

Prison Abolitionism

Philosophies, Politics, and Practices

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‘What does prison take? Family, freedom and the future.’ These words, from a woman who had spent much of her adult life churning through the prison system and far too much of her childhood within the state care system, speak to her personal legacy of devastation. While prison’s corrective and rehabilitative objectives are hard to evidence, its damaging impacts at individual and societal levels are easier to document. Another young woman who had suffered high levels of social harm and violence as a child, followed by imprisonment as a teenager, wrote in a poem:

The one thing that you will never see
Is to be captured having never been free.¹

The absence of prisons would not in itself create the conditions for individual or societal freedom. For that to happen, we would need to have societal structures which create the conditions that allow freedom from poverty, freedom from inequality, freedom from racism and practices of discrimination and marginalisation, and freedom from harms, including interpersonal harms. To have a just society, we must create just conditions. While prisons confine people, and institute forced associations between individuals who often share similar histories and social characteristics (Sharnock, 2016), they do not eradicate the conditions conducive to the production and reproduction of social harms. Indeed, they reproduce them.

This chapter gives an overview of prison abolitionist theory and activism in Aotearoa New Zealand. It first outlines why abolitionists posit the necessity of prison abolition, arguing that prisons fail to rehabilitate, deter crime, promote safety, and provide justice for victims. It then details political and moral justifications for prison abolition, including the incompatibility of imprisonment with tikanga Mori practices, the production of inequalities and injustice through prisons, and the pain that prisons cause. The third section provides a brief overview of prison abolitionism and current prison abolitionist organisations. Finally, the chapter summarises the key strategies that abolitionists use in pursuit of the goal of abolition.

A REVIEW OF ABOLITIONIST THEORY

For almost as long as there have been prisons, there have been calls for abolition (Knopp et al., 1976, pp. 13–15). However, understandings of abolition are varied and sometimes contradictory. According to the prison abolitionist theorist and activist Angela Davis, there are ‘multiple histories of prison abolition’ (Davis, as cited in Davis & Rodriguez, 2000, p. 215). Faith-based abolitionists base their opposition to prison on scriptural references, while anti-racist abolitionists point to chattel slavery and its subsequent abolition in the United States, as well as the colonisation of Indigenous lands, as starting points (Davis, 2003, 2005; Jackson, 1988; Lamusse et al., 2016). Others acknowledge the rise of critical criminology in the late 1960s and early 1970s, and the publication of key abolitionist texts such as Mathieson’s (1974) *The Politics of Abolition* and Prison Research Education Action Project’s *Instead of Prisons* (Knopp et al., 1976), as the start of the modern prison abolitionist movement.

From this history come various definitions of prison abolition. Prison abolition is usually seen as a long-term goal of a society without prisons. Most abolitionists also tie the need for prison abolition into a

wider struggle for social justice. Abolition can also refer to the abolition of criminal justice practices (Folter, 1986), such as the death penalty or prisons, as dominant modes of punishment (Davis, 2003; Knopp et al., 1976). For others, it may mean the abolition of societies where prisons are possible (Davis, 2003, 2005, 2014; Knopp et al., 1976; Lamusse et al., 2016; Lee, 2008). In this sense, prison abolition is a long-term process in the struggle for structural changes to society according to an abolitionist ideal (Knopp et al., 1976; Mathiesen, 2015; Scott, 2013).

WHY ABOLITION?

While their goal may seem idealistic and even dangerous to some, prison abolitionists argue that decades of criminological evidence demonstrate the practical necessity of abolition. And they are not alone in their assessment that prisons are a fundamentally flawed way of dealing with harm. Even government departments and mainstream politicians concede that prisons do not work: they do not deter crime, rehabilitate ex-prisoners, or keep communities safe; moreover, they are economically unsustainable.

Highlighting the failures of prisons, abolitionists provide pragmatic reasons for abolition. They are pragmatic in that they demonstrate the failure of prisons to work according to their stated purposes – namely: prisons fail to rehabilitate people; prisons do not deter crime; prisons can undermine public safety; and prisons do not serve victims.

Rehabilitation

A stated core objective of the Department of Corrections is to rehabilitate. Indeed, the very name of Corrections implies that the purpose of imprisonment is to ‘correct’ harmful behaviour. However, prisons are poor at helping people change, or (re)habilitating them, as the New Zealand government has known for decades (Roper et al., 1989).

