

**Adventures in populist discourse: Could a solution to
penal populism in New Zealand be hiding in plain
sight?**

Luke D. Oldfield

A thesis submitted in partial fulfilment of the requirements for the degree of Doctor of Philosophy in
Political Science & International Relations, the University of Auckland, 2022.

Acknowledgements

I am not sure what was more difficult: re-learning quantitative methods after a 15-year hiatus or working out who and what to include in this acknowledgements section. The truth is that since I was a child, sudden and often unforeseen events have fundamentally altered the trajectory of my life, thrusting me into the orbit of many different people. If there is one thing certain, it would be that in a month or so from now I will recall an experience, sometime ago, from someone whose influence deserved mention but was regretfully left out.

I want to start by acknowledging my wife Dr Ritu Parna Roy who introduced routine and structure to my adult life when we got together four-and-a-bit years ago. John Sclazi, a famous science-fiction writer, once blogged about the privilege enjoyed by straight white dudes as being akin to living life on the 'easiest' difficulty setting: comparing the relative chances of an individual to the difficulty settings of a video game. As Sclazi pointed out however, unlike a video game, many aspects of one's life are difficulty settings which are unalterable. Indeed, Ritu has spent much of her life navigating the world on a higher difficulty setting and I am immensely proud of her for becoming a successful academic in her own right.

I am also fortunate to have maintained friendships with a wide variety of people. I want to acknowledge the numerous high school friends and ex-Telecom crew who have kept in contact over the years, despite my zig-zagging in and out of their lives. I am also in debt of gratitude to a large number of people in Western Australia. I especially want to thank the Hunter family for their support, alongside the enduring friendships of Jarrad Pyvis, Terry Corfe, Keith Johnson, Zack Garcia, Lizzie Skesteris, Corey Wareham, and Hamish Fitzmourice (among many others e.g., the Breakfast and Thornlie crews). A couple of other friends which deserve special mention are bros Jimmy Marston and Simon Bell; two of the least judgemental people I have ever met. In more recent times I have also enjoyed the friendship of Table 52, the mighty Tuesday night quiz team at Empire Tavern. I am fortunate also to have been able to work with some excellent people at the University of Auckland, including but not limited to, Victoria Woodman, Josh van Veen, Dr Tim Fadgen, Dr Shinya Uekusa and Prof. Steve Matthewman.

I want to acknowledge those who ensured that I would make it to the PhD start line. I would not have gotten so far without the encouragement and support of a number of former colleagues at the University of Waikato. I especially want to thank my MA supervisor Prof. Dan Zirker for mentoring me when I first returned to university in 2013, Dr Johanna Schmidt for her various references, and Dr Tom Ryan and Dr Fiona McCormack for their manaakitanga while I was tutoring in their programme. A big shout out also to my former colleagues at the Department of Corrections, it was the friendships developed over that 18-month period which kept me both grounded and safe as a corrections officer. I also want to acknowledge the assistance of both Alex and Mania Hope, who, parallel to my time at Corrections, did the mahi necessary for me to step into doctoral studies when I was ready. Also worth mentioning here are two people I met while living again in the Tron: Lee Evans for his friendship while also helping me lift some serious tin, and Brendan Madley for being a fundamentally good person while also thoroughly kicking my ass at squash.

One problem with writing a PhD is that you are unlikely to have written one before. For that reason, I want to acknowledge Kalym Lipsey, whose ideas shaped the data I was able to capture for this thesis. I would also like to acknowledge Dr Jane Scott whose proofreading and editing services transformed the quality of my work and helped drag me over the submission line. To that end I also wish to acknowledge Dr Aimee Simpson for looking at work last minute as I hurried to meet deadlines. Further, I want to acknowledge the wonderful people of Alberta, specifically Dr Kevin Taft, former Leader of the Alberta opposition, who opened both his home and network of associates to me in 2019.

There are some key people to which I am considerably lucky to have had the support of. Few doctoral candidates successfully complete a PhD without the efforts of at least one committed supervisor, and in my case, I had three. A big mihi to Prof. Jennifer Curtin, Dr Alice Mills, and Dr Lara Greaves for their support and the opportunities they provided during my time at the University of Auckland.

No PhD journey is without its challenges, and I became discouraged when, during the COVID-19 pandemic, the profit-orientated focus of our universities was laid bare. I am grateful to those who, in response, contributed to the Tertiary Education Action Group Aotearoa either directly or via cognate groups. It was reinvigorating to call out the inequities faced by precarious academic workers with a form of advocacy which prioritised substance over form. We have done good things in this space, and I am proud to call each of you friends.

Finally, I want to acknowledge my family. My mother who passed away in 2019. I have in the past talked about Mum's influence on my life and her determination that I would learn to read despite the education system casting doubt on my ability. Mum left us with another gift though, her stoicism. The sudden return of cancer after being cleared only three months earlier was a cruel twist in a nine-year battle. Mum had grace until the very end however, choosing not to be disheartened, and using her last months to keep a positive disposition. It was a masterclass in staring down adversity. I want to acknowledge what Dad did for Mum in those nine years and how much my sisters, Jenna, and Natalie, did for both Mum and Dad. I also want to acknowledge the rest of my extended family, including my late Uncle Gaz who always had my back and Andrew and Sue, and Aunty Michele, who like Dad, Jenna, and Natalie, have been encouraging me toward the finish line.

I often hear people say that it 'takes a village' to get a PhD completed. These acknowledgements would suggest that I relied on villages across many different time zones. I want to again thank those people and everybody else whose influence has got me to this point.

Ngā mihi maioha
Luke

Abstract

A longstanding policy problem for advocates of progressive penal reform in New Zealand has been the existence of a seemingly punitive public. Internationally, some scholars claim that such punitive attitudes are poorly understood and highly manipulable. Frost (2010) argued that the survey data used to validate claims of a punitive public could be prone to methodological flaws, casting doubt on the true popularity of increasingly punitive law and order policies. Even today, there are few challenges to the epistemological primacy of public opinion surveys that rely on closed and leading questions to reinforce claims of an enduring public punitiveness. Meanwhile, Roberts et al. (2002) have suggested that those wishing to neutralise the drivers of penal populism might want to draw upon a more incendiary style of rhetoric, one which pointedly refers to the wastefulness of prisons and not just their failings or limitations.

The central question of this thesis is what might come of a free-market populist argument being deployed by political actors advocating for decarceration. To establish the potential utility of populism as a tool for decarceration, this thesis begins with an autoethnographic account of prison, prisoners, and public attitudes to both, then teases apart the potential of populism as a political tool through a retrospective case study of decarceration during the tenure of a free-market populist in the Canadian province of Alberta.

Drawing on this case study and the theoretical literature on populism, an experimental tool was developed for use as part of a New Zealand-wide public opinion survey. The experimental tool tested two contrasting arguments for decarceration: a free-market populist-style argument and a status quo argument.

The results of this experiment give a variety of insights that would have otherwise been obscured by more conventional public opinion surveys. The first was that participants were more likely to support a populist-style argument for decarceration, with subgroup analysis suggesting such an argument was favoured by those on the right of the political spectrum. Secondly, those identifying on the right were most likely to oppose the status quo argument for decarceration, evidently due to its focus on human

rights, the impacts of colonisation, and systemic racism. Finally there was limited evidence to suggest a populist-style argument for decarceration would precipitate more punitive responses from survey participants.

In drawing out the conclusions of these findings, this thesis contributes to the contemporary political and sociological understandings of public opinion on law and order by demonstrating how such pervasive neoliberal and populist rhetoric can be reconfigured to achieve decarceration goals.

Table of Contents

Acknowledgements	2
Abstract	4
Co-authorship Form	8
List of Figures	9
List of Tables	9
Chapter One: Auto-ethnography of a Corrections Officer	10
Prisoner and guard: adversarial or symbiotic?	19
The rise and fall of RR25	22
Prisons and postcolonial Aotearoa	29
Introducing the research: A focus on public opinion	35
Chapter Two: What is populism?	39
Corrosive threat or redemptive force?	40
Who counts as a populist?.....	46
Penal populism: The New Zealand context	58
Free-market populism?	62
Conclusion	65
Chapter Three: Ralph Klein, Populism, and the New Right in Alberta	67
A brief history of Alberta politics	70
Case study methodology	73
Codifying the free-market populism of “King Ralph”	76
Tough on prisoners, fewer of them	84
Limitations and strengths of comparing Alberta with New Zealand.....	91
Conclusion	94
Chapter Four: Developing an experimental tool	96
Survey design	98
Participant recruitment	108
Limitations of this methodology	112
Conclusion	115
Chapter Five: Penal Populism with Market Populism	117
Part I: Is penal populism the norm?.....	118
Part II: Market Populism as the antidote?	141

Limitations	151
Conclusion	153
Chapter Six: Why do right-identifying participants respond differently?	155
Method	156
Results	158
Analysis: Rejecting colonisation/racism	161
Analysis: Victims of crime.....	172
Conclusion	178
Chapter Seven: The risk vs reward of a populist argument	180
Method	181
Results	181
Analysis: Market populism, but at what cost?	184
Conclusion	197
Chapter Eight: Conclusion.....	200
Aotearoa New Zealand in the present.....	204
Neoliberalism has been normalised.....	207
Populism: the curse and the antidote?.....	212
We must act, if not for us but for those at the bottom.....	220
Appendix I	223
Appendix II.....	226
Appendix III	230
Appendix IV	242
Reference list	246

List of Figures

Figure 4.1: Populist argument	99
Figure 4.2: Status quo argument	101

List of Tables

Table 3.1: Rate of imprisonment per 100,000 (2021, various jurisdictions)	68
Table 5.1: Should the courts maintain the option of imprisonment?	120
Table 5.2: Should the courts maintain the option of imprisonment for FT-NV offences? (age)	121
Table 5.3: Should the courts maintain the option of imprisonment? (ethnicity)	123
Table 5.4: Should the courts maintain the option of imprisonment for FT-NV offences? (PV)	124
Table 5.5: Should the courts maintain the option of imprisonment for FT-NV offences? (POL ID)	125
Table 5.6: Should a larger number of convicted criminals be sent to prison? (age)	127
Table 5.7: Should a larger number of convicted criminals be sent to prison? (ethnicity)	128
Table 5.8: Should sentences be longer to deter? (criminals/public)	130
Table 5.9: Should the courts maintain the option of life for M-SV offences? (PV)	134
Table 5.10: To what extent do you agree or disagree with the text?	140
Table 5.11: To what extent do you agree or disagree with the text? (age)	142
Table 5.12: To what extent do you agree or disagree with the text? (gender)	143
Table 5.13: To what extent do you agree or disagree with the text? (ethnicity)	144
Table 5.14: To what extent do you agree or disagree with the text? (POL ID)	144
Table 6.1: Tabulation of responses to status quo argument (all respondents)	157
Table 6.2: Tabulation of responses to status quo argument (right-identifying only)	158
Table 7.1: Tabulation of responses to populist argument (all respondents)	180
Table 7.2: Tabulation of responses to the populist argument (right-identifying only)	181
Table 7.3: Longer and/or less lenient sentences (incl. acceptance of existing arrangements)	185

Chapter One: Auto-ethnography of a Corrections Officer

I am a Pākehā (New Zealander of European descent) man who, in his early 30s, worked as a corrections officer for the Department of Corrections in a New Zealand prison. For an 18-month period between the completion of a Master of Arts and the commencement of a PhD, I was posted to both the remand and sentenced units of the prison. I met with and worked alongside numerous officers and prisoners. For the most part, the job was administrative in nature, processing prisoners in and out of the unit, facilitating contact with lawyers, and distributing prisoner property. This was the traditional function of the role that, in the years directly preceding my employment, had evolved from a job as a prison guard to that of a corrections officer (officer hereafter). Implied in the new job title was the responsibility of helping facilitate a change in prisoner behaviours, encompassing a requirement on the part of officers like myself to talk to prisoners about their past offending and to encourage a different life path.

I lived in a town about 20km from the prison and commuted daily, sometimes working up to 14 hours a day from the point we unlocked the first prisoners till shortly after we had locked up the last. While wearing my uniform to and from work, I would regularly be identified as an officer by members of the public. Consequently, I would be offered their perspectives on the nearby prison and those who were imprisoned, even if it was not clear they knew of anyone imprisoned at the facility. The town I lived in was notable also as a 19th century colonial settlement and for its role as a staging ground for the British during the New Zealand wars. Since that time, it has had a history of racial segregation, with Māori (the Indigenous peoples of New Zealand) facing explicit discrimination well into the 20th century, the consequences of which are evident today as Māori and Pākehā live mostly in different parts of the town (see: Bartholomew, 2020).

In this opening chapter, I draw on some of the defining experiences that led me to pursue doctoral study on the topic of imprisonment, with a specific focus on public attitudes towards the use of prisons. My recollection of interactions from both behind the wire (inside prison) and outside the wire (in public) are used to set out a picture of prisons as they currently function. I also consider the effect of government policy attempts to alter the rate of reoffending, and how many prisoners continue to cycle hopelessly through the justice system. My perspective is different, however, to convict criminology (for a New Zealand context see: Andrae et al., 2017); as an officer, I had certain privileges which preclude me from offering a comprehensive insider's perspective. Not least, I was able to return home at the end of my shift and largely avoid the experiences of isolation, coercion, and violence that many prisoners report as part of a custodial sentence (Bevan, 2017; Lancaster, 2020; Richards, 2014). Instead, from pulling together anecdotes and placing them against the backdrop of government initiatives such as those to reduce reoffending, I draw attention to the significant differences between the realities of prison and what appears to be the socio-political expectations regarding such places.

Since the 1980s, a confluence of factors has led to the emergence of what is now widely described in academic literature as *penal populism*. Bottoms (1995) originally referred to this as “populist punitiveness,” a term used to convey the idea that politicians were tapping into a latent punitiveness that the public had towards the perpetrators of crime (p. 40). Bottoms argued that this populist punitiveness was manifest in how the sentencing of offenders reflected an increasing movement towards “just desserts”, managerialism, and community (victim-centred responses to crime). Just desserts is a philosophy of retribution, where the public see sentences of imprisonment as fair punishment for committing crimes; managerialism is evident in performance measures and the broad expectation of operational efficiencies in the public sector; and community encompasses the rights of victims to be heard more prominently throughout the justice system (Bottoms, 1995). Populist punitiveness is evidently responsible for the increasing length of sentences, a rise in the number of imprisoned, and the likelihood of more austere prison conditions (Roberts et al., 2003).

Replacing the term populist punitiveness, Roberts et al. (2002) and Pratt (2007) later popularised “penal populism”, and in doing so expanded on the causal explanation for such a phenomenon. One factor contributing to penal populism is an increasingly privatised media landscape, which has resulted in a tendency for media outlets to focus on sensational, violent stories to draw in more viewers (Dobrynina, 2016; Pratt, 2007). The focus on such stories, sometimes for weeks, leads the public to believe that crime has become more frequent and more violent in nature (Pratt, 2007). Political opportunism has also been noted, in part also a result of this new media landscape, where political actors campaign on promises to be tougher on crime than their opponents (Pratt, 2007; Roberts, 2002). In the eighteen months that I worked at the prison, between February 2016 and July 2017, I would see a news article about once per month outlining a homicide, and who the suspect was, only to receive that same individual in our unit shortly thereafter. The media fixation on such offenders from initial reporting, opinion pieces, and, finally, coverage of their subsequent court appearances, was striking to me because it was at odds with the offender profile of a vast majority of prisoners I dealt with as an officer. This observation is consistent with data from Corrections which confirms that the overall number of people imprisoned for homicide is less than 10% of the overall prison population (Department of Corrections, 2021).

I also note in this first chapter the pervasiveness of neoliberal logics that operate both inside and outside the wire, particularly with respect to the individualising of offenders and offender behaviours (Bell, 2011; Kramer, Rajah & Sung, 2013). Neoliberal reconfiguration of the New Zealand economy since the 1980s has privileged less intervention by government in key areas such as employment, housing, and welfare, which in turn has loosened the safety net for society’s most vulnerable persons (Kelsey, 1995; Lerner, 1997). This reconfiguration has been paradoxical, however, as a greater emphasis on the protection of individual property rights has led to an expansion of the carceral state (Wacquant, 2009). As state supports have been withdrawn and a policing of the poor normalised, prosecution of those who themselves are likely the victims of material deprivation has increased (Bell, 2011; Wacquant, 2009).

Neoliberalism and its response to crime is something contested amongst criminologists and legal scholars alike. Perhaps the most widely held view is that interrelated state reconfigurations, those which were born out of economic reform, have led to a set of penal policies that are characterized as neoliberal penalties (see: Lacey, 2013). These penalties represent a punitive turn that is focused on the greater use of imprisonment and longer terms of imprisonment at the same time when the state has used fiscal imperatives to justify receding welfare supports (O'Malley, 2018). Related to this view is that that neoliberal policies have led to higher rates of imprisonment as they foster exclusionary attitudes toward deviant persons (Cavadino & Dignan, 2007). Further, Wacquant (2009) argues that neoliberalism and punitive crime responses are themselves, inextricably linked and follow a global set of laissez-faire adjustments to economic affairs that reflect the hegemonic position of the United States in the late 20th century.

There is some tension among the luminaries of neoliberal thought (i.e., whose intimately connected to the Chicago School of Economics), as to what constitutes a purely neoliberal response to crime. Posner (1986) argues that the main function of criminal law is to prevent people from bypassing the system of voluntary compensated exchange, and that the decision to commit a crime is based on rational choice. Posner's work is then grounded in deterrence theory, that the law must sufficiently offset the benefits of bypassing such voluntary exchange. As a forerunner to this argument, Becker and Landes (1974) also note rational choice but that exercising the law in response to crime comes with its own negative consequences – i.e., that it has a cost. Thus a contradiction emerges in how supposedly neoliberal ideas about crime might be operationalised. According to Peck (2010, as cited in O'Malley 2018), neoliberal crime responses are the forced cohabitation of neoliberalism and conservatism, with the latter giving an authoritarian lens to criminal justice policies. Ultimately, this is at odds with the view of Becker and Landes, that locking people up en masse amounts to economically irrational behaviour (see also: O'Malley, 2018).

These ongoing contradictions are evident in contemporary policy making. As a function of neoliberal ideology, the rise of corrective approaches complicates an already messy relationship between a more evidence-based rehabilitation and the public's desire for retribution. The blending of penal populism with neoliberalism has led to the emergence of a neo-correctionalism (Cavadino & Dignan, 2007) where punishment is centred on the correcting of individual offender behaviours rather than addressing the structural issues which contribute to crime in the first place (see also: Kramer, Rajah, & Sung, 2013).

As an officer and an aspiring academic, I found this to be a problematic approach to offender rehabilitation; it was not clear to me that offenders—or would-be offenders—always had sufficient agency to act in their best interests, such as their decision to commit a crime. When public spending is allocated to the provision of public services, an audit culture of politically motivated performance metrics usually follows (Andrew & Cahill, 2009; Jacobs, 1998). It is within this ideological clutter that the goal to reducing reoffending by 25% by 2017 (RR25 hereafter) was introduced in 2012, as part of a reconfiguration of the state sector by the National-led¹ Government (Scott & Boyd, 2016). Some performance measurements were more successful than others, such as a target for the education sector which saw an increase in the number of 18-year-olds successfully completing at least four years of high school education (Scott & Boyd, 2016). As noted by Johnston (2016), RR25 did not share the same success, in part due to the vastly more complicated needs of such offenders once outside the wire.

Performance measurements such as RR25 were, then, problematic for the same reason corrective approaches themselves were, that is, being focused on changing offender behaviours rather than on structural forces that contribute to crime. Indeed, RR25 (at least in the context of prisons) seemed like an attempt to modestly realign the sector towards prisoners' reintegration post-release but without sufficient thought for the social structures which had contributed to criminal behaviour in the first place.

¹ The National Party is New Zealand's largest centre-right political party.

Nonetheless, when I was employed at the prison, RR25 became a central feature of training programmes and staff briefings, built on confidence that with renewed attention across multiple government agencies, 25 per cent of offenders would not reoffend at the same offence level for a period of at least two years (see also: Lukkien & Johnston, 2013). In the final three months of my employment I became reacquainted with numerous individuals who had been imprisoned, released, and then imprisoned again. The failure of RR25 became evident around the time I left Corrections in 2017, as there had only been a 3.9 per cent reduction in reoffending over the five-year period, a figure which included all conviction types, irrespective of whether a term of imprisonment had been served (Department of Corrections, 2017).

As strategies to reduce reoffending floundered, an increase in the prison muster during the first two decades of the 21st century continued to put a strain on New Zealand's network of prisons. In the time I worked for Corrections, this led to the "double bunking" of prisoners in cells that were designed for only one prisoner. Forcing prisoners to double bunk is in breach of the United Nations Standard Minimum Rules for the Treatment of Prisoners (United Nations, 2018) and attracted criticism in a 2018 submission to government from New Zealand's Human Rights Commission (Walters, 2018). Also during the time I worked at Corrections, some prisoners were moved to facilities further away from family because the prison network was almost at full capacity. In 2016, the National Government earmarked a complete rebuild of one of its prisons in the Waikato region at a cost of over \$1 billion (Martin, 2017). While these plans were eventually downscaled by the newly elected Labour-led Government², an upgrade of facilities at this prison has since proceeded, part of which involves increasing capacity and upgrading derelict facilities (Department of Corrections, 2021).

Then there is the day-to-day cost of managing prisons and prisoners. In 2017, Corrections spent around \$1.5 billion on custodial services, averaging over \$100,000 per prisoner, with the cost of prisons tripling

² The Labour party is New Zealand's largest centre-left political party.

since 1996 (about 40% in real terms; Minister of Justice, 2017). Pratt (2017) cited the New Zealand Treasury Annual Report (2009), which noted that Corrections were responsible for 30% of the inflation-adjusted spending on justice, which doubled between 1994 and 2009. As new departmental recruits, we were told that the cost of training a single officer was around \$80,000, including three trips to Wellington for intensive training, and that most officers lasted less than two years in the job. While officers and their managers are responsible for general prison operations, the contemporary prison is now a much larger employer. Case managers meet with prisoners and set out a pathway towards rehabilitation and potential release, and facilitators provide a variety of programmes, including anger management, drug and alcohol addiction services and pre-trade qualifications.

Evidently, attempts to rehabilitate prisoners from behind the wire have not been particularly successful over preceding decades. If they had been, it could be assumed that, over time, the number of repeat offenders would have fallen. Instead, the overall number of people imprisoned increased, while the rates of reconviction remained stable (Johnston, 2016). Despite the current Labour Government successfully reducing the prison population between 2018 and 2021, the social and economic costs of high per capita imprisonment remain. According to New Zealand's Ministry of Justice (2021), as of September 2021, the nation's rate of imprisonment (164 per 100,000) was about the same as Australia (167 per 100,000) but still considerably higher than Canada (104 per 100,000) and England and Wales (131 per 100,000). It was also higher than the OECD average (147 per 100,000), which includes especially punitive jurisdictions within the United States (629 per 100,000).

Despite a reduction in the overall rate of imprisonment in New Zealand, it remains much higher among Māori than non-Māori (for a breakdown of ethnicity data see: Department of Corrections, 2021). In 2017, the incoming Minister of Corrections, Kelvin Davis, claimed that Ngāpuhi—the iwi (tribal affiliation) he himself descends from—were probably the most incarcerated peoples in the world (Radio New Zealand, 2018). The disparity is evident in statistics made available by Corrections; while Māori only make up

around 17% of the total population of New Zealand, they account for more than half of all those imprisoned (Department of Corrections, 2021). The disproportionate sentencing of Māori to terms of imprisonment (for the same offence type) relative to the Pākehā population has also drawn criticism from international rights-based organisations such as the United Nations Working Group on Arbitrary Detention (United Nations, 2014) and domestically from the Waitangi Tribunal (Waitangi Tribunal, 2017).

It seemed likely that many of the young men housed in the prison I worked at were being socialised into gangs. When I would process someone into prison for the first time, they would be provided with a unit induction, issued with bedding, and have the prison processes explained. Shortly thereafter, they would be assigned a cell and then released into the yard. For a young man, this meant entering a physical space that included those charged with murder or grievous bodily harm. That young man might not be acquainted with anyone and, consequently, be outnumbered by whichever gang held ascendancy in the unit. If he was not affiliated with a gang prior to entering prison, I found that it was not uncommon for him to start affiliating with one soon after. Despite the reluctance of prisoners to discuss their reasons for gang affiliation, there is evidence in New Zealand that the recruitment of young people into gangs frequently occurs behind the wire (Lambie & Gluckman, 2018; Taonui & Newbold, 2016).

Due to the likelihood of gang socialisation and other negative social outcomes associated with imprisonment, it might be assumed that the public would be averse to imprisoning people, especially non-violent offenders. Instead, judging from the interactions I had with the public during my time as an officer, it seemed they were indifferent to the efficacy of Corrections in addressing recidivism or the downstream social and economic costs of imprisonment. Commenting on the United States (US) public, Gottschalk (2010) suggested that this was because the public tended to view prisons as a different form of public service and were not so easily swayed by arguments of cost or efficacy. This seems applicable to the New Zealand context, where, despite frequent references to the failure of prison to reform offenders,

and the overall cost of imprisonment, there was no widespread public objection to the cost of building new prisons or the increasing cost of prison operations. “You need prisons to put the scum somewhere,” was a comment made to me, and one that was typical of those made by people in the town I lived in. Increasingly, however, many prisoners were not even convicted, but remanded in custody, with a backlog of cases meaning they might serve the entirety of any eventual sentences while on remand (Department of Corrections, 2020)³.

My story begins, then, with the premise that prisons have failed to correct the individual behaviours of offenders and are unlikely to ever satisfy such an objective. To continue to proactively reduce the prison population, I argue that we must consider how public expectations (or the perception thereof) have normalised a rate of imprisonment that remains higher than the OECD average. In an effort to better understand public opinion, and its malleability, this thesis measures the extent to which voting-age survey participants in New Zealand are willing to accept arguments that prisons are a fiscal burden, ineffective in rehabilitating and manifestly unjust towards the nation’s Indigenous population. I consider these to be the “status quo” arguments for decarceration. Alongside this, I also measure the extent to which voting-age participants respond to an alternative (and more assertive) way of advocating decarceration. I consider these to be the “populist” arguments for decarceration. The question I ask in this thesis is what might come of a broadly anti-statist (e.g., free-market populist) argument being deployed by those advocating decarceration?

In this introductory chapter, I justify a focus on public opinion, drawing on my own experiences inside and outside the wire. I start with an interaction I had with a prisoner, who, in the most general sense, was representative of his peers. For ethical reasons, I have concealed his identity, the prison I worked in and

³ According to the Ministry of Justice (2021), it is anticipated that over the next three years the majority of prisoners are expected to be those who are remanded in custody. Remand prisoners are a mix of individuals accused and awaiting trial and those convicted and awaiting sentencing.

the identities of those working within it. At the conclusion of this chapter, I acknowledge that there appear to be no straightforward ways to address persistently high rates of imprisonment within the current paradigm of crime and punishment. I propose that if we wish to break with the current situation, then, for now at least, we must consider working within the hegemonic nature of both populism and neoliberalism as a starting point. The purpose is not to change prisoners' attitudes, but to challenge those of the public and how those public attitudes are understood by the political actors who represent them.

Prisoner and guard: adversarial or symbiotic?

“Luke, Luke! What up, bro?” My eyes scanned wearily up and down the access road that separated one of two remand units. It was the voice of a young man I had come to know quite well. “Hah, Luke, you fat cunt! Where have you been?” he yells again, while standing on the tips of his toes and peering through the grill of the double-gated entrance way. His tone this time suggested that he was excited—maybe because I had registered his voice and started grinning as he came into full view. We had struck up some light-hearted conversations during his previous lag some two months earlier, and maybe it helped him to see a familiar face despite returning to largely hostile surroundings. I also felt ambivalent. Yes, he was back. But at least he was one of the “good” guys, filling a bed space where someone less hospitable might have been accommodated during my two-day break. The prisoner and I had been through a similar courting process to that of many others, him being the statistical mean of a prisoner—⁴young, brown, athletic and witty—and me being that of a guard: a middle-aged, white guy, overweight, with a similar penchant for joke-telling.

These were relationships which would often evolve from a starting point of distrust before reaching a precipice, moving to discussion and, finally, acceptance. It was rare to have any sort of bond with a prisoner without it starting as a form of verbal, and sometimes physical, jousting, setting the tone for how

⁴ In the New Zealand context, “brown” typically denotes an individual of Māori or Pasifika ethnicity.

we might liaise with one another in the future. If you were to close your eyes during conversations with these young men, you might have thought you were in another place altogether; sport, food, women, cars, hunting and even politics were regular discussion topics. The young man's cellmate once asked me what I thought about vaccines, and if they were good for children, confiding in me that he was unsure about what healthcare advice to follow, and that he wanted to help his partner make an informed decision for their toddler son. Often these interactions were less exceptional, merely distracting from the mundaneness of our respective roles: that of a prisoner and that of an officer.

Maintaining positive relations between most officers and most prisoners spoke to a more serious need: the mutually understood responsibility to remain safe at all times. Only months earlier, the young man at the gate had intervened when an agitated prisoner challenged me to a fight. Fortunately, other prisoners in the unit also worked to quickly defuse the situation, and it brought to me the comforting realisation that most prisoners can interpret the risks associated with spiralling levels of violence and probably shared a view that violence should only ever be used as a last resort. Ironically, it was as if a Hobbesian view of the social contract had been reimagined from behind the wire by such prisoners, that is to say, from within the facility that they had been held in since it was adjudicated that they were no longer fit to mingle beyond it. If prisoners were able to reason this way inside the wire, it suggested to me that they were at least capable of doing so outside of it.

The prisoner and I, however, knew we would never actually be close. A reasoning perhaps grounded in the belief that it might jeopardise my role as an officer, or their well-being as prisoners. The prisoner-officer dynamic is rooted in social institutions that define the company we keep, or do not keep, if we are to enjoy the ongoing acceptance of our respective peers. It meant that despite having shared experiences and common interests, the respective roles of officer and prisoner maintained both visible and invisible boundaries. We were taught as officers never to trust a prisoner, never to share anything regarding your personal life with prisoners and never to have contact with prisoners when they were released. It was a

contradictory message for the more contemporary-style corrective services that we had been trained to provide. As officers, we were also expected to build rapport with prisoners, encourage positive behaviours and, where possible, discuss the causes of their offending. To have any meaningful exchange required connecting with prisoners on a personal level, asking about their mental health and well-being, their families, and their post-sentence aspirations with an understanding that we are part of the same society. In my own time outside of work, I would sit in the public gallery during sentencing hearings, partly in support of prisoners I had on my caseload, but mostly to satisfy my own intrigue about the judicial process, much to the bewilderment of escorting officers from the prison who would look at me awkwardly across from the dock.

An “us vs them” dualism is talked about throughout this thesis (Asalandis, 2016; Canovan, 1999), and is a common feature of populism. Within the framing of crime and punishment, most of “us” are cast as the ordinary, law-abiding members of the public and the other are “them”, the criminals, their lawyers, and the prisoner rights’ advocates (Pratt, 2007). This is in part because the public assumes that prison populations are composed mostly of violent offenders who pose a threat to society (Roberts & Hough, 2005). Such an assumption is itself a consequence of the aforementioned overrepresentation and sensationalism in the media of instances of especially violent crime, despite also being statistically the rarest (Pratt, 2007; Surrette, 1994; McGregor, 2017). Both the de-escalation of potential violence by an intervening prisoner and my choice to attend court proceedings in my own time were a challenge to this “othering” of prisoners from the rest of society. In later chapters, I consider how the dualism might be applied differently, with “them” being a lumbering and ineffectual bureaucracy and “us” being the taxpayer.

It was evident to me during my time as an officer that some choices made by individuals that led to a custodial sentence reflected the limited number of alternatives on offer, for example, the consumption of illicit substances to manage mental health issues or the sale of illicit substances to supplement income.

This is not to claim that all prisoners were free of culpability but that many were non-violent in nature and had the same desire to maintain order as those of “us” in the community. This was a view validated in the sentencing hearings I would attend, giving more background to the offender profile than what an officer would typically be aware of. Poverty, often linked to low levels of education and limited job opportunities, was a regular theme noted by sentencing judges, not least as a driving cause of property rights violations. Knowing these things was unsettling, leading me to wonder how I might intervene in the lives of these people in a way that would be meaningful and would ensure that these young men were unlikely to return to prison. The role of an officer, after all, was to encourage such changes among those imprisoned.

The rise and fall of RR25

While the young man standing at the gate that day was representative of about three quarters of other remand prisoners with whom he shared the compound with, it was not just age, gender, and ethnicity that this prisoner had in common with his peers. The charges which led to his detainment by the state were also similar⁵. They covered what he and officers alike would gleefully refer to as “dumb shit”, a catch-all term for offences that were at the less-serious end of offending but were multi-faceted, ill-advised, and often the consequence of other choices that preceded the offending, e.g., alcohol intoxication. According to the 2017 Annual Report, about 40% of those incarcerated had a non-violent crime recorded as their most serious offence, for example, theft of a motor vehicle or possession/supply of illicit substances (Department of Corrections, 2017). From my observations, these charges would often be accompanied with a summary of facts outlining other behaviours when interacting with police, e.g., resisting arrest, escaping custody or a high-speed chase. Neither was it uncommon for such individuals to face further custodial sentences. If a young man were to cycle once through the New Zealand justice system—from police, to courts, and then sentencing—the likelihood of him committing similar offences a second or

⁵ Sex offenders were housed elsewhere in the prison, and maximum-security prisoners (those considered to be especially dangerous) were in another prison altogether.

third time was considerably higher than someone who had not had any contact with the justice system in the first place (Poa & Monod, 2016; Polaschek & Kilgour, 2012).

When I first applied to become an officer in 2015, Corrections was three years into its ambitious goal of RR25: a multipronged attempt at reducing the rates of recidivism (Department of Corrections, 2012; Johnstone, 2016; Scott & Boyd, 2016). According to the Department of Corrections 2014 Strategic Report, RR25 would be accomplished through focusing on the following: “community support” (e.g., housing initiatives); “working prisons,” centred on various programmes or employability; “modern infrastructure” to facilitate such programmes both inside and outside of prison; and ““visible leadership” (an expectation on staff to act professionally act facilitate rehabilitative outcomes). It would have been heresy at that time, especially for a new recruit like myself, to question these strategies, but there were sound reasons for casting doubt over the department’s RR25 vision even before it unravelled. For example, criminal justice advocate Kim Workman warned that such a broad target would encourage Corrections to either focus less on the needs of its more complex offenders or look for ways to creatively report progress (Radio New Zealand, 2017), meaning that any gains were most likely to come from persons completing community-based sentences. In the context of prisons, the target was an unrealistic proposition as the department had little control over what happened to individuals after they had completed a custodial sentence.

Despite the contradictory nature of performance measures and neoliberal ideology, reporting progress on reducing reoffending has continued to be how correctional facilities across the world are assessed and supported (King & Elderbloom, 2014). In the New Zealand context, such measurements emphasised a view that the future choices of offenders are manipulable through a mixture of rehabilitative courses, reintegration pathways and coercive measures (Scott & Boyd, 2016). Critically, however, RR25 did not seek to change public attitudes towards imprisonment, those who were imprisoned or those recently

released from a term of imprisonment. Instead, RR25 upheld a philosophy that those who had cycled through the justice system were inherently more criminal than those who had not.

Mid-2016 saw the first internal acknowledgment from Corrections that achieving RR25 by 2017 (cynically or otherwise) was unlikely to eventuate. An update of the performance measure in the Corrections 2015/2016 Annual Report showed only a 5.6 per cent change relative to the 2011 baseline, suggesting that much of the supposed gain had evaporated from a high-water mark of over 12.7 per cent in 2014. Notable also was that from 2016, Corrections moved reporting on the RR25 target from the first few pages of its annual report to the appendices section, a separate document that would usually only contain technical information regarding the reporting of data.

The impending failure of RR25 did nothing to dull the positivity amongst public servants I observed in Wellington⁶, some of whom were on hand at our officer graduation ceremony in mid-2016. At the conclusion of our six-month training programme, these public servants continued to speak gushingly about the vision of Corrections' CEO Ray Smith, explaining that promising RR25 results had already been realised. It also remained at the forefront of Corrections strategy throughout the year, with the government committing to a "RR25 boost," meaning that further government funding would be made available to help the department achieve its goal (Department of Corrections, 2016). The mood within the Corrections community centres I visited around that time also remained upbeat. Outside of the prison network, there were at least some reasons to be optimistic, as Workman suggested, community Corrections could at least tinker with the outcomes of those on their caseload by directing resources towards rehabilitating less-complex offenders (Radio New Zealand, 2017).

⁶ Wellington is New Zealand's capital city and the head office of most of the country's state services including Corrections.

Behind the wire, however, it was clear to me that RR25 amounted to little more than a stub featuring at the bottom of staff email signatures. This was no more evident than in an interaction I had with another young man shortly before he became eligible for parole. Upon unlocking him at eight that morning, he emerged from the bathroom with a new tattoo across his right cheek, it was around 6cm x 4cm in size and had been inked sometime after his cell was locked the evening prior. Such jailhouse tattooing contravened the Corrections Act (2004) and cast doubt on whether the young man was ready for the impending parole hearing, despite having already completed a long list of programmes prescribed by his case manager. When I asked the young man what had compelled him to risk the delay of his own release, his response was depressingly familiar, “Who cares, jail is mean⁷.” If rehabilitation via such programmes were to be realistically expected, one might have anticipated the young man would not have wanted to jeopardise matters in the lead up to his parole hearing, instead channelling his energy towards presenting himself as someone ready to return home.

One impact of long periods of imprisonment, particularly among those already socially marginalised, is that it leads to a greater normalisation of prison in the life of a prisoner and, thus, prison itself loses any deterrent effect or, even worse, becomes a rite of passage (Workman & McIntosh, 2013). A fellow officer shared a view that when considering the prisoner’s life outside the wire, jail probably was “mean” (fun). The officer then went on to remark, “he probably comes from one of those families when you open the fridge and there’s just margarine.” Anecdotally at least, the prisoner was not alone; other prisoners had made decisions ensuring they would spend the longest possible time in prison. These prisoners would outright turn down enrolment in programmes geared towards an early release, preferring to avoid the conditional release that comes with parole. It painted a grim picture of the agency many of these prisoners had outside the wire in that, for many of them, the risk of being unable to meet the conditions of release led them to accept a longer imprisonment than might otherwise have been the case.

⁷ A colloquialism in New Zealand English to indicate something is fun or enjoyable.

We never found that tattoo gun, though I had marvelled at others in the past. They resembled an intricate bird's nest of materials which had been stripped from pens, wires, and batteries. "What do you call this?" I posed to another prisoner as I placed a tattoo gun on the desk in front of him; he grinned and gave a wry smile before replying, "Māori ingenuity." Indeed, it was ingenuity for which I would not have ever had the technical ability, especially from within the confines of a prison with limited access to materials. Caught within a complex web of social forces, this prisoner might have otherwise been a mechanical engineer, but had instead found himself under involuntary confinement by the state. Prisons are, therefore, places where ingenuity goes unrewarded by the authorities. For being in possession of a prohibited item, such as a tattoo gun, a prisoner is charged and likely sentenced to a period of solitary confinement, diminishing further his opportunities for rehabilitation in preparation for release.

The assumptions underpinning RR25, as part of the Better Public Services targets, merit further examination. It was reasoned that the agency silos of police, justice and corrections share a common goal in reducing reoffending and so to be successful, they would benefit from codesigning interventions in order to work more collaboratively (Ombler, 2014). This was in line with the prescription of Hughes and Smart (2012), whereby a sectoral grouping emerged under the direction of the State Services Commission, which in turn set performance measurements for divisions within the group. The new generation of performance measurements introduced by the then-National Government required outcomes which could be more easily measured, rather than setting goals that were less easy to quantify (Hughes and Smart, 2012). RR25 was favoured for this reason; it enabled Corrections to move from subjective measures to both a metric (25%) and a deadline (2017).

On my days off work, I would often head back to the university, where I once worked, for coffee with former colleagues. I recall their pessimism about the unlikelihood of RR25 being realised. After all, the initiative required at least some of those who had been recently imprisoned under the wide banner of

“dumb shit” to exit the justice system upon their release and not re-enter it again within a two-year period. My former colleagues understood that the persistence of behaviours routinely characterised as “dumb shit” could not be attributed simply to failings in either individuals or the justice system, but were consequences of poverty, gang socialisation, inadequate housing, substance addiction, poor education, and unemployment (Johnston, 2016). Structural changes to the economy were required regarding the provision of housing, employment, and justice, as opposed to piecemeal interventions like RR25. By watching young men repeatedly cycle through the justice system, often for property rights violations or drug offences, it was evident to me that widening levels of inequality ran counter to the efforts of Corrections staff seeking to address persistent rates of reoffending.

Increasing economic liberalisation throughout the West has demolished economic and social safeguards and shifted those previously with secure employment towards precarity while their living arrangements have become less stable than ever before (Han, 2018; Wacquant, 2009). In small towns across New Zealand, this liberalisation has shuttered once profitable industries and impoverished families who have lived in the area for generations (Conradson & Pawson, 2009; Gray & Lawrence, 2001; Lerner, 2005). In a conversation I had with a sentenced prisoner, the young man scoffed at the idea of not selling illicit drugs again upon release: “Why would I get some shit job paying min[imum] wage when I can make a grand a week selling crack?” I found this statement remarkable, not for its candidness, but the suggestion that an income of \$1,000 per week⁸ was somehow noteworthy, when only a generation earlier, a stable and sufficiently well-paying job was readily available in the same town he had grown up in.

In 2017, former Corrections Deputy Chief Executive Vince Arbuckle acknowledged the failure of RR25 and the need for structural change when he addressed shortcomings of the performance measure at the Waitangi Tribunal (Waitangi Tribunal, 2017). He spoke to the difficulties faced by Corrections staff who knew they had little chance of impacting the rates of reoffending among those who received a custodial

⁸ For context, according to Tenancy Services, the government agency overseeing rental agreements in New Zealand, the average cost of rent in the prisoner’s hometown is over \$500 per week.

sentence. Of concern to Mr Arbuckle was that there is a sense of inevitability about offenders returning to the same challenging environments upon their release from prison (Waitangi Tribunal, 2017). The issue Arbuckle highlighted is no different to that which the academic community had already understood; it is not “dumb shit” alone that is responsible for young people cycling through the justice system, but a broad set of social forces.

The class position of the offender is also an important consideration. The acquisition of private legal representation allows those with sufficient financial resources to circumvent the sharp edges of the criminal justice system, specifically, the severity of the punishment (Cunneen et al., 2016; Marriott, 2013). It was evident from my time at Corrections that unequal access to legal services was a causal factor in individuals having been judged more harshly for their actions than what might otherwise have been the case (see also: Workman, 2013). Moreover, it has been found elsewhere that those who are incarcerated are most likely to have been the ones to have appeared before the courts with the least amount of agency at the start (Bell, 2011; Wacquant, 2009). In the New Zealand context, my anecdotal observations were that an overwhelming majority of prisoners lacked private legal representation and were thus reliant on legal aid (see also: Toy-Cronin, Choe & Stewart, 2021).

RR25 was one of the few Better Public Services targets which fell significantly short of their stated aims; I resigned in the same week that the department abandoned its target. Although my decision to move on was not related to the failure of RR25, I had nonetheless accepted that the formula necessary for breaking the cycle of recidivist offending, that is, to reduce reoffending, was unlikely to be through the delicate interactions of prison staff from behind the wire. When commenting on the surge in correctional programmes offered in the US, Maxwell (2005) opined that to be successful, such programmes needed to somehow develop in prisoners the necessary coping strategies to ameliorate the economic, social, and cultural stresses of post-release life. It was evident from my observations that the story was the same in New Zealand. By 2018, two-year reoffending rates in New Zealand were continuing at levels higher than

50%, despite programmes being widely available to prisoners (Department of Corrections, 2019; Johnston 2016). Mr Arbuckle was therefore correct in his submission to the Waitangi Tribunal when he conceded that it was the social forces outside of prison which most directly impacted the chances of an individual re-entering the justice system.

Prisons and postcolonial⁹ Aotearoa

The drive from my home to the prison took around 20 minutes by car, and, as a Pākehā with a moderate grasp of the region's bloody colonial history, this daily commute gave rise to an eerie parallel. Each morning I would put on a uniform, adorn myself in protective armour and then travel by convoy into the countryside to a fortification (prison) where most people identified as being of Māori descent. Notably, the car park was only another five minutes by car from the site of a historical pā (settlement) and the location of a series of battles between local iwi and the British. Inside the prison, both non-Māori and Māori officers alike worked together in the management of mostly Māori prisoners. Among both the Corrections staff and prisoners, there were persons who identified not just as Māori, but also as mana whenua¹⁰, those able to draw a genealogical link back to the same iwi under siege during the conflict 150 years earlier. It would be objectionable to equate those imprisoned, some of whom were non-Māori anyway, with Indigenous resistance in the 19th century. Nonetheless, it was common to hear Māori Corrections staff speak of their discomfort at being party to a justice system which had so routinely disempowered their own people, both historically and more recently.

It was ethnicity, then, which became the initial fault line in many officer-prisoner interactions. Shortly after being assigned to a unit, a high-profile gang member turned to me at the conclusion of a television news story and said, “That Trump character, he’d be your kind of guy, right?” after responding “Nah,

⁹ There is ongoing scholarly debate regarding the description of Aotearoa New Zealand as a postcolonial society (see: Smith, 2012), however, that goes beyond the scope of this thesis.

¹⁰ Mana whenua is the Māori language term for a geographical area where a particular tribe are indigenous. Iwi is the Māori language word for tribe or an association of tribal groups.

fuck that guy,” we both laughed. It was the sort of interaction which served as a reminder that prison tends to amplify what has been an adversarial biculturalism nurtured throughout colonisation, where the markers of who belongs to which group are crudely assigned to fairly predictable social cleavages: Pākehā vs Māori; officer vs prisoner; us vs them; and, as the public often see it, good vs bad. A lot of this adversarial-type thinking also seems to be entrenched in the minds of the public. Dressed for work in the appropriate Corrections attire, I would regularly stop at a service station to collect a few necessities before continuing on my journey. One exchange was representative of the opportune comments from strangers when noting that I was in uniform. While processing payment for my coffee, a service station attendant said, “I don’t envy you, mate.” I shrugged, nodded, and chuckled awkwardly, all at the same time. When handing back my EFTPOS card, he offered a further unsolicited comment, “do us all a favour and gas the lot of them.” I then recoiled, managing only a grimace before hastily retreating to the car while some of those in the line behind me began to call out approvingly.

Physically leaving the scene that day was straightforward enough, but it was more difficult to eschew the feelings of cognitive dissonance: what was my role, and what purpose did it really serve the public? If the genesis for which many of these young men wound up in prison was connected to colonisation and an ongoing systemic racism (see also: Cunneen, 2009; Webb, 2017), at what point do the public attitudes towards them become more problematic than the actions which led to their imprisonment? Despite making up only 17% of New Zealand’s population, Māori currently account for 52% of all prisoners (Department of Corrections, 2021). In the prison that I worked, Māori were probably more than 70% of the custodial population, a reflection of the divergent life chances of those born into different families in the same region. Such caustic thinking expressed by the service station attendant was not just an appeal to treat prisoners inhumanely, but Māori in general. For Māori prisoners, such as the high-profile gang member, a Pākehā officer like myself was another malevolent representation of this power relation, set on upholding the structures of white supremacy.

Part of the early colonial project in New Zealand was to purposefully disempower Māori from participating on equal terms with Pākehā (Hokowhitu, 2007). As communal title holders of land, Māori men were excluded from voting until the establishment of Māori seats. Even when these seats were established in 1867, there were only four compared to the 72 reserved for Pākehā, despite Māori at the time being entitled to up to 16 seats based on their proportion of the population (Wilson, 2009)¹¹. In education, Māori school-aged young men were shuffled away from literacy and numeracy and into manual labouring positions, on the pretence that these skills were not required unless they were part of the ruling class (Hokowhitu, 2007). To exacerbate matters, Māori language was also banned from being taught or spoken in New Zealand schools, ensuring Māori were assimilated into the colonial education system (Walker, 1990). This alienation from the structures of government and bureaucratic decision making occurred alongside Māori alienation from their land, often by consequence of war, confiscation, and dubious acquisition by Pākehā settlers (Boast & Hill, 2010; Taonui, 2010).

More recently, the aforementioned impacts of economic liberalisation have been especially felt among Māori communities, which have further fractured as their working-age adults were forced to leave smaller settlements in search of work in the cities (Larner, 2005; Murphy & Cloher, 1995). Such upheaval has resulted in children becoming dislocated from meaningful cultural instruction as well as the safety and protection afforded by whānau (the wider family group). It is within both the historical context of colonialism and neoliberalism that the failure of corrective approaches to criminal justice ought to be considered (Davis, Bahr & Ward, 2013; Kim, Losen & Hewitt, 2010; McIntosh & Workman, 2017; Wilson & Hernstein, 1998; Workman and McIntosh, 2013). The consequence of this is a normalisation of the over-representation of Māori in prison at the same time as they have been made socially, culturally, and economically precarious (Cook, 2021; Stanley & Mihaere, 2018).

¹¹ Wilson (2009) has noted some scholarly disagreement as to the extent of tokenism at play. While the number of Māori seats were proportionately less, voting rights were afforded to all Māori men, a right only given to Pākehā men 12 years later.

Understanding the normalisation of ethnic stratification is also critical to appreciating the present-day discrimination faced by Māori. Residents in the town I lived during my time as an officer referred to a particular suburb as the “dark side,” due to the fact that most who lived there were either Māori or Pasifika, a reference to their generally brown skin tones. So common was the term used in casual social interactions that no further explanation was required, the “dark side” was a placeholder term for an area where one might expect social deviance or anti-social behaviours. Such urban segregation between Māori (and Pasifika) and Pākehā residents has inevitably had consequences for how the former interface with agencies of the state, not least of which is the over-policing of Māori communities (see also: McIntosh and Workman, 2017; Workman, 2013). Knowing this, I felt even less confident that individuals cycling through the justice system would be able to transform their lives given that, upon their release, discrimination awaited their return to the community.

