

Abolitionism and the Paradox of Penal Reform in Australia: Indigenous Women, Colonial Patriarchy, and Co-option

Eileen Baldry, Bree Carlton, and Chris Cunneen*

IN THIS ARTICLE WE PROVIDE AN EXPLORATION OF ABOLITIONISM IN THE CONTEXT OF THE Australian colonial project. Our intention is to advance a critical understanding of the paradoxes and challenges presented to the abolitionist vision by the project of penal reform.

During the twentieth and twenty-first centuries, Australia has witnessed the emergence of a diffuse patchwork of abolition and prisoner rights campaigns, which have been informed by the unique political and cultural contexts of the various Australian state jurisdictions.¹ Some of these campaigns, specifically in states such as New South Wales (NSW) and Victoria, have had a profound impact by eliciting and shaping government and correctional penal reform programs (Brown and Zdenkowski 1982; Carlton 2007). Paradoxically, Australia has witnessed at the same time a revalorization of the prison and of punitive measures as primary solutions for dealing with social problems and structural disadvantage (Baldry et al. 2011).

The Australian abolition project has engaged Indigenous struggles for self-determination in a limited and inconsistent way.² We therefore begin this article by recognizing Australia's origins as a colonial project, and that Indigenous Australians have been and are subjected to colonial positioning and a continuum of oppression. Abolitionists in the United States and Canada have similarly located Indigenous struggles against colonialism and imperialism at the center of the abolition project (Pate 2008; Smith and Ross 2004) and have identified the nexus between colonial violence and gender oppression within an abolition framework (Lucashenko 2002; Ross 1998; Smith 2005). Abolitionists recognize that domination and oppression are experienced along interlocking lines of race, class, sexuality, age, and ability and are products of a socioeconomic and political system characterized by bell hooks (2007) as imperialist, white supremacist, and capitalist patriarchy. Building

* **EILEEN BALDRY** is Professor of Criminology, School of Social Sciences, and Deputy Dean of the Faculty of Arts and Social Sciences at the University of New South Wales. Dr. **BREE CARLTON** is Senior Lecturer in Criminology, School of Social and Political Inquiry at Monash University. **CHRIS CUNNEEN** is Professor of Criminology in the School of Social Sciences at the University of NSW. He also holds a conjoint position at the Cairns Institute, James Cook University. His most recent book (with Baldry et al.) is *Penal Culture and Hyperincarceration* (Ashgate, 2013).

Abolitionism and Penal Reform in Australia

on this work, we conceive abolition in the Australian context primarily through a postcolonial and neocolonial lens (Blagg 2007; Cunneen 2001) that begins by recognizing Indigenous experiences of dispossession, genocide, and ongoing struggles for self-determination.

We focus on Indigenous women because their experiences embody and exemplify the intersections between colonial and neocolonial oppression and the multiple sites of gender disadvantage and inequality that stem from patriarchal domination (see Baldry and Cunneen 2012; McCausland and Baldry 2013). Indigenous women experience a “double jeopardy” due to their being both female and colonized (Baldry and Cunneen 2012). The focus on Indigenous women is consistent with a recent groundswell of decarceration campaigns by community organizations, advocates, activists, lawyers, former prisoners, and academics concerned specifically with imprisoned Indigenous women and their non-Indigenous counterparts. Much of this campaign work has emerged in response to disproportionate increases in the numbers of imprisoned women and to reports of human rights abuses and gender and racial discrimination in women’s prisons in multistate jurisdictions (see Anti-Discrimination Commission Queensland 2006; Armstrong et al. 2007; Cerveri et al. 2005; Department of Corrective Services NSW 1985; Equal Opportunity Commission Victoria 2006; Kilroy and Pate 2010). In states such as Victoria, New South Wales, and Queensland, these complaints provide a vital context for the implementation of what is officially represented as gender and culturally responsive penal reform initiatives in correctional settings and post-release services. These reforms will be discussed here as case studies.

We illustrate how abolitionist advocacy work and campaigns related to Indigenous women have been translated into official and institutional penal inquiries and reform programs in ways that neutralize critiques while legitimizing and preserving the status quo. As has been the case in the United States and Canada, some reform programs and initiatives may have contributed, directly and indirectly, to the promulgation of discriminatory and punitive practices as well as to an expansion of the penal system (see Hannah-Moffat 2001; Hayman 2006; Shaylor 2008). This process has been characterized as co-option or absorption, which is a complex process of direct and indirect system machinations.

We begin with a snapshot of imprisonment in Australia, focusing on Indigenous women.

Australia: Current Imprisonment Trends and Issues

Australia has a population of around 22.5 million, with three-quarters of them living in the three eastern states of NSW, Victoria, and Queensland. Over the year 2010, well over 5,000 young people were held in juvenile detention across the country. Around half of them were remanded into custody. But, just as with adult imprisonment, there are significant differences between the jurisdictions: the Northern Territory (NT) has a juvenile detention rate of 100 per 100,000, compared to Victoria where the

rate is 18 per 100,000. Indigenous young people are significantly overrepresented nationally and are 24 times more likely to be detained than non-Indigenous youth (Richards 2011). In regard to the adult prison population, on any one day in 2011 Australia locked up around 29,100 people (sentenced and unsentenced), representing a rate of 167 per 100,000 of the Australian adult population (ABS 2011). Of these prisoners, 23 percent were remanded into custody, an increase of 6 percent over the previous year, continuing the dramatic growth in remand prisoners over the past decade. Women made up 7 percent of the prisoner population and their numbers vary significantly across the jurisdictions, with the NT at 72 per 100,000 and Victoria at 14 per 100,000 of the adult female population. The numbers of Indigenous prisoners remained at a historically high rate after a rapid increase during the late 1990s and early 2000s, with Indigenous Australians representing 26 percent of the total prisoner population. This corresponds to a rate of 1,868 per 100,000 of the Indigenous adult population, compared to 130 per 100,000 of the non-Indigenous population. The differences across the jurisdictions are marked, with a rate of 762 per 100,000 in the Northern Territory and of around 100 per 100,000 in Victoria and the Australian Capital Territory. Over 50 percent of persons in prison on Census Day 2011 had been in prison before (ABS 2011).

These figures, though, do not provide a realistic sense of how many people flow through prisons, whose number over a year is estimated to exceed 50,000 (Baldry 2010, 255). This recognition is important when considering the number and rate of women and Indigenous persons in prison, because they tend to have shorter but more frequent prison episodes (sentenced and unsentenced) than others and therefore represent a larger proportion of the flow population than the census figures suggest.

Over the past decade, women's imprisonment rates rose rapidly in most jurisdictions until 2010, when a dramatic drop in NSW (the most populous state, previously accounting for around 40 percent of the Australian prisoner population) began to peg back the rate. Nevertheless, over the decade 2001–2011 the Australian women's prison population increased by 35 percent (compared with an increase of 29 percent for men), and a number of jurisdictions (such as the NT, which saw a 150 percent growth) experienced extraordinary increases (ABS 2011), largely due to the rising imprisonment of Indigenous women.

