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Imagining Justice Transformation in Aotearoa: Possibilities and Pitfalls

 Grace Gordon 

Lecturer in Criminology, Auckland University of Technology, Auckland, New Zealand

Correspondence: Grace Gordon (grace.gordon@aut.ac.nz)

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ABSTRACT

It is well-noted that for as long as there have been prisons, there has been continued resistance to their use and calls for alternatives. Debates amongst advocates for change in the justice system fixate on whether prison reform or abolition is the answer. This article engages with narratives from 16 semi-structured interviews with people who advocate or work in the justice system. The participants included penal populists, prison reformers, and prison abolitionists. Despite differing in their politics, participants recognised that the criminal punishment system in Aotearoa needs to change. This article sheds light on both diverging and collective visions for change, in the hopes of highlighting the possibilities and pitfalls of transformative change.

1 | Introduction

For as long as there have been prisons, there has been continued resistance to their use and calls for alternatives (Davis 2003). Despite these voices of resistance gaining more traction and support recently, there has been limited sustained and transformative change. Indeed, any vision of change to the way we respond to harm and achieve justice is ‘unnecessarily limited by our current realities’ (Epperson and Pettus-Davis 2017, vii). Therefore, the possibilities of our collective imagination are currently held captive by deeply engrained carceral logic (Gordon 2022). It is imperative that efforts are made to bring as many people along as possible, because the path to transformative change must be collective, collaborative, and united.

This article begins with an overview of contemporary debates regarding ‘reformist reforms’ and ‘abolitionist reforms’. In doing so, the rationale for building abolitionist alternatives is provided. To support this argument, the historical and contemporary resistance to the criminal punishment system in Aotearoa is briefly acknowledged. Within this article the term ‘criminal punishment system’ is borrowed from abolitionist scholars (Bell 2021; Kaba 2021; Kilroy and Lean 2022; McDowell 2015) in lieu of the more

common phrase ‘criminal justice system’, which inadequately assumes that such a system provides ‘justice’.

Reflexive thematic analysis (Braun and Clarke 2021) was used to form insights from 16 semi-structured interviews with individuals who make decisions about, or provide commentary on, the criminal punishment system. Participants were purposively selected, with their roles ranging from justice and victims’ advocates, politicians, parole board members, senior justice officials, judges, ex-police officers. Despite the differing political perspectives of people interviewed for this research, all participants expressed a deep appetite and hope for change. This was notably a response to the failure of the criminal punishment system to meaningfully respond to the needs to people who have been harmed and people who have harmed. Despite participants’ collective desire for change, there was less cohesion in their suggested alternatives, thereby functioning as a ‘smorgasbord of visions’. Indeed, fractured and siloed visions of change can themselves be barriers or pitfalls to transformative change.

Reflexivity is a fundamental feature of reflexive thematic analysis (RTA), where people engaging in research must consider how their personal experiences, social position, disciplinary knowledge,

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and ideological commitments shape their perspective. Reflexive research is viewed as an active process that involves ‘a subjective, situated, aware and questioning researcher’ (Braun and Clarke 2021, 5). As part of the reflexive process, I regularly situated myself within the research to recognise how my own biases and subjectivities influenced the research. The intent here is not to remove subjectivity, but instead to ensure that my positionality is acknowledged from the outset. To that end, I must recognise my privileged position of being a Pākehā, abled body, cis-gendered, well-educated, middle-class, heterosexual, female. I situate myself within critical criminological scholarship and prison abolitionist politics. This contributes to my position as an activist-scholar, where my activism engagement with People Against Prisons Aotearoa (PAPA) informs my perspective.

Interviews for this research were conducted between June 2020 and September 2021. It is important to note that the interviews with participants for this research were conducted at a remarkably different political time to when this article was written. At the time of the interviews, the Labour Party had been in government for 4 years and were transitioning away from kneejerk justice policy and prioritising evidence-based and progressive ideas. Te Uepū Hāpai i te Ora (the Safe and Effective Justice Advisory Group) was formed under this government, and produced numerous reports, including their final report *Turuki! Turuki!* (2019) which could have been used as a blueprint for transformative change in Aotearoa. However, the 2023 election in Aotearoa brought forward the law-and-order debate and tough-on-crime rhetoric. The tide turned again, with the new coalition government (National Party, Act Party, and New Zealand First) promising to introduce hefty anti-gang legislation, harmful youth justice policies, and amendments to sentencing that would result in a burgeoning prison population once again (Hatton 2023). This highlights the diverging political climates between when participants were interviewed and the context in which this article was written. Indeed, tough-on-crime political agendas impede on any transformative progress or change and reinforce carceral logics and reliance on the criminal punishment system.

2 | Reform or Abolition?

In their book *Prison By Any Other Name*, Schenwar and Law (2020) demonstrate how continued reforms of the prison system have bolstered our reliance on the criminal punishment system. They argue that when something is re-formed, it often remains underpinned by the same framework and approaches. In writing their book, they interviewed Mariame Kaba, a prominent anti-violence and anti-prison activist, who argues that police and prison abolition is necessary, otherwise, there will just be ‘Somewhere Else’ and ‘Something Else’ that will be used to confine and control marginalised communities (Schenwar and Law 2020). This perspective informs Kaba and Hayes’ (2021, 25) call for a ‘jailbreak of the imagination’ to progress further towards an abolitionist future. By design, the carceral safety logic that underpins the criminal punishment system locks us into a mindset that fixates on relying on this system as our only solution to harm. Similarly, Schept’s (2013, 2015) concept of ‘carceral habitus’ demonstrates how reliant we are on the criminal punishment system. Due to our conditioning and socialisation that shape

our collective norms and practices, carceral habitus restricts our ability to imagine beyond our current approaches.

