

# Promoting the Theory and Practice of Criminology: The Australian and New Zealand Society of Criminology and Its Founding Moment

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**T**he Australian and New Zealand Society of Criminology was an initiative of Australia's first criminology department, at Melbourne, from where the proposal to establish a journal also evolved. The society was of its time, its priorities reflecting above all the negligible research knowledge of crime and criminal justice in the antipodes. But local initiative had a regional (Asia–Pacific) and international (disciplinary as well as geographical) context. In this article I explore some of this context, consider the ways in which it delayed the establishment of the almost contemporaneous Australian Institute of Criminology, and discuss the potential of a regional engagement that was only partly fulfilled in subsequent years. In doing so I also ask how adequate are interpretations of criminology's mid-century history as above all conservative, pragmatic, technocratic and administrative.

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It is almost 40 years to the day that a notice advertising a meeting to form an Australian Society of Criminology was distributed by David Biles, a lecturer in the Criminology Department at the University of Melbourne. As the notice makes clear, discussion had been under way for some time about the need for a society that would bring together 'people working in all aspects of criminal policy, crime control and correction'. Earlier in 1967, Biles and his colleagues at the Melbourne department had canvassed support for the proposal in a survey distributed throughout Australia, to which about 120 people had replied positively.<sup>1</sup> It was the year in which Ronald Ryan had been hanged at Pentridge Prison, an event that involved and appalled many who helped form the society. It was a time when the whipping of violent offenders was still considered a penal option, as the first issue of the society's

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journal would highlight. It was also the eve of a year in which many political and intellectual certainties of Western liberal democracies would, at least briefly, be challenged by the activists of 1968.<sup>2</sup>

The foundation meeting of the society took place on 24 October 1967, and was reported the following day in the Melbourne *Herald*, under the somewhat ambiguous headline, 'The crime picture's confused'. Forty-seven people gathered in the Japanese Room of the Architecture Building, academics from criminology and law, a judge, a bishop, a police commissioner and numerous professionals in social work and penology. Predictably enough, the dominant participation was from Melbourne and, during the first decade, about half of the membership was Victorian. But Ken Shatwell, the Dean of Law who had been responsible for establishing the Institute of Criminology at the University of Sydney, was strongly supportive, attended the meeting and later served as President (1971–75). There were only four women at the first meeting — and by 1976 only 12% of the 300 members were women (Minute Books of the Society, 1967–1972; Johnston, 1976). Not until 1991 was there a female President (the first being Christine Alder).

The inaugural meeting elected the acknowledged pre-eminence of Australian criminology, Sir John Barry, a judge of the Victorian Supreme Court, as its first president. It may have been Barry's prompting that led to the meeting expanding the society's name to include New Zealand, and it was almost certainly his suggestion that the New Zealand member of the Executive should be Dr John Robson, the long-serving Secretary of the Justice Department in that country. The two had met in London at a United Nations (UN) Congress in 1960 and maintained a regular correspondence during the next decade. Robson accepted the nomination, and the society became the Australian and New Zealand Society of Criminology. New Zealand membership was slow in developing, and there has never been a President based in New Zealand. In spite of this, there seems not to have been the kinds of tensions that bedevilled relationships between Australian and New Zealand sociologists, eventually leading to dissolution of the almost contemporaneous sociological body (Germov & McGee, 2005).

The meeting in the Japanese Room (hired for the occasion at a charge of \$16) endorsed a draft constitution. In the earlier prospectus it had been said that the society would have 'the broad aim of promoting the theory and practice of criminology'. Such an objective would serve to distinguish what was intended to be 'essentially a scholarly society' from being simply a hand-servant of government. The objective was noble, though perhaps not high-sounding enough for a later president, Stanley Johnston, who in 1976 declared that the society aims 'to promote criminology and in that way to enrich civilisation' (Johnston, 1976, p. 3). The constitution of the society from the beginning had a rather more grounded set of aims, which have remained in place for the last 40 years.<sup>3</sup> These embraced advocacy of study, training and research in criminology, scholarly communication through conferences and publications, and the promotion of understanding of criminology in parliaments, government and the public. The professional ambitions of the society were evident from the beginning in the constitutional restrictions on membership of the society. Clause 4 opened (or restricted) membership to persons who held either a university qualification 'in criminology or an applied field', or 'a senior position in either law enforcement or correctional services'. When three

justices of the peace applied for membership the Melbourne executive members deferred acceptance, pending a consultation with the full executive, which decided that a commission of JP was 'not in itself sufficient qualification for membership of the Society'. In practice, such applicants usually had some other qualification justifying their admission. The applications of a husband and wife prompted an executive resolution on a joint fee (150%) for such members provided they 'have the same address'. Students ('pursuing studies that would lead to eligibility for membership') were admitted at reduced rates from 1968 — one of the earliest was from a theology student, presumably on the grounds of the role of chaplaincy in the prisons (the famed Pentridge chaplain Father Brosnan was another early member).<sup>4</sup>