Indigenous women make up 8 percent of the Australian Indigenous prisoner population (a higher rate than non-Indigenous women), and during 2010–2011 this proportion has decreased at a slower rate than it has for non-Indigenous women (decreasing 5 percent instead of 9 percent, respectively). Indigenous women's rate of imprisonment is 357 per 100,000, compared to a 16 per 100,000 rate for non-Indigenous women (ABS 2011). They represent 30 percent of the women's prison population despite being only 2 percent of the Australian adult women's population, and they experience the highest levels of multiple and compounding health and social disadvantages compared to all other prisoners (Aboriginal and Torres Strait Islander Social Justice Commissioner 2002, 2004; Baldry and McCausland 2009;

Bartels 2010; Lawrie 2003). Given all of this, it is not surprising that abolitionist and reformist campaigns in recent decades have focused on Indigenous women.

Before proceeding to consider these campaigns, we define and conceptualize abolition within the Australian context.

Abolitionism

Abolitionism provides a methodology and a theoretical framework for dismantling the expanding prison-industrial complex.³ Abolitionism is primarily concerned with strategizing alternatives to imprisonment and, ultimately, in the long term, the eventual eradication of prisons. *Radical* expressions of reform and decarceration can interlock to comprise contemporary strategies of this long-term project. However, it is critical to distinguish between a *liberal reformism* dedicated to improving the system's functionality and a more radical agenda driven by reduction and decarceration aspirations. Mathiesen (1974, 202) argues that liberal reformism, what he terms "positive reformist reforms," by their very correction and legitimation of the prevailing order, actually lessen the possibilities for long-term abolition, whereas "negative non-reformist reforms" are driven by abolitionist goals and work against this process of readjustment and relegitimation of the prevailing order. In this article, we conceptualize abolition as a transformative framework intended to facilitate the realization of social rather than criminal justice. At its core, abolitionism is about looking beyond the prison. It provides a vision for a new way of thinking about, living within, and seeing the world (Critical Resistance 2011; Mathiesen 1974; Ruggiero 2011).

Ruggiero (2011, 100) argues that penal abolition is not merely a decarceration program, but also an approach, a perspective, and a blueprint for action. In the United States (Critical Resistance 2000, 2009; Davis 1998, 2003), the United Kingdom (Scruton 2007; Sim 2009), and Europe (Hulsman 1991; Mathiesen 1974, 2000; Ruggiero 2011), there has been considerable engagement with abolitionist theory and practice. However, abolition is still misunderstood by some as advocating the immediate and wholesale closure of prisons and release of prisoners. Aligning with the struggles and voices of imprisoned people (Critical Resistance 2000, 2010), abolitionist visions extend beyond the foundational knowledge systems underpinning prisons and criminal justice. Abolitionists are ultimately concerned with attaining social change and freedom from the inequalities and oppressions that drive mass incarceration. European abolitionists like Hulsman (1991, 32) argue that in order to make progress in creating alternatives to imprisonment, it is critical to first "abandon the cultural and social organization of criminal justice." This requires the interrogation and questioning of the institutional practices, the ontological processes, and the language that underpin criminal justice theory and policy (Hulsman 1991; Mathiesen 1974; Scruton 2009). Davis (2003) states that this begins with deconstructing the taken-for-granted nexus between crime and

punishment and, as argued by Scraton (2009), and with the process of identifying and demystifying social, political, and economic constructions of “crime” and “criminality” (Mathiesen 1974, 1993; Scraton 2007, 2009). Challenging dominant discourses and knowledge systems is integral to the purpose of critical criminology. As long as criminology as a discipline continues to promulgate and incorporate the language and concepts derived from the criminal justice process, it will never achieve success in interrogating the “definitional activities of the system” (Hulsman, cited in Scraton 2009).

Indigenous critiques of the prison often emerge from a radical *disbelief* in the efficacy of imprisonment to achieve any lasting positive changes. More broadly, it is a disbelief in the functionality and legitimacy of state-centered and institutional responses to “crime.” For the most part, criminalization and incarceration are seen as destructive avenues that cause further personal, family, and community disintegration and do not positively change individuals’ behavior. A quote from a formerly imprisoned Indigenous woman, also an abolition activist, illustrates this point further:

Women don’t need to be in prison.... We can safely house these women in the community in their own houses, which would be ideal. What I’d like to see is either small communities or community houses that were operated by the community, or community groups, and organizations that fostered a connection to the community rather than isolated people from it.... We’ve got to stop having prisons, or calling people “prisoners”.... We have those big cycles and swings where corrections becomes really controlling, really punitive and really security minded, which is what’s going on now.... It’s nothing to do with making things better for women; it’s all about making sure the community’s not offended by their existence.⁴

Indigenous disbelief in the rehabilitative function of the criminal justice system is hardly surprising, given that most colonized and formerly colonized peoples have had firsthand experience of destructive interventions by police, courts, and prisons over many generations (Cunneen 2007, 2009). Blagg (2007) has argued that mainstream Australians and Indigenous peoples hold incommensurable views about the meaning and experience of prison— which, again, is not surprising given the profound criminalization of Indigenous people. Indigenous culture, language, and social relations remain alive against and within the institutions of the dominant society:

Prison is a source of *pain*, but not necessarily of *shame*. It does not carry the same stigma within the Aboriginal domain to be incarcerated in a white jail. This opens up possibilities for living the prison experience within terms of reference different to those prescribed by white society and its judicial officers. (Blagg 2007, 46)

Abolitionism and Penal Reform in Australia

Indigenous disbelief is fundamentally concerned with an abandonment of the institutions of colonial society: it is, in Ruggiero's terms, both a perspective and "a blueprint for action." It demands change and creates new approaches to justice, such as community patrols, "circle sentencing," and so forth.

Abolition and reform are not necessarily mutually exclusive strategies. *Radical* expressions of reform and decarceration are interlocking short-term and long-term strategies that facilitate the realization of abolitionist ideals. Abolitionists recognize the danger of engaging with prison reform. This is because when imprisonment is privileged as the main solution, alternatives can be marginalized and overlooked (Hannah-Moffat and Shaw 2000, 26). Certainly the experience of reform highlights that working for change in the justice system is more difficult than in other areas of social policy, in part because of the authority and power of the law and its ability to incorporate and neutralize community concerns (Hannah-Moffat and Shaw 2000). The central paradox facing abolitionists in Australia is how to develop strategies that facilitate effective programs and offer support to people in prison, as well as those directly affected by imprisonment, without assisting the legitimization and expansion of the prison system. In this article we consider this paradox in light of reform initiatives introduced over the past decade. Such initiatives encompass diversionary programs based on therapeutic jurisprudence frameworks, restorative justice initiatives, justice reinvestment programs, and the development of Indigenous and/or women-specific correctional policies. We focus on women-specific measures to draw attention to the potential and limits of prison reform.

Co-option, Neutralization, and Absorption

Social movement literature has long recognized the phenomenon of co-option and absorption as a way of diverting or quietening oppositional struggle and activism. Touraine, for example (1981, 1985), argued that once a group (or individual) in a social movement becomes institutionalized and incorporated into the status quo in some way, it degenerates into a pressure group and is no longer legitimately part of the social movement (Touraine 1981, 100). This echoed Feibleman's (1956, 50) earlier analysis that "institutions, which are the results of free enquiry, act as deterrents to further enquiry"; that is, once a radical concept develops into an organization and is eventually institutionalized, that institution becomes an end in itself and acts (or rather, those working in it act) to preserve it and vigorously oppose change. Therefore, activists who become advisors to a government or a corporation intent on improving its credentials in a particular area of social dispute are *coopted* into the institution they were trying to reform and should no longer be seen as participants in the social movement. Others, though, have eschewed this binary view. Melucci (1985) and Offe (1987), for example, argue that advocates and activists can also work within institutional systems and still be aligned with a social movement.

