australia. Through a genealogical approach, we document mutual engagements (and disengagements) arising between state agents and anti-prison activists. From the late 1970s through to more recent gender responsive justice initiatives, we suggest that penal reform repeatedly emerges in response to harmful and discriminatory practices evidenced in the state’s treatment of criminalized women. We therefore provide an abolitionist critique of penal reform as it interacts with anti-prison activism. Building upon and complicating Thomas Mathiesen’s (2000) conception of ‘neutralization techniques’, we document how abolitionist activists adapt and respond to changing conditions in the administration of gendered punishment. This indicates that state attempts to suppress protest and divert system change can actually produce new
forms of resistance. Unique histories of abolition politics and penal reform in Victoria reflect a dynamic relationship dependent on a series of shifting political, social, and historical forces.

**Entrées d’index**

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**Texte intégral**

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**Introduction**

Women’s imprisonment campaigns gathered momentum in Victoria, Australia from the late 1970s onwards. Advocates and activists, operating from feminist and often prison abolition principles, used direct action, public education, lobbying and legal tools to create pressure for change in the women’s prison system. Campaigns focused on challenging various harmful and dangerous practices and conditions affecting women in prison, including forced sterilization and the use of prescription drugs for control; lack of access to children and family; excessive strip-searching; the punitive transfer of women to men’s high-security prisons and more (Carnaby, 1998; Cerveri et al., 2005; Cotter, 2008; George, 1993, 1995; Hampton, 1993; Hancock, 1982; Hannon, 2006). Whilst some of these practices have ceased over the past few decades, many of the issues persist, albeit in different forms, and new problems have emerged for anti-prison activists. This paper offers a reflection on some of the complexities present in anti-prison activism focused on ameliorating some of the immediate harms imprisoned women face and the necessary negotiations with the penal state.

Our exploratory analysis of the interface between the activism and advocacy arises from localized abolitionist and anti-discrimination women’s imprisonment campaigns and state-initiated penal reform programs in Victoria, Australia. In this specific geographical and historical context we refer to anti-prison or abolitionist campaigns as a series of direct actions (disengagements) designed to hold the state accountable for imprisonment practices; whereas anti-discrimination campaigns comprise a series of attempts to use the law and system processes (engagements) to work within the system and change it. Often these campaigns were interwoven and interlinked, rather than entirely discrete; many activists and advocates participated in both abolitionist and anti-discrimination campaigns. The distinction made in this paper is analytical. We document the mutual engagements (and disengagements) that arise between state agencies and anti-prison activists in conditions where liberal reform repeatedly emerges in response to harmful and discriminatory practices highlighted within prisons for women.
We argue that interactions between the state and anti-prison activists, along with their effects, in part reflect Mathiesen’s (2000) framework of state neutralisation techniques and in particular, the technique of absorption. This framework explicates the various ways that authorities strangle and diminish ideas for systemic change while maintaining system interests and legitimacy (Mathiesen, 2000). However, our research findings thus far also require an extension and complication of Mathiesen’s theory. While Mathiesen (2000) identifies the specific ways reform services the neutralization of external criticisms, his framework fails to account for the ways in which engagements around reform can also be productive – leading to new resistance tools and strategies. In the same instant such engagements can be paradoxical, generating unexpected outcomes that necessitate compromise and nuanced evaluation. Activists and advocates oriented towards decarceration or abolition do not uniformly view reforms as regressive or neutralizing in a straightforward way. There are certain changes within the system that mark for some a form of ‘progress’ in the treatment of imprisoned women, despite the limitations. The complexities inherent in penal reform raise important questions for abolitionist activists regarding the threshold points between reforms that preserve or expand the existing system through its legitimation on the one hand, and reforms that create meaningful changes in prison conditions and increase the chance of survival for imprisoned people on the other. Put differently, there is no clear distinction between ‘reformist’ and ‘non-reformist’ reforms (Gilmore, 2007; Mathiesen, 1974; Sudbury, 2009).

In part, this article comprises an attempt to make sense of localized campaigns and abolition politics and where they are headed. The dynamic we explore between the state and campaigns is not unique to prison reform. In a range of contexts activists have campaigned to prevent discriminatory harms and violence produced through the actions of the powerful, namely state institutions (criminal justice, military and welfare institutions) and profit-making corporations (Carlton, 2007; CR10 Publications Collective, 2008; Scraton, Sim, Skidmore, 1991; Stanley, Smith, 2011; Sudbury, 2005, 2009; Tombs, Whyte, 2003). Through this work campaigns have sometimes prompted state reform responses, which have yielded genuine impetus and hope for transformative social change, at the same time as presenting new challenges for activists and advocates. Given this, our intention is to broaden how we talk about these struggles and connect them. This raises vital issues regarding the benefits and risks for campaigns contemplating investment in coalitions with powerful actors, especially state institutions, and under what conditions these might be (counter-) productive to broader goals of social change. Through this analysis we grapple with perennial but fundamental questions: Can abolitionists in any context realistically invest in state-defined policies, law, and oversight systems to mitigate discrimination and institutional abuse or violence? What are the threshold points where reforms can yield substantive change? And conversely at what point do reforms become exclusively transformative or at worst lead to expansion? Finally, how can this knowledge best inform abolitionist politics and practice? Our position is that in most cases abolitionists cannot and do not realistically invest in state reform as a transformative solution even as we are compelled to campaign for short-term reforms to reduce harm and violence caused by criminalization and imprisonment. As the focus on Victoria demonstrates, campaigns are faced daily with a series of paradoxes, compromises in negotiating thresholds between short-term solutions and longer-term change. However, in recognizing this paradox, it is our ultimate goal to highlight possibilities for resistance and change created through engagements with and disengagements from state reform programs.

First, we outline the research process, including the empirical data accessed
and generated, the genealogical approach (Foucault, 1972, 1977b; Garland, 2014), and the theoretical framework upon which we build, namely Mathiesen’s (2000) conception of state neutralisation techniques targeted at anti-prison campaigns. Next, we consider some of the insights offered by abolitionist critiques of women’s penal reform particularly in relation to recent gender responsive policy frameworks. We then outline a brief history of women’s anti-prison resistance in Victoria, including the importance of protests occurring inside prisons to a wider movement in the community, and the relevance of gender in the campaigns’ achievements and struggles. We proceed to explore state and anti-prison campaign interactions though identifying dual practices and strategies of engagement and disengagement. We build upon and complicate Mathiesen’s framework of neutralization techniques by identifying some of the ways in which anti-prison activists were able to creatively respond and react to state prison policies. We consider the practice of co-option or absorption as a persistent risk for anti-prison activists. In critically reflecting on our initial research findings, we highlight the paradox of reform with which abolitionist activists are forced to grapple and the resulting ambivalence this can create. Finally, we identify some of the potential challenges that may arise for activists and advocates concerned with halting gendered and racialized criminalization and punishment practices into the future.