Carceral feminism and carceral humanism are two reformist approaches that remain bound by carceral habitus. The former seeks to address violence against women through increased criminalisation and punitive action. Concerningly, this approach fails to address the root causes of violence against women, and other forms of violence, and instead further extends our reliance on the criminal punishment system as a way of achieving safety (Law 2014; Meiners 2016). Carceral humanism insists that prisons can be fixed by promoting “healthier” and more “restorative” ways of incarcerating people. This perspective gives rise to electronic monitoring as an alternative to prison, however, this expands and legitimises control and surveillance of communities. While these approaches are presented as “more humane”, they instead deepen and further entrench carceral logic into our imagination and culture (Kilgore 2014).

Prison reform movements are considered unfavourable by prison abolitionists as they further entrench a reliance on the criminal punishment system. Abolitionists continuously draw attention to reformist reforms being the problem (Resistance 2021; Davis and Rodriguez 2000; Kaba and Ritchie 2022). Reformist reforms ‘still support the extractive mission of these coercive institutions to siphon resources and cull “disposable” individuals out of the community’ (Davies, Jackson and Streeter 2021, 3100), and in doing so fail to “address the structural character of carceral racism” (Davis et al. 2022, 62). Abolitionist reforms, “nonreformist reforms” (Gilmore 2007), or “negative reforms” (Mathiesen 1974) have been platformed to address and counteract the criticisms of reformist reforms. To ensure that a reform action is abolitionist, it must not ‘strengthen, reify, or extend the state’s footprint of harm’ (Brown 2019, 81, emphasis in original).

2.1 | Imagining Abolitionist Alternatives

Many abolitionists acknowledge that carceral logic and processes of criminalisation colonise our minds (Coyle and Nagel 2021). Indeed, the colonisation of our minds and collective imagination holds us captive to carceral logic. Consequently, this makes it harder to promote alternative processes and approaches to harm. Davis (2003, 9) argues that prison abolitionists are frequently ‘dismissed as utopians and idealist’ because the criminal punishment system is so deeply engrained. This makes it hard to ‘envision a social order that does not rely on the threat of sequestering people in dreadful places designed to separate them from their communities and families’ (Davis 2003, 10).

Abolition is often mistakenly criticised for its only focus being on the dismantling of the criminal punishment system, with limited tangible alternatives. However, it is precisely the creation and building up of a society that no longer needs prisons that is at the centre of the movement (Davis 2005; Davis et al. 2022). Therefore, abolition is an expansive movement that requires our collective imagination to be unleashed from carceral logic. McDowell and Fernandez (2018) emphasise the importance of building up “life giving” institutions and services to ensure people have what they need to not just survive, but thrive. Bassichis et al. (2011) share their expansive vision of the abolitionist movement: Abolition is not just about closing the doors to violent institutions, but also about building up and recovering institutions

and practices and relationships that nurture wholeness, self-determination, and transformation. Abolition is not some distant future but something we create in every moment when we say no to the traps of empire and yes to the nourishing possibilities dreamed of and practiced by our ancestors and friends. (Bassichis, Lee and Spade 2011, 42)

Beyond the building up of life-giving institutions, and changing our relationships to each other, reimagining language and dominant narratives is an important part of the abolitionist movement. The criminal punishment system relies on the assumption and dominant narrative that punishment, police, and prisons make our society safe (Gordon 2025; Norris 2021). The prison abolitionist movement teaches us the fallacy of such a position and therefore provides us with an opportunity to disrupt and unlearn this narrative.

2.2 | Prison Abolition in Aotearoa

The criminal punishment system is a 'product and legacy of the colonial imposition of the British system on Māori' (Lamusse and McIntosh 2021, 293). Indeed, the use of prison as punishment is rooted in Pākehā principles and continues to function as a tool of colonial power. Māori resistance to prison has been ongoing since they were introduced in Aotearoa during the 19th century. Māori scholars have extensively championed for decarceration or prison abolition, arguing that prisons, and the criminal punishment system more broadly, conflict with tikanga Māori (Andrae, McIntosh and Coster 2017; Jackson 1987; Roper et al. 1989; Webb 2017; Workman 2019). More recently, in the 2023 election campaign, prison abolition found a place in the party policies for Te Pāti Māori (2023).¹

Broader support for the prison abolition movement in Aotearoa has found strong momentum. The landscape of activist and advocacy organisations championing transformative change has developed significantly in the last decade. In 2011, JustSpeak was formed as a youth branch of Rethinking Crime and Punishment (RCP), and a few years later took over RCP (Lipsey 2021). Operating as a mostly prison reformist organisation in its early days, it slowly morphed into contributing tangentially to prison abolitionist debates and calling for more radical transformative change. In the lead-up to the 2020 election, JustSpeak (2020) released a video titled "A Message from 2040", which provided a vision for an Aotearoa without prisons. Another activist organisation, No Pride In Prison (NPIP), was formed in 2015 as a form of resistance against police participating in the annual Pride march (Lamusse 2021b). In recognising the gap of abolitionist organising in Aotearoa, NPIP pivoted away from a queer and trans activist group towards a more broader prison abolitionist position in 2017. This re-positioning involved renaming the organisation to People Against Prisons Aotearoa (PAPA). As a fully volunteer-run organisation, PAPA has extended its membership and supporter numbers as more people recognise the importance of the prison abolitionist movement.

3 | Methods

This article draws on qualitative semi-structured interviews with people who advocate or work in the "criminal justice" sector in Aotearoa. The 16 people that were purposely selected to be

interviewed had varied experiences and perspectives of the criminal punishment system and were selected to capture multiple viewpoints: parole board members, ex-police officers, victims' advocates, justice advocates, community organisers, a judge, a politician, a member of local government, the Secretary of Justice, and the Department of Corrections National Commissioner. Most participants interviewed for this research are widely or publicly known in this sector. The relevance of interviewing people in public profile roles lies in the fact that these people are often decision-makers or commentators and are partially accountable for disseminating information about "justice" related issues to the public. Often these people make decisions based on what they consider as important to the public and are therefore a useful source of information about issues pertaining to the criminal punishment system.