From the small Melbourne department (four people in 1967) also flowed the initiative to establish the society's journal. The journal was fundamental to the society's development, the principal site of the society's activities for at least the first two decades. Indeed, it can be said that the society was founded in order to provide a mandate for the journal. As recalled by David Biles, the idea for a journal came from Allan Bartholomew, the Psychiatrist Superintendent at Pentridge Prison, a 'frustrated academic' who was a regular visitor to the Department.<sup>5</sup> Bartholomew had negotiated an understanding with the Southdown Press 'to publish a criminology journal without cost to him or us provided that he supplied suitable material for publication' (Biles, 2005). In April 1967, the Board of Studies in Criminology at Melbourne considered a two-page proposal drafted by another lecturer, Deidre Greig, for the establishment of what was variously called an 'Australian Journal of Criminology' or an 'Australian Criminology Review'. In spite of the title the proposed journal was 'designed to stimulate criminological research in Australia and New Zealand'.<sup>6</sup> The inaugural meeting in the Japanese Room heard a report from Allan Bartholomew on the progress of his discussions with Southwood Press and mandated establishment of the journal.

The first issue of *The Australian and New Zealand Journal of Criminology* followed in March 1968, edited by Bartholomew, who continued in the role until 1980. The journal was an important vehicle for maintaining a Melbourne–Sydney connection in the society's activities. The first assistant editor was Duncan Chappell, then in the Institute of Criminology at Sydney. Funded by his Dean to visit Melbourne to meet the editor and discuss arrangements for the journal, Chappell recalls the occasion principally for his tour of the primitive Pentridge prison, where 'hard labour' prisoners still broke rocks, and an execution area was still in place (Chappell, 2005). When Chappell moved on to a teaching position in the United States, successive assistant editors included Greg Woods and then Gordon Hawkins, both from Sydney. The initial journal advisory board included Stanley Johnston and Deidre Greig from the Melbourne department, as well as Paul Wilson from Queensland. Initially, there were three overseas correspondents: Norval Morris (originally from the Melbourne department) in Chicago, Robert Andry (a one-time Children's Court psychologist in Melbourne) in London, and TTB Koh (then in the Law Faculty at University of Singapore, shortly to become his country's ambassador to the UN) in Singapore.

There were risks as well as advantages in having a society founded principally to authorise a journal — and having a journal founded on the energies and initiative of its editor. Although the intention was to publish peer-reviewed articles

Bartholomew appears to have had his own ideas about what that meant. Eventually, he had to be replaced by the executive of the society in circumstances that were less than agreeable to him (Biles, 2005). Reading back we see many weaknesses — and surprising absences. Some may have hoped in 1967 that the society would promote ‘the theory and practice of criminology’, but that was certainly not evident in the journal of the first decade or so.<sup>7</sup> It was not until 1976 that there appeared any material relation to Indigenous issues, in the form of a thoughtful editorial on fitness to plead and sentencing concerns (Editorial, 1976). Feminism had yet to achieve any presence in Australian criminology; eventually, in 1982, the journal published a special issue on ‘Women and Crime’ (Richmond & Broom, 1982). The challenge of critical criminology was muted, though recognised very occasionally in book reviews (White, 1975). But the journal had many of the features of a communication that helped mould a community with some identity — with often provocative editorials, book reviews (though perhaps too many written by Bartholomew himself), news of conferences and movements of personnel, along with the articles that were feeling their way into more systematic criminological research. Even so, a fairer estimate of the sum of the antipodean criminology field in the 1970s would have to move well beyond the journal, to take account, for example, of the successive editions of Chappell and Wilson’s collections on the Australian justice system, first published in 1972 (Chappell & Wilson, 1972); the output of the Australian Institute of Criminology and other government bodies, including the NSW Bureau of Crime Statistics; and the development in Sydney of a radical criminology, closely allied to prison reform and prisoners’ action groups, its intellectual orientation and political commitment signalled by the production of the *Alternative Criminology Journal* (Brown, 2002). Once the first editor moved on it is fair to say that in the 1980s the journal quickly broadened its scope, allowing more voices, and demanding higher standards of its research articles.

The society’s constitutional aims included communication through conferences. This was less readily achieved than the journal. Initial proposals involved an affiliation with a semiprofessional advocacy organisation with strong affiliations to corrections, the Australian Prison After-Care Council, which had established a national conference that Barry and others attended. The more scholarly ambitions of the fledgling academic research community found expression in affiliation of the society with the scientific community’s ANZAAS in 1972 (probationary status) and the establishment of a regular Criminology Section at those conferences from 1975. There was dissatisfaction from an early date with criminologists’ approach to the ANZAAS context, with Bartholomew in particular deploring his colleagues’ failure to embrace the thematic or problem-oriented aspirations of those events (Bartholomew, 1976). On the other hand, the absence of a significant and regular national forum for its presentation may have inhibited the development of criminological research. It was another decade before the establishment of the society’s first annual conference, again an initiative of the Melbourne department, specifically of Christine Alder and Ken Polk. By the time of the fourth such event, held in Sydney in the 21st year of the society, the president felt confident that the conference was established as a regular event (Sallmann, 1988).