I – Methodological Approach: Constructing a Genealogy of Women’s Penal Reform and Resistance

In this research we adopt a genealogical approach to understand a ‘history of the present’ (Foucault, 1977a; Garland, 2014). We trace the dual and often interlinked historical developments in gendered penal reforms, as well as critical campaigns and advocacy focusing on women’s prisons in Victoria. Official strategies for defending and legitimizing imprisonment practices are continually reinvented and reframed (Russell, Carlton, 2013, 13). Mathiesen (2000) argues that over time punishment philosophies vacillate between the aims of retribution, incapacitation, rehabilitation, and deterrence, often with overlaps, internal contradictions and inconsistencies. Our study tracks some of these repetitive and dynamic logics in the history of women’s imprisonment, which in this local context comprises a history of reform spanning four decades. Importantly, we map policy developments against anti-discrimination and abolition activism. We do this in order to understand the impacts of social activism upon state discourses and practices.

Our analysis is primarily based on data derived in documentary research of archival materials. These materials have been supplemented with five semi-structured interviews conducted with high profile activists who have played active and leading roles in campaigns since the 1980s. We note this research is a work in progress as we are currently in the process of interviewing other activists and also key Government officials and particularly those engaged at the policy coalface within the Office of Corrections during the 1980s and 1990s. Our rationale for focusing on this timeframe is that this period comprised a concentrated series of engagements and disengagements between policy makers and activists around women’s prison conditions and, in particular, anti-
discrimination claims. The overarching approach is to excavate and reconstruct cycles and dynamics of state reform and resistance surrounding system- and community-based struggles for change in women’s imprisonment. We apply discourse analysis to a large body of personal archives and documents related to legal advocacy, prisoner complaints, inquiries, policy development and activist campaigns undertaken by Community Legal Centres, organisations such as Flat Out! and other individual community workers who were involved in different periods. Taken together, these documents comprehensively describe key periods of abolition and anti-discrimination campaign work and official investigative and policy responses from 1980s through to the present. The documents cover two key periods of reform: 1) The Agenda for Change in the 1980s and 1990s and 2) Better Pathways 2005 to the present. Related to these developments has been a series of Equal Opportunity and Human Rights law reforms, prisoner complaints and investigations surrounding conditions in women’s prisons including the Equal Opportunity Anti-Discrimination Submissions in the early 1980s, mid 1990s and 2005. This article presents only a preliminary snapshot of what is essentially a complex history of abolition campaign work and state reform in Victoria.

Through reconstructing genealogies of reform and resistance from the 1980s through to the present we complicate the assumption that state reforms signal marks of institutional progress. This enables a critical appreciation of the existing imprisonment issues, which may be contextualized by a history of struggle between the state and anti-prison activists. A genealogical approach is ultimately concerned with tracing how contemporary practices and institutions emerged out of specific struggles, alliances, and exercises of power (Garland, 2014, 372). By *presenting a series of troublesome associations and lineages*, David Garland (2014, 372) argues that genealogists are able to suggest, *that institutions and practices we value and take for granted today are actually more problematic or more ‘dangerous’ than they otherwise appear*. Foucault (1972, 13) uses the notion of *ruptures in knowledge* as a reaction against the presentation of historical events as the inevitable results of progress. Rather than a steady development of cumulative ideas and events, we are concerned to explore the disjunctures, instabilities and productive dynamics in contestations between states and anti-discrimination campaigns in processes of reform, while also considering the constraining and productive impacts on abolition politics and activism. A genealogical approach also allows us to examine complex engagements that manifest between states and campaigners where reform is mutually beneficial, serving a range of not necessarily compatible political imperatives.

In seeking to explicate the dynamics between activist campaigns and system responses in this context, we draw upon Mathiesen’s (2000) framework documenting state neutralization techniques which work to defuse social change ideas and initiatives, ensuring that the prison, in the most basic sense, remains a conservative institution (Mathiesen, 2000, 46). These techniques come in addition to or instead of sheer (repressive) power or force. As outlined by Mathiesen (2000, 44-45), neutralization techniques include: defining ideas as irrelevant, defining them as impossible to implement, postponing (*for the time being*), puncturing (eg. protests are formally noted), or absorbing ideas (as a form of co-option). Mathiesen (2000) therefore provides a framework for understanding how states adjust penal systems with the least amount of (fundamental) change possible to neutralize concerns and buttress legitimation. One of our key objectives in this analysis is to highlight how reform through its various iterations in Victoria has necessarily shaped activist strategies and goals over time. As such, our analysis also requires an extension and complication of Mathiesen’s framework.
Our contribution thus lies in demonstrating the ways in which official processes and techniques of neutralization are more dynamic than Mathiesen allows. The ‘rules of engagement’ between states and campaigns are shaped by (and shape) the very resistance imperatives and activist strategies on the ground. In other words, neutralization techniques are not a one-way process. Our research findings suggest that prison authorities do not merely suppress or ‘strangle’ activist strategies. As activists adapt and respond to changing conditions, state neutralization techniques can actually produce new forms of resistance. Extending Mathiesen’s (2000) framework – with an emphasis on the shifting and productive potentials of state-activist interactions – enables us to document the specific ways in which reform programs have generated and reproduced anti-prison and feminist resistance strategies that are distinct to the historical, political, and social contexts in moments of reform. We can then also observe how these engagements have manifested in and shaped the nature of penal change over time.

II - Why an Abolitionist Critique of Women’s Penal Reform?

Historically, Victoria has been regarded nationally as progressive in terms of its penal policies and low incarceration rates (D’Arcy, 1992; Ombudsman, 2014b). Victoria’s approach has until recently stood in contrast to other Australian states such as New South Wales (NSW) and Queensland, which have experienced a series of law and order campaigns and higher rates of Indigenous imprisonment alongside penal reform developments during this time (See Cunneen et al., 2013). In Victoria recent developments, including the ostensibly gender and culturally responsive penal policy Better Pathways: An Integrated Response to Women’s Offending and Re-offending, and the Charter of Human Rights and Responsibilities 2006 (hereafter referred to as the Human Rights Charter), continue to reinforce the state’s progressive reputation (Bartels, Gaffney, 2010; Department of Justice Victoria, 2005, 2007). Victoria is among a minority of States (including Tasmania and Canberra) to introduce a Human Rights Charter, which includes legal provisions and protections from ‘torture, cruel and inhuman punishments’ (Section 10) and to safeguard ‘humane treatment when deprived from liberty’ (Section 22). Despite these developments we notice disturbing trends that deeply trouble the state’s promotion of these policies and frameworks: rapid penal expansion; the severe lack of system transparency and detailed reporting; and the long-term avoidance of a full and open investigation of systemic (primarily gender and race) discrimination in the prison system. At the time Better Pathways was introduced in 2005, there were 257 people in women’s prisons in Victoria (Corrections Victoria, 2009). As we write, there are 456 behind bars in the women’s prison system, and the rate of women’s imprisonment in Victoria has increased 41% in the past decade – in line with overall increases in this state (Australian Bureau of Statistics, 2014). The Victorian rate of imprisonment for women remains lower than the national average, however, the upward trends show no sign of slowing at present, with significant increases in prison numbers predicted into the near future (Ombudsman, 2014b). We return to the issues of the prison system’s lack of transparency and accountability below.