Importantly, participants had a diverse range of perspectives and political positioning, and included penal populists, prison reformers, and prison abolitionists. All participants chose to be named in any outputs related to the research. This is at odds with Eurocentric ethical considerations, which tend to prioritise confidentiality and anonymity for research participants. Tracey McIntosh (2011) recognises that framing ethical considerations in this way can obscure participants' contributions. Instead, McIntosh advocates for allowing people to actively choose whether to be named so that their meaningful contribution is acknowledged. To recognise the contribution made by participants, small biographies of each person are included at the end of this article. Participants are listed alphabetically, and the biographies aim to briefly acknowledge their positionality and to provide context to the work they have been engaged in throughout their careers.

Braun and Clarke's (2021) six recursive phases of Reflexive thematic analysis (RTA) were followed to analyse the data. Familiarisation is the first step, which requires gaining 'intimate knowledge' of the dataset by thoroughly reading each transcript (Braun and Clarke 2021, 42). Next, I initiated the coding process through NVivo which involves identifying 'segments of data that appear potentially interesting, relevant or meaningful for your research question, and apply pithy, analytically-meaningful descriptions (code labels) to them' (Braun and Clarke 2021, 35). The next three phases of RTA work in tandem and involved generating, reviewing, and refining overarching themes. The final phase involves writing up the analysis and findings, which in and of itself involves reflecting on how the findings are presented.

4 | Appetite for Change

Despite differing in their political perspectives, participants expressed a strong desire for change in the criminal punishment system in Aotearoa. This shared aspiration is captured in the following statement shared by Jess McVicar:

And like you say, we're all in it for the same thing at the end of day. End goal is no crime, less victims, no offenders, no prisons, and that would be the ultimate goal. That's awesome!

(Jess McVicar)

At the time of the interview, McVicar was the press spokesperson for the Sensible Sentencing Trust (SST), a lobby group that her father established in 2001. The SST is known for its victims' rights advocacy alongside a staunch position on harsher sentencing for

perpetrators (Pratt 2013). Given this context, McVicar's comments demonstrate a noteworthy departure from the organisation's typical punitive stance, as she acknowledges a shared objective across political divides: 'no crime, less victims, no offenders, [and] no prisons'.

Participants' calls for change were grounded in concerns that the criminal punishment system is dominated by a lack of humanity and produces long-term harm for people whose lives intersect with it. The lack of humanity and harm is often experienced by both people who have caused harm and people who have been harmed. In line with critical feminist scholarship, this section aims to limit the use of 'offender' and 'victim' to challenge the rigid and false dichotomy created by such labels (Brenner 2013; Godsoe 2021). However, these words are used when sharing direct quotes to honour participants' choice in words.

4.1 | Experiences of People who Have Been Harmed

The perspectives of Jess McVicar and Ruth Money are mostly used here due to their extensive experience advocating for people who have been victimised by serious harm. Their narratives highlight how traumatising and re-victimising the justice system can be for the people they support. McVicar and Money support people who have been impacted by serious or violent offending, and so they shared many anecdotal stories of people they have advocated. The support they offer can include, but not limited to, explaining the court process, being cc'd in an email, or sitting with people in court and during parole hearings. Within their interviews, they often referred to people experiencing the unimaginable turmoil of having their lives turned upside down, which can then contribute to cycles of violence and harm:

Until you work with them or become a victim, it's hard to know and it's hard to imagine, but this person's life has been turned upside down in one split second by the selfish actions of one person.

(Jess McVicar)

Like the whole hurt people hurt people, some of my survivors, then turn to hurting themselves or hurting others because of what's happened to them [...] Their lives are utterly destroyed, they can't work, so they lose their house. They go on the benefit. They use their 30 counselling sessions. They start self-harming. They might get some ACC help. They go on to medication. They ignore their children and so their children's learning is compromised. So, this destruction just keeps on coming.

(Ruth Money)

Jess McVicar and Ruth Money argued that the people who they support are consistently side-lined by the court process due to a lack of a voice and lack of communication. Through these side-lining tactics, the criminal punishment system adds harm to people that have already experienced trauma. Victim impact statements are one avenue to have a voice in the justice system, however, McVicar is critical of how these are often edited by the court. Here, she notes that victim impact statements are often 'the only opportunity that they get to speak their mind, and that gets taken away from them'. The following commentary highlights the impact of limiting or silencing a person's voice:

They feel like there is no one there for them. They feel left alone, they're in the dark, and they're dealing with a situation. But then on top of that, they are trying to rebuild their home, they might be

having to bury a loved one, they may not even know where their loved one is that has been killed. Quite often the location hasn't been disclosed yet, so they haven't actually had that closure. They're having to deal with all of the emotions that we go through. The anger, the grief, they're having to deal with all of those, amongst being misguided in the system.

(Jess McVicar)

If people are provided the opportunity to share their voice, they can often then be side-lined through the lack of communication regarding the court case, which can be difficult to process. Without communication, Ruth Money recalled how a lot of the people she advocates for often fill in the gaps themselves, and spend more time being thrown into turmoil. Similarly, Paula Rose criticised the lack of accessibility of the justice system, insinuating that the court system is not open for laypeople that go through it. Her analogy of the theatre of the court demonstrates that the main actors – judge, lawyers, and court officials – all know the script:

It's a system where the main participants are all in the club. The main participants know the language, know the theatre. It's a bit like going to a foreign country, and even though you might speak the language, you don't. You might think you understand the customs, but you don't. So, I think it's a closed group. And the higher you go up the system, the more of an elite enclosed group it is.