The failure to rehabilitate is due to a number of reasons. First, prisons are often volatile places where a heightened level of vigilance and anxiety is normalised and where violence can be used as a regulatory tool. Prisons are non-therapeutic environments. They exacerbate prisoners’ existing health problems and can introduce new health problems (National Health Committee, 2010). Second, prison-based rehabilitation is undermined by the process of institutionalisation or ‘prisonisation’ (Goffman, 1961; see Martin, [chapter 21](#) this volume; Sykes & Messinger, 1960), through which the culture, routines, practices, and specialised lexicon of the prison are normalised. Institutionalisation ‘speaks not only to the deleterious effects of confinement but [also] to the embedded quality that remains even once the institution is no longer present’ (McIntosh & Coster, 2017, p. 78). Prisons are

institutions that in their architecture, systems and policies articulate the power of the state over the individual and within them prisoners are likely to experience a profound unfreedom. They may also have further developed patterns of behaviour and a way of viewing and being in the world which, while perhaps useful within prison walls, are perhaps potentially maladaptive and harmful outside of this specialised environment (McIntosh, 2011, p. 273).

In its *Case Against Prisons* report, JustSpeak argues that rehabilitation programmes in the community ‘are more effective, cheaper, and have fewer negative effects’ (Anderson et al., 2018, p. 14). Following this logic, abolitionists argue that if the aim is to rehabilitate people who have caused harm, the most effective environment in which to do so would be in the community, not the prison.

Deterrence

It is often posited as fact that prisons are necessary in order to deter people from committing crimes. However, there is little evidence to demonstrate that prisons succeed in this objective. Reported and actual crime rates (including non-reported crimes) have no causal relationship to the rate of imprisonment. Prisoner numbers are governed more by criminal justice policy and prison capacity (Armstrong, 2013). In Aotearoa

New Zealand, recent large increases in the prison population have been primarily attributed to 2013 changes to bail laws and judicial practices that made it harder for people to be held in the community before trial (Black et al., 2017).

With this in mind, the deterrence theory assumes that people will be deterred if they (1) realise their actions are criminalised, (2) believe they are likely to be caught, (3) believe they are likely to be punished, (4) take this likely outcome into account and (5) can change their behaviour in response to this assessment. In practice, however, prisons fail to deter ‘criminal’ behaviour. In fact, 60.9 per cent of people released from prison are reconvicted, while 43.2 per cent are reimprisoned, within two years (Department of Corrections, 2018).

Studies have shown that, compared to community-based alternatives, imprisonment can cause a slight increase in reoffending (Mitchell et al., 2017) and lengthier prison sentences can also increase risks of reoffending (Cochran et al., 2014). Because very few instances of criminal behaviour actually result in imprisonment, and because people engaging in criminalised behaviour do not always think ‘rationally’ according to a deterrence model, abolitionists argue that prisons are ineffective at deterring harmful behaviour.

Safety

In the short term, prisons offer safety through *containment*. This assumes that while people who are presumed to be dangerous are in prison, they are prevented from harming others in the community. Proposals to reduce the size of the prison population elicit alarmist responses from the Sensible Sentencing Trust (2017), a ‘tough-on-crime’ lobbyist group who stoke public anxieties at the prospect of criminals at large. Despite these fears, there is little evidence to suggest that prisons actually keep the public safe. Although an incarcerated individual imprisoned person is separated from broader society, they are still capable of harming others, and being violently victimised themselves, while in prison. Prison itself can be a site of intensified violence. As a seminal New Zealand report found, the ‘prison system has not only failed to confront the criminal with the crime but it has also provided an environment which supports the distorting of the individual’s offending’ (Roper et al., 1989, p. 3).