The ongoing colonisation of Māori has been dependent, then, on the construction of ignorance about their culture, language, and beliefs, and of being designated the “other” (Stanley & Mihaere, 2018). Through its institutions, this society has nurtured a certain view among Pākehā settler descendants regarding the civility of Māori (Jackson, 2017). It is a form of conditioning embedded through the colonising force's cultural, structural, and institutional processes which continues to predispose Pākehā towards regarding Māori as being violent. Penal populism is then nourished through the entrenched view within Pākehā society, one which represents Māori as having a proclivity towards crime and violence (Hokowhitu, 2007; McIntosh and Workman, 2017). This “othering” or the routine characterisation of Māori as an untamed, warrior-like race leads to the legitimisation of justice processes among the dominant Pākehā majority that imposes state controls and the colonial institutions that come with it—prisons (see also: Jackson, 2017).

With even the most cursory overview of colonisation and postcolonial New Zealand outlined above, it is clear that a belief persists among Pākehā that Māori ought to be managed and controlled (see also:

Mikaere, 2015). Such belief among Pākehā has also been routinely validated by political actors. In 2014, then-Prime Minister John Key referred to New Zealand as a country “settled peacefully” (Godfrey, 2015 p. 5). On another occasion, Key, when visiting Ngati Porou¹², joked about being fortunate not to be visiting neighbouring Tūhoe¹³, suggesting he might have been eaten by the local population (Radio New Zealand, 2010). Such examples of historical revisionism were perhaps convenient, allowing the then-National Government to obscure the intergenerational trauma of colonisation and set aside the structural disadvantages responsible for the disproportionate level of imprisonment among Māori in the first place. Godfrey (2015) referred to this rationalisation of colonisation as a way to legitimise its imposition on Māori, in a manner that is often contradictory to the stated aspirations of redressing past injustices. As an officer, I also noted that some prisoners carried with them sentiments of past injustice. I, too, contemplated how the presentation of a harmonious colonial history helped political actors legitimise an ongoing neo-correctionalism in New Zealand, one where deterrence and individual rehabilitative measures had come to dominate the criminal justice landscape.

It was not as if Corrections staff were ignorant of our national history. In the first session of my first day of training in Wellington, the colonisation of New Zealand and its impact on Māori were explained by a senior training facilitator of Māori descent¹⁴. The topics of colonisation and structural disadvantage were also revisited at different points throughout the six-month training, bestowing a rudimentary sociological explanation of New Zealand society on the department’s newest recruits. But having acknowledged as much, the training programme would become discombobulated throughout the induction process, frequently circling back to notions that it was incumbent on officers to encourage offenders to better themselves, while keeping them imprisoned for increasingly longer periods of time. Corrections, though,

¹² An iwi situated on the East Coast of the North Island of New Zealand.

¹³ An iwi neighbouring Ngati Porou on the North Island of New Zealand.

¹⁴ The question of who ought to be included as Indigenous has attracted considerable scholarly input in recent decades. In the New Zealand context, someone is considered Māori if they identify as such and have a Māori ancestor (for a broad overview see: Kukuitai, 2004)

can only act within their remit, which for decades have revolved around offender interventions that conceptualise crime through the behaviour of the individual and less through their associations, networks, and environments.

The most recent attempt to address Māori overrepresentation in the prison network has been Hōkai Rangi, a comprehensive strategy co-designed¹⁵ in 2018 by Corrections and Māori under the auspices of the Sixth Labour Government. This multi-faceted strategy has sought to pro-actively engage with Māori prisoners and their whānau to ensure, among other things, accessing their culture and, thus, complement their health and well-being. In essence, Hōkai Rangi was designed to fulfil the needs of Māori offenders alongside a range of culturally tailored support, created by Māori for the Māori prison population. However, according to Te Pere (2021), among the problems of implementing Hōkai Rangi has been an inertia within the department, particularly among staff working in the prisons, far removed from Corrections head office. Further, Corrections themselves have acknowledged that they are only one part of the justice system, thus limiting the holistic ideals of the strategy (Department of Corrections, 2018 p. 4). It is perhaps of little surprise, then, that after nearly three years, Hōkai Rangi has had no demonstrable effect on shifting the proportion of Māori imprisoned, despite an overall drop in the rate of imprisonment and the number of Māori imprisoned (Te Pere, 2021).

Irrespective of the rights of prisoners to reengage with their culture¹⁶, for which Hōkai Rangi may have been more successful, there is little evidence to show that prison programmes have been effective in reducing reoffending. Further, if the purpose of Corrections is to address the behaviours which lead to crime, then the subsequent imprisonment of offenders, followed by behind the wire programmes, seems to be an ineffectual strategy. However, it is a matter of perception as to whether the status quo of

¹⁵ Corrections stated in their Hōkai Rangi policy document that they “gathered insights and guidance from a reference group of Māori voices across our system... and, importantly, Māori currently in our care and management, and whānau members of people in the system – around 75 people in total” (Department of Corrections, 2018, p. 7).

¹⁶ Explicitly highlighted as an objective of Hōkai Rangi (Ara Poutama Aotearoa Strategy, 2018 p. 17).

imprisoning more people has been ineffective. For the public, and indeed some political actors, an effective system does appear to me as being one capable of keeping certain offenders behind bars, particularly young brown men.

In addition to arguments regarding the ineffectiveness of prisons, there are many critiques of prisons and prison programmes offered by Māori scholars from an Indigenous perspective. To summarise just one, the co-opting of kaupapa Māori principles into the prison system validates the use of prisons, which are themselves a colonial construct for managing deviant behaviour (Mcintosh & Workman, 2017; Mutu, 2013; Webb, 2018). Thus, the appropriation of kaupapa Māori by Corrections amounts to another way in which the state continues to colonise and harm Māori (see: Jackson, 1987; Tauri, 2013). While Corrections have accepted the role played by colonisation in the disproportionate imprisonment of Māori, the department remains fixated on folding kaupapa Māori principles into a framework of individual responsibility, an argument which could be extended to include Hōkai Rangī, its most recent attempt to address the disproportionate number of Māori imprisoned.

Ultimately, the long shadow cast by the entrenched, systemic racism throughout the New Zealand justice system continues to have negative consequences for Māori, their families, and their communities (Workman, 2014). The consequential mass imprisonment of Māori is then a human rights issue (Tauri & Webb, 2012). From my observations outside the wire, however, there was at best acquiescence among Pākehā regarding the role that colonisation and systemic racism has played in poor justice outcomes for Māori and their families.

Introducing the research: A focus on public opinion

This chapter gave a first-person account of the contradictions evident in how New Zealand's Department of Corrections has been configured to operate in the 21st century (Napier, 2012; Richards-Ward & McDaniel, 2007). These include an antiquated us vs them prisoner-officer relationship which inhibits

magnanimity and capacity building; ambitious neoliberal performance measures favouring only piecemeal societal interventions; and an inadequate appreciation for the historical and ongoing mistreatment of Māori, despite bureaucratic handwaving to these past injustices. Each of these contradictions (by no means an exhaustive list) reinforce that the onus for changing behaviours has remained on the shoulders of individual offenders (see also: Kramer, Rajah & Sung, 2013).

If the public were to accept that prison has a limited role to play in reducing reoffending, and indeed ensuring public safety, it might open the possibility of reversing the growth of the prison network and its operations. To accomplish this, advocates for decarceration must navigate widely held yet erroneous ways of public thinking: that criminals are not part of society; that the primary drivers of crime are rational choices of individuals; and, that Māori, who currently make up over half of all those imprisoned, have had equitable interactions with the justice system. What has proven to be the stumbling block for advocates of progressive penal reform is that attempts to rebut such assumptions with evidence-based arguments do not seem to be politically effective (Lambie & Gluckman, 2018; Roberts et al., 2002; Tauri, 2019). In other words, arguments against the expansive use of prisons tied to their efficacy, social or fiscal costs or impact on Māori do not seem able to muster a significant proportion of the voters in favour of reform.

The broad idea undergirding this thesis is drawn from the conclusions set out by Roberts et al (2002): those seeking to challenge the dominance of penal populism might wish to use a more incendiary style of rhetoric, one which points not just to the ineffectiveness but also to the *wastefulness* of prisons. An experiment is conducted that draws on free-market populism to understand whether this might produce a political mandate for decarceration. By doing so, this thesis contributes to existing literature in the fields of both political science and criminology, traversing public opinion (a disciplinary strand of political science) to help resolve what criminologists have assessed to be a political problem (Pratt, 2007; Roberts et al., 2002). The remainder of this chapter, then, sets out the thesis structure, and how an experiment seeking a mandate for decarceration was devised, tested, and reported.

The codification of populism is a highly contentious subject area. Chapter Two considers what populism is, and under what conditions populism is a necessary function of, instead of an impediment to, liberal democracy. In traversing some of these theoretical conceptualisations of populism, attention is given to what overlapping features of populism are apparent, those which might provide the basis for hypothesis testing later in the thesis. The last section of the chapter outlines two subsets of populism-in-action, both of which have attracted scholarly examination: penal populism and market populism. Chapter Three presents Alberta Premier Ralph Klein's populism as a case study, highlighting some of the economic reconfigurations that were made to Alberta's corrections system in response to public spending cuts by the provincial government. This chapter begins with a brief history of populism in Alberta. The process of codifying Klein's populism, based on the theory outlined in the preceding chapter, aids the development of an experimental tool used to measure variability of participant opinion when provided with an alternative argument for decarceration.

Chapter Four sets out how the experimental tool was put together, explaining the composition of the status quo and populist arguments for decarceration so that their relative strength could be tested among survey participants. Chapter Five is the first of three results chapters and is organised into two sections. The first section provides the results concerning the level of pre-existing populist sentiment in the community. The second section provides results derived from the utilisation of the experimental tool, measuring the relative strength of a populist argument as a strategy for decarceration against the status quo argument. Chapter Six analyses responses to the status quo argument specifically. It begins with setting out the method for Quantitative Content Analysis, before detailing in tables the categories of regularly occurring participant responses. Chapter Seven takes a more holistic view of participant responses with two purposes in mind. The first is to discuss differences in the frequency of responses to the populist argument and the status quo argument; the second is to make further generalisations

regarding the risk vs reward of deploying a populist argument for decarceration with reference to the points of interest located in Chapter Three.

This thesis closes with an autobiographical narrative, returning to a first-person perspective four years after the thesis topic was first proposed. In this final chapter, I reflect on the possibility that penal populism is receding in New Zealand, acknowledging that the prison population began to fall 12 months after the Sixth Labour Government took office. I then set out how the findings in this thesis might be used to inform strategies to reduce the prison population further. I also use this final chapter to reflect on the response to this experimental method from colleagues and associated criminal justice scholars. Finally, I speak to the necessity for a change in who we imprison, drawing on some of the more agonising experiences I encountered as an officer.

Chapter Two: What is populism?

In the opening chapter of his book, *Penal Populism*, author John Pratt (2007) highlighted the discursive influence of populism on producing punitive sentences. Drawing from Margaret Canovan (1999), Pratt pointed specifically to the role of an increasingly illiberal section of the public who believe that their voices on matters of criminal justice are not being heard by another, more elite, group within society (p. 9). Pratt (2007) then identified the social forces behind penal populism as being multicausal; among these causes were the uncertainties borne out of neoliberal reform, the role of private media in sensationalising crime news, and the manoeuvring of opportunist political actors. The autoethnographic account in Chapter One brought to life the presence of penal populism amongst New Zealanders I had interacted with during my time as an officer. What I also came to believe, consistent also with a broad sweep of criminological literature, is that this same illiberal section of the public understood little of how prisons, or indeed the broader justice system operated (Coyle, 2005; Green, 2014; Roberts et al., 1992; Roberts & Hough, 2005). Diverging from the work of Pratt (2007), this thesis proceeds by seeking to understand what utility populism has as a political instrument and what else it tells us about public attitudes to imprisonment.

What is populism and could it effectively help those advocating decarceration? Populism's broad theoretical conceptualisations are detailed in this chapter, preceding an empirical exercise later in the thesis that draws from this theory. An attempt is made to establish the utility of populism as a political tool for decarceration by drawing on contemporary political science literature. In doing so, this thesis challenges the normative assumption that populism is a fundamentally destructive political phenomenon (i.e., a threat to democracy). This chapter, and indeed this thesis, has two normative assumptions of its own. The first is that maintaining liberal democracy and its strong moderating institutions is a desirable outcome (i.e., by not giving away too much power to an unfettered majoritarian politics). The second

assumption is that societies in the West, such as New Zealand, will continue using prisons, even if the rate of imprisonment were to fall over time.

This chapter begins the task of understanding populism, providing a basis from which populism can be operationalised and empirically tested. A necessary starting point is to first determine whether populism is corrosive to democracy or something less destructive, e.g., merely a corrective force operating within the confines of liberal democracy. Then an analysis of the recurrent behaviours, styles and strategies are noted to establish if there are a few core features evident in the makeup of political actors readily described as populist. In addition to setting out the theoretical conceptualisation of populism, it is necessary to briefly set out some of the theoretical explanations of penal populism by traversing the literature regarding its emergence in liberal democracies in recent decades. A brief outline of market populism follows penal populism, noting that the explosive growth of corrective services and the carceral state is at odds with efforts elsewhere in the public service to identify efficiencies in the broader justice system. This juxtaposition leads into the analysis in Chapter Three of a market populist (and penal populist) who appears to have been an unwitting penal reformer.

Corrosive threat or redemptive force?

Populism is a term that is as widely used as it is contested (Canovan, 2004; Moffitt, 2020; Moffitt and Tormey, 2014; Mudde, 2004; Norris and Inglehart, 2019; Panizza, 2005; Pappas, 2012; Zaslove, 2008). However, until the mid-1990s, few political theorists believed that populist phenomena deserved their attention (Canovan, 2004; Mudde & Kaltwasser, 2012; Taggart, 2000). It seems that populism is a theoretically variegated concept predicated on the scholarly assumptions of three camps: those who stress the mostly negative impacts of populism on liberal democracy; those who treat populism as a pejorative term of the political right (while protecting populist movements on the left); and those who claim populism has its roots in the political left (particularly that found in the 19th century agrarian politics of

the United States). Both Abts and Rummens (2007) and Ardit (2004) are among the first camp¹⁷, repudiating populism for potentially being a tyrannical force leading to electoral outcomes that threaten to disrupt some of the core tenets of liberal democracy. It is true that a radical right-wing populism has found electoral success within liberal democracies and is liable to encroach on the rights of minority groups (Mudde & Kaltwasser, 2013; Urbinati, 1998). Consequently, populism has been framed as a dangerous trend that is likely to propagate ideas of popular sovereignty and majority rule (Abts & Rummens, 2007; Moffitt & Tormey, 2013; Mudde & Kaltwasser, 2012).

There are, however, less alarming interpretations of populism within democracy. Mouffe (2000, cited in Kaltwasser, 2012) sympathised with the notion of radical democracy and tended to think of populism as a positive force that strengthens political representation. Tannsjo (1992, as cited in Abts & Rummens, 2007) hailed populism as the purest form of democracy because of its stated ambition of reclaiming power for ordinary people. A populist-style of politics has also been understood to inspire new forms of political engagement at a time when political participation has receded (Barker & Vowles, 2020; Inglehart & Norris, 2016; Morgan & Lee, 2018; Stoker & Hay, 2017). Further, Plattner (2010) argued that populism offers a useful corrective to democratic politics across the political spectrum, particularly when politics moves too far from its foundations in popular sovereignty. When presented as vigorous constituent participation, populism is not anti-democratic, but a redemptive force growing in the space between voters and the politicians who are supposed to represent them, particularly when the shortcomings of representative politics have led to broken promises (Barker & Vowles, 2020; Canovan, 2002; Mouffe, 2000).

Such characterisations of populism as democratic do have their limitations, however. Electoral outcomes that reflect a majoritarian strain of thought can apply pressure to the sort of rules-based governance that is

¹⁷ Though the latter does accept that populism can have some democratic credentials.

synonymous with liberal democracy (Urbinati, 1998). Due to the potential for extraordinary violence, critics of majoritarian politics have advocated that democracy be built upon rule-orientated principles that prevent any backslide into popular extremism (Abts & Rummens, 2007; Mudde & Kaltwasser, 2012). Among these rule-orientated principles are equitable sentencing and the humane treatment of prisoners, which have their roots in politics of the 19th century (Murdoch, 2006). An ambivalence towards populist politics therefore remains among scholars, many of whom have added caveats to its utility as a political tool and highlighted the potential drawbacks should a populist politics begin to flourish in an established democracy (Canovan 1999; 2004; Panizza, 2005).

Is liberal democracy at risk from the people?

In Gidron and Bonikowki's (2013) review of the literature on populism, the deployment of a Manichean-like binary of the people versus the elite has been central to all theoretical characterisations of populism. This binary romanticises a virtuous or pure people in their struggle for self-determination against a less virtuous elite; it is what Hawkins (2010) referred to as a bifurcated simplification constructed by opportunistic political actors. Canovan (2004) noted the problematic nature of an appeal to the people who "must be understood as an entity, a corporate body with a continuous existence over time, capable of having common interests and a common will" (p. 34). Such oversimplified, dualistic rhetoric assumes something that is scarcely possible in large liberal democracies: that the people are one homogenous group and can produce a reasonably coherent and agreeable vision of how politics ought to function and whose interests it might serve. Populism is, then, reliant on the most sanguine hope: that a reformation of civic institutions to align with the interests of the people would possess the necessary virtues to act in accordance with the common good of all society (see also: Papadopoulos, 2002).

Abts and Rummens (2007) argued that populism, by its very nature, contains a "proto-totalitarian logic" (p. 414). This proto-totalitarian understanding of populism is the logical endpoint to escalating stages of majoritarian politics. Arditi (2004) proposed a four-stage framework for understanding the threat level

posed by populism. In the first stage, it is compatible with, but not identical to, the liberal-democratic understanding of the nature of government. In other words, populism may hold to a majoritarian strand of thinking, which it then appeals to throughout the electoral cycle (whether in government or in opposition). The second stage is a more assertive style of populism, consisting of incendiary language that might overtly threaten principles of liberal democracy yet still be operating within the confines of its moderating institutions. The third stage is where populism empowers leaders to encroach on democracy through deconstructing constitutional and rights-based institutions that are critical to its longevity (see also: Crouch, 2019). The fourth and final stage is where popular sovereignty, through the ascendancy of an authoritarian demagogue, usurps the constitutional and rights-based institutions entirely.

This understanding of populism is what has led to it being characterised as a dangerous phenomenon. The potential for emerging totalitarianism arises because of populists advocating the revocation of mediating political institutions entirely: if such an unwinding of key democratic institutions were to occur, populism risks evolving from a minoritarian despotic force to something demonstrably more authoritarian (Abts & Rummens, 2007; Arditi, 2004; Canovan, 1999). To follow this line of thinking, populism is a phenomenon which embodies a degeneration of a pluralist rights-based democratic process, and thus it is scarcely possible that populism could operate alongside the promise of ongoing constitutional democracy. Abts and Rummens (2007) close by arguing that “it is important that populist parties, to the extent that they are inimical to democracy, should be revealed as such, treated accordingly and, if necessary, isolated from power” (p. 422).

There is evidence, however, of populism forming part of the normal democratic process. This is particularly true in New Zealand, where a long lineage of successful populist political actors dates back to late 19th century (Oldfield & van Veen, forthcoming). Certainly, as McDonnell (2017) notes, populism is often employed in inconsistent and undefined ways to denote a kind of appeal to the people such as the mild rebuke of elites. Recognising these appeals, as populist appeals, would also challenge the view that

populism erodes democracy in stages, at least in the New Zealand context, where a populist political culture has operated within the confines of moderating democratic institutions for over a century. Barker and Vowles (2020) suggest that populism might even be something positive, "...a social movement that aims to promote and expand democracy and remove control from economic and political elites with excessive power" (p. 16). A left populism might go further, defining "the people" as including all except a narrow elite, those who exert excessive power based on concentrated wealth and influence (Barker & Vowles, 2020).

Perhaps it is the fear of validating discourses that are potentially troublesome for democracy which explains a reluctance by political actors to draw on such frameworks to meet strategic ends, including that of decarceration. Negative theoretical depictions of populism do serve as a reminder that democratic progress is neither linear nor guaranteed. When considering the merits of populism as a tool for decarceration it could, perhaps inadvertently, lead to a more punitive prison environment. Nevertheless, despite presenting as an odious phenomenon to some, populism could lend electoral appeal to issues where more conventional discourse has been less effective, including that of the criminal justice system and the comparatively high rates of imprisonment in New Zealand.

Populism as a function of democracy: the two-strand theory

When expanding on populism's potential virtues, Canovan (1999) suggested that it might operate as a necessary counter to elites, the esteemed vanguards of liberal society. Vanguardism appeared historically via the voices of those tasked with progressing the rest of society, who, due to their more favourable position in the social hierarchy, devalued the opinions and way of life of the larger body of ordinary people. In response, commoners (the people, hereafter) safeguarded their traditions by organising themselves to preserve the social mores with which they were familiar (Canovan, 1999). Subsequently, the rhetoric deployed by political actors making a populist appeal tended to encapsulate a more long-travelled way of thinking. This explains why political actors deemed to be populist by scholars are more

frequently identified by voters as advocates of common-sense policies (Taggart, 2002). According to Canovan (1999), these established ways of thinking, the norms or traditions which may seem socially regressive to the vanguards, need due consideration by political actors. To support this view, Canovan points to eugenics in the early 20th century, once thought to be an evolution in human progress, as evidence that the *latest* idea is not necessarily the best idea.

In the two-strand theory of democracy used by Mouffe (2000), populism is said to operate within the paradox of two competing forces: a liberal side, which champions human rights (i.e., the vanguards); and a populist side, which champions the general will of the ordinary people. In a likeness to Canovan, Mouffe proposed that populism is a natural part of democracy and that, as a phenomenon, it is inseparable from the usual theatre of politics. As Plattner (2010) put it, contemporary liberal democracy “is a kind of hybrid regime, one that tempers popular rule with anti-majoritarian features” (p. 84). From this perspective, populism defines a form of democracy where popular sovereignty takes a seemingly respectable form within a pluralist democratic framework.

As a natural part of the democratic process, populism would only be problematic for democracy if its majoritarian elements were to start dominating the constitutional arrangements of a nation state. Populism highlights an underlying strain between competing interests and how they value the role of institutions in democratic settings; “...for populists, the primary task of political institutions is not to serve as systems of checks and balances or as protectors of civil rights, but rather as instrumental tools for translating the majority will into political decisions” (Urbinati, 1998 p. 18). It is therefore incumbent on the liberal strand of democracy to ensure that the rule of law remains an anonymous function not put under the threat of a demagogue, one bound by strong institutions and providing some distance between the majority of constituents and their thirst for unbridled power (Abts & Rummens, 2007). This liberal strand, however, can also become a vehicle for resentment. Feelings may emerge from a sense that popular sovereignty is being undermined by too many checks and balances, or that political institutions are feeding a diversity of

minority interests at the expense of the people, and at the expense of the peoples' interests. Thus, a tension remains among those who consider populism to be a threat to democracy and those who view it as a corrective force.

With certain caveats, it seems that populism has some utility as a democratic tool. A more progressive populism might perhaps question the government's role in imprisoning an increasing number of people at an extraordinary social and financial cost, while criticising the failure to reduce crime, keep the community safe or reduce reoffending. This proposition forms the genesis of empirical research undertaken in later chapters. Following the empirical exercise, the potential drawbacks of deploying a populist approach are then revisited, with specific consideration given to how a liberal democracy is expected to maintain the basic rights of prisoners. Further questions arise as to whether the deployment of a populist approach inadvertently produces a more punitive stance to matters of criminal justice in New Zealand. Before proceeding, however, it is necessary to determine who is a populist and what conditions must be met before someone, or something, is defined as being populist.

Who counts as a populist?

Contemporary scholars of populism often refer to an edited collection of conference papers from Ionescu and Gellner (1969), which suggested that a charismatic political actor is critical to the effectiveness of populism. Indeed, populist movements are often led by charismatic leaders with highly centralised and personalised party structures (Akkerman, Mudde & Zaslove, 2014). Embedded within this charisma is the need for political actors to have a resonance with the people in terms of a perception of capability (including the possession of unique powers; McDonnell, 2017) and personal authenticity (Canovan, 1999). What constitutes charismatic leadership is highly subjective, however, and may be less necessary than a projection of strength. Mudde and Kaltwasser (2017) noted an "elective affinity" between populism and a strong leader (p. 323), while Urbinati (1998) stated that successful populists tend to deploy strong and often nationalist tones that speak directly to the demands of the people. Abts and

Rummens (2007) have argued that populism can also arise with non-charismatic leaders at the helm or, in some rare cases, spontaneously without leaders.

Strongman [sic] leadership, as a feature of populism, can be viewed through Lefort's (1988, as cited in Panizza, 2005; Abts & Rummens, 2007) logic of democracy. Populism, at its sharper ends, rejects the horizontal antagonism amongst political elites in a democracy (i.e., those competing for power) who respect the institutions of power sharing. It aspires to replace this with a more vertical form of antagonism, wherein the people might have an unfettered relationship with power and those who hold it (Abts & Rummens, 2007). Lefort (1988) made an important symbolic observation: in the pre-democracy era of contemporary Western politics, a monarch was an all-powerful individual who ruled unrestrained and sat within the locus of power. Whereas in liberal democracies, this locus of power has an unoccupied core with decision makers positioned on the periphery: those who are subject to the rules of democracy and its constitutional constraints. This unoccupied core signifies how liberal institutions within democracy ensure that decision making is shared and deliberated across a representative system and not through a dictatorial strongman whose power is absolute (Abts & Rummens, 2007). For the people to regain and maintain power at the expense of these moderating or representing institutions, "the leader is argued to be the most significant component of the movement", that is, the person who manages the coalition referred to as the people (Kaltwasser, 2012 p. 187).

It is perhaps important, then, to define the strongman populist political actor. In contemporary settings, this could manifest as a sort of brazenness that shows contempt for liberal institutions and showcasing the political actor as being a consistent political outsider (Ahluwalia & Miller, 2018). Indeed, "the relative success of the anti-establishment appeal depends, ultimately, on the ability of the political actor (or party) to convince potential supporters that he indeed stands in opposition to, and is not part of, the entrenched power structure" (Barr, 2009 p. 32). As an extension to this denunciation of the establishment, self-styled

political “outsiders” (though often very much a part of it) emerge with a maverick-like personality, seeking to extend their legitimacy among so-called ordinary voters (Arditi, 2004).

The leader-driven populism discussed in this section elides consideration of a grassroots populism by directing scholarly focus onto personalistic leadership. Indeed a mandate for populist reform could arise through a groundswell of public unease about a particular issue, including prisons. However, mass movements opposing the carceral state are virtually non-existent, even in democracies with the highest per capita levels of imprisonment in the world e.g., the United States. Instead, a more likely mandate for reform would require challenging assumptions regarding public opinion that have driven a collective inertia among political actors in recent decades. To progress this view, this thesis presents texts arguing for decarceration as if they were delivered by a political actor, e.g., in a speech, press release or debate. One of these texts, the populist argument, takes both a heavy and dismissive tone, one which mimics the fiery rhetoric of a strongman populist to see what impact this has on public attitudes to prison.

Political actors, parties, and their voters

How might populism be defined? Peter Worsley’s (1969) chapter titled “The Concept of Populism”, in the collection edited by Ionescu and Gellner (1969), categorised populism as a dimension of political culture, not simply an ideological system or type of political organisation. Whereas Mudde (2007) characterised populism through an ideological framework and as a thin-centred ideology, which, like other thin-centred ideologies, becomes attached to more comprehensively developed ideologies. Laclau (2005) framed populism as a discursive logic, synonymous with democracy and the existential struggle between those in power and those experiencing subjugation from elites. Aslanidis (2016) built upon the discursive logic by proposing the populist frame, through which urgency is used by political actors to seek a mandate for reform. Moffitt and Tormey (2013) held populism to be a political style, with Moffitt (2017) delineating a distinct antipodean populism to describe its presence in New Zealand and Australia.

Geography, economics, and culture also seem to influence how populism is manifest in different parts of the world. Aslanidis (2015) has helped quantify populism in terms of its cultural and economic bases of support, which is a particularly common feature in the scholarly examination of both European and Latin American populism (see also: Mudde & Kaltwasser, 2012b; Plattner, 2010). Moreover, Mudde and Kaltwasser (2012b) argued that differing varieties of populism in regional spaces have compounded the problem scholars have had in developing a coherent definition of the phenomenon (see also: McDonnell, 2017). In the West, an exclusionary populism has conflated both socio-economic and socio-cultural concerns through appealing to the losers of globalisation (Mudde, 2012). This conflation appeals to once-upon-a-time middle- or working-class voters who witnessed their economic well-being deteriorate around the same juncture that significant cultural shifts took place in society (Mudde, 2007; 2012; Wear, 2008). Some scholars have argued that among older voting cohorts it is these shifting norms within the community, e.g., changes to the ethnic composition of society or the legalisation of same sex marriage, which take precedence over shifting economic circumstances (Norris and Inglehart, 2019).

This vast array of characterisations would suggest that populism might be too broad a term to be defined in any meaningful comparative sense across political parties, systems, and jurisdictions. However, there is at least some consensus that populism is not synonymous with any single point along the political spectrum; it can exist anywhere (Mudde & Kaltwasser, 2012). This characterisation of populism bears one key resemblance to Laclau's (2005) formulation of populism denying any identification with, or classification into, the left/right dichotomy. Because the thin-centred ideology hypothesis is frequently used in the analysis of Europe's populist parties and their supporters, it presents a useful starting point in determining what constitutes populism, owing to the same exclusionary politics found in other post-war liberal democracies such as New Zealand.

Populism as an ideology

Mudde (2004) defines populism as “an ideology that considers society to be ultimately separated into two homogeneous and antagonistic groups, ‘the pure people’ versus ‘the corrupt elite’, and which argues that politics should be an expression of the *volonté générale* (general will) of the people” (p. 534). Drawing from this and other literature in the field, Akkerman et al. (2014) identified a minimal ideological conceptualisation of populism that encompasses three traits among constituents in their attitude towards government: the dualistic notion of the people being at odds with elite; support for more direct (majoritarian) forms of democracy; and an opposition to pluralism (see also: Mudde, 2004; Mudde, 2007; Mudde & Kaltwasser, 2012). Akkerman et al. (2014) also referred to a recurring theme among scholars that contemporary democracy is complex, leading to populist demands for a more “straightforward” solutions to political problems (this is treated as a fourth trait in this thesis; see also: Canovan, 1999; Taggart, 2002).

The first of these minimalist traits is the Manichean-like binary argument of “‘us vs them’”: “[t]he elite are cast as evil, while the people are seen as good” (Akkerman et al, 2014 p. 1327). The “us” as the “pure people” versus them as the “corrupt elite” construct lends itself to a demand that the “silent majority” ought to be heard (see also: Abts & Rummens, 2007, Mudde, 2007; Pasquino, 2008). This dualism reinforces a notion that populism relies upon a fictional homogeneity among the people, which disregards the ideas of otherness, tolerance, and minority rights that are central to both liberalism and democracy (Abts & Rummens, 2007). Populism is then purposefully confrontational in style; it uses inflammatory rhetoric to inspire the people, whose interests are claimed to have been ignored by self-absorbed politicians and politically correct intellectuals (Canovan, 2004).

The second minimalist trait is to satisfy the will of the pure majority through a plebiscitary politics or appeals to direct representation (Akkerman et al, 2014). In other words, as an appeal from populists to democratise political systems and break the power of a corrupt political establishment (Mudde, 2007). “The populist logic considers deliberation and secret elections to be redundant impediments to a direct expression of the popular will, the democratic logic of the empty place of power construes them as essential elements of a democratic regime” (Abts & Rummens, 2007 p. 417). It can be claimed, then, that the inverse of this argument is a hostility that populism has towards representative politics (Taggart, 2002).

The third minimalist trait requires a rejection of the primacy afforded to pluralism, typically in favour of enhanced majoritarian principles (Akkerman et al, 2014; Mudde & Kaltwasser, 2012; Plattner, 2010). Populists are sceptical of the institutional structures that are intrinsic to pluralism, such as the mediating bodies and procedures which provide the internal checks necessary to maintain a diversity of opinion (Akkerman et al, 2014). In effect, populism has two opposites: elitism and pluralism; the latter rejects the homogeneity of both populism and elitism, seeing society as a heterogeneous collection of people and groupings of people with different views (Mudde, 2004).

The last of these four traits borrows from Canovan (1999), where populism is identified as being effective in eliminating the complexities associated with political engagement. Populism is endemic to what Kaltwasser (2012) referred to as the malfunctioning of representative politics, particularly its difficulties in explaining and legitimising complex policy initiatives. “Crudely stated, the paradox is that democratic politics does not and cannot make sense to most of the people it aims to empower” (Canovan, 2002 p. 25). In contrast, populism presents simple and clear solutions for public consumption, suggesting its proposals are ““common sense”, “logical” or “ordinary” (Akkerman et al, 2014; Pankowski, 2010; Taggart, 2002).

The populism-as-an-ideology approach has attracted critique from scholars. Part of this critique returns to similar arguments from Canovan (2004), who proposed that unlike other ideologies, populism has no ongoing movement or adherents, “has no acknowledged common history, ideology or programme of social base, and the term is usually applied to political movements by those on the outside, often as a term of abuse” (p. 243). When comparing populism as an ideology with feminism or environmentalism, once also considered to be thin-centred, populism is unlikely to add any sophisticated level of conceptual density (Moffitt & Tormey, 2014). Various scholars have noted that populism is not seeking to widen its support through the acquisition of strictly ideological adherents, and few politicians or constituents are likely to identify as populist (Asalandis, 2016). Another limitation is that the ideational approach to populism is used to identify populist parties, as opposed to their leaders, and it would be problematic to label an entire party as populist when only certain political actors within the party exhibit each of the four traits (Moffitt, 2017).

In summary, a political actor seeking to harness this ideological conceptualisation of populism would draw on the notion of a pure people vs an evil elite, an opposition to pluralism, a penchant for more direct forms of representation and perhaps offer simple solutions to (usually complex) issues within society. Similar frameworks has been shown to have a high level of applicability in an empirical analysis of both constituents (Akkerman et al., 2014; Todosijević et al., 2021) and politics actors, their speeches and party manifestos (Hawkins, 2010). Despite the ideational approach being a better fit for political parties as opposed to political actors, it does make a compelling case for certain basic elements to be present within a particular discourse before attracting the populist label, in what Moffitt (2017) describes as being able to identify the “usual suspects” (p. 123). It seems that a political actor is more likely to be able to reassert themselves within the locus of power through an exhibition of these traits, suggesting that they have a unique ability to speak for the people competently and forcefully.

Beyond the ideological approach

Alternative ways to conceptualise populism have placed greater emphasis on political actors who deploy a populist approach to meet strategic ends. According to Gidron and Bonikowski (2013), “in recent years the traditional *cordon sanitaire* has broken down, as mainstream politicians have adopted populist language that was once restricted only to extremists” (p. 26). Some political actors may rely on populist rhetoric more than others and, consequently, be labelled as populist (Aslanidis, 2016). However, many political actors drawing on populism would fall well short of even the most minimalist ideological conceptualisations of populism that are routinely applied to political parties in Europe (Moffit, 2017). A crucial argument when considering the utility of populism as a tool for decarceration could be that its political actors do not necessarily draw on it exclusively. In other words, populism can be a rhetorical strategy used by political actors not otherwise considered to be populist.

Before the ideological approach gained popularity, scholars such as Betz (2002) and Weyland (2001) characterised populism as a political strategy. Weyland (2017) is less convinced about the measurability of populism, suggesting “it constantly changes ‘colours’ and threatens to escape analytical grasp. As soon as scholars are confident that they have encircled it with their definitional snares, it resurfaces in a different form in another corner of the impenetrable jungle of politics” (p. 49). Asalandis (2016) referred to the populist frame in his critique of the ideology argument: “[t]reating populism as ideology reiterates this essentialist perspective. Hence, a political party or leader can or cannot be populist; there is no grey zone” (p. 92). Whereas conceptualising populism as a strategy or as a frame, acknowledge that not all political parties or their leaders are *always* populist.

In his seminal work, *On Populist Reason*, Laclau (2005) focused on a more abstract conceptualisation of populism; he argued that it is a discursive logic embedded within the fabric of democracy. In the US, populism of the 19th century was traditionally used as a strategy for political inclusion and was, therefore,

a democratic expression of political action (Barker & Vowles, 2020; Urbinati, 1998). Laclau, then, offers a more positive characterisation of populism, suggesting that its deployment is representative of disempowered groups who challenge the ruling class. As noted in Stavrakakis (2014), within Laclau's argument are two broad criteria: a central reference to "the people"; and an equivalent, antagonistic discursive logic (p. 259). To follow these more hopeful characterisations, it is this ongoing social antagonism created by populism which is central to a healthy and functioning democracy. The discursive logic not only calls into question existing forms of subordination, but also allows for the linking together of different demands that define a broader struggle between the ruled and their rulers (Laclau, 2005; Stavrakakis, 2014). Laclau's position typifies that of post-Marxists, who hold the view that populism was originally a progressive consciousness rather than a derogatory accusation (Asalandis, 2016).

There have been a variety of criticisms of Laclau's position, particularly his argument that populism is essentially a function of democracy, thus legitimating the demands the people (see: Ardit, 2010). Another concern is that the discursive logic is too abstract to be of any real analytical use (Moffitt & Tormey, 2013; Mudde & Kalwasser, 2012). Despite what it might lack, the discursive logic is useful for the purposes of this thesis because it presents as ideologically neutral; it is merely a process by which grievances of a citizenry are collated and then set against the power of a ruler.

Another characterisation of populism worthy of consideration, due to the focus in this thesis on New Zealand, is an antipodean populism. Moffitt (2017) coined the phrase to describe populists in Australia and New Zealand who do not conform to the populism evident in either Europe or Latin America. Antipodean populism has its roots in the settler-colonial history of each country, meaning that an appeal to the people, in this context of settler society, is often also a dog whistle to the white/Pākehā majority (Moffitt, 2017). Another important observation of this antipodean populism, noted also by Barker and

Vowles (2020), is that it has been mainstreamed by political actors who are part of, or have been party to, government, e.g., New Zealand First¹⁸ (for the Australian context see: Curran, 2004).

Despite maintaining an outsider rhetoric, many populists have established themselves within liberal democracy and, at times, been a part of the government of the day. According to Moffitt (2017), what makes this antipodean politics populist, then, is less its threat to liberal institutions, but its style—what Ostiguy (2009) referred to as an appeal to the low. Ostiguy (2017) states that an appeal to the low might include issues of accent, levels of language, body language, gestures, and ways of dressing. And as a way of relating to people, they *also* encompass the *way of making decisions*, in politics” (p. 77). Importantly, such appeals to the low, according to Ostiguy (2017) allow the voter to recognize a politician as credibly ‘one of ours.’ High and low are thus not superficially or faddishly about style, but connect deeply with a society’s history, existing group differences, identities, and resentments” (p. 78)

This section provided a brief overview of the many conceptualisations of populism outside of a minimal ideological framework. While such conceptualisations are not so easily quantifiable, they contribute to understanding how populism might be operationalised. Among these contributions is that populism is neither a fixed feature of a political actor (or the party they represent), nor is it indicative of a democracy under threat from a tyrannical majoritarian politics. This is important because it validates the issue framing of mass imprisonment as something requiring immediate attention, but it could also be drawn upon by political actors whose politics inhabits the political mainstream. Therefore, populist arguments for decarceration can draw upon the discursive, strategic and issue framing strands in populism’s composition, alongside the purposeful use of each of the four key traits in the minimal ideological framework.

¹⁸ New Zealand First a minor party formed in 1993 who have been party to government with both Labour and National at different times in their history.

Who might be susceptible to populism?

Scholars have offered both materialist and post-materialist arguments to explain the susceptibility of voters to populism. To that end, Inglehart and Norris (2016) undertook a quantitative analysis of populist parties and their voter demographics. On their cultural continuum, populist or “nativist” values were located at one end and cosmopolitan liberal values were located at the other end. These cosmopolitan values included the advocacy of multiculturalism and the acceptance of LGBTQI+ communities. The authors established that a right-wing, authoritarian-type populism was symptomatic of a “cultural backlash”, particularly among older, white voters (baby boomers and an older, interwar generational cohort). Political actors might stoke such populist sentiments by claiming that a particular way of life is under siege from a socio-cultural revolution by post-materialist elites. Importantly, however, Norris and Inglehart (2016) also noted that cross sections of the political left (e.g., younger voters) could be identified as populist (though not through a cultural backlash hypothesis). This scholarly finding reinforces the saliency of populism as having appeal across the political spectrum and, therefore, not something to be automatically associated with the left or right.

At the core of an authoritarian populism is a more restrictive notion of citizenship. It is an undergirding belief that democracy should be based on a shared culture and ethnicity; only long standing citizens of the country are full members of civil society; and society’s benefits should only accrue to those who have made a substantial contribution to it (Betz, 2004; Wear, 2008). Exclusionary populism marginalises immigrant groups (particularly non-white minorities) and is predicated on three ideological features: nativism, nationalism, and authoritarianism (Mudde & Kaltwasser, 2013). When political parties or systems undergo significant levels of dealignment, voters become freed up from previous party and ideological attachments (Pappas, 2012). This has been particularly evident in the liberal democracies of the global north, where measurable numbers of working-class voters have drifted away from traditionally centre-left parties towards those which espouse an exclusionary form of populism (Cuperus, 2018).

Populists capitalise on the social and economic dealignment of political parties through nostalgia, reminiscing of a supposed “golden age” that conflates notions of popular sovereignty with a more virtuous society through the dog whistle of cultural homogeneity (Wear, 2008 p. 621). In other words, there is an appeal to when it was a better time to be a heterosexual white male, predisposed to conservative values and living and working in the regions. However, Wear (2008) contended that this conflation involves reminiscing about a time that never actually existed. Such nostalgic musings from political actors, then, are more than just hollow calls to unwind the economic dislocation caused by decades of global trade liberalisation—to give credence to the findings of Inglehart and Norris (2016)—they call up a time that predates any significant challenge to the privileged status of white men.

The literature outlined thus far might lead to assumptions that particular voter demographics are susceptible to being inspired by populism. However, the evidence for this has been weak in the recent New Zealand context. According to a scale used by Greaves and Vowles (2020) to measure populist attitudes in the New Zealand public, younger age cohorts were statistically more likely to present as populist, but only by a small margin; Pākehā were no more populist than Māori; and the difference between men and women was not statistically significant. Further, overall, the nation’s electoral politics in the 2017 election, and again in 2020, appear to represent an exception to the rise of populist leaders in other liberal democracies (see: Vowles & Curtin, 2020). Little is known, however, about how demographics are a predictor of attitudes to the use of imprisonment in New Zealand.

How might these populist conceptualisations be arranged in a way that lends to empirical research seeking a mandate for decarceration? Drawing on the remarks of Albertazzi & McDonnell (2015), this thesis sees no need to dwell on terminological disputes, acknowledging rather there are some core elements which most scholars agree are ever present among populists. Whether populism falls primarily under e.g., a strategic or ideological maxim is surplus then to appreciating its usefulness in seeking a political mandate. In this thesis, that mandate being sought is to imprison less people. Beginning with

Laclau (2005), an argument to upend the carceral state can be developed by first considering what grievance could be used mobilise the people. This populist grievance could then be mobilised by attaching on to the conceptual framework of a larger ideology (Mudde, 2004; 2007). Plain language (Ostiguy, 2017) and the urgency of reform (Asalandis, 2016) offer a different pitch to the measured and technocratic arguments for decarceration. Finally, woven into this populist pitch are the four quantifiable elements of populism used by Akkerman et al. (2014): us vs them, simple solutions, direct democracy, and an aversion to pluralism. Following Moffit and Tormey (2014), populism can then be deployed strategically, in this case presented as a short piece of text which outlines the case for imprisoning fewer people.

Penal populism: The New Zealand context

Building on the general conceptualisation of penal populism provided in Chapter One, this section backgrounds penal populism to better understand how it has been operationalised in the politics of New Zealand. To provide a historical basis for the anecdotal observations in Chapter One, this section will define penal populism and how it rose to prominence in the politics of the United States. It then discusses penal populism in the New Zealand context, and what consequences it is purported to have had on the criminal justice system of the country. The causal explanations for penal populism in New Zealand help explain how punitive attitudes among the public have formed, or at least how such attitudes are understood by political actors who have then responded in kind with punitive policies.

Pratt (2007) traces penal populism in liberal democracies to the 1980s during a period of social, economic, and political upheaval (see also: Garland, 2012). In the 1988 campaign for the US presidency, Republican Party strategists drew upon the temporary release of a man who went on to commit further crimes as being evidence that a Democratic administration in the White House would be weak on matters of criminal justice (Soba, 2011). Of further note were the Republican political attacks emphasising the perpetrator of the crimes was an African American and the victims were white (Mendelberg, 1997). By

the next presidential election cycle in 1992, Democratic leaders expressed a willingness to also take a more punitive stance on crime and after winning office, President Bill Clinton continued with, among other things, a federally managed “war” on illicit drugs (Gorman, 1993; Schrag, 2002). In the following years, the United Kingdom (UK), Australia and New Zealand would all adopt policies which seemed to encapsulate a new political expediency, where tough-on-crime policies were normalised across much of the political spectrum.

Since the late 1990s, criminal justice policy in New Zealand and other jurisdictions has undoubtedly been influenced by the perception of a populist public and, as Pratt (2007) stated the determination of political actors “to win votes rather than to reduce crime or to promote justice” (p. 3). Similar to that of penal populism, “democracy at work” contends that harsh penal policies reflect an enduringly punitive public whose demands are actioned by political actors keen to appear responsive to the people (Beckett, 1997). Economic explanations for this punitive turn follow two overlapping strands of thought. The first is that penal populism has arisen out of various social forces: the decline of trust in politicians and the democratic process; and a sense of ontological insecurity caused by the neoliberal economic reforms of the 1980s and 1990s (along with public disillusionment with the criminal justice system; and the rise of victims’ rights campaigns; Dzur, 2010; Pratt, 2007; 2013). The second, according to Wacquant (2009), is the turn towards punitive crime control as a function of neoliberalism, as the state sought to increase the security of those with property rights at the same time as it retreated from comprehensive welfarism.

The theory of cultural backlash posits that economic disillusionment is unlikely to be the sole contributor to a rise in authoritarian types of populism (Norris & Inglehart, 2019). While Republicans in the late 1980s were successful in positioning an African American as representative of perpetrators of crime, a rise in penal populism in New Zealand is linked to the Indigenous Māori population as well as to the broader Pacific diaspora living in the country. According to Norris and Inglehart (2019), cultural backlash suggests a relationship between those who have a populist disposition and those who reject a broad

swathe of postmaterialist concerns such as racial inequalities and indigenous self-determination. In New Zealand, Māori underwent a cultural renaissance from the late 1970s, successfully petitioning for the reinstatement of land rights and recognition of past injustices, including a commitment from government to consider the long-ignored Treaty of Waitangi¹⁹ as the cornerstone of future legislation (Sinclair, 1992). The renaissance also led to the repeal of laws that suppressed Māori language and marginalised Māori cultural practices (Williams, 2006)²⁰. It is notable, then, that penal populism has emerged parallel to this growing recognition of Indigenous rights in colonial settler societies, such as New Zealand, and the subsequent moves towards redressing the intergenerational traumas associated with colonisation.

A longstanding colonial narrative that ethnic minorities (Māori in particular) are more predisposed to crime than others has been used to rationalise disproportionate levels of imprisonment of these groups (McIntosh & Workman, 2017). The frame of “Māori as criminals, often beyond redemption”, is evident in both the advocacy of interest groups such as the Sensible Sentencing Trust (Leonard, 2018) and private media (Sullivan, 2008), reinforcing a belief among New Zealand’s Pākehā majority regarding Māori and a criminal proclivity. This has important implications for this thesis and leads to what might be an uncomfortable truth; that is, effectively leveraging a populist argument to achieve progressive penal reform might require less explicit references to racial injustices. Or to look at it another way, existing (status quo) arguments for penal reform are less popular when they are grounded in human rights and equity for indigenous groups.

Penal populism has cast doubt on the willingness of criminal justice elites to act in the best interests of victims and, thus, calls for the privileged positions of such elites to be diminished so those who claim to speak on behalf of the victims of crime can be prioritised (Pratt, 2013). Proponents of victim-orientated

¹⁹ An agreement signed in 1840 between some Māori tribes and the British Crown.

²⁰ Suppression of Māori language began with the Native Schools Act (1867) which required that only the English language be taught to Māori pupils.

punitive sentences reached the necessary threshold of petition signatures for a referendum in New Zealand to coincide with the 1999 election (Lacey, 2011). The referendum question was ambiguous, however, with methodological flaws evident in its multi-part and leading nature. The question was:

Should there be a reform of our justice system placing greater emphasis on the needs of victims, providing restitution and compensation for them, and imposing minimum sentences and hard labour for all serious violent offences?

Justice question – Citizen Initiated Referendum
1999 New Zealand General Election

Nonetheless, over 90 per cent of voters supported the proposition. Despite such obvious flaws in how the question was asked, the referendum outcome undoubtedly influenced the opinion of political actors at the time as exemplified by three pieces of legislation passed in 2002 by the Fifth Labour Government: The Sentencing Act, Parole Act and Victims' Rights Act (Lacey, 2011; Pratt, 2007).

The Fifth National Government continued this punitive trajectory by passing Sentencing and Parole Reform Act (2012), “three-strikes” legislation (meaning that those convicted of three violent offences could be imprisoned indefinitely) and the Bail Amendment Act in 2013 (wherein those who come before the courts must demonstrate that they are not a risk to the community). Critics of three-strikes legislation (three-strikes hereafter) have pointed to its reductionist impact on sentencing, taking concepts from professional sport to adjudicate matters of criminal justice as opposed to relying on discretion of judges, while increasing the prison population along with the applicable social and financial costs (Herbeck, 1998; Oleson, 2015). Meanwhile, the Bail Amendment Act (2013) introduced a presumption of detention for certain crimes and has led to a substantial increase in New Zealand's remand population (Marriner, 2018). This was a change of the processes that previously put the onus on a police prosecutor to argue that the individual facing charges presented a risk to the community.