The release and implementation of the Better Pathways policy by the Victorian Department of Justice in 2005 was intended to guide planning and practice in the women’s prison system and post-release service delivery. The policy framework was informed by Bloom, Owen and Covington’s (2003) model of Gender
Responsive Justice. Gender responsive strategies aim to reform correctional practices so that they recognize and address women’s unique needs and experiences (compared to men, such as high rates of disadvantage and prior victimization experienced by women). This model has been institutionalized within correctional policy and practice in various international contexts. Similar reform initiatives guided by Bloom et al.’s (2003) framework, while well meaning, have been subject to critical questions regarding their capacity to meet their stated aims in alleviating gender discrimination within prisons in jurisdictions such as Canada, the U.K., the U.S. and also Australia (Carlton, Segrave, 2013; Hannah-Moffat, 1995, 2008; Pollack, 2011). Abolitionist, along with other critical scholars and activists, argue that gendered penal reforms in this present context may have in fact intensified the expansion of gendered criminalization and imprisonment (Braz, 2006; Kendall, 2013; Kilroy et al., 2013; Meiners, Shaylor, 2013; Shaylor, 2009). Debates regarding the merits of gender responsive discourses and related initiatives increasingly frame contemporary criminological discussions on women and imprisonment, including women exiting prison (Bartels, Gaffney, 2010; Bloom et al., 2003; Covington, Bloom, 2003; Hannah-Moffat, 2010; Sheehan et al., 2011; Wright et al., 2012).

As we have elsewhere problematized the preeminence of Gender Responsive Justice logics in the correctional space and their (sexist and racist) expansionary implications in Victoria (Russell, Carlton, 2013), we will not repeat these arguments here. However, two salient points to reiterate, in response to gender responsive discourses, which we revisit in later sections of this paper. First, they must be located within the historical project of women’s penal reform, which is ongoing. Second, that related frameworks and initiatives manifest at least in part from the practice of state legitimation, specially the cooption of activist knowledge (Russell, Carlton, 2013). Concerns regarding discriminatory treatment within the women’s prison system and broader conditions of injustice for criminalized women have been a focus for feminist-inspired campaigns and systemic advocacy over the past four decades. As we discuss, activists have expressed frustration at the ways in which policies such as Better Pathways use aspects of feminist language, yet provide a narrow account of the issues confronting criminalized women and strengthen the permanence of women’s imprisonment through its legitimation. In contrast, as a theory of broad-based social change, abolitionism challenges multiple and overlapping sites of inequality and the discourses that ensure their institutionalization and exacerbation (Russell, Carlton, 2013, 3). Long-term prison abolition activist and advocate Amanda George (2014) suggests that the demands made by campaigns focusing on women’s imprisonment in Victoria in the late 1980s and throughout the 1990s were, mainly demands outside the prison: decriminalize prostitution, have a drug and alcohol detox where women could take their children... refuges for women... decriminalize drugs... women on community based orders should have childcare. Such emphases reflect a necessarily wide scope for conceptualizing justice and feminist social change that extends beyond penal reforms, towards practical goals towards decarceration. We now turn to outline a brief history of women’s anti-prison campaigning in Victoria.

III - Understanding Women’s Anti-Prison Resistance in Victoria

Imprisoned women’s engagement in militant direct action and campaigning was a crucial galvanizing force in shaping external anti-prison activism in the
1980s and 1990s. The relentless pursuit of discrimination complaints—particularly regarding the treatment of women held in men’s prisons and strip searching practices—and protests in their various forms, notably the 1982 Fairlea fire, provided vital impetus for community campaigns and state reform responses. Alongside women’s resistance within prisons, there is a parallel history of resistance in the men’s prison system in Victoria, particularly in response to prison conditions for men in high-security institutions. There were considerable protest actions, complaints and campaign work surrounding the harsh conditions for men in segregation in Pentridge prison’s H Division and the Jika Jika High-Security Unit in the 1970s and 1980s (Carlton, 2007). The Prisoners Action Group and the Prison Reform Group, established by and comprising a collection of community advocates, community legal representatives and activists, spearheaded this resistance. However, they failed to mobilize the same level of public sympathy, direct action and campaign work as that which focused on criminalized women.

It is possible that women’s imprisonment campaigns may have been able to garner more public sympathy by virtue of gendered notions of victimisation and constructions of ‘dangerousness’, whereby women prisoners are seen as less of a threat than men as a product of their pathologisation and infantilisation through prison disciplinary regimes (Carlen, 1983; Moore, Scraton, 2009). George (1993) argues that the greater effectiveness of women’s imprisonment campaigns was due to two key factors. First, much of the work undertaken around women’s prison issues has always been done by groups of women utilizing feminist organizing principles. While there is no doubt considerable literature on feminist organizing and activism (See Dominelli, 1995; Merrindahl, Maddison, 2010), in this article we refer to principles which ultimately depart from ‘power over’ approaches built on relations of domination and subordination to embrace equality, collective decision making and actions. Importantly women’s experiences are situated at the centre of the feminist activism and advocacy while incorporating a critical analysis of gender inequality and the ways in which women’s subordination is reproduced and exacerbated by approaches that ignore women’s lived experiences. On this front and specifically related to abolitionist advocacy and activist work with criminalized women in Australia, Kilroy et al. (2013) identify ‘five principles’ that emphasise centring the experiences and expertise of criminalised women; sustaining self-determination and survival; and advocating for the rights of criminalised women. These principles are instructive when considering the campaigns subject to analysis in this paper. Second, this work has been aligned with a broader range of social justice causes: groups of women have over the last 20 years been very engaged in grassroots and activist politics (George, 1993). George’s account is supported by campaign archives that show how anti-prison and anti-discrimination campaigns focused on women’s imprisonment generated a large public support base in large part because they mobilized around multiple issues and built connections with other social movements.

Many of the women involved in anti-prison campaigns were also active and vocal trade unionists, involved in the international boycott on apartheid South Africa; supporting Aboriginal self-determination; raising awareness about asylum seeker human rights and movements to end violence against women. The use of feminist organizing principles also led to the use of innovative forms of protest that were modeled on international feminist resistance practices. These practices were often highly creative and successful in placing state institutions under public scrutiny and pressure. One key example is the ‘WRING OUT Fairlea’ protests at the Fairlea women’s prison, organized in 1988, 1990, 1993 and 1996. The ‘WRING OUT’ theme was chosen ‘to symbolize a women’s action, describing the
encirclement of the prison and putting the squeeze on Corrections’ (Flat Out Inc, 1997). In part it was modeled on the ‘carnivalesque’ Greenham Common Women’s Peace Camp at a U.S. military base in England in the early 1980s (Cresswell, 1994, 1996), which illustrates how feminist protest tactics were effectively shared across international contexts.