These then were the founding moments of the society and its journal. Accounts of institutional foundations can be too concrete, their threatening mundanity

relieved only by the personalities, strengths and weaknesses of those who construct such outlets for professional and intellectual development. Two decades after the formation of the society, a challenging account of these institutional foundations charged that the directions of what was called 'Australian criminology' were laid in a 'conservative social milieu', and especially that Australian criminology in its formative years was dominated by law, its faculties and its ways of thinking (Carson & O'Malley, 1989). A view that law provided the main intellectual impetus seemed confirmed by the prominence of legal figures among its early drivers, and others shared that view (Braithwaite, 1987). Ten years later, following some work on the papers and career of Sir John Barry, I asked whether such an account was too retrospective in its focus, whether it took too little trouble to understand the history of those times in the perspective of those times (Finnane, 1998). Here I want to offer a more detailed account of what criminology looked like in the years before the moment of its institutional consolidation in Australia and New Zealand in the late 1960s. In doing so I want to invite attention to a particular aspect of that time, namely the regional and international contexts in which such developments took place, and the involvement in those contexts of some of the key players. By doing so, I want to suggest why these contexts might be remembered when we ask what directions a (primarily) national society of this kind might take in future.

The formation of an Australasian professional association and its journal was, of course, a sign that something about criminology was already happening. One thing that was happening was a revived attempt to establish a national or even regional Institute of Criminology. There was even a point where that institute might in fact have been an Australian and New Zealand Institute of Criminology. But, in any case, at the time of the society's formation, the Australian government's decision to establish the institute was still more than 2 years away, the legislation another year later, and the opening of the doors in 1973 another year beyond that. The seemingly dilatory progress towards this institution frustrated one of its prime movers, Sir John Barry, whose death preceded by a few months the formal commitment of the Federal Government (Finnane, 2007, pp. 242–247). I have suggested elsewhere the kind of intellectual and institutional conditions in Melbourne that fostered a relatively early postwar academic criminology in Australia, although I also think that the promising beginnings of the 1950s were followed by some fumbling in the early 1960s. The later development of an Institute of Criminology at Sydney University represented a more outward orientation (e.g., in its very early engagement of the support of the New South Wales government, and the establishment of a diploma course for police) than was obvious in the early years at Melbourne. If there was anything that distinguished the Melbourne and Sydney enterprises I suggest it was the rather more positive view of the potential of police education in Sydney. By contrast, the dominant figures at Melbourne, Barry and Morris, shared a hostility to police that was reciprocated. Morris later wondered whether his possible appointment as foundation director of the Australian institute would be blocked by state police. And Barry, a civil liberties activist, was a pessimist about police attitudes and behaviour. When Stanley Johnston at Melbourne proposed the introduction of a course on police forensics, Barry was strongly opposed. He found the real value of attending a 1963 Canberra seminar on the role

of police in the protection of human rights to be (as he told Julius Stone) 'the perturbing revelation of police attitudes'.<sup>8</sup>

This less than warm embrace of a key state institution conveys a little of the kinds of tension inhibiting, as well as stimulating, the opportunities being considered during these founding years. That tension demands a scrutiny that cannot be developed here, beyond suggesting that it raises questions about how far criminology, in this part of the world during the 1950s and 1960s, bore the characteristics discerned by Ian Loader of those representatives of the 'liberal elitism', the 'Platonic guardians' as he describes them (Loader, 2006). While leading players like Barry and Morris shared many aspects of the liberal outlook richly analysed by Loader (the project of being civilised, a commitment to justice, a concern with practicality), the self-confident sense of being part of a governing elite that could manage and guide responses to crime is not readily applied to their disposition and role. Opposition was more their mode, even as they helped construct the institutions (parole boards, criminology departments, government institutes of criminology) that became the object of later critique (cf. Carson & O'Malley, 1989). Population size, geographical dispersal, jurisdictional multiplicity, institutional cultures (there was no Oxbridge dominance) all contribute to the differences that mean we should be wary of interpreting governing dispositions in the antipodean world directly from English models.

We could spend much time here, in fact, in exploring the politics of these interactions between the advocates of criminology's development and the governmental institutions they sought both to woo and to change, in the course of their campaigns for a more research and professional orientation in criminal justice. But to understand the context and to estimate the significance of professional consolidation represented by the formation of the society in 1967 I think it useful to ask some other questions about the position of antipodean criminology by that time. Having spent some time here focused on very local events and orientations, I want to ask us to consider how this local moment connected to international contexts of the time. I do so, not so much with reference to an account of intellectual forebears and affiliations, which would necessarily take us into a commentary on contemporary British and American criminology (see especially Becker & Wetzell, 2006; Garland, 1994; Laub, 1983, 2004; Loader, 2006; T. Morris, 1988; Radzinowicz, 1999; Rafter, 1997; Zedner, 2003), but to less well-known and appreciated institutional and policy contexts. At a time when international contexts (whether in collaborative law enforcement, penological and criminal justice innovation, or research and training) press heavily on both Australia and New Zealand, I think a greater awareness of these somewhat forgotten earlier contexts might serve some purpose in highlighting the distinctiveness of our place in the world.