Populist shifts in how the criminal justice system operates in New Zealand can be mapped onto the minimalist ideological conceptualisation in the preceding section: favouring the people ahead of experts (the us vs them dualism); a referendum on harsher punishments (appeals to direct democracy); attacks by political actors and interest groups on decisions made by the parole board (anti-pluralism); and the enacting of three-strikes (simple solutions). Following Mudde (2004), this demonstrates how populism, as thin-centred, has been attached to a conservative ideology that promotes philosophies of retribution and deterrence. Unnever (2007) noted that punitive attitudes and social conservatism are synonymous; punitive attitudes exist among the constellation of beliefs that comprise conservative ideology. This might explain why in New Zealand, the then-National Government supported and then extended on the punitive politics of the previous government through the introduction of three-strikes and the Bail Amendment Act, confident that such measures would prove popular among its conservative base of supporters.

Free-market populism?

While seemingly at odds with progressive advocacy, free-market populism might present an alternative pathway for penal reform. Thomas Frank, in his book *What's the Matter with Kansas* (2004), identified market populism as being a belief that free markets are more democratic than elected governments and unelected bureaucracies. Sawyer (2003) gave a historical account of this form of populism, tracing its origins to Friedrich Hayek's 1944 book *The Road to Serfdom*. It was not until later in the 20th century, however, that policies which privileged a market configuration of the state sector entered the mainstream politics of liberal democracies. Sawyer made an important distinction between free-market populism and the more traditional, exclusionary forms of populism that feed off voter concerns regarding the impacts of globalisation.

Market populists have ridiculed traditional populists for naïve economic nationalism. Instead, according to Sawyer (2003) they “appropriated its ‘anti-elitism’, shorn of its hostility to banks, big business, and international financial elites. The ‘great divide’ was now between liberal elites and the mainstream” (p. 3). Market populism now has widespread electoral appeal. Frank (2004) lamented this when noting an ongoing disempowerment of working-class constituents. Such disempowerment relies on those who are increasingly poorer to continuing voting against their own economic interests, by electing political actors who have incrementally deconstructed the welfare state (Frank, 2004; Sawyer & Laycock 2008). Market populism characterises taxation as something inherently negative and part of a wider plot to redistribute wealth from the people to an unproductive and unrepresentative elite (Taggart, 2002). The hypothesis of a disaffected working-class voter turning populist has attracted scholarly criticism, mostly for its oversimplification (see: Bartels, 2005; Gusterson, 2017; Norris & Inglehart, 2019). However, a tangible shift in working-class constituents voting for the populist right is now acknowledged as part of a wider set of political realignments that have taken place in the liberal democracies of the global north (Morgan & Lee, 2018). Irrespective of whether it is in their own best interests, the people, in other words, have already been conditioned to accept and, in some cases, enthusiastically embrace the free market.

While free-market ideas have permeated throughout New Zealand’s public sector since the 1980s, economic rationalisation of the justice system has been “strangely absent” (Pratt, 2017 p. 349). Critics of the growing prison industry have pointed out that the use of prisons facilities in New Zealand has tripled since the 1990s, outpacing the country’s population growth by a wide margin (Martin, 2018). Political actors seeking to reduce the prison population might then be tempted to dismiss a free-market rationale as a largely ineffective way to advocate progressive penal reform. Fiscal narratives are clearly relevant to the politics of prisons in New Zealand, however. Media attention in recent decades has centred on the exaggerated comforts enjoyed by a person imprisoned (Pratt, 2017). Further, numerous outlets have cynically reported that prisoners are provided a roast chicken meal at lunch time on Christmas Day

(Newstalk ZB, 2017)²¹, generating ire on social media. In 2006, the *New Zealand Herald* newspaper reported on a parliamentary debate in which an opposition MP questioned the government as to why prisoners housed in newly built facilities enjoyed underfloor heating in their cells while most New Zealanders could not afford such luxuries²² (see: *New Zealand Herald*, 2006). Because of these stories and other enduring myths²³, at least some members of the public have been duped into believing that prisons operate more like taxpayer-funded holiday camps than custodial facilities.

If the cost of imprisonment is in fact something to which the public are sensitised, it raises the question of how the narrative of cost might be presented so that the use of prison becomes a less appealing option. In seeking a political mandate for decarceration, this thesis tests whether populism, with its host ideology of free-market economic liberalism, might act as a more successful counter to penal populism and its host ideology of social conservatism. A free-market populist pitch (populist argument hereafter) is tested against the regularly deployed arguments for decarceration outlined in Chapter Four, i.e., socially democratic notions of fairness, efficiency and humane (status quo argument hereafter).

It is through this borrowing of a populist discourse, where it is politically convenient, that political actors might find useful ways to fuse together coalitions of voters that would otherwise have been unlikely demographic bedfellows. The next chapter provides a case study of populist free-market reforms that led to a process of rapid decarceration in the Canadian province of Alberta under Premier Ralph Klein. While it does not appear that the Klein government set out to rapidly decrease Alberta's prison population, this case does provide the nearest example yet of how market populism might be the antidote to penal

²¹ Roast chicken is served every Saturday across the Corrections' prison network, the department merely switch the meal roster so that it is served for lunch on whichever day Christmas falls.

²² This article omitted that cell walls and floors were made of reinforced concrete, meaning that without basic heating the ambient temperature of the cell would fall below freezing in the winter months.

²³ For example, that prisoners are supplied with *Sky Television* (a subscription television service), another unfounded rumour that appears to have its genesis in media reports from the UK regarding specific youth prisoner entitlements in that country.

populism. Importantly, it exemplifies the populist-style as a function of the democratic process and perhaps some of the unintended consequences for those who remained imprisoned.

Two potential issues arise with this proposed exercise. The first, drawing from the theory outlined in this chapter, is that neoliberal free-market reforms are themselves responsible for both a heightened focus on property rights violations and economic insecurity—which are both contributors to punitive attitudes (Wacquant, 2009). To overcome this, the argument for decarceration would need to be delivered in such a way that the benefits of decarceration could allay the apprehensions of those who believed that prison protected them and their material well-being. The second is that if political actors drawing on equity and fairness were to abandon such arguments in favour of speaking to the costs and wastefulness of prison, it might also invite more austere prison conditions, an issue given further consideration in Chapter Seven on the basis of outcomes noted in Chapter Three.

Conclusion

This chapter found that no single framework is likely to capture the essence of populism and its various political manifestations. Consequently, many theoretical conceptualisations should be drawn upon in the development of the experimental tool, that which seeks a populist mandate for decarceration. There is, however, a fair degree of overlap among these theoretical conceptualisations, thus aiding the development of a composite populist argument for empirical testing. Drawing on a composite piece that is unmistakably populist strengthens the argument for talking about prisons differently. To further aid the development of this composite piece, the next chapter sets out a case study of decarceration involving a political actor who was widely identified as a free-market populist. The combination of theory and practice thus enables the development of this experimental tool in Chapter Four.

Populist discourse encompasses a promise from political actors to establish a direct relationship between the ruled and their rulers. Inevitably, this will rub against the representative inclinations of liberal democracy. Even so, the current era of free-market liberalism presents a tantalising opportunity for

advocates of penal reform: if governments are not perceived by the people as capable of providing adequate public services, why should they accept that the state can effectively manage an extensive network of corrective facilities? Critics of a populist approach might argue that it would enable further privatisation of the prisons, but, as outlined by Buttle (2021) and discussed in later chapters, privatisation has already been a high-profile policy failure in New Zealand (and elsewhere throughout the world), casting some doubt that it would re-emerge as a viable policy option.

The pervasiveness of penal populism has left the vanguards of social progress at an important juncture: do those advocating decarceration continue with the status quo, relying on the elite-driven discourses that have failed to unwind the carceral state? Or are there lessons that could be derived from the effectiveness of [penal] populism in upending a once elite-driven area of public policy? Can a populist discourse be presented in a manner that is both anti-elite and yet *progressive*? These questions require further analysis, and an attempt is made to tease out some answers in later chapters. This will require challenging the assumptions of some liberal scholars discussed in this chapter who stress the negative impacts of populism on liberal democracy or use it as a pejorative term to describe a particularly authoritarian form of politics.

Chapter Three: Ralph Klein, Populism, and the New Right in Alberta

This chapter is a case study of the relationship between free-market populism and decarceration in the Canadian province of Alberta. It characterises the populism of Ralph Klein, who was Premier of Alberta from 1993 to 2006. During the early years of the Klein's tenure (1993-1997), the province underwent a 32 per cent decrease in the rate of imprisonment (Webster & Doob, 2014). Klein remained an electorally successful politician, despite the sharp reduction in imprisonment, winning office on three consecutive occasions. Part of the formula for Klein's success was a visceral brand of populism which advocated across-the-board cuts to public spending as a way to balance the provincial budget (Martin, 2010). Drawing on the theorisation outlined in Chapter Two, this chapter examines Klein's tenure as premier, which demonstrates a certain kind of populist political actor, namely a free-market populist operating in an era of penal populism. It is both the theory outlined in Chapter Two and the observations from this case study chapter which will provide the necessary blueprint for an experimental tool developed in Chapter Four.

After Klein assumed leadership of Alberta's Progressive Conservative party (PCs hereafter) in 1992, he went on to win the election the following year. His 1993 victory followed seven consecutive election victories for the PCs under two earlier premiers (Lisac, 1995). In total, the PCs governed for 44 consecutive years from 1971 to 2015, remaining in power longer than any other government in Canadian history and coming close to the record for liberal democracies globally (Taras, 2019). The successes enjoyed by Klein as the third leader of the PCs were not mere chance, but a confluence of factors, some of which can be attributed to his ability to appeal to the people while simultaneously enacting budget cuts that—according to his critics—were detrimental to the quality of public services provided to regular Albertans (see: Taft, 1997). To assist in building a more complete picture of the early Klein era, eight

key-person interviews are used to inform this case study, illuminating Klein's free-market populism and the corresponding impact of his government's policies on the province's correctional facilities.

This case study is arranged using the four-step typology set out in Thomas (2011): subject, purpose, approach, and process. It is an "outlier" subject because the case examines a unique phenomenon of decarceration occurring in Alberta while rates of imprisonment were increasing in other liberal jurisdictions throughout the world. As a contribution to this thesis, the purpose of the case is "exploratory," in that it informs research conducted later in this thesis. In doing so, the approach seeks to both validate and build theory by using a process that is "retrospective," looking back to a period almost 30 years ago. Further, it examines how provincial prisons in Alberta operated in response to reforms during the Klein-era, providing clues as to what might be expected from the introduction of a populist argument for decarceration in New Zealand.

This is an important case because it exemplifies how a fiscal arguments of a populist might lead to decarceration. Whereas fiscal pressures, or the rising cost of imprisonment, did not trigger a move to imprison fewer people in countries such as the US, at least until the Global Financial Crisis (Aviram, 2015). Instead, jurisdictions were more inclined to pursue cost-saving measures than limiting how many people they imprison (Gottschalk, 2010). According to Dagan and Teles (2016), when fiscal pressures did eventually lead to decarceration in the US, it was uneven and more likely to occur in "blue" or "red" states where there was no significant political competition²⁴. In New Zealand, appeals to emotion and "common sense" have also outperformed arguments around the extraordinary costs of imprisoning people and building new prisons (Pratt, 2007). While in the UK, Labour Government ministers tempered demands for a greater use of imprisonment by disguising attempts to stabilise the prison population in populist rhetoric (Newburn, 2007). Although fiscal pressures might partially explain why penal populism

²⁴ The US state of California was a notable exception.

appears to have peaked in New Zealand (Pratt, 2017), the rate of imprisonment (about 164 people per 100,000) is still considerably higher than at any point prior to the nation’s neoliberal turn in 1984 (see: Table 3.1)²⁵. The same applies to the State of California, where fiscal pressures did lower rates of imprisonment following the Global Financial Crisis (GFC) but still remained considerably higher than they were in the middle part of the 20th century (Carson & Sabol, 2012; Pettus-Davis & Epperson, 2015).

Table 3.1
Rates of imprisonment per 100,000 (2021, various jurisdictions)

Australia	167
Canada	104
England & Wales	159
France	119
New Zealand	164
Sweden	73
United States	629
Alberta (Canada)	108 *
California (United States)	549

*Denotes provincial prison population in 2019 (remanded or sentenced up two years)

Sources: World Prison Brief (2021), Prison Policy Initiative (2021) and Statistics Canada (2020)

Chapter Three begins with a brief history of politics and populism in Alberta, starting in the early 20th century and running up until the early 1990s, encompassing both Klein’s rise to the premiership and his party’s 1993 re-election. The case study methodology then sets out what is extraordinary about the Klein era and worthy of further analysis, with a particular focus on the significant reduction of Alberta’s prison population during this time. As Klein’s populism is a notable feature of his premiership, one credited as a key factor in his government’s success in promoting free-market reform, it is codified with reference to the characterisations of populism, penal populism, and free-market populism in the preceding chapter. Following on from this theoretical overlay, an outline of changes to the Alberta Department of

²⁵ In 1985 New Zealand had 2,700 prisoners (Pratt & Clark, 2005). New Zealand’s population at the time was 3.24 million which is calculated to be 83 prisoners per 100,000.

Corrections (Alberta Corrections hereafter) during the Klein era then suggests that a certain *toughness* is evident in the rhetoric despite the drop in persons imprisoned. Finally, the comparability and usefulness of this Alberta case is discussed in reference to New Zealand, with due consideration of the limitations that arise from the distinct socio-political climates of Alberta in the 1990s and New Zealand today.

A brief history of Alberta politics

Nestled between the coastal regions of British Columbia and the federal seat of government in Ottawa, Ontario are Canada's prairie provinces of Manitoba, Saskatchewan, and Alberta—the latter is the largest by population. In terms of provincial politics in the 20th century, Alberta was most notably illuminated in political science literature by C.B Macpherson in his seminal work, *Democracy in Alberta* (1953).

Macpherson (1953) detailed a politics continuously beholden to longstanding single-party dominance and populist experimentation. While Macpherson's (1953) work is now significantly dated, the single-party dominance and populist adventures of Alberta politics have become a recurring theme within the province. The PCs first won election in 1971, ending Social Credit's 36 years in government, and then remained in power for more than four decades (Taras, 2019). The party's eventual split into rival factions (the Wildrose party formed to the right of the PCs) proved to be their undoing. While these internal divisions helped propel the New Democratic Party into government, this centre-left party only lasted a single term before the United Conservative Party emerged from the ashes of the PCs, winning the election in 2019 by a landslide margin (Bratt & Foster, 2020).

Due to the success of the PCs, Alberta was subsequently labelled Canada's most conservative province (Harrison, 2015), not just for its long and virtually uninterrupted run of conservative parties at the provincial level, but also for having sent the largest proportion of conservative MPs into federal politics than any other province (Osborne & Wilton, 2017). This included, most notably, Calgary-based economist-turned-politician, Stephen Harper, Prime Minister of Canada from 2006 to 2015, and Stockwell Day, leader of the federal opposition Conservative Alliance, who preceded Harper as the main

federal opposition leader. Day had earlier cut his path to federal politics as a high-profile cabinet minister under Klein's PCs in the Alberta legislative assembly. Perhaps the highest profile of all was Preston Manning, son of Ernest Manning (Alberta Premier and leader of the Social Credit party), who launched the Reform Party of Canada at the federal level in 1987, serving as its leader until 2000. Conservatism, then, has been wedded to the ideological thinking of Alberta's politicians since the Second World War and repackaged several times as a pitch to its voters (Harrison, 2015).

Critics of the politics in Alberta have suggested that its fiscal conservatism is largely driven by the province's oil industry and its disproportionate influence over the government (Shrivastava, 2015; Taft, 2017). As the oil sector grew over the second half of the 20th century, so too did its ability to lobby politicians for further deregulation and the maintaining of comparatively low royalty rates (Shrivastava & Stefanick, 2015). Even in times of unprecedented demand for oil globally, which delivered these same companies record profits, Klein's government chose not to increase the royalties collected from oil companies (Taft, 2017). Remarkable, then, was Klein's ability to refract arguments about the special interests in provincial politics away from the highly influential oil sector and onto elites in other spaces, such as the academic community and Alberta's rights-based organisations. "He listens, he cares" was the slogan built around Klein's 1993 election, painting Klein as a personable, everyday Albertan (Martin, 2010). His well-documented alcoholism was part of this image, being prone to saying and doing regrettable things when intoxicated²⁶ was portrayed as evidence of Klein's fallibility, which perhaps only made him more popular with constituents (Martin, 2010). There does not appear to have been any purposeful effort by Klein and his advisors to project this larrikin image, and a widely held view among participants was that this was essentially Klein "being himself".

²⁶ Widely reported at the time was an incident where Klein entered a government-funded homeless shelter, cursing at people and telling them to "get jobs" before throwing C\$10 bank notes at some of them (Martin, 2010).

Some caution is required before labelling Alberta as a reliably conservative province, however. While the prioritisation of deep spending cuts in 1993 was popular across the political spectrum, the province's conservative fiscal politics did not necessarily pair with conservative social values. Klein's Liberal opponent in 1993, Laurence Decore, also campaigned on spending cuts. But Decore's inability to read the public and provide a concise message on key issues proved to be the Liberals' downfall (Sharpe & Braid, 2016). When he demurred on the topic of abortion law reform, Decore provided Klein with an opportunity to emerge as the more reasoned voice; when asked to comment on the topic, Klein simply replied that the decision was between a woman, her doctor and God (Sharpe & Braid, 2016). It was a line which one participant interviewed for this case study credited as being a crucial turning point in the 1993 campaign and which offered a glimpse of Klein's populist-type politics²⁷. Klein was essentially of a libertarian mindset: a free-market populist aware of his Christian base and sometimes pandered to it but was not a political actor guided by religiosity (Denis, 1995; Harrison, 2015; Rayside et al., 2012).

When taking over as premier in 1992, Klein had inherited a government that was an ideologically fractured mix of socially or economically liberal and conservative groups that were some distance behind in the polls (Martin, 2010). With a campaign theme centred on slashing expenditure and balancing the provincial budget, Klein's PCs had promised fiscal constraint without increasing taxes and curtailing the generous operating concessions that flowed to the oil sector (Harrison, 2015; Lisac, 1995; Martin, 2010; Taft, 2007). In a little over six months, Klein was celebrating victory in an election-night success that he referred to as the miracle on the prairies (Martin, 2010). From that point, the Klein government had a mandate to cut public spending and balance the budget, something which his cabinet set out to do at a remarkable pace. By the end of 1997, not only had the Klein government balanced the provincial budget,

²⁷ More recently, Ellis and Schindler (2014) also found that a large majority of voters across all regions of Alberta have consistently supported women's reproductive rights, marriage equality for same-sex couples and doctor-assisted euthanasia for the terminally ill (see also: Rayside et al., 2012). Such results support a view that Alberta's conservatism is overstated, and that there is only a nominal difference between Alberta and Canada's coastal provinces (those which are routinely described as being more progressive, see also: Peterson et al., 2020).

but they had dramatically cut its rate of imprisonment (Webster & Doob, 2014). Indeed, the populist policy preferences during the Klein-era merit further examination to see how they fit with the theoretical conceptualisation of populism outlined in Chapter Two and how this might be relevant to the New Zealand context.

Case study methodology

In the typology set out by Thomas (2011), case studies are categorised into four steps: subject, purpose, approach, and process. Decarceration in Alberta during the Klein era is an outlier subject, as it illuminates an object by virtue of its difference (Thomas, 2011. P. 514). Thus, the identification of a subject is then followed by determining the object that provides the analytical frame through which the case is viewed. The object is the free-market populism of Ralph Klein and his cabinet and “is manifested in its capacity to exemplify the analytical object of the inquiry” (Thomas, 2011. P. 514). In other words, this is an outlier case because free-market populism or even free-market ideology is itself not usually synonymous with decarceration; instead, the free market has generally led to the severity of punishments increasing (Newburn, 2007; Pratt, 2007; Mora & Christianakis, 2013; Wacquant, 2017).

Further to this outlier classification, strain on the provincial budget was the catalyst for this period of decarceration in Alberta. In contrast, the data available on New Zealand’s Department of Corrections website has suggested that deteriorating fiscal conditions during the Global Financial Crisis did not lead to a reduction in the rate of imprisonment. Instead, by the end of its first term, the National-led government had embarked on the (re)implementation of performance measures (as outlined in Chapter One) and private prisons (Boyle & Stanley, 2017) as a means to reduce costs associated with operations within the justice system. Similarly in the UK, despite the Conservative government introducing a programme of austerity following their 2010 election, the rate of imprisonment also continued its modest

increase until 2013, when it began to plateau (UK Commons Library, 2021). The New Zealand and UK examples both give credence to Alberta being different²⁸.

The case study purpose, as per Thomas' (2011) typology, is exploratory; that is, the reason for doing the study is intimately connected with the object of the study. Because this thesis is concerned with what the effectiveness of free-market populism as a strategy for decarceration, the case explores Klein's populism, illustrating the rhetorical strategies and explaining what the consequences were. This case leads to both deductive and inductive functions that are drawn upon later in the thesis. The deductive is a validation of theory provided in Chapter Two, which becomes the rationale for an experimental tool developed in Chapter Four and the hypothesis testing in Chapter Five. The inductive arises from noting what punitive changes occurred at correctional facilities in Alberta as a consequence of this free-market populism, leading to generalisations about the consequences of a populist argument in Chapter Seven. Drawing from Bassey (1999) and adapted in Thomas (2011), the approach taken in this case study is both theory testing and theory seeking (see also: De Vaus, 2002). The distinction Bassey draws between "theory testing and theory seeking highlights the different kinds of stance that may be taken about the object: It may be set clearly at the outset (theory testing) or developed through the study (theory seeking)." (Thomas, 2011 p. 516). In this case study, theory testing is accomplished by mapping Klein's behaviours onto theoretical conceptualisations of populism, at a time when Alberta significantly reduced its rate of imprisonment. Theory seeking notes the undercurrent of penal populism evident during this period of decarceration, which illuminates the potential consequences of free-market populism being deployed as a decarceration strategy.

²⁸ Fiscal deficits were used by a bipartisan alliance forged between fiscal conservatives and progressives as justification for lowering the rate of imprisoned persons in a handful of US jurisdictions (see: Green, 2009), it is a less useful comparison. When California eventually began unwinding its carceral state, the rate of imprisonment was around 700 per 100,000 people, several multiples higher than New Zealand is currently or where Alberta was in the mid-1990s (Hayes et al., 2019; Weisberg, 2010).

Finally, the methodological process is also singular and retrospective. Alberta is not compared with other decarceration cases because of the difficulty in locating other cases that fit within the same subject-object of decarceration and free-market populism. It is also a retrospective case because it is bounded by the period that Klein was premier of Alberta (1992-2006, but for the most part, his first term, 1993-1997) and relies on key-person interviews as Klein is now deceased. “Retrospective studies involve the collection of data relating to a past phenomenon of any kind. The researcher is looking back on a phenomenon, situation, person, or event or studying it in its historical integrity” (Thomas, 2011, p. 517). To summarise, the typology of this study has an outlier subject, exploratory purpose, theory-driven approach and is a singular retrospective case.

Qualitative data was collected from eight interviews with key informants based in Edmonton and Calgary, the capital city and largest city of Alberta respectively. Three interviewees were former members of Alberta’s legislative assembly (MLAs), four were senior civil servants of Alberta Corrections and one was a political journalist that followed Klein throughout his career (both during his time as Mayor of Calgary and then later as premier). Along with in-person interviews, a visit was also made to an Alberta Correctional Centre. The prison visit was under invitation from the Alberta Corrections; the prison director discussed operations at that facility during the Klein era and thus was one of the eight interviewees²⁹. These interviews were semi-structured with some basic questions formulated as discussion prompts leading to further conversation.

Interviewee procurement began after contacting Dr Kevin Taft, former Leader of the Liberal Party of Alberta, and the longest-serving opponent of Klein during his years as premier. Before his tenure as leader of the provincial opposition, Taft was an academic and vocal critic of the Klein government. He authored the book *Shredding the Public Interest* in response to the PCs cuts to public services in Alberta;

²⁹ The prison director was one of two participants who were junior employees of Alberta Corrections during the Klein era and had since ascended into more senior roles.

it was a best seller among Albertans at the time. Taft agreed to be interviewed for this case study and then offered to assist reaching other persons who might be willing to be interviewed. During the interviewee procurement process, the majority of participants stated that they could only participate if the interviews were non-recorded and deidentified. The reasons provided for this stance were as follows: two participants noted that Klein was now deceased and to speak disparagingly of him would be insensitive to his surviving family; and participants employed by Alberta Corrections were allowed to participate in the research but not able to publicly discuss the province's prison operations. In accordance with Luna-Reyes and Anderson (2003), to manage data integrity and the legitimacy of the process, an "oral history" approach was then undertaken (p. 281). Field notes were written throughout each interview, typed directly afterwards and then provided to each participant. The oral histories approach confirmed that the data collected accurately portrayed the participants' recollection of key areas of discussion, but it also allowed for the removal of duplication and any irrelevant material.

Interview data is combined with literature on the Klein era throughout the remainder of this chapter. In doing so, it details which aspects of Klein's populism fit within the theoretical conceptualisations outlined in Chapter Two. This is the theory testing phase of the case study, determining which features of a populist can be readily applied to Klein. After which, some observations are made regarding a penal populism operating in tandem with free-market populism—the theory building phase. For the purpose of disambiguation, participants are coded, e.g., "participant seven" (to denote a comment made by a single interviewee); e.g., "participants two and four" (to denote a comment from two interviewees) or simply "participants" (for a comment made by more than two interviewees). The participant ordering is also randomised and not indicative of the chronological order of interviews.

Codifying the free-market populism of "King Ralph"

This section will argue that Ralph Klein and his government were demonstrably populist. Though, as outlined earlier, a political culture of populism was already well established in Alberta before Klein

assumed leadership of the PCs. Klein's populism was, however, diametrically opposite that of the political movements in early 20th century Alberta (Denis, 1995). During the Social Credit governments in the first half of the 20th century, a left progressivism guided by Christianity demanded more direct control over the economy to ensure it met the needs of the population. Klein's variety of populism was different to that of his predecessors, a reconfiguration of conservative politics referred to as the "New Right"—an ideology of free-market liberalism promoting less government intervention in the economy and but also the lives and social mores of ordinary Albertans (Denis, 1995; Martin, 2010; Taft, 1997).

When asked outright if Klein was, in their opinion, a populist political actor, only participant five disagreed. However, participant five immediately clarified their objection on the basis that there were notable differences between Klein and the more recent examples of exclusionary right-wing populism elsewhere in North America. Once it was conceded that there were differences between Klein and other exclusionary populists, participant five more readily accepted that Klein had indeed been a populist political actor. A widely held view of participants was that Klein's populist persona assisted him in winning elections, including how he presented cuts to public expenditure in a way that was palatable to voters. Denis (1995) referred to this populism as a focus on self-help and self-discipline, urging individuals and communities to become reasonable and independent and mercilessly castigating those who could not or were characterised as unwilling to do so.

This free-market market populism of Klein can be codified by drawing on the four minimalist ideological traits outlined in Chapter Two. An "us vs them" dualism is evident from the beginning of Klein's reign as premier, and earlier during his time as mayor. As discussed in Chapter Two, populists look to nurture an antagonism between elites and the general populace. Participant two noted that Klein accomplished this by referring to some of the province's special interests, a vague sort of catch all for the academic community or wider public service bureaucracy operating in Alberta. This group of elite interests (those

different to the oil and gas sector) were routinely characterised as the ““other” in Alberta’s PCs’ advertising campaigns (see also: Martin, 2010).

Participant one spoke of an advertisement with the tagline “what’s in your fridge?”, intended to crudely exemplify the difference between the lifestyles of an ordinary Albertan and those in the upper social classes of the province. According to participant one, the advertisement pictured two fridges. The first, was supposedly that of an everyday Albertan with what appeared to be leftover takeaways and a six pack of beer. While the second fridge had fine cheeses, champagne, and other smallgoods. The implication was obvious, Klein’s PCs looked out for the interests of ordinary Albertans, while the opposition did not. Participants recalled what they described as a “cringeworthy” iteration of this form of politicking: a fictional yet ordinary couple, “Al and Berta.” encapsulated the people of Alberta. This later evolved into another couple—“Martha and Henry.” Klein drew on this Martha and Henry narrative of a hard-working couple who earned an income which was sufficient but not excessive, who took pride in being Albertans, and who had a respect for old fashioned values. “The imagery of Martha and Henry doing their share to slay the debt made it seem like Klein was running the government on behalf of you and your neighbour – not the captains of industry pushing for tax cuts” (Pratt, 2009). For 15 years, Martha and Henry assisted Klein’s PCs in positioning themselves as the party attuned to the everyday interests of regular Albertans, despite evidence that it was the oil industry which was best served by such arrangements (Shrivastava & Stefanick, 2015)

Participants recalled the ways Klein rejected criticism by suggesting that the people—Alberta’s voters—were with his government, while his opponents were merely a collection of special interest groups.

Participant two said that Klein, in a distinctly anti-pluralist pitch, would dismiss criticism of his government as “whining from the usual suspects,” in reference to the rights-based organisations that criticised Klein. Another popular rejoinder of Klein’s, also identified by participant two and participant five, was his response to “the plight of the individual”—stories elevated into the media cycle which he

referred to as “victim of the week.” Participant two suggested that these individuals had often fallen on hard times because of the Klein government’s cuts to public services. Hence, Klein considered their stories to be politically motivated and so was dismissive, characterising these individuals as a sideshow of the opposition and not representative of everyday Albertans. Strategically, othering those who had fallen on hard times, particularly during a period of relative prosperity in Alberta, allowed their plight to be trivialised and thus ineffective if subsequently drawn upon by political opponents.

Through successfully cultivating an “us vs them” narrative, the political manoeuvring of Klein also legitimised an anti-pluralism amongst his cabinet. Then-Solicitor General Steve West, a prominent member of the Klein cabinet, threatened to “nakedise” the public service (CBC, 1995). This was just one example of how the PCs would rebuke and threaten bureaucratic institutions as a means to mute unwanted input on government decisions. Klein even went so far as to muse that Alberta did not need an opposition because all they did was oppose things. Participants mostly considered these remarks as a form of bravado from Klein and a spectral companion of democracy instead of a threat to it. However, participant two noted that Klein did demote the role of Alberta’s Human Rights Commission by cutting its funding and rolling its functions into the responsibility of other departments. In response to the criticism of such moves, Klein said, “[the] government can do whatever it wants” (Denis, 1995 p. 365).

Overlaying the ordinary Albertan vs elite cleavage was another, based on geography—Alberta vs Ottawa (the latter being Canada’s federal capital). This antagonism dates back to the early provincial formation of Alberta in 1905, which effectively predisposed the provinces to tensions relating to jurisdiction at the federal level (Wesley, 2011)³⁰. Participants four and five suggested that Klein would position himself as

³⁰ As explained by Macpherson (1953), the United Farmers and Social Credit (and later the PCs under their first two premiers) had used an anti-Ottawa rhetoric to galvanise the voting public around their brand. The National Energy Program (NEP), a federal plan to reduce Canada's importing of foreign oil and to redistribute some of the wealth generated in Alberta, helped fan these anti-Ottawa sentiments during the early PCs reign. Klein would frequently draw on this antagonism by referring to the NEP and the eastern provinces more broadly during his time as mayor of Calgary (Harrison, 2005).

an Albertan first and foremost, which manifested in his regular appearances at the Calgary stampede (an annual parade) and aided a perception among constituents that he represented the interests of Alberta ahead of Ottawa. This Alberta vs Ottawa animosity had been fostered by Klein during his time as mayor, referring to those who had arrived from other Canadian provinces in search of work as “bums and creeps from over east” (Major & Winters, 2013, p. 152). As Alberta Premier, Klein even sought to wedge the federal government on issues for which the province has no constitutional mandate. In one such case, Klein threatened to evoke the “notwithstanding clause” of the Canadian Charter of Rights and Freedoms to absolve the province from having to pay additional compensation to victims of state sterilisation (Manfredi, 2004). Despite nationwide condemnation for infringing on the Charter of Human Rights (the right to sue), participant one suggested that this matter, and Klein’s initial opposition to the federal government dictating the legality of same-sex marriage, only fuelled his popularity among ordinary Albertans³¹.

The politics of Klein’s PCs was, then, one of purposefully straightforward commentary which spoke directly to the people. Participant four explained that Klein’s PCs were adept at reading the public mood: the politically correct had “begun to take over” and “the silent majority had decided enough was enough.” The same participant also suggested that academic elites and their followers had ignored the general will of the people and, by 1993, were becoming “out of touch” with the rest of society. The implication is that the widely cited anti-intellectualism of Klein—discussed in both the literature and illuminated in participants’ responses—may have aided rather than impaired the Klein Government in its electoral endeavours. One famous interaction that was widely cited among participants was Klein’s dismissal of anthropogenic climate change by asking, rhetorically, “what is it which might have ended the ice age: Dinosaur farts? I don’t know” (Macdonald, 2006).

³¹ Manfredi (2003) pointed out that Klein’s government quickly withdrew the bill on the basis of strong public feedback.

There was at least one key difference between the Klein-era populism and other more right-wing populists of Europe and the US who had taken an exclusionary tone: a lack of racist rhetoric. Instead, Klein's populist othering was built on the aforementioned Canadian provincialism. Participants reaffirmed this view and provided a variety of possible explanations. The first was that Alberta had a considerable number of migrants from the Ukraine, many of whom had arrived in the first half of the 20th century, along with other non-English-speaking migrants from Eastern Europe. Other participants noted that Klein's wife, Colleen, was of First Nations ancestry, and that both prior to, and during his time as premier, Klein was sympathetic to the plight of Alberta's Indigenous population. While both are plausible explanations, it could also have been a simple political calculus from Klein. First Nations people were a numerically small proportion of the provincial population, with little political power³². When looking to apportion blame for social or economic issues, the much larger Eastern provinces, its people, and the federal government were perhaps easier to single out and vilify.

Simple solutions and catchphrases are regularly cited as populist tactics (Mudde & Kaltwasser, 2012; Taggart, 2002). In competing with Decore in 1993 to lead on fiscal reform, Klein's PCs advocated a straightforward, universal cut of 20% to public service spending. This was a simplification of debt and deficit discourses synonymous with New Right politics in Canada (Kozolanka, 2007). Participant eight explained that there was a realisation within the government that they must, "build into the minds of the public that the province had a spending problem, not a revenue problem." Through a refined message of overspending by previous governments and promises to make significant cuts, Klein's PCs successfully shifted public opinion, ensuring that what might have otherwise been controversial proposals to cut public services were perceived as necessary, critical interventions to balance the provincial budget.

³² According to the 2016 census, the First Nations (Indigenous population) was 6.5% of the total population of Alberta (Statistics Canada, 2021).

Also relevant to the fiscal discourse was the slogan “Alberta Advantage,” a reference to the benefits enjoyed by Alberta businesses operating in a low-tax, low-regulatory environment in comparison to their provincial neighbours (Van Herk, 2010). It was first coined by Klein’s PCs in the days following their 1993 re-election, and it represented another easily consumable catchphrase for everyday Albertans. Participant five suggested, however, that the party had just been fortunate to catch another boom cycle in oil revenues, rather than a boom that was a consequence of the loose regulatory framework favouring business. This oil boom in the 1990s subsequently led to falling provincial unemployment and increased revenue from royalties, which saw the province’s budget quickly return to surplus (Martin, 2010). Irrespective of the underlying causes of the boom, by the late 1990s, the Alberta Advantage was a term that had become synonymous with the Klein Government and its economic credentials.

Another populist trait characterising Klein’s PCs was the advocacy of direct democracy for contentious issues. Klein’s PCs passed laws banning deficit spending and introduced the Taxpayer Protection Act in 1995, meaning that a sales tax could not be introduced without a referendum (Morton, 2018). The PCs also flattened provincial tax rates to just 10 per cent of personal income for the first \$100,000, with only 1 per cent incremental increases for amounts higher, up to a maximum of 15 per cent. This meant that, by the last decade of the 20th century, Alberta had (and still has) the least progressive taxation rate of any Canadian province. By advocating that no new tax increases be implemented without a referendum, the Klein Government increased the difficulty for future legislative governments to raise revenue and balance budgets in times when the royalties from the oil sector had impacted the province’s bottom line (Denis, 1995). Participants lamented this fiscal irresponsibility, despite its political effectiveness. According to participants, it normalised a belief among constituents that deficits or tax increases were never acceptable, creating an indefinite headache for future governments seeking to reform the province’s taxation system.

Each trait of the minimalist ideological conceptualisation set out in Chapter Two was evident in Klein’s governing of Alberta. First, an “us vs them” dualism pitted the ordinary people of Alberta against either

outsiders (e.g., newcomers from other provinces) or elites (e.g., the academic community). Second, there was an aversion to pluralism through seeking to discredit the role of opposition parties in Alberta's politics and the institutions which might have objected to Klein's reform agenda. Third, direct democracy was nurtured in order to legitimise his brand of free-market reform, passing legislation that prohibited tax increases without a referendum. Finally, simple solutions, such as the advocacy of a 20% cut to government spending, enabled Klein to bring people together in a sort of collective anti-intellectualism. While Laclau (2005) expressed a more promising view of populism, emphasising the power of ordinary people to rise up against their oppressors, in a sort of perverse way, the Klein Government was successful in reframing who was doing the oppressing. Participants agreed that by the mid-1990s, enough Albertans had been convinced that public intellectuals, academics, and the institutions they represented were their oppressors.

There are other conceptual frameworks outlined in Chapter Two from which Klein's populism might be itemised. Drawing from Moffitt and Snow (2014), Klein's alcoholism, crudeness and plain-speaking could readily be described as a "political style," one involving populist bluster as a means to garner legitimacy as a "politician for the people", providing voters with a sense of connectedness to their leader. Klein's brash delivery was, as Ostiguy (2009) underscored, an appeal to the "low" in politics and in stark contrast to the high culture and language used by more polished political actors, particularly that of his opponents. The narrative of a provincial deficit is best described as a populist frame. Klein was able to give the province's deficit issue urgency by underlining how spending had outpaced revenue (Kozolanka, 2007). Drawing from Asalandis (2016), the populist frame requires the presentation of an issue as a serious problem and, as a consequence, must be resolved expeditiously. Klein and his government acted first by cutting their own salaries and superannuation benefits (Martin, 2010). Klein's populism was then a marketing tool to justify his government's deficit obsession. Participants five and eight went further, however, and suggested Klein lacked any real depth in his understanding of policy or its implications;

participant five explicitly stated that the PCs, “relied on a symbiotic relationship between Klein’s appeal to the people and the policy people within his cabinet³³”.

This section has taken many of the theoretical conceptualisations of populism outlined in Chapter Two and applied them to one of North America’s most successful political actors of the 20th century. In doing so, it has revealed both the rhetorical strategies of a free-market populist as well as those of one who was an electorally successful proponent of New Right ideology. Whichever conceptualisation of populism is applied, there appears little that was not applicable to Klein and his government. It is also evident that this unequivocal populism aided Klein’s PCs in making otherwise contentious changes to public spending without facing significant public backlash (Webster & Doob, 2014). Klein exemplified how political actors might operationalise free-market populism, without necessarily applying an exclusionary platform defined by racism. Importantly, by finding a path to substantively cut the provincial budget, Alberta also cut its prison population by 32% (Webster & Doob, 2014). This presents proponents of progressive penal reform with a pretext for shrinking the rate of the prison muster; the question then is: at what cost to those who remain imprisoned?

Tough on prisoners, fewer of them

When Klein’s PCs had their “miracle on the prairies” election victory in 1993, the rate of incarceration in Alberta was just over 100 persons per 100,000, higher than the national average but consistent with other prairie provinces (Webster & Doob, 2014)³⁴. What was fairly unique about the budget cuts which followed were that they were universal, with no sector exempt (Martin, 2010). According to Webster and Doob (2017), the cuts provided highly qualified public servants with a rare opportunity to reduce imprisonment from a sensible criminological perspective. Reducing the rate of imprisonment was then

³³ It was also remarked by participant eight that Klein was more interested in the outcomes of policies than the detail of how they might be actioned. For that reason, it was not uncommon for Klein to skip policy briefings and instead direct questions to his cabinet (see also: Martin, 2010).

³⁴ Webster and Doob (2014) provide a full breakdown of provincial rates of imprisonment between 1993 and 1997

accomplished through a concerted, multi-factor approach. After 1992, the rate of adults charged also dropped much more in Alberta than elsewhere, with 79,192 adults charged in Alberta in 1992 but only 59,786 in 1995. This amounted to a 24.5% decrease (Webster & Doob, 2007), which can be attributed to increases in the use of warnings, diversions, and community corrections (Webster & Doob, 2014). As the provincial government had authority over prisoners in provincial facilities (all prisoners sentenced up to a maximum of two years), it chose to release some low-risk prisoners early. Prisons were targeted for closure in tandem with this reduction in the rate of imprisonment, and, in one case, an entire facility was transferred to the federal government to house federal prisoners (Webster & Doob, 2014).

It is important to note that the criminal code is set by the federal government in Canada, whereas the responsibility of policing, prosecutions and corrections are largely carried out by the respective provinces³⁵ (Maxwell, 2015). In Alberta, as is the case throughout Canada, there is a mixture of provincial and federal facilities in each of the provinces. Only when someone in Alberta is sentenced to a term of imprisonment of more than two years (i.e., for more serious offences) are they transferred to a federal facility. As the fall in the number of imprisoned Albertans between 1993 and 1997 was not matched in other provinces, the aforementioned changes to the justice system from *within* the province—as opposed to external changes to the criminal code—can be understood as the cause of this drop (Webster and Doob, 2014).

On matters of criminal justice, however, public attitudes in Alberta seemed to reflect those of other parts of North America in the early 1990s; that is, constituents expected the provincial government to be tougher on the perpetrators of crime (Webster and Doob, 2014). This was representative of a near universal hardening of public attitudes across liberal democracies globally, particularly in Anglophone jurisdictions experiencing significant economic realignment and social transformation (Pratt, 2007;

³⁵ The relationship between Federal Canada and its provinces is different to that of other federal democracies, such as Australia and the US where the criminal code is for the most part set by individual states.

Roberts et al., 2002). Klein carefully positioned himself within these generally punitive attitudes. Even as Mayor of Calgary, a decade before becoming premier, Klein said, “if a bank robber comes to Alberta from someplace else, complains that he was roughed a little bit by a police officer, I wouldn’t get too excited about it” (Macleans, 2013).

Some of Klein’s early musings on the justice system, including public comments favouring a return to the death penalty, may have been driven by the belief that tough on crime sentiments were popular (Denis, 1995). Such posturing on the death penalty was of course an unrealistic position since the criminal code and sentencing guidelines were a federal not provincial matter; Klein’s PCs could not have implemented such a practice within Alberta’s legislative assembly, even if they wanted to. Following the 1993 election, Klein also advocated the introduction of working gangs, similar to the chain gangs used in the U.S. in the 19th century (Martin, 2010). Participants explained that the idea to arm guards and provide them with a directive to shoot escapees had also been floated in senior Corrections circles. Participant one expounded on the logic which ultimately led to the plan being abandoned: prisoners joining work crews would have a minimum-security classification and, as a consequence, the use of lethal force would amount to a death sentence for prisoners who were likely incarcerated on low-level and/or non-violent offences.

Martin (2010) suggested that Klein also became uncomfortable with the proposition after being informed that a very public demonising of prisoners through the use of working gangs would advertise the over-representation of First Nations persons in Alberta’s penal institutions. A compromise position was later found where Corrections required Albertans convicted of low-level offences (including those related to driving) to serve sentences via participation in a non-custodial work party. Participant four clarified that the working parties (some of which comprised people completing non-sentences) were unchained and that those supervising were unarmed. However, participant four also said that those convicted were made to

complete tasks alongside brightly painted Alberta Corrections buses—to show the public that they had been put to work.

Among participants, the most widely discussed change to prisoner entitlements was a shift to small black and white televisions. This was the consequence of a visit made by the then-Solicitor General, Steve West, to a youth correctional facility in Lethbridge (a city in southern Alberta). West determined that all prisoner televisions, irrespective of who had provided them, would be removed from correctional facilities; instead, prisoners would be only able to watch 12-inch black and white prison-issued televisions. Participant six said that the decision was especially punitive because it ignored the fact that existing colour televisions were not supplied by Alberta Corrections but through prisoner welfare funds or charitable groups involved in prisoner rehabilitation. Further, participant six pointed out that the colour televisions had been used to screen the evening news for educational purposes and not the general entertainment of prisoners. According to some participants, the very choice of West as Solicitor General demonstrated a philosophical view of criminal justice which had become a dominant discourse on penal policy during the 1990s. This was a toughness towards offenders, seemingly punitive and reliant on deterrence to change offender behaviours. Participant one suggested that what West represented in cabinet, metaphorically, was another version of his previous career as a rural veterinarian, someone who felt the weakest and most problematic in society ought to be “put down.”

Under the banner of creating efficiencies, there were other examples of punitive measures taken against prisoners. Participant four advised that, in the 1990s, powdered milk was introduced in all correctional facilities in place of fresh milk³⁶. During a tour of these facilities, it was also explained that Klein’s PCs removed the small payments prisoners could receive working within the prison, that is to say, the stipends paid to work as a kitchen hand or in the laundry. Instead, these tasks became voluntary and, if performed

³⁶ Participant seven confirmed that powdered milk continues to be used at Alberta’s correctional facilities.

diligently and without incident, might positively impact the prisoner's prospects of a conditional release. Participant six suggested that such measures gave Alberta the ability to brag about having the lowest per-diem prisoner costs in any of the provinces (see also: Webster and Doob, 2014).

Participants stated that each politicisation of prisoner rights by Klein and his government reflected the sensibilities of the public at that time and were either antagonistic or simplistic in nature. Participants suggested that the former was strategic, a deliberate ploy to bring the public along with them, even if the policy itself was never a serious possibility (such as advocating a return to the death penalty), while the latter was standard practice for Klein (and his colleagues) throughout his tenure as premier. However, reducing the rate of imprisonment did not seem to be a policy of the Klein government nor something articulated by cabinet ministers while out on the campaign hustings. Though participants three and four recalled that the prison population had fallen during the 1990s, no participant was able to recall any provincial policy or programme specifically geared toward reducing the prison population. Further to this, some were sceptical that there had even been a reduction in the rate of imprisonment between 1993 and 1997. Participant six said they had been confident of no measurable shift having occurred in the rate of incarceration until they read up on the topic ahead of the interview—this was a shock to them.

Considering some of the punitive measures undertaken during the Klein administration's first full term, what happened to Alberta's prison population between 1993 and 1997 was both dramatic and seemingly at odds with what might have been expected. As the rate of imprisonment fell, entire facilities were either closed or repurposed. According to Webster and Doob (2014), the Grande Cache Correctional facility, which opened in Alberta's west in 1985, was repurposed as a federal facility in 1995 under a 25-year lease to avoid it being mothballed completely. Further, Webster and Doob (2014) noted that no further correctional facilities were built between 1993 and 2013, suggesting that the Klein government cut both the operational and capital expenditure of Alberta Corrections. Participants four and seven confirmed that

these network constraints did lead to intermittent capacity issues, at times requiring the province to triple or quadruple bunk prisoners in cells³⁷.

Participant three proposed that federally legislated conditional sentences of imprisonment were a key causal factor for changes in the rates of incarceration in Alberta. These conditional sentences were an enhancement of community-based alternatives to prison, introduced for those sentenced to prison for up to two years. Such forms of community-based sentences granted judges the power to divert a greater number of low-level offenders away from jail sentences, if the offender adhered to certain requirements (Astbury, 2008; Harris and Lo, 2002). It is evident that this federal legislation had an impact on the downward movement of the rates of imprisonment among neighbouring prairie provinces, but conditional sentences were not available in Alberta's courts until September 1996 (Webster and Doob, 2014). Furthermore, if the move towards community sentences were the single cause of lower rates of imprisonment in Alberta, it would also be reasonable to expect a similar decline in imprisonment rates in the other prairie provinces over the same period—a phenomenon that was not observed in the neighbouring provinces of Manitoba or Saskatchewan between 1993 and 1996 (Webster and Doob, 2014).

According to participants, there was no widespread public backlash against either the early release of prisoners or the reduction in prisoners. Further to this, there is no evidence that the issue gained significant media attention; indeed, none of the participants could recall if the shrinking rate of imprisonment featured in Alberta's media. For this reason, it is difficult to ascertain what the public's response might have been if the reduction of Alberta's prison population was more widely publicised.

Participant one suggested that it was unlikely to have become a wedge issue anyway, as the Liberal opposition would not seek to politicise less punitive crime control measures or a corresponding fall in the

³⁷ Neither participant was able to elaborate on whether such measures contravened Federal Canadian legislation pertaining to the human treatment of prisoners.

rare of imprisonment. The same participant suggested that it made sense that the Liberal opposition chose to focus on more cuts to health and education, areas of concern more closely aligned with the party's socially democratic underpinnings.

One argument offered by participant two was that the economic upheaval between 1993 and 1997, coupled with Klein's "get tough" attitude towards prisoners, might have obscured the reduction in provincial prisoners from the public. Klein's PCs relied heavily on the projected image of looking out for the ordinary Albertan, which was manifest in the advocacy of chain gangs, the death penalty or bragging about low per-diem rates. Thus, penal populism at the surface level, e.g., talking about the death penalty, chain gangs and how to deal with the province's vagrants, might have provided cover from the drop in imprisonment. Participant eight stated, "[t]he average Albertan would not have known, and the government would not have been proud of it, anyway," and, perhaps most remarkably, both participants five and eight suggested that Klein was unlikely to have even known about the drop in prisoner numbers.

Alberta Corrections were aware nonetheless, and, evidently, so were at least some members of Klein's cabinet, including the then-Minister of Justice MLA Brian Evans who remarked:

There are other ways of dealing with some of the criminal activity that are more effective than putting a person in jail. Our correctional facilities should be used, for the most part, for people who have committed serious and violent crime and therefore are a substantial risk to society.