Such examples are not exclusive to Victoria. In the neighbouring Australian state of New South Wales in the 1970s the Women Behind Bars collective comprised of feminists and anarchists organizing around issues related to women’s victimization and criminalization, as well as prison issues. Key campaigns included a 1977 Not guilty not insane, Free Sandra Wilson campaign vigil where protesters camped outside the Minister’s office for 18 days until Wilson, a woman who since 1959 had been held in prison at Governor’s pleasure for a murder, was released. The group also held a successful 99-day vigil campaigning for the release of Violet and Bruce Roberts, imprisoned for murdering their husband and father in self-defense, in 1980, which was successful (George, 1993).

Throughout this history, women were often the more visible actors and leaders in campaigns against women’s imprisonment. George (1993) suggests that sometimes men distance themselves from the issue and are less inclined to align politically against everyday patriarchal privilege, whereas many women activists were not frightened by it, not wanting to keep it at arms-length. While this observation in many ways reflects the focus and make up of anti-prison campaign work in Victoria in the 1970s and 1980s, abolitionists in recent times have embraced more complex critiques of the structuring context of heteropatriarchy and gender oppression and how this is reproduced within the community and through cycles of imprisonment (Harris, 2011; INCITE! Women of Color Against Violence, 2006). Others have noted that frequently it is women and queer people taking on the extensive labours associated with prison abolition work in various national contexts, which shapes and informs the directions and analysis of campaigns (Meiners, Shaylor, 2013; Shaylor, 2011).

The campaigns in Victoria – peaking during the 1980s and 1990s – largely focused on women’s imprisonment issues from the perspective of gendered inequalities, rather than foregrounding issues of race, class, ability or sexuality. Our research has not uncovered campaign demands that included issues specific to transwomen. Moreover, whilst issues of racism and racial discrimination were highlighted, and solidarity and support were practiced with Aboriginal-led groups and organisations, campaigns in the 1980s and 1990s were organized more closely around gendered inequality in the prison system. This may be due in part to the lower total numbers of women imprisoned, as well as the complete absence of any women specific correctional frameworks and the discriminatory practice of segregating women in men’s prisons. Therefore these latter two issues comprised a focus of campaign work during this time and provides context for the focus of this research. Since the late 1990s and post-millennium, rapidly increasing women’s prisoner numbers, particularly Aboriginal women and non-English speaking and migrant women, has led to allegations of racial discrimination (Cerveri et al., 2005) and a focus on cultural responsivity in correctional policy discourse (Russell, Carlton, 2013; Spivakovsky, 2013).

Victorian anti-prison campaigns have been defined by a hybrid advocate/activist model, which arises from the alignment with advocacy and community development work done by Community Legal Centres (hereafter CLCs) in the 1970s and 1980s. CLCs are independent organisations that provide a range of services aiming to make the law accessible to the marginalized and to advance legal, social and political equality (McCulloch, Blair, 2013, 168). There are currently approximately 200 CLCs in Australia. CLCs provide individual
The philosophy of [community] legal centres has always been holistic not only in the provision of legal services (to low income groups and those disenfranchised by class, gender, ability, age and to groups in the community working on social justice issues) but also in trying to change injustices, highlight assumptions of law, the way law works or the way society uses the law to maintain the positions of oppressed and privileged groups.

Through the legal work often carried out in CLCs, Victorian advocates have had increased access to prisons and to work as advocates alongside women inside. Through this access, activists and advocates have gathered information related to discriminatory practices such as forced sterilization and the punitive segregation of women in men’s high security prison cells, which formed the basis of legal complaints and the focus campaign work in the community (George, 1993; Hancock, 2013). George (1993) notes that because of the impacts of CLC advocacy and gathering of information they were able to challenge and make governments accountable and uncomfortable, forcing changes in policy and practice. The vigorous and militant campaign work undertaken in 1993 with the Save Fairlea Prison Vigil that proceeded for five months and led to the state ceasing the punitive practice of transferring women into men’s prisons provides a critical example of this. As our analysis below suggests, sometimes the abolitionist distinction between reformist reforms and non-reformist reforms remains unclear within specific campaigns. Whilst important changes in systemic practices may come about in part as a result of activist and advocate pressure, the form and effects of such changes are difficult to anticipate and may present new challenges for anti-prison campaigns.

There are clear cases in Victoria where reforms have contributed changes that have improved the conditions of imprisonment for women. Abolition campaigns have in this regard been central to building pressure for basic reforms such as the provision of appropriate in prison health care services, meaningful work and educational programs and post-release support services for women, along with eliminating the draconian and controversial disciplinary practice of segregating women in men’s prisons for punishment (Federation of Community Legal Centres, 1990; George, 1992; Pirrie, 1993). Reform and abolition are therefore far from mutually exclusive strategies. Indeed there is a fluid and dynamic threshold between the two that campaigners navigate, weighing up short-term costs and benefits, created by system reform solutions to limit and mitigate discriminatory and violent conditions in prisons. One example is the establishment of the ‘Women Prisoners and Offenders Policy Committee’ by the Office of Corrections Victoria in 1989 to respond to community concerns. The Committee comprised members of community and activist representatives along with departmental officials, and was tasked to advise on and develop correctional policies for women and oversee implementation (D’Arcy, 1992). Activists such as George (1993) explicitly reflected a preference to avoid participating in such collaborations as they reduce the capacity to speak out and advocate independently while creating a feeling of being co-opted by the compromises of government. This expressed fear is not unfounded. There is a body of research establishing the ways in which the strategies and tools of activist campaigns – and in particular those linked to feminist movements – have been taken up through liberal reform platforms only to be incorporated into the state (criminal justice) apparatus, contributing to the entrenchment of institutional harms and penal expansion under a therapeutic or progressive guise (Braz, 2006; Bumiller, 2008; Hannah-Moffat, 2001; Hayman,
IV - Dis/Engagement: Discrimination, Segregation and the Agenda for Change

The VICTORIAN OFFICE OF CORRECTIONS document called WOMEN PRISONERS AND OFFENDERS: THE AGENDA FOR CHANGE is a response to the attention generated by women inside jail, and women in the community since 1982 - Activist Lawyer (George, 1992).

In Prisons on Trial, Mathiesen (2000) presents a critique of state responses to external pressures on the prison system. Our preliminary research demonstrates the need to extend and complicate this analysis to consider how campaigns both adapt to and influence the shape and form of state responses. In this sense, activist and state contestations drive forms of penal change, even as the system consolidates and expands. In particular this research reveals flashpoints where resistance and campaigns in their various forms have triggered state attempts to reform the women’s prison system from the late 1970s through to the present. We identify practices of engagement and disengagement between activists and state actors in processes of penal reform in Victoria, focusing on the ongoing case against discrimination in the women’s prison system, first highlighted in the early 1980s. Anti-discrimination campaigning utilized both methods of engagement and disengagement to pressure the state to address and cease excessively punitive and harmful practices. We further suggest that these dual practices have been complicated by widely varying definitions of what constitutes change and justice for criminalized women.