(Paula Rose)

It is important to understand that people who have been harmed are not all treated equally. Christie (1986) categorisation of 'ideal' and 'non-ideal' victims demonstrates how victimisation is socially and culturally constructed. Ideal victims are viewed as deserving, whereby their victimhood will be taken seriously or sympathetically. Contrary, people harmed through state abuse, such as abuse in state care or within prison, are not often viewed in the same lens as 'ideal victims' (Stanley 2016; Stringer 2021). For many people in prison, especially women, their victimisation is a core driver of their criminal behaviour that led them to prison. Indeed, for people in prison, 77% have a history of violent victimisation, and 53% of women and 15% of men have experienced sexual abuse at least once (Te Uepū Hāpai i te Ora, 2019). However, their criminal behaviour often trumps their victimhood, and they are not seen as worthy of empathy or compassion. Therefore, beyond what is shared above, there is a need for more critical understandings of victimhood in Aotearoa (Stringer 2021).

4.2 | Experiences of People who Have Harmed

There was a general consensus amongst participants about the limited benefit of a prison sentence for most people. Many participants expressed concerns about the dehumanisation that people experience within prison, which Chester Borrowes refers to as the 'lack of willingness to understand that these people are human and need to be treated as such'. The lack of humanity afforded to people in prison is attributed to the social distance between incarcerated people and non-criminalised people:

If we don't have to like them or understand the people who offend, then we don't have to look after them in prison. There are so many people in need in prison who aren't getting their needs met, from things as basic as hearing aids and eyeglasses, down to mental health care and counselling.

(Chester Borrowes)

I do consciously and consistently remind myself that most people have the luxury of conveniently not knowing anything about prisons. And they are fearful of not only of the institution but of the people in there. They think that they are scary, bad, terrible, you know, like Peter Dutton referring to people as trash. How could you refer to any human being as trash? And that is what lots of people think about prisoners.

(Khylee Quince)

Here, Quince is referring to a comment that Peter Dutton, an Australian politician, made when claiming that deporting people, most of whom had received a prison sentence, to Aotearoa was ‘taking out the trash’ (Murphy and Hunt 2021). The level of distancing that is created through labeling people in prison as “trash” enables and perpetuates the dehumanisation experienced by people in prison. Khylee Quince and Tim McKinnel were blunt with their description of prison, simply recognising them as ‘cages’ for holding humans. Similarly, Efeso Collins recognises prisons as a waste of human potential, and for young people in particular it blocks their ability to flourish:

I don't know all the kids and young people – I should call them kids because that's what they are – in prison, but damn it, I know they've got the capacity to love, and to nurture, and to reach out, and to encourage, and to be great, and we are wasting that talent because society hasn't got the time to walk alongside them. We just lock up all this potential at a time where they're still developing as young men in particular. Where all that potential and that talent is just being stored away for nothing, gathering dust.

(Efeso Collins)

Not only does prison inhibit people's ability to thrive, but it can also actually do more damage and harm. Emilie Rākete labelled the criminal punishment system as an ‘ouroboros of violence’ in which we treat a person bad because they have done something bad. This sentiment is shared by Kerman (2019), author of *Orange Is the New Black: My Year in a Women's Prison*, who recognises that rather than solve the issue of violence, incarceration causes more violence. Many participants recognised that the violence experienced within prison is not often a reason for public concern. This is either due to the public being oblivious to its occurrence or believing that those that are subjected to violence in prison deserve it. Speaking of the violence within prison, the following sentiment highlights the disconnection between public perceptions of prison and the reality:

[P]rison is awful, it's really violent, it's peopled with people who have been really damaged by that system already. [...] People think you just go to prison, and you learn your lesson. And it's just a bit shit, it's just a bit uncomfortable, you've got a hard bed to sleep on, but it's this horrifically abusive, violent place.

(Golriz Ghahraman)

Tania Sawicki Mead acknowledged that our current justice system reproduces harm through lack of healing. As a result, she argues that ‘people's trauma, or experiences that they have gone through tend to fester and play out over generations, rather than be healed’. Similarly, Chester Borrows asserts that the people that are in prison are often those who have been ‘failed by every other social agency’. Elizabeth Stanley's *The Road to Hell* (2016) and *The Abuse in Care Royal Commission of Inquiry* (2024) demonstrate a recent commitment to understanding the link between abuse in state care as a child and experiences of incarceration. Noting the

high levels of victimisation amongst the prison population, Shila Nair insisted on the need to be empathetic and compassionate:

Considering that the majority of those in prison and those who offend were victims of violence and abuse at some stage in their lives, the emphasis needs to be on preventing people from becoming victims in the first instance. The justice system needs to be empathetic in orientation rather than operating from a simple stance of crime and punishment.

(Shila Nair)

Due to the dehumanisation experienced by people in prison, and that their experiences of victimisation often get inadequately addressed, side-lined, or forgotten, the criminal punishment system functions as a ‘wheel of failure’. Tim McKinnel and Efeso Collins acknowledge that the criminal punishment system suffers from ‘short-termism’, which ends up causing more harm in the long-term:

[The system] can, and does, have positive outcomes at times. But broadly speaking I think it is a failure, but it is part of a much larger series of failures, and criminal justice is treated superficially and, it suffers terribly from short-termism [...] It's a vicious circle in that what happens in prison is that they are not rehabilitated, they often come out in worse shape than when they went in. And so, you end up on this wheel of failure.

(Tim McKinnel)

It just comes back to bite us on the bum when a lot of those young men come out and I think they reoffend quickly because we don't have the structures to reintegrate them into a society that rejected them in the first place. So actually they just coming back to what rejected them in the first place, which is why they end up back in prison.

(Efeso Collins)

Alongside her advocacy for victims, Ruth Money has previously been engaged in Te Uepū Hāpai i te Ora, an advisory group that toured the country to listen to lived experiences of the justice system, which has also shaped her perspective. Throughout the interview, she alluded to the ‘mass destruction’ of the system, where the limited success of current rehabilitation and reintegration efforts functions to ‘recycle’ people through it, and creates widespread destruction:

Like the justice system doesn't serve anyone. Like no one. Taxpayers, offenders, victims, you name it, it was completely dysfunctional for everybody in my humble opinion and experience.