(Gold, 1996 *Edmonton Journal*, as cited in Webster and Doob, 2014, p. 15)

To summarise, participants suggest that Klein's PCs were proponents of penal populism, yet the downward trajectory of persons imprisoned indicates that a strict adherence to austerity had an overriding influence on Alberta's rate of imprisonment. Webster and Doob (2014) identified this debt and deficit

narrative as the causal explanation for what appears to be a contradictory set of circumstances.

Comparatively, participants were either unaware that the prison population had fallen over this period or were unconvinced that political decisions had played a central role. However, it is evident that Klein's promises of a balanced budget meant that the justice sector in Alberta needed to absorb cuts to their operating expenditure.

It appears that free-market populism played a role in decreasing Alberta's prison population, a view substantiated by case study participants. However, it is less clear whether a more widely publicised drop in the rate of imprisonment would have been a contentious matter for Alberta's voters, provided an emphasis remained on imprisoning the most serious criminals under punitive custodial settings. This raises important avenues for further research, specifically that which illuminates the case object of populism and what role populism could play in lowering, rather than increasing, the rate of imprisonment in other jurisdictions. While Alberta's process of decarceration reflects an outlier case subject, it could also be that claims of a punitive public have been overstated, meaning that Alberta's bifurcated approach leniency for less serious offenders and tougher on those who remained imprisoned, more accurately reflected public expectations. The next section, then, seeks to compare the provincial politics of Alberta with the national politics of New Zealand, noting the socio-cultural differences which must be considered before drawing on this case study to develop a survey instrument to measure free-market populism as a decarceration tool.

Limitations and strengths of comparing Alberta with New Zealand

Both Alberta and New Zealand have a long history of populist politics. Alberta's populism has its genesis as a frontier province (Macpherson, 1953), the early politics of which was embedded with a distrust and scepticism regarding the benefits of ongoing federacy. While New Zealand abolished its provinces in the 19th century, provincialism is still evident in its socio-political culture (Brett, 2016; Craw, 1973; Moffitt,

2017).³⁸ New Zealand's first populist Prime Minister was Richard Seddon, the second leader of the country's first political party. A publican by trade, Seddon's liberal political philosophy embodied the belief that men were able to progress as individuals in the fledgling colony (Barker & Vowles, 2020; Oldfield & van Veen, forthcoming). Much like Alberta, populism was also evident on the political left in New Zealand during the late 19th century and early 20th century (Barker & Vowles, 2020).

In the late 1930s, New Zealand's First Labour Government under Prime Minister Michael Joseph Savage implemented a cradle-to-grave welfare system and adhered to a social conservatism which endured for nearly five decades. New Zealand began a sustained period of economic transformation in the 1980s, a decade earlier than Alberta. However, it was the same New Right ideology which underpinned this transformation and was linked together through one of New Zealand's most controversial political actors. Roger Douglas, one-time New Zealand Finance Minister, and the architect of its free-market reforms, was invited to Alberta by Klein's PCs to discuss how they might want to similarly restructure their economy (Kingfisher, 2015). Participant one and eight clarified that it was Douglas' book *Unfinished Business* and his subsequent visit to the province that helped encourage the deep and rapid series of cuts undertaken by Klein's PCs government³⁹. By the mid-1990s, the economies of both Alberta and New Zealand had a broadly neoliberal identity, committed to low rates of taxation (compared to most other liberal democracies) and a market-orientated public sector, wherein balanced budgets and inflation management replaced a commitment to full employment and comprehensive welfare.

New Zealand and the province of Alberta, Canada are also colonial settler societies, each with marginalised Indigenous communities who have been disproportionately imprisoned compared to their

³⁸ In the early 2000s, residents in the northern part of the Waikato (a provincial locality in New Zealand's North Island), waged a lengthy but ultimately unsuccessful campaign to halt the construction of a rubbish dump and men's prison in the area. Among the arguments against building at the proposed location was that both the rubbish and the prisoners were likely to have originated from the Auckland area (a neighbouring locality) which encompasses Auckland, New Zealand's largest city.

³⁹ Douglas' influence is also cited in Martin's (2010) biography of Klein.

white Canadian/Pākehā counterparts (for a broad overview in Canada see: Neilsen & Robyn, 2003). The forces behind penal populism in New Zealand have attributed the blame for these disproportionate levels of imprisonment on the individual committing crimes and, sometimes, directly on their ethnic identity (McIntosh & Workman, 2017). In contrast, Klein was particularly sensitive to the plight of Alberta's Indigenous population and not antagonistic towards them, both before and during his tenure as premier (Martin, 2010). A notable view among participants, including some who worked at Alberta Corrections, was that the over-incarceration of First Nations peoples was a failure of the state and the ongoing impacts of colonisation (that is, as opposed to a belief that individuals were ultimately responsible for the reason(s) they enter the justice system).

There are other more obvious differences to the comparison than a lack of race-orientated penal populism. With the abolition of provinces in the 19th century, New Zealand operates as a unitary state with the law and administration of the justice system decided by the central government in Wellington. In contrast, Alberta administers matters of crime and punishment, up to a period of two years, while Canada's criminal code is decided by the federal government in Ottawa. The rates of imprisonment are also different, reflecting the aforementioned over-imprisonment of Māori in New Zealand. When Klein won re-election in 1993, the rate of imprisonment was already lower in Alberta than in New Zealand, and over the next decade the gap further widened—Alberta's rate decreased, while New Zealand's increased (for New Zealand's rate of imprisonment see: Pratt & Clark, 2005).

There appears to be enough similarities between the two jurisdictions to warrant further investigation of free-market populism as an object. Both Alberta and New Zealand have a liberal, free-market economy, regular parliamentary elections and a minority Indigenous population who remain over-represented in prison statistics. Despite the fact that the comparison being drawn is between a province and a nation state, it is important to note that this thesis is not a comparative piece of research. The purpose of examining the case of Klein's PCs in Alberta is to demonstrate the validity of free-market populism as a

potential—albeit peculiar—tool for decarceration, which can be empirically tested in the New Zealand context.

Conclusion

Despite populism often being synonymous with hostile majoritarian politics, this case study has demonstrated that it might also, inadvertently at least, provide an emancipatory purpose. While most participants in this case were either unaware of, or unable to recall, Alberta's dramatic reduction of imprisoned persons, they did acknowledge that it purportedly occurred at the same time that Klein's PCs used a free-market populism to justify broad sweeping changes to the public sector. Independently of the case, Webster and Doob (2014) have convincingly argued that it was this fiscal narrative that lowered rates of incarceration in the province from 1993 onwards. Klein's kowtowing to an underlying punitiveness appears to have carefully nurtured a view that the PCs were tough on crime, when in fact fewer people were likely to be imprisoned for low-level offences than in the preceding decade.

Webster and Doob's (2014) claim that the reason for Alberta's successful process of decarceration was ultimately embedded within the socio-cultural unease amongst Canadians regarding the use of prisons in the 20th century. However, they do not offer any evidence base for this claim, and, had Klein not been successfully re-elected in 1993, such reductions in the rate of imprisonment might never have occurred. Further, this reduction in the rate of imprisonment occurred as public anxieties toward crime were increasing in liberal jurisdictions in other parts of the world (see: Pratt, 2007; Roberts et al. 2002). Until very recently, a prolonged era of penal populism in New Zealand has created an environment where the governing party has been unable to enact policies to stabilise the prison population without fear of significant public backlash (Newburn, 2007; Pratt, 2007). Unlike New Zealand, which also had a government championing free-market reform, the provincial government of Alberta was determined to enact cuts evenly across the public service, including Alberta Corrections.

The role of free-market populism in successfully reducing the rate of imprisonment outside of Alberta remains untested. As penal populism has, for decades, dominated attitudes towards criminal justice in New Zealand, it could be argued that testing the strength of free-market populism in arguments *for* progressive penal reform would require a more overt discussion on the role of prisons. This would require experimenting with the discourses associated with free-market populism to advocate lower rates of imprisonment instead of relying on arguments for cuts to the broader public service. This overtness is important, otherwise, the utility of free-market populism as a tool for decarceration in New Zealand would be questionable, resulting instead on another wave of New Right policies.

While the populism of Klein's PCs provides a useful reference point to the shape and tone that a free-market populist might take, it is still unclear if populist arguments for decarceration could be successfully deployed in New Zealand or what the risks might be of embarking on such a strategy. The potential consequences of a populist argument being deployed during a period of decarceration did raise five talking points which are further examined in Chapter Seven. These talking points are: the potential for public advocacy of harsher sentences; a return to privatisation; ambivalence towards imprisonment; an off-putting rhetoric; and the validation of victims. The next chapter will set out some of the populist traits which have become a legacy of Klein's PCs and then develop a populist argument, meshing together a more pronounced advocacy of lower rates of imprisonment alongside fiscal prudence. In addition, an alternative perspective on imprisonment is also developed, by compiling existing arguments made by political actors advocating progressive penal reform, for public consumption. The resulting experiment sharpens the target of free-market populism by presenting a more direct challenge to penal populism and asking whether penal populism and free-market populism are complementary or contradictory.

Chapter Four: Developing an experimental tool

Penal populism was said to be such an influential force that in the UK, home secretaries on both sides of the political divide pandered to it, despite harbouring concerns about the cost of growing prison populations (Newburn, 2007). The extent to which the New Zealand public might be similarly punitive is not all that well understood, however. Among solutions to the perceived “crisis of confidence” that the public has with sentencing practices, Indermaur (2008) suggested that there must be “better measures” of public attitudes (p. 59). Further, critics have argued that the data used to support claims of a punitive public in different jurisdictions is drawn from survey questions that tend to be leading in nature and missing context (Green, 2008; Frost, 2010; Johnstone, 2000). Despite penal populism leading to increased rates of imprisonment in many liberal jurisdictions since the 1990s, Webster and Doob (2014) detailed a significant fall in provincial rates of imprisonment in Alberta between 1993 and 1997. More recent drops in the rate of imprisonment in countries such as New Zealand and the UK as well as the State of California, do not appear to have triggered any significant public backlash. This might suggest that the public is more ambivalent on matters of crime and punishment than first thought (see also: Loader, 2010).

In order to either rebut claims of a punitive public or provide a pathway out of this supposed public punitiveness, scholars have turned to deliberative processes that provide a more nuanced view of how the public perceive crime and punishment (see: Indermaur, 2008; Dzur, 2010). One example of a deliberative process is the measuring of public perceptions of crime and punishment with a control group (participants are provided with limited information, e.g., a media soundbite) and a test group (participants are provided with more substantial information, e.g., court proceedings). Perhaps the most widely cited of these processes was a deliberative poll in the United Kingdom. This poll showed that when participants were provided greater information about the justice system, they were more likely to, among other things, support the procedural rights of defendants and alternatives to prison for juvenile offenders (Fishkin, 1995). However, the efficacy of deliberative processes in a real-world setting neglects the impracticalities

or scalability of holding regular town-hall style meetings to discuss matters of criminal justice. Garland (2021) remarked that, “those very people who are more likely to express punitive attitudes to crime and punishment take less care to consider criminological evidence or align themselves with expert opinion” (p. 259). Further, even if a deliberative process could mollify punitive attitudes or show the public to be less punitive than at first glance, they still lack epistemological primacy in the minds of political actors (see also: Turner, 2014). To demonstrate to political actors that the constituency may not be as punitive as first thought, a more concise argument might need to be tested as a tool for decarceration, one that demonstrates to political actors that a change of posture is electorally viable.

In this thesis, the strength of two concise arguments for decarceration were tested against what is assumed to be a punitive public. The status quo argument and the populist argument form an experimental tool that is located within a larger survey. One or the other was then randomly assigned to the survey participant. Survey research was preferred to other research methods (e.g., focus groups) because it allowed a larger number of participants to be reached (De Vaus, 2013), and, while not representative, it provided the researcher with a broad array of participant opinions. Through the recruitment of a large number of survey participants, inferences could then be made about the strength of one argument in the experimental tool, compared with the other.

The four sections which follow in this chapter outline the various components of the survey and how these components were formed. The first is the survey format, which gives the sequential order of questions asked and the format of these questions (e.g., Likert scale or an open-text box). The second section details how the experimental tool was developed, including where both the status quo and populist arguments were derived from. The third section describes participant recruitment, explaining how participants were recruited using community groups on the social media website Facebook. The fourth and final section discusses some of the limitations of conducting research in this manner, including the use of surveys, the experimental tool and the recruitment of participants from a non-probabilistic sample.

Survey design

The survey collected data across three areas. The first area used a 7-point Likert scale ranging from “strongly agree” to “strongly disagree” to gather participant opinions of the use of prisons in specific circumstances. The second area collected participant demographic information (e.g., age, gender, ethnicity, and political persuasion), so that it could be determined whether some participants were more likely to express punitive attitudes than others. The third area was the experimental tool, containing either a status quo argument or a populist argument. Further, the survey was designed with the key principles set out in Groves et al. (2011) in mind, specifically noting that the rate of complete responses is impacted by the survey length⁴⁰.

In the first area, questions were asked regarding the use of prison for certain types of offenders, ranging upward in a series from first-time, non-violent offenders to those who had committed multiple violent crimes. There were two further questions regarding deterrence: the first related to deterring criminals from committing further crimes (individual deterrence); the second related to deterring the public from committing crime (general deterrence). The questions in this section of the survey were designed to be leading in nature, with two purposes in mind. The first was to exhibit the extent to which such leading questions produced punitive responses to crime and punishment among participants. This followed a reasoning that manipulation of survey questions on matters of criminal justice can have significant implications for the data collected (Indermaur, 2008). The second purpose was to provide a point of reference, showing to what extent participant subgroups expressed different attitudes to crime and punishment based on their exposure to either of the two texts comprising the experimental tool.

In the second area, a set of demographic questions also established the participant information ahead of the experimental tool. Some efforts were made to locate, as far as possible, a sufficient sample size of key

⁴⁰ Most participants completed the survey within 15 minutes.

groups (e.g., $n = 70$) within the New Zealand voting-age population. These demographic questions were modelled on those asked by Statistics New Zealand in the 2018 national census. In addition to age, gender, income and education, two further questions were asked about the political orientation of participants: one requested that participants self-select where they sit on a left–right political scale (0 – 10)⁴¹, the other asked which political party they voted for in New Zealand’s 2017 general election.

In the third area was an experimental tool grounded in the theoretical utility of populism. It draws from a variety of populist conceptualisations set out in Chapter Two and the populism of Klein in Chapter Three. The tool itself functions as a side-by-side comparison of two different types of political discourse which had the same ends: an electorally plausible argument for decarceration. After participants were randomly assigned one of the text texts to read, another 7-point Likert scale, ranging from “strongly agree” to “strongly disagree”, assessed the extent to which participants agreed with what they read. The survey concluded by asking participants if they would like to provide an email address, enabling engagement in any of the following ways: to participate in future research; to receive a summary of results; and/or to enter a prize draw. Assessing how participants would agree to different arguments for decarceration required the development of two pieces of text that were written in a clear and accessible way. Each text reflected the sort of discourse one might expect from a political actor, so the experiment is indicative of how voters might respond to such arguments.

Populist argument

The populist argument presents to the reader a hypothetical pitch from a political actor that is seeking a mandate for decarceration. Key-person interviews in Chapter Three informed the composition of the populist argument. They provided some of the widely accepted perceptions of Klein and the politics of the PCs.

⁴¹ This follows the same longstanding question in the New Zealand Election Study (NZES) which asks participants to self-select their position on the left-right political scale.

Among these were that Klein:

- was a populist political actor, though not one reliant on an exclusionary, race-orientated populism evident in other liberal democracies
- supported the ongoing use of prisons in contemporary society and limiting the rights of those imprisoned
- advocated shrinking the public sector, including the justice system to lower the province's expenditure

Each of these three points can be reasonably deduced from the statements Klein and his PCs made during their time in office. Consequently, the populist argument in the experimental tool was not reliant on an exclusionary, race-orientated populism, implied an ongoing use of prisons and advocated a scaling back of the public sector (i.e., that the use of prison be reserved only for perpetrators of the most serious offences). The key difference between Klein's PCs and this experiment was that the latter singled out Corrections, and the explicit use of prisons, for cuts to public expenditure. In the Alberta case, it was unclear whether Klein's PCs even intended to reduce the prison population.

While theories of what constitutes populism or how it might be conceptualised remain contested, Chapter Two set aside this dilemma by suggesting that those ascribed the populist label can be identified using any number of widely used conceptualisations (see also: McDonnell, 2017). The divergent theoretical conceptualisations (i.e., ideological, discursive, or strategic) tend to be complementary rather than contradictory. Klein's populism was illustrative of this viewpoint: a leader who was widely perceived to be a populist no matter the theoretical evaluation applied. The minimalist conceptualisation forms the basis of the populist argument however, with other theoretical conceptualisations woven into the piece. The full text is presented in Figure 4.1, followed by an explanation of the various components.

Figure 4.1. Populist argument

Our government is squandering public funds on prisons to house an ever-increasing number of people. Such big government approaches to criminal justice are rooted in the beliefs of elites who don't live in the real world.

By sending thieves, druggies, and wayward youth off to prison we're simply creating Universities of Crime where kids are being introduced to older, more violent thugs. While do-gooders in Wellington talk up the prospect for rehabilitation, the only 'prospect' these kids have in prison is a gang.

What we have now is a revolving-door prison industry which has grown into a billion-dollar-a-year taxpayer funded enterprise. Every person imprisoned costs the state up to \$300 each day (more than \$100,000 per year), and on top of that are the costs associated with building new prisons.

Corrections have adopted different strategies to combat rising costs, these include:

- Limiting the unlock time of prisoners to a few hours per day (minimising staff requirements).
- Uniformity in kitchens across the country (e.g. mince on Wednesdays, sausages on Thursdays).
- 'Double Bunking' prisoners (housing two prisoners in a cell originally designed only for one).

Despite having a spending problem in New Zealand, we are paying countless rent-seeking bureaucrats to oversee a system that doesn't work and is frequently condemned for its shortcomings.

By sharpening our focus, we could kill two birds by redirecting millions of dollars into compensating the victims of crime (or back into the pockets of hardworking taxpayers) while also reducing the influence of outsiders.

An earlier referendum suggested that people want prisons to house high-risk violent offenders, perhaps then it's time we start carefully choosing who we send to prison in the first place.

The text is demonstrably populist when set against the four minimalist ideological conditions established in Chapter Two:

- Us vs Them
 - “big government approaches”

- “rent-seeking bureaucrats”
- “do-gooders in Wellington”

- Simple Solutions
 - “By sharpening our focus, we could kill two birds by redirecting millions of dollars into compensating the victims”

- Anti-pluralism
 - “we are paying countless rent-seeking bureaucrats to oversee a system that doesn't work”

- Appeal to direct democracy
 - “An earlier referendum suggested”

Beyond the ideological, this composite piece can also be viewed through other conceptualisations of populism in liberal democracy. Drawing from Asalandis (2017) and the populist frame, Figure 4.1 text speaks directly to the wastefulness of prisons and suggests that change is required. Written provocatively, this change conveys a sense of urgency, seeking agreement from the people that the current state of affairs (i.e., the cost of New Zealand’s high rate of imprisonment) is no longer tenable. And finally, the text also echoes Laclau (2005) but in the most incongruous manner. The heterogeneous linking together of the demands from the oppressed was a key theme of Laclau (2005). In the populist argument, the taxpayer, the victim, and the offender are joined together in unwilling servitude to the government and its lumbering bureaucratic wastefulness. An obvious departure from Laclau’s (2005) post-Marxist political theory is the distinctly free-market idealism expressed. However, this departure does not diminish the theoretical viewpoint that populism can simply reflect the will of *less* empowered groups who have found their collective voice in levelling grievances against the elites.

The populist argument advocated shrinking government expenditure on prisons, borrowing from the pitch used by Klein to cut public spending. The text also argues that prison might play a limited role in

contemporary society by only housing perpetrators of the most serious offences. Because this form of populism is non-exclusionary, it explicitly avoids the identification of marginalised ethnic groups in New Zealand, including Māori. The word “thugs” can carry a racial connotation, particularly in the United States (Smiley & Fakunle, 2016). Nonetheless, “violent thugs” was deployed as casual phraseology along with “do-gooders”, “druggies” and “rent-seeking bureaucrats” and is consistent with the socio-cultural (high-low dimension) approach articulated by Ostiguy (2017) that was discussed in Chapter Two.

The text also makes an appeal to the logic of penal populism. It argues that some of the costs of prison can be diverted to the victims of crime, a group often identified by penal populists as marginalised by the justice system and criminal justice elites, which focus on offenders (Pratt, 2007; Roberts et al., 2005). The efficacy of prisons is disputed through a generalisation about prisons as places where criminals meet other criminals but, importantly, has merit in criminological literature linking imprisonment with gang socialisation (see: Pyrooz, Decker & Fleisher, 2011). Finally, rights are also discussed, but instead of reinforcing the messaging around prisoner rights (much of which are related to the resource constraints of double bunking and the understaffing in New Zealand prisons; Boshier, 2019), the text argues that such issues become redundant if a large number of persons are being diverted away from prison.

Status quo argument

The status quo text set out in Figure 2 features arguments typically advanced by political actors advocating decarceration. Statements made by political actors and other criminal justice elites between 2014 and 2018 were thus incorporated. Wherever possible, direct quotes were used, or, in other cases, minor changes were made to assist with prose. The purpose of this status quo argument was to aid the experiment through presenting an alternative to a populist argument. Both texts were created with the need to include a strong and explicit argument for reducing the rate of imprisonment, however. For the sake of consistency, the themes of each text directly traversed issues related to efficacy, cost, prisoner rights and state responsibility. The full text is presented in Figure 2.

Figure 4.2 Status quo argument

New Zealand's prison population is at near record numbers due to a strategy of punishing people more often and locking people up for longer. Many criminal justice experts have argued though that prisons are an ineffective method of either deterrence or rehabilitation and fail to keep anybody safe in the long term.

Tougher sentencing policies for non-violent crime only transform low level criminals into more hardened criminals, leading to escalating costs for the taxpayer. Every person imprisoned cost the state up to \$300 each day (more than \$100,000 per year), and on top of that are the costs associated with building new prisons.

Corrections have adopted different strategies to combat rising costs, these include:

- Limiting the unlock time of prisoners to a few hours per day (minimising staff requirements).
- Uniformity in kitchens across the country (e.g. mince on Wednesdays, sausages on Thursdays).
- 'Double Bunking' prisoners (housing two prisoners in a cell originally designed only for one).

We also know that higher numbers of Māori in prison stem from racism in the justice system, where Māori have been treated more harshly than non-Māori. This is a legacy of colonisation. Consequently, our justice system should adopt new approaches to reduce re-offending that are rooted in compassion and fairness.

Meanwhile the increase of incarcerated persons has led to less hospitable prison conditions which has brought into question our commitment to basic human rights. By doing so we are ignoring one of the fundamental tenets of democracy: that prisoners be detained humanely.

Instead of putting more people in prison, we must be brave and focus on the causes of crime by addressing unemployment, inadequate housing and a shortfall in mental health services.

The origins of each statement are detailed below and, where applicable, include the original statement:

Andrew Little, Minister of Justice, New Zealand Labour Party

New Zealand has adopted a general strategy of punishing more often and locking people up for longer periods of time... the justice system was not making potential victims safer by focusing on imprisonment and punishment.

(cited in Gattey, 2018)

Adapted to:

New Zealand's prison population is at near record numbers due to a strategy of punishing more often and locking people up for longer periods of time. However, criminal justice experts have argued that this method of deterrence is ineffective.

Kelvin Davis, Minister of Corrections, New Zealand Labour Party

...prisons are often training grounds for further offending. Prisoners can build their criminal careers by learning criminal skills in prison, which damages their employment, accommodation, and family prospects, and compounds any existing mental health and substance use issues.

(cited in Gattey, 2018)

Adapted to:

Tougher sentencing policies for non-violent crime only transform low level criminals into more hardened criminals, leading to escalating costs for the taxpayer.

Marama Fox, Member of Parliament, Māori Party co-leader

The high numbers in prison stem from poverty and also from injustice from racism in the justice system where Māori have been treated harsher in the system than non-Māori.

(cited in Wright, 2016)

Adapted to:

We also know that higher numbers of Māori in prison stem from racism in the justice system, where Māori have been treated more harshly than non-Māori.

Professor Tracey McIntosh, Academic, University of Auckland

... you can't have a conversation about institutional racism without having a conversation about colonisation.

(cited in Bingham and Penfold, 2016)

Adapted to:

This is a legacy of colonisation.

Golriz Ghahraman, Member of Parliament, Green Party of Aotearoa / New Zealand

our justice system should adopt new approaches to reduce re-offending that are rooted in compassion and fairness.

(cited in Walters, 2019)

Directly embedded in the text.

Peter Boshier, Chief Ombudsman, Office of the Ombudsman

New Zealand was at risk of falling below minimum standards set by New Zealand's agreement to comply with the United Nations Optional Protocol to the Convention... It stands to reason that an increase in prisoners, recycling prison facilities which had been closed and double-bunking meant prisoners not having the same access to facilities which are so important to try and get their heads right.

(cited in Fisher, 2018)

Adapted to:

Meanwhile the increase of incarcerated persons has led to less hospitable prison conditions which has brought into question our commitment to basic human rights.

Golriz Ghahraman, Member of Parliament, Green Party of Aotearoa/New Zealand

...we must be brave and focus on the causes of crime by addressing unemployment, inadequate housing and a shortfall in mental health services.

(cited in Walters, 2019)

Directly embedded in the text.

Both texts also have a similar assembly. The populist-style is 281 words in length while the status quo argument is 279 words; both contain the same bullet point script in the middle section of the text. The purpose of this identical text was to give participants a realistic impression of the routine costs associated with housing prisoners so that ignorance about how prisons operated would not predominate participant responses to either argument for decarceration. This is especially important when there are remoteness issues involved in the public's understanding of prison operations, in particular what liberties prisoners have or do not have (Coyle, 2006). The identical text is presented below:

Corrections have adopted different strategies to combat rising costs, these include:

- *Limiting the unlock time of prisoners to a few hours per day (minimising staff requirements).*
- *Uniformity in kitchens across the country (e.g. mince on Wednesdays, sausages on Thursdays).*
- *'Double Bunking' prisoners (housing two prisoners in a cell originally designed only for one).*

The identical text is a factual piece of writing embedded within a political argument for decarceration. For example, prisoners remanded in custody makeup around 30% of the current prisoner muster (Department of Corrections, 2021), and such prisoners spend between six and eight hours out of their cells each day. Corrections have longer unlocked times for sentenced prisoners, sometimes up to ten hours per day; however, this is pared back to the same hours as remanded prisoners during staff shortages to save on the operational costs associated with on-call staffing (as outlined in the Prison Operations Manual; Department of Corrections, 2022). Regarding the uniformity of kitchens, Corrections are able to bulk-order food from suppliers and plan their menu months in advance. The uniformity is without exception, all prisons managed by Corrections serve the same meals at the same times irrespective of their location in the country (Department of Corrections, 2022). Finally, as discussed in Chapter One, Corrections, at least in some of their prisons, continue to house two prisoners in cell designed for one prisoner, thus saving on the capital expenditure of building new prisons.

Participant recruitment

Participants were recruited through community-orientated groups on the social media platform, Facebook. To accomplish this, an exhaustive list of the names of localities, townships and cities across New Zealand were recorded using a combination of online tools: Google Maps (a web-based map application) and New Zealand Post (a nationwide postal service). Then, a search for community groups containing the same name of that locality was undertaken on Facebook. Upon locating and joining a community group, the rules for posting messages were considered and, where necessary, permission was sought from the administrator of the community group (usually a local member) to post an advertisement for the survey. This advertisement detailed the research and asked members of the group if they would be willing to provide their opinions on prisons by following a link through to a questionnaire (see: Appendix II for the full advertisement). To incentivise participation, members of the public were advised that they had the option of entering a voucher prize draw at the conclusion of the survey (x3 \$100 supermarket vouchers)⁴². A link then routed those interested to Qualtrics, an online survey data collection tool.

When potential participants clicked on the advertisement link, they were sent to a landing page. It is on this landing page that a brief sketch of the survey was set out, and potential participants were asked if they would like to proceed further (thus amounting to informed consent). For those who wanted more specific information about the project, a Participant Information Sheet (PIS) was available via a link on the landing page. This provided a more comprehensive project description before asking again if they would like to continue (see: Appendix II for full PIS). When entering the survey proper, participants were randomly allocated into one of two groups by Qualtrics. Only the first group ($n = 715$) was presented with the populist argument; only the second group was assigned the status quo argument ($n = 727$). To be eligible for the prize draw, participants needed to provide their email address and were also asked if they wished to receive a brief of the results and/or participate in future surveys.

⁴² Permission to collect participant data was granted by the University of Auckland Human Ethics Committee - application 021528.

Utilisation of this relatively new recruitment technique brought a series of advantages to this survey research. First, the majority of participants were sourced in October 2019 over a three-week period, and the entire data collection process took only two months of active recruiting (around 1 hour per day) up until the end of November 2019. Second, the anonymity provided by this survey technology helped mitigate factors relating to desirability bias which might otherwise occur if participants completed the survey in person with the researcher (Grimm, 2010). No specific identifying details were collected, as any email addresses provided by participants were collected in a separate survey form that was disconnected from the main survey data (as outlined in the PIS). Third, owing to the nature of online survey technology, a larger number of participants could access and complete the questionnaire simultaneously and at a time of their choosing. Finally, due to the ease of sharing social media postings, participants, of their own volition, passed on the survey to friends or family, which increased uptake and negated the need to seek out large groups of prospective participants.

In an effort to enhance the reliability of the data, a minimum of 1,000 participants were initially sought. Further, to aid with subgroup analysis, a minimum of participants for each age band and ethnic group were recruited, noting Groves et al., (2009) and the need for a sufficient sample size for reliable analysis⁴³. At the conclusion of the data collection period, there were 1,442 participants. Following Norris and Inglehart (2019), participants were asked to provide their age in an open-text box, which was then coded into one of four categories: Interwar (before 1946); Baby boomer (from 1946 and before 1965); Generation X (from 1965 and before 1981); and Millennial (from 1981 and before 1996). As outlined in Table 1, the Interwar age band was not sufficiently represented and was folded into the Baby Boomer category⁴⁴. Further, a minimum number of participants identifying as Māori and Pasifika were also

⁴³ Broadly speaking this is at least $n = 50$ but ideally $n = 70$.

⁴⁴ Further, because the data was collected in 2019, there were a small number ($n = 27$) of eligible participants born between 1996 and 2001 who were subsequently included as “Millennial” despite belonging to the Generation Z age cohort.

collected. However, an insufficient number of Asian participants were recruited,⁴⁵ so these were folded into the “other” category along with MELAA⁴⁶ (Middle Eastern, Latin American, and African; see: Appendix III for a complete breakdown of all subgroups).

Table 4.1

<i>Participant demographics</i>		n	%
Gender	Female	753	52.22
	Male	673	46.67
	Gender Diverse	11	0.76
	Did not say	5	0.35
	Total	1442	100
Age*	Millennial	472	32.73
	Generation X	668	46.32
	Baby Boomer	302	20.95
	Total	1442	100
Ethnicity*	NZ European (Pākehā)	1072	74.34
	Māori	237	16.44
	Pacific	52	3.61
	Asian/MELAA/Other	81	5.62
	Total	1442	100
Party Vote 2017	National	404	28.02
	Labour	493	24.19
	NZ First	148	10.26
	Green	131	9.08
	Other	109	7.56
	Did not vote	141	9.78
	Did not say	16	1.11
	Total	1442	100
Political Self-Id	Right	403	27.95
	Left	497	29.82
	Centre	430	34.47
	Did not say	112	7.77
	Total	1442	100

* Due to the small number of Generation Z (from 1996) and Interwar participants (before 1946), these were folded into the Millennial and Baby Boomer categories respectively.

** Participants can belong to more than one ethnic group, but preferential coding was used; Māori, Pasifika, Asian/MELAA/Other and NZ European (see appendix III).

⁴⁵ Participants had the option of selecting Chinese, Indian or providing their own ethnicity.

⁴⁶ As characterised by Statistics New Zealand.

Participants could also list more than one ethnicity. Priority coding, a common practice in New Zealand (see: Ministry of Health, 2008), was then used to determine under which ethnic group participants would be coded (Māori, Pacific, Asian/Other or NZ European/Pakeha). Meanwhile, participants who entered “New Zealander” or “Kiwi” ($n = 26$) as their ethnicity were folded into “New Zealand European/Pākehā,” in accordance with Kukutai and Didham (2009) who found that 88% of those self-identifying as “New Zealander” were indeed “New Zealand European/Pākehā”.

Participants were asked to self-select where they situated themselves on an 11-point left-right political spectrum. As outlined in Table 4.1, the scale scores were subsequently summed as 0-3 (left), 4-6 (centre) and 7-10 (right). Participants were also asked who they voted for in the 2017 election, choosing from any party represented in the 51st New Zealand Parliament (National, Labour, Green, NZ First, Māori, ACT and United Future) or by selecting “other.” The participant voter-spread was also monitored so that a sufficient number of the participants recruited had voted for each of the five parties represented in the 2017–2020 parliament” the New Zealand National Party (National party), the New Zealand Labour Party (Labour party), the Green Party of Aotearoa New Zealand (Green party), New Zealand First (NZ First) and the Association of Consumers and Taxpayers (ACT party). Because ACT only received 0.5% of the party vote⁴⁷ in the 2017 New Zealand General Election, there were an insufficient number of participants ($n = 23$)—these were folded into the “other” category.

As Chapter Two and Chapter Three indicated that political identity might impact on voters’ populist proclivities, specific efforts were made to ensure voters were adequately sampled from across the political spectrum. In the 2017 General Election, the National party received 44% of the party vote, the Labour

⁴⁷ In New Zealand’s proportional voting system, it is the party vote which determines how many of the 120 seats a party wins at election time. While ACT was represented in parliament by David Seymour winning the electorate seat of Epsom, his party gained no further representation due to its low overall party vote.

party 37%, NZ First 7%, and the Green party 6%. However, after the initial data collection effort, more than 60% of participants indicated that they voted for either the Labour or Green parties. Further recruitment of participants was then required in groups that self-identified as sympathising with right-wing parties in New Zealand. Further to this, as community Facebook groups skewed towards urban areas, which are predominately left-of-centre (for a discussion about the rural-urban divide among New Zealand voters, see: Vowles and Curtin, 2020), participants were also recruited from rural community pages that were not defined by a geographical area (rural interest groups, e.g., Sheep farming in New Zealand)⁴⁸.

A similar process was followed for gender participation. Following Statistics New Zealand (2019) guidelines, three options were provided for gender in the survey: male, female and gender diverse. While a large body of survey participants were recruited in the first three weeks, the majority were women (around 70%); this gender imbalance is a noted issue in survey research in New Zealand (see: Robertson and Sibley, 2018). To ensure that at least 45% of participants were men, further recruitment was undertaken to seek out Facebook community groups whose members were predominately men. In follow-up posts to community Facebook groups, an explicit request was also made for more male participants. A sufficient gender balance was ultimately satisfied through the follow-up postings and the recruitment of participants via New Zealand-based domestic sport and outdoor recreation groups on Facebook.

Limitations of this methodology

Despite attempts to make the sample representative of aspects of the New Zealand voting-age population, this was not a probabilistic sample. Large public opinion studies e.g., the New Zealand Election Study (NZES), International Social Survey Program (ISSP) and World Values Survey (WVS) in New Zealand can overcome some sampling bias issues by drawing a random probabilistic sample from the electoral

⁴⁸ A full list of all Facebook groups sampled - community, recreational and political - is located in Appendix II

roll. However, random sampling of the electoral roll is cost prohibitive and recent research has shown that response rates to such surveys have been in decline for nearly three decades (see: Greaves et al., 2021). It would also not be possible to obtain a truly representative sample online due to the digital divide between participants who had an internet connection and potential participants who did not (the first digital divide); those who lacked the skills or competency to adequately navigate online technology (the second digital divide); or those facing a material disadvantage, thus impacting their levels of access to the internet (the third digital divide, see: Van Deursen & Helsper, 2015; Schreeder et al., 2017).

Some sample bias issues persisted. At the conclusion of the two-month data collection period, there were still a disproportionate number of left-identifying voters sampled (though it had been significantly reduced through the above-mentioned measures). Various explanations for this can be posited: the survey may have failed to sample across an accurate cross section of the community (i.e., properly accounting for an urban bias); non-voters for “desirability” reasons may have selected the incumbent government; participants may have drifted from their party choice to the party who was victorious (known as a “sour grapes” effect; Kay, Jimenez & Jost, 2002); or participants simply may have changed their preferences since the last election⁴⁹. Notable also is the role of cue receptivity in how voters respond to policy proposals (for a broad overview of cue receptivity see: Bakker, Lelkes & Malka, 2020). This experiment does not express support from a political party or political actor, which would otherwise be a confounding factor in the responses of some participants. In other words, some voters are inclined to support policies on the basis that it aligns with the partisan position of those espousing such positions, as was evident in New Zealand during the twin flag referendums (Greaves, Oldfield & Milne, 2021).

Beyond sampling issues, survey timing is also crucial but can be problematic. Criminologists have noted that a spike in public punitiveness tends to arise following particularly heinous crimes (Dowler, 2003;

⁴⁹ Opinion polls in mid-2019 showed that the Labour Party had improved its position since establishing a coalition government in 2017.

Johnson, 2008; Pratt, 2007). During the collection of pilot data (November 2018–December 2018), Grace Millane, a female tourist travelling in New Zealand, was declared missing and presumed deceased. After an extensive search, her body was located, and a male acquaintance was charged with her murder (Hurley & Leask, 2019). Details of the case were widely reported in the New Zealand media, leading to vigils and a public outpouring of grief for the victim and her family. In the same month, there was a separate incident where a man was murdered, the graphic details of which were reported on in the New Zealand media (1news, 2019). Due to these incidents, a decision was made to halt the survey pilot and resume data collection at a later date.

There are important implications for this experiment by choosing to halt the collection of survey data. While public punitiveness might temporarily rise in the period immediately following such violent acts (and later return to a more reliable baseline), only including data which has been collected in periods of relative calm can obscure the realities of violence, which are neither predictable nor respecters of political campaign cycles (see also: García-Montoya, Arjona and Lacombe, 2021; Shea, 2009). Two key limitations are therefore acknowledged. If a high-profile instance of violence were to overlap with a populist-type campaign for decarceration, it could be less effectual or ineffectual. Further, this questionnaire did not test how a political actor, relying on penal populism, might respond to populist-type arguments for decarceration (perhaps in response to events in the news cycle). Inferences can only be made based on what is comparable in this experimental tool (a populist-type argument vs a status quo argument) at times of relative political calm and in the absence of any recent heinous and highly publicised crimes. For these reasons, the extent to which this methodological approach can wholly satisfy the research question of how punitive the public *really* are, and by extension its *real-world* applicability, is somewhat limited. It is also impossible to regulate or predict the emergence of confounding socio-political factors, i.e., the random chance of a violent act overshadowing a populist-type decarceration argument, or instances where a political actor takes a position that nullifies such an argument.

Further to the unpredictability of political campaigns and the news cycle, the focus of this research was the relative strength of one discourse set against another. It does not, for example, account for the distinctive personality of a political actor. While the strong political language of populists like Klein can be uplifted and repurposed, as has been accomplished with this experimental tool, it is difficult to untangle Klein's own rhetoric from his broader personality. The reason Klein was so successful in his implementation of a New Right ideology into the politics of Alberta could have been more closely linked to factors such as his authenticity amongst Albertans. The choice of words, when presented in a sterile fashion might have less sway than when packaged through the boisterous "man of the people" that Klein presented as a durable election strategy—plain clothed with recognisable habits fallibilities. A combination of both is also a possibility: a populist in speech and presentation may lend an inherent authenticity among constituents that is difficult to empirically measure or replicate in survey research of this nature.

Conclusion

This chapter detailed the participant survey that provided the empirical data presented and analysed in the next three chapters. Within the survey was an experimental tool that tested two distinct arguments for decarceration: a populist argument and a status quo argument. The survey fulfilled another important function: the design sought to empirically establish the extent of support for punitive attitudes to crime and punishment (a supposed measure of penal populism in New Zealand) through a series of leading questions. Following the collection of key demographic information, participants were provided with the opportunity to give their opinions in response to the text they read in an open-text box. In the chapters which follow, the results from this experiment are laid out through both quantitative measures (Chapter Five) and a Quantitative Content Analysis of participant responses recorded in the open-text box (*Chapters Six and Seven*).

While a large number of participants were recruited for this survey, it is important to note limitations in the data. It was not a probabilistic sample, despite all attempts made to obtain a sample that was representative of particular aspects of the voting-age public. Nor does the surveying of participants using an experiment tool give an unequivocal explanation as to how the public might react to arguments for decarceration during an election campaign, which brings together a variety of political actors and issue priorities. What the survey does accomplish, however, is an insight into what might indicate a susceptibility to populism, on the basis of age, gender, ethnicity and political identity. Further, using survey research in this manner balances the need to better understand public opinion with the practical limitations of deliberative methods, thus providing a challenge to the epistemological primacy among political actors to their reliance on closed question public polling.

Chapter Five: Penal Populism with Market Populism

This results chapter is the first of three addressing participant attitudes to the ongoing use of imprisonment in New Zealand. The goal of each of these chapters is to better understand the saliency of punitive attitudes, including what elements of the current political discourse might be triggers for penal populism and what could challenge this public-punitive paradigm. This chapter first tests four hypotheses, which are based on the assumption of an enduring punitive public. A further hypotheses considers the relative strength of status quo and populist arguments for decarceration among two participant groupings. Subgroup analyses becomes a recurrent theme throughout the chapter, assessing the weight of each hypothesis on the basis of a participant's age, gender, ethnicity, and political identity.

This chapter is then split into two parts, each of which has a substantive purpose relating to the measuring of penal populism among New Zealand-based survey participants. The first part is, in essence, an effort to replicate the means upon which understandings of a punitive public are realised by political actors. The survey data in this chapter outlines broad support for imprisonment even for first-time, non-violent offenders, including within nearly all of the aforementioned subgroups. This is important, as much of the research into penal populism in New Zealand is dated, and it is not clear just how punitive the public might be in their response to closed questions about crime and punishment. The second part measures the utility of free-market populism as a rhetorical tool for decarceration and notes, through subgroup analysis, that the likelihood of a participant being more receptive to one of the two decarceration arguments was linked to their underlying political identity. Both parts to this chapter have embedded discussion sections, which contextualise the findings within the politics of New Zealand while highlighting areas which will be elaborated on in Chapter Six and Chapter Seven.

Part I: Is penal populism the norm?

Penal populism emerged in the criminological literature during the last decade of the 20th century. New Zealand's most cited work in the field of criminology, Pratt's (2007) *Penal Populism*, was first canvassed in Chapter One. Though explanations of a more punitive public leading to high rates of imprisonment are well established (see Bottoms, 1998; Roberts et al. 2002; Tonry, 2004), the data underpinning this phenomenon is less so. Crime victimisation surveys became a supplementary measure of public opinion, at least among academic and public service bureaucrats between the late 1980s and the early 21st century⁵⁰. A summary of the International Crime Victims Survey (see: van Kesteren, 2009) suggested that the New Zealand public had a "moderately severe" attitude to punishment and the use of imprisonment (p. 43). This moderately severe classification was in line with other Anglophone liberal democracies (e.g., Australia and the UK; van Kesteren, 2009). However, the most recent International Crime Victims Survey was released in 2010, and there have been no further iterations since.

The availability of comprehensive data on attitudes to crime and punishment in New Zealand continues to be limited. Although New Zealand's Ministry of Justice commissioned its own crime victimisation surveys in 1996, 2001 and again each year since 2018, these have not asked the public about their views on sentencing or prison. A different survey series commissioned by the Ministry of Justice between 2013 and 2016, titled *Public Perceptions of Crime*, asked a small number of questions regarding public confidence in various aspects of the justice system. In the 2016 iteration, only 3 per cent of participants answered by stating a preference for longer or harsher sentences, a response that was considerably less popular than a focus on victims or the rehabilitation of offenders (Colmar Brunton, 2016). Notably, however, a preference for longer or harsher sentences was only noted in a tally of "write-in" responses, and not one of the available options to survey participants. In the same survey, a further 17 per cent of

⁵⁰ The first International Crime Victims Survey was conducted in 1988, and in New Zealand the Ministry of Justice conducted its first New Zealand Victims of Crime Survey in 1996.

participants selected “Putting victims at the heart of the system” among the choices available for increasing confidence in the justice system.

In contrast to the ambiguous outcomes of these public opinion measures was the outcome of New Zealand’s 1999 Citizen Initiated Referendum (CIR hereafter). First discussed in Chapter Two, the CIR ran alongside the 1999 New Zealand General Election and was supported by 91.75 per cent of voters. Despite criticism of the referendum question, in particular its many parts and leading nature, increasingly punitive legislation soon followed (Lacey, 2011). The introduction of the Sentencing Act 2002 and Parole Act 2002 on the basis of questionable measures of public opinion illustrates how superficial measures of public opinion can lead the direction taken by political actors when in office (see also: Roberts, 2002). Perhaps due to the referendum’s high profile, political actors in New Zealand appeared to be more inclined to give weight to its outcome than to any of the aforementioned public opinion surveys. In this thesis, surveying participants on a range of questions about crime and punishment, that escalate in their seriousness, provided an opportunity to assess whether there was an enduring penal populism, even at this superficial level. If established, the next step is to determine whether penal populism is an entrenched phenomenon in New Zealand or if this evidence of a punitive public is weaker than first.

Hypotheses

In seeking evidence of an enduring penal populism, four hypotheses were tested. Each survey question was leading and closed, with answer options on a 7-point Likert scale ranging from “strongly agree” to “strongly disagree”. The use of leading questions in this instance was purposeful, exemplifying what was argued in Chapter Four, that assumptions regarding a punitive public are often drawn from responses to survey questions that tend to be leading in nature and missing context. Leading questions were also used to elicit a high number of non-neutral responses, rather than “don’t know/unsure.” A sizable number of neutral responses from participants can be problematic, as it becomes unclear if they are masking a non-neutral opinion or selecting this option for more substantive reasons (Blasius and Theisen, 2001).

In the New Zealand context, employing leading questions can illustrate how data on the attitudes toward crime and punishment is highly manipulable, another key criticism of the 1999 referendum. While leading questions can create problems with the credibility of data, particularly in criminal justice surveys (see Roberts, et al. 2002; Frost, 2010), it does provide an opportunity to validate a claim that questions presented in such a manner will show ongoing support among participants for the use of imprisonment (at any offence level). Hypothesis one is tested using a series of questions that escalate in seriousness, from first-time non-violent offenders to multiple violent offenders (for the full questionnaire, see: Appendix III).

H₁ A majority of participants will have a pre-existing disposition toward imprisoning offenders at any offence level.

Hypothesis two was designed to test participant support for the imprisonment of a larger number of people; it adapted questions from the *Public Perceptions of Crime Survey*. Penal populism has been associated with a belief that a larger number of people ought to be in prison (Bottoms, 1995, Pratt, 2007). In this survey, participants were asked: “Should a larger number of offenders be sent to prison (instead of probation, community service and / or a fine)?”

H₂ A majority of participants will broadly agree that a larger number of people should be sent to prison.

Hypothesis three was also drawn from questions in the *Public Perceptions of Crime survey* that looked at public support for longer sentences. This hypothesis was tested through two questions which were effectively asking the same thing but sought to establish prejudices among some participants toward offenders as a societal “other” (see Freiberg and Gelb, 2008). The first question asked if the courts should use longer prison sentences to deter convicted criminals from committing further crimes. The second question asked if the courts should use longer prison sentences to deter otherwise law-abiding members of

the public from committing crimes. These questions, when asked one after another, are then another indicator of penal populism.

H₃ A majority of participants will broadly agree with longer sentences of imprisonment.

Hypothesis four was informed by Pratt (2007) and Roberts et al. (2002), who connected penal populism with indefinite sentences for violent recidivist offending (in some jurisdictions, this is exemplified by three-strikes). This led to a hypothesis assessing the enduring popularity of such measures within the criminal justice system. To test this hypothesis, participants were asked: “Should the courts should maintain the option of sending offenders to prison indefinitely (life imprisonment) for committing multiple serious violent crimes.”

H₄ A majority of participants will broadly agree that the courts should maintain the option of life imprisonment for offenders’ multiple violent acts.

When testing each of these four hypotheses, subgroup analysis was also undertaken to probe the question further in order to see which demographic groups are more inclined than others to accept more punitive responses to crime. This subgroup analysis sought to examine what differences exist on the basis of gender, age, ethnicity, and political persuasion. The results of this subgroup analysis provide an exploratory basis for Chapter Six and Chapter Seven Of this thesis.

Results

H₁ A majority of participants will have a pre-existing disposition toward imprisoning offenders at any offence level. An overall majority of participants (58.1%) broadly agreed that the courts should maintain the option of prison for first-time non-violent offences. Table 5.1 sets out whether participants supported courts maintaining the option to imprison someone, based on the severity and frequency of their offending. As the offence level escalated in either frequency and/or severity, the percentage of participants who broadly agreed that the courts should maintain the option of imprisonment increased

also. For example, over three-quarters of participants (83.4%) broadly agreed that the courts should maintain the option of sending offenders to prison for repeat non-violent offences. Over ninety percent (90.5%) broadly agreed that the courts should maintain the option of sending offenders to prison for first-time violent offences, while 96.1% broadly agreed that the courts should maintain the option of sending offenders to prison for multiple violent offences.

Table 5.1
Should the courts maintain the option of imprisonment?