The momentum for foundation of society, journal and national institute was international, as much as local in its drive. In a very specific sense its international dimension was also a regional one, an Asian-Pacific one. There were elements of this regional dimension that looked backward and forward — drawing on alliances built out of the crumbling British Empire and emergent Commonwealth, but also on new ones that reflected the experience of the postwar Asia-Pacific and the institutional developments fostered by the United Nations. Antipodean criminology, in the views of some of its most prominent advocates in the 1950s and 1960s,



could be a force for reform in a postwar and postcolonial world, in which British law and criminal justice might be taken as a model for new standards of justice and procedure. The United Nations and its ancillary institutions provided the kind of culture in which such aspirations were nurtured, even if frequently frustrated. Identification with the Asia-Pacific region served to also distinguish antipodean enterprise from the intellectual and institutional hegemony of British and American criminology. These are propositions I want to work with in exploring the international connections of antipodean criminology by the end of the 1960s.

In the absence of local institutions, it makes sense that much of the early development of academic criminology was internationalist in its inspiration and involvement. From an Australian or New Zealand point of view, expertise was something produced over there — once upon a time in Britain, by the 1950s also the United States — and so would have to be imported. The establishment of the first named academic post in criminology, filled for its duration by the psychiatrist and criminologist Anita Muhl at Melbourne from 1939 to 1941, signified the tradition (overseas expertise) and the change (increasingly from the United States; Finnane, 1998). The first permanent appointment to an academic post in criminology was, however, the Australian-born Norval Morris, though fresh from his PhD at the London School of Economics. Other important influences supporting Melbourne criminology, especially George Paton and Zelman Cowen, were equally well connected to the British academy. Importantly for shaping new connections, Cowen was also much enamoured of the United States. From the early 1950s, as Dean of Law at Melbourne, he did much to encourage links between Australia and America. It was through him that Norval Morris established his links to Harvard, where he spent a first sabbatical in 1955–1956. The first academic visitor of note to the Melbourne department was not British but American. Albert Morris, Chairman of the Department of Sociology and Anthropology at Boston University and later President of the American Society of Criminology, came on a Fulbright Fellowship, possibly at the suggestion of Cowen. His public lectures at Melbourne covered a broad range of topics in criminology, including the sources of criminal behaviour, prevention and treatment issues and a critical assessment of the social processes involved in law enforcement (Morris, 1953). He introduced the perspectives of Edwin Sutherland on white-collar crime, and asked his audience to reflect on the relation between stereotypes of crime and the choices that society made about who it wanted as police. On the way to Australia he stopped in New Zealand, subsequently preparing an interesting commentary on crime and delinquency published in a Maori Affairs Department journal (Morris, 1955).

The American links continued. In 1955, J.V. Barry visited the United States on a Carnegie Foundation fellowship, before going on to Britain and Europe. It was his first trip abroad, but not his first contact with professionals and scholars in Britain and America — his writing, private and public, had already made him a well-known figure in law and criminology. He took with him lectures on Alexander Maconochie and penal innovation, and left behind him a manuscript biography of the great penal reformer, which Norval Morris helped to edit. Later Morris (along with the NSW Prisons Department's Harold Weir) joined Barry in Geneva as the Australian delegation to the First UN Congress on Crime Prevention and the Treatment of Offenders (Finnane, 2007).

The United Nations contacts started to multiply. The first United Nations Asia and Far East Seminar on the Prevention of Crime and the Treatment of Offenders was held in Rangoon in 1954 — its unanimous resolution for the establishment of a training institute for correctional officers was the distant origin of both the United Nations institute in Tokyo (UNAFEI — to which Norval Morris was appointed as first director in 1964), and of the Australian Institute of Criminology. There was no official Australian delegate to the Rangoon conference, but one of the experts invited to convene a section was A.R. Whatmore, Inspector-General of Penal Establishments in Victoria. Whatmore was an innovator with a dedication to learning from international experience in penology; in 1948 he had prepared a comprehensive report on penology and prisons in the United States, Britain and Europe, following an international tour. At Rangoon, he convened discussion on the development of the Minimum Standard Rules for Treatment of Prisoners. That project was to be picked up by later UN conferences and seminars. They were not at Rangoon, but Morris and Barry together became prominent participants in UN criminological activities from 1955, when they attended the First UN Congress on Crime Prevention and the Treatment of Offenders at Geneva (Finnane, 2006).

The relevance of the UN context to the postwar development of international criminology has not gone unremarked. Examining the development through the United Nations of a criminology agenda closely tied to the demands of a postwar reconstruction, Walters has focused on the emergent rubric of 'Social Defence' (Walters, 2001, 2003). There is no doubt this was a persuasive discourse of the period — but in an international community with a variety of criminal law and social policy traditions the term could mean different things to different people. It sat uncomfortably with common law rhetoric about the rights of the individual — and it is precisely a rights discourse that also demands the attention of those interested in the development of criminological agendas through these years. In considering the developing UN context Walters omits mention of another important UN event, the Universal Declaration of Human Rights in 1948. That declaration is of more than passing interest for understanding the focus of subsequent UN activities, and of antipodean involvement.