(Ruth Money)

The justice system as it currently operates fails for those who have been harmed, those who have harmed, and for broader society. To achieve sustainable, long-term, and collective safety it is imperative that we move off the ‘wheel of failure’ and encourage compassion and care for all people in society.

4.3 | Hope for Change

Alongside participants' frustration with the current system and their strong rationale for change, many expressed the belief in the possibilities of change within the near future. This included a sense of hopefulness due to the growing collective energy amongst the public, government, and non-government organisations in the period between 2018 and 2021. The following sentiments demonstrate the power of collective energy and action that was building during this time:

When everyone's playing their bit, there's major potential for change, and you will help shift the narrative and when we start to shift the narrative, we shift the resource, we shift the expectations, and so something good happens so.

(Efeso Collins)

I absolutely have hope, because there's that many organisations out there now trying to make change for the justice system, that some things got to give, something has to happen.

(Jess McVicar)

Kim Workman, who has had a career working or advocating in the justice space spanning over the past six decades, was encouraged by the new energy from emerging young leaders under the Labour-Green government. He accredited the changing conversation on justice and crime to the rise in young leadership:

[W]e've got a leadership in the Ministry of Justice with Andrew Kibblewhite, and Andrew Coster now in the Police, and people like Ashley Bloomfield in Health. Of young people who are not conditioned by the past and are prepared to engage in a new future. And a Prime Minister that allows you to do that stuff. So yeah, there is some hope out there.

(Kim Workman)

The changes in leadership at this time was reflective of changing views of the public:

I think obviously we have become less and less comfortable as a society, even though obviously there's huge difference within public attitudes about what we want out of our justice system. I think the tide has turned on being wedded to, and celebrating, the idea of prisons as punishment.

(Tania Sawicki Mead)

I think even the most staunch advocates for a 'tough on crime' approach will concede that we incarcerate a lot of people in New Zealand and wouldn't it be better to do things that would mean less offending so we would have to incarcerate less. I think most people think that prison is not a that effective a solution.

(Andrew Kibblewhite)

A survey conducted by [Hāpaitia te Oranga Tangata \(2019\)²](#) on public attitudes of the justice system demonstrated that rehabilitation was highly rated as the primary goal a prison sentence should achieve, which reflects the sentiments shared by these participants. While Tania Sawicki Mead said she would want to 'laugh bitterly' at the notion that a prison sentence can achieve rehabilitation, she acknowledged this shows progression as the 'fervour with which people kind of clung to the idea of punishment and deterrence has perhaps waned a bit'. The following section provides a variety of insights into participants' suggestions for change. Although offering multiple avenues of transformative change seems promising, it can cause division, fractures, and tensions, which may impede the potential for progress.

5 | Visions of Change

A variety of suggestions for change were provided by participants, which operates as a 'smorgasbord of visions' ([Gordon 2022](#)). This can be viewed positively, as there are multiple opportunities or points of intervention. Conversely, this can also create fragmented visions of change which can cause tensions amongst advocates for change. The fragmented nature of these visions can

be characterised as somewhat avoidable disagreements in policies and practices, rather than significant ideological differences. Indeed, this reflects a lack of consensus about the best pathway forward and can function as a barrier for sustainable and transformative change. The criminal punishment system is a culmination of 'siloes of power' ([Gordon 2022](#)), which impedes the clarity and coherency of transformative possibilities that are championed for.

Participants' visions for change have been categorised into four themes that are offered respectively: reallocating values, priorities, and resources; addressing the root causes of offending; public education; and responding to harm collectively. Due to the specialised nature of the work that some participants are involved in there were more specific suggestions that were tailored to their expertise and experiences that could not all be included here.

5.1 | Reallocation of Values, Priorities, and Resources

Empathy, compassion, respect, and care were the most expressed values that should be prioritised to meaningfully respond to harm. These values directly oppose the dominant and simplistic punishment-focused response to harm that prioritises prisons, police, and exclusion ([Gordon 2022](#)). Many participants acknowledged the complexity in changing priorities and mindsets, but despite this challenge, recognised there is a necessity to change:

Investment needs to be made in changing the narratives of people operating the justice system, and that encompasses the facilitation of a paradigm shift in thinking about crime and criminals: This shift will need to begin with instilling a change in the mind-sets of those involved with the system and to then correct the systemic anomalies that continue to propagate incarceration as a culture towards addressing crime.

(Shila Nair)

To overcome this challenge, investment and resources need to be redirected away from the criminal punishment system to localised community-based initiatives. Khylee Quince acknowledged justice reinvestment as an appropriate social policy and conversation starter to widen collective support for change. While other participants did not use this exact terminology, they integrated features of this approach into their suggested approaches to change. In the context of court processes, Judge Recordon recognised positive changes regarding mental health law, but despite 'passing good legislation' there was 'limited resource to back it up'. Therefore, despite well-intentioned and evidence-based changes, these changes often occur 'without changing what happens on the outside and the people who actually work in the system' (Judge Recordon). Similarly, in the victim advocacy space, Jess McVicar has welcomed recent Justice Ministers raising the need for more support. In her words, McVicar believes the system 'needs to be more victim-focused, because they need to be looked after'. However, while promises and commitments to increased resourcing to supporting victims have been made, Jess McVicar suggested that a lot of this is 'all this talk and there's been no action at all'. Both perspectives demonstrate that ongoing commitment to changing priorities, as well as providing resources, is required to make long-lasting change. While

participants agree on the need for committed investment, their perspectives differ on *what* to prioritise that spending on.

5.2 | Addressing the Root Causes of Offending

Investing in preventative approaches to harm was deemed paramount for participants. Emmy Rākete captured this sentiment best by acknowledging that efforts need to be made to ‘structurally prevent harm from occurring’. Various systemic drivers of harm were identified, which creates many points of intervention to occur. Ultimately, participants recognised a greater need for stability and support for people, particularly those who live on the margins of society. Of the many root causes of harm identified, the most common ones that participants acknowledged were poverty (and associated issues of unemployment and housing), alcohol and substance use, mental health, education, and lack of role models. Importantly, participants recognised the multi-layered interaction between these social conditions and that there is often an accumulative effect that occurs.