		By offence type and severity			
		First-time non-violent	Multiple non-violent	First-time violent	Multiple violent
Strongly agree	n	252	532	687	1118
	%	17.48	36.89	47.64	77.53
Agree	n	321	451	448	238
	%	22.26	31.28	31.07	16.50
Somewhat agree	n	269	226	170	39
	%	18.65	15.67	11.79	2.70
Neither agree nor disagree	n	63	26	28	7
	%	4.37	12.87	1.94	0.49
Somewhat disagree	n	186	99	53	11
	%	12.90	6.87	3.68	0.76
Disagree	n	182	64	29	10
	%	12.62	4.44	2.01	0.69
Strongly disagree	n	169	44	27	19
	%	11.72	3.05	1.87	1.32
Total	n	1442	1442	1442	1442
	%	100	100	100	100
Mean		4.42	5.64	6.04	6.61
Standard deviation		2.04	1.60	1.34	0.97

Age. As illustrated in Table 5.2, a majority in each age group within the sample (Millennials, 53.2%; Generation X, 59.9%; Baby Boomers 62.9%) broadly agreed that the courts should maintain the option of imprisonment for first-time non-violent offences. A one-way analysis of variance (one-way ANOVA hereafter) was conducted to compare support for this proposition based on the participant's age

band. The results showed that, overall, there was a significant difference in support based on a participant's age band ($F_{(2, 1439)} = 6.102, p = .002$). Bonferroni Post Hoc tests showed that Millennials ($M = 4.16, SD = 2.08$), were significantly lower in their support for the courts maintaining the option of prison for first-time non-violent offences compared with Generation X ($M = 4.52, SD = 2.01, p = .011$) and Baby Boomers ($M = 4.62, SD = 2.00, p = .006$). There was no significant difference between Generation X and Baby Boomers however ($p > .05$). In summary, while participants from all three age bands broadly supported the courts maintaining the option of prison for first-time non-violent offences, a statistically significant number of Generation X and Baby Boomers were more likely than Millennials to support the proposition.

Table 5.2

Should the courts maintain the option of imprisonment for first-time non-violent offences?

		Age band			
		Millennial	Generation X	Baby Boomer	Total
Strongly agree	n	72	122	58	252
	%	15.25	18.26	19.21	17.48
Agree	n	85	159	76	321
	%	18.22	23.80	25.17	22.26
Somewhat agree	n	93	120	56	269
	%	19.70	17.96	18.54	18.65
Neither agree nor disagree	n	25	27	11	63
	%	5.30	4.04	3.64	4.37
Somewhat disagree	n	62	87	37	186
	%	13.14	13.02	12.25	12.90
Disagree	n	59	88	35	182
	%	12.50	13.17	11.59	12.62
Strongly disagree	n	75	65	29	169
	%	15.89	9.73	9.60	11.72
Total	n	472	668	302	1442
	%	100	100	100	100
Mean		4.16	4.52	4.62	4.42
Standard deviation		2.08	2.01	2.00	2.04

Gender. Over sixty percent (62.3%, $n = 419$) of male participants and over half (55.1%, $n = 415$) of female participants broadly agreed that the courts should maintain the option of imprisonment for first-time non-violent offences. Because there were only $n = 11$ gender diverse participants overall, this was not a sufficient number for further analysis. An independent samples t-test was conducted to examine whether there was a significant difference in support for the courts maintaining the option of prison for first-time non-violent offences between male ($M = 4.59$, $SD = 2.02$) and female ($M = 4.28$, $SD = 2.04$) participants. The results showed that there was a significant difference between male and female participants on whether the courts should maintain the option of prison for first-time non-violent offences ($t_{(1424)} = 2.96$, $p = .004$). Therefore, male participants were significantly more likely to support the proposition than female participants.

Ethnicity. A one-way ANOVA was conducted to compare support, based on a participant's ethnicity, for the courts maintaining the option of prison for first-time non-violent offences. The results showed that, overall, there was a significant difference in support based on a participant's ethnicity ($F_{(2, 1438)} = 4.116$, $p = .006$). Bonferroni Post Hoc tests showed that Māori ($M = 4.06$, $SD = 2.12$) were significantly lower in their support for the courts maintaining the option of prison for first-time non-violent offences compared with Pākehā ($M = 4.52$, $SD = 1.99$, $p = .010$). There was no significant difference between Pasifika ($M = 4.00$, $SD = 2.24$) and any other ethnic group; or Asian / MELAA ($M = 4.47$, $SD = 2.11$) and any other ethnic group. In summary, while participants from each ethnicity group broadly supported the courts maintaining the option of prison for first-time non-violent offences, the only statistically significant effect was that Pākehā more strongly supported the proposition than Māori.

Further consideration was given to whether any combination of age, gender or ethnicity among participants would indicate broad disagreement with prison for first-time non-violent offences. As illustrated in Table 4, when age and ethnicity were considered together, Māori Millennials (participants aged 18-35) broadly disagreed that the option of prison should be maintained for first-time non-violent

offences ($n = 86$, $M = 3.63$, $SD = 2.13$). This was the only combination of subgroups who broadly disagreed with the proposition. An independent samples t-test was conducted to examine whether there was a significant difference in support for the courts maintaining the option of prison for first-time non-violent offences between the Millennial Māori and Millennial Pākehā subgroup ($n = 327$, $M = 4.33$, $SD = 2.04$). The results showed that there was significant difference between the Millennial Māori and the Millennial Pākehā subgroup ($t_{(411)} = 2.80$, $p = .005$). Therefore, lower support for the proposition among Millennial Māori compared with Millennial Pākehā was statistically significant.

Table 5.3

Should the courts maintain the option of imprisonment?

		Māori aged 18 – 35 (Millennials)			
		First-time non-violent	Multiple non-violent	First-time violent	Multiple violent
Strongly agree	n	8	22	32	62
	%	9.30	25.58	37.21	72.09
Agree	n	15	27	30	19
	%	17.44	31.40	34.88	22.09
Somewhat agree	n	13	13	9	4
	%	15.12	15.12	10.47	4.65
Neither agree nor disagree	n	6	5	2	0
	%	6.98	5.81	2.33	0.00
Somewhat disagree	n	10	10	7	1
	%	11.63	11.63	8.14	1.16
Disagree	n	13	6	2	0
	%	15.12	6.98	2.33	0.00
Strongly disagree	n	21	3	4	0
	%	24.42	3.49	4.65	0.00
Total	n	86	86	86	86
	%	100	100	100	100
Mean		3.63	5.19	5.65	6.64
SD		2.13	1.75	1.66	0.68

Political orientation. A participants political orientation was measured both by party vote choice in the 2017 election and their self-reported political identity. As illustrated in Table 5, those who said they voted for the Green Party of Aotearoa/New Zealand (Green voters hereafter) broadly disagreed that the courts should maintain the option of prison for first-time non-violent offences (67.3% and 66.4% respectively). All other participants who voted for any other party, or did not vote, broadly agreed that the courts should maintain the option of prison for first-time non-violent offences.

Table 5.4

Should the courts maintain the option of imprisonment for first-time non-violent offences?

		Party Vote 2017 Election					
		Labour	National	Green	NZ First	Other	DNV
Strongly agree	n	51	110	6	36	20	27
	%	10.34	27.23	4.58	24.32	18.35	19.15
Agree	n	97	123	11	36	17	31
	%	19.68	30.45	8.40	24.32	15.60	21.99
Somewhat agree	n	101	64	22	35	20	22
	%	20.49	15.84	16.79	23.65	18.35	15.60
Neither agree nor disagree	n	16	17	5	5	10	10
	%	3.25	4.21	3.82	3.38	9.17	7.09
Somewhat disagree	n	74	46	20	13	13	18
	%	15.01	11.39	15.27	8.78	11.93	12.77
Disagree	n	83	26	21	14	21	17
	%	16.84	6.44	16.03	9.46	19.27	12.06
Strongly disagree	n	71	18	46	9	8	16
	%	14.40	4.46	35.11	6.08	7.34	11.35
Total	n	493	404	131	148	109	141
	%	100	100	100	100	100	100
Mean		3.99	5.21	2.95	4.99	4.32	4.46
SD		2.01	1.77	1.95	1.86	1.97	2.05

A one-way ANOVA was conducted to compare support for the courts maintaining the option of prison for first-time non-violent offences based on who they voted for in the 2017 election. The results showed that, overall, there was a significant difference in support based on a participant's party choice ($F_{(5, 1420)} = 36.407, p < .001$). Bonferroni Post Hoc tests showed that Green voters ($M = 2.95, SD = 1.95$) were

significantly lower in their support for the courts maintaining the option of prison for first-time non-violent offences compared with participants who voted for any other political party or those who did not vote; Labour ($M = 3.99$, $SD = 2.01$, $p < .001$), NZ First ($M = 4.99$, $SD = 1.86$, $p < .001$), National ($M = 5.21$, $SD = 1.78$, $p < .001$), other parties ($M = 4.32$, $SD = 1.99$, $p < .001$) and did not vote ($M = 4.46$, $SD = 2.05$, $p < .001$). Labour voters were also significantly lower in their support than participants who voted for National ($p < .001$) or New Zealand First ($p < .001$). These tests showed that if a participant said they voted for the Green party, they were significantly less likely to support the proposition than participants who supported any other party, including Labour. Meanwhile, participants who said they voted for the Labour party were significantly less likely to support the proposition than participants who said they voted for the National party or New Zealand First party.

Table 5.5

Should the courts maintain the option of imprisonment for first-time non-violent offences?

		Self-reported political identity		
		Left (0-3)	Centre (4-6)	Right (7-10)
Strongly agree	n	33	107	101
	%	7.67	21.53	25.06
Agree	n	66	122	118
	%	15.35	24.55	29.28
Somewhat agree	n	89	92	74
	%	20.70	18.51	18.36
Neither agree nor disagree	n	18	23	21
	%	4.19	4.63	5.21
Somewhat disagree	n	68	65	41
	%	15.81	13.08	10.17
Disagree	n	82	49	31
	%	19.07	9.86	7.69
Strongly disagree	n	74	39	17
	%	17.21	7.85	4.22
Total	n	430	497	403
	%	100	100	100
Mean		3.69	4.76	5.14
SD		1.97	1.94	1.76

A participant's self-reported political identity was also tested with participant support, as outlined in Table 6. A one-way ANOVA was conducted to compare support for the courts maintaining the option of prison for first-time non-violent offences based on a participant's self-reported political identity. The results showed that, overall, there was a significant difference in support based on a participant's self-reported political identity ($F_{(2, 1327)} = 66.493, p < .001$). Bonferroni Post Hoc tests showed that left-identifying participants ($M = 2.95, SD = 1.95$), were significantly lower in their support for the courts maintaining the option of prison for first-time non-violent offences compared with centre-identifying participants ($M = 4.16, SD = 2.08, p < .001$) and right-identifying participants ($M = 4.52, SD = 2.01, p < .001$). Centre-identifying participants were also significantly lower in their support than right-identifying participants ($M = 4.62, SD = 2.00, p = .009$). This test showed that if the participants self-reported as left, they were significantly less likely to support the proposition than those participants who said they were centre identifying or right identifying. Further, participants who identified with the political centre were significantly less likely to support the proposition than participants who were right identifying.

H2 A majority of participants will broadly agree that a larger number of people should be sent to prison. There was no support for this hypothesis. Almost half (48.3%, $n = 696$) of all participants broadly agreed that a larger number of convicted criminals should be sent to prison (instead of receiving community service or a fine). A one-way ANOVA was conducted to compare support for a larger number of people being sent to prison based on the participant's age band, the data for which is set out in Table 7. Overall, there was no significant difference in support based on a participant's age band ($F_{(2, 1439)} = 1.031, p = .357$). An independent samples t-test was conducted to compare support based on the participant's gender. The results showed that, overall, there was no significant difference in support between men ($n = 673, M = 4.26, SD = 2.00$) and women ($n = 753, M = 4.22, SD = 2.00; t_{(1424)} = .48, p = .662$).

Table 5.6*Should a larger number of convicted criminals be sent to prison?*

		Age band			
		Millennial	Generation X	Baby Boomer	Total
Strongly agree	n	85	116	45	246
	%	18.01	17.37	15.23	17.06
Agree	n	63	114	55	232
	%	13.35	17.07	17.19	16.09
Somewhat agree	n	77	94	47	218
	%	16.31	14.07	15.23	15.12
Neither agree nor disagree	n	56	86	43	185
	%	11.86	12.87	15.23	12.83
Somewhat disagree	n	55	95	45	195
	%	11.65	14.22	14.84	13.52
Disagree	n	61	97	42	200
	%	12.92	14.52	14.06	13.87
Strongly disagree	n	75	66	25	166
	%	15.89	9.88	8.20	11.51
Total	n	472	668	302	1442
	%	100	100	100	100
Mean		4.12	4.27	4.29	4.23
Standard deviation		2.09	1.98	1.91	2.00

Table 5.7 shows that there was not majority support among any of the four ethnic groups for a larger number of convicted criminals being sent to prison. Further, a one-way ANOVA was conducted to compare support for a larger number of people being sent to prison based on the participant's ethnicity. The results showed that, overall, there was no significant difference in support based on a participant's ethnicity ($F_{(3, 1438)} = .81, p = .486$).

Table 5.7*Should a larger number of convicted criminals be sent to prison?*

		Ethnicity				Total
		NZ European	Māori	Pacific	Asian MELAA	
Strongly agree	n	186	33	11	16	246
	%	17.35	13.92	21.15	19.75	17.06
Agree	n	182	39	3	8	232
	%	16.98	16.46	5.77	9.88	16.09
Somewhat agree	n	165	30	9	14	218
	%	15.39	12.66	17.31	17.28	15.12
Neither agree nor disagree	n	134	35	5	11	185
	%	12.50	14.77	9.62	13.58	12.83
Somewhat disagree	n	137	39	10	9	195
	%	12.78	16.46	19.23	11.11	13.52
Disagree	n	148	33	7	12	200
	%	13.81	13.92	13.46	14.81	13.87
Strongly disagree	n	120	28	7	11	166
	%	11.19	11.81	13.46	13.58	11.51
Total	n	1072	237	52	81	1442
	%	100	100	100	100	100
Mean		4.27	4.08	4.06	4.15	4.23
Standard deviation		2.00	1.96	2.08	2.07	2.00

However, differences based on political self-identification and party vote choices were again evident. Fifty-one percent of Labour party voters ($n = 252$) and 74.1% Green party voters ($n = 97$) broadly disagreed with the proposition, while most voters from National (66.1%, $n = 267$), NZ First (64.0%, $n = 95$) and non-voters (58%, $n = 82$) broadly agreed. A one-way ANOVA was conducted to compare support for sending a larger number of convicted criminals to prison based on party vote choice. The results showed that, overall, there was a significant difference in support based on a participant's party vote choice ($F_{(5, 1420)} = 48.43, p < .001$). Bonferroni Post Hoc tests showed that Green voters ($M = 2.57, SD = 1.68$) were significantly lower in their support for sending a larger number of convicted criminals to prison compared with participants who voted for any other political party or those who did not vote; Labour ($M = 3.74, SD = 1.73, p < .001$), NZ First ($M = 4.92, SD = 1.76, p < .001$), National ($M = 5.01, SD$

= 1.73, $p < .001$), Other ($M = 3.92$, $SD = 1.92$, $p < .001$) and did not vote ($M = 4.68$, $SD = 1.88$, $p < .001$).

Labour voters were also significantly lower in their support than participants who voted for National ($p < .001$), New Zealand First ($p < .001$) or did not vote ($p < .001$). There was no significant difference between participants who voted for National and NZ First ($p = 1.000$). This test showed that participants who said they voted for the Green party were significantly less likely to support the proposition than participants who supported any other party, including the Labour party. Meanwhile, participants who said they voted for the Labour party were significantly less likely to support the proposition than participants who said they voted for the National or NZ First.

A participant's self-reported political ideology was also tested. A one-way ANOVA was conducted to compare support for a larger number of convicted criminals to be sent to prison. The results showed that, overall, there was a significant difference in support based on a participant's self-reported political identity ($F_{(2, 1327)} = 147.233$, $p < .001$). Bonferroni Post Hoc tests showed that left-identifying participants ($M = 3.09$, $SD = 1.82$) were significantly lower than centre-identifying participants in their support for larger number of convicted criminals be sent to prison ($M = 4.67$, $SD = 1.83$, $p < .001$) and right participants ($M = 2.06$, $SD = 1.68$, $p < .001$). Centre-identifying participants were also significantly lower in their support than right-identifying participants ($p = .004$). This test showed that if the participants self-reported as left they were statistically less likely to support the proposition than those participants said they were centre or right identifying. Further, those participants who said they were centre identifying were less likely to support the proposition than participants who were right identifying.

H3 A majority of participants will broadly agree with longer sentences of imprisonment.

Participants were more inclined to support longer sentences for criminals than the public, despite criminals also being members of the public. Table 5.8 sets out participant support for longer sentences to deter both criminals and the general public. When asked if sentences should be longer to deter convicted criminals from committing crimes, a majority overall (62.6%) broadly agreed, 30.0% broadly disagreed

and 7.7% neither agreed nor disagreed. However, when participants were asked if sentences should be longer to deter otherwise lawful members of the public, less than half (47.1%) broadly agreed, including when any combination of age, gender and ethnicity were considered together.

Table 5.8
Should sentences be longer to deter?

		Deter criminals or deter the public?	
		Criminals	Public
Strongly agree	n	408	249
	%	28.36	17.27
Agree	n	291	215
	%	20.18	14.91
Somewhat agree	n	203	215
	%	14.08	14.91
Neither agree nor disagree	n	105	185
	%	7.28	12.83
Somewhat disagree	n	139	138
	%	9.64	9.57
Disagree	n	159	220
	%	11.03	15.26
Strongly disagree	n	136	220
	%	9.43	15.26
Total	n	1442	1442
	%	100	100
Mean		4.80	4.11
Standard deviation		2.06	2.09

A one-way ANOVA was conducted to compare support for longer sentences of imprisonment for convicted criminals based on the participant's age band. The results showed that, overall, there was no significant difference in support based on a participant's age band ($F_{(2, 1439)} = 1.04, p = .353$). An independent samples t-test was conducted to compare support based on the participant's gender. The results showed that, overall, there was no significant difference in support based on a participant's gender ($t_{(1424)} = .55, p = .586$). Further, a one-way ANOVA was conducted to compare support for longer sentences of imprisonment based on the participant's ethnicity. The results showed that, overall, there was no significant difference in support based on a participant's ethnicity ($F_{(3, 1438)} = .81, p = .487$). These tests

showed that despite a majority of participants broadly agreeing with the proposition, there were no statistically significant differences based on the age, gender or ethnicity subgroups.

Turning attention now to support for longer sentences of imprisonment for members of the public. A one-way ANOVA conducted based on the participant's age band showing, overall, there was no significant difference in support ($F_{(2, 1439)} = .66, p = .518$). An independent samples t-test was conducted to compare support based on the participant's gender. The results showed that, overall, there was no significant difference in support based on a participant's gender ($t_{(1424)} = .17, p = .862$). Further, a one-way ANOVA was conducted to compare support for longer sentences to deter the public based on the participant's ethnicity. The results showed that, overall, there was no significant difference in support based on a participant's ethnicity ($F_{(3, 1438)} = 2.25, p = .081$). These tests showed that despite there not being a majority of participants broadly agreeing or disagreeing with the proposition, there were again no statistically significant differences based on the age, gender, or ethnicity subgroups.

Further evidence of political identity determining participant responses was found regarding the question of longer sentences for convicted criminals and/or otherwise lawful citizens. Only Green party voters broadly disagreed (74.1%, $n = 97$) that sentences should be longer to deter convicted criminals from committing further crimes. A one-way ANOVA was conducted to compare support for longer sentences to deter convicted criminals based on the participant's party vote choice. The results showed that, overall, there was a significant difference in support based on a participant's party choice ($F_{(5, 1420)} = 36.326, p < .001$). Bonferroni Post Hoc tests showed that Green voters ($M = 3.16, SD = 1.95$) were again significantly lower in their support for longer sentences for convicted criminals compared with participants who voted for any other political party or those who did not vote: Labour ($M = 4.45, SD = 2.12, p < .001$); NZ First ($M = 5.51, SD = 1.90, p < .001$); National ($M = 5.47, SD = 1.72, p < .001$); other ($M = 4.34, SD = 2.00, p < .001$); and did not vote ($M = 5.11, SD = 1.94, p < .001$). Labour voters were also significantly lower in their support than participants who voted for National ($p < .001$) and New Zealand

First ($p < .001$), but not participants who voted for other parties ($p = < 1.000$) or did not vote ($p = < .005$). National voters were not significantly lower in their support than participants who voted for NZ First ($p = < 1.000$) or did not vote ($p = < .917$).

When asked if sentences should be longer to deter otherwise lawful citizens from committing crimes, Green party voters again broadly disagreed (74.8%, $n = 97$), this time by a wider margin, as did Labour voters (51.1%, $n = 252$) who, on this second question, moved from the majority agreeing to having no majority broadly agreeing or disagreeing. National (66.2%, $n = 267$) and NZ First (64.1%, $n = 95$) voters, however, remained in broad agreement. A one-way ANOVA was conducted to compare support for longer sentences to deter the public based on the participant's party vote choice. The results showed that, overall, there was a significant difference in support based on a participant's party choice ($F_{(5, 1420)} = 30.197, p < .001$). Bonferroni Post Hoc tests showed that Green voters ($M = 2.57, SD = 1.79$), were significantly lower in their support for longer sentences for otherwise lawful citizens compared with participants who voted for any other political party or those who did not vote: Labour ($M = 3.80, SD = 2.09, p < .001$); NZ First ($M = 4.57, SD = 2.08, p < .001$); National ($M = 4.75, SD = 1.92, p < .001$); other ($M = 3.68, SD = 2.00, p < .001$); and did not vote ($M = 4.46, SD = 2.05, p < .001$). Labour voters were also significantly lower in their support than participants who voted for National ($p < .001$), New Zealand First ($p < .001$), those who did not vote ($p = < .003$) but not those who voted for other parties ($p = 1.000$).

Support for longer sentences was measured against a participant's self-reported political identity. First, a one-way ANOVA showed that, overall, there was a significant difference in support for longer sentences to deter convicted criminals based on a participant's self-reported political identity for ($F_{(2, 1327)} = 124.252, p < .001$). Bonferroni Post Hoc tests showed that left-identifying participants ($M = 3.74, SD = 2.06$) were significantly lower in their support for longer sentences to deter convicted criminals compared with centre participants ($M = 5.28, SD = 1.84, p < .001$) and right participants ($M = 5.61, SD = 1.61, p < .001$). Meanwhile, centre-identifying participants were significantly lower in their support than right-

identifying participants ($p = .027$). A further one-way ANOVA was then conducted to compare support for longer sentences to deter the public based on the participant's self-reported political identity. The results showed that, overall, there was a significant difference in support based on a participant's self-reported political identity ($F_{(2, 1327)} = 92.272, p < .001$). Bonferroni Post Hoc tests showed that left-identifying participants ($M = 3.15, SD = 1.96$) were significantly lower in their support for longer sentences to deter the public compared with centre participants ($M = 4.54, SD = 1.96, p < .001$) and right participants ($M = 4.83, SD = 1.87, p < .001$). However, centre-identifying participants were not significantly lower in their support than right-identifying participants ($p = .080$).

These tests continued to show a pattern of support for punitive measures being linked to a participant's party vote choice in the 2017 election or self-reported political leanings. Irrespective of whether participants were asked about longer imprisonment for criminals or for the public, Green party or left-identifying participants were statistically less likely to support the proposition than participants who supported the National party or NZ First or were right-identifying. Meanwhile, a statistically significant number of participants who said they voted for the Labour party were less likely to support the proposition than National or NZ First voting participants.

H4 A majority of participants will broadly agree that the courts should maintain the option of life imprisonment for offenders' multiple violent acts. The fourth hypothesis tested participant support of life imprisonment for the most serious offenders. More than 90% of all participants broadly agreed that the courts should imprison those convicted of multiple violent offences to a term of life imprisonment. Respondents from every demographic subgroup, including when grouped together, recorded broad agreement; As demonstrated by the universally strong agreement set out in Table 5.9, there were no statistically significant differences among age, gender, and ethnicity.

Table 5.9*Should the courts maintain the option of life imprisonment for multiple serious violent offences?*

		Party Vote 2017 Election					
		Labour	National	Green	NZ First	Other	DNV
Strongly agree	n	358	343	79	128	85	117
	%	72.62	84.90	60.31	86.49	77.98	82.98
Agree	n	89	39	28	10	17	11
	%	18.05	9.65	21.37	6.76	15.60	7.80
Somewh at agree	n	19	11	14	6	2	5
	%	3.85	2.72	10.69	4.05	1.83	3.55
Neither agree nor disagree	n	8	2	1	0	2	1
	%	1.62	0.50	0.76	0.00	1.83	0.71
Somewh at disagree	n	8	2	2	0	2	3
	%	1.62	0.50	1.53	0.00	1.83	2.13
Disagree	n	5	3	1	0	1	2
	%	1.01	0.74	0.76	0.00	0.92	1.42
Strongly disagree	n	6	4	6	4	0	2
	%	1.22	0.99	4.58	2.70	0.00	1.42
Total	n	493	404	131	148	109	141
	%	100	100	100	100	100	100
Mean	M	6.51	6.72	6.18	6.69	6.63	6.59
SD	SD	1.10	0.89	1.47	1.06	0.89	1.16

A one-way ANOVA was conducted to compare the option of life imprisonment for offenders of multiple violent crimes by a participant's party vote choice. The results showed that, overall, there was a significant difference in support based on a participant's party choice ($F_{(5, 1420)} = 5.947, p < .001$).

Bonferroni Post Hoc tests showed that Green voters ($M = 6.18, SD = 1.46$) were significantly lower in their support for life imprisonment compared with participants who voted for the National party: National ($M = 6.72, SD = .89, p < .001$); NZ First ($M = 6.69, SD = 1.06, p < .001$); other parties ($M = 6.63, SD = .89, p < .001$) or did not vote ($M = 6.59, SD = 1.15, p < .001$); but not Labour ($M = 6.51, SD = 1.09, p < .001$).

Labour voters were also significantly lower in their support than participants who voted for National ($p < .001$), but not other parties. This meant that despite the overwhelming majority of all voters strongly

agreeing with the proposition, a statistically significant number of Green and Labour party voters were less likely to agree with the proposition to the same extent as voters for other parties.

A one-way ANOVA was then conducted to compare support for life imprisonment of offenders of multiple violent crimes based on the participant's party vote choice. The results showed that, overall, there was a significant difference in support based on a participant's self-reported political identity ($F_{(2, 1327)} = 10.303, p < .001$). Bonferroni Post Hoc tests showed that left-identifying participants ($M = 6.43, SD = 1.11$) were significantly lower in their support for the courts maintaining the option of support for life imprisonment of offenders of multiple violent crimes compared with centre participants ($M = 6.68, SD = .95, p < .001$) and right participants ($M = 6.71, SD = .96, p < .001$). However, centre-identifying participants were not significantly lower in their support than right-identifying participants ($p = 1.000$). Political identity was again a factor among participants, with a statistically significant number of those who self-reported as left-identifying being less likely to agree with the proposition to the same extent as those who were centre or right-identifying.

Discussion

When considering the total participant sample, these results demonstrate, at the very least, a superficial level of support for existing penal policy in New Zealand. This is particularly manifest in the desire among participants for the courts to maintain the option of imprisonment for first-time non-violent offences. Unsurprisingly, participant appetite for the use of imprisonment increased alongside an escalating offence type and/or frequency and remained strong in nearly all of the questions that preceded the reading exercise. The majority of participants also supported longer sentences for those convicted of crimes, and an overwhelmingly majority supported the option of life imprisonment for repeat violent offenders. The only inconclusive result from the first round of hypotheses testing was that of sending larger numbers of people to prison, as there was no majority broadly agreeing or broadly disagreeing.

With the exception of self-reported political identity, close to universal support for the ongoing use of prisons was found among all subgroups (i.e., no significant differences among the latter).

The findings from this survey ought to be contextualised within the political landscape of the time; that is, two years into the first term of a Labour-New Zealand First coalition government. About 12 months prior to the data collection, the government moved forward with a repeal of the 2010 amendment to the Sentencing and Parole Reform Act (Wang, 2021), that which required the courts to impose a life sentence on those guilty of three or more instances of violent crime (three-strikes). The law has been widely criticised in criminal justice circles for taking away from judges the discretion required to make decisions based on the context of the offending (Klinger, 2009; Olesen, 2015). However, interest groups such as the Sensible Sentencing Trust claimed that such three-strikes were necessary to keep repeat violent offenders imprisoned and that it enjoyed the support of a majority of New Zealanders (Akoorie, 2018). Despite arguments for and against the repeal of three-strikes, resounding participant support for sentences of life imprisonment for repeat violent offenders suggests that political actors face electoral risks when attempting to repeal such legislation. Perhaps cognisant of three-strikes' popularity, it was the government's junior coalition partner, New Zealand First, which eventually withdrew its support for changes to the legislation, forcing Labour's Minister of Justice to abandon its repeal until his party won an outright parliamentary majority (McCulloch, 2018).

The othering of criminals from society is another way that penal populism is operationalised in contemporary society. As articulated in Chapter Two, it is an us vs them delineation, a dualism that pits the public mass against an amorphous *other*. In the populist challenge to representative democracy, *them* can denote the criminal justice elites—a smaller and more privileged group who are at odds with the people. Penal populism demonises this same elite, whose supposedly “lenient” approaches to criminal justice policies, including a focus on offender needs, has drawn the ire of the people who claim such elites have sided with criminals (Bottoms, 1998; Newburn and Jones, 2005; Pratt, 2007). Stronger support among participants for the use of imprisonment for criminals vs the public is another representation of

how this dualism operates. It would seem logical that a criminal offence, e.g., theft or violence, should be no more acceptable, whoever the perpetrator. However, the percentage difference between people who believe that punitive sentences should be deployed to deter criminals 62.5 per cent vs the public 46.8 per cent, suggests that a significant proportion of participants do not view criminals as members of the public.

A lack of broad support for imprisoning larger numbers of people does run counter to the narrative of a superficially punitive public. This finding could be interpreted as participants being satisfied with a punitive status quo, rather than desirous of changes to sentencing that would lead to more people being imprisoned. If so, this could reflect the levelling off of a punitive public, as hypothesised by Pratt (2008), to the extent that penal populism would eventually run its course. By 2008, the growing prison population had led to spiralling capital infrastructure costs, an issue that had become more evident among public officials during the last months of the outgoing Labour Government (Pratt, 2008)⁵¹. While an enduring punitiveness seemed to be present among participants, the less conclusive finding of support for putting more people in prison could reflect a growing awareness among participants of these costs. It should be noted, however, that support among participants for convicted criminals to receive longer sentences would itself lead to increases in the prison muster.

Subgroup analysis of participants ruled out differences on the basis of age, gender or ethnicity. It might have been expected that because young Māori were more likely to be incarcerated than any other demographic of the population (Little, 2019; McIntosh & Workman, 2017) and, in general, were more likely to face discriminatory practice in all aspects of the justice system (McIntosh & Workman, 2017; Rumbles, 2011; Tauri & Webb, 2012), they also might be opposed to the use of prisons, especially for low-level offences. Indeed, participants who identified as Māori were less likely to support the use of imprisonment, but these differences were not always statistically significant. Further, only a small

⁵¹ The rate of imprisonment continued to increase after a change of government, peaking in 2018 (Department of Corrections, 2021).

majority of Millennial Māori broadly disagreed with the option of prison for first-time non-violent offending. This is perhaps best explained by crime victimisation statistics which reveal that Māori are disproportionately the victims of crime (Morris & Reilly, 2001; Webb, 2017). It should be unsurprising, then, that Māori are nearly as likely to support “tough on crime” attitudes as Pākehā. Māori participants were also members of the law-abiding majority, a fact obscured by the overlay of penal populism in New Zealand’s postcolonial society, which has demonised the Indigenous population as being the more likely perpetrators of crime.

Differences in participant support for imprisonment on the basis of political identity were statistically significant for all four hypotheses. This meant that a statistically significant number of participants who indicated that they voted for either National or NZ First and/or self-reported as politically right of centre were more likely to support: imprisonment for first-time non-violent offenders; a larger number of people being sent to prison; longer sentences of imprisonment; and the maintaining of life-imprisonment for multiple serious offences. This follows international literature which has suggested that right-identifying voters are more inclined to support more punitive responses to crime such as the increased use of prisons (Allen, 2013; Tonry, 2009). If political actors were seeking a mandate to reduce the prison population, e.g., through reducing sentence lengths or the qualifying offences, it might be necessary to establish what would influence such right-identifying voters (or the parties they vote for) to reconsider their attitudes to crime and imprisonment. If these attitudes are only superficial, then a further probing of participant views is necessary to disprove a general punitiveness among participants, especially among those who are right identifying or vote for parties on the political right.

The next section of this chapter substantively assesses the experimental tool set out in Chapter Four. This gives a quantitative measure of how the two texts advocating decarceration were received by the public and whether one was more widely supported than the other. It also probes deeper to obtain a more

nuanced understanding of attitudes to imprisonment across the political spectrum. As in the preceding section, subgroup analyses of age, gender, ethnicity and political identity were undertaken.

Part II: Market Populism as the antidote?

This part of the chapter assesses how participants responded to either argument for decarceration. The hypothesis in this section is derived from Roberts et al.'s (2002) proposition that a change in posture may be engendered by “going on the offensive” (p. 164) by pointing out the squandering of public funds on ineffective actions (such as the increasing use of prisons) and the lack of funding for crime prevention. As explained in Chapter Four, the status quo argument drew on the sort of discourse used by justice elites (e.g., e.g., academics, public servants, and political actors) to advocate lower rates of imprisonment, while the populist text was informed by both populist theory and the politics that led to decarceration in Alberta, Canada.

Hypotheses

Drawing from Roberts et al. (2002), it was hypothesised that the populist-style argument would be more widely supported among participants. Differences in support were also measured within participant subgroups.

- H5** Participant support for a populist-style argument for decarceration will be higher than for the status quo argument.
- (a) Older participants will have higher levels of agreement with a populist argument compared to a status quo argument than younger participants.
 - (b) Male participants will have higher levels of agreement with a populist argument compared to a status quo argument than female participants.
 - (c) Pākehā participants will have higher levels of agreement with a populist argument compared to a status quo argument than participants who are Māori, Pasifika or Other/MELAA.

- (d) “Right” identifying participants will have higher levels of agreement with a populist argument compared to a status quo argument than “centre” and “left” identifying participants.

As before, a 7-point Likert scale (from strongly agree to strongly disagree) was used to ask participants to what extent they agreed or disagreed with the text.

Results

Table 5.10 shows that there was overall agreement with both the status quo argument and populist argument, though a larger proportion of participants broadly agreed with the populist argument (69.3%) than the status quo argument (66.4%). However, the overall mean difference was negligible, as the status quo argument attracted a higher standard deviation. Also evident in the table is that a larger proportion of participants took a neutral position when presented with a populist argument (9.18%) than a status quo argument (5.41%). An independent samples t-test was conducted to compare participant support based on the text they were exposed to. The results showed that, overall, there was significant difference in support based on the text to which a participant was exposed ($t_{(1490.732)} = 2.07, p = .039$).

Table 5.10*To what extent do you agree or disagree with the text?*

		Status Quo vs Populist	
		Status quo	Populist
Strongly agree	n	165	98
	%	23.47	14.06
Agree	n	165	171
	%	23.47	24.53
Somewhat agree	n	137	214
	%	19.49	30.70
Neither agree nor disagree	n	38	64
	%	5.41	9.18
Somewhat disagree	n	84	71
	%	11.95	10.19
Disagree	n	58	47
	%	8.25	6.74
Strongly disagree	n	56	32
	%	7.97	4.59
Total	n	703	697
	%	100	100
Mean		4.84	4.85
SD		1.93	1.62

Age. Hypothesis 5a tested whether older participants would have higher levels of agreement with a populist argument compared to a status quo argument, than younger participants. A modification was made to the same three-generation age categories used in Part I: Millennials, Generation X and Baby Boomers. Those born before 1965 (baby boomers) were classified as “older” participants, while Millennials and Generation X were grouped together (those born in 1965 or after) as “younger” participants. As described in Table 5.11, 57.7% of older participants broadly agreed with the status quo argument and 60.7% broadly agreed with the populist argument, while 68.8% of younger participants broadly agreed with the status quo argument and 71.5% broadly agreed with the populist argument. A two-way ANOVA showed that older participants did not have statistically significant higher levels of agreement than younger participants ($F_{(1, 1396)} = 0.001$, interaction p value = 0.974) with a populist

argument compared to a status quo argument. These results showed that there was no statistically significant difference in how older and younger participants reacted to a populist argument for decarceration compared to a status quo argument.

Table 5.11

To what extent do you agree or disagree with the text?

		Millennials		Generation X		Baby Boomer	
		Status Quo	Populist	Status Quo	Populist	Status Quo	Populist
Strongly agree	n	58	47	82	36	25	15
	%	27.23	19.26	24.05	11.69	16.78	10.34
Agree	n	55	70	75	79	35	22
	%	25.82	28.69	21.99	25.65	23.49	15.17
Somewhat agree	n	42	68	69	95	26	51
	%	19.72	27.87	20.23	30.84	17.45	35.17
Neither agree nor disagree	n	14	22	18	28	5	14
	%	6.57	9.02	5.28	9.09	3.36	9.66
Somewhat disagree	n	16	21	40	29	29	21
	%	7.51	8.61	11.73	9.42	19.46	14.48
Disagree	n	15	9	30	24	13	14
	%	7.04	3.69	8.80	7.79	8.72	9.66
Strongly disagree	n	13	7	27	17	16	8
	%	6.10	2.87	7.92	5.52	10.74	5.52
Total	n	213	244	341	308	149	145
	%	100	100	100	100	100	100
Mean		5.13	5.18	4.83	4.76	4.46	4.46
SD		1.82	1.50	1.94	1.66	1.93	1.62

Gender. The hypothesis 5b tested whether male participants would have higher levels of agreement with a populist argument compared to a status quo argument than female participants. The data for this question is presented in Table 5.12. In sum, 60.3% of male participants broadly agreed with the status quo argument and 66.6% broadly agreed with the populist argument, while 71.9% of female participants broadly agreed with the status quo argument and 71.4% broadly agreed with the populist argument. A two-way ANOVA showed that male participants did not have statistically significant higher levels of agreement than female participants ($F_{(1, 1382)} = .84$, interaction p value = 0.359). These results

showed that there was no statistically significant difference in how male and female participants reacted to a populist argument for decarceration compared to a status quo argument.

Table 5.12

To what extent do you agree or disagree with the text?

		Male		Female	
		Status Quo	Populist	Status Quo	Populist
Strongly agree	n	34	18	20	14
	%	10.30	5.52	5.51	3.81
Agree	n	37	32	20	15
	%	11.21	9.82	5.51	4.09
Somewhat agree	n	44	34	41	37
	%	13.33	10.43	11.29	10.08
Neither agree nor disagree	n	16	25	21	39
	%	4.85	7.67	5.79	10.63
Somewhat disagree	n	58	106	77	107
	%	17.58	32.52	21.21	29.16
Disagree	n	69	71	93	98
	%	20.91	21.78	25.62	26.70
Strongly disagree	n	72	40	91	57
	%	21.82	12.27	25.07	15.53
Total	n	330	326	363	367
	%	100	100	100	100
Mean		4.58	4.66	5.09	4.99
Standard deviation		2.04	1.69	1.77	1.54

Ethnicity. Table 5.13 reports the differences in agreement for each text based on ethnicity.

Hypothesis 5c tested whether Pākehā participants agreed more with a populist argument compared to non-Pākehā. Ethnicity was not indicative of a broad agreement with the populist argument. A two-way ANOVA showed that Pākehā participants did not have statistically significant higher levels of agreement than non-Pākehā participants ($F_{(3, 1392)} = 0.105$, interaction p value = 0.957) with a populist argument

compared to a status quo argument. These results showed that there was no statistically significant difference in how Pākehā and Māori, Pasifika and Other/MELAA reacted to a populist argument for decarceration compared to a status quo argument.

Table 5.13

To what extent do you agree or disagree with the text?

		NZ European		Māori		Pasifika		Other	
		Status Quo	Populist	Status Quo	Populist	Status Quo	Populist	Status Quo	Populist
Strongly agree	n	111	57	37	27	10	5	7	9
	%	21.22	10.88	33.04%	23.89	31.25	26.32	19.44	21.95
Agree	n	115	121	31	37	6	7	13	6
	%	21.99	23.09	27.68%	32.74	18.75	36.84	36.11	14.63
Somewhat agree	n	105	173	21	27	8	3	3	11
	%	20.08	33.02	18.75%	23.89	25.00	15.79	8.33	26.83
Neither agree nor disagree	n	30	48	2	8	2	2	3	6
	%	5.74	9.16	1.79%	7.08	6.25	10.53	8.33	14.63
Somewhat disagree	n	67	60	9	6	3	1	6	4
	%	12.81	11.45	8.04%	5.31	9.38	5.26	16.67	9.76
Disagree	n	50	36	5	6	2	1	1	4
	%	9.56	6.87	4.46%	5.31	6.25	5.26	2.78	9.76
Strongly disagree	n	45	29	7	2	1	0	3	1
	%	8.60	5.53	6.25%	1.77	3.13	0.00	8.33	2.44
Total	n	523	524	112	113	32	19	36	41
	%	100	100	100	100	100	100	100	100
Mean		4.70	5.40	5.38	5.40	5.35	5.53	4.92	4.85
SD		1.95	1.48	1.80	1.48	1.72	1.43	1.89	1.70

Political orientation. Hypothesis 5d tested text agreement on the basis of self-reported political identity, the results of which are given in Table 5.14. Political identity appears to be the most significant determinant of responsiveness to the populist argument, in the same way as they were an indicator of penal populism earlier in the chapter. Those who self-reported with the political right showed the greatest proportional difference: 39.2% broadly agreed with the status quo argument, while 57.4% agreed with the populist argument.

Table 5.14*To what extent do you agree or disagree with the text?*

		Left (0-3)		Centre (4-6)		Right (7-10)	
		Status Quo	Populist	Status Quo	Populist	Status Quo	Populist
Strongly agree	n	79	32	38	38	18	16
	%	38.54	15.02	16.74	14.79	8.57	8.60
Agree	n	73	66	53	57	26	35
	%	35.61	30.99	23.35	22.18	12.38	18.82
Somewhat agree	n	27	66	57	82	49	54
	%	13.17	30.99	25.11	31.91	23.33	29.03
Neither agree nor disagree	n	7	17	18	26	11	18
	%	3.41	7.98	7.93	10.12	5.24	9.68
Somewhat disagree	n	11	17	33	29	40	24
	%	5.37	7.98	14.54	11.28	19.05	12.90
Disagree	n	2	10	14	10	38	27
	%	0.98	4.69	6.17	3.89	18.10	14.52
Strongly disagree	n	6	5	14	15	28	12
	%	2.93	2.35	6.17	5.84	13.33	6.45
Total	n	205	213	227	257	210	186
	%	100	100	100	100	100	100
Mean		5.84	5.14	4.77	4.84	3.79	4.31
SD		1.42	1.45	1.76	1.62	1.90	1.74

A two-way ANOVA showed that at the $p < .05$ level, right-identifying participants had significantly higher levels of agreement with a populist argument compared to a status quo argument than non-right-identifying participants ($F_{(1, 1379)} 20.25$, interaction p value = $< .001$). Those who self-reported in the political centre showed only a small proportional difference: 64.4% broadly agreed with the status quo argument, while 67.2% agreed with the populist argument. A two-way ANOVA showed that centre-identifying participants had significantly higher levels of agreement than non-centre-identifying participants with a populist argument compared to a status quo argument ($F_{(1, 1379)} .350$, interaction p value = $.554$). These results showed that there was a statistically significant difference in how right-

identifying participants and non-right-identifying participants supported a populist argument for decarceration compared to a status quo argument.

Table 5.15

To what extent do you agree or disagree with the text?

		Labour		National		Green		NZ First		Other		Did not vote	
		SQ	Pop	SQ	Pop	SQ	Pop	SQ	Pop	SQ	Pop	SQ	Pop
Strong Agree	n	74	42	15	17	36	16	6	4	16	4	16	15
	%	31.49	17.43	7.14	9.09	60.00	22.86	9.23	5.06	26.23	8.89	24.62	20.55
Agree	n	78	69	30	34	12	20	14	16	15	16	15	16
	%	33.19	28.63	14.29	18.18	20.00	28.57	21.54	20.25	24.59	35.56	23.08	21.92
Some/w agree	n	38	64	57	61	5	22	11	28	12	13	14	24
	%	16.17	26.56	27.14	32.62	8.33	31.43	16.92	35.44	19.67	28.89	21.54	32.88
Neither	n	14	24	10	19	4	4	2	6	2	4	3	7
	%	5.96	9.96	4.76	10.16	6.67	5.71	3.08	7.59	3.28	8.89	4.62	9.59
Some/w Disagree	n	17	18	41	26	0	6	12	8	7	6	7	7
	%	7.23	7.47	19.52	13.90	0.00	8.57	18.46	10.13	11.48	13.33	10.77	9.59
Disagree	n	6	17	33	16	1	0	7	12	4	0	7	2
	%	2.55	7.05	15.71	8.56	1.67	0.00	10.77	15.19	6.56	0.00	10.77	2.74
Strong Disagree	n	8	7	24	14	2	2	13	5	5	2	3	2
	%	3.40	2.90	11.43	7.49	3.33	2.86	20.00	6.33	8.20	4.44	4.62	2.74
Total	n	235	241	210	187	60	70	65	79	61	45	65	73
	%	100	100	100	100	100	100	100	100	100	100	100	100%
Mean		5.54	5.06	3.92	4.43	6.15	5.40	3.88	4.32	4.98	5.00	4.95	5.15
SD		1.56	1.58	1.83	1.69	1.43	1.39	2.08	1.68	1.94	1.45	1.86	1.49

Of those who self-reported on the political left, there was a proportional difference in favour of the status quo argument: 91.6 per cent broadly agreed with the status quo argument, while 81.2 per cent agreed with the populist argument. A two-way ANOVA showed that left-identifying participants had statistically significant lower levels of agreement with a populist argument compared to a status quo argument than non-left participants ($F_{(1, 1379)} 11.837$, interaction p value = $<.001$). These results showed that there was a statistically significant difference among left-identifying participants and non-left-identifying participants in their support for the status quo argument compared with the populist argument.

As displayed in Table 5.15, differences in agreement with the status quo argument compared to the populist argument generally also corresponded with who participants voted for in the 2017 election. A two-way ANOVA showed that there were statistically significant differences in agreement based on the party vote choice of participants ($F_{(5, 1379)} 5.73$, interaction p value = $<.001$).

Discussion

There were four important findings derived from this experiment. First, overall, participants were more likely to broadly agree with the populist argument than the status quo argument, but only by a small margin. Second, adding to this finding, in general, there was strong support for the status quo argument. Third, and similar to the results presented in Part I, gender, age and ethnicity were, for the most part, not significant factors in determining whether a participant was more inclined to broadly agree with a particular argument. Fourth, a participant's self-reported political orientation or party preference in the 2017 election was the most significant determinant of whether a participant was more inclined to broadly agree with a particular argument.

On the whole, higher levels of support for the populist argument were significantly significant. It was also evident that participants who were assigned the status quo argument had a more diverse response, whereas participants assigned the populist argument were more likely to tepidly endorse the piece. This was manifest in the number of participants who selected "somewhat agree" in response to the populist argument. There are a variety of potential explanations for this more condensed response amongst participants exposed to the populist argument. The most likely perhaps is the convergence of two themes which appeal to different participant subgroups: decarceration and free-market populism. Left-identifying participants were more likely to support the imprisonment of fewer people, but when confronted with a populist free-market argument, participant support became lukewarm compared with their strong

agreement with the status quo text. Conversely, right-identifying participants moved from more neutral positions on decarceration to broadly agreeing when confronted with a populist free-market argument.

The strong overall support among participants for the status quo argument contrasts with Part I findings that suggested an enduring level of penal populism in New Zealand. It appears that participants can instead hold positions which are seemingly contradictory in nature, or at least not well understood. This validates the argument of Frost (2010), who claimed that public punitiveness might have been overstated. If indeed public punitiveness were overstated, it was likely a consequence of closed and/or leading questions that provide only a superficial reading of public opinion. In the New Zealand context, it might be possible that decisions by the Fifth Labour Government to introduce a suite of more punitive sentencing policies was based on a distorted view of public opinion.

This chapter drew upon the generational delineation proposed by Norris and Inglehart (2019) in their measuring of authoritarian-populist attitudes among voters, which suggested that punitive attitudes are more evident among older generations of voters i.e., the Baby Boomer cohort. They further argued that a rise in populism can be attributed to a cultural backlash, where older constituents are reacting to widespread societal change. Norris and Inglehart (2019) suggested that young people are also susceptible to populism, albeit in different forms (e.g., distrust of the elites). This experimental tool combined a decarceration narrative with free-market populism to understand whether it would be more appealing to either younger or older age cohorts (than the status quo argument). However, there were no statistically significant differences in how either age group supported the different texts.

The most resounding finding is that presented in Part I regarding self-reported political identity: those who self-reported as “right” or said that they voted for the National party were more susceptible to a populist argument. Indeed, these subgroups broadly agreed with the populist argument more than the status quo argument and at higher rates than other voter and political orientation types. Further, they

broadly disagreed with the status quo argument more so than with the populist argument; in each case, such differences were statistically significant. Importantly, this provides the clearest example of a populist style of politics yielding more favourable results than the status quo, which is consistent with Roberts (2002), albeit limited to the right-leaning participants or those who vote for right-leaning political parties. Another explanation for this finding is that right-identifying participants, and those who voted for the National party, took specific issue with an aspect of the status quo argument, despite perhaps maintaining a latent disposition toward rehabilitation (as an alternative to imprisonment). The status quo argument spoke directly to the impacts of colonisation on Indigenous populations and New Zealand's human rights obligations, which might have been less palatable to the majority of New Zealand European/Pākehā participants. The evidence for this is further teased out in Chapter Six.

Limitations

There are several important issues to consider when interpreting the data set out in this chapter. The first series of questions answered by participants could have been interpreted in different ways. For example, to assess public attitudes toward the use of imprisonment for first-time non-violent offences, participants were explicitly asked whether the courts should maintain the option of sending offenders to prison for first-time non-violent crimes (such as selling drugs or stealing motor vehicles). The question primed each participant to think in the context of selling illicit substances or the theft of a motor vehicle, but non-violent crime could include something else, such as fraudulent activity on a scale that might have warranted a custodial sentence in the minds of participants.