The idea that prisons keep society safe is dependent on the erroneous assumption that there is a clear link between harmful behaviour and imprisonment. However, according to the latest Crime Victimisation Survey, there were an estimated 1,777,000 victimisations in 2017–18, with 29 per cent of New Zealanders experiencing victimisation (Ministry of Justice, 2019). Over three-quarters (77 per cent) of those victimisations were never reported to the police (Ministry of Justice, 2019). By contrast, 7378 people were sentenced to imprisonment in 2018 (Shannon, 2019), some of whom were imprisoned for victimless crimes, such as breach of parole or bail conditions. Given the vast disparity between the number of imprisonments and the number of victimisations, safety through containment is structurally unable to have more than a marginal effect. If containment were a serious attempt to ensure safety, it would require imprisoning hundreds of thousands of people. In practice, only a very small subset of those who commit ‘crimes’ ever see the inside of a cell. Therefore, containment is simply not an effective way of ensuring safety.

Victims of crime

There is one point on which tough-on-crime lobbyists and prison abolitionists tend to agree, which is that the current criminal justice system fails victims of crime. Under New Zealand’s common law system, for example, victims traditionally had no formal role in the criminal justice system. Decisions about how harmful acts will be addressed are almost exclusively in the hands of parties other than the victim. The advisory group set up by the Labour government in 2018 found that ‘too many people who have been harmed by crime feel unheard, misunderstood and re-victimised’ (Te Uep Hpai i te Ora, 2019, p. 14). The current structure of the criminal justice system offers little to victims by way of restitution, support, or participation in the criminal justice process (Anderson et al., 2018). In addition, the distinction between victims and offenders is often blurred, with many people caught up in the justice system having experienced victimisation themselves.

THE POLITICS OF ABOLITION

Beyond pragmatic reasons, abolitionists also provide a range of political, moral, and ethical justifications for abolition. For the sake of clarity, we have made a distinction between pragmatic and political reasons for abolition. However, they are not entirely distinct. As many abolitionists argue, the prison is entirely political, and the argument in favour of or against its existence has political inflexions and implications.

Incompatibility with tikanga Mori

The key claim from Mori prison abolitionist scholars (Jackson, 2017; McIntosh, 2018) and activists (Kopeke-Te Aho et al., 2017) is that the criminal justice system is incompatible with tikanga Mori (customary practices and law). Mead (2003) notes that there have been discussions about whether tikanga Mori can be regarded as a system of rules which could have courts where offenders could be formally tried:

Obviously tikanga Mori has not worked this way in the past. But there is some force and power in tikanga Mori. Transgressions can hurt the offenders and result in some punishment. Tikanga Mori is supported by a social and ritual force which does not need to be monitored by a police force. People who are committed to being Mori generally regard themselves as being bound to uphold tikanga Mori (p. 7).

Before colonisation, tikanga guided behaviour and practices, including how to respond to harmful behaviour. However, the current New Zealand criminal justice system is the product and legacy of the colonial imposition of the British system on Mori (Jackson, 1988; Mikaere, 2011; Quince, 2007). This claim has been recognised by the Crown, with the government-commissioned *Te Ara Hou* report acknowledging that the concepts of justice and punishment that lay the foundation for prisons are based entirely on Pkeh principles (Roper et al., 1989). Where tikanga Mori attempts to understand the collective and individual causes and responsibilities for harm, tikanga Pkeh tends to attribute blame to individuals. Further, where tikanga Mori stresses the need to address imbalance and restore relationships, tikanga Pkeh stresses punishment and isolation (Jackson, 1988).

In its *Abolitionist Demands* (described below), the New Zealand prison abolitionist organisation No Pride in Prisons (NPIP), known since 2017 as People Against Prisons Aotearoa (PAPA) argues that imprisonment itself is ‘fundamentally incompatible’ with tikanga Mori (Lamusse et al., 2016, p. 92), and that prisons make the restoration of the imbalance of a relationship impossible by removing people who have harmed from their communities. This removal ends the possibility of restoring relationships. Moana Jackson (2017, para. 6), a leading scholar in prison abolition and Mori legal systems, further notes that ‘the idea of confining a wrongdoer in something like a prison would have been culturally incomprehensible’ in pre-colonial Aotearoa. For these scholars and activists, prison abolition is necessary in order to ensure that Mori can express tino rangatiratanga, as guaranteed under Te Tiriti o Waitangi.