Several participants acknowledged the interconnectedness of lack of employment, unstable or unsuitable housing, and poverty, and that the culmination of such social conditions can be a driver towards criminal offending. Paula Rose argued that employment is ‘a huge scaffolding in terms of safety’ as it helps ‘keep people occupied’. Chester Borrowes recognised that equal access to social and economic support is important, but that is not often the case. He shared that emphasis needs to be on ensuring ‘people do get jobs, and people do have enough money to live on, and people do have health care and it’s not [given] out by postcode’.

Golriz Ghahraman recalled a statistic from when she first entered Parliament in 2017, whereby 90% of young people in juvenile facilities have a ‘serious learning disability’. The cause of such a startling fact, according to Ghahraman, is the accumulation of multiple failures in education, healthcare, and mental health care systems. Ghahraman identified that these are all opportunities ‘where we can intervene to make somebody’s life better, not just because we want to make their life better, but because that would have kept our entire community safe’. Similarly, Efeso Collins would like to have a ‘schooling system that understands the cultural capital that our young people bring into the classroom’. Therefore, investing resources into making education inclusive and accessible can create long-term and collective benefits, and would be a better investment that the criminal punishment system:

We’re not investing what we invest on prisons into our education system and seeing those things as being related. Like we’re not seeing inclusive education as related to our criminal justice system and we’re not investing even like remotely similar rates of money and human resources into inclusive education, as we do into prisons.

(Golriz Ghahraman).

Social isolation and marginalisation can push certain people towards criminal behaviour to provide a sense of belonging, Efeso Collins discussed how a lot of young people experiencing complex social issues, such as poverty or exclusion from school, results in them ‘looking for a sense of family’ or for someone to ‘walk beside them’. This perspective illustrates why people may involve themselves in gangs, or engage in criminal activity, to seek belonging:

[O]ur prisons today are filled with our young people because I think society hasn’t recognized that perhaps they need a someone, a dad in their life, a father figure or friend who is always going to be there to walk alongside them, to play rugby alongside them, or whatever it is just so that they can get some of those feelings out.

(Efeso Collins)

[T]he issue of entrenched criminal behaviours in gang whānau, for instance, and the key to that is understanding why they are in a gang in the first place. Because they are feeling, or have felt, for generations, felt excluded and marginalised and not included and have found fraternity in that way. And one can only expect that if you are going to say that that lifestyle is not appropriate, you have to compliment it with an equally fulfilling lifestyle somewhere else. And you know, New Zealand has not got that sorted out yet.

(Rachel Leota)

These perspectives from participants reflect a desire towards focusing on improving living conditions, and to invest in policies and practices that prioritise social inclusion. The emphasis on addressing the material conditions that push and pull people into the criminal punishment system reflect Lamusse’s (2021a, 2024) theorising on “material abolitionism”. Most participants emphasised the importance of addressing the root causes of offending, but differed on their views on what these drivers are and whether the focus should be at an individual or structural level.

5.3 | Public Education

Beyond addressing the root causes offending, participants recognised that a cultural shift and change in public perception was necessary, which requires balanced storytelling, clear messaging, and public education. There are multiple models that explore the link between punitive public opinion and punitive penal policy: democracy-at-work (Roberts et al. 2003), penal populism (Pratt 2007) and the elite manipulation thesis (Beckett 1997). Despite their differences in whether the public initiates punitive thinking, or is passively receptive to it, all three models highlight that public perceptions and values contribute towards justice policies and practices. Therefore, public opinion is an important avenue where change can be made, through creating spaces for more people to learn and be open to alternative ways of thinking that go beyond simplistic, punitive approaches.

Most people in Aotearoa do not have a direct experience of the justice system (Ministry of Justice 2025)³, or know very little about the use of prisons (Research New Zealand 2021)⁴, and so their understanding of justice related issues is externally sourced. A survey on public perceptions of crime conducted in 2013 found that television news broadcasts, online news sources, and newspapers were the top three main sources of information about crime (Brunton 2013). Therefore, balanced storytelling by the media is imperative to ensure that the public have access to information and a variety of ways of thinking. Paula Rose explained how the media and journalists are fixated on ‘impact stories’ that sell, which may override their ability to share stories which diverge from this. Consequently, the media presents news stories to the public that share the same sentiment, therefore contributing to stereotyping and shaping public opinion.

Beyond rethinking how the media present news stories, it is also imperative to create space for laypeople to have conversations where they can think more think more deeply about social issues

such as justice. Tania Sawicki Mead, through her work with JustSpeak, collaborated with the Workshop to create a guide, *How to Talk About Crime and Justice* (2020), which explains how important it is to connect with people's values when engaging in conversations where people may differ in their viewpoints. Tim McKinnel recommended that through 'education, exposure and responsible research that's well publicised' the public can gain access to more information and a range of different viewpoints so that they have an opportunity to broaden their understanding.

An important feature of public education, and the movement towards changing public conversations, is broadening the voices that are centred. As people with lived experience are 'experts of their own condition' (McIntosh and Curcic 2020, 236), it is necessary to amplify these voices. Efeso Collins, who at the time of the interview was involved in local government, shared that his motivation to enter politics was to be a 'more real, more relevant, and more honest voice for people in South Auckland'. His platform enables him to amplify different voices, and to challenge stereotypes about Māori and Pasifika communities:

I thought it was time that we saw someone who is Samoan, who grew up an Otara, went to all Otara schools, lived in a state house, I thought that lived experience was important to the political voice that we had because I've realised now even more now that I'm in a local government that politics is all about the fight for resources and power and influence and when our people aren't at the table, then you get very little voice when it comes to those things.