More recently, the debate has turned to whether resistance can be effectively located in the interstices and spaces within systems and institutions (Christodoulidis 2007, 189) and bring about genuine change, rather than leading to co-option and absorption. However, some have argued that social movements are rarely victorious in achieving the outcomes they seek (see Otto 2009, 12; Walby 2005). Due to the dialectical nature of debate, compromise, and negotiation, the outcome is often different from what the struggling parties hoped for. Both these understandings from social movement and social action theory can be applied to activism in the penal realm.

The tendency of penal institutions to absorb criticism results from a series of political, cultural, and systemic processes that seek to protect what Mathiesen (2000, 42) characterizes as “system interests”: “The component or components which it is at any time in the prison system’s own interest to have implemented are defined, formulated and communicated to the prison from the outside.” Such external pressures can serve to fortify and challenge the system interests. For example, popular concerns about crime and the rights of victims and appeals for retributive responses can serve to fortify system interests. Alternatively, increased prisoner numbers, institutional instability, and allegations of dehumanizing conditions have in a range of contemporary contexts elicited challenges from the public and political spheres, triggering pressure for institutional reform and change (ibid., 43).

How external challenges are incorporated or neutralized is a political process that demands critical consideration. Mathiesen (ibid., 44) identifies “neutralization” techniques that vary from the open dismissal of requests for change to more subtle techniques such as the postponement of reform, up to the “puncturing” and “absorption” of transformative ideas. Absorption occurs when an idea or strategy is picked up and implemented so that it fits into the prevailing structure without threatening it (ibid., 45) and looks like something new.

The process whereby external criticism associated with abolitionist campaigns can be absorbed or coopted is discussed below with reference to Canada, the United States, the United Kingdom, and Australian jurisdictions such as Victoria and NSW, where external social action and pressure for institutional change has prompted a series of institutional responses. Whereas these parallels may be drawn, Mathiesen’s analysis draws exclusively from the European context and culture; in this sense, the limits of its application within colonial contexts must be acknowledged. In contrast to this understanding of co-option and absorption, we see Indigenous demands for change as opening up new spaces for political action and social change. Hybridity is an important concept in postcolonial theory and refers to the cross-fertilization of identities and ideas arising as a result of colonialism. It is the liminal space, the “ambivalent ‘in-between’ space created by the interaction of the colonizers and the colonized” (Roy 2008, 340). This is an important concept when thinking about the transformative potential of resistance to the dominance of criminal justice law and practice. The decolonization of justice can be found in the points of intersection

between the Indigenous and non-Indigenous domains — the liminal spaces between two opposing cultures where change can occur and new social practices can develop (Blagg 2007). In practical terms, it entails the development of new structures and processes. We see examples of this in the development of Indigenous healing centers, justice groups, community patrols, and Indigenous courts. All of these are relatively organic responses from communities, built on principles of Indigenous control and self-determination and with a primary focus on healing and reintegration; and yet they have been taken up by government agencies. The question of whether these hybrid structures and processes are fully transformative is debatable: it is more likely that the outcome will be a dialectical process of change, neither a complete absorption of the new, nor a radical replacement of the old.

**Abolitionism as a “Way of Seeing”:
Colonialism and Genealogies of Punishment in Australia**

Our conceptualization of abolition begins with an understanding of the historical, social, political, and economic contexts that are unique to Australia. Central to this context are Indigenous experiences of colonization, racism, regulation, punishment, control, and intervention formalized through legal and criminal justice institutions (Blagg 2007; Cunneen 2001, 2011).

Understanding and locating the prison within a colonial and racialized genealogy of punishment is critical. Suvendrini Perera (2002) highlights the historical links between the historical regulation, control, and punishment of Indigenous people and the contemporary evolution and application of racialized punishments in the service of legitimizing and advancing the colonial project. Perera draws on the work of abolitionist Angela Davis, arguing that her framework for a “racialized genealogy of the prison,” intended as a counterpoint to Foucault’s analysis and viewed through the lens of slavery and colonialism in the unique context of the United States, provides a useful model for understanding the historical evolution of racialized regulation and punishment in Australia (Davis 1998; Perera 2002).

Patriarchal colonial understandings and constructions of Aboriginality and gender permeated the colony from the beginning, and the penal system was central to the colonial governance of Indigenous peoples. As Rowley (1972, 123) famously remarked in the early 1970s, “it is still true ... one can be incarcerated either for crime or for being Aboriginal.” Separate modes of confinement and punishment were introduced and justified on the basis of the colonizer’s “superior” race and “rightful dominance” of the colonized race. Whereas differing and competing definitions of “race” have operated throughout the history of European domination of Australia (McGregor 1997), racial discourses on Aboriginality have remained central to penalty (Hogg 2001; Purdey 1996). These racial discourses have been and remain gendered. Indigenous women were separated from other women because of

perceived biological and culturally defined racial differences: sexual promiscuity, unworthy motherhood, and so forth (Baldry and Cunneen 2012).

Racial understandings based on colonial categorizations of difference and inferiority played a constitutive role in defining the appropriateness of certain types of punishment. Banishment or exile to remote locations such as Palm Island or Rottneest Island⁵ was a particularly harsh punishment designed to achieve a regime of cultural dislocation and segregation from the white population. Whereas banishment to places of punishment such as Norfolk Island was used also for non-Indigenous people, the practice of exiling Indigenous people continued much longer during the nineteenth and twentieth centuries (Cunneen et al. 2013). Moreover, public executions of Indigenous offenders continued for decades after their cessation for non-Indigenous offenders. Intended as salutary spectacles of punishment, they confirmed Indigenous Australians as “criminal others.” Similarly, the extended use of physical punishments and restraints (lashings, floggings, chaining) for Indigenous offenders continued well into the twentieth century, as did police punitive expeditions (Cunneen 2001). Modernity and the development of modes of punishment that disavowed corporal and capital penalties were seen as less suitable for Indigenous people because of their perceived racial characteristics. Indigenous people were also well overrepresented in death sentences (Finnane 1997, 37, 115, 129–30). Senior members of the judiciary (such as Judge Wells, from the Northern Territory Supreme Court) viewed flogging and execution as the most appropriate forms of punishment for Indigenous Australians into the 1930s (see Markus 1990).

The formal and informal segregation of all institutions (schools, hospitals, and places of employment and entertainment) along racialized lines was commonplace and also applied to places of detention, such as Rottneest Island (Finnane 1997, 36). Historically, these different modes of punishment were justified by (and reproduced through) racialized understandings of Indigenous difference, with the courts freely pronouncing on the degree to which individual Indigenous offenders had reached a particular stage of civilization. After an extensive review of criminal cases, McCorquodale (1987, 43–44) concluded:

The courts seem to have accepted that there is a continuum which distinguished Aboriginals in various stages of sophistication.... There is a pronounced judicial perception that Aboriginals are different from whites in a way that disadvantages Aboriginals.... The courts have therefore adopted, as a proper test of sentencing, the extent to which an Aboriginal’s mode of life and general behavior approaches that of a white person.