In February 1958, representatives of 17 countries in the Asia-Pacific region attended the first UN Regional Seminar on the Protection of Human Rights in Criminal Law and Procedure, held in the Philippines. Norval Morris was the Australian representative. He had already spent a year at Harvard teaching a seminar on human rights and the law. He was not isolated in his interest. As early as 1940, Barry had articulated to HV Evatt (later Australian Attorney-General and Foreign Minister and the first President of the UN General Assembly) his interest in the prospect of human rights as a governmental program. He was inspired, in part, by a 1940 letter from HG Wells to the *London Times* for a 'Declaration of Rights'.<sup>9</sup> In the course of the war, Barry had also written about the prospects and challenges of an international court for trying war crimes (Barry, 1943a, 1943b). Human rights was an agenda being forged in Australia by people like Barry and Norval Morris.

On his return from the Philippines Morris wrote up at some length his reflections on the seminar, published later that year in the first number of the *University of Tasmania Law Review* (Morris, 1958). Under the title 'Human Rights and the



Criminal Law in South-East Asia' Morris reflected on a decade of human rights talk since the adoption of the Universal Declaration of Human Rights by the UN General Assembly in 1948. He acknowledged the vast chasm lying between covenant and implementation, but argued against the cynics to insist that there is 'no political document in the world today which is producing a greater impact upon men's thoughts, words and actions' (p. 68). Various arms of the United Nations were seeking to advance the practical recognition of the rights announced in the declaration. We do well to remind ourselves, in this time as well as that, of some of those rights — Article 5, for example, declaring that 'no one shall be subject to torture or to cruel, inhuman or degrading treatment or punishment', or Article 9, that 'no one shall be subjected to arbitrary arrest, detention or exile, or Article 11, on the right to a fair trial.

For Australian lawyers, Morris argued, the value of the event lay in the opportunity to learn by comparison where local criminal law and procedure might be improved. But Australia, he insisted, also had a great deal to offer, especially in the area of 'government–citizen relationships in which, for historical reasons, our practices are outstandingly good' (p. 70). Coming from a person who was a persistent critic of institutional abuses, this was a compelling judgment, one inspired by Morris's consciousness of the cultural and political differences existing in the region. He considered that a fundamental value of such forums was their potential to contribute improvements through conference and discussion, in areas for example, such as 'methods of preventing policemen from inflicting physical suffering on a suspected person in order to extract a confession from him' (p. 70). It was possible for countries in the region to seek technical assistance under arrangements such as the Colombo Plan, but few would risk 'political embarrassment' by directly seeking external guidance on topics such as criminal law and policing 'on which, understandably, countries are loath to admit they are backward' (p. 70).

There followed in Morris's report from the conference a sober-minded account of many of the topics considered. Importantly, Morris insisted on acknowledging the specific circumstances of government in each country, objecting to fundamentalist thinking about rights, divorced from the challenges of government in an era of decolonisation. 'For us', he said, 'in times of peace, the libertarian can, and indeed should take such a position; but it is well to remember that in time of war we accept such powers [he was referring to detention without trial] as appropriate' (p. 71). Mindful of his own advice, Morris went on to review discussions that had been held on seven topics, including bail conditions and the position of poor people; legal regulation of publicity about trials (a topic on which he had provided much information about Australian approaches to the control of sensational reporting of trials); remedies against police abuse of power and illegal use of force; the right to habeas corpus at times of national emergency (at the seminar he had found a remarkable consensus about the entitlement, a sign he thought of the diffusion of common law thinking); and the organisation of protection of human rights, especially in the absence of mechanisms such as an International Court of Human Rights, an institution he thought at that time 'utopian'. On some of these issues Morris noted important innovation — a right to legal representation in the Philippines for example, and a system of Civil Liberties Commissioners in Japan. An awareness of comparative advantage, rather than a self-satisfied contentment

with Australian practice, encouraged Morris to bring to the fore discussion of administrative innovation, such as police disciplinary boards to curb police malpractice in criminal procedure.

Through Barry, Morris gained a further opportunity at this time to consider more closely a key issue at the heart of contemporary debates over penology, specifically the death penalty, and in an Asian context. He had already set his stamp on the Australian debate about capital punishment within a year of arriving at Melbourne in his widely published Howard League pamphlet, *You the Hangman* (N. Morris & Howard League for Penal Reform, 1952). Through contacts met at the United Nations Congress, Barry had been invited to chair a commission to inquire into the future of the death penalty in newly independent Ceylon (Sri Lanka). Unable to carry out such work owing to his own judicial duties, Barry suggested Morris, who took on the task with his typical energy. The resulting document was characteristically systematic in its review of the statistical evidence. Morris wanted always to subject propositions about the utility of punishment to the test of available evidence. The task itself turned out to be fruitless, owing to a revival of political violence in Ceylon. But it helped consolidate Morris's reputation as a person with interests in the administration and reform of criminal justice in the Asia-Pacific region. His standing was consolidated in 1960 when the Australian government again asked that he be the delegate to another United Nations Seminar on Human Rights, this time held in Tokyo, with higher-level representation from the region. On this occasion Morris acted as rapporteur to one of the four main agenda items, 'on the purposes and limits of penal sanctions with special regard to the protection of human rights'. Other items covered the uses of criminal law in the protection of human rights, and the application of capital and corporal punishments.