(Efeso Collins)

Chester Borrows reflected on how it was exactly the type of personal stories and different voices that Efeso speaks of that enabled him to change his opinion and see the world through other people's eyes and experiences. During his time as a politician, and more recently in his experience as the chair for Te Uepū Hāpai i te ora, Borrows' perspective on many issues has shifted because he 'had more information'.

Public education on justice issues, or any issue for that matter, can be difficult because most people who are strong in their opinions are uninterested in listening to new ideas. However, Tim McKinnel recommended that through 'education, exposure and responsible research that's well publicised', conversations can be had where 'you get to talk to people and explain to them the realities of it'. He continues, by noting that 'people aren't incapable of understanding, they just don't have the opportunity to properly understand'. Speaking more broadly about the need for public education, Khylee Quince explained how crucial it is for more people in Aotearoa to understand colonial history and legacy, and how that contributes to hyper-incarceration of Māori (Martin 2021):

[C]ompulsory, mandatory education of New Zealand history is going to be a massive game changer. If you get people to learn about the invasion of raupatu [confiscated land] and the harm done to Māori, that is the long story of incarceration, of hyper-incarceration, and overcriminalisation. That will change people's minds.

(Khylee Quince)

5.4 | Responding to Harm Collectively

Participants were mostly unified in their view that decision making on how to respond to harm needed to be done collectively.

For Tania Sawicki Mead, a 'collective focus on what the long-term outcome is for everyone involved' should be central so that the outcome is 'good for the community, as well as good for the people at the heart of [the harm]'. Andrew Kibblewhite explains that historically the courts have prioritised objectivity and so have therefore 'distanced themselves over time from the community'. In saying that, he also recognises that better solutions may be reached if 'we bring the community into the court process', which speaks to where the greatest potential for healing and resolution comes from:

I think the government is often not well placed to actually bring solutions to individual lives. That will much more likely come from whānau, from community networks, from things that government might have a role in directing or mandating or requiring sometimes, but the actual healing and resolution will come through community.

(Andrew Kibblewhite)

While participants recognised the importance of collective responses to harm, there were simultaneous calls to advocate for localised solutions. Drawing on her experience as a Community Development Manager for a small South Island community, Helen Algar shares that localised solutions to the issues that a community are facing are important. Continuous communication and collaboration with the community is essential to ensure solutions are embedded in the needs of the local community. For example, the Waitaki community recognised family violence and methamphetamine use as the greatest concern and therefore as a collective group they channelled their energy into addressing those issues. Similarly, Emilie Rākete explained that different solutions and approaches are necessary. Opening the door for different solutions is one way in which the community can be more involved in decision making around how to respond to harm:

I think the reality is that we're all experimenting all the time with different strategies and trying different things that will work. And I think there's not one answer, because there's not one population.

(Emilie Rākete)

5.5 | Possibilities and Pitfalls of Transformative Change

It is evident that there is a strong desire and appetite for change within the criminal punishment system from people with diverse political positions. All participants who contributed to this research project clearly have a passion for reducing crime and creating safer communities in Aotearoa. Participants overwhelmingly agree that the criminal punishment system does not serve or achieve justice for people who have been harmed or people who have harmed. Participants expressed hope for a brighter future, which reflected the progressive moment during which the interviews were conducted. This article offers four possible avenues to implement transformative change, as envisioned by justice advocates: reallocating values, priorities, and resources; addressing the root causes of offending; public education; and responding to harm collectively.

Despite a clear appetite for change, a significant barrier remains. Although there is mostly consensus in each idea presented within the 'smorgasbord of visions', the variety of these visions highlights the overwhelming nature of transformative change.

While having multiple avenues of change presents itself as a positive sign, it can mean that tensions arise within justice transformative movements about where to focus energy. When people pursue change where they see the greatest need - be it public education, expanding access to inclusive education, or investing in mental health courts - doing so in isolation may result in less collaborative and cohesive movements towards change.

Furthermore, as evidenced by the recent changes in policies related to the criminal punishment system, any potential movement towards change can be hampered by 3-year political cycles. Since the interviews for this project were conducted, the political climate has changed considerably, both locally and globally, with the rise of far-right, authoritarian governance and the resurgence of tough-on-crime rhetoric and policies (Art 2024). Electoral politics are a feature of settler-colonial governance that prioritises short-term political gains over the sustained, relational approaches to justice and accountability envisioned by Indigenous and community-led movements. As Tracey McIntosh (2022, 176) reminds us, *mokopunatanga*, or ‘a focus on the lives of our grandchildren and their grandchildren.’, should be central to justice transformative movements. To achieve sustainable and transformative change, greater emphasis must be placed on building coherence and unity across vision of change.

6 | Participant Biography

Andrew Kibblewhite is the Chief Executive of the Ministry of Justice and Secretary of Justice. As part of his role as Secretary of Justice, he is chair of the Justice Sector Leadership Board. Andrew’s career demonstrates a commitment to public service including some of the previous roles he has held: Chief Executive of the Department of the Prime Minister and Cabinet (DPMC), Deputy Chief Executive at Treasury, Director of the Policy Advisory Group at the DPMC.

Chester Borrows was a social commentator on justice issues and has had an extensive career in the justice sector. Chester served as a police officer for 24 years before working as a defence lawyer. He then transitioned into politics as a member of the New Zealand National party. In his 12 years in government, he held many justice-adjacent portfolios, but most notably was Minister of Courts and Associate Minister of Justice between 2011 and 2014. More recently, he was appointed Chair of Te Uepū Hāpai i te Ora (Safe and Effective Justice Advisory Group) and was a member of the Parole Board. Chester passed away in early 2023.

Emilie Rākete (Ngāpuhi, Te Rarawa) is the Press Spokesperson for People Against Prisons Aotearoa (PAPA) and is also one of the founders of PAPA (previously named No Pride in Prison). PAPA is a mass-based prison abolitionist organisation advocating for a fairer, safer, and more just Aotearoa. In 2024 Emmy completed her PhD exploring the political economy of prisons in Aotearoa and is currently a criminology lecturer at the University of Auckland.