Engagement strategies broadly comprise attempts to use the law and oversight bodies to reduce the immediate harms associated with women’s imprisonment. Whereas disengagement practices are reflected in direct actions, creative mass protests, and theatrical interventions in Corrections promotions and related events. In many cases throughout this history, activist techniques of engagement and disengagement were not mutually exclusive. Often they fused as dual campaign strategies and both approaches had the effect of pressuring Corrections to respond to key demands and implement piecemeal reforms. At different points, when women’s prison conditions became acutely dangerous and were exposed, the dual strategies of select engagement and disengagement with Corrections served to galvanise public opposition and further campaign work on the ground. Much of this work continues in the present, albeit in different forms.

Engagements with the state by anti-discrimination campaigns began modestly with a submission by the Fairlea Research Group (FRG) to the then named Equal Opportunity Board in 1981. The Prisoner and Female: the Double Negative report (Hancock, 1982) was publicly released shortly thereafter. In 1976 there were just 24 women in Victorian prisons and there was a marked absence of correctional programs and services appropriate to their experiences and needs (Hancock, 1982). Areas mapped in the 1981 submission covered discriminatory conditions in existing prison buildings and cells for women; poor medical facilities including lack of specialist staff available for drug rehabilitation and gynaecological needs; inadequate provision of appropriate and useful educational...
programs and recreation; and lack of access to visits, letters and phone calls (Hancock, 1982, 19-23). The submission also highlighted groundbreaking concerns about the discriminatory use of drugs for control and to modify behaviour rather than for therapeutic purposes (Hancock, 1982, 20). The FRG aimed primarily to pressure and engage the Department of Welfare Services – responsible for managing prisons at the time – to recognize and respond to the needs of women through the development of appropriate policy and practice. The group also argued there was a need to look beyond reform and increased prison expenditure to examine a range prison alternatives for women (Hancock, 1982). Activist and academic Linda Hancock (2013) reflected on that period of time as an FRG member:

You had smallish numbers, very poor resources, but women [who] should never have been there. At the time we took this on there was no policy for women... that was a major thing we aimed at. That at least when we walked away, they had to have a policy on women in prison and respect special needs... you couldn’t just have an annexation of the policy for men.

Hancock’s reflections highlight the overriding aim of FRG to engage the institutional reform process to improve conditions for women. The FRG were hoping for a public hearing to totally embarrass the government with all the evidence they had covertly gathered inside the prison, and use it to leverage change primarily pressuring for meaningful policy reform for women prisoners (Hancock, 2013). In effect, they hoped, there would have to be a really wholesale widespread change (Hancock, 2013). While the Equal Opportunity Board accepted the evidence of discrimination, the response was conciliation, which meant working with the government behind closed doors to resolve the complaints. Hancock (2013) expressed disappointment in the fact that it was conciliated meant that there was a... a lack of airing of all the breadth of the issues that were in there... OK people got [the report] and the press used it, but, you know, press only go for the most sensational parts. This suggests that systemic and entrenched issues, particularly those related to the issue of women being segregated within men’s prisons, were not addressed.

Decarceration also formed a central focus of FRG’s work. Activist and academic Sandy Cook (2013), for example, saw the central aims of the submission to get as many women as possible out of prison:

And then for those that were in to try and change what was happening in that really archaic institution, so at least there would be education, good health, employment opportunities, and pre-release programs and a whole range of things so that those women that were there would be given really worthwhile opportunities... so the numbers that were there would be cut right back.

The 1981 submission and publicity surrounding The Double Negative report attracted attention from Ministers and government. Activist accounts of this time reflect a number of neutralization techniques, including defining ideas as impossible to implement and absorption (Mathiesen, 2000). In FRG members’ advocacy to rid the women’s prison of the oldest and most dangerous cells, they had a meeting with the Minister for Welfare Services, Walter Jona (in office 1979-1982). FRG member Chris Burnup (2013) recalled how, he was trying to be quite conciliatory and he said, ‘you have to realize, we can’t just demolish them.’ I remember saying, ‘that’s actually not our problem. It’s your problem, because they need to come down.’ The Minister to succeed Jona was Pauline Toner (in office 1982-1985) and she expressed increased support for the work of the FRG, and members engaged and consulted with her directly about the issues. However, the FRG found themselves very quickly alienated from any internal processes.
working towards policy reform: It was tricky because Pauline Toner was the minister and she said, don’t worry, I’m going to take it on, I will make the changes. So it sort of got redirected (Cook, 2013). Rather than a direct denial or disengagement, Toner’s promise was to take up the issues and make the changes. As a result activists felt like their concerns were ‘redirected’, and irrespective of Toner’s individual intentions it seemed the most basic state neutralization technique of ‘absorption’ was at work in this instance.

The early work of the FRG proved a critical starting point and resulted in a range of piecemeal changes within Fairlea women’s prison (Hancock, 1982). However, many of the substantive issues raised by the submission were not redressed by Corrections at the time. There was a critical shift in 1982 just prior to the release of the FRG report where a particularly destructive protest fire within Fairlea women’s prison led to the controversial segregation of women into the Pentridge Prison B Annexe. Punitive treatment and conditions, increased rates of self-harm, attempted suicides, and alleged abuses and violence by male prison officers and other prisoners experienced by women during this time provided further fuel to external campaigns to end the discriminatory practice of holding women in men’s prisons in Victoria. These discriminatory practices, as well as complaints and campaigns related to segregation, continued throughout the 1980s and 1990s. Anti-prison campaigns also utilized direct action tactics in efforts to hold the prison system accountable. This involved protests, particularly the WRING OUT FAIRLEA mass actions, tent vigils, disruptions, the staging of public events and conferences in order to generate publicity, and broader community awareness about conditions in women’s prisons ( Cotter, 2008).

Anti-discrimination and direct action campaigns did result in reform responses by the Office of Corrections (OOC) at the time. Often these responses were viewed by activists as ‘token’ gestures by government to be seen to engage and consult with community concerns (Corrections, 1992; Office of Corrections, 1990). These include the establishment of the Women Prisoners and Offenders Advisory Committee, comprised of both Corrections officials and advocates, and the production of the Agenda for Change report in the early 1990s (Women Prisoners and Offenders Advisory Committee, 1991). The Agenda for Change reform agenda was comprehensive and had many good recommendations on health, training, issues impacting Non-English Speaking Background women, children and significantly came out against the placement of women in men’s prisons (George, 1993). George (1992, 2) notes the policy change had resulted in significant changes to health care, the provision of a female doctor at Fairlea Women’s Prison, but in spite of the policies on paper, little of this has resulted in changes in conditions. The Federation of Community Legal Centres (hereafter FCLC) also aired its frustrations about the failures to substantively operationalize reforms raised in the aftermath of the Double Negative report (FRG 1982). In a submission critiquing the first iteration of the 1990 Agenda for Change policy, FCLC characterized the OOC as an organisation stubborn about change, defensive about criticism, secretive about information, and disdainful about outside organisations input into policy (FCLC, 1990, 1). They further pointed out the disjuncture between the policy as it stood and what continued to occur on the ground, contrasting this to similar developments in NSW with the Taskforce Report into Women’s Prisons in the 1980s, which prioritised the perspectives of women who were imprisoned. It was the FCLC view that Agenda for Change clearly comprised a corporate response to organizational issues rather than a policy, speaking to the bureaucracy about itself, and motioning toward the creation of more strategy and ‘more policies’ without doing anything to change women’s experiences on the ground (FCLC, 1990, 7).