The sensitivity of international discussions on human rights issues was highlighted in Morris's report to the Australian government on the Tokyo seminar. There he was compelled to draw attention to the strong attack on South African apartheid policies by the Indian delegate and, much closer to home, a question raised in plenary session by Japan regarding the 'White Australia Policy'. There were more positive signs of Australia's reputation in a request from the Thai delegates for Australia to provide training opportunities for their lawyers.<sup>10</sup> By this time, Morris was well attuned to the needs of international diplomacy and the lessons to be learned from taking a modest approach to the merits of Australian and like approaches to criminal justice issues. His participation in these forums paved the way for his appointment as first director of the United Nations and Far East Institute in Tokyo in 1962. It also explains the context of one of the perspectives in the book Morris published with Colin Howard in 1964, *Studies in Criminal Law*, with its chapter on 'Penal Sanctions and Human Rights' (N. Morris & Howard, 1964).

Recognition of the rights discourse that infused these meetings is necessary to adequately assess the scope of the UN's shaping of the criminology agenda, to the extent that it was capable of shaping it at all. Social defence and the interests of the state were, without a doubt, pre-eminent in the rationales for these congresses and seminars. But what did 'social defence' mean? Manuel Lopez-Rey, the UN's Head of the Section of Social Defence, claimed in 1957 that it 'was misleading' to assume that the term connoted a particular theory or ideology. In the administrative

context of the UN it covered a range of matters including the prevention of crime, the treatment of offenders, the problem of juvenile delinquency, and prostitution and related matters (a topic inherited from the League of Nations agenda on the trafficking of women; López-Rey, 1957). Practically, as evident in the topics considered at the UN regional seminars and congresses, the rubric embraced just about everything that moved in the field of crime and criminal justice. A renewed and revised 'Standard Minimum Rules for the Treatment of Prisoners', a longstanding (since 1929) threshold statement wielded by prison reform advocates, was an outcome of the first UN Congress at Geneva. Lopez-Rey was later highly critical of the appalling indifference to the rules, but such commitments established norms that could be reference points for judicial activists as well as prison reformers. We may take here an Australian example that long predates the emergence of prison reform groups. In 1957, two Victorian prisoners appealed a sentence of whipping imposed, in addition to a further prison sentence, for their conviction for shooting a warder during an escape attempt. Their appeals to both the Victorian Supreme Court and High Courts failed. But the case exposed for public and judicial comment the appropriateness of a sentence such as whipping. Importantly, the 1955 amendments to the Standard Minimum Rules were cited by a dissenting appeal court judge, TW Smith; Norval Morris acted for one of the prisoners on that occasion, and Justice Barry may have helped supply his judicial brother with copies of the UN Report that included the amended rules, as well as other material, including Grunhut's 1948 book on penal reform and the UK 1938 Cadogan Commission Report on Corporal Punishment, all documents used by this well regarded judge to argue that there were some punishments that should be abandoned by the law.<sup>11</sup>

The flexibility of 'social defence' was evident again in 1965 when the 3rd UN Crime Prevention Congress met in Stockholm. In spite of now holding a chair at Chicago, Morris attended as part of a six-person Australian delegation that was headed by Justice Jock McClemens of NSW. Both took a prominent role in the proceedings. McClemens chaired one session and Morris acted as rapporteur to another. Under the heading of 'Measures to Combat Recidivism', Morris reported that the delegates discussed the criminogenic effects of prolonged remand, the problems of unjustified disparity in sentencing within, as well as between, jurisdictions, and the problems of lack of timely and adequate legal aid to indigent defendants.<sup>12</sup> As rapporteur for the section, Norval Morris cannot have been wholly responsible for inflecting the discussions on such a topic in these directions, but his report has the subversive undertone of somebody wanting to turn established assumptions on their head. It was also a kind of signal to the imaginative intervention offered in *The Honest Politician's Guide to Crime Control*, the collaborative product of Morris and Gordon Hawkins in 1970 (Morris & Hawkins, 1970).

In Australia, Barry was encouraged by Morris's endeavours to push the case for a more active engagement in the development of criminology in the region, as well as internationally. In 1960, both lobbied the Australian government to push for the location of the proposed UN training institute for the 'prevention of crime and the treatment of offenders'. At Tokyo in that year, Lopez-Rey had announced that Japan had invited the UN to establish such an institute there — but in conversation with Norval Morris he had also indicated that the negotiations for this were proving difficult. Morris prompted Barry to lobby the Australian government

before it was too late. Barry had already done so and continued his campaign for some time.