Inequalities and injustice

In his landmark report into Mori offending, *He Whaipanga Hou*, Jackson (1988) makes a clear link between the colonial subjugation of tikanga and mtauranga Mori and the disproportionate imprisonment of Mori: the ‘correlation between offending and the cycle of confinement in which many Maori exist is a real and almost inevitable consequence of the racial and economic inequalities’ (p. 100). In the 30 years since his report, Mori have continued to represent more than 50 per cent of the prison population, while the total number of prisoners has increased from around 3000 prisoners to more than 10,000 (Department of Corrections, 2019a). Mori are disproportionately more likely to be arrested, charged, prosecuted, convicted, and sentenced to imprisonment than non-Mori (Te Uep Hpai i te Ora, 2019). In 2019 the disaggregated incarceration rate for non-Mori and Mori makes clear the differences in whom we incarcerate. The non-Mori incarceration rate is 119 per 100,000, and the Mori incarceration rate is 685 per 100,000 (Tanielu et al., 2020).

The effect of the mass imprisonment of Mori is stark, with one in five Mori men being imprisoned before the age of 35 compared to one in 12 non-Mori men (Te Uep Hpai i te Ora, 2019). In this context, the criminal justice system generally, and prisons in particular, are increasingly labelled as racist (Jackson, 1988, 2017; Lamusse et al., 2016; Te Ohu Whakatika, 2019; Te Uep Hpai i te Ora, 2019). This is something the Sixth

Labour Government has also started to acknowledge with the launch of Hkai Rangi, the Department of Corrections' (2019b) strategy for reducing Mori reoffending. Hkai Rangi recognises that the government has failed Mori in the past and fundamentally needs to change its approach to Mori offending.

While Mori and the poor are much more likely to be imprisoned, imprisonment also entrenches inequalities experienced by these communities. Imprisonment, even if brief, has long-term effects beyond just the incarcerated person: it can lead to the loss of jobs, income, housing, and security. The children of incarcerated people also bear the brunt of prisons, sometimes experiencing long-lasting emotional and psychological effects and being much more likely to themselves be imprisoned in adulthood (Gordon & MacGibbon, 2011; McIntosh, 2011; Mlinac, 2016). In this way, people leaving prison *and* their whnau often face worse living standards and prospects as a consequence of imprisonment. Prison, therefore, helps to reproduce cycles of poverty which entrench structural racism and undermine the futures of incarcerated communities.

Pain

Prison abolitionists also argue against imprisonment on moral grounds because it requires the deliberate and unnecessary infliction of pain, and it does not undo the suffering caused by that person or change their behaviour. Prison simply adds to the total amount of pain experienced in society (Martinot, 2014; Mathiesen, 2015; Morris, 1995; Scott, 2013).

This pain is not an abstract concept, but a concrete practice embedded in the structure of imprisonment. At a fundamental level, imprisonment creates pain by separating people from their communities, significant others, friends, and whnau. This separation and distance can undermine relationships and the well-being of both the imprisoned person and their whnau, with imprisonment often leading to relationship breakdown and further isolation.

In addition, the social and physical environment of imprisonment can cause substantial harm to incarcerated people. At its most extreme, people in prison are regularly placed in solitary confinement, experiencing inhumane and degrading treatment that can have serious long-term implications for their well-being (Lamusse, 2018a; Shalev, 2017). For some people, the pains of imprisonment can be so overwhelming that they take their own life; the suicide rate among incarcerated people is six times that in the general population (Lamusse, 2017).

PRISON ABOLITIONISM IN AOTEAROA NEW ZEALAND

As Mori did not have prisons prior to colonisation, there was strong Mori resistance to official attempts to imprison Mori in the period following the signing of Te Tiriti in 1840. While Mori accepted that their whnau should take responsibility for their actions, many refused to hand over their whnau for imprisonment, as it was seen as 'degrading', 'pointless', and an 'inappropriate method of punishment' (Roper et al., 1989, p. 10). In the wake of Te Tiriti, Mori even won a concession through the Native Exemption Ordinance 1844, which reinforced the principle of utu as a substitute for imprisonment of all offences other than rape and murder. It is important to understand the whakapapa of Mori resistance to prisons and its connection to contemporary forms of abolition.