Our research thus far demonstrates that reform processes and the official...
discourses that serve state legitimization have not only impeded activism, they have also yielded tools of resistance for campaigners and contributed to the reconfiguration of abolition campaign strategies pertaining to women’s imprisonment more broadly. Reform attempts can produce new strategies of resistance, even as they may be used to neutralize pressures for systemic change. There are instances where activists used Corrections’ own frameworks and internal documents leaked through the women’s policy advisory committee against them publicly, increasing the pressure for them to respond. For example, activists and advocates fighting against the punitive segregation of women in Barwon men’s prison issued media releases that used OOC’s own claims to challenge them. Notably, the OOC stipulated that: Female prisoners should not be located in male facilities, however, when they are, that the location of female prisoners should not serve to disadvantage women in either the provision of services to them or in the facilities in which are they are accommodated (Office of Corrections, 1990, 19). Advocates used the hypocrisy of this claim to gain media attention.

Again in 1992, activists creatively appropriated Corrections policy language for resistance purposes. The Women and Imprisonment Group, a coalition formed by support agency Flat Out, Uniting Church, Health Sharing Women, The Prostitutes Collective and Sacred Heart Mission, hosted a critical public conference named ‘Changing A-Gender’ to highlight ongoing concerns about conditions for women inside prison. The conference produced over 100 recommendations, including an end to token consultation and partial and piecemeal approaches (Changing A-Gender Conference, 1992, 7). In this respect activists can be seen to subversively reclaim OOC policy language (the Agenda for Change) for campaign purposes. At the conference, the only Corrections Official in attendance, Marg D’Arcy, who at the time was the Women’s Project Officer, presented a progress report on the implementation of the Agenda for Change reforms. She cited the activists’ lack of cooperation as a key ‘obstacle’ to achieving real change in the prison system:

I’m not suggesting that criticism should not take place – it should and it’s healthy, but I am suggesting that maybe a bit more working together, and sorting through the problems might result in a better system for women.

One of the elements of achieving change is to engage people at the coalface, it seems to me people at this conference are not prepared to do that. I hope that we can address this in the future. (D’Arcy, 1992)

D’Arcy’s paper at the activist conference highlights the frustrations of Corrections officials with activist and advocate practices of disengagement, which reflects some of the tensions arising between Government and community campaigners during this time.

A key achievement of the anti-discrimination campaigns during the 1990s was that the controversial practice of women being incarcerated in men’s prisons ceased. Community protests against the government’s decision in 1993 to close Fairlea prison early and to relocate women to the Jika Jika High-Security Unit in Pentridge prison included the five month long ‘Save Fairlea’ Vigil campaign. Activist and advocate Catherine Gow (2014) reflects how the crisis generated by Corrections moving women prisoners to men’s facilities as punishment translated, somewhat paradoxically, into a campaign to keep women in Fairlea prison (Pirrie, 1993). This created dilemmas for abolitionist activists, as reflected through the campaign slogan We wish you weren’t here but we don’t want you to go! (Fairlea Vigil Diaries, 1993). Gow (2014) recalls how, None of us sat easy with it... Certainly I’m a prison abolitionist, but it felt like an emergency at that time, that we just had to do something. George captured the concerns of legal advocates

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Deliberate attempt by the Office of Corrections to hamper the access to prisons of community groups. Out of sight out of mind. This policy move, perhaps the biggest for women in years has occurred with no consultation whatsoever. The OOC said they were consulting with the community, produced a document for us to respond to, yet conveniently forgot to include this plan in their report. While community groups are busy consulting, the OOC continues with its own secret agenda.

Activists staged a 5-month (24/7) vigil camp outside Fairlea prison from late July to the end of December, with the support of trades union, churches and petitions. The vigil was intended to achieve, ‘solidarity with women inside, to keep them strong’ (Gow, 2014). They were also there to disrupt state practices of transferring women into the men’s maximum-security prisons (such as Pentridge) as punishment, to call the whistle if they tried to move the women (Gow, 2014). When asked how the government responded, Gow (2014) suggested that they pretended the vigil wasn’t there and denied black and blue everything we said. Gow (2014) describes state disengagement as effectively being stonewalled, and the logic behind activist resistance at the time as, that pure blockade, fight, talk... be in their face (Gow, 2014).

At the same time, women prisoners had lodged an Equal Opportunity complaint about the move to Barwon and Equal Opportunity Commissioner at the time Moira Rayner had put forward a prima facie case of discrimination experienced by women in the men’s prison (Rayner, 2015). However, while the Commissioner had commenced a process of conciliation with the OOC, officials made attempts to move women out of Barwon and back to Fairlea. At this time the controversial move of women prisoners to the Jika Jika men’s prison was leaked to the media. Commissioner Rayner attempted to seek an injunction to prevent the move but this failed. The Government subsequently terminated Rayner’s position as Commissioner and legislative changes were made to the Equal Opportunity Act, which drastically reduced the powers afforded to the Commissioner investigating and redressing systemic discrimination complaints (Rayner, 2015).

The Fairlea vigil ended in December 1993, basically because the government had backed down about putting women into Jika Jika... But in the same breath they said they were going to privatize and the first private prison was going to be a women’s prison (Gow, 2014). George (1993) recalls that, ‘the announcement, particularly of the private women’s prison, while we knew it was coming, was absolutely devastating... [there were] rivers of tears of sadness, frustration, astonishment, incredulity, anger and despair. The opening of the privately operated Metropolitan Women’s Correctional Centre sparked a renewed period of anti-prison campaigning focusing on privatization and the prison industrial complex that continued into the late 1990s. Such a policy move brought to bear the direct implications and indeed consequences of the initially perceived ‘wins’ in preventing Fairlea’s closure. Since the 1980s abolition and anti-discrimination activists had maintained vocal arguments within their campaigns since the 1980s that conditions in Fairlea needed upgrading and were insufficient. They also argued that due to their disadvantaged position and special needs an exclusive prison for women was needed not ‘co-ed’ prisons, as initially advocated by the Government, nor prisons set aside within men’s prisons for women. An unexpected outcome of these demands was the introduction of a new privatized prison for women in a period of government rationalization of state resources. This development necessitated a completely new campaign for activists in Victoria (see George, 1999).
Although our coverage is limited and partial, the period beginning in the late 1970s and through to the 1990s was evidently marked by meaningful engagements and powerful disengagements between advocates, activists and individual representatives in Corrections and government who were attempting to achieve change within the women’s prison system. However, it is clear that the OOC persistently fought activists and advocates on challenges to gendered punishment, and sought to circumvent full and public audits of prison conditions. These legacies have continued. In recent times, and in spite of the Human Rights Charter and Better Pathways (Department of Justice Victoria, 2005, 2007), discriminatory conditions are continually evidenced in women’s prisons (Centre for the Human Rights of Imprisoned People (CHRIP), 2010; Ombudsman, 2014a; Victorian Ombudsman, 2011; Victorian Parliamentary Drugs and Crime Prevention Committee (VPDPC), 2010). We now turn to further explore the neutralization technique of absorption with reference to recent developments in ‘gender responsive’ reforms and their limitations as articulated by activists and advocates.