Since the end of the nineteenth century, the development of “protection” legislation saw many Indigenous individuals and communities segregated in reserves and missions. Under the protection legislation, reserves and missions administered their own penal regimes outside, and essentially parallel to, the existing criminal justice systems. Other semiformal processes of racialized justice such as curfews

and forms of segregation abounded, while child removal policies created further generations of institutionalized Indigenous people (Cunneen 2001). These policies and practices reflected racial assumptions about Indigenous people, some built on “science” like eugenics, others reflecting popular prejudices about the incapability of Indigenous people to live like civilized white folk. Indigenous Australians subjected to the types of informal punishments discussed above did not appear in the prison ledgers of the day, but they were, nonetheless, as imprisoned as if they had been locked in a proper jail.

The status of Indigenous women highlights the intersectional experiences of race, gender, and colonial oppression in criminal justice and their compound manifestation as colonial patriarchy (Baldry and Cunneen 2011). Referring to her own lived experience as an Indigenous woman, Aileen Morten-Robinson (2000, 1) stresses:

The intersecting oppressions of race and gender and the subsequent power relations that flow from these into the social, political, historical, and material conditions of our lives is shared consciously or unconsciously.... As Indigenous women our lives are framed by the omnipresence of patriarchal white sovereignty and its continual denial of our sovereignty.

Racism and Gender Discrimination in Prison: Community Campaigns and Official Responses

For decades women’s imprisonment activists have been publicly concerned with the disproportionate and increasing numbers of socially disadvantaged and Indigenous women being imprisoned in Australia. Campaigns have addressed the disjuncture between international and national human rights standards for the treatment of prisoners and discriminatory conditions in Australian women’s prisons (Armstrong et al. 2007). Indigenous women’s distinct experiences of criminalization, imprisonment, and systemic violence and neglect (experienced in prison and outside) were brought to light by Indigenous women activists in campaigns surrounding the Royal Commission into Aboriginal Deaths in Custody (RCIADIC). In spite of the official acceptance that Indigenous women experience simultaneous and compounding levels of disadvantage, in most Australian jurisdictions they are held in prison systems “designed for non-Indigenous men, which serve more as punishment than rehabilitation” (Sisters Inside 2010, 9). Discrimination is evident in a number of criminal justice practices: the increasing overrepresentation of women of Indigenous and culturally and ethnically diverse backgrounds within the prison system; the detention of women on remand or classified as low security in high-security facilities, where they are subject to draconian and degrading security measures such as strip-searching and urine testing; the lack of access to gender- and culturally appropriate programs; and unequal access to conditional release and parole (Flat Out 2010; Sisters Inside 2010, 9). It is well known, for example, that

80 to 90 percent of imprisoned women have experienced domestic violence and childhood abuse and as a result experience prison differently than men do (Carlton and Segrave 2011). Their experience of prison as a compounding trauma can have an impact on their physical and mental health, cognitive functioning, substance use, access to their children, and parenting capacity (Segrave and Carlton 2010). Moreover, standard practices such as strip-searching have a disproportionate impact on women and particularly Indigenous women, who find the experience of being naked in front of others particularly distressing (McCulloch and George 2009).

Community campaigns around these issues have prompted official responses in Australian states (Sisters Inside 2010). For example, the 1985 NSW Parliamentary Taskforce on Women in Prison (Parliament of NSW 1985) triggered a series of reports and efforts to improve conditions for women in NSW prisons. The resulting “reforms” were almost entirely sequestered by the Corrective Services with the establishment of special programs within prisons, a new classification system, and the building of new correctional facilities for women (NSW Department of Corrective Services 1994, 2000).

The women in prison antidiscrimination campaign led by Sisters Inside, based in Queensland, and taken up by activists in NSW and Victoria also prompted official recognition of systemic discrimination in each of these jurisdictions (Armstrong et al. 2007). Specifically, investigations by the Equal Opportunity Commission Victoria (2006) and the Anti-Discrimination Commission in Queensland (2006) brought forward allegations of sex, race, and disability discrimination. Concerns raised through these reports have been echoed in national inquiries, including the 2005 Palmer Inquiry on the detainment of Cornelia Rau and reports by the Aboriginal and Torres Strait Islander Social Justice Commissioner (2004, 2002) and the Senate Select Committee on Mental Health (2006). These responses have created significant opportunities for reform in women’s prisons. However, Victoria has been the main state to respond by implementing a comprehensive reform program called *Better Pathways* (2005).

Through an analysis of these reforms in Victoria and of the responses to the Royal Commission into Aboriginal Deaths in Custody (RCIADIC), we explore the limits and paradoxes of reform agendas.

Victoria: Forging *Better Pathways*?

The fact that Victoria comprises one of the first jurisdictions in the world to devise a comprehensive women-specific correctional model for women in prison and after release (Bartels and Gaffney 2010, Department of Justice Victoria 2005) can be attributed, in large part, to the history of women’s prisons activism in that state (Cotter 2008). Campaigns span three decades and include the famous Fairlea “wring out” at Melbourne’s main women’s prison in 1996.⁶ This event was marked by the assembly of community members joining hands around the prison perimeter in a public expression of solidarity with women prisoners. The campaigns included

documenting, lobbying, and advocating on behalf of women with regard to: high-security classification and access to children; strip-searching; detention in the notorious Pentridge male prison's high-security wings; prison privatization; and ongoing racial discrimination against Indigenous and culturally and linguistically diverse women (Carnaby 1998; Centre for the Human Rights of Imprisoned People [CHRIP] 2010; Cerveri et al. 2005; George 2002; Hampton 1993; Hannon 2007).

Community campaigns escalated with the closure of the government-run Fairlea Women's Prison and the opening of the privatized Deer Park Metropolitan Women's Correctional Centre (MWCC) in the 1990s. The MWCC quickly reached a critical point due to understaffing, overcrowding, and underfunding, along with unprecedented levels of drug use, self-harm, and violence among prisoners. This culminated in the 1996 death of an Aboriginal woman, Paula Richardson, and in disproportionately high rates of post-prison death among women (Davies and Cook 2000; George 2002).

In 1999, in response to these crises and to community pressure, the state government regained control of the prison, now named Dame Phyllis Frost Centre. Although this action was welcomed by the community, it did not appease ongoing concerns voiced through the reports published by the Equal Opportunity Commission of Victoria (EOCV 2006). In response to requests by community advocates and campaigners for a systematic review (Cerveri et al. 2005), the commission reported prima facie evidence of gender and racial discrimination in women's prisons. Of particular concern was the situation of Indigenous prisoners, women from culturally and ethnically diverse backgrounds, and women with mental illnesses and special needs, together with the 85 percent increase in the number of women prisoners between 1998 and 2003 (Victorian Parliamentary Drugs and Crime Prevention Committee [VPDCPC] 2010, 54).

Corrections Victoria responded to community concerns by introducing the *Better Pathways Strategy*, the 2005–2009 framework guiding policy and programs for criminalized and imprisoned women. *Better Pathways* purported to address the unique needs and backgrounds of women in the prison system and was explicitly based on Barbara Bloom's (2003) gender justice framework. Gender justice recognizes that women's offending is embedded in the context of their lives, so correctional interventions for women should be responsive to their particular needs. *Better Pathways* comprised a suite of policy frameworks and initiatives to "enhance the gender responsiveness of a targeted range of prevention, early intervention, diversion, rehabilitation and transitional support interventions, with the aim of reducing women's offending, imprisonment, re-offending and victimisation" (VPDCPC 2010, 54).

