

publisher of science fiction board games which had all its computers seized by police as part of the 1990 crackdown. Although no charges were brought against SJG Inc or its employees, its computer files were retained for investigative purposes. This prompted SJG Inc and other affected parties to launch a suit against the police, including the United States Secret Service, seeking damages to redress violations of their constitutional rights. Although the printer version of *The Hacker Crackdown* does not see this suit through to its conclusion, an update — in effect the ongoing story of the crackdown — is available on the Internet.⁵ Which brings me back to where I began. The best (cheapest, most up to date) place to find out about computer crime is through a computer. However, those who prefer to read books will find *The Hacker Crackdown* an enjoyable and thought-provoking place to start.

Vaughan Black

Dalhousie Law School, Halifax, Canada

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

This is an impressive book and deserves to be widely read. It is written by a criminologist who immigrated to New Zealand in 1986 and was surprised to find that there was virtually no penal history of New Zealand. The book sets out to remedy this deficiency.

The chronological starting point for this history is the year of the Treaty of Waitangi which established New Zealand as a British colony. The intention of the white settlers from that point was to build a “perfect society” which, by their definition of the term, was a “Britain of the South Pacific” without the social problems of the home country (p26). The closing point, at the beginning of the Second World War is much more arbitrarily selected. The rationale that is offered is that it allows some consideration of the effect in practice of the changes in policy and legislation introduced in the first decade of the twentieth century. It is also conveniently almost 100 years after the history commences. However the reference at the outset of chapters 1 to two incidents in 1989 makes in clear that Pratt does not suggest that 1939 was in any way a watershed year for the history of the penal system in New Zealand.

More important than the chronological framework is the theoretical framework of his own project which is based on an appreciation of the work of Foucault and the theoretical framework that existed for those who established New Zealand’s penal system. The first chapter contains a summary of the history of the British penal system from the eighteenth century to the twentieth century. In this account the theories of Bentham and the work of Du Cane feature equally. Concepts, such as that of the separate system, of classification by crime or by criminal, and of “less eligibility” by which is meant the theory that prisoners are less eligible than other members of society for any benefits, are introduced. In the fifth chapter the concepts of the new penology become the focus. Reference is made to the theories of the Italian penologists, Lombroso, Farofalo and Ferri, and to the enthusiasm

5 Anonymous FTP at [ftp.eff.org](ftp://ftp.eff.org/pub/EFF/Policy/SJG) in /pub/EFF/Policy/SJG.

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

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

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

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

Eilis S Magner

Senior Lecturer, Faculty of Law, University of Sydney

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

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