The fate of that campaign and the lengthy delay until the consolidation of a proposal for an institute and commitment to its establishment and continued funding cannot be detailed here — other than (given the location of this ANZSOC meeting in Adelaide in 2007) to report an observation of Geoffrey Sawyer to Barry in 1960: ‘There are obvious dangers in making its location depend on any temporary accident of personality; otherwise I would suggest Adelaide’.<sup>13</sup> The occasion of the observation was obviously the location at that time of Norval Morris as Dean of Law at the University of Adelaide. He was not long at Adelaide, however, a city where he had confronted a powerful conservative legal establishment during the campaign to save Rupert Max Stuart from the gallows in 1959–1960 (Inglis, 1961). Experience at the UN seminars, and interest in the possibilities of criminological work in the Asian–Pacific countries had whetted Morris’s appetite for the kinds of opportunity that UN institutions allowed. When the UN finally established its training institute at Fuchu in 1962 it appointed Morris as Foundation Director. To it he invited Barry to give one of the earliest training courses, over 3 months late in 1964. Others connected to Australian criminology’s early development would owe some of their career directions to the UNAFEI Institute, notably William Clifford, appointed Director of the Australian Institute of Criminology (AIC) in 1974, from his earlier position as Head of the UN Crime Prevention and Criminal Justice Programs. From that context flowed also the AIC’s interest and involvement in training of criminal justice personnel in the region. This engagement was, however, little shared by the universities, which became focused on education and research opportunities located largely within their national or even more local jurisdictions. Until recently, there have been very few articles in the society’s journal attending to criminal justice or other criminological concerns in the Asia–Pacific area — the dominant connections, influences and frames of reference being those of the North Atlantic. Whether a different kind of relationship might have developed with the continuing presence of the one academic criminologist who had really carried forward an antipodean relation to the Asian–Pacific region must remain a hypothetical.

While the regional dimension might have faded over time after an initially promising start, the international context remained critical to antipodean criminology’s sense of itself. The links were sustained in the ways characteristics of a social science discipline in an era of expanding mass education and increasing funding for research — through postgraduate training, through transnational academic and professional recruitment, through the intellectual communications of journals and conferences. Although, again, this is not the place to embark on an extended intellectual and professional history, I want to bring these remarks to a conclusion by noting some of the features that preserved the international dimension of antipodean criminology during the period of the society’s formation and early years.

The UN seminars and congresses were not the only international forums for criminology during the 1950s and 1960s. There were some Australian members of the International Society of Criminology, which organised the international congresses attended by both Barry and Morris in London in 1955, and by Barry in Stockholm in 1960. Morris was appointed a member of the Scientific Commission

of that society in 1957.<sup>14</sup> There was some tension between the European-based International Society and its 5-yearly congresses and the United Nations with its developing and ambitious agenda under the Social Defence Section. Asked in 1957 by Australia's Department of External Affairs whether Australia should provide financial support to the International Society, Barry and Morris jointly advised no: the Commonwealth focus should be on supporting the United Nations's activities.<sup>15</sup> It was in 1960 that the President of the International Society of Criminology suggested that the Australians might set up a branch society, a prompt that was recalled in the first number of the journal. But the society formed was not a branch, and the constitution made no mention of the International Society. The European orientation of the International Society perhaps did not sit so well with the small group of Australian and New Zealand criminologists whose stronger professional and intellectual links were, predictably enough, with the North Americans and British.

What was the nature of those links in the years leading to the formation of the society? I think it is worth stressing the two-way traffic that was developing, and has remained a feature of antipodean criminology. This was true of personnel, of ideas and orientations, and of a developing sense of professional identity.

Both training and recruitment forged and sustained international links. Two key figures, Gordon Hawkins, taking up the first lectureship in Sydney's Institute of Criminology, and Allan Bartholomew, appointed to the position of psychiatrist at Pentridge, were recruited from Britain in 1960 — both of them were 'inspected' by Judge Barry during his visit to London for the Second UN Congress.<sup>16</sup> Norval Morris had been Melbourne-trained (in law) but undertook his doctoral studies in London under Herman Mannheim, a pattern common in his day and throughout the 1950s and 1960s. These patterns of recruitment and training remained important in the early years, but postgraduate research training in Australia gradually added depth to the local environment — and maintained disciplinary breadth, with sociology, psychology, political science, law and history producing many antipodean criminologists in the last 2 decades.

Nevertheless, if local research training has substantially replaced training in Britain or North America, antipodean criminology has retained its international dimension and undoubtedly strengthened its international standing in the same period. Recruitment has continued to bring in new people, and the society and journal have been important vehicles through which such people (e.g., the current president and the three most recent editors of the journal) have played their role in developing local criminology. But the depth of local criminology is evident equally in a reverse kind of internationalisation — the recruitment to other countries of antipodean criminologists and their ideas and energies. Regardless of place of employment, criminologists from Australia and New Zealand are distinguished by their regular participation and contribution in international conferences, as well as their success in publishing in international journals and other publications. Another kind of history will eventually have to consider the significance of this contribution and its sustaining conditions — but there is no doubting the fact that what happens in criminology in Australia and New Zealand now matters also in the larger international profession and discipline of which it forms a part. In that contribution I am sure we can recognise one indispensable sustaining contribution — the

material fact of the society's existence over 4 decades, leavening criminology through its journal and annual conferences. That fact provides the most encouraging perspective from which to view the possible futures of the society.