Fa’anānā Efeso Collins was one of two Councillors in the Manukau Ward for Auckland Council, at the time of the interview. Having grown up in the Otara community in South Auckland, he has a strong connection and commitment to that community. Efeso is of Samoan and Tokelauan descent, and his

drive for local government is due to his “ongoing frustration around how the political representation for people in South Auckland was usually older white men”. At the end of 2023, Efeso was elected as a Green Member of Parliament before his sudden and unfortunate death in early 2024.

Golriz Ghahraman is an Iranian-Kiwi refugee who was a Member of Parliament for the Green Party from 2017 to 2024. She held a range of portfolios (Corrections, Courts, Ethnic Communities, Human Rights, Justice), which demonstrates her passion for social issues. Prior to her involvement in government, she was a lawyer in New Zealand and in United Nations tribunals in Africa, The Hague, and Cambodia.

Helen Algar is a Community Development Manager for the Waitaki District Council. In 2021, Helen was awarded a Safe Community Award by the Safe Communities Foundation New Zealand, to recognise her commitment to the Waitaki community. As part of her contribution to the community, Helen has been involved in ‘Stronger (Safer) Waitaki’, which is a Council and Community initiative.

Jess McVicar was the National Spokesperson for the Sensible Sentencing Trust (SST) at the time of the interview. SST is an organisation that was founded by Jess’ father which advocates for victims of serious violent crime and lobbies for change in our justice system. Her main role was to ensure that victim’s rights are upheld through the court or parole process and that they feel supported.

Professor Khylee Quince (Ngāpuhi, Te Roroa, Ngāti Porou, Ngāti Kahungunu) is Dean of Law at Auckland University of Technology (AUT), specialising in criminal law, youth justice and Māori and the law. Khylee is a board member for the NZ Drug Foundation and was a member of the Parole Board at the time of the interview. Khylee is regularly engaged as an expert consultant by government and non-government organisations, including the Ministry of Justice, Department of Corrections, New Zealand Police and TVNZ.

Tā Kim Workman (Ngāti Kahungunu and Rangitāne) has had extensive engagement within the criminal justice system, as a public servant initially, then as a service provider and then laterally as an advocate for change. Among the many roles Kim has had, he has been in the Police, the Office of the Ombudsman, and Head of the Prison Service. From 2000 to 2008, Kim was Director of Prison Fellowship, and during that time formed the ‘Rethinking Crime and Punishment’ strategy which later morphed in JustSpeak. Kim is actively engaged in many expert advisory groups and the Parole Board.

Paula Rose holds a range of governance positions; Deputy Chief Commissioner of Te Kāhui Tātari Turi (Criminal Cases Review Commission); Deputy Chair of Worksafe New Zealand; Commissioner of Transport Accident Investigation Commission; member of the Broadcasting Standards Authority. She is a former Police superintendent and held the position of National Manager Road Policing. Paula was a member of the Parole Board between 2014-2023.

Judge Philip Recordon had an extensive career in the court system in Aotearoa New Zealand, with a particular interest in family law, mental health and disability law, and youth law. Judge Recordon practiced as a lawyer in South Auckland for 30 years, before moving to the District Bench in 2003. He was also District

Inspector for Mental Health for 20 years and was heavily invested in widening the scope of mental health and disabilities in the court process. Judge Recordon passed away in early 2024.

Rachel Leota was the National Commissioner for Ara Poutama Aotearoa (Department of Corrections). Within that role she is responsible for all frontline operations within 18 prisons and 120 Community Corrections sites across the country. Rachel has worked at Corrections for almost 20 years and has contributed to developing and implementing policy initiatives across the organisation and the wider justice sector. In 2022, Rachel joined Oranga Tamariki (Ministry for Children) as the Deputy Chief Executive Service Delivery.

Ruth Money came from a corporate background and is a passionate independent advocate for survivors and for the last decade has helped survivors navigate the justice system. While she supports a range of victims, many of them are survivors of serious violence, including sexual violence. She was appointed as a member of Te Uepū Hāpai i te Ora (Safe and Effective Justice Programme Advisory Group) and provided the important perspective of victims within their reports. In early 2025, Ruth was appointed as Chief Victims Advisor to Government.

Shila Nair is a Senior Advisor & Counsellor for a not-for-profit community organisation, Shakti. Shakti provides culturally competent support for women, children and families of Asian, African, and Middle Eastern origin that need family violence intervention or prevention. Across her two decades of work in this organisation, she has contributed to managing crisis services, and then became Shakti's National Coordinator.

Tania Sawicki Mead was the Director of JustSpeak at the time of the interview. JustSpeak is a youth-powered movement for transformational change of criminal justice towards a fair, just and flourishing Aotearoa. Tania has moved between research and policy spaces throughout her career and she is passionate about human rights and flourishing. Tania is now the Communications Manager at UNICEF NZ.

Tim McKinnel is a private investigator and Director of Zavést, a firm that provides investigation and forensic services. Tim started his career in the justice system as a Police Officer, moved into the Criminal Investigation Branch, and has more recently been heavily involved in miscarriage of justice and wrongful conviction work. In 2020, Tim joined five others in the Establishment Advisory Group for Te Kāhui Tātari Ture (Criminal Cases Review Commission).

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Endnotes

¹ The Māori Party.

² Hāpaitia te Oranga Tangata (Safe and Effective Justice) was launched in 2018 to help guide the transformation of the criminal justice system and create a safer New Zealand.

³ The New Zealand Crime and Victims Survey (2025) has been conducted annually since 2018 and consistently found that around 70% of New Zealanders do not experience in the 12 months prior to participating in the survey.

⁴ The Long-Term Insights Briefing survey with a nationally representative sample found that the majority of respondents know “a little” (60%) or “nothing at all” (18%) about the current use of imprisonment in Aotearoa.

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