Abolitionism in twentieth-century Aotearoa New Zealand can be traced back to the Movement for Alternatives to Prison (MAP), which was established in the 1970s by a mixture of community workers, ex-prisoners, faith groups, and academics (McNeill et al., 2008). Its newsletters and documentation demonstrate that its objectives were clearly abolitionist as opposed to reformist. MAP claimed that prison reforms prop up 'an expiring system' and that reforms could not combat the deleterious effects of institutionalisation. They further argued that 'prisons wherever they be situated, constitute a failure industry and are based on the public's desire for revenge and retribution rather than providing workable habilitation opportunities to assist offenders with reintegration into the community' (McNeill et al., 2008, p. 12). MAP was active until well into the 2000s.

Groups such as Rethinking Crime and Punishment (which operated 2005 to 2015) and JustSpeak (operating from 2011) have advocated for reductions to the prison system and support alternatives to prison. Outwardly, these projects, while not explicitly abolitionist, had and have a membership range of views from

penal and legislative reform to prison abolition (Campbell, 2017). In 2015, a self-described queer and transgender prison abolitionist organisation called No Pride in Prisons (NPIP) was established. Inspired by the work of Angela Davis and similar queer and trans prison abolitionist organisations in the US, such as Black and Pink, NPIP started organising the LGBTIQ community in opposition to prisons (Lamuse, 2016). In 2016, NPIP published the *Abolitionist Demands*, which contains 50 demands on the government that would, if enacted, lead to the abolition of prisons. This book, collectively written by more than 20 people, refocused NPIP's attention on its abolitionist strategy and structure. From late 2016 to 2017, NPIP determined to become a prison abolitionist organisation for everyone, not just queer and transgender people. It changed its name to People Against Prisons Aotearoa (PAPA) and restructured to be a more inclusive and effective volunteer-run organisation (Lamuse, 2018b).

ABOLITIONIST STRATEGIES AOTEAROA IN NEW ZEALAND

Most abolitionists accept that prison abolition can be achieved through a long process of reforms and replacement of the current criminal justice system. What, then, distinguishes a prison abolitionist from a prison reformer? Prison reformers believe that prisons must play a key role in the criminal justice system, and that they can be reformed to be more humane and effective. Abolitionists, however, can see the strategic use of certain types of reform as a tool to achieve a different end goal: the abolition of prisons. This means that while the strategies of reformers and abolitionists sometimes overlap, they also diverge. Abolitionists distinguish between reforms that bolster the prison system and abolitionist reforms 'which do not legitimize the prevailing system, but gradually diminish its power and functions' (Knopp et al., 1976, p. 24). The strategies for abolition include some of the following reforms.

Constitutional transformation

In the settler-colonial context, the most politically important strategy for prison abolition in Aotearoa New Zealand is constitutional transformation. In this context, constitutional transformation refers to a restructuring of power relations between the Crown and tangata whenua in line with Te Tiriti o Waitangi. The *Matike Mai* (2016) report outlines various frameworks that would ensure partnership and power-sharing between tangata whenua and tangata tiriti (non-Mori New Zealanders) by 2040. Constitutional transformation as outlined in *Matike Mai* would, importantly, enshrine a true expression of tino rangatiratanga for Mori, including full authority to engage in tikanga Mori practices for addressing harm.

In this respect, constitutional transformation has been a key component of recommendations to address the failures of the criminal justice system over the past 30 years (Jackson, 1988; Roper et al., 1989). In 2019 alone, two government reports found that constitutional reform is essential to addressing issues of systemic racism in the criminal justice system (Te Ohu Whakatika, 2019; Te Uep Hpai i te Ora, 2019).

Excarceration

A key plank of abolitionist strategy is excarceration. This refers to the reduction in the size and scope of the prison system over time, by sending fewer people to prison in the first place (Knopp, 1994; Knopp et al., 1976; Scott, 2013). Scott (2013) highlights three main tactics of excarceration: decriminalisation, diversion, and minimisation. Decriminalisation refers to the removal of criminal sanctions for criminalised actions. Knopp et al. (1976) suggest prioritising the decriminalisation of victimless crimes, which PAPA echoes in its call to end the drug war and decriminalise all drugs (Lamuse et al., 2016). In diversion, certain people (because of their background, for instance, or age) are routed away from the formal justice system 'on the grounds of responsibility or vulnerability' (Scott, 2013, p. 108). Minimisation refers to limiting the ability of the formal legal system to intervene. Taken as a whole, the intended effect of excarceration strategies would be to reduce the number of people sentenced to imprisonment.