At its 40th birthday the society has much to celebrate. Institutions like this can be fragile. They don't emerge from nothing and they don't survive on hot air, even if they produce more than a fair share during their annual talkfests! They are the product of hard work, imagination, a sense of a future, a commitment to dialogue and (importantly) a toleration of difference. They also sustain the current generation of members and nurture future ones. Criminology in this part of the world is in a pretty healthy state and the society has played no small part in that.

The society has always exhibited a tension between the academic and the practitioner. It is a society now clearly dominated by academics. But the 2007 ANZSOC conference has also demonstrated the capacity of the society to provide a forum in which practitioners are sought out and listened to, and there are many signs of important new research partnerships beginning. There has also been a parallel tension between the theoretical and the practical. But there is no doubting the significant contribution over a long period of time made by the society's membership to enriching, reviewing, revising, discarding, rebuilding the theoretical frameworks within which the challenges of the real world may be understood. It does so primarily through its journal and the conferences, social institutions and practices that sustain intellectual work inside and outside criminal justice institutions.

Finally, I hope my commentary on some little-remembered antecedents of the 1950s and 1960s help to alert us to the particular regional advantages and challenges we face. The society's 20th Annual Conference has highlighted in many sessions the significant transnational engagements in policing, peace-building and governance that increasingly involve Australia and New Zealand. The society has the potential to maintain and develop its links to the region. In doing so, it might maintain a connection to a forgotten moment of its prehistory, the role of the first generation of antipodean criminologists in the development of new standards of human rights in criminal justice. Those beginnings are worth remembering at such a time as this.

## Endnotes

- 1 Inaugural Meeting of ANZSOC, 24 Oct 1967, JV Barry Papers, National Library of Australia (NLA) MS 2505/36/2. Other details of the background that follow are all from records in the Barry Papers, except where indicated.
- 2 For a sceptical view of the nature of the challenge, particularly of its self-regarding and parochial character, see Judt, 2005, pp. 390–421.
- 3 As indicated in the current online 'Statement of Purpose' (at <http://www.anzsoc.org/society/>) the 'purposes for which The Australian and New Zealand Society of Criminology Inc. is established are:
  - to promote study, understanding and cooperation in the field of criminology
  - to bring together persons actively engaged, or who have been actively engaged, in teaching and/or practices in the field of criminology
  - to foster training and research in criminology in institutions of learning, and in law enforcement, judicial and correctional agencies



- to encourage communication within the field of criminology through publications and conferences
- to promote and foster understanding of criminology by parliaments, governments and the public.

These are identical with Cl. 3 of the Constitution of the Society, confirmed on 24 October 1967 (Anon, 1968).

- All matters covered in the Minutes of the ANZSOC (in possession of the society). On Father Brosnan see Richards (2002).
- David Biles, interviewed by Mark Finnane, NLA Oral History Program.
- Copy of proposal in Board of Criminology Minutes, 4 April 1967, JV Barry Papers, NLA MS 2505/16/ 1977 addition, folder 6.
- For a review of the first decade of contributions to the journal see O'Connor (1980). O'Connor's content analysis demonstrated the dominance of medical and psychological perspectives in the first decade of articles, and the scarcity of sociological work. That this latter feature was a product of a broader weakness of sociology in Australia and New Zealand was lamented by Hiller and O'Malley in 1978 (Hiller & O'Malley, 1978).
- JVB to Julius Stone, 28 May 1963, NLA MS 2505/1/7228. The occasion was the United Nations Seminar on the Role of the Police in the Protection of Human Rights, Canberra, April 30 to May 14, 1963. Duncan Chappell has recalled his own similar sense of alarm at the time (1967) he and Paul Wilson addressed a national conference of police commissioners (Chappell, 2005).
- JVB to HV Evatt, 11 Nov 1940 NLA MS 2505/1/93–94.
- Norval Morris to Garfield Barwick (Acting Minister for External Affairs), [nd] June 1960, copy in Barry Papers, NLA, MS 2505/22/266–288
- R v Taylor and O'Meadly*, [1958] VR 285 at 293–4. Geoffrey Sawer regarded Smith J as the 'profoundest legal scholar on the Victorian Supreme Court' during these years, (Sawer, 1972: 24, n 14). The Standard Minimum Rules have remained an important element in human rights law policy and advocacy, see Giffard (2002); and generally Brown and Wilkie (2002).
- McClemens to Hasluck, 19 Aug 1965, NLA, MS 2505/30/24–25. The background papers included reference to work that Stanley Johnston of the Melbourne department had published on sentencing in Tasmania.
- Geoffrey Sawer to JVB, 4 April 1960, Papers of Geoffrey Sawer, NLA MS 2688/2/3, Box 3.
- Jean Pinatel (ISC) to the Australian ambassador, Paris, 13 May 1957, National Archives of Australia, A1838 (A1838/1), 889/80 Part 1, International Congress on Criminology.
- JVB and NM to R A Peachey (External Affairs), 11 Nov 1957, Barry Papers, NLA, MS 2505/1/3180–3181.
- Eg Shatwell to JVB 29 Aug 1960, Barry Papers, NLA, MS 2505/1/4734

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