The Victorian experience is critical in that it goes to the heart of the contradiction between liberal reform and a radical agenda for change. In the Australian and international contexts, *Better Pathways* is revered by policymakers and practitioners as an exemplary, comprehensive, and progressive milestone in women's prison

reform (Sheehan 2011). Moreover, this plan has been continually drawn on by Corrections to prove its commitment to recognizing and responding to “cultural diversity” and women’s needs and to counter subsequent allegations of systemic discrimination. However, even though these policies signaled a significant shift and led to the creation of much-needed programs for women, *Better Pathways* has not been able to address entrenched structural and systemic disadvantage and discrimination (Centre for the Human Rights of Imprisoned People [CHRIP] 2010). In this regard, gender-responsive discourses have served system interests by providing a superficial reform agenda that focuses on improving the existing system. Broadly speaking, the increasing trickling of gender-responsive ideologies into correctional reform and practice entails the problematic assumption that men’s prisons and programs adequately meet men’s needs, despite vast evidence to the contrary (Scraton and McCulloch 2008).

In 2010, the Victorian Parliamentary Committee on Drugs and Crime Prevention Inquiry into the number of women prisoners provided evidence that discriminatory conditions and practices have intensified (CHRIP 2010, 2011; VPDCPC 2010). Certainly since the introduction of *Better Pathways*, and contrary to the stated objective of reducing the population of female prisoners, numbers rose disproportionately, increasing by 30 percent between 2008 and 2009, compared to a 3 percent increase among male prisoners. Culturally and ethnically diverse women, specifically those of Indo-Chinese and Vietnamese descent, comprise a fast-growing sector of the prisoner population. And in line with national trends, Indigenous women (particularly young women) are disproportionately represented within Victorian women’s prisons. A core community criticism of *Better Pathways* has been that the policy frameworks promote inclusivity, but not the provision of culturally responsive programs and practices (CHRIP 2011).

As Russell (2011, 14) argues, the gender-responsive approach in Victoria continues an emphasis on individual *responsibilities* and *needs*:

The “contexts” in which criminalized women live are most typically constrained by the intersections of gendered, raced and classed oppression. This is not taken to full account as the pathways paradigm is largely an individualizing analytical tool, reducing systemic issues to individual problems and depoliticizing them. This makes it harder for abolitionists to mobilize politically around these community issues, as they are relegated to individual (not community) service provision and psychological initiatives.

Russell’s critique echoes concerns by critical scholars about gender-responsive reforms in Canada (Hannah-Moffat 2001, 2010; Hannah-Moffat and Shaw 2000; Pollack 2011), the UK (Corcoran 2010), and the United States (Shaylor 2008). It is not surprising that *Better Pathways* has raised concerns among abolitionists, service providers, and women in prison who continue to campaign against gender

and racial discrimination in the Victorian prison system. Victoria provides a clear example of community campaigns being coopted and incorporated into a reform agenda. From the perspective of abolitionists, the effect has been to circumvent full accountability following the EOCV findings, since due to the implementation of *Better Pathways* a full inquiry into the women's prison system was not deemed necessary. Yet, paradoxically, and in spite of increasing numbers of women prisoners and ongoing allegations of discrimination, *Better Pathways* is held up as a marker for leading and best correctional practice in Australia and beyond (Bartels and Gaffney 2011; Sheehan 2011).

We now turn to the intended and unintended impacts of abolitionist activism on state responses to the Royal Commission into Aboriginal Deaths in Custody. These case studies exhibit certain differences. In Victoria, official acknowledgement of women's distinct needs and experiences led to a program of reform, albeit with significant limitations. In contrast, RCIADIC signaled a failure to spearhead a reform process or respond to women's experiences. In spite of the differences between these two examples, both illustrate a failure of policy and point to the insufficiency of the system to address structural and systemic inequity and disadvantage.

The Royal Commission into Aboriginal Deaths in Custody

The RCIADIC was established in 1987 following the activism of Indigenous organizations, including the Committee to Defend Black Rights, Aboriginal Legal Services, and the families of those who had died in custody and their supporters (Corbett 1991). Many of the key activists were Indigenous women, like Helen Corbett, Alice Dixon, and Leila Murray. However, specific issues relating to Indigenous women and the criminal justice system were not adequately considered by the Royal Commission. Indeed, despite having included the deaths of 11 women in custody in its final report to the federal parliament in 1991, the Commission did not make one recommendation out of 339 with specific reference to women.

Many Indigenous women noted at the time that family violence was a major issue affecting Indigenous communities; however, this matter was not considered in any detail by the Royal Commission. Furthermore, the deaths of women demanded a gender-specific analysis, which was absent from the inquiry (Kerley and Cunneen 1995). The reports prepared by the Royal Commission on the individual women who died in custody illuminate how the colonial process is specifically gendered. There were many commonalities among these women. Nine of the 11 women were in police custody, and most were there for public drunkenness. Others were detained for failure to pay a fine or for offensive language. The only sentenced prisoner was convicted of motor vehicle-related offenses. None of the women were incarcerated for a serious crime. All of the women could have been offered alternatives to custody, had these been available and had the authorities been of a mind to use them. In most cases, the "crime" was both minor and victimless. In

other jurisdictions, and indeed for other women in the same jurisdiction, it might have been treated as a health rather than criminal problem (Kerley and Cunneen 1995, 547–48).

The extent of the criminal justice system's intervention into the lives of Indigenous women can be seen in the cases of the women who died in custody. Nearly all of the adult women had been in police custody and prison on previous occasions. What is remarkable is that the women were being constantly criminalized because of poverty and alcohol addiction.⁷ Notably, there was a pronounced punitiveness to the intervention—such as a 16-year-old girl placed in a maximum-security adult women's prison for failing to pay a fine for underage drinking. Others were imprisoned for lengthy periods for vagrancy (Kerley and Cunneen 1995, 548). Their histories demonstrate the broader historical reality of violence against Indigenous women and that such violence was both interpersonal and institutional. Many of the women had been the victims of ongoing violence, including assaults, domestic violence, and rape, along with the institutional violence inherent in government intervention and the colonial order. Many of the women had been removed from their families as children and institutionalized on the basis of welfare complaints or juvenile convictions. The history of state intervention into Aboriginal family life through the removal and institutionalization of children is well documented. The effect of these policies has been referred to as genocide (NISATSIC 1997).

As Stubbs (2011, 47) has noted, “the failure to attend to the criminalization of Indigenous women continues today in policy, criminal justice practices, service delivery and research,” and as we have indicated previously, Indigenous women's incarceration rates continue to increase at disproportionate levels. The RCIADIC provides a case study of how grassroots Indigenous activists tried to radically change, and eventually eliminate, the way in which the prison is used to subject Aboriginal men and women to the Australian colonial project. Although the RCIADIC report argued that far fewer persons should be incarcerated, there was no process to properly address the specific positioning and experiences of Indigenous women (Marchetti 2007). And in the two decades following the RCIADIC report, there was exponential growth in the number of Indigenous women prisoners. The long history of differential policing of Indigenous communities and the gender-specific aspects to that policing were clearly evident in the reasons for the incarceration of Indigenous women. These same problems continue to be played out over 20 years after the RCIADIC was completed (Cunneen 2011; Stubbs 2011).