V - Absorption and the Defense of System Interests

We thought it was Better Pathways into the prison. (George, 2014)

In 2005, the same year that the Better Pathways policy was released, there was a submission to the Equal Opportunity Commission, produced by community organizations and individuals engaged in campaign work, calling for the state of Victoria to ‘create systemic change and alternatives for women other than prison’ (Cerveri et al., 2005). In response, the Equal Opportunity Commission (Hereafter EOCV) (2006) publicly reported that there was evidence of gender and racial discrimination in the women’s prison system. However, the EOCV chose not to pre-empt an extended inquiry into prison conditions because it viewed the Better Pathways policies as a significant attempt by Corrections Victoria to redress the issues within the system (EOCV, 2006). George (2014) explains that what happened with the anti-discrimination [submission is that the] government can say “we’ve got all these policies, it’s all going to be fixed up,” and it wasn’t fixed up. The Equal Opportunity Commission’s (2006) response is therefore a key example of the way that community concerns and campaigns can be neutralized through a state body deferring accountability to a gendered penal policy, that ultimately serves to rearticulate existing and ongoing punishment practices, yet in more palatable ways. As Mathiesen (2000) would suggest, this facilitates a veneer of progressiveness and reform when the over-riding motivation is to defend system interests. One of the means through which the prison system’s avoidance of transparency is legitimized is with reference to the implementation of policy reforms or the partial redress of concerns raised by activists and advocates (EOCV, 2006).

The neutralization process of absorption in particular complicates the task of critiquing and challenging prison reform programs because of the legitimacy gained by the system when it picks up critical ideas. In this case, feminist critiques are partly taken up in the formulation of gender responsive policies. ‘Absorption’ occurs when an idea or interest conflicting with the system is taken up and implemented in a way, which as Mathiesen (2000, 45) describes, that in practice fits into the prevailing structure without threatening it. Yet, the reforms implemented provide the impression of having introduced something new which
breaks with the previous tradition (Mathiesen, 2000, 45). For example, the absorption of feminist ideas and community concerns means that gender responsive policies such as Better Pathways do speak to legitimate and urgent problems in women’s prison systems. However, gender responsive discourses position these issues as merely surface ones, such that the system requires small improvements to arrive at a higher functionality. The effect is to neutralize the structural and systemic concerns of activists, whilst marginalizing and forestalling strategies for decarceration. Absorption, as a form of co-option, is therefore crucial to understanding the Victorian government’s response to sustained critical public scrutiny achieved by anti-prison and anti-discrimination campaigns. This process of absorption can also be seen in women’s prison reforms in response to community campaigns and concerns in Canada through the Federal Task Force for example (Hayman, 2006) and in the U.S., in California with the gender responsive justice bill challenged by such groups as Justice Now (Shaylor, 2009), and in the U.K., following the Corston report (2007) (see Kendall, 2013).

As outlined earlier, gender responsive strategies comprise a very prison-centered correctional program, which situates them well within historical patterns of penal reform (Russell, Carlton, 2013). Despite the intentions often accompanying gender responsive policy initiatives to address the impacts of gender difference, the promotion and repackaging of prison environments in these policies as somehow ‘therapeutic’ and rehabilitative not only inaccurately reflects the lived experiences of many women, it also potentially legitimizes the rising rates of incarceration for them. Prisons can now be viewed as appropriate or even beneficial for criminalized women. For example, the use of ‘therapeutic remand’ sentences have been reported in Victorian courts (Victorian Parliamentary Drugs and Crime Prevention Committee (VPDCPC), 2010).6 In this way gender responsive reforms extend beyond system legitimation to system advocacy, insofar as they re-center the prison as the best equipped response to deal with the raft of disadvantages and injustices associated with women’s criminalization. Moreover, gender responsive initiatives are typically framed in ways that provide a narrow response to multi-level and intersecting sources of disadvantage. This means that while gender is privileged, other interlocking sources of oppression such as race, class, sexuality, or the relationship to the colonial nation state are neglected, or reduced simply to issues of cultural diversity (Duley, 2012; Russell & Carlton, 2013). We now turn to investigate some of the responses to the development of policy for women in the prison system from activists involved in protesting and advocating for the rights of women in prison over the past few decades.

VI - Activist Reflections: The Paradox of Women’s Prison Reform

Several of the activists and advocates we have interviewed thus far express ambivalence in response to the introduction of gendered penal policies. They identify them as necessary, but also limited in achieving anything more than piecemeal change, which is described as disappointing and constraining. Hancock spoke about the collective aim to bring about a public hearing for the evidence they had gathered (e.g. the mistreatment of women in the prison system such as forced sterilization practices), preempt wholesale widespread change at a time when there were no formalized correctional frameworks or policies for women (Hancock, 2013). While the early campaigns did not achieve this aim, the Women Prisoners and Offenders Advisory Committee within the Office of Corrections was established to improve the treatment of women offenders (Cotter, 2008, 28). Hancock describes the Agenda for Change document produced by the Committee as a consolation prize, because it did not address or redress the full scope of the travesties of justice they highlighted in their campaigns (Hancock, 2013). Despite activists’ awareness of the limitations of state policy responses, Rayner (2015)

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suggests that without the commitment and tenacity of activists and advocates, who were prepared to go and link hands around Fairlea prison, there would not have been any attempt to improve the lot of imprisoned women. This reflects how crucial this activism and advocacy was in catalyzing change in the treatment of imprisoned women, even when such changes fall short of activists’ core demands.

In regards to the introduction of the Better Pathways policy framework more recently, George (2014) describes how she does not know whether it did anything much to assist women in the prison to not go back into prison. In her words, she suggests that this was:

Probably a bit of a jaundiced view because I certainly wouldn’t want to go back to 1988 or 89 in B Annex where there was no policy, you know, there needs to be policy… but, unless there’s some monitoring around policy, which is publicly available, and unless you’ve got contact with women inside so that you know that it is happening or it isn’t happening, them having all these policies makes it look like everything’s okay. (George, 2014)

Some of our initial research findings therefore suggest a more complex picture of the dynamics between resistance and state responses than what might be at first glance neatly captured by Mathiesen’s (2000) framework. There have been necessary reforms, in large part as a product of powerful campaigning efforts, but in a way the ongoing problems are now more difficult to document. For example, women are no longer being held in maximum-security men’s cells as internal punishment, but the discriminatory effects of punishment – or the ways in which sexism and racism are reproduced through penal discourses and practices – have become more hidden and insidious. Victorian developments can therefore demonstrate in practice how sometimes the distinction between reformist reforms and non-reformist reforms is not clear and the unintended (or otherwise) effects of system reforms cannot be anticipated or even linked causally.