Chapter two noted a potential relationship between class and person's susceptibility to [right wing] populism. However, there are limitations associated with using household earnings as indicative of class, which also gives due consideration to occupation status and asset accumulation (see: Vowles, Coffé & Curtin, 2017). Further, some demographic markers, e.g., household income and education level, presented issues regarding reliability. For example, over 20% of all participants stated that they had received a

postgraduate qualification, whereas according to Statistics New Zealand 2013 census data, less than 10% had obtained such a qualification. This could indicate a sample bias issue: highly educated participants are more likely to complete online surveys (Loomis, 1987). It might also reflect a prestige bias, whereby those with specific attitudes seek to amplify their own voices through signalling a higher level of education than others (De Vaus, 2013). In addition to an oversample of participants with postgraduate qualifications, 75% stated that they had a household income of \$100,000 or greater, the remaining 25% stated that they had a household income of \$150,000 or greater. According to Statistics New Zealand (2018), however, average household income was only \$105,000 per year, which would again either signal sample or prestige bias issues. It was subsequently decided that data pertaining to both education and household income would be excluded from further analysis in this thesis.

These demographic markers also point to another limitation of the research—the absence of non-voters among participants. In the 2017 election, 79.1% of those enrolled to vote exercised their right to do so. While voting in New Zealand is not compulsory, each eligible individual must be enrolled and only 4 per cent are not (Electoral Commission, 2018). However, only 9.7% ($n = 141$) of participants said they were non-voters in the 2017 election. Considering this, together with the disproportionate number of participants who self-reported as having voted for Labour in the 2017 election, suggests three possible explanations: 1) a non-probabilistic sample such as this will have difficulty capturing an accurate representation of the voting-age population (Ferri-García and Rueda, 2018); 2) some participants, those who were non-voters in 2017, claimed to have voted for the victorious Labour party or their political preferences had changed since the election; or 3) a social desirability bias could have been present (Karp & Brockington, 2005), whereby actual non-voters felt compelled to suggest they had voted. It is plausible that more than one of these explanations were contributing factors.

Conclusion

This chapter began by re-establishing the superficial levels of support for punitive attitudes toward criminal behaviour, based on the measures used to determine public opinion. Survey data supported a view that the public might maintain especially punitive stances, including the option of imprisonment for first-time non-violent offenders. However, because this is not a probabilistic sample of the voting age public, some caution is required when considering whether the results broadly reflect the opinions of New Zealand's voting-age population. Further caution is warranted in relation to question design. Both the questions that preceded the reading exercise, and the reading exercise itself, led participants in a particular direction—the first towards imprisonment, and the latter away from it. For that reason, participant responses should be considered holistically, rather than focusing on responses to only one part of the survey. Nonetheless, this approach has some practical application in the politics of crime and punishment, as political campaigns regularly attempt to lead the public in a given direction, and the rhetoric and tactics deployed by political actors are rarely objective.

In addition to the finding that penal populism is still operating at a superficial level in the psyche of participants, a populist argument advocating decarceration resonated with those who self-reported their political leanings as “right” or who voted for the National party. This has important implications because it suggests that discussing criminal justice in a different way, as hypothesised by Roberts et al. (2002), might be of greater utility to advocates of criminal justice reform, especially if such discussions could be deployed in a manner that widens their support base without alienating existing supporters. This was not the only finding, however. Hypotheses 5 in this chapter also cast further doubt on the strength of penal populism beyond its measuring in closed survey questions. The next two chapters examine open-text responses to this reading exercise. In doing so, the analysis is broadened to include how the participants felt when presented with arguments against the widespread use of prison as a form of punishment, and what participants imagine a prison should look like.

Chapter Six: Why do right-identifying participants respond differently?

The results of the quantitative analysis presented in Chapter Five showed that right-identifying participants were more likely to support a populist argument than a status quo argument for decarceration. This chapter looks more closely at why that might be the case by coding responses to the open-ended question which asked: “Do you have any thoughts or feelings about the text that you would like to share?”. In their paper titled “Content Analysis: A Flexible Methodology”, White and Marsh (2006) set out in broad terms the methodology for quantitative and qualitative content analysis, noting also that some steps can be used interchangeably. This chapter draws on Qualitative Content Analysis (QCA) (as does Chapter Seven), but starts with a quantitative process of coding responses, tabulating frequencies before establishing themes within these categories. This process is intended to clarify which parts of the argument were favoured or not favoured by right-identifying participants before analysing two key categories further, noting the dominant themes which emerged and discussing them within the context of existing scholarship. The analysis of complementary open-text data is used to verify the underlying strength of that opinion because closed questions alone risk presenting a reductionist view of the public’s opinion on matters of criminal justice (for an overview of these issues see: Frost, 2010; Hutton, 2005).

This chapter and Chapter Seven intend to explain how different aspects of the two arguments for decarceration, those tested in the experiment, might be received by the public and what the consequences might be for their deployment. This chapter focuses on responses to the status quo argument, with a specific focus on how right-identifying participants rationalised their responses. The categorisation process begins by setting out the QCA method and is followed by a results section which tabulates the frequency of responses to each category. A tabulation of responses from right-identifying participants then follows. Differences in the frequency of particular responses is then presented, following a

comparison of all participants with right-identifying participants only. Two categories that featured prominently in right-identifying participant responses are then probed further. The first encapsulates an explicit rejection among right-identifying participants of colonisation/racism as an explanation for why Māori are overrepresented in the prison system. The second category focuses attention on right-identifying participants who responded to the status quo argument by discussing the victims of crime. An analysis of the themes within each category is then undertaken in the order the frequency with which they appeared. A brief critique of each theme then follows, outlining aspects of participant responses which might be erroneous or problematic for advocates of a more progressive penal reform.

Method

White and Marsh (2006) set out four steps for Qualitative Content Analysis: deciding upon the research question, sampling, coding, and method of analysis. The research question was drawn from observations found in the quantitative data set out in Chapter Five and asks: why do right-identifying participants react differently to status quo arguments for progressive penal reform? As identified in the preceding chapter, higher levels of agreement with the populist argument compared with the status quo argument were statistically significant among right-identifying participants. Because agreement with either text was significant based on a respondent's political identity, the research question in this chapter seeks to elaborate on the drivers of this agreement. The QCA is then an inductive exercise, analysing open-text data from right-identifying participant responses to make generalisations about why these participants responded the way that they did, alluding to the issues which persist for political actors drawing on progressive arguments for penal reform.

The need for careful and reiterative analysis usually limits the size of the sample (White and Marsh, 2006). In this instance, the sample was reduced by a large proportion who gave no response to the text

they had been presented with. Of a total of 1,448 viable respondents⁵², 1,400 respondents (96.69%) completed the survey to the point where they had the option of commenting on the text with which they had been presented. Of those who viewed the status quo argument, 297 of 697 (42.6%) participants provided at least one response and was subsequently coded.

According to White and Marsh (2006), the goal of QCA is to “depict the ‘big picture’ of a given subject, displaying conceptual depth through thoughtful arrangement of a wealth of detailed observations” (p. 39). The results section of the chapter incorporates the quantitative coding of responses, which is necessary to set the scene for a more thorough qualitative analysis. Subjective analysis of the comments is required to aid in this quantitative exercise. Following De Vaus (2002), the first 100 responses to the status quo argument were analysed to determine the most likely recurring categories. A total of 10 categories were identified, with an “other” category used to record responses which appeared less frequently. All remaining responses were then coded against these categories in the chronological order that they appeared, with a maximum of three codes overall giving a total of $n = 472$ coded comments. Finally, the “other” category was analysed to ensure that no further themes were required from the complete data set. Because up to three responses were recorded for each participant, some participants were coded multiple times, resulting in the total number of codes in the frequency table exceeding the total number of persons who responded.

The data under examination was drawn from the single open-ended question within the survey (“Do you have any thoughts or feelings about the text that you would like to share?”) and was collated using the software Statistical Package for the Social Sciences (SPSS). This involved the tagging and categorising of key phrases, similar expressions and concepts identified in the responses to this question in SPSS. After this, the data was coded in accordance with the De Vaus (2002) multiple response method, allowing for

⁵² Participant responses were deemed viable if they had answered the escalating series of questions on crime and punishment along with demographics answers but did not complete the experimental reading.

up to three categories per participant. Categories were identified and recorded for all participants who commented on the status quo argument, and a frequency table was then generated to display that data with a column noting the number of times a particular category was coded, and the percentage share of responses for that category. Of those who read the status quo argument and provided a comment in the open-text box, ($n = 137$) 19.7% were right-identifying participants. A second table was then generated with a column noting the number of times a particular category was coded for the right-identifying participants, and the percentage share for that category who were from the right-identifying participants. More detailed observations then follow. The analysis section of the chapter provides a thorough examination of individual responses within those categories, with a critical evaluation of the themes. This evaluation takes into consideration some of the historical context, power relations and other socio-cultural forces which might be driving such beliefs among right-identifying participants.

Results

All coded responses to the status quo argument are set out in categories in Table 6.1. It is notable that four pairs of contrasting categories emerged:

1. Sentences should be shorter vs Sentences should be longer.
2. Prison conditions should be more lenient vs Prison sentences should be less lenient.
3. Social forces are responsible for someone's imprisonment vs Individual choices are responsible for someone's imprisonment.
4. An acceptance of arguments related to racism and/or colonisation vs a rejection of arguments related to racism and/or colonisation.

There were only two further categories which featured prominently: mentioning the victims of crime and questioning the nature of the research. All other answers were coded in an "other" category.

Table 6.1*Tabulation of responses to status quo argument (All respondents)*

Code	Category	n	% (all)
1	Shorter and/or more lenient sentences (incl. alternatives to prison)	37	5.31
2	Longer and/or less lenient sentences (incl. acceptance of existing arrangements)	87	12.48
3	More lenient prison conditions incl. in-house rehabilitation	53	7.60
4	Less lenient prison conditions	52	7.46
5	Social forces lead to prison (excl. ethnicity)	107	15.35
6	Individual responsibility (excl. ethnicity)	24	3.44
7	Acceptance of racism/colonisation argument (i.e., unfair on Māori)	31	4.45
8	Rejection of racism/colonisation argument (i.e., unfair on Māori)	56	8.03
9	Questioning the validity of the research, the researcher, or accusations of bias	18	2.58
10	Victims of crime addressed (including community and business)	28	4.02
33	Other	30	4.30
99	No response/Don't know	291	41.75

Table 6.1 can be viewed as a tally of how participants viewed the existing arguments for such reforms, i.e., the status quo arguments for penal reform. The first four categories were some of the most popular, that prison sentences be shorter (category 1) or longer (category 2) and that prison conditions be more lenient (category 3) or less lenient (category 4). These categories featured strongly in the responses to both the status quo and populist arguments. Because this chapter seeks to establish the reasons why right-identifying voters might be more inclined than the broader sample to disagree with the status quo argument, it is necessary to also categorise right-identifying participants who were presented with the status quo argument. The same coding of categories is therefore set out in Table 6.2 for right-identifying participants.

Table 6.2*Tabulation of responses to status quo argument (right-identifying only)*

Code	Category	n	% (responses)
1	Shorter and/or more lenient sentences (incl. alternatives to prison)	9	24.32
2	Longer and/or less lenient sentences (incl. acceptance of existing arrangements)	37	42.53
3	More lenient prison conditions incl. in-house rehabilitation	13	24.53
4	Less lenient prison conditions	15	28.85
5	Social forces lead to prison (excl. ethnicity)	21	19.63
6	Individual responsibility (excl. ethnicity)	10	41.67
7	Acceptance of racism/colonisation argument (i.e., unfair on Māori)	7	22.58
8	Rejection of racism/colonisation argument (i.e., unfair on Māori)	35	62.50
9	Questioning the validity of the research, the researcher, or accusations of bias	10	55.56
10	Victims of crime addressed (including community and business)	19	63.33
33	Other	9	30.00
99	No response/Don't know	73	25.09

Tables 6.1 (all participants) and 6.2 (right-identifying) suggest that right-identifying respondents were likely to diverge from the wider participant group in three of the four contrasting sets. First, the proportion of those who supported longer sentences compared with shorter sentences was higher among right-identifying participants. Secondly, the proportion of those who discussed individual responsibility compared with those who discussed social forces was also higher among right-identifying participants. Thirdly, the proportion of those who rejected the role of racism and/or colonisation in the justice system (rejecting racism hereafter) and those who accepted racism and/or colonisation in the justice system was higher among right-identifying participants. Only the fourth set, support for more lenient prison conditions or less lenient prison conditions, was largely similar between the right-identifying respondents and the wider participant group.

The two categories selected for further analysis in this chapter—rejection of colonisation/racism and discussing the victims of crime—were chosen for two reasons. First, the highest percentage of responses for both of these categories were from right-identifying participants, 62.5 per cent and 63.3 per cent respectively (Table 6.1); second, 80.0 per cent per cent of right-identifying participants who rejected

racism and 83.3 per cent who discussed the victims of crime in the open-text also disagreed with the status quo argument, the two highest of any categories. The second category—victims of crime addressed—was not explicitly discussed in the status quo argument but was recorded 30 times among all participants (Table 6.1). Right-identifying participants accounted for 19 (63.3%) of the 30 participants who spoke about the victims of crime (Table 6.2). The importance of these two categories is underlined by the likelihood of a right-identifying participant also disagreeing with the status quo argument. Of those right-identifying participants whose only response to the open-text box was to reject racism ($n = 25$), 93% also broadly disagreed with the text. Similarly, of those right-identifying participants whose only response to the open-text box was discussing the rights of victims ($n = 16$), 100% also broadly disagreed with the text. The next section analyses each participant response within these categories to determine what key themes emerge.

Analysis: Rejecting colonisation/racism

Rejecting racism stood out among right-identifying participants but was less dominant among the wider group responding to the status quo argument. As evidenced in Table 6.2, compared with the wider participant group, right-identifying respondents were considerably more likely to reject racism as an argument for progressive penal reform after being presented with the status quo argument. Following White and Marsh's (2006) QCA method, a more thorough examination of this rejecting racism category was carried out by looking for themes in each of the right-identifying participant responses. In some instances, more than one theme could be identified in a participant's responses and it was coded accordingly. Four themes were then located within this category and are detailed in order of how frequently they arose. First, Māori are more likely to commit crimes and so the system is fair ($n = 17$); second, Māori culture is to blame ($n = 11$); third, Māori families neglect the educational well-being of their children ($n = 8$); Fourth, that Māori actually received preferential treatment in the justice system ($n = 6$).

Māori are more likely to commit crime

Higher numbers of Māori in prison are due to rates of offending. Institutional racism is not a factor.

Participant OJDLO

There were a variety of similar responses which exhibited this theme, though some were less direct than the above response. The response below suggests that the participant questioned the role of colonisation in Māori being treated unfairly; this might have been historically or in the contemporary sense.

Consequently, it is assumed that the participant did not accept that racism or colonisation was responsible for an unequal number of Māori imprisoned:

Who says that Colonisation has caused Māori to be treated harshly???

Participant 64UMB

In essence, these responses are one in the same. The first response explicitly claims that more Māori are imprisoned due to more Māori committing crimes. The second response can be interpreted through a logical deduction, by denying that racism or colonisation are factors and offering no other explanation. Such responses could be relying on interpretations of crime and punishment reported in the media. That is because the first response accords with a widely reported claim that Māori are overrepresented in all charges and subsequent convictions, leading to their disproportionate imprisonment (see: Tauri & Porou, 2014).

Reported data on crime rarely takes a critical look at policing within the broader justice system, including biases in the way police or the court system interact with Māori and how this has inevitably led to higher rates of imprisonment (Tauri, 2005). Systemic racism in the police is noted by Elers (2012) who points out the necessity in understanding the differences in how Māori are policed compared to non-Māori. A

report by Maxwell and Smith (1998, cited in Elers, 2012) found that from a sample of 737 police officers, at least two thirds of police had heard their colleagues use racist language about suspects or offenders, and a further one third had a greater tendency to suspect Māori of an offence. In the same report, almost half were more likely to query a vehicle registration if a Māori individual was seen to be driving a ‘flash’ vehicle (p. 40).

In the routine reporting of offences, the police use 16 broad offence categories. According to data from the New Zealand Police website between 1 January 2019 and 31 December 2019, the proportion of those charged with crimes was higher among Māori than Pākehā in seven of these categories. Importantly, however, the proportion who received warnings was lower among Māori than Pākehā. In other words, for seven of the 16 offence categories, more Māori were charged than Pākehā, and more Pākehā were given warnings than Māori. This inequality becomes even more stark when considering that Māori only make up 16.5 per cent of the population compared with Pākehā making up 70.2 per cent. In none of the 16 offence categories was the proportion of those charged with crimes higher among Pākehā than Māori or the proportion of those who received a warning lower among Pākehā than Māori. In eight of these categories, the proportion of charges to warnings were similar, suggesting that in some areas police gave warnings at the same rate, irrespective of the ethnicity of the offender. Only in one instance (homicide and related offences) were all persons who were deemed to have committed an offence charged with that offence. This evidence suggests, then, that Pākehā are more likely to receive warnings compared to Māori for the same offence types and that the police might be giving Pākehā the benefit of the doubt.

Debate is ongoing as to whether differences in imprisonment rates between Māori and Pākehā are a consequence of direct and indirect forms of discrimination within the criminal justice system (Anthony, 2010). In a 2007 report, the Department of Corrections put forward two explanations for the disparity. First, biases within the New Zealand criminal justice system, such as that presented above (Māori receive disproportionately fewer warnings than Pākehā and are more likely to be charged), have resulted in a

larger increase in the rate of Māori individuals being convicted (Jones, 2016). Second, there are discriminatory social forces which impact young Māori, shaping or determining their developmental pathway. “Māori as a group in comparison to non-Māori are more likely to be characterised by disadvantageous social, family and individual risk factors which are known predictors of offending behaviour” (Jones, 2016 p. 15).

As evidenced in the participant responses, there are critics of the argument that racism in the justice system is a factor in the over-representation of Māori in prison. And there are possible supplementary explanations for why more Māori are charged, convicted, or imprisoned than their Pākehā counterparts. Such inequities could arise from the severity of an offence committed and/or the frequency of offending. In other words, aggravating circumstances or recidivist offending might provide an explanation for why Māori are more likely to be imprisoned. However, Fergusson et al. (2003) found that after adjusting for socioeconomic factors and other confounding variables, young Māori were between 1.6 to 1.8 times more likely to be convicted than non-Māori for the same self-reported history of offending. It is difficult, then, to ignore the likelihood that structural racism is a factor that continues to permeate through each leg of the justice system. Of the current prison muster 52 per cent are Māori (Department of Corrections, 2021), even though the rate of imprisonment has dropped. It might be that this statistic itself, often reported in the media, has created the belief among participants that Māori overrepresentation in prison merely reflects their overrepresentation in crime.

Māori culture to blame for the over-representation of Māori in prison

The next most common theme was that Māori culture is the root cause of the over-representation of Māori in prison. Given the anonymous nature of this survey, where names and identifying information were separated from other participant data, respondents might have felt freer to make overt statements

concerning cultural superiority. This occurs in instances where the participant does not feel compelled to modify their responses based on how they might be perceived by the researcher.

I don't think higher numbers of Māori in prison are the result of racism or colonisation. I think it is the result of culture. As long as Māori are treated as incapable of providing for themselves or taking responsibility for their own actions, nothing will change for the better. New Conservative party have a really interesting policy on crime, prison etc. Prison should be humane but not enjoyable for inmates, otherwise it's a slap in the face to their victims.

Participant TGCYR

A similarly worded participant response also puts the disproportionate Māori imprisonment down to cultural factors, this time suggesting the need for research into “the Māori mentality.”

I disagree that racism is the reason for more Māori in prisons. I believe it is lack of education and low self-esteem that is ingrained into Māori culture, is what gets them into trouble with the law. You also can't make a culture work that doesn't want to. I think more than anything, more research into the Māori mentality is needed, rather than a reform in prisons/law for the indigenous New Zealander.

Participant R4P6F

Studies which discuss racist attitudes in New Zealand have shown that they are usually couched in subtle rather than overt statements of cultural superiority (McCreanor, 1997; Pack, Tuffin & Lyons, 2015).

Weatherall and Potter (1992) noted that it was commonplace for Pākehā to discuss Māori culture as something ancient, that which would benefit from the more “advanced” European culture. While it is no longer socially acceptable to refer to Māori people as inferior, Māori culture and language are overwhelmingly seen as primitive and with limited cognitive resources” (Stewart, 2020 p. 302). Further,

Stewart (2020, p. 302) characterises an “overlord” thinking within a typology of Pākehā attitudes to Māori: Participant R4P6F is best characterised by the “overlord” thinking set out by Stewart (2020), which implies a superiority among Pākehā in terms of their thinking and attitudes toward Māori. These notions of superiority appear to validate the marginalised status of Māori among those Pākehā who claim that it is cultural baggage which has impeded Māori from achieving success at the same rate as their Pākehā counterparts. Such views persists despite a growing body of evidence to suggest that the ascendancy of Pākehā into positions of privilege is largely a result of the imposition of monocultural political and bureaucratic policies and practices during colonisation (Borell, Barnes & McCreanor, 2018).

Participant TG CYR endorsed a policy proposed by the New Conservative political party, an electorally unsuccessful right-wing Christian party that operates on the fringes of New Zealand politics. Barber (2008) noted that such parties on the right vying for political office in New Zealand have tended to ignore historical legacies when defining the issues of Māori disadvantage, choosing instead to focus on individual moral shortcomings. According to Pack et al. (2015), neoliberal discourses such as taking responsibility also act to obscure the structural disadvantages faced by Māori, as both a colonised people and an ethnic minority. They continue, “society is constructed as democratic, egalitarian, free of systemic racism and rewarding of individual effort. Such rhetoric deflects charges of prejudice while simultaneously justifying the status quo of Māori underachievement” (Pack et al. 2015 p. 97). According to the participant, the New Conservatives promised humane prison conditions while remaining tough on sentence lengths and conditions. Ironically, if the New Conservative party were electorally successful, and implemented policies considered internationally to meet the minimum rules for the treatment of prisoners (see: United Nations, 2018), this would in fact represent an improvement in current prison conditions in New Zealand.

Māori families neglect the educational well-being of their children

Within this theme, there were references to parenting and poor educational outcomes. What is revealing about these comments is that the failure of Māori families was used to discredit the role of colonisation leading to unequal outcomes, without acknowledging how they might be linked. As exemplified below:

Poor parenting and lack of education are driving some of the outcomes for Māori. Please stop blaming colonisation for 100 pct of the issues. Some Māori do well. Why?

Participant ITIGI

Māori have to take ownership, the high rate of our people being incarcerated is largely due to lack of whānau responsibility, the focus should be Whānau Ora by setting up good (affordable) educational pathways...

Participant LFINL

These responses follow a narrative of Māori culture being deficient, this time relying on a trope that Māori are poor parents. The first response refers to a lack of education as “driving some of the outcomes.” Stewart (2020) argued that the circulation of such views can be blamed on schooling; Pākehā “truth-myths” about Māori society are reproduced as part of the hidden curriculum in postcolonial New Zealand. Such truth-myths include Māori only having themselves to blame for poverty or that Māori were lucky to have been colonised by the British (Stewart, 2020). Due to these beliefs of Māori cultural inferiority, the marginalisation of Māori within the New Zealand education system has been profound and multi-faceted. So deep were the attempts to assimilate Māori that even the speaking of their own language in schools could attract physical reprimand (Hokowhitu, 2007). Such coercive techniques were, in the schooling of Māori, overlaid with Pākehā ways of learning in educational environments which ignored Māori knowledge and values. The experiences of Pākehā were profoundly different, having been able to learn

and communicate in their own language within the educational system (Borell et al., 2018; Matthewman, 2017).

More recent generations of Pākehā, those born in New Zealand, have inherited the privilege of this ongoing colonisation by way of Pākehā-dominated institutions that entrench a Pākehā perspective (Gibbons, 2002). In fact, all major public sectors (education, healthcare, justice and so on) are structured according to Pākehā values (Matthewman, 2017). Noted by Hattie (2003), even when controlling for socio-economic status, educational scholars have observed that Māori (and Pasifika) students are less likely to attain a proficient level of literacy by the end of their secondary school education compared to their Pākehā counterparts. Hattie continues, “it is highly likely that we have not engaged Māori and Pacific students in schooling... and we have not encouraged them to gain a reputation as learners within our school system – regardless of socio-economic background (p. 8).”

Attempts by the state to move towards biculturalism since the 1980s have tended to be tokenistic. Pākehā-dominated institutions have made pronounced but symbolic changes that co-opt (and often clumsily insert) aspects of Māori culture, e.g., greetings such as *kia ora* (hello) or the *haka* (a traditional Māori war dance) into their everyday operations (Heaton, 2011; Peters & Lambert, 2021; Tauri, 1999). Appropriation and the subsequent commercialisation of Māori culture appears to have happened in place of challenging the structures which have contributed to entrenched inequities. Material or resource inequality includes social resources, like educational attainment and networks, as well as financial resources. But opposition to the redistribution of material resources to Māori has been widespread and has included vehement criticism of the settlement of historical grievances (Te Hiwi, 2008). Meanwhile, direct attempts to redress systemic disadvantages in education, such as university scholarships and medical school placements for Māori, have also faced significant backlash (Sibley, Liu & Khan, 2010).

Māori receive preferential treatment

The last theme captures the misnomer of “reverse racism”. From this perspective, it is claimed that Māori receive preferential treatment by the justice system because of their ethnic identity. The first two responses exemplify this belief:

The justice system isn't racist but the privilege that's applied to these offenders based on skin is very unfair and does exist.

Participant XX6FG

There is no racism in courts towards Māori. It would likely be the opposite.

Participant LKSIJ

A third participant links this belief of preferential treatment to the redress Māori have received in acknowledgement of how they were impacted by colonisation.

Māori paragraph is just ridiculous. Māori criminals getting all kinds of discounts for something that happened hundreds years ago and have no influence on the given individual whatsoever. That's the only racist thing about justice system in NZ.

Participant G1NNR

Notions of Māori privilege have their genesis in reactions to the Māori cultural “renaissance” that took place in the last quarter of the 20th century (Borell et al., 2018; Matthewman, 2017). Up until the mid-1970s, perceptions of Pākehā toward the longevity of Māori society were largely paternalistic and wrapped in the belief that the best option for Māori would be to assimilate into the dominant Pākehā social structures (Hill, 2012; Hopkins, 2012). Government and its bureaucracy, alongside now discredited scholarly input, helped solidify a view that the very survival of Māori depended on giving up their

remaining cultural practices (Stewart, 2020). However, by the early 1980s, Māori society and culture had begun a process of revitalisation. It was during this renaissance period that steps were taken to revitalise te reo Māori (the Māori language) by supporting its speakers (Patterson, 2010; Thomas & Nikora, 1996), redress the dubious acquisition of land from Māori (Fowler, 2005) and introduce into legislation references to Treaty of Waitangi to begin a conversation regarding Māori constitutional rights (Jones, 2013; Thomas & Nikora, 1996).

According to Nairn and McCreanor (1991), at least some Pākehā believed that this burgeoning renaissance was the work of a “noisy minority” of Māori and their Pākehā allies in academic and political spaces. Further, this renaissance was said to be “stirring up” problems by disrupting the singular national identity of “New Zealander” while advocating “special rights” for Māori (Nairn & McCreanor, 1991). Despite this, measures were taken by both major parties in the 1980s and 1990s (sometimes in contradiction to the prevailing forces of neoliberalism) to address the inter-generational trauma of colonisation and systemic racism (Penehira, Green, Smith & Aspin, 2014). However, attempts to push back on the increasing visibility of Māori and their demands for equity were deployed by political opportunists, particularly in the 1990s and 2000s (Te Hiwi, 2008).

Some Pākehā, as exemplified by the participant XX6FG, continued to believe that attempts to moderate the structural disadvantages faced by New Zealand’s Indigenous population are representative of privileging Māori. “Māori are said to have unfair and privileged access to rights and resources unavailable to other members of society” (Borell et al., 2009 p. 31). Pākehā also benefit from being the unmarked majority and so not all their privileges are easily quantifiable (Borell et al., 2009). Such claims were popularised by former National Party leader Don Brash, who said in a 2004 speech that the policies on race amounted to unfair privileges for Māori (Barber, 2008; Te Hiwi, 2008). Brash’s speech had appropriated the policies of another party, the right-wing ACT Party, and brought them into the mainstream of New Zealand politics (Barber, 2008). Both these political parties have previously warned

that attempts to redress inequalities between Māori and Pākehā will lead to unequal treatment that would unduly benefit Māori (O’Sullivan, 2008).

So popular were the sentiments expressed by Brash that he was able to turn around the fortunes of his flailing party and almost win the 2005 New Zealand General Election. Brash only lost after the incumbent Labour Government cobbled together agreements with three other political parties, including the populist New Zealand First party, whose leader Winston Peters had made similar inferences about Māori privilege in a 2002 speech to party faithful (Oldfield & van Veen, forthcoming). In 2004/5, these perceptions of privilege were in relation to health and education (despite inequalities evident for Māori in both). In 2020, it appears this participant believes that such privileges exist also in the justice sector. Given the likelihood of systemic racism operating at every leg of the justice system, this “privilege” seems unlikely.

Accepting arguments that racism and/or colonisation are factors

Finally, a small number ($n = 7$) of right-identifying participants exposed to the status quo argument explicitly acknowledged that racism and/or colonisation were factors in the New Zealand justice system.

I agree with certain aspects of the text, such as the increased rate of incarceration among Māori, and our social responsibility to improve the factors that lead to these outcomes. However, I am not in favour of reducing the ability of the courts to provide sentences that they deem fair.

Participant IGFZL

One observation that can be made of these seven respondents, as exemplified by the above quote, is that each gave only a cautious acknowledgement, permitting a view that racism or colonisation was a factor but not one that should be considered in the sentencing decisions of judges.

Analysis: Victims of crime

Three key themes were located within this category and are detailed in order of how frequently they occurred. In some instances, more than one theme could be identified in a participant's responses and it was coded accordingly. The first theme was a brief remark drawing attention to the victims of crime ($n = 14$); Second, that prison works (leading to less victims) ($n = 11$); Third, that the people were victims, Māori are criminals ($n = 7$).

What about the victims of crime?

The most common theme within the victims of crime category was a brief and straightforward mention of victims in place of discussing offenders and the ongoing use of prisons. Victims of crime were not discussed in the status quo argument, however. Nonetheless, the theme featured strongly among right-identifying participants, as exemplified below:

Where do the victims of crime, especially violent crime, fit in? Where are their rights?

Participant SWRCZ

The conflation of victims' rights with effective penal policy is a relatively new phenomenon both internationally and in New Zealand (Pratt & Clark, 2005; Roberts et al., 2003). It was only from the 1980s that (mostly) conservative parties in North America and Europe began to deploy such victim-centric language when discussing crime and punishment. The now infamous 1988 US Presidential campaign between George Bush Snr. and Michael Dukakis has been cited as one of the early examples of this victim-centric politicking, with the latter's inability to counter an indifference to the plight of victims considered to have sealed his failed bid for president (Newburn & Jones, 2005). By the 1990s, the focus on victims became important for social democratic parties to ensure they were not electorally vulnerable, including U.S. Democrats—Bill Clinton defeated Bush in 1992, not least owing to a tough on crime approach. Similarly, under the leadership of Tony Blair, UK labour promised a more victim-oriented policy approach in its, ultimately successful, bid to win power in 1997 (Tonry, 2010).

Despite appearing on the radar of politicians, it was not evident in the 1987 New Zealand general election that victims' rights were central to political arguments regarding crime and punishment (Bartlett, 2009; Pratt & Clark, 2005). The governing Labour party, while acknowledging increases in violent crime, still preferred expert-led discussion and called for a Royal Commission into the matter (Pratt and Clark, 2005). In their election campaign, Labour announced a ministerial committee to consider the practical steps to reduce instances of violence in the community (Bartlett, 2009). In the same campaign, the National opposition proposed better police resourcing (Bartlett, 2009; Pratt & Clark, 2005). This was in stark contrast to events little more than a decade later, when the rights of victims became central to successive election campaigns, specifically the CIR which ran alongside the election in 1999 and was followed with the delivery of tough on crime policies from the incoming Labour-led Government (Pratt & Clark, 2005; Pratt, 2007).

Founded in 2001, the Sensible Sentencing Trust (SST hereafter) were critical to ramping up the victims of crime discourse. They rose to prominence largely through acting as a de facto voice for victims' families, particularly in the case of violent crimes. During the first term of the Fifth Labour Government, SST's success in lobbying for more punitive sentences is exemplified by three pieces of legislation passed in 2002 (the Sentencing Act, Parole Act and Victims' Rights Act). Unlike Victim Support groups which worked more closely with police to assist a wide range of victims, SST serviced only a small number of victims, whose stories were also used by the group to then advocate for longer sentences (Bartlett, 2009). SST were also particularly successful in positioning themselves as an alternative voice to that of experts, often appearing in debates alongside criminal justice experts in the aftermath of violent crimes (Pratt, 2005).

Prison works! (Prisoners are incapacitated meaning fewer victims)

The final theme in this series focuses on the belief of some right-identifying participants that incapacitation works as a method to avoid further crimes (by those already imprisoned) or future crimes (having been deterred from future anti-social behaviour). This theme is exemplified by the following participant responses:

The text and several questions were premised on the idea that prison is to punish. Sure that's one reason. But you seem to overlook its role in reducing victim creation. When the Crims are locked up they can only harm each other and guards. I'm a classic liberal and don't like paying tax but I'd happily pay more to build prisons and accommodate long sentences. That won't help prevent nascent criminals being produced but it will sure as heck prevent a lot of vulnerable people being victimised by recidivists.

Participant CMUI7

As a person, closely associated with someone who was sexually assaulted by someone on bail for sexual assault charges, whom then received home detention, despite breaking bail, then going on the run and sexually assaulting someone else, and got more home detention, I would rather the prison system be reformed with prisoners kept separated from the general population, rather than the idea that leaving them out in society is better. It's not better, if prison isn't working make it the living hell, suicide producing, space that these people put their victims in. Make it so bad they fear it, more than death.

Participant ZDAYO

One of the key philosophical justifications for the ongoing use of prisons in the modern era is incapacitation theory, which holds that if someone is imprisoned then they are no longer able to commit crimes. Two points are implied by incapacitation theory: it keeps offenders out of the community

(meaning they cannot commit crimes); and such offenders respond to increased sentence lengths by making a rational choice not to commit further crimes on release (Burnett & Maruna, 2004; Hale, 2000). Incapacitation complements the philosophies of deterrence (legislating harsh sentences so that others are aware of the consequences of committing crime) and retribution (a belief that punishment proportionate to offending is both fair and a necessary aspect of maintaining social cohesion).

In 1993, Michael Howard, Home Secretary in the UK Conservative Government, claimed that “prison works” because it incapacitates and deters people from committing crime (Burnett & Maruna, 2004). Howard’s speech occurred following an attack from the Labour opposition for the government’s failure to act on a rise in the level of crime in the UK, thus setting the scene for increases in the rate of imprisonment from the mid-1990s under both Conservative and Labour governments and a competition between each to be seen as the toughest on crime (Newburn & Jones, 2005). Evidence supporting incapacitation theory has been weak, however. Saunders and Billante (2002) noted that while there seemed to be an association between the use of imprisonment and corresponding crime rates in countries such as the UK and US, there was no such association in New Zealand or Australia. Furthermore, Burnett and Maruna (2004) noted that Howard’s remarks were drawn from Oxford criminological research that suggested those imprisoned might not just be incapacitated but also be responsive to the risk of longer sentences and less likely to reoffend. Evidently, these findings were premature; upon locating many of the original subject participants 10 years later, the rate of reimprisonment contradicted the original Oxford findings (Burnett & Muruna, 2004).

Noticeable in both the politics of Michael Howard and participant CMU17 was the ethos of rational choice, under the umbrella of classical liberal economics. The participant stated their opposition to the tax and spend policies of social democratic parties yet could rationalise spending on building prisons to house the offender population. Intertwined with classical liberalism, and indeed influencing Michael Howard’s incapacitation argument, was the reactionary politics of the early 1990s that railed against “welfare dependency” and called for a return to moral discipline (Burnett & Muruna, 2004). Overall, the empirical

research on rational choice and crime has suggested that threats of incapacitation only provide modest changes to the likelihood of someone offending or reoffending, and that the simple ratcheting up of punishment is an ineffective method of containing crime (Newburn & Jones; Pratt, 2007).

Finally, the oversimplification afforded by incapacitation theory ignores a variety of other criminological realities. First, an almost incalculable number of crimes go unreported and/or punished (Roper & Thompson, 2006; Morris et al., 2003). The assumption that an increase in imprisonment will impact the rates of crime is naïve—it omits that crime control is often subject to the prioritisation of limited police resources (for a New Zealand context see: Den Heyer, 2014; Ratcliffe, 2005). Second, the risk of gang socialisation or the learning of anti-social behaviours within prisons increases the risk of reimprisonment post-release (Lett, 2021; Lopez-Aguado, 2016; Pritikin, 2008). Third, crime occurs more frequently within prisons, especially those with chronic overcrowding (Grandreau, Little & Goggin, 1997; Pratt, 2008). This reinforces a Saunders and Billante’s (2002) point that the prison population merely reflects the politics of the day (i.e., attitudes to illicit drug use or restorative justice) and in of itself is a weak measure of public safety.

The people as victims, Māori as criminals

Finally, evidenced among right-identifying participants was a return to the populist dualism of us vs them. In this dualism the public as victims and Māori are perpetrators. This operates in various ways, two of which appear in the responses below. One respondent dismissed the argument that Māori are treated unfairly in the justice system before submitting for following:

...the phrase less hospitable prison conditions is offensive to victims of serious crime, should prisons be hospitable while victims are scarred for life or dead? Yes, we should focus on the causes of crime however the ultimate cause of crime is the criminal, no matter the ethnicity of the perpetrator. Tired of hearing of Māori being treated more harshly. Did the criminal do the crime?

Participant CWEGE

A second participant favoured incapacitation theory, while also positioning Māori as the perpetrators of crime.

“Prison is for the victims benefit not the offenders. Society is safer when criminals cannot commit crime, only incarceration achieves this. Higher numbers of Māori are imprisoned not because of colonial racism but because they commit more crime! Plus they commit way more violent crime and so attract higher custodial sentences.”

Participant HZDIN

The positioning of Māori as perpetrators of crimes instead of victims was discussed in Chapter One as having its genesis in the colonial history of New Zealand as a settler society. “Colonial news media have historically promoted settler interests and depicted indigenous people as threatening, associating them with violence to discredit their struggle for land and rights” (McCreanor et al., 2014 p. 123). In contemporary times, this narrative is visible in the news media and crime television programming of settler societies (Britto et al. 2007). However, not all victims of crime receive equal attention in the media, which exacerbates public understanding of who are the perpetrators and who are the victims of crime. Greer (2007) explained that the “ideal victim” and “hierarchy of victimisation,” distort public perceptions of who are more likely to be victims of crime. “The ideal victims are those perceived as vulnerable, defenceless, innocent and worthy of sympathy and compassion” (Greer, 2007 p. 4). The victims are more likely to be white (Bjornstorm et al., 2010; Greer, 2007). Consequently, such victims are viewed as at the top of the hierarchy of victimisation, which makes them ideal choices for mass media attention and collective national and sometimes international mourning.

The successful lobbying for the CIR exemplifies the narrative of an ideal victim and the hierarchy of victimisation—and its potency as a vehicle for sentencing reform. A petition which led to the CIR followed a particularly brutal attack on an elderly woman who was tending her son’s shop while he was out running errands (Lacey, 2011). An outpouring of public support was directed to this ideal victim as

pictures of her in a hospital bed were broadcast on the national news. The murder of British backpacker Grace Millane, discussed briefly in Chapter Five, is another example of the ideal victim. It is notable that in both cases the victims were white women (the first an elderly widow and the second a young woman), while the two perpetrators were both Māori men.

While there is a disproportionate number of Māori convicted of crimes, there is also a disproportionate number of Māori victims. In the UK, Greer (2007) noted that when the victims of crime were also a minority, it made them less likely to be an ideal victim and, consequently, less likely to receive news media coverage. In the New Zealand context, McCreanor et al. (2014) used high profile coverage of a theft of pounamu⁵³ to point out an instance where the media portrayal of crimes committed by non-Māori toward Māori took a discursive turn, minimalising the offence committed. Further, McCreanor et al. (2014) argue that such minimalising was accomplished by suggesting, among other things, that non-Māori offending toward Māori was the consequence of the unfair or privileged treatment afforded to Māori (who claimed right of ownership to pounamu). An exception to this failure of the media to report crimes against minorities is when it perpetuates a stereotype of irresponsibility, cultivated within the institutional or societal norms of Māori society (McCreanor et al., 2014). Taunui (2012) suggested that the particularly visible reporting of infanticide among Māori represents a desire to reassert themes of Māori as violent and uncivilised.

Conclusion

This chapter examined participant responses to the status quo argument with a specific focus on the right-identifying subgroup. A comparison of right-identifying participants with the broader sample exhibited the higher frequency of right-identifying participants in two categories: rejecting racism and the victims of crime. In some instances, both categories appeared in the same participant response. A closer reading

⁵³ The Māori language word for nephrite jade, valued by Māori.

of responses to these categories led to the identification of themes which were then critically analysed. While participant views were found to lack a sound basis, it is possible that they are indicative of sentiments within the broader right-identifying subgroup. Consequently, this chapter has illuminated what aspects of the status quo argument drew a negative response from right-identifying survey participants.

From the evidence presented in this chapter, it appears that a misconception about crime and punishment, especially of Māori *as* perpetrators of crime, has undermined a broad status quo mandate for decarceration. Strategically, for those political actors who may wish to advocate reform, it might take considerable time for these misconceptions to be undone. The prospects for change appear to be complicated by resistance to reform of the settler-colonial education curriculum as well as by problematic media portrayals of Māori. It was evident also that a failure to recognise the victims of crime within the status quo argument for decarceration invited negative responses from right-identifying participants.

The next chapter is the last of three outlining results from the experiment. It considers what the implications might be of a political actor attempting to expediate the decarceration process through seeking a populist mandate. It will also draw on results from the Quantitative Content Analysis presented in this chapter and those set forth in the next chapter. As the status quo argument was markedly less likely to engender a positive response from right-identifying participants, as outlined in Chapter Five, some further consideration must be given to the benefits and consequences of deploying a populist argument. To accomplish this, some thought must also be given to how the wider participant group responded to the populist argument, including what themes might emerge with reference to the theory set out in Chapter Two and the talking points which emerged from Chapter Three.

Chapter Seven: The risk vs reward of a populist argument

What are the risks of using a populist argument to obtain a political mandate for decarceration? As outlined in Chapter Two, critiques of populism stress that the deployment of such language can result in consequences ranging from the alienation of constituents to the realisation of policies that are demonstrably harmful. However, Chapter Two also noted that the framing of populism as an inherently negative phenomenon was contested and that populism might have some utility within the political horse-trading of contemporary liberal democracy. Chapter Five determined that among a right-identifying voter subgroup, a populist-style argument for decarceration was more likely to be supported than a status quo argument for decarceration. On balance then, populism does appear to have some utility as a vehicle for decarceration provided that it does not impinge on some core tenets of democracy. This chapter draws on the talking points that arose from Chapter Three to make generalisations about the likelihood of different outcomes arising from the deployment of a populist argument. Where suitable, comparisons are also made with participant responses to the status quo argument for decarceration outlined in Chapter Six..

A second Quantitative Content Analysis (QCA) is set out in this chapter, this time analysing responses to the populist argument for decarceration. The purpose of this next QCA exercise is to examine the potential consequences of deploying a populist argument. To accomplish this, participant responses to the open-ended question, “Do you have any thoughts or feelings about the text that you would like to share?”, were categorised. Because the two texts were different in how they traversed arguments in support of decarceration, it was expected that some of the response categories would also be different. Following a similar structure to Chapter Six, this chapter begins by restating briefly the method used to undertake the QCA. The results section then provides a tabulation of each category, outlining some of the notable

statistics, including different levels of support for categories that were first outlined in Chapter Six, and new categories which emerged in response to the populist argument.

Method

As outlined in the preceding chapter, White and Marsh's (2006) four-step process for Qualitative Content Analysis begins with a research question. Because this QCA draws from participant responses to the populist argument, the research question is related to that data, and takes into consideration the potential for different outcomes associated with populist free-market reforms, that is, the talking points set out in Chapter Three. The research question asks, then, what might be the risks or rewards of using a populist argument for decarceration? The second step was to define the sample to be used in the QCA exercise. A total of 703 survey participants were presented with the populist argument, and of those $n = 377$ (53.63%) gave written responses. The third QCA step was to code participant responses in the same as Chapter Six (using the same rationale presented in Appendix IV). Because each participant response could be coded up to three times, this process resulted in a total of 477 categorised responses. The fourth and final step was to draw on these categories to make more detailed observations relevant to the research question, informing what might be the viability of deploying a populist argument for decarceration.

Results

The categorisation of participant responses is set out in Table 7.1. Similar to the results in Chapter Six, some categories represent contrasting responses. In this chapter, four categories make up two sets of contrasting responses:

1. Sentences should be shorter vs Sentences should be longer.
2. Prison conditions should be more lenient vs Prison sentences should be less lenient.

Following Chapter Six, there was a total of 10 categories with an additional “other” category ($n = 35$). Two new categories were also identified: (7) prisons are ineffective and/or counterproductive ($n = 68$); and (8) the text was too emotive ($n = 23$). Both categories are examined in the next section of this chapter as part of a broader discussion regarding use of a populist argument for decarceration.

Table 7.1
Tabulation of responses to populist argument (All respondents)

Code	Theme	n	% (all)
1	Shorter and/or more lenient sentences (incl. alternatives to prison)	80	11.38
2	Longer and/or less lenient sentences (incl. acceptance of existing arrangements)	87	12.38
3	More lenient prison conditions (incl. focus on in-house rehabilitation)	46	6.54
4	Less lenient prison conditions	37	5.26
5	References racism of justice system (i.e., unfair on Māori)	15	2.13
6	Social forces lead to prison	56	7.97
7	Prisons are ineffective and/or counterproductive	68	9.67
8	Text was too emotive (i.e., a rejection of populist-style)	23	3.27
9	Rejection of the validity of the research, the researcher, or accusations of bias	22	3.13
10	Victims of crime addressed (incl. community and business)	8	1.14
33	Other	35	4.98
99	No response / Don't know	323	45.95

Although the impacts of colonisation and/or racism in the justice system did not appear in the populist argument (there was no explicit mention of Māori in the populist argument), 15 respondents did refer to the one or both of these issues. This suggests an awareness of the issue(s), including how the justice system imprisons more Māori than any other ethnic group (for rates of imprisonment by ethnicity see: Department of Corrections, 2021). Unlike responses to the status quo argument, there were a negligible number of participants ($n = 5$) who broadly rejected racism or explicitly put the onus on Māori (as outlined in Chapter Six, 56 participants specifically rejected the racism or colonisation argument). Furthermore, a negligible number of participants ($n = 7$) exposed to the populist argument also referred to the individual responsibility of offenders, whereas this was mentioned by 24 participants in response to the status quo argument.

Table 7.2 presents the count for right-identifying participants who were exposed to the populist argument. Right-identifying participants were more likely to support longer and/or less lenient sentences than the broader sample. This echoes Chapter Six results, which revealed that right-identifying participants were also more likely to support longer and/or less lenient sentences than the broader sample when exposed to the status quo argument. However, the proportion of support for longer sentences vs shorter sentences among right-identifying participants was significantly lower for the populist argument than the status quo argument. This suggests that while both texts advocated lower numbers of persons imprisoned, right-identifying participants were more likely to explicitly support leniency in response to the populist argument than the status quo argument.

Table 7.2

Tabulation of responses to the populist argument (right-identifying only)

Code	Theme	n	% (responses)
1	Shorter and/or more lenient sentences (incl. alternatives to prison)	12	15.00
2	Longer and/or less lenient sentences (incl. acceptance of existing arrangements)	25	28.74
3	More lenient prison conditions (incl. focus on in-house rehabilitation)	7	15.22
4	Less lenient prison conditions	8	21.62
5	References racism of justice system (i.e., unfair on Māori)	1	6.67
6	Social forces lead to prison	5	8.93
7	Prisons are ineffective and/or counterproductive	10	14.71
8	Text was too emotive (i.e., a rejection of populist-style)	5	21.74
9	Rejection of the validity of the research, the researcher, or accusations of bias	7	31.82
10	Victims of crime addressed (incl. community and business)	1	12.50
33	Other	12	34.29
99	No response / Don't know	48	14.86

Meanwhile, shifts in the proportion of support for (3) more lenient prison conditions vs (4) less lenient prison conditions among right-identifying participants were not evident in responses to the status quo argument or the populist argument. According to Chapter Six, right-identifying participants who advocated more lenient prison conditions in response to the status quo argument was near equal to those who advocated less lenient prison conditions. This finding was mirrored in responses to the populist

argument, suggesting, that overall, the populist argument was not any more likely to elicit a higher number of explicit responses favouring harsher prison conditions than a status quo argument.

Analysis: Market populism, but at what cost?

The tabulation of results in Table 7.1 gives an initial indication of participant responses to the populist argument for decarceration. This section probes the open-text data further, allowing for generalisations to emerge regarding the consequences of deploying this populist argument. Using the talking points which arose in Chapter Three, these considerations are as follows: public advocacy for harsher sentences [and more austere prison conditions]; the argument was off putting; a return to privatisation; ambivalence towards imprisonment; and finally, validating the victims of crime.

More austere prison conditions and longer sentences?

Perhaps the most significant risk associated with the deployment of a populist argument, especially one that draws on free-market ideology, is that it might lead to more austere prison conditions. As outlined in Chapter Two, it is imperative to consider the extent to which a populist phenomenon contributes to a less democratic society. For comparative purposes, the responses of all participants are considered under this theme. This section underscores concerns about participants responding to fiscal narratives by advocating for austere prison conditions or longer sentences. Two such examples are outlined below.

Make prison harsh so people don't want to go there. Basic meals. Time out of cell is a privilege. Any activities is for long term history of good behaviour. Real basic meals. No sky TV. Stuff this sensory room rubbish too. Set up some sort of "strike 3 you're out system" if someone commit crime 3x then they get killed. If they want to fight just let them go at it until they kill each other and get the prison population down.