Conclusion

Abolition is often misunderstood and disregarded as utopian and impossible to achieve. Herzing (2005, 2–3) envisions a world without prisons as one in which people have unfettered access to resources like housing and have the means to take care of their bodies and minds, to participate in the economy, and to resolve

Abolitionism and Penal Reform in Australia

conflict without physical violence: “Society could be more of a collaborative or collective process.... I don’t think there is a panacea for this kind of thing. All of these structural inequalities throughout our society have their roots in things that are very deep and very entrenched, so I don’t think that it’s as easy as just getting rid of the prison system.” Abolition goes beyond eradicating the criminal justice system and prisons—it is a vision for social change, which works toward the realization of *social* rather than *criminal* justice.

That abolitionist writing and scholarly perspectives are informed by and aligned to activist campaigns and the lived struggles of criminalized communities and imprisoned peoples is critical to the abolitionist project. Stanley and Smith (2011, ix) are astute in observing that abolition “writing must always be produced within the context of action. Similarly, action devoid of analysis often makes for shaky ground upon which to build.” In this article we have sought to illuminate the meanings of abolitionism as a *vision* and blueprint for social change within the unique historical, social, political, and institutional context of Australia. In this context, radical reform agendas prioritize alternatives situated beyond the prison and the criminal justice system that necessarily involve organizing against interlocking structural and systemic forms of injustice, discrimination, inequality, and oppression. Specifically, abolitionism in Australia must be understood with reference to ongoing colonial and neocolonial oppression and punishment. In this sense, we see colonialism (and neocolonialism) as a sociopolitical system that in effect comprises a *prison*. This *colonial carceral landscape* provides a unique context for understanding the historical and contemporary administration of punishment within the Australian criminal justice system. We have therefore argued that the Australian abolitionist project is first and foremost aligned with Indigenous struggles for freedom, self-determination, and social justice within diverse and localized contexts.

The challenge faced by abolitionists is to build frames of analysis and strategies that facilitate genuine long-term system change. Such change will prevent imprisonment and its expansion. It will provide adequate education, health care, resources, and community-based support for people who have experienced imprisonment or who experience a heightened risk of coming into contact with the criminal justice system, allowing them to remain in the community. In seeking to explicate the meaning of abolitionism and the paradoxes presented to abolitionists by reform agendas in Australia, we have anchored our analysis in Indigenous women’s experience. We have highlighted the paradoxes and challenges posed by reform agendas through an examination of the abolitionist-led antidiscrimination campaigns in Queensland and NSW, their co-option within Victoria’s *Better Pathways* reform program, and the failure of governments following RCIADIC to bring social justice and human rights to bear in response to Indigenous women in prison. These cases illuminate the paradoxes and failures of system responses to community campaigns about race and gender discrimination.

The key to abolition is to recognize and interrogate the many prisons that are not necessarily visible to the eye. In this sense, Melissa Lucashenko (2002) refers to the “many prisons” inhabited by Indigenous women. She characterizes these prisons as governed by entrenched racism and cultural, social, and economic inequalities: “the prison of misunderstanding; the prison of misogyny; and the prison of disempowerment.” This requires us to first unlock the prisons within our own minds, a process often referred to as decolonizing (Smith 1999), so that we can recognize and interrogate the social and political structures that reproduce conditions for discrimination, criminalization, and mass imprisonment.

NOTES

1. Australia comprises six states and two mainland territories: Tasmania, Victoria, New South Wales, Queensland, South Australia, Western Australia, the Northern Territory, and the Australian Capital Territory. There are two levels of government: federal and state. Australia does not have a federal prison system. Prisons and correctional systems, situated in each state or territory, are autonomously governed and managed by state/territory governments in each jurisdiction. State/territory governments are bound by the National Standard Guidelines for Corrections in Australia (2004), which sets a series of principles intended to guide the development of correctional legislation, policy, and practice. The Australian Constitution upholds some basic human rights for prisoners, such as the right to vote for prisoners sentenced to less than three years. In recent years, states such as Victoria and the ACT have introduced mechanisms, such as charters for the protection of human rights, which extend to prisoners. Whether these can protect prisoner rights in practice has yet to be seen.

2. In this article we generally use the term “Indigenous” peoples to refer to the Aboriginal and Torres Strait Islander peoples of Australia, except where “Aboriginal” makes more sense in a particular context. Aboriginal peoples within Australia comprise many nations with distinct language names (e.g., the Anangu Pitjantjatjara, the Eora, the Kamilaroi peoples, and so on). Internationally, the generally accepted term is Indigenous peoples (see, for example, the UN Declaration on the Rights of Indigenous Peoples).

3. The prison-industrial complex has been defined by Angela Davis (2003, 107) as “a set of symbiotic relationships among correctional communities, transnational corporations, media conglomerates, guards’ unions and legislative and court agendas.” These relationships are mutually beneficial and generate the expansion of imprisonment as a response to structural disadvantage and oppression rooted in the globalization of capital (Sudbury 2001).

4. Interview material was derived from Carlton and Segrave’s research on women’s post-release deaths in Victoria between 2009 and 2010 (see Carlton and Segrave 2011).

5. An island off the coast of Western Australia used during the nineteenth century as a prison for Aboriginal persons.

6. Fairlea Prison was Victoria’s first women’s prison. Opened in 1956, it was located in Yarra Bend Road Fairfield, Victoria. The prison was accessible, situated within Melbourne’s inner-city suburbs; it was originally constructed on the sites of the Yarra Bend Lunatic Asylum and the Fairhaven Venereal Disease Clinic, and it utilized some of their original structures. In 1982, a protest fire resulted in the prison’s closure and the transfer of some of the women to Pentridge B Annexe and Jika Jika High-Security Unit while the prison was being reconstructed. The prison closed in 1996 to make way for the newly privatized Women’s Metropolitan Correctional Centre, now Dame Phyllis Frost Centre, which is located in the outskirts of Melbourne’s outer-western suburbs.

7. There is clearly a class dimension in terms of the criminalization of poverty that applies to all working-class and marginalized women. However, as we argue in this article and elsewhere (Baldry

Abolitionism and Penal Reform in Australia

and Cunneen 2012), the particular dynamics of colonialism and neocolonialism specifically structure the relationship between Indigenous women and their extraordinary incarceration rates.