Decarceration

Whereas excarceration aims to prevent people from being sent to prison, decarceration refers to getting people out of prison (Knopp, 1994; Knopp et al., 1976; Scott, 2013). Decarceral tactics aim to reduce the

current prison population in a safe and sustainable way. These tactics can include: eliminating the practice of remanding people in prison awaiting trial (Knopp, 1994); presumptive early parole or release practices (Knopp et al., 1976; Scott, 2013); restitution to victims in lieu of serving further time (Knopp et al., 1976); retroactive decriminalisation of victimless crimes (Knopp et al., 1976); amnesties or pardons (Scott, 2013); and the review and reduction of current long-term sentences (Knopp et al., 1976; Scott, 2013). In New Zealand, the strategy of decarceration has been implicitly supported by government as ‘it can be concluded that existing prisons are of limited use to society and for the future we must plan for a continuing reduction in prison numbers by other more effective means of responding to crime’ (Roper et al., 1989, p. 22).

Moratorium

A key part of the abolitionist strategy has been the call for a moratorium on all new prison construction (Armstrong, 2013; Knopp et al., 1976; Scott, 2013). Armstrong’s (2013) study suggests that the number of incarcerated people is largely determined by the total capacity for incarceration:

More prison capacity means more prisoners. When judges get tough and send more people to prison, unless new prisons are built the prison system is forced to create safety valves – house arrest, parole adjustments, early release, suspended sentences. When judges sentence fewer people to prison, the people already in prison get to stay longer. Whatever judges do, prison capacity acts as a limiting factor on the total population size. Outside of the forecasting model, a new explanation becomes possible: prisons cause prisoners (p. 155).

In this sense, stopping the expansion of prison capacity through new prison construction or the expansion of double-bunking is a core element of an abolitionist strategy to combat incarceration (Lamusse et al., 2016). For example, a proposed new mega-prison in Waikeria was met with significant opposition in 2017 and 2018 by activists, academics, and faith-based organisations, and from civil society. Although the prison construction went ahead, it did so on a much smaller scale than originally intended.

Negative reforms

In addition to excarceration and decarceration, abolitionists advocate for reforms that not only reduce inmate numbers but also shrink the system by abolishing some of its most extreme elements. Abolitionist scholars and activists have different names for this kind of reform. Here, we will refer to what Mathiesen (2015, p. 223) calls *negative reforms*: those ‘changes which abolish or remove greater or smaller parts on which the system in general is more or less dependent’.

A prime example of a negative reform would be PAPA’s campaign to end solitary confinement.² In solitary confinement, a person is held in their cell for 22–24 hours a day without any meaningful human contact, as defined by the United Nation’s ‘Mandela Rules’ (United Nations General Assembly, 2015). PAPA argues that solitary ‘is the harshest form of punishment available in the New Zealand prison system’ (Lamusse, 2018a, p. 1). PAPA’s campaign to abolish solitary confinement aims to take away the state’s power to inflict its most painful form of punishment, abolishing a core part of the prison system. Similar negative reforms include PAPA’s calls to abolish double-bunking and strip searches (Lamusse et al., 2016).

Alternatives to imprisonment

The question of alternatives to prison is hotly contested within abolitionism. This contestation varies, with some abolitionists completely rejecting the need to propose alternatives to prison (Folter, 1986; Hulsman, 1997; Mathiesen, 2015; Ruggiero, 2010) and others laying out concrete plans for what could be done instead (Knopp et al., 1976; Morris, 1995; Scott, 2013; Scott & Gosling, 2016).

Mathieson (1986) argues that the experience of the implementation of early ‘alternatives’ was poor. Rather than serving as an alternative method of justice, potentially transformational alternatives, such as probation, community detention, and community service, ended up causing a ‘net-widening’ effect, in which policy change simply increased the number of people swept into the formal justice system. For this reason, many thinkers are highly critical of alternatives that increase, rather than decrease, the reach of the justice system (Cohen, 1985; Mathiesen, 1986; Morris, 1995).