Participant EKRM0

Prison is no longer a deterrent to crime, with xmas dinners, better meals than some of our children, access to education, all at taxpayer expense. People in positions of knowledge have commented to me that some criminals don't mind being sent away for "short stays" such as over xmas because of the better conditions/food than they have out in society. Those going thru prison should FEAR going to prison. Terms should be fixed, life should mean life, and in my most right wing thought ever life should actually be your life after a period (reducing costs and reoffending risks). Don't get me started on what paedophiles and rapists should be subject to.

Participant M117P

Populism can threaten an independent judiciary and the rights-based bureaucracy that ensure, among other things, the humane treatment of prisoners (Howard, 2017; Lacey, 2008). Further, the advocacy and deployment of austerity by political actors in various parts of the US has often overlooked the growing cost of penal institutions (Gottschalk, 2010). In fact, political actors in the US state of Oregon claimed in the mid-1990s that free-market principles were best served by punishing crime with an *increased* use of imprisonment, rather than let the perpetrators of low-level crimes serve their sentences in the community (Cate & HoSang, 2018). While opposition to the use of prisons has been grounded in economic arguments, attempts to cut prison costs in the US have instead rendered life in prison “leaner and meaner” (Gottschalk 2010, p. 67). Austerity in the US has led to an increase in reports of prisoners being served spoiled food or the curtailing of behind the wire employment programmes aimed at offender reintegration (Gottschalk, 2010). This is not an isolated case, austerity, even when used as the vehicle for decarceration, has been used elsewhere to validate the overcrowding of prisons, charging prisoners fees to stay and the serving of spoiled food (see also: Aviram, 2015; Bosworth 2011).

A concerted effort to cut across-the-board spending by Alberta Premier Ralph Klein meant that the province’s prison population fell by more than 30% over a four-year period (Webster & Doob, 2014). However, Klein’s populism was not without consequences for the prison network or for those who

remained imprisoned. A combination of direct and indirect austerity measures by Klein and his cabinet led to the triple bunking of prisoners in a smaller network of provincial prisons. Other—rather fatuous—decisions were also made with reference to cost, such as replacing fresh milk with powdered milk and colour televisions with black and white televisions along with the permanent cancellation of stipend payments for prisoner working behind the wire (Chapter Three and Webster & Doob, 2014). Overall, however, there was no strong evidence to suggest that participants would advocate more austere prison conditions when presented with a populist argument for decarceration. Of all participants exposed to the populist argument, only $n = 37$ (5.26%) responded with a belief that prisons should be less hospitable. Whereas, in response to the status quo argument, a larger number ($n = 52$, 7.46%) expressed the belief that prisons should in some way be less hospitable. What this indicates is that while the Klein Government might have enacted harsher prison conditions at a time when the overall prison population was falling, populist arguments by political actors for decarceration do not necessarily inspire more punitive responses from the public towards those who remain imprisoned.

The substantive ways Corrections had sought to minimise the costs of operating prisons in New Zealand. Embedded within both the status quo and populist arguments was a reminder to participants that Corrections already practised double bunking, shorter prisoner unlock hours and standardised meal arrangements. In essence, participants in this experiment were being conditioned to understand that prisons in New Zealand were already operating in a manner that was highly sensitive to costs. Foregrounding the conditions already evident in prisons could help overcome remoteness issues among the public and a general ignorance about prisons and how they operate (see: Coyle, 2005). Further, the identical foregrounding meant that the variation in participant responses to either text more likely reflected the broader style of the decarceration argument.

Analysis was then undertaken of all participants who were categorised as being in favour of longer terms of imprisonment. Despite the large number of persons who favoured less lenient sentences in response to

either text, it is worthwhile considering *how* punitive their responses were. Table 7.3 sets out differences that emerged within the category “Longer and/or less lenient prison sentences (incl. acceptance of existing arrangements)”: sentences are about right; sentences should be longer; and sentences of capital punishment or torture should be (re)introduced. While $n = 87$ participants from each sample supported same or longer and/or less lenient sentences, a closer inspection suggests that those participants exposed to the populist argument appeared to be less punitive overall (or rather, responded in a less punitive way). Participants were more inclined to support keeping sentences as they were, and less likely to support capital punishment or the torture of prisoners, if exposed to the populist argument instead of the status quo argument.

Table 7.3

Longer and/or less lenient sentences (incl. acceptance of existing arrangements)

	About right	Longer prison sentences	Capital punishment/torture
Status quo	9 (10.34%)	38 (43.68%)	40 (45.98%)
Populist	24 (27.59%)	44 (50.57%)	19 (21.84%)

Overall, this finding suggests that it is not inevitable that arguments appealing to market logics, austerity and parsimony will elicit support for prison conditions that breach (or in the case of New Zealand, further breach) the humane treatment of prisoners or encourage more punitive (e.g., longer sentences). Instead, the populist argument was considerably less likely than the status quo argument to elicit participant support for capital punishment or torture.

The argument was off-putting

One theme which might have been expected to emerge from responses to the populist pitch was a criticism of the tone and overall aggressive nature of the argument. Indeed, the categorisation process identified references to the populist argument being “emotive” along with “inciteful,” “incoherent” or

“loaded” (‘too emotive’ hereafter). Of the 23 participants whose response was coded “too emotive”, the vast majority only briefly noted the emotive style of the text as a passing standalone comment or before discussing other aspects of criminal justice in New Zealand. The following two responses exemplify this view among participants.

The above paragraph uses very leading and emotive language which dilutes the impact/credibility of the facts included in the text.

Participant 7XCDK

It’s very emotive and doesn’t have any figures or evidence to back up the broad statements it makes.

Participant TU6MN

However, there were few participants who were explicitly put off by the populist argument, as this response was only coded $n = 23$ times. In other words, only 6.1% of all 377 participants who responded to the populist argument (or 3.3% overall) expressed a view that the text was too emotive. A more favourable reception to the populist-style argument, overall, could mean that the emotive language struck a chord with a larger number of participants, particularly right-identifying participants. It is plausible also that the aggressive rhetoric was responsible for the populist argument being less appealing to left-identifying participants. There was simply not enough data to make any strong assumptions. Jones (2010) does argue, however, that it “seems hard to envisage today at least how the rhetorical, socially separatist, antielite, anti-rights discourse of reactionary populism could marry easily with the political goals of liberals or the Left” (p. 344).

If a progressive strand of populism were unlikely to emerge on the left of the political spectrum, it does not preclude a possibility of it emerging on the right, whether inadvertently (as outlined in Chapter Three)

or more explicitly (e.g., post-GFC in the US state of California). Jones (2010), writing from a UK perspective, suggests that a populist mandate for decarceration from the political right “could turn on and confront the criminal justice system as a whole, and back a wholesale alternative approach, and thus temporarily ally with moderates’ goals” (p. 355). Further, Jones (2010) argued that conservative positions on criminal justice are more than simply punitive responses. In a 2011 speech, New Zealand’s then-Finance Minister and Deputy Prime Minister, Bill English, referred to prisons as both a “moral and fiscal failure” (Workman & McIntosh, 2013). This is notable because English was a senior minister in the right-of-centre National Party, which later oversaw the number of persons imprisoned grow from 7,000 to over 10,000.

There has been some political will to draw on such arguments to upend mass incarceration outside of New Zealand. In the US, this has been referred to as an expansion of the anti-statist arguments which formed part of the existing discourse of fiscal conservatives (Aviram, 2016; Dagan & Teles, 2016)⁵⁴. Cost-centred attempts to reduce the rate of incarceration in jurisdictions such as those by the US state of California were described by Aviram (2016) as “humonetarianism.” In order to imprison fewer people over time, humonetarianism worked toward reducing both admissions and readmissions through bipartisan agreements and politically neutral language which privileged the rhetoric of cost and wastefulness in the place of human rights (Aviram 2016). And so, if a political actor sought to upend New Zealand’s carceral state, an incendiary populism speaking to the wastefulness of prisons might indeed provide the necessary mandate to stimulate such change or encourage a bipartisan approach to lower levels of imprisonment.

The minute number of responses categorised as “too emotive” might also suggest that the populist argument represents a viable form of politics in the area of criminal justice. This is akin to what Loader

⁵⁴ What the US examples lack, however, is a comparable rate of imprisonment to other liberal democracies over this period, including New Zealand.

(2010) referred to as an intervention which “unsettles and re-make[s] dominant sensibilities towards punishment” (p. 352). Instead of attempting to reform prisons to meet the standards expected by the United Nations, New Zealand could circumvent addressing such issues by simply imprisoning fewer people. Drawing on what Jones (2010) considered to be a rhetoric which appeals to superficial emotions, the populist argument disregards procedural safeguards, feeds off indignation and creates a pathway which reorients criminal justice towards what should be its “proper” goals (p. 337).

The use of a populist argument to seek a mandate for decarceration is, in effect, privileging populist leniency as a rhetorical technique, instead of penal moderation; where the latter involves a more rigorous process of coalition building among political actors (see: Loader, 2010). Populist leniency focuses on reducing punishment; it relies on an appeal to fairness, imploring the criminal justice system to treat certain offenders differently by recontextualising the nature of their crimes (Jones, 2010). Penal moderation, on the other hand, aims to cultivate more responsible speech about punishment in a way that might reduce punishments "across the board" (Loader, 2010, p. 344). Drawing from Hamilton (2004), Green (2014) gave the rationale for doing good by stealth, it might benefit those who find it “irrational to be politically informed” (p. 79), despite being an argument which deploys a less responsible speech e.g., being too emotive for some participant and quite obviously cynical. In other words, Green (2014) argues that complex matters of criminal justice, especially those presented in such technocratic ways, are less appealing because of the “low returns” one citizen can expect when applying themselves to the topic (p. 79).

A return to privatisation?

The operation of prisons in New Zealand remains an increasingly expensive exercise, with total costs tripling in real terms between 1996 and 2016 (Lambie & Gluckman, 2018) and operating costs now amounting to over \$1.7 billion annually (Department of Corrections, 2020b). This ballooning government expenditure on the contemporary prison complex—seemingly paradoxical in the neoliberal era—

represents one of the last remaining vestiges of government excess in New Zealand's public service. Unlike other areas such as health and education, New Zealand's Department of Corrections and its custodial operations appear to have flexibility in continuously expanding operational budgets (Pratt, 2017). One might expect that a populist argument, fixated on the wastefulness of government-run prison facilities and the obscene costs associated with imprisoning offenders, would trigger calls for prison privatisation in participant responses. Despite the normalisation of market logics in various parts of New Zealand's public service, there was no evidence that participants favoured another attempt to privatise prisons. No participant, right-identifying or otherwise, suggested that privatisation again be deployed to remedy the cost of housing prisoners.

In recent decades, the costs associated with building new prisons and housing prisoners has provided the impetus for the privatisation of a small number of New Zealand prisons. Ultimately, both attempts to introduce privately run prison facilities were small in scale and have now been mostly wound back. In 1999, Auckland Central Remand Prison was privatised shortly before a change of government. The new Labour-led government, which was ideologically opposed to private prisons, opted not to renew the contract; by the end of 2005 all New Zealand prisons were back under public operation (Boyle & Stanley, 2019). Following another change of government in 2008, there was a second attempt at partial-privatisation by the National-led Government. This privatisation involved two men's prisons, which accounted for about 20% of the overall prison muster (Harding, 2018). However, by 2017, the same government had ended the private contract for one of these prisons in response to violent incidents attributed to the mismanagement of the facility⁵⁵ (Boyle & Stanley, 2019).

Nonetheless, fiscal imperatives, and the pervasiveness of neoliberal ideas globally, have allowed the private prison industry to flourish in liberal free-market economies such as the UK, US, and Australia

⁵⁵ The second prison continues to be privately run; its contract is not set to expire until 2040.

(Harding, 2018; Nathan, 2003). This suggests that the return of free-market logics through the populist argument might risk a return to private prisons, which is likely to be at odds with the intentions of progressive penal reforms. There are two potential explanations for the finding of a lack of discussion around privatisation. The first and most obvious is that privatisation was not explicitly mentioned in the populist argument, yet neither were a variety of issues that *did* feature in responses to both the status quo argument and the populist argument, e.g., victims of crime (in response to the status quo) and the treatment of Māori (in response to the populist argument). Second, the negative portrayal of private prisons in the New Zealand media, especially between 2015 and 2017 (see: Boyle & Stanley, 2019) appears to have dampened any appetite across the political spectrum for further privatisation in the sector. There is little reliable data on public attitudes to private prisons, however. About three years before the data collection period in this thesis, a newspaper readers' poll suggested private prisons were not well supported (National Business Review [NBR], 2015). While this poll was non-scientific, it is notable because the NBR is frequently linked with right-leaning think tanks and appears to have a more conservative editorial position than other media publications in New Zealand. In sum, prison privatisation no longer appears to be on the agenda of either major political party, nor to have widespread public support in New Zealand.

An ambivalence to imprisonment?

Various scholars have referred to an ambivalence among the public on matters of criminal justice, adding weight to claims that penal populism has been overstated and that public opinion is more nuanced and complex than first thought (Frost, 2010; Loader, 2010; Mackenzie, 2015). Speaking in the context of criminal justice in the UK, Green (2014) suggested that the governing Labour party's embrace of "tough on crime" policies in the late 1990s was based on the "bedrock assumption that the electorate was monolithically punitive and would always respond favourably to pronouncements and policies that were consistently harsh" (p. 74; see also Freiberg, 2001). It is an ambivalence at odds with the generally

accepted hypothesis of penal populism, that the evolution of social institutions, i.e., the family, economy, and the media, has contributed to a more punitive public (Pratt, 2007; Druz, 2010; Green, 2014).

Ambivalence was manifest in the participant responses. Among these were suggestions of a greater discretion in sentencing depending on the circumstances of the offence, a willingness to consider alternatives to prison for some offenders, more support for those imprisoned on their release and agreement that prison itself was not all that effective in reducing crime. The following participant responses are illustrative of this ambivalence when confronted with either text. The first response broadly acknowledges the retributive function of prison but believes that changes could be made as to *who* is imprisoned.

I can understand the perspective but find it leading to the conclusion that we should be less tough on crime. I would agree to a more homely prison, even marae based, or community work based for less violent offenders, however, crimes are still crimes. The hope would be less prisoners over time, as the system becomes more rehabilitation approached, and we address the failed neoliberal experiment more and more. In saying that one rationale the text above uses is; the ever-increasing cost on the taxpayer, and my belief is that we need to spend more to improve the system.

Participant N2M8N

Responses to the populist argument highlighted an ambivalence among participants towards the use of imprisonment, at least in some circumstances. Successful deployment of the populist argument would represent a form of stealth policy making (see: Green, 2014). Such rhetorical strategies are not without their own risks, however. Dzur (2010) described populist punitiveness as “thin populism,” in that it articulates a distrust of the discretionary power of officials and a resentment of experts who influence officials at the same as a resistance to public accountability (p. 370). A populist mandate for decarceration does nothing to rectify this scepticism of public officials or improve trust, but rather it normalises public dissatisfaction with government and the bureaucracy.

Ambivalence could also be consistent with the demands of penal populism and in particular the introduction of mandatory minimum terms of imprisonment in New Zealand (e.g., three-strikes). The second response more explicitly calls for longer sentences of imprisonment for violent crimes and fewer sanctions for non-violent crimes.

Harsher sentences are needed for serious violent offenders, however an increase of rehabs is needed desperately to address drug/alcohol addictions and mental health problems need to be addressed too.

Participant ZPDU1

This is a form of penal bifurcation, that is, distinguishing between those who are dangerous and those who are less likely to cause physical harm, e.g., those who commit non-violent offences (Guiney, 2019). While the populist argument emphasises this bifurcation to some degree, it is not evident that the public understand sentences lengths for violent crime all that well (Berry et al., 2012; Hough et al., 2013). This could raise the prospect of diverting low-level offenders away from prison without *actually* increasing the sentence lengths of those convicted of more serious offences.

Further, there was an ambivalence among participants who recognised the retributive function of prison, but also that the time spent in prison could be further orientated towards the needs of an offender post release:

People should be sent to prison, however, rehabilitation and learning things should be mandatory for all prisoners in the form of training courses to help these people also be better prepared for when they return to live in the community.

Participant KS8PZ

An ambivalence hypothesis does have some scholarly support internationally. Frost (2010) suggested that drawing on public opinion surveys to legitimise harsh criminal justice policies had too often drawn on simplistic understanding of voter attitudes. This echoed the thoughts of Roberts et al., (2002), who, while acknowledging that penal populism appeared to be an electoral advantage for political actors, suggested also that punitive policies might not properly reflect public opinion. According to Mackenzie et al. (2015), a penal leniency (or bifurcation of sorts) was evident among the Australian voting public. There was a desire for harsher sentences, yet the overall reading of public opinion was more nuanced: “there was widespread support for the use of alternatives to imprisonment for young, mentally ill and non-violent offenders (p., 57).” Frost (2010) contended, however, that political actors are unlikely to spend meaningful amounts of time with the people they represent and will default to straightforward interpretations of public opinion as it is doubtful they know what their constituents actually want.

If political actors are responding to a punitive public with punitive policies, evidently, they are responding to a superficial read of the public. Not only did a majority of participants agree with both the populist and status quo texts, both QCA exercises suggested strong underlying support for alternatives to prison. Further, according to Doob (2000, as cited in Mackenzie et al., 2015), survey participants are less punitive than is generally understood, and appear to be open to alternatives to imprisonment when these are specified. Loader (2010) proposed penal moderation as a mechanism for reducing the harshness and scale of the modern prison system. This moderation is predicated on an assumption that an exceedingly punitive public is indeed a myth, and that the public has a greater capacity to make informed decisions than first thought (see also: Green 2014). The role of political actors in promoting penal moderation is to remind voters that the criminal justice system did not have to, and does not have to, operate in the way it currently does (Loader, 2010). Penal moderation might otherwise be best described as the status quo argument in this experiment. While not *as* likely as the populist argument to evoke support for decarceration, it still had popular support, suggesting an ambivalence among participants to the widespread use of prison.

Validating victims

Penal populism in New Zealand has caused expertise within the criminal justice establishment to be maligned— “out of touch” with the interests of the public—while the opinions of those who claim to speak on behalf of crime victims have become more privileged (Pratt, 2007; 2013). This follows from a rediscovery of the victim that took place from the 1980s, resulting in laws which were passed in the explicit aftermath of high-profile crime (Bottoms, 1995; Karmen; 2009). Even when the rationale for such law changes were dubious, the conflation of victim rights with more severe punishments has meant few political actors have been willing to argue against their passage at the risk of being branded as “anti-victim” (Karmen, 2009). This was exemplified in Chapter Six by the finding that some participants responded to the collage of perspectives from criminal justice elites on the use of imprisonment with mentions of victims’ rights, despite victims not being discussed in the status quo argument.

In the New Zealand context, this victim-centred public punitiveness led to the legislation passed in 2002 that was informed by the 1999 Citizen Initiated Referendum. The referendum result was interpreted by the Labour-led Government as the public calling for greater emphasis on victims’ needs and harsher punishments for offenders (Pratt & Clark, 2005; Pratt 2013). Victims’ rights-orientated interest groups have also played their part. The SST has been remarkably successful in galvanising cross-party political support for its key political aim of obtaining tougher sentences for violent repeat offenders (Pratt & Clark, 2005), while, until recently, those who dared to critique the emphasis on punishment became the target of vilification and personal attack (Pratt, 2013). Substantial increases in the rate of imprisonment with no corresponding improvement in public safety or decrease in crime have been the consequence of this victim-centred penal populism (Lambie & Gluckman, 2018).

It is evident from responses to the populist argument that there is an empirical basis to the claim that participant concerns about the rights of victims can be mollified at the same time as an argument is made to imprison fewer people. It seems, then, that the public may be more willing to accept an argument for less imprisonment if it is presented alongside a commitment to assist the victims of crime. As suggested

in Chapter Six, because the populist argument pivots away from the rights of prisoners and begins to discuss the rights of victims, it seems to trigger greater legitimacy and fewer reactive responses, especially among right-identifying participants. This is further evidenced by the fact that right-identifying participants made up a majority of those who raised concerns about the victims of crime in response to the status quo argument but only one of a total of eight responses to the populist argument. Therefore, it might be beneficial for proponents of decarceration to draw attention to the victims of crime, much like the SST has done, but with diametrically opposing goals in mind.

The discussion of victims by political actors might insulate the proponents of progressive penal reforms from accusations of being either soft on crime or out of touch with a public sentiment about the rights of victims. Indeed, while victims' rights might be the predominant ideological justification of criminal justice (see: Boutellier, 2000; De Haan & Loader, 2002), their presence in political discourse does not necessarily translate to a public desire for harsher punishments. De Haan and Loader (2002), in speaking to the falling legitimacy of criminological science amongst the public, cited Young's (1987) argument for a new realism, which would acknowledge victims in the criminal justice process while maintaining moderate stances on crime and punishment. This does raise an important question: If the rights of victims had been more readily acknowledged in the last two decades of the 20th century, does it mean that the adoption of "tough on crime" policies in New Zealand (and elsewhere) were altogether necessary? It could instead be that the acknowledgement of victims need not have been manifest in punitive sentencing but instead through a suite of alternative measures such as reparation, third party support and restorative justice.

Conclusion

This chapter considered the consequences of deploying a populist argument to seek a political mandate for decarceration. Taking a holistic approach to the QCA results and the analysis which followed, it does not appear that the deployment of a populist argument would be to the detriment of political actors

seeking to reduce the rate of imprisonment. In fact, participant responses suggest that such an approach could garner more legitimacy among the public without the risk of more punitive sentiments arising. While these findings run counter to the five talking points which arose from the case study in Chapter Three, it is important to note both intent and directionality. Klein's free-market populism legitimised more austere prison conditions without much consideration for the rate of imprisonment, while the deployment of free-market populism as justification for decarceration did not seem to whet the public appetite for more austere prison conditions.

This populist argument for penal reform will inevitably still have its critics. While participant responses suggest that it was unlikely to encourage a return to privatisation, it does normalise a diminished view of government and the justice system. Such a diminished view of the public sector does leave the door ajar for further private sector involvement in the prison network such as the outsourcing of some prison operations (e.g., prisoner escorts or programme delivery). For that reason, it is perhaps unsurprising that left-identifying participants were less supportive of the populist argument, that is, hesitant because it would rely on market logics and anti-statist viewpoints to transmit a populist leniency.

The three results chapters in this thesis have demonstrated the likelihood that public opinion on crime and punishment is more nuanced and complex than has been understood by political actors. Consequently, an understanding across the political spectrum that the public are inherently punitive seems to have been overstated. Participant responses to the populist argument also gave clues as to how punitive viewpoints could be mollified. Obtaining a mandate from constituents to reduce levels of imprisonment would perhaps be reliant on maintaining the same victim-centred approach by political actors who have in the past advocated punitive responses to crime. This victim-centred approach by proponents of progressive penal reform should focus on the opportunity cost of punishing offenders when victims could instead be better supported. The concluding chapter of this thesis returns to an autoethnographic account, noting what measures have been taken by the Sixth Labour Government in New Zealand to reduce the prison

population and what, from this experiment, might aid a further reduction in the number of those imprisoned.

Chapter Eight: Conclusion

During my 18-month tenure as a corrections officer, I was rostered to work two out of every three weekends. Part way through the unlock phase of the shift on one Saturday morning, I was involved in responding to a confronting medical emergency. It occurred during the last unlock round of the morning, when all the men without jobs were provided the opportunity to leave their cells and sit in a concrete yard for two hours. About halfway around our unlock circuit, my colleague and I noted that only one of two prisoners were still locked in the cell we were about to open. I first checked the small window to establish that it was safe to open the door and could see the prisoner's legs on the floor at the back of the cell. When the door was opened, we found the prisoner face down and naked in the adjacent shower area, shaking violently, and with his head bobbing in and out of the surface water. I initiated emergency procedures while my colleague began attending to the prisoner's immediate medical needs. In the intervening wait, he regained consciousness. Following a brief period of disorientation, the prisoner's first question to us was "did I hit him, did I get in a good shot?" We advised the prisoner there had been no fight and that he appeared to have had a seizure while showering.

The prisoner's concern regarding his fighting capability gave way to humiliation as he quickly sprung up and began to dress himself. A few minutes after we had called an emergency, the prison's medical staff arrived, and the prisoner was taken away for further assessment. Following a couple of nights under hospital observation, the prisoner returned, and we were advised that there were "forensic concerns," but for privacy reasons his medical diagnosis would not be disclosed. Out of pity, and knowing he had little or no family support, our unit supervisor assigned the prisoner a job paying 30c an hour to clean windows⁵⁶. The prisoner understood the role well and did it diligently, but in a way that was so excruciatingly slow to watch that other prisoners in the unit mockingly called him "speedy."

⁵⁶ The standard in-house rate.

Initially, I knew very little else about this young man except that he was illiterate, as he would ask me to help him fill out his canteen order on Sunday afternoons. The prisoner was otherwise a reserved individual, and so it was difficult to talk to him or address the incident in the weeks that followed. When I completed the initial incident report pertaining to the medical emergency, I also noted that the prisoner did not have any convictions related to violence. While I had made prior observations of him communicating with gang members (possibly to offer items that would guarantee his own safety), he did not have a patch, did not appear to be a gang prospect, and had no history of problematic behaviour in prison. Aside from what appeared to be an acute combination of physical and mental health concerns, the prisoner shared the same characteristics of many in the surrounding unit and indeed the wider prison population: a young, brown male who had returned to prison for charges routinely described by officers and prisoners alike as “dumb shit”.

I share this anecdote because the plight of this prisoner became routinely discussed among officers in the kind of detail that had not been common during the time I worked at the prison. There was a growing discomfort among staff over the fact that such an individual would continue to be remanded in custody. There was a sense of hopelessness about the young man’s overall situation and a consensus that he ought not be in prison. When transferred to hospital, some officers openly shared their belief that he should be deemed unfit to return to prison, be treated elsewhere and supported in whatever way necessary when released back into the community at large. Listening to these officers left two questions in my mind. The first was how might these more lenient attitudes towards prisoners gain an ascendancy among the public and the political actors who represent them? The second was that if it were indeed obvious that some prisoners ought to not be in prison, how could political actors acquire the mandate needed to legislate for more offenders to be managed outside of the prison system? My confidence in imprisoning fewer offenders was not predicated on the belief that they were wrongfully convicted, but because prisons were miserable places that were generally counterproductive to rehabilitation in the long term (see also: Neminski, 2014; Pyrooz, Decker & Fleisher, 2011; Stern, 2006).

By sentencing a young person to a term of imprisonment in New Zealand, it was less likely that they would be able to successfully alter the trajectory of their lives, not just for their own sake but for that of their family and the wider community (Johnston, 2016; Workman & McIntosh, 2013). There was also evidence that New Zealand's relatively high incarceration rate has imposed undue costs on society—both financial and social (Buttle, 2017; Lambie & Gluckman, 2018). For me, it was a prisoner, back for his fourth sentence, who encapsulated this message one evening as we chatted outside his cell. “You fullas [sic] think this place is the Department of Corrections,” he said, to which I responded, “To be honest, I don't know what it is.” The prisoner smiled and said “Well, if you hang around long enough, you'll find it's the Department of Connections!” Indeed, criminal socialisation—connecting, rather than correcting—is a key concern many have about the role of prisons, and one that was alluded to in both texts that were presented to survey participants as part of the experimental tool in this thesis.

My 18 months as an officer led me to accept some of the same conclusions drawn from Pratt (2007) and Roberts et al. (2002) more than a decade earlier. Primarily, accepting the limitations of prisons as facilities which deter crime or reform criminals was to acknowledge that penal populism and the proliferation of longer sentences was a political, not a criminological problem. This was not mere speculation. Sentences for a raft of offences in New Zealand have become considerably more punitive (Klinger, 2009; Pratt & Clark, 2005), and prisons across the country have been remodelled to operate more as corrective services than what they were prior to 1995 (Richards-Ward & McDaniel, 2007). By examining incarceration as a political problem, I wanted to first understand how populism had contributed to an increase in the rate of imprisonment, and then what utility it might have as a political strategy for decarceration. I knew that even if a punitive public were more malleable than first thought, the evidential basis for this claim would need to be convincing to political actors. In other words, I understood that political actors were more likely to unwind a carceral state should they be confident it would not harm their chances at election time.

In the opening and closing chapters of this thesis, I have sought to illustrate the hopelessness which surrounds how our prisons operate. My experience was that, outside the wire, the public seemed to understand very little about prisons and how they functioned. Further to this observation, as outlined in Chapter One, the public appeared to be equally disinterested in the rights of prisoners, a view substantiated through the numerous vitriolic conversations I had with people on the street. I came to the perspective that the public might understand the limitations of prison if they were presented in a straightforward, concise manner. My review of the literature on populism in democracy, set out in Chapter Two, and the case study of a free-market populist in Chapter Three, gave me the basis upon which a new argument for decarceration could be made, one which this acquiescence might be achieved.

To test my ideas about communicating with the public, I set about creating a participant survey with two parts. The first part asked survey participants questions about whether they thought certain offences, and the frequency of those offences, merited the option of imprisonment. This exercise provided superficial evidence of ongoing support for the use of prison for first-time non-violent offenders. The second part was the experimental tool, measuring participants responses to one of two possible text arguments in favour of decarceration. Both texts were designed to suggest that the over-use of imprisonment does not provide any net benefit to society and, thus, fewer people should be given custodial sentences. Ultimately, the tool validated the hypothesis of Roberts et al (2002), that a credible pathway out of penal populism would require “going on the offensive” (p. 164).

In this final chapter, I bring the discussion back to the current political landscape, where criminal justice reforms in New Zealand have been on the horizon but are still vulnerable to public backlash. I contextualize the opportunities for penal reform within this current socio-political landscape, taking into account the results of my experiment and the case study which shaped it. I consider what sort of structural changes might be required in New Zealand society for the existing range of decarceration arguments—regarding cost, efficacy and human rights—to be considered politically viable. I then consider what free-

market populism might look like if it were deployed as a tool for decarceration. I close by returning to my experience working in the prison and the young man who appeared to have suffered a seizure, suggesting that regardless of the approach taken to reduce the prison population further, urgency is required.

Aotearoa New Zealand in the present

Over the past five years, New Zealand has been heralded as a beacon of social liberalism in striking contrast to illiberal populism in other parts of the democratic world (see: Duff, 2020). The Sixth Labour Government, under the Prime Ministership of Jacinda Ardern, has been lauded in international media for showing care and compassion in its response to crises such as the 2019 terrorist attack in Christchurch and the COVID-19 pandemic (see: Negesh, 2019; Brockett, 2020). Ardern's precise and evidence-based decision making in times of crisis has been contrasted with the nation's history of populist political leaders, of whom there has been a century's-long lineage, dating back to the brash opportunism of the Prime Ministership of Richard Seddon and the beginning of party politics in New Zealand (Oldfield & van Veen, forthcoming). However, such a view does obscure criticisms of the Labour government domestically, in particular a failure to rein in a housing crisis (White & Nandedker, 2021) and curtail high levels of child poverty relative to the rest of the developed world (Zamprogno, 2021).

Reform of the broader justice system has also been mixed. Attempts to repeal populist sentencing policies in the first term, e.g., three-strikes, were thwarted by the Labour Government's junior coalition partner, New Zealand First. Further, the prison population increased during the first 12 months of the Labour-led Government, leading to a capacity crisis within the prison network (Stewart, 2018). However, since mid-2018, there has been a dramatic fall in the number of people imprisoned, owing in part to efforts by the justice sector to streamline bail applications for remanded prisoners and divert first-time offenders away from a term of imprisonment (Ministry of Justice, 2021). This fall in the rate of imprisonment has put the now-Labour-majority Government on track to reach its 2017 goal of reducing the prison population by

30% within a ten-year period⁵⁷. The ongoing impact of the COVID-19 pandemic is also said to have forced down the level of most reported crimes (Wiggins, 2021). Meanwhile, the pandemic has also slowed down the speed upon which charges progress through the courts, creating a backlog of persons facing charges which might attract a term of imprisonment (1news, 2022).

Recent reductions in New Zealand's rate of imprisonment, then, are the product of administrative efficiencies and exogenous factors, rather than purposeful, legislative changes arising from a mandate for reform. This is in contrast to the causal reasons for the preceding rise in the rate of imprisonment, those which were the result of changes to the bail, parole and sentencing laws (Lambie & Gluckman, 2018; Pratt & Clark, 2005). Up until the 2020 election, a lack of political mandate is one explanation for why reform legislation has stalled. The difficulties with convincing the public that too many people are imprisoned align with one of the causal explanations for high imprisonment in the first place—colonialism and systemic racism.

Evidently, New Zealand's mainstream education system has failed to adequately cover the long-term impacts of colonisation on Māori. New Zealand history in the nationwide high school curriculum has been, for the most part, only taught as an optional subject in Year 13, by which time a large proportion of students had already left formal education (Sheehan, 2018). Notable also is that teachers have been permitted to decide whether the "New Zealand history option" or an "English history option" was chosen (Sheehan, 2010), meaning that in many state schools New Zealand History has not been an option even in Year 13. Since re-election in October 2020, the Labour Government has made progress in this area with a new trial curriculum introducing New Zealand's pre-European and colonial period. However, the proposed rebuild of this curriculum has already been politicised by parties on the political right for being

⁵⁷ Overall levels of crime fell 6.7% in the first year of the COVID-19 pandemic.

too critical of the nation's early colonial government, and how this connects to the ongoing marginalisation of Māori since the 19th century (Stuart, 2022).

The status quo argument confronted this racial injustice and measured the extent to which Pākehā continued to deny the systemic impacts of marginalisation confronting Māori. Indeed, there was empirical support for a view that many, particularly right-identifying New Zealanders, refuse to accept the systemic impact of colonisation on the Indigenous Māori population, and, more broadly, the ongoing prevalence of racism in the justice system. Evidence for this refusal was found in survey participant responses to the status quo argument of the experimental tool. The first of these injustices is that marginalised groups, in particular Māori, are more likely to be incarcerated for criminal offences. These statistics reflect various compounding factors, including the intergenerational trauma of colonisation, the policing of the poor and a history of implicit and explicit biases operating throughout the justice system (McIntosh & Workman, 2017). To put this into the context of inequities in the justice system, if the rate of Māori imprisonment matched that of Pākehā in 2021, there would be only about 4,000 persons incarcerated nationwide⁵⁸.

Another injustice discussed in the status quo argument relates to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which New Zealand is a signatory. Concerns were raised by the New Zealand Law Society that cell size and the double bunking of prisoners in New Zealand correctional facilities fell short of international obligations under the convention (see: NZ Law Society, 2018). By imprisoning fewer people, many of the cells currently housing two people could be reverted to their intended purpose. Overall, participant responses to this concern were mixed and less correlated with political orientation, suggesting that many right-identifying participants also shared concerns about the rights of prisoners.

⁵⁸ According to Department of Corrections – Prison Facts and Statistics (2021)

Neoliberalism has been normalised

When “third way” governments of the 1990s and 2000s blended prevailing neoliberal economic theory with elements of social justice, it compelled the public sector to redress inequality with the same market forces that had exacerbated it in the first place (Rudd, 2005). In the context of criminal justice, this meant various attempts to shoehorn bifurcated criminal justice policies into a neoliberal bureaucratic configuration. In the UK, Prime Minister Tony Blair declared his government would be, “tough on crime and tough on the causes of crime” (Silverman, 2009 p. 72). Two years later, New Zealand’s then-Prime Minister, Helen Clark, leader of the New Zealand Labour Party, introduced comprehensive reforms aimed at lifting working families out of poverty while also promising to be tough on crime (Rudd, 2005). One of these policies was the “Working for Families” (WFF) tax credit scheme, which boosted the incomes of many lower middle-income earners but excluded those who were unemployed (Rudd, 2005). Complementing WFF was another policy initiative which sought to tackle growing disparities between Māori and Pākehā called “Closing the Gaps.” While WFF had a demonstrable benefit in raising the living standards of some working families, the Clark Government abandoned Closing the Gaps after only two years, understanding that these gaps were only likely to increase in size (Humpage, 2002).

By the end of the Clark era, Labour’s approach to the justice system might have best been described as tough on crime and ambivalent to the causes of crime. The government focus did, in its final year, return to some of the causes of crime, e.g., unemployment, inadequate housing, and a shortfall in mental health services, but only in the face of record high levels of imprisonment (Bartlett, 2009). While in opposition between 2008 and 2017, Labour (and its natural coalition partner, the Green Party of Aotearoa New Zealand) continued to draw on themes of social disadvantage and marginalisation as responsible for the rate of imprisonment continuing to increase (Fisher, 2018). Over the same period, as outlined in Chapter One, the National Government enacted another round of punitive sentencing reforms while pursuing half-

hearted interventions that did little to halt the cycle of imprisonment and reimprisonment⁵⁹. I set out this timeline because it represents nearly two decades of punitive sentencing policies, with neither major party in New Zealand leading a government that has made the structural changes to the economy necessary to address the causes of crime.

When I began this thesis, New Zealand was gearing up for the 2017 general election and Jacinda Ardern had just taken over leadership of the Labour party. Four and a half years later and I am completing this work, a year after Ardern led the party to a landslide electoral victory. Despite the Labour party's 2017 campaign promise to be "transformational" if elected, including comments from Ardern that neoliberalism had failed, critics have noted that neoliberalism has continued under Ardern, with no significant changes to the structure of the economy (Huntington & O'Brien, 2021). Measures of inequality have shown that gaps between rich and poor have not been closing, and, while there has been superficial public support for addressing inequality, there is little appetite for the reforms necessary to achieve such change (Skilling, 2018). Neither has there been any substantive reduction in the levels of child poverty since 2017, despite the creation of a child poverty ministerial portfolio that the Prime Minister herself has claimed responsibility for (Collins, 2017; DPMC, 2020). Further, in her 2020 re-election victory speech, Ardern promised to govern for all New Zealanders, including those who had voted for the Labour party for the first time. Due to the landslide victory in 2020, the number of first-time voters for whom she was promising to govern was large, and inevitably included traditional National party voters who were swayed by how the government had responded to the various crises.

The status quo solution(s)

The status quo argument in this thesis represents what progressive political actors advocate but are less likely to enact: a sociological approach to high rates of imprisonment which emphasise significant

⁵⁹ On such example was the Drivers of Crime strategy announced in 2009, the progress for which was outlined in a 2011 government press release. <https://www.beehive.govt.nz/release/encouraging-progress-made-drivers-crime>

financial investment to address the underlying social problems which contribute to imprisonment in the first place. At the macro level, however, it does not appear there will be any substantive shift in the neoliberal structure of the economy from the Ardern Government. For those advocating fewer people being imprisoned, such economic restructuring is unlikely to matter in the immediate term anyway. One problem with assuming that an overhaul of economic and social policy will lead to a reduction in the prison muster is that a substantive portion of crime either goes unreported or unsolved (Curtis-Ham & Walton, 2018; Roper & Thompson, 2006). Further, while a focus on building more equitable societies will inevitably lead to less crime, the number of people imprisoned is a consequence of various factors, including the priorities of police, sentencing guidelines, capacity constraints and the level of discretion afforded to sentencing judges (Dixon, 2005; Rowe, 2009). As discussed in Chapter One, public sector performance measures or the reporting of crime data can also be nebulous and subject to biases, making them difficult to compare over time and across jurisdictions. Moreover, while a sustained effort to address inequity might lead to a more equal and fairer society, it would likely take years—and, critically, multiple election cycles—to be realised.

The current emphasis in New Zealand has been on the psychological traits of offenders and not the sociological forces around them. As Chapter One suggests, considerable resources have been spent on programmes designed to modify the behaviour of offenders. After nearly two decades, these Corrections programmes appear to have failed, as there have been only modest improvements in rates of recidivism, even while the rate of imprisonment has fallen (Department of Corrections, 2021). There are some exceptions, e.g., promising results from rehabilitating child sex offenders through in-house programmes (Lambie & Stewart, 2003) and a modest yet demonstrable impact of intensive anti-violence courses on reducing recidivist violent offending (Polasheck, 2011). However, beyond these narrow improvements, there is little evidence to show that prison programmes are effective ways to reduce reoffending. This was not unforeseen; the late prison commentator and former prison officer, Celia Lashlie, cast doubt on prison programmes in her book *Journey to Prison: Who Goes To Prison and Why* (2002). My observations as an

officer were similar to those of Lashlie, as many offenders would cycle through programmes upon re-entering prison.

Rather than focusing on the high rate of imprisonment in terms of sociological or psychological solutions, this thesis explored it as a political issue. To what extent has it had been overstated as a political problem requiring a populist response. From the data outlined in Chapter Five, it was evident that even among centrist and right-identifying voters, imprisoning fewer offenders might not be as controversial as first thought. The status quo argument for decarceration, largely modelled on the statements of Labour, Green and Māori Party MPs, had some support among right-identifying voter subgroups as well as overwhelming support among the centre and left-identifying subgroup. Such participant responses suggest that there is a political mandate to change legislation and divert even more offenders away from prison. This contrasts with past findings based on superficial measures of participant support for ongoing imprisonment, even at the lowest levels of offending, even at the lowest levels of offending. This study's findings present an opportunity for those political actors who question the benefit of an expansive prison network, especially one which delivers programmes from behind the wire that are of dubious benefit.

What this thesis demonstrated is further evidence of an ambivalence on the issue of imprisonment. While the public might appear to be penal populists at first glance, this thesis showed that they were still amenable to alternatives to imprisonment even after only a brief pitch. It is less clear, however, whether simple cost arguments are enough to entice the public to think differently about prisons in New Zealand. Searching through hundreds of press releases from the New Zealand Taxpayers' Union (a right-of-centre lobby group which claims to speak on behalf of taxpaying New Zealanders) I found little mention of prisons; none condemned the increasing rate of imprisonment or the proposed building of new prison facilities, despite the obvious costs both would entail. Up until very recently, it seemed that New Zealand taxpayers would excuse the cost of prisons as necessary expenditure in a similar manner to that which Gottschalk (2010) outlined in the context of the United States.

Pratt (2008) hypothesised that there would be a tipping point in mass incarceration, where the wastefulness and excesses of penal populism would lead to scandal and, thus, open up an opportunity for reform. To date, there have been three scandals of note in New Zealand. The first was a prisoner “fight club” in what was then a privately run prison (Collins, 2016). The second high-profile incident was the mishandling of the Waikeria prison riot in January 2021 (Radio New Zealand, 2021). The third was revealed in a disturbing report of inhumane and degrading treatment at Auckland Region Women’s Corrections Facility and Auckland prison, which substantially undermined the credibility of Corrections strategies to assist prisoners to change their lives while being imprisoned (Johnsen 2020; 2021). Despite inviting the scrutiny of criminal justice advocates at the time, there is no evidence that these scandals triggered a dramatic change to public perceptions of the contemporary role of prison. The first scandal did, however, cause the return of that prison back to the operational command of Corrections (Boyle & Stanley, 2019). Of note in this case is that the scandal of prisoner-on-prisoner violence (which happens in all New Zealand prisons) was put down to mismanagement rather than archaic facilities or overcrowding, which are also contributors to prison violence (Boyle & Stanley, 2019).

The status quo arguments found strong support among centre-identifying and left-identifying survey participants, and also a minority of right-identifying survey participants. However, there are two potential weaknesses in adopting the status quo argument. The first was noted as a limitation in Chapter Five: What if opportunists were to continue to weaponize penal populism as a political strategy that challenges evidence-based arguments for penal reform? The second relates to how particular voter subgroups might strongly object to a particular focus of the argument, e.g., right-identifying voters rejected colonisation as a causal explanation for high rates of imprisonment (as evidenced in Chapter Six). It was thus proposed that the alternative to adopting the status quo argument was to meet penal populism with a populist approach to decarceration.

Populism: the curse and the antidote?

There were two key assumptions in play when I first embarked upon this thesis in 2017: neoliberalism would continue unabated, and rates of imprisonment would continue to remain at record highs. One of those assumptions must now be revisited. At the time of writing this final chapter in early 2022, there are now around 8,500 people imprisoned, a reduction of about 20% since 2018 (Department of Corrections, 2022). This is a remarkable shift in both the rate of imprisonment and the trajectory of prison numbers. However, these changes in the prison population require further contextualisation. Despite a drop in the rate of imprisonment, it has only returned to the level it was when the Labour party lost government in 2008 and, as outlined in Chapter One, is still higher than a majority of OECD countries. Further, because the reduction is not a consequence of legislative changes, it leaves New Zealand particularly vulnerable to increases in the rate of imprisonment over the medium term.

I asked whether we could challenge the normalisation of high rates of imprisonment by arguing for the benefits of decarceration within prevailing economic logics. It was not an argument that excited me, but was one borne out of frustration regarding the persistently high levels of reimprisonment that I witnessed and reported on in Chapter One. It was also an argument that appeared, on the surface, counterintuitive, as free-market populism leading to decreasing rates of imprisonment has been historically rare. Increasing punitiveness has instead run parallel to market-driven liberalisation in Western economies (Newburn, 2005; Pratt & Clark, 2005; Wacquant, 2007). The potential benefits of talking about prisons differently was evidenced in the themes discussed in the three results chapters. As illustrated in Chapter Five, right-identifying participants exposed to the status quo argument were less likely to agree with the argument than right-identifying participants exposed to the populist argument. After the experiment, analysis of the open-text box entries in Chapter Six showed even less right-identifying participants exposed to the populist argument also believed that prisons would be more effective if the conditions within them were worse and that more austere sentences ought to be imposed. For political actors seeking to appeal to right-identifying voters, this provides evidence that a populist argument would be both more likely to be

supported, and less likely to draw a punitive backlash. Conversely, a statistically significant number of left-identifying participants were more likely to disagree with the populist argument, meaning that for some voters, the incendiary pitch is likely to be less palatable.

This thesis provided political actors with a potential mandate for legislative change that would further draw down the rate of imprisonment. The populist argument impressed upon survey participants to consider not just the cost, but the wastefulness of prisons, while also taking aim at the Corrections bureaucracy. It belittled the paternalistic approach of successive governments who had transformed the New Zealand Prison Service into Corrections and then expanded its operational budget over the previous three decades (see also: Kramer, Rajah, & Sung, 2013). Such incendiary language assumed that most survey participants would have been conditioned to accept neoliberal critiques of the role of government in providing services and respond favourably to such rhetoric, at least compared to the status quo arguments for decarceration.

Applying the Klein case to the politics of prisons in New Zealand

A key question in this thesis was: might a shift in rhetoric enable political actors to move ahead with reforms which put fewer people in prison? The case study of Alberta Premier Ralph Klein was outlined in Chapter Three. Klein, a free-wheeling market populist oversaw the rate of imprisonment fall by one-third. Two notable points emerged during the key person interviews I conducted in Alberta: the first was disbelief that the rate of imprisonment had substantively decreased over this period; and the second was disbelief that Klein would have been aware of any decrease. Of the eight key persons interviewed, only the two Alberta Corrections staff were aware of the reduction; and of those two, despite evidence to the contrary, one was adamant that Klein's own policies were not responsible for the falling rate of imprisonment. However, Webster and Doob (2014) outlined in unequivocal terms the timing of Alberta's rapid decarceration and how it predated federal legislation for conditional sentences for release. Although I cannot state whether Klein was aware or not, there are indications that members of his cabinet were.

Four observations of this case were made in relation to the appeal of Klein's free-market populism. The first was that a free-market populism need not be a populism built on anti-Indigenous sentiments or xenophobia, evidenced by how the interviewees saw Klein as not prejudiced as well as biographical accounts of his premiership. The second was that a deep cut to the operational budgets of the justice system (triggering a decrease in the prison population) could be incorporated into an austerity budget, one that shifted attention from fewer people in prison to the role of cuts in other sectors of the economy. Thirdly, what might present as fiery and counterproductive rhetoric could still amount to progressive penal reform, evidenced by punitive notions that obscured widescale decarceration. Finally, the Alberta case suggested that lower rates of imprisonment could be driven by parties on the political right and that bipartisan consensus on who should go to prison and why might be possible. The provincial Liberal opposition gave no apparent opposition to the changes which led to fewer people being imprisoned, and its federal counterpart, when in power, implemented progressive reforms (e.g., community sentences) which accelerated a nationwide reduction (Webster & Doob, 2014). More recently, a bipartisan ambivalence on the use of imprisonment has also been the driver of decarceration in some parts of the United States (Aviram 2015; Dagan & Teles, 2016).

This thesis drew from Klein's anti-bureaucratic populism and applied it directly to the Corrections bureaucracy in New Zealand. But for political actors to advocate and enact change, there must also be a willingness to challenge the accepted truths about public opinion. It is not always evident that this willingness exists, even among the so-called "progressive" political actors. In 2018, I was asked to speak at a society which bills itself as a progressive think-tank. In this presentation, I pitched what Roberts et al. (2002) had proposed and that which this thesis sought to test: to unwind the carceral state, advocates of decarceration might need to go on the offensive and speak to the wastefulness of the prison system. Among those present at my talk was a high-profile member of the Clark-led Labour Government, who was critical even of the suggestion that this former government had capitulated to penal populism. What I

found striking about this interaction was that this person, a key member of the party's old guard, viewed the characterisation of prisons as government excess as more radical than the policies which led to record levels of imprisonment in the first place. In contrast, a group of Indigenous criminology scholars were more upbeat about drawing on rhetorical strategies as a decarceration strategy.

I presented the same argument at the Sociological Association of Aotearoa New Zealand conference a few months later, and an attendee opined that using populist rhetoric to inspire decarceration would amount to "using the master's tools against them." This was a reference to a quote from *Indigenous Methodologies* (Smith, 2000) that the "master's tools" will never dismantle the "master's' house." Before reimagining populism and wholly suggesting that it has utility as a decarceration strategy, further research will be needed on how this rhetorical strategy might operate when set against the existing firebrand politics of a penal populist. This thesis only tested the relative strength of one text compared to another, both of which contained rhetorical strategies with the same end in mind: reducing the rate of imprisonment. Further research could include the use of focus groups with alternate political actors operating in a debate next to each other and then assessing the thoughts of participants. This would be the next logical step in refining some of the promising results in this thesis, especially among self-reported right-leaning voters or National party voters.