REFERENCES

- Aboriginal and Torres Strait Islander Social Justice Commissioner
2004 *Social Justice Report*. Sydney, NSW: HREOC.
2002 *Social Justice Report*. Sydney, NSW: HREOC.
- Anti-Discrimination Commission Queensland (ADCQ)
2006 *Women in Prison*. Brisbane, Queensland: ADCQ.
- Armstrong, Kat, Eileen Baldry, and Vicki Chartrand
2007 "Human Rights Abuses and Discrimination against Women in the Criminal Justice System in NSW." *Australian Journal of Human Rights* 12(2): 203–8.
- Australian Bureau of Statistics (ABS)
2011 *Prisoners in Australia 2011*. No. 45170–2011. At www.abs.gov.au/.
- Baldry, Eileen
2010 "Women in Transition: Prison to ..." *Current Issues in Criminal Justice* 22(2): 253–68.
- Baldry, Eileen and Chris Cunneen
2012 "Contemporary Penalty in the Shadow of Colonial Patriarchy." Proceedings of the Fifth ANZ Critical Criminology Conference. Cairns, Queensland: James Cook University.
- Baldry, Eileen, David Brown, Mark Brown, Chris Cunneen, Melanie Schwartz, and Alex Steel
2011 "Imprisoning Rationalities." *ANZ Journal of Criminology* 44(1): 24–40.
- Baldry, Eileen and Ruth McCausland
2009 "Mother: Seeking Safe Home. Aboriginal Women Post-Release." *Current Issues in Criminal Justice* 21(2): 288–301.
- Bartels, Lorana
2010 "Indigenous Women's Offending Patterns: A Literature Review." *Australian Institute of Criminology Reports, Research and Public Policy Series* 107. Canberra: Australian Institute of Criminology.
- Bartels, Lorana and Antoinette Gaffney
2010 *Good Practice in Women's Prisons: A Literature Review*. Canberra: Australian Institute of Criminology.
- Blagg, Harry
2007 *Crime, Aboriginality and the Decolonisation of Justice*. Leichhardt, NSW: Hawkins Press.
- Bloom, Barbara
2003 *Gendered Justice: Addressing Female Offenders*. Durham, NC: Carolina Academic Press.
- Brown, David and George Zdenkowski
1982 *The Prison Struggle: Changing Australia's Penal System*. Ringwood, Victoria: Penguin.
- Carlton, Bree
2007 *Imprisoning Resistance: Life and Death in Australian Supermax*. Sydney, NSW: Sydney Institute of Criminology Federation Press.
- Carlton, Bree and Marie Segrave
2011 "Women's Survival Post-Imprisonment: Connecting Imprisonment with Pains Past and Present." *Punishment and Society* 13(5): 551–70.
- Carnaby, Helen
1998 *Road to Nowhere: A Report of Women's Housing and Support Needs When Leaving Prison*. Melbourne, Victoria: Flat Out.
- Centre for the Human Rights of Imprisoned People (CHRIP)
2011 *Culturally and Linguistically Diverse Women in Victorian Prisons: Update on Developments since the 2005 Systemic Review of Discrimination against Women in Victorian Prisons Report*. Kensington, NSW: CHRIP.

- Cerveri, Pia, Kate Colvin, Marika Dias, Amanda George, Jiselle Hanna, Greta Jubb, Arati Vidyasagar, and Claire Weigall
 2005 *Request for a Systemic Review of Discrimination against Women in Victorian Prisons*. Melbourne, Victoria: Federation of Community Legal Centres and Victorian Council of Social Services.
- Christodoulidis, Emiliios
 2007 "Against Substitution: The Constitutional Thinking of Dissensus." In *The Paradox of Constitutionalism*, edited by Martin Loughlin and Neil Walker, 189–210. Oxford, UK: Oxford University Press.
- Corbett, H.
 1991 "Black Deaths in Custody: Instigating the Royal Commission." In *Actions Speak: Strategies and Lessons from Australian Social and Community Action*, edited by Eileen Baldry and Tony Vinson. Sydney: Longmans.
- Cotter, Mary
 2008 *Flat Out Inc: A Brief Herstory*. Kensington, NSW: Flat Out.
- Critical Resistance (eds.)
 2000 *Critical Resistance to the Prison-Industrial Complex*. Special issue, *Social Justice* 27(3).
- Cunneen, Chris
 2001 *Conflict, Politics and Crime*. Sydney, NSW: Allen and Unwin.
 2007 "Criminology, Human Rights and Indigenous Peoples." In *Crime and Human Rights*, edited by Stephan Parmentier and Elmar G.M. Weitekamp, 239–63. Oxford, UK: Elsevier.
 2009 "Indigenous Incarceration: The Violence of Colonial Law and Justice." In *The Violence of Incarceration*, edited by Phil Scraton and Jude McCulloch, 209–24. London, UK: Routledge.
 2011 "Indigeneity, Sovereignty and the Law: Challenging the Processes of Criminalisation." *South Atlantic Quarterly* 110(2): 309–28.
- Cunneen, Chris, Eileen Baldry, David Brown, Mark Brown, Melanie Schwartz, and Alex Steel
 2013 *Penal Culture and Hyperincarceration: The Revival of the Prison*. Aldershot, UK: Ashgate.
- Davies, Sue and Sandy Cook
 2000 "Dying Outside: Women Imprisonment and Post-Mortality." Paper presented at the Women in Corrections: Staff and Clients Conference. Australian Institute of Criminology and Department for Correctional Services, Adelaide, October 31–November 1.
- Davis, Angela Y.
 1998 "Racialised Punishment and Prison Abolition." In *The Angela Y. Davis Reader*, edited by Joy James, 96–107. Cambridge, UK: Blackwell Publishers.
 2003 *Are Prisons Obsolete?* New York: Seven Stories Press.
- Department of Corrective Services NSW (DCS)
 1985 *Profile of Sentenced Women Prisoners: Prepared for the Women in Prison Task Force*. Sydney, NSW: DCS.
- Department of Justice Victoria (DoJV)
 2005 *Better Pathways: An Integrated Response to Women's Offending and Re-Offending*. Melbourne, Victoria: Department of Justice.
- Equal Opportunity Commission Victoria (EOCV)
 2006 *Women Prisoners in Victoria*. Melbourne, Victoria: EOCV.
- Feibleman, James K.
 1956 *The Institutions of Society*. London, UK: George Allen and Unwin.
- Finnane, Mark
 1997 *Punishment in Australian Society*. Melbourne, Victoria: Oxford University Press.

Abolitionism and Penal Reform in Australia

- Flat Out and CHRIP
2010 "Submission to the Drugs and Crime Prevention Committee Inquiry into the Impact of Drug-Related Offending on Female Prisoner Numbers." Flemington, Victoria: Flat Out. At <http://www.chrip.org.au>.
- George, Amanda
2002 "Tales of a Private Women's Prison: Writ in Women's Lives." *Hecate* 28(1): 145–53.
- Hampton, Blanche
1993 *Prisons and Women*. Sydney, NSW: New South Wales University Press.
- Hannah-Moffat, Kelly
2001 *Punishment and Disguise: Penal Governance and Federal Imprisonment of Women in Canada*. Toronto, Canada: University of Toronto Press.
2010 "Sacrosanct or Flawed: Risk, Accountability and Gender-Responsive Penal Politics." *Current Issues in Criminal Justice* 22(2): 193–216.
- Hannah-Moffat, Kelly and Margaret Shaw (eds.)
2000 *An Ideal Prison: Critical Essays on Women's Imprisonment in Canada*. Nova Scotia, Canada: Fernwood Publishing.
- Hannon, Terry
2007 *Children as Unintended Victims of Legal Process: A Review of Policies and Legislation Affecting Children with Incarcerated Parents*. Melbourne, Victoria: Victorian Association for the Care and Resettlement of Offenders.
- Herzing, Rachel
2005 "Abolishing the Prison Industrial Complex: Rachel Herzing in conversation with Trevor Paglen." Recording Carceral Landscapes Project, Creative Interventions, California. At www.paglen.com/carcerall/interview_rachel_herzing.htm.
- Hogg, Russell
2001 "Penalty and Modes of Regulating Indigenous People in Australia." *Punishment and Society* 3(3): 355–79.
- Hulsman, Louk
1991 "Alternatives to Criminal Justice: Decriminalisation and Depenalisation." In *Abolitionism in History: On Another Way of Thinking*, edited by Zbigniew Lasocik, Monika Platek, and Irena Rzeplinska, 21–34. Warsaw, Poland: Warsaw University Press.
- Human Rights and Equal Opportunity Commission
1997 *National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families: Bringing Them Home*. Sydney, NSW: Human Rights and Equal Opportunity Commission.
- Kerley, Kate and Chris Cunneen
1995 "Deaths in Custody in Australia: The Untold Story of Aboriginal and Torres Strait Islander Women." *Canadian Journal of Women and the Law* 8(1): 531–32.
- Lawrie, Rowena
2003 "Speak out Speak Strong: Researching the Needs of Aboriginal Women in Custody." *Australian Indigenous Law Reporter* 8(2): 81–84.
- Lucashenko, Melissa
2002 "Many Prisons." *Hecate* 28(1): 139–44.
- Marchetti, Elena
2008 "Intersectional Race and Gender Analyses: Why Legal Processes Just Don't Get It." *Social Legal Studies* 17(2): 155–74.
- Markus, Andrew
1990 *Governing Savages*. Sydney, NSW: Allen and Unwin.