As a result, a critical approach to alternatives is required to ensure that their implementation occurs alongside real reductions in the prison population (Cohen, 1998; Knopp et al., 1976; Scott, 2013). Contrary to those abolitionists who argue that outlining alternatives is not politically necessary (Folter, 1986; Mathiesen, 2015), other abolitionists argue that the goal of prison abolition is fundamentally undermined if abolitionists do not offer clear, rational, and realistic alternatives to prisons (Cohen, 1998; Malloch, 2013; Scott, 2013).

Indeed, the unwillingness of abolitionists to propose alternatives has been criticised by sympathetic but critical scholars (Greenberg, 1983; Scheerer, 1986). This criticism is made more powerful by the seemingly automatic reply from people outside the abolitionist milieu when first introduced to the idea of prison abolition: ‘But what do we do instead?’ An inadequate response to this question can make abolitionists seem naïve and utopian. In this sense, proposing alternatives to prison is also about capturing the imagination of ordinary people who understand that prisons do not work but cannot see any better options.

So what are the abolitionist alternatives to imprisonment? Davis (2003) argues there is not a singular, all-encompassing alternative institution to prisons but a ‘constellation of alternative strategies and institutions’ (p. 106). This ‘constellation’ is required because abolitionists like Davis are seeking not simply to tear down prison walls, but further to abolish the conditions that enable imprisonment in the first place. Prison abolition without attending to the drivers of harm would not reduce injustice. Alternatives, then, differ depending on what is seen as the injustice. For example, if we take the founding injustice of settler colonisation, Jackson (1988) has proposed constitutional transformation with Mori-led alternatives to imprisonment for Mori. Under Jackson’s model, the injustice of colonisation would be addressed, alongside the injustice of the racist criminal justice system, while allowing for alternative ways of dealing with interpersonal harm drawing on tikanga Mori.

Alongside Mori alternatives, under the constitutional transformation envisioned by *Matike Mai*, tangata tiriti could work in partnership with tangata whenua to implement other prison alternatives. These could include restorative justice, transformative justice, community service, reparations, fines, supervision, therapeutic communities, and community detention (for more, see Knopp et al., 1976; Scott, 2013; see also Tauri, [chapter 20](#), Durrant & Riley, [chapter 22](#), and Mills & Latimer, [chapter 23](#) this volume). This is by no means an exhaustive list, and not all prison abolitionists would argue that all of these are even *abolitionist* alternatives. Abolitionists who do argue for these kinds of alternatives also argue that in order to avoid net-widening and to ensure these represent abolitionist alternatives, their implementation would need to occur simultaneously alongside rapid decarceration and excarceration (Knopp et al., 1976).

CONCLUSION

Regardless of the reasoning and strategies for prison abolition, many people simply see prison abolition as impossible. It is unfathomable to some that there could ever be enough public support for abolitionism when tough-on-crime approaches are rampant. For many abolitionists, the inevitability of the prison is intimately linked to its social function within capitalism. Davis (2003, 2014) argues prisons play a crucial role in hiding social problems, while at the same time reproducing inequality and oppression. As a result, the beneficiaries of the current economic system can maintain their place in the social order through mass imprisonment (Reiman, 2004). In this sense, one of the most important barriers to the achievement of abolition is the capitalist economic system (Davis, 1998, 2003, 2014).

However, it is important to remember that social change can seem impossible right up until it happens. This has been the case for such profound social changes as the abolition of slavery, the dismantling of apartheid in South Africa, and the decriminalisation of homosexuality and introduction of marriage equality in Aotearoa New Zealand. Politics and criminal justice policy also vary greatly over time. In the 1970s, many abolitionists and policy-makers believed we were on the verge of the end of prisons altogether (Mathiesen, 2015). Although these predictions were undermined by the global economic and social restructuring known as neoliberalism in the 1980s, they demonstrate that there have been times when an abolitionist justice system seemed likely.

We may be approaching such an era again. A recent government expert advisory group report found that ‘transformative change to our criminal justice system is urgent’ (Te Uep Hpai i te Ora, 2019, p. 69), while another government-supported report called for the abolition of prisons (Te Ohu Whakatika, 2019). To end imprisonment as a primary means of addressing social, economic, and political problems requires new social

institutions and conceptual frameworks that would render incarceration unnecessary. Although there is still much to do before prison abolition can be achieved, there are promising signs that we may be able to achieve this seemingly impossible goal.