One of the central prohibitive conditions for activists has been the increasing lack of system transparency and an absence of effective mechanisms for accountability. In the 1970s and 1980s in particular, many of the campaigners we have interviewed were both social justice activists and working as advocates for imprisoned women (working for CLCs for example), or even working as educators inside the prison. This meant that they had first hand information and observations about what was happening within the prisons. Thus, campaign work developed in solidarity and collaboration with women inside; it also provided vital evidence for building legal complaints. However, more recently and since the emergence of gender responsive policies and programs, access to information has been severely reduced, making it incredibly hard to assess the impacts of gender specific policies and practices (Victorian Parliamentary Drugs and Crime Prevention Committee, 2010). As George (2014) argues:

We didn’t have the information to critique whether Better Pathways was working well or not… All the information we really had was statistical information, so that the number of women on remand was really high, that wasn’t supposed to happen, the number of women who were being held in the maximum security section was still really high, the number of women in protection was still really high, so all that sort of stuff meant there was something not working with Better Pathways or that stuff was going on still.

George’s insights highlight the constraining context of secrecy within which anti-prison activists and advocates increasingly forced to operate. Whilst the lack of access to information beyond statistics certainly inhibits critical evaluation of new programs and policies within women’s prisons, there are insights into policy trends and cycles to be gleaned historically from the many anti-discrimination
Conclusion and Foreseen Challenges

The initial findings presented above reflect a need to document the resistance strategies behind this unique chapter of anti-prison campaign work. Like many abolitionist efforts, these campaigns have been informed by close connections and alignments with concerns and tactics inside the prison. Many of the campaigns also arose out of advocacy work conducted through community legal centres, which created a hybridized activist/advocate focus. It is also useful to consider how these wider socio-legal dynamics and bureaucratic practices have adapted and changed, and how correctional responses and policies have adapted to campaigns in ways that challenge those activist strategies – neutralizing and silencing them through various means. However, the effects of encounters between the state and activists and advocates extend beyond the deactivation or offsetting of specific campaigns and concerns. Historically, even as campaigns gained important ‘wins’, new challenges emerged.

Campaign strategies characterised by engagement have above all been concerned with challenging discriminatory conditions in prison through lobbying efforts and the submission of formal complaints. Since the late 1970s, critical submissions to official bodies and governments have been made possible by women in prison speaking out, community volunteers, students, advocates, academics, activist lawyers and CLCs. While activists have made some piecemeal gains, campaigns to redress discriminatory conditions in women’s prisons persist in the present context primarily because reform attempts have not resulted in the transparency and wholesale changes needed to address systemic issues.

Gender responsive discourses are powerful contemporary expressions of women’s penal reform. They present significant challenges for community advocates and activists seeking to effect transformative rather than restorative system change. The Victorian case study is particularly exigent given that Better Pathways remains an integral plank of women’s correctional policy in Victoria. Moreover, it is regarded as a mark of progress nationally and internationally even as the Department of Justice continue to resist an independent inquiry into systemic discrimination (Bartels, Gaffney, 2010; Sheehan, 2011). Existing prisons all around the state currently have expansion plans, including an additional 88 new beds at the maximum-security prison for women (Ombudsman, 2014b). These upward trends are largely unprecedented for a state regarded nationally for its low imprisonment rates. Recent changes such as cuts to education and health, the abolition of suspended sentences, and tightened parole guidelines, are only expected to fuel continued expansion, with Corrections projecting that there will be another 1,000 prisoners in the system by 2017, taking the total prison population in Victoria to well over 7,000 (Ombudsman, 2014b). In terms of the resistance and system dynamics we have discussed whereby officials have used policies and frameworks to divert accountability and thwart community access to information, it will be interesting to see how this shifts (if at all) as the system moves into the current crisis period.

There remains a risk of absorption that community campaigns must continually navigate. Through this process the system can both neutralize and incorporate the language and strategies developed by activists, while perpetually legitimizing its existence, practices and expansion. This process goes against the grain of abolitionist aims, and can by extension further harm disadvantaged women and their communities. These challenges are not new. We need to be skeptical of gender responsive discourses, the constraining roles they play in
relation to community campaigns and who they benefit foremost. However, we also need to broaden our focus to locate these most recent developments within a longer history of women’s prison reform and resistance to it. Through doing this we can recognize the ways in which state responses and reforms can also galvanize new resistance strategies and campaigns.

One of the developments in the 1990s and 2000s has been a shift toward Victoria forming interstate alliances with Women in Prison Advocacy Network (WIPAN) in NSW and Sisters Inside in Queensland to forge a cohesive anti-discrimination campaign. This has been a new development in campaign strategies and has extended internationally with activists and advocates in the US, Canada and the UK, and has been marked by a series of forums, actions, conferences held to enable change and support activist struggles inside prison and the community. It is ultimately from the social action documented above that abolitionists can learn valuable lessons and develop toolkits for adapting to the next iteration of system reform/system expansion championed by the state. It is crucial to notice the historical continuities and cycles of reform, while being mindful and attentive to the subtle shifts in the shape, form, and style of state power and ongoing resistance responses to it.

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Notes

1 Flat Out Inc is a statewide advocacy service founded in 1988 for women who have contact with criminal justice or prisons in Victoria. It is an independent, not for profit community organization run by and for women. Flat out Inc leads and participates in research and community education seeking to inform the wider community about the harms that occur for women in the criminal justice system.

2 In February 1982 there was a significant protest fire in the Fairlea Women's Prison that resulted in the deaths of three women remand prisoners. These events occurred at a time when the Fairlea Research Group had been actively lodging discrimination complaints and publicly raising concerns regarding conditions in Fairlea and also in the men's Pentridge Prison where women were being transferred for punishment. The 1982 fire followed on from an era of building unrest and protests in Fairlea and was the third in a series of fires to occur at the prison (See Cotter, 2008).

3 George states this in reference to the formation of the Women Prisoners and Offenders
Policy Committee (1989).

4 The FRG included women with lived experience of imprisonment, past and current employees of the prison system, academics, social workers and concerned community members – mostly women. A core working group compiled the submission.

5 Policies marked for priority implementation included the Children’s Access and Residence Program at Fairlea; Community Integration Program; and policy to ensure that women accommodated within men’s prisons have equitable access to programs (Comparative Youth Penalty Project, 2010)

6 In such cases, Magistrates are likely to recognize the limited availability of programs outside the prison and elect to remand someone on the assumption that more support would be available to them in prison. The use of ‘therapeutic remand’ is particularly fraught considering that programs are usually denied to remanded (un-sentenced) prisoners and that, in any case, programs in prison are often experienced (particularly by women) as coercive (Kilroy et al., 2013).

Pour citer cet article

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