- Mathiesen, Thomas
 1974 *The Politics of Abolition*. Oslo, Norway: Martin Robinson Law and Society Series.
 2000 *Prisons on Trial*. Second Edition. Winchester, UK: Waterside Press.
- McCausland, Ruth and Eileen Baldry
 2013 "Incarcerated Indigenous Australian Mothers: Maintaining Patriarchal Colonization." In *Incarcerated Mothers: Oppression and Resistance*, edited by Gordana Eljdupovic and Rebecca Jaremko Bromwich, 121–37. Broadford, Ontario: Demeter Press.
- McCorquodale, John
 1987 "Judicial Racism in Australia? Aboriginals in Civil and Criminal Cases." In *Ivory Scales: Black Australians and the Law*, edited by Kayleen Hazlehurst, 30–59. Kensington, NSW: University of New South Wales Press.
- McGregor, Russell
 1997 *Imagined Destinies: Aboriginal Australians and the Doomed Race Theory, 1880–1939*. Carlton South, NSW: Melbourne University Press.
- Melucci, Alberto
 1985 "The Symbolic Challenge of Contemporary Movements." *Social Research* 52(4): 789–816.
- Moreton-Robinson, Aileen
 2000 *Talkin' up to the White Woman: Aboriginal Women and Feminism*. St. Lucia, Queensland: University of Queensland Press.
- NSW Department of Corrective Services
 1994 *Women's Action Plan*. Sydney, NSW: Department of Corrective Services.
 2000 *Women's Action Plan 2*. Sydney, NSW: Department of Corrective Services.
- NSW Parliament
 1985 *Report of the Task Force on Women in Prison to the Minister for Corrective Services*. Sydney, NSW: Parliament of NSW.
- Offe, Claus
 1987 "Challenging the Boundaries of Institutional Politics: Social Movements since the 1960s." In *Changing Boundaries of the Political*, edited by Charles S. Maier, 63–106. Cambridge, UK: Cambridge University Press.
- Otto, Dianne
 2009 "The Exile of Inclusion: Reflections on Gender Issues in International Law over the Last Decade." *Melbourne Journal of International Law* 10(1): 11–26.
- Parliamentary Senate Select Committee on Mental Health
 2006 *A National Approach to Mental Health: From Crisis to Community*. Canberra, Australia: Government Printer.
- Pate, Kim
 2008 "A Canadian Journey into Abolition." In *Abolition Now! Ten Years of Strategy and Struggle Against the Prison Industrial Complex*, edited by The CRI0 Publications Collective, 77–86. Oakland, CA: AK Press.
- Perera, Suvendrini
 2002 "What Is a Camp?" *Borderlands e-journal* 1(1).
- Pollack, Shoshana
 2011 "Victimisation and Governance: Gender Responsive Discourses and Correctional Practice." In *Working with Women Offenders in the Community*, edited by Rosemary Sheehan, Gill McIvor, and Chris Trotter, 110–26. Oxon, UK: Willan.
- Purdy, Jeannine
 1996 "Postcolonialism: The Emperor's New Clothes." *Social and Legal Studies* 5(3): 405–26.
- Richards, Kelly
 2011 "Trends in Juvenile Detention in Australia." *Trends & Issues in Crime and Criminal Justice* 416. Canberra: Australian Institute of Criminology.

Abolitionism and Penal Reform in Australia

- Ross, Luana
1998 *Inventing the Savage: The Social Construction of Native American Criminality.* Austin: University of Texas Press.
- Rowley, Charles
1972 *Outcasts in White Australia.* Ringwood, Victoria: Penguin.
- Roy, Alpana
2008 "Postcolonial Theory and Law: A Critical Introduction." *Adelaide Law Review* 29: 315–57.
- Ruggiero, Vincenzo
2011 "An Abolitionist View of Restorative Justice." *International Journal of Law, Crime and Justice* 39: 100–110.
- Russell, Emma
2011 "Gender Responsive Reform from an Abolitionist Perspective." Honours Thesis, Criminology, School of Political and Social Inquiry. Clayton, Victoria: Monash University.
- Scraton, Phil
2007 *Power, Conflict and Criminalisation.* Oxon, UK: Routledge.
2009 "Beyond the 'Moment of Abolition': Louk Hulsmans 1923–2009." *Journal of Prisoners on Prisons* 18(1–2): 1–9.
- Scraton, Phil and Jude McCulloch (eds.)
2009 *The Violence of Incarceration.* London, UK: Routledge.
- Shaylor, Cassandra
2009 "Neither Kind nor Gentle: The Perils of 'Gender Responsive Justice.'" In *The Violence of Incarceration*, edited by Jude McCulloch and Phil Scraton, 145–63. New York: Routledge.
- Sheehan, Rosemary, Gill McIvor, and Chris Trotter
2011 *Working with Women Offenders in the Community.* Oxon, UK: Willan.
- Sim, Joe
2009 *Punishment and Prisons: Power and the Carceral State.* London, UK: Sage.
- Sisters Inside
2010 "Submission to the Victorian Parliamentary Inquiry: The Impact of Drug-related Offending on Female Prisoner Numbers." Brisbane, Queensland: Sisters Inside. At www.sistersinside.com.au/reports.htm.
- Smith, Andrea and Luana Ross
2004 "Introduction: Native Women and State Violence." *Social Justice* 31(4): 1–7.
- Smith, Linda Tuhiwai
1999 *Decolonizing Methodologies: Research and Indigenous Peoples.* London, UK: Zed Books.
- Stanley, Eric and Nat Smith (eds.)
2011 *Captive Genders: Trans Embodiment and the Prison Industrial Complex.* Oakland, CA: AK Press.
- Stubbs, Julie
2011 "The Criminalisation of Indigenous Women." *Australian Indigenous Law Review* 15(1): 47–63.
- Sudbury, Julia
2002 "Celling Black Bodies: Black Women in the Global Prison Industrial Complex." *Feminist Review* 70: 57–74.
- Touraine, Alain
1981 *The Voice and the Eye: An Analysis of Social Movements.* Cambridge, UK: Cambridge University Press.
- Victorian Parliament Drugs and Crime Prevention Committee (VPDCPC)
2010 *Inquiry into the Impact of Drug-Related Offending on Female Prisoner Numbers.* Melbourne, Victoria: Government Printer.
- Walby, Sylvia
2005 "Gender Mainstreaming: Productive Tensions in Theory and Practice." *Social Politics: International Studies in Gender, State and Society* 12(3): 321–43.