STUDY QUESTIONS

- Why is prison abolition necessary?
- Why do we need to understand the history of colonialism, tikanga Mori, and Mori incarceration rates in thinking about prison abolition?
- What are the differences between incarceration, decarceration, prison reform, and prison abolition? And what strategies are used by prison abolitionists to achieve prison abolition in Aotearoa New Zealand?

FURTHER READING

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NOTES

- 1 This excerpt is from a poem by a young incarcerated whine Mori who writes her poetry under the pseudonym Maia. Poems that Maia has written can be found at <https://www.radionz.co.nz/news/national/321773/poetry-brings-peace-behind-bars>
- 2 See <https://endsolitary.papa.org.nz>

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Part Four

Differential Experiences

The eight chapters in [Part Four](#) cover further crucial debates for criminology in Aotearoa New Zealand. Focused largely around the treatment of specific populations – including Mori, Pasifika, children and young people, women, those with mental health problems, those with disabilities, gang members, sex workers, and ‘non-citizens’ – these chapters illustrate how responses to ‘crime’ sustain ongoing racist, sexist, ableist, and economic power relations. At the same time, these chapters are future-focused and help us reimagine how we can view crime or engage in justice.

The first chapter reflects on how victims have been managed at the margins of criminological thought. Detailing the emergence of victimology, along with its guiding frameworks and concepts, Rebecca Stringer illustrates how early scholars built their contributions around victim-blame as they cast victims as culpable, dishonest, and even potentially guilty of the crimes against them. She provides a searing analysis of how these foundations continue to frame criminal justice reporting, policy, practice, and social perceptions. These elements are especially resonant in the treatment of women and children who have been victimised through violence. However, victim-blaming and silencing are selectively directed towards those victims with least social power. The implications, as critical and radical scholars have shown, are widespread, including a silencing of harms, and the moving of attention away from offenders as well as from the wider backdrops of structural disadvantages, institutional failings, and sociocultural conditions that legitimise violence.

With its emphasis on institutionalised racism and systemic bias, Kim Workman’s chapter returns us to the issue of policing. Given New Zealand’s colonial context, policing has been a key indicator of the embedded nature of racism and discrimination through the justice sector (a situation exacerbated by the structural realities of neoliberalism and penal populism). Workman shows how law and punishments have been continually used to assert colonial controls and to assimilate Mori, not least by removing opportunities for punishments according to Mori traditions and tikanga. More recent culturally responsive strategies have failed to materialise into improved conditions or outcomes for Mori. Indeed, they have often normalised discriminatory criminal justice operations, diverted attention from addressing the root causes of discrimination, suppressed the full expression of rangatiratanga, and reemphasised Mori as *the* targets of criminal justice attention. Workman argues that culturally appropriate programmes and services can sometimes make a valuable contribution to the organisational culture, but they do not, on their own, address the underlying presence of personal racism and structural bias within organisations like the police. He concludes that police leadership (which is so central to the cultures that underpin officers’ decision-making, discretion, and organisational socialisation) has to take affirmative action.

These realities are reasserted in the chapter – by Tamasailau Suaalii-Sauni, Juan Marcellus Tauri, Robert Webb, Arapera Blank-Penetito, Naomi Fuamatu, Fa’afete Taito, and Salevao Faauuga Manase – that considers Mori and Samoan experiences of youth justice. Beginning with a discussion on the need for community-based research with Mori rangatahi, Samoan talavou, and their families, they draw on recent research to provide a critical examination of government responses to the disproportionate representation of Mori and Pasifika youth in the justice system. They show how key policy responses – such as family group conferences and new policing initiatives, as well as Rangatahi and Pasifika Courts – have regularly failed to divert Mori or Pasifika young people, and have not de-professionalised justice, shaken government power, or empowered Mori or Pasifika victims, offenders, and their whnau. They argue that these policies and processes expand the state’s reach into Mori and Pasifika communities by a dual process of co-option and indigenisation. And they conclude with an assertion for ethical and Indigenous-led community justice alternatives that can decolonise justice and enhance the well-being and aspirations of the community.