If it were perceived by political actors that an appetite for being tough-on-crime policies had waned in New Zealand, such political actors could draw on the brand of populism used by Klein to legitimise a change in sentencing policies. In the 2020 election, however, National once again began to campaign on law-and-order issues, suggesting, among other things, that the Labour Government had been soft on crime. Ultimately, their efforts were overshadowed by the COVID-19 pandemic. In any event, this thesis also cast doubt on the longstanding view that the New Zealand public were reliably punitive while noting that better data was required to understand whether punitive attitudes were correlated with an individual's class position or education level.

Does the populist approach come with risks?

There are a variety of risks with the free-market populist approach, one is that drawing on the rhetorical tools of neoliberalism may validate or legitimise their use more broadly. However, Humpage (2014) suggested that successive governments in New Zealand, including the Clark-led Fifth Labour Government, have already legitimised neoliberal processes by continuing policies they inherited from previous governments. And indeed, as set out in Chapter One, the contemporary prison system in New Zealand is perhaps one of the last remaining vestiges of government excess left in the country. Thus, a counterargument to any perceived risk is that neoliberalism is already pervasive throughout the public sector, irrespective of who is in government.

Another risk is that a populist argument might lead to even more punitive prison environments, those which encourage harsher sentences of imprisonment and even less oversight. This could manifest in an expansion of prison privatisation, or at least the outsourcing of some prison operations to third parties. If a political actor were to condemn the role of government in providing a paternalistic and inefficient practice, then it would give credence to arguments for prisons to be stripped back to containment facilities managed by private operators. However, a lurch towards privatisation was not evident in the Klein-era case study in Chapter Three, nor in the analysis of participant responses to the populist argument in Chapter Seven. It is difficult to envisage a mandate for privatisation arising in New Zealand, given the spectacular failure and aforementioned scandals which resulted in the return of a private prison to public administration. Labour have been consistently opposed to private prisons. A National-led government privatised the prison which was subsequently caught up in the fight club scandal (see: Collins, 2016), but later terminated the private operator's contract (Furley, 2017).

Another risk of deploying free-market populism is that a further tightening of prison conditions (e.g., food supply, cell numbers or unlock hours) could occur, which would likely contravene international standards of imprisonment (United Nations, 2018). In this respect, however, the findings in this thesis are

promising: increasing punitiveness was not widely found in the analysis of participant responses to the free-market populist argument. Instead, it was the status quo argument that was more likely to attract punitive responses. The potential for punitive outcomes, however, was realised in the Alberta case, wherein austere prison arrangements were the by-product of a free-market populist and his government, and not a response to the demands of the people.

There is also a risk of a prisoner's labour being exploited. During my visit to a Calgary corrections facility, it was explained to me that prisoners in Alberta had their token remuneration for inhouse work removed during the Klein era (see also: Webster & Doob, 2014). Instead, prisoners who volunteered for work, and did it appropriately, gained credit which may have aided them in obtaining an earlier release. In New Zealand, prisoners are paid less than \$1 per hour for various tasks, and prisoner advocates have claimed that the existing system is exploitative, relying on the payment of minute stipends to reduce the cost of imprisonment (see: [Rākete](#), 2018). Further to exploitation behind the wire, [Rākete](#) (2018) contended that such minute payments to prisoners normalise conditions outside of prison, i.e., work-for-little pay and the provision of minimal comforts. The implications of this critique are evident in the anecdote presented in Chapter One, when a prisoner questioned what viable alternatives existed to selling illicit substances post-release.

As evidenced in Chapter Six, persistent misconceptions of both Māori culture and New Zealand history underpin the necessity of reform in the education system, ensuring that the next generation of voters are critically aware of the impacts of colonialism on New Zealand's Indigenous population. In the meantime, for political actors wishing to further reduce the rate of imprisonment, it might require amplifying one key theme in their existing approach (i.e., the cost of prison) and abandoning others (e.g., Indigenous rights). This is a controversial proposition and one that risks validating how penal populism has erroneously situated Pākehā as most likely to be the victims of crime when in fact the largest proportion of victims are themselves Māori (Workman, 2014). An unfortunate takeaway then—and not one that I wish to

advance—is that political actors could step back from discussions about racial injustices, colonisation, and structural disadvantage for Māori, because they do not auger well when seeking a mandate for decarceration.

The neutrality of populism

The utility of populism as a means for progressive penal reform continues to be not well understood. This thesis attempted to give explicit attention to the role of populism as a strategy for decarceration. It is not a strategy without risks, but rather a *last resort* in response to what had been persistently high levels of imprisonment in New Zealand. As a confluence of factors have reduced the prison population, it might be this populist approach that can be used to lock in such a reduction with corresponding legislative changes. If indeed populism has some utility as a vehicle for decarceration, it might also be worthwhile considering how it might be applied to areas where reform had stalled. For example, could a progressive political actor draw from a populist-style argument for urgent action on climate change? If this were plausible, it would validate the view of scholars who take a more optimistic view of populism in democracy.

A public that has favoured the populist sentencing policies of successive governments has been cited as being responsible for an explosive growth in the rate of imprisonment between 1998 and 2018.

Symptomatic of this populism is the appeal to straightforward solutions on matters of criminal justice; a distrust of criminal justice elites and the decision-making processes, including longstanding institutions in the justice system (i.e., the courts and the Department of Corrections); and a perceived lack of public opportunities to input directly into that justice system (Pratt & Clark, 2005, Roberts et al., 2002).

Underlying the concern about the relationship between the belief of an unbending public and a growing prison population has been an almost fixed assumption that populism is itself something inherently negative, thus, to be managed and, where necessary, subdued. It follows a view that a fair and just society is one free of the populist quandary.

Beginning in Chapter Two, I challenged this view of populism as an inherently negative phenomenon by drawing on literature in political science to suggest that it can be used for different political ends. By equating populism with wholly negative outcomes, I believe there has been a feebleness in the electoral psyche of political actors. This is particularly evident in areas of criminal justice reform, where an over-reliance on convoluted explanations of penal processes feeds into both a disinterest public and the continuation of a justice system that is paternalistic, ineffective, and *still* racist. To assume that there is no alternative to the paternalistic vs penal populist cleavage is to ignore the logic of democratic processes. The public has become more attuned to populist explanations because they perceive a lack of meaningful engagement from elites on topic such as criminal justice. Populist appeals offer a simplified understandings of that topic in the world around them. On that basis, I have argued that populism can be used to make a more straightforward argument for a reduced prison population, by appealing to the public using rhetorical populist strategies.

When applying the traits of a minimalist conceptualisation of populism to the decarceration argument, it was evidenced that certain participants were more responsive to this discourse. As outlined in Chapter Four, an appeal to common sense was used to argue for fewer people being imprisoned. This reductionist argument also satisfied an anti-pluralist pitch, as lower rates of imprisonment might allow the country to circumvent criticism from rights-based organisations, that is, avoid confronting claims of racial injustice or inhumane treatment of prisoners. And, if there were fewer people in prison, this would create further opportunities to prevent overcrowding, likely reducing the number of prisoner-on-prisoner assaults. An attempt was made in this thesis, therefore, to convince participants that prison was neither a rehabilitation nor a deterrence mechanism but, rather, bureaucratic waste; and, at the same time, the victims of crime continued to be ignored. Other scholarly interpretations of populism, such as that of Ostiguy (2009; 2017), include an appeal to the “low,” with the use of low-brow or uncouth language. This was accomplished through designing a populist argument which avoided the technocratic language often used in discussions about the justice system. This approach was also not without controversy: twenty three

participants who were exposed to this discourse explicitly stated their displeasure with its emotive or aggressive pitch.

The findings also point to the need for further research into the complexities of public opinion on matters of crime and punishment in New Zealand. A considerable amount of data was collected from survey participants for this thesis and some of this data could provide the basis for future avenues of research. One area where there is a particular lack of peer reviewed literature is Māori-specific attitudes to imprisonment. I intend on looking at the data I have collected more thoroughly, and in partnership with Māori scholars, with the hope of informing in more detail what the Māori voting public feel about imprisonment in New Zealand. Outside of what data has already been collected, a shift in methodologies might also strengthen or weaken the findings in this thesis. A limitation of the research is how a written text is unable to convey many of the theatrical qualities of a political actor, especially a political actor who is incorporating a political style to convey their point of view. The use of focus groups might be a way of overcoming such a limitation. One idea for future research is then draw on focus groups to introduce research participants to arguments for penal reform, with real time actors, whose body language, tone, and presentation feed into the populist style of a political actor.

We must act, if not for us but for those at the bottom

In this thesis, I drew upon theories of populism in political science to devise a way to drag our justice system towards an outcome that I thought to be right and just. It was unapologetically cynical in its approach and favoured a view that it might be easier in the near term to tell the public what they want to hear about bureaucratic wastefulness in order to obtain the goal of imprisoning fewer people. A desire to write this thesis arose from what I saw during my time as a corrections officer in a New Zealand prison. Every day, I think about the prisoners I have briefly talked about: the young man with the suspected seizure, and the other young man, described in Chapter One, who was willing to intervene when he thought I might be attacked by another prisoner. There were countless others, however, including a

teenager who naively asked if I would be his referee if he applied to be a corrections officer post-release (unaware his recent conviction meant he would never be eligible), and the middle-aged father who did not cope well with divorce, made a terrible mistake, and wound up in prison, only to be beaten so badly in prison that he spent over a month in hospital.

It would be difficult to overstate how prisons are dire places, where the life chances for those entering these facilities, at best, diminish, and where, at worst, prisoners themselves become the victims of horrific crimes. Prisoner-on-prisoner violence is common and perhaps conveniently ignored by the public, who are woefully ill-informed about how such facilities operate (Armstrong, 2014). The response of the young man who had a seizure exemplified the realities of this violence by regaining consciousness and assuming, in the first instance, that he had been attacked by someone else. He was less concerned about his own immediate well-being, or what had happened to him, than whether he had been able to prove himself as a fighter. The implications for this young man were obvious to me and other officers in the unit: had he not shown himself capable of self-defence, then he would have become a target for ridicule and further acts of violence.

These “hidden” crimes are part of the basis upon which prisoner advocacy groups have argued that prisons should be abolished entirely, with only the most high-risk offenders being managed under some form of security (Davis & Rodriguez, 2000; McLeod, 2015). Others have advocated the reform of existing facilities to ensure they are more responsive to the needs of prisoners. This thesis was not an endorsement of one position ahead of the other, but instead worked off a statement of fact that prisons in New Zealand are not effective in their objectives of reducing reoffending, deterring crime or, in the long term, keeping the public safe. Their structures alone make reducing reoffending a near impossibility and, if anything, compound the disadvantages faced by those in need of rehabilitation long term.

Prisons are indeed a place where connections are made, and to overcome this, fewer people ought to be imprisoned in the first place. There is no comfortable ending to this thesis, most of the men I discussed in the opening and closing chapters are either in prison now or are likely to find themselves in prison again, soon. As a society, we can continue to ignore them, but at what cost?

Appendix I

POLITICS AND INTERNATIONAL RELATIONS

School of Social Sciences
Te Pokapū Pūtaiao Pāpori
Faculty of Arts



10 Symonds Street
The University of Auckland
Private Bag 92019
Auckland 1142
New Zealand

CONSENT FORM

Project Title: Penal Populism with Market Populism - Complimentary or Contradictory?

Researcher: Mr Luke Duane Oldfield

Supervisors:

Dr. Alice Mills
Prof. Jennifer Curtin
Dr. Lara Greaves

I have read the Participant Information Sheet, have understood the nature of the research and why I have been selected to take part. I have had the opportunity to ask questions and have had them answered to my satisfaction.

As a participant I,

- agree to take part in this research.
- understand that my participation is voluntary and that I am free to withdraw at any time without giving any reason, and that I may withdraw any data I provided up until 28 days after I am provided with a summary of my contribution.
- understand that the researcher is interviewing people from a small pool of key subjects, this raises the possibility of identification. To minimise this risk, any identifying details will be removed from the interview notes and there will not be recordings of interviews.
- **do / do not** wish to receive a summary of the research findings at the conclusion of this project.
- understand that data will be kept for six years, after which they will be destroyed.

Name: _____
Signature: _____ Date: _____

For any queries regarding ethical concerns you may contact the Chair, The University of Auckland Human Participants Ethics Committee, The University of Auckland, Research Office, Private Bag 9209, Auckland 1142. Telephone 09 373-7599 ext. 83711. Email: ro-ethics@auckland.ac.nz

*APPROVED BY THE UNIVERSITY OF AUCKLAND HUMAN PARTICIPANTS ETHICS COMMITTEE ON
FEBRUARY 8th, 2019 FOR (3) YEARS REFERENCE NUMBER 022642*

**POLITICS AND INTERNATIONAL
RELATIONS**

School of Social Sciences
Te Pokapū Pūtaiao Pāpori
Faculty of Arts



10 Symonds Street
The University of Auckland
Private Bag 92019
Auckland 1142
New Zealand

PARTICIPANT INFORMATION SHEET

Project Title: Penal Populism with Market Populism - Complimentary or Contradictory?

Researcher: Mr Luke Duane Oldfield

Supervisors:

Dr. Alice Mills
Prof. Jennifer Curtin
Dr. Lara Greaves

Researcher Introduction

Kia Ora! My name is Luke Duane Oldfield and I am studying toward a PhD degree in Politics & International Relations at the University of Auckland, New Zealand. I am conducting this research under the joint supervision of a Criminologist (Dr. Alice Mills) and two Political Scientists (Prof. Jennifer Curtin and Dr. Lara Greaves). My research is being administered by the University of Auckland Faculty of Arts.

Project description

The purpose of this research is to explore public attitudes toward incarceration. I am seeking to understand the relationship between political language and public responsiveness through both interviews with key participants (such as yourself) and survey data from the voting population. In a practical sense, I was hoping that this project will assist me in establishing which political strategies might guide the public's willingness to accept changes in the rate of incarceration.

Invitation to participate

I would like you to discuss your involvement in Alberta's provincial politics at a time when its prison population was substantially reduced under the guise of fiscal imperatives. Interviews will take place in June, 2019 and would take up to an hour to complete. By consenting, you will greatly contribute to my understanding of the Klein government as I seek to detail its legacy in future publications.

Remuneration

In appreciation of your time, I would like to meet the cost of light refreshments at an establishment of your choosing.

Confidentiality

In order to maintain privacy as best as is reasonably possible, the interview data will be anonymised with your name and any other identifying details removed from the summary I provide you with. In outputs from this research, you will be referred to either as ‘cabinet minister’ or ‘senior public servant’, or whichever role is generally aligned with what your position was at the time. However, due to the small sample of participants, you might still be identifiable in future publications or presentations that draw on such data. All data will be securely stored on a password protected computer and deleted after a period of six years.

Your rights as a participant in this research

Your participation in the interview is voluntary. If you do decide to participate:

- You may withdraw from the interview at any time and you do not have to give an explanation for withdrawal.
- You will be emailed a summary of the interview and can choose to edit or withdraw your comments up to 28 days after the time that summary is made available to you.
- You may also opt to receive access to a summary of the broader findings at the conclusion of this study.

If you have any questions about the research, please contact me or one of my supervisors using the details listed below.

Contact information

Doctoral Candidate

Mr. Luke Duane Oldfield

Phone: +64 27 9 444 180

lold944@aucklanduni.ac.nz

Supervisors

Dr. Alice Mills

Phone: +64 9 923 4505

a.mills@auckland.ac.nz

Prof. Jennifer Curtin

Phone: +64 9 923 7437

j.curtin@auckland.ac.nz

Dr. Lara Greaves

Phone: +64 9 923 2843

l.greaves@auckland.ac.nz

Head of School

Prof. Simon Holdaway

Phone: +64 9 923 3947

sj.holdaway@auckland.ac.nz

For any queries regarding ethical concerns you may contact the Chair, The University of Auckland Human Participants Ethics Committee, The University of Auckland, Research Office, Private Bag 9209, Auckland 1142. Telephone 09 373-7599 ext. 83711. Email: ro-ethics@auckland.ac.nz

*APPROVED BY THE UNIVERSITY OF AUCKLAND HUMAN PARTICIPANTS ETHICS COMMITTEE ON
FEBRUARY 8th, 2019 FOR (3) YEARS REFERENCE NUMBER 022642*

Appendix II

**POLITICS AND INTERNATIONAL
RELATIONS**
School of Social Sciences
Te Pokapū Pūtaiao Pāpori
Faculty of Arts



**10 Symonds Street
The University of Auckland
Private Bag 92019
Auckland 1142
New Zealand**

Researcher: Luke Duane Oldfield

Supervisors: Prof. Jennifer Curtin
Dr. Alice Mills

Project Title: Penal Populism with Market Populism - Complimentary or Contradictory?

The Politics of Incarceration

You are invited to participate in a study on voter attitudes toward incarceration. This questionnaire encompasses a maximum of 30 questions and a small reading exercise. There are no 'correct' answers, I am simply gathering data on voter attitudes toward the use of incarceration (prisons).

To participate you must be a registered voter in New Zealand and 18 years of age or over. You can also review a more detailed Participant Information Sheet (PIS) [here](#). All participants who provide their email address will be entered into a draw to win 1 of 18 iTunes or Amazon book vouchers to the value of \$50.

By providing your email address we can contact you if you have won a prize or if you would like a generalised copy of the research outcomes, but your privacy will always be paramount. All email addresses supplied will be separated from participant responses by survey platform Qualtrix, meaning that your responses are completely anonymous. No other identifying information will be collected, and your IP address will not be recorded. Submitting the completed questionnaire amounts to consent and due to your anonymity being guaranteed, data cannot be withdrawn once the questionnaire has been submitted.

Contact Information:

Luke Duane Oldfield
The University of Auckland
+64 27 9 444 180
Luke.oldfield@gmail.com

*APPROVED BY THE UNIVERSITY OF AUCKLAND HUMAN PARTICIPANTS ETHICS COMMITTEE ON
FEBRUARY 8th, 2019 FOR (3) YEARS REFERENCE NUMBER 022642*

**POLITICS AND INTERNATIONAL
RELATIONS**
School of Social Sciences
Te Pokapū Pūtaiao Pāpori
Faculty of Arts



**10 Symonds Street
The University of Auckland
Private Bag 92019
Auckland 1142
New Zealand**

PARTICIPANT INFORMATION SHEET

Project Title: Penal Populism with Market Populism - Complementary or Contradictory?

Researcher: Luke Duane Oldfield

Supervisors:

Dr. Alice Mills
Prof. Jennifer Curtin
Dr. Lara Greaves

Researcher Introduction

Kia Ora! My name is Luke Duane Oldfield. I am studying toward a PhD degree in Politics & International Relations at the University of Auckland, New Zealand. I am conducting this research under the joint supervision of Professor Jennifer Curtin and Dr Alice Mills (Criminology). My research is being administered by the University of Auckland.

Project description

The purpose of this research is to explore public attitudes toward incarceration. I am seeking to understand the relationship between political language and public responsiveness to such language through the collection of data from 1,500 participants across New Zealand. In a practical sense, I hope this project will assist me in establishing how the framing of incarceration policies by politicians might impact a voter's position on incarceration.

Invitation to participate

I would like you to answer questions about your personal views on prisons (and criminal justice more broadly). The questionnaire will take 10 to 15 minutes to complete. I will not record your name or any identifying information aside from your email address, should you choose to enter the draw for a \$50 voucher of your choosing. Participants can also opt to receive a non-academic summary of my research findings at the conclusion of the questionnaire. All email addresses that are supplied for either the competition or research summary will be separated from participant responses by survey platform Qualtrics, meaning that your responses are completely anonymous.

Your rights as a participant in this research

Your participation in the survey is voluntary. If you do decide to participate:

- You may withdraw from the questionnaire at any time (you do not have to give an explanation for withdrawal). Incomplete questionnaires will be discarded.
- You provide information on the understanding that your name **will not** be recorded.
- You may request to be given access to a summary of the findings at the end of the study.

If you have any questions about the research, please contact me or one of my supervisors using the details listed below.

Contact information

Doctoral Candidate

Mr. Luke Duane Oldfield

Phone: +64 27 9 444 180

loed944@aucklanduni.ac.nz

Supervisors

Dr. Alice Mills

Phone: +64 9 923 4505

a.mills@auckland.ac.nz

Prof. Jennifer Curtin

Phone: +64 9 923 7437

j.curtin@auckland.ac.nz

Head of School

Prof. Simon Holdaway

Phone: +64 9 923 3947

sj.holdaway@auckland.ac.nz

For any queries regarding ethical concerns you may contact the Chair, The University of Auckland Human Participants Ethics Committee, The University of Auckland, Research Office, Private Bag 9209, Auckland 1142. Telephone 09 373-7599 ext. 83711. Email: ro-ethics@auckland.a.c.nz

*APPROVED BY THE UNIVERSITY OF AUCKLAND HUMAN PARTICIPANTS ETHICS COMMITTEE ON
August 27th, 2018 FOR (3) YEARS REFERENCE NUMBER 021528*

Appendix III

Survey Questions

- Yes, I agree to participate.
- No, I do not agree to participate.

Q1 The courts should maintain the option of sending offenders to prison for **first time non - violent crimes** (such as selling drugs or stealing motor vehicles).

- Strongly agree
- Agree
- Somewhat agree
- Neither agree nor disagree
- Somewhat disagree
- Disagree
- Strongly disagree

Q2 The courts should maintain the option of sending offenders to prison for **repeat non - violent crimes** (such as selling drugs or stealing motor vehicles).

- Strongly agree
- Agree
- Somewhat agree
- Neither agree nor disagree
- Somewhat disagree
- Disagree
- Strongly disagree

Q3 The courts should maintain the option of sending offenders to prison for **first time violent** crimes (such as physical assault or aggravated robbery).

- Strongly agree
- Agree
- Somewhat agree
- Neither agree nor disagree
- Somewhat disagree
- Disagree
- Strongly disagree

Q4 The courts should maintain the option of sending offenders to prison for **multiple violent crimes** (such as physical assault or aggravated robbery).

- Strongly agree
- Agree
- Somewhat agree
- Neither agree nor disagree
- Somewhat disagree
- Disagree
- Strongly disagree

Q5 The courts should maintain the option of sending offenders to **prison indefinitely (life imprisonment) for committing multiple serious violent crimes** (such as rape or murder).

- Strongly agree
- Agree
- Somewhat agree
- Neither agree nor disagree
- Somewhat disagree
- Disagree
- Strongly disagree

Q6 A **larger number of convicted criminals** should be sent to prison (instead of probation, community service and / or a fine).

- Strongly agree
- Agree
- Somewhat agree
- Neither agree nor disagree
- Somewhat disagree
- Disagree
- Strongly disagree

Q7 The courts should use **longer prison sentences to deter convicted criminals** from committing further crimes.

- Strongly agree
- Agree
- Somewhat agree
- Neither agree nor disagree
- Somewhat disagree
- Disagree
- Strongly disagree

Q8 The courts should use **longer prison sentences to deter otherwise law-abiding members of the public** from committing crimes.

- Strongly agree
- Agree
- Somewhat agree
- Neither agree nor disagree
- Somewhat disagree
- Disagree
- Strongly disagree

Here we collect some info about you to make sure we have a wide range of people

Q9 What is your gender?

- Female
- Male
- Gender Diverse

Q10 What is your age?

Q11

Which category best describes the total yearly income of everyone in your household, from all sources, before tax?

- Loss
- Zero income
- \$1,000 to \$5,000
- \$5,001 to \$10,000
- \$10,001 to \$15,000
- \$15,001 to \$20,000
- \$20,001 to \$25,000
- \$25,001 to \$30,000
- \$30,001 to \$35,000
- \$35,001 to \$40,000
- \$40,001 to \$50,000
- \$50,001 to \$60,000
- \$60,001 to \$70,000
- \$70,001 to \$100,000
- \$100,001 to \$150,000
- \$150,000 or more

Q12 Which one of these categories best describes the amount of formal education you have had?

- No formal schooling**
- A few years of primary school**
- Primary / intermediate school up to Year 8 / Form 2**
- Secondary school for up to 3 years**
- Secondary school for 4 years or more**
- University / polytechnic for up to 3 years**
- University / polytechnic for 4 years or more**

Q13 Which ethnic group do you belong to (select all which apply)?

- NZ European / Pākehā (incl. English or Afrikaans)**
- Māori**
- Asian (incl. South Asian)**
- Pacific Islander**
- Middle Eastern**
- Other _____**

Q14 Who did you give your party vote to in the 2017 General Election?

- Did not vote**
- National Party**
- Labour Party**
- New Zealand First**
- Green Party**
- ACT**
- The Opportunities Party (TOP)**
- Māori Party**
- United Future**
- Other** _____

Q15

In politics, people sometimes talk of left and right. Where would you place yourself on the following scale, where 0 means left and 10 means right?

- Left 0**
- 1**
- 2**
- 3**
- 4**
- Centre 5**
- 6**
- 7**
- 8**
- 9**
- Right 10**

Please read the short passage below

Q16 STATUS QUO ARGUMENT **OR**

Q17 POPULIST ARGUMENT

Q18 To what extent do you agree or disagree with the text you have just read?

- Strongly Agree**
- Agree**
- Somewhat Agree**
- Neither Agree nor Disagree**
- Somewhat Disagree**
- Disagree**
- Strongly Disagree**

Q19 Do you have any thoughts or feelings about the text that you would like to share?

Q20 Would you like to

- Receive a copy of the research results**
- Participate in future surveys broadly pertaining to criminal justice**
- Enter the prize draw for one of nine \$50 vouchers**

Participant demographics

Gender	<i>n</i>	%
Female	753	52.22
Male	673	46.67
Gender Diverse	16	1.11
Total	1442	100

Ethnicity⁶⁰	<i>n</i>	%
NZ European / Pākehā (incl. Afrikaans)	1232	85.1
Māori	237	16.4
Asian (incl. South Asian)	48	3.3
Pacific Islander	75	5.2
Middle Eastern	7	0.5
Other	97	6.7
Total	1696	100

Age band	<i>n</i>	%
Millennial	472	32.7
Generation X	670	46.4
Baby Boomer	257	17.7
Interwar	47	3.2
Total	1442	100

Political Party	<i>n</i>	%
National Party	404	28.0
Labour Party	493	34.2
New Zealand First	148	10.3
Green Party	131	9.1
ACT	23	1.6
The Opportunities Party (TOP)	40	2.8
Māori Party	16	1.1
United Future	2	0.1
Other	28	1.9
Did not vote	141	9.8
Did not say	16	1.1
Total	1442	100

⁶⁰ Participants could select more than one ethnicity.

Self-reported Political Identity	<i>n</i>	%
0	75	5.2
1	58	4.0
2	124	8.6
3	135	9.4
4	113	7.8
5	497	34.5
6	134	9.3
7	127	8.8
8	90	6.2
9	20	1.4
10	46	3.2
Did not say	23	1.6
Total	1442	100

Household income	<i>n</i>	%
Loss	9	0.6
Zero income	17	1.2
\$1,000 to \$5,000	8	0.6
\$5,001 to \$10,000	5	0.3
\$10,001 to \$15,000	28	1.9
\$15,001 to \$20,000	36	2.5
\$20,001 to \$25,000	49	3.4
\$25,001 to \$30,000	38	2.6
\$30,001 to \$35,000	40	2.8
\$35,001 to \$40,000	60	4.1
\$40,001 to \$50,000	87	6
\$50,001 to \$60,000	111	7.7
\$60,001 to \$70,000	127	8.8
\$70,001 to \$100,000	276	19.1
\$100,001 to \$150,000	296	20.4
\$150,000 or more	242	16.7
Did not say	18	1.3
Total	1442	100

Education	<i>n</i>	%
No formal schooling	8	0.6
A few years of primary school	2	0.1
Primary / intermediate school	10	0.7
Secondary school for up to 3 years	179	12.4
Secondary school for 4 years or more	298	20.6
University / polytechnic up to 3 years	435	30
University / polytechnic 4 years or more	506	34.9
Did not say	4	0.7
Total	1442	100

Appendix IV

Coding examples

The following participant responses exemplify how participant data was categorised in *Chapter Six* and *Chapter Seven*. For the purposes of anonymity, each respondent has a unique alpha-numeric code which forms part of a larger code originally assigned by SPSS. This code follows the participant response after which an explanation is provided as to how that response was coded.

First, a response assigned a single category that directly matches that category:

Who says the Colonization has caused Māori to be treated harshly???

Participant 64UMB

This participant rejected assertions that the consequences of colonisation are a causal factor in the disproportionate imprisonment of Māori. Their question represents a response to the text's statement that 'Māori in prison stem from racism in the justice system, where Māori have been treated more harshly than non-Māori. This is a legacy of colonisation'. This response was accordingly categorised as '8 - Rejection of racism / prejudice or colonisation argument (i.e., unfair on Māori)'. Because there were no other comments made by this participant, no further categorisation was required.

Second, a response assigned a single category that indirectly fits one of the categories:

Bring the death penalty into NZ and give it to criminals that are severely repeat offenders in crime such as rape and murder.

Participant VIOXP

This participant favoured more punitive sentences because of their support for capital punishment, which was discontinued in New Zealand (with the most serious punishment now being life imprisonment without parole). The participant's response was accordingly categorised as '2 - Longer and/or less lenient sentences (incl. acceptance of existing

arrangements)’. Because there were no further statements made, no further categorisation was recorded for this participant.

Third, a response assigned two categories that either directly or indirectly fits one of the categories:

Rehabilitation for those who have committed crimes, and addressing systemic issues e.g. poverty, lack of assistance for mental health, addictions etc are more effective in reducing crime rates than taking a punitive approach to crime so I feel like we should be looking at what can be done to lower crime rates in the first instance, and then assisting people to make better choices by having other options available to them (i.e. tools for coping) to stop re-offending.

Participant 23KVO

This participant favoured the rehabilitation of offenders because it is preferable to taking a punitive approach to crime. Accordingly, this response was categorised as ‘3 - More lenient prison conditions (incl. focus on in-house rehabilitation)’. The participant also favoured addressing systemic issues which lead to crime. Therefore, the response was also categorised as ‘6 - Social forces lead to prison, community rehab in some cases (excl. ethnicity)’.

Fourth, a response assigned two categories that either directly or indirectly fits two of the categories but appear to contradict each other.

The prison system should work with prisoners to help address issues like illiteracy and addictions. And offer skills training. However I think that some violent offenders should remain in custody for their protection and the community's.

Participant GABZH

This participant held views that are both rehabilitative—prisoners should be helped with illiteracy and addictions—and punitive views—violent offenders face an indefinite period of imprisonment. Accordingly, this response was categorised twice: the first, ‘3 - More

lenient prison conditions incl. in-house rehabilitation;’ and the second, ‘2 - Longer and/or less lenient sentences (incl. acceptance of existing arrangements)’.

Fifth, a response that was coded as ‘other’:

I agree with most of the above in that there does appear to be more Māori appearing in the courts and on to prisons. I feel strongly that all children need a proper education, food in their bellies, shoes on their feet and to live in warm and dry homes. Sadly this is lacking in our society, and we see people living in cars, mouldy and damp overpriced rental accommodation. It is time this country stopped feeding to the rich and cater for the less fortunate.

Participant TJS7N

This participant held a variety of views. The first represents a tacit acceptance of arguments pertaining to race and the injustice of Māori being overrepresented in the prison system. Accordingly, this was categorised as ‘7 - Acceptance of racism argument (i.e., unfair on Māori)’. The second appears as an appeal to the needs of disadvantaged young people i.e., people living in cars, and accordingly was coded as ‘6 - Social forces lead to prison, community rehab in some cases.’ As the participant implied a remodelling of the broader economic system, the response was also categorised as ‘33 - other’.

Reference list

- Inews. (2022). *Access to justice a concern as backlog grows in district courts*.
<https://www.1news.co.nz/2022/02/18/access-to-justice-a-concern-as-backlog-grows-in-district-courts/>
- Inews. (2019). *Man charged with murder after body found at Invercargill property*.
<https://www.1news.co.nz/2019/12/08/man-charged-with-murder-after-body-found-at-invercargill-property/>
- Abedi, A., & Lundberg, T. C. (2008). Doomed to failure? UKIP and the organisational challenges facing right-wing populist anti-political establishment parties. *Parliamentary Affairs*, 62(1), 72-87.
<http://dx.doi.org/10.1093/pa/gsn036>
- Abts, K., & Rummens, S. (2007). Populism versus democracy. *Political Studies*, 55(2), 405-424.
<https://doi.org/10.1111/j.1467-9248.2007.00657.x>
- Ahluwalia, P., & Miller, T. (2018). Populism—again, seemingly without end. *Social Identities*, 24(6), 685-687. <https://doi.org/10.1080/13504630.2018.1518212>
- Akkerman, A., Mudde, C., & Zaslove, A. (2014). How populist are the people? Measuring populist attitudes in voters. *Comparative political studies*, 47(9), 1324-1353.
<https://doi.org/10.1177/0010414013512600>
- Akooie, N. (2018, June 2). *Three strikes law supported by 68% of kiwis, survey finds*. New Zealand Herald. <https://www.nzherald.co.nz/nz/three-strikes-law-supported-by-68-per-cent-of-kiwis-survey-finds/2RWBUHTOUOZEBPJ4RLD77AYGLI/>
- Albertazzi, D., & McDonnell, D. (2015). *Populists in power*. Routledge.
- Anderson, J., Black, A., Maclaurin, E., & Mead, T. S. (2021). The case against prisons. In M. Coyle, & D. Scott (Eds.), *The Routledge International Handbook of Penal Abolition* (pp. 39-49). Routledge.
- Andrae, D., McIntosh, T., & Coster, S. (2017). "You can't take my face": A personal narrative of self-modification through tattooing in the Aotearoa/New Zealand prison system. *New Zealand Sociology*, 32(2), 5-27. <https://search.informit.org/doi/10.3316/informit.276114759110728>
- Andrew, J., & Cahill, D. (2009). Value for Money? Neo-Liberalism in New South Wales Prisons. *Australian Accounting Review*, 19(2), 144-152.
<https://doi.org/10.1111/j.1835-2561.2009.00052.x>
- Anstiss, B. (2003). Just how effective is correctional treatment at reducing re-offending? *New Zealand journal of psychology*, 32(2), 84.
<https://www.psychology.org.nz/journal-archive/NZJP-Vol322-2003-4-Anstiss.pdf>
- Anthony, T. (2010). *Sentencing indigenous offenders* (Brief 7). Indigenous Justice Clearing House.
<https://opus.lib.uts.edu.au/bitstream/10453/36054/1/brief007.pdf>

- Arditi, B. (2004). Populism as a spectre of democracy: a response to Canovan. *Political Studies*, 52(1), 135-143. <https://doi.org/10.1111/j.1467-9248.2004.00468.x>
- Arditi, B. (2010). Review essay: populism is hegemony is politics? On Ernesto Laclau's on populist reason. *Constellations*, 17(3), 488-497. <https://doi.org/10.1111/j.1467-8675.2010.00587.x>
- Armstrong, A. C. (2014). No prisoner left behind: enhancing public transparency of penal institutions. *Stan. L. & Pol'y Rev.*, 25, 435. <https://doi.org/10.2139/ssrn.2324387>
- Aslanidis, P. (2016). Is populism an ideology? A refutation and a new perspective. *Political Studies*, 64(1_suppl), 88-104. <https://doi.org/10.1111/1467-9248.12224>
- Astbury, B. (2008). Problems of implementing offender programs in the community. *Journal of offender rehabilitation*, 46(3-4), 31-47. <https://doi.org/10.1080/10509670802143235>
- Aviram, H. (2015). *Cheap on crime*. University of California Press.
- Barber, K. (2008). 'Indigenous rights' or 'racial privileges': The rhetoric of 'race' in New Zealand politics. *The Asia Pacific Journal of Anthropology*, 9(2), 141-156. <https://doi.org/10.1080/14442210802023665>
- Barker, F., & Vowles, J. (2020). Populism and electoral politics in New Zealand. In J. Vowles & J. Curtain. *A Populist Exception? The 2017 New Zealand General Election*. ANU Press.
- Barr, R. R. (2009). Populists, outsiders and anti-establishment politics. *party politics*, 15(1), 29-48. <https://doi.org/10.1177/1354068808097890>
- Bartels, L. M. (2005). Homer gets a tax cut: Inequality and public policy in the American mind. *Perspectives on Politics*, 3(1), 15-31. <https://doi.org/10.1017/S1537592705050036>
- Bartholomew, R. E. (2020). *No Māori Allowed: New Zealand's forgotten history of racial segregation*. Independently Published.
- Bartlett, T. (2009). *The power of penal populism* [Master's Thesis, Victoria University of Wellington]. VUW Research Archive. <http://hdl.handle.net/10063/1086>.
- Bassey, M. (1999). *Case study research in educational settings*. McGraw-Hill Education.
- Becker, G. S., & Landes, W. M. (1974). Front matter, Essays in the Economics of Crime and Punishment. In *Essays in the Economics of Crime and Punishment* (pp. 20-0). NBER.
- Beckett, K. (1997). *Making crime pay: Law and order in contemporary American politics*. Oxford University Press.
- Bakker, B. N., Lelkes, Y., & Malka, A. (2020). Understanding partisan cue receptivity: Tests of predictions from the bounded rationality and expressive utility perspectives. *The Journal of Politics*, 82(3), 1061-1077.
- Bell, E. (2011). *Criminal justice and neoliberalism*. Springer.

- Bell, E. (2018). *The Decline of Penal Populism in the UK?* (Number 83). British Society of Criminology Newsletter. <http://www.britisocrim.org/wp-content/uploads/2018/12/BSCN83.pdf#page=11>
- Berry, M., Philo, G., Tiripelli, G., Docherty, S., & Macpherson, C. (2012). Media coverage and public understanding of sentencing policy in relation to crimes against children. *Criminology & Criminal Justice*, 12(5), 567-591. <https://doi.org/10.1177/1748895811432956>
- Betz H.G. (2002). Conditions Favouring the Success and Failure of Radical Right-Wing Populist Parties in Contemporary Democracies. In Y. Mény, & Y. Surel. (Eds.) *Democracies and the Populist Challenge*. Palgrave Macmillan. https://doi.org/10.1057/9781403920072_11
- Betz, H. G. (2004). *Exclusionary populism in Western Europe in the 1990s and beyond* (Programme paper 9). United Nations Research Institute for Social Development. [https://unrisd.org/unrisd/website/document.nsf/ab82a6805797760f80256b4f005da1ab/17bfb816da5cef8b80256b6d005787d8/\\$FILE/betz.pdf](https://unrisd.org/unrisd/website/document.nsf/ab82a6805797760f80256b4f005da1ab/17bfb816da5cef8b80256b6d005787d8/$FILE/betz.pdf)
- Betz, H. G., & Meret, S. (2012). Right-wing populist parties and the working-class vote. In J. Rydgren (Ed.), *Class politics and the radical right*, (pp. 107-121). Routledge.
- Bevan, M. (2017). New Zealand prisoners' prior exposure to trauma. *Practice: The New Zealand Corrections Journal*, 5(1). https://www.corrections.govt.nz/resources/research/journal/volume_5_issue_1_july_2017/new_zealand_prisoners_prior_exposure_to_trauma
- Bjornstrom, E. E., Kaufman, R. L., Peterson, R. D., & Slater, M. D. (2010). Race and ethnic representations of lawbreakers and victims in crime news: A national study of television coverage. *Social problems*, 57(2), 269-293. <https://doi.org/10.1525/sp.2010.57.2.269>
- Blasius, J., & Thiessen, V. (2001). The use of neutral responses in survey questions: An application of multiple correspondence analysis. *Journal of Official Statistics – Stockholm*, 17(3), 351-368. <https://www.scb.se/contentassets/ca21efb41fee47d293bbec5bf7be7fb3/the-use-of-neutral-responses-in-survey-questions-an-application-of-multiple-correspondence-analysis.pdf>
- Boast, R., & Hill, R. (2010). Overview: Confiscation in New Zealand. In R. Boast, & R. Hill (Eds.) *Raupatu: The confiscation of Māori land* (pp. 5-11). Victoria University Press.
- Borell, B. A., Gregory, A. S., McCreanor, T. N., Jensen, V. G., & Barnes, H. E. M. (2009). "It's Hard at the Top but It's a Whole Lot Easier than Being at the Bottom:" The Role of Privilege in Understanding Disparities in Aotearoa/New Zealand. *Race/Ethnicity: multidisciplinary global contexts* (pp. 29-50). <https://www.jstor.org/stable/25595023>
- Borell, B., Moewaka Barnes, H., & McCreanor, T. (2018). Conceptualising historical privilege: The flip side of historical trauma, a brief examination. *AlterNative: An International Journal of Indigenous Peoples*, 14(1), 25-34. <https://doi.org/10.1177/1177180117742202>
- Bosworth, M. (2011). Penal moderation in the United States: Yes we can. *Criminology & Public Policy*, 10, 335. <https://heinonline.org/HOL/P?h=hein.journals/crpp10&i=341>

- Bottoms, A. (1995). The philosophy and politics of punishment and sentencing. In C. Clarkson, & R. Morgan (Eds.), *The politics of sentencing reform* (pp. 17-49). Oxford University Press.
- Boutellier, H. (2000). *Morality and Victims. Crime and Morality*. Springer.
- Boyle, O., & Stanley, E. (2019). Private prisons and the management of scandal. *Crime, media, culture*, 15(1), 67-87. <https://doi.org/10.1177/1741659017736097>
- Bratt, D., & Foster, B. (2020). The Attempted Takeover of the Progressive Conservative Party of Alberta. *Alberta History*, 68(2), 20-27. <https://link.gale.com/apps/doc/A630197880/AONE?u=anon~8665dc20&sid=googleScholar&xid=3d32c3fc>
- Brittain, E., & Tuffin, K. (2017). Ko tēhea te ara tika? A discourse analysis of Māori experience in the criminal justice system. *New Zealand Journal of Psychology (Online)*, 46(2), 99. <https://www.psychology.org.nz/journal-archive/NZJP-Vol-46-No-2-2017-2.pdf#page=99>
- Britto, S., Hughes, T., Saltzman, K., & Stroh, C. (2007). Does ‘special’ mean young, white and female? Deconstructing the meaning of ‘special’ in law & order: Special victims unit. *Journal of Criminal Justice and Popular Culture*, 14(1), 39-57. <https://doi.org/10.1.1.137.7275>
- Broadhurst, R. (1999). Crime, justice and Indigenous peoples: The ‘new justice’ and settler states. *Australian & New Zealand Journal of Criminology*, 32(2), 105-107. <https://doi.org/10.1177/000486589903200201>
- Brockett, M. (2020, October 16). *Jacinda Ardern Set For Big Election Win as Voters Reward Covid Success*. <https://www.bloomberg.com/news/articles/2020-10-15/ardern-set-for-big-election-win-as-voters-reward-covid-success>
- Burnett, R., & Maruna, S. (2004). So ‘prison works’, does it? The criminal careers of 130 men released from prison under Home Secretary, Michael Howard. *The Howard Journal of Criminal Justice*, 43(4), 390-404. <https://doi.org/10.1111/j.1468-2311.2004.00337.x>
- Buttle, J. (2017). Imagining an Aotearoa/New Zealand without Prisons. *Counterfutures*, 3, 99-127. <https://doi.org/10.26686/cf.v3i0.6419>
- Buttle, J. (2021). Emerging from a colonialist and punitive era? A story of prison abolition in Aotearoa/New Zealand. In M. Coyle, & D. Scott, *The Routledge International Handbook of Penal Abolition* (pp. 274-291). Routledge.
- Canovan, M. (1999). Trust the people! Populism and the two faces of democracy. *Political studies*, 47(1), 2-16. <https://doi.org/10.1111/1467-9248.00184>
- Canovan, M. (2002). Taking politics to the people: Populism as the ideology of democracy. In Canovan, M (Ed.), *Democracies and the populist challenge* (pp. 25-44). Palgrave Macmillan.
- Canovan, M. (2004). Populism for political theorists? *Journal of Political Ideologies*, 9(3), 241-252. <https://doi.org/10.1080/1356931042000263500>

- Carson, E. A., & Sabol, W. J. (2012). Prisoners in 2011: Trends in admissions and releases. *NCJ*, 239808(11). <https://www.ebony.com/wp-content/uploads/2014/06/p12tar9112.pdf>
- Cate, S., & HoSang, D. (2018). 'The better way to fight crime': Why fiscal arguments do not restrain the carceral state. *Theoretical Criminology*, 22(2), 169-188. <https://doi.org/10.1177/1362480617690801>
- Cavadino, M., & Dignan, J. (2007). *The penal system: An introduction*. Sage.
- CBC News. (2006, September 12). *Ralph Klein: Alberta's Populist Premier*. <https://www.cbc.ca/news2/background/klein-ralph/>
- Chen, K and Shapiro, J. (2006). *Does prison harden inmates? A Discontinuity-based approach* (Discussion Paper No. 1450). Cowles Foundation for Research in Economics, Yale University. <https://elischolar.library.yale.edu/cowles-discussion-paper-series/1726/>
- Chevigny, P. (2003). The populism of fear: Politics of crime in the Americas. *Punishment & Society*, 5(1), 77-96. <https://doi.org/10.1177/1462474503005001293>
- Christoffersen, M. N. (1987). The educational bias of mail questionnaires. *Journal of official statistics*, 3(4), 459-464.
- Collins, S. (2017, November 12). Reducing child poverty: How will Jacinda Ardern do it? *New Zealand Herald*. <https://www.nzherald.co.nz/nz/reducing-child-poverty-how-will-jacinda-ardern-do-it/QSJVLA56UJUOBMN4AK2UUJXUPE/>
- Colmar Brunton. (2016). *Public Perceptions of Crime 2016 – survey report*. <https://www.justice.govt.nz/assets/Documents/Publications/20161130-Final-PPS-report.pdf>
- Commons Library. (2021). *UK Prison Population Statistics*. <https://commonslibrary.parliament.uk/research-briefings/sn04334/>
- Conradson, D., & Pawson, E. (2009). New cultural economies of marginality: Revisiting the west coast, South Island, New Zealand. *Journal of Rural Studies*, 25(1), 77-86. <https://doi.org/10.1016/j.jrurstud.2008.06.002>
- Cook, L. (2021). *A Statistical Window for the Justice System: Putting a Spotlight on the Scale of State Custody across Generations of Māori*. Victoria University of Wellington. https://www.wgtn.ac.nz/_data/assets/pdf_file/0004/1917265/WP-21-01-a-statistical-window-for-the-justice-system.pdf
- Cooke, H. (2021, February 3). National say new history curriculum features too much 'identity politics' and needs more balance. *Stuff*. <https://www.stuff.co.nz/national/politics/300220788/national-say-new-history-curriculum-features-too-much-identity-politics-and-needs-more-balance>
- Copson, L. (2014). Penal populism and the problem of mass incarceration: the promise of utopian thinking. *The Good Society*, 23(1), 55-72.

- Coyle, A. (2006). Community prisons. *The Centre for Crime and Justice Studies*. 64(1), 32-33.
<https://doi.org/10.1080/09627250608553190>
- Coyle, A. (2007) Making prisons locally accountable. In R. Allen. & V. Stern. (Eds.) *Justice Reinvestment – A New Approach to Crime* (pp. 35-42). International Centre for Prison Studies.
- Coyle, A. (2005). *Understanding Prisons: Key Issues in Policy and Practice: Key Issues in Policy and Practice*. McGraw-Hill Education.
- Crabb, A. (2019, March 18). Christchurch shooting show that New Zealand PM is a leader for our times. *Australian Broadcasting Company*. <https://www.abc.net.au/news/2019-03-18/christchurch-attacks-show-new-zealand-pm-a-leader-for-our-times/10912018>
- Cullen, F. T., Jonson, C. L., & Nagin, D. S. (2011). Prisons do not reduce recidivism: The high cost of ignoring science. *The Prison Journal*, 91(3_suppl), 48-65.
<https://doi.org/10.1177/0032885511415224>
- Collins, B. (2016). Prison fight clubs: 'It was basically a jungle'. *Radio New Zealand*.
<https://www.rnz.co.nz/news/political/317637/prison-fight-clubs-'it-was-basically-a-jungle'>
- Cunneen, C. (2009). Criminology, Criminal Justice and Indigenous People: A Dysfunctional Relationship? The John Barry Memorial Lecture, University of Melbourne, 25 November 2008. *Current Issues in Criminal Justice*, 20(3), 323-336.
<https://doi.org/10.1080/10345329.2009.12035816>
- Cunneen, C. (2011). Indigenous incarceration: The violence of colonial law and justice. In P. Scraton, & J. McCulloch, J (Eds.), *The violence of incarceration*, (pp. 209-224). Routledge.
<http://dx.doi.org/10.4324/9780203892916>.
- Cunneen, C., Baldry, E., Brown, D., Brown, M., Schwartz, M., & Steel, A. (2016). *Penal culture and hyper incarceration: The revival of the prison*. Routledge.
- Curran, G. (2004). Mainstreaming populist discourse: the race-conscious legacy of neo-populist parties in Australia and Italy. *Patterns of Prejudice*, 38(1), 37-55.
<https://doi.org/10.1080/0031322032000185578>
- Cuperus, R. (2018). Social democracy and the populist challenge. In R. Manwaring, & P. Kennedy *Why the left loses. The decline of the centre-left in comparative perspective*, (pp. 185-202). Policy Press.
- Curtis-Ham, S., & Walton, D. (2018). The New Zealand crime harm index: Quantifying harm using sentencing data. *Policing: A Journal of Policy and Practice*, 12(4), 455-467.
<https://doi.org/10.1093/police/pax050>
- Curran, G. (2004). Mainstreaming populist discourse: the race-conscious legacy of neo-populist parties in Australia and Italy. *Patterns of Prejudice*, 38(1), 37-55.
<https://doi.org/10.1080/0031322032000185578>
- De Haan, W., & Loader, I. (2002). On the emotions of crime, punishment and social control. *Theoretical Criminology*, 6(3), 243-253. <https://doi.org/10.1177/136248060200600301>

- De Lange, S. L. (2012). New alliances: why mainstream parties govern with radical right-wing populist parties. *Political Studies*, 60(4), 899-918. <https://doi.org/10.1111/j.1467-9248.2012.00947.x>
- De Vaus, D. (2002). *Analysing social science data: 50 key problems in data analysis*. Sage.
- De Vaus, D. (2013). *Surveys in social research*. Routledge. <https://doi.org/10.4324/9780203519196>
- De la Torre, C. (1998). Populist redemption and the unfinished democratization of Latin America. *Constellations*, 5(1), 85-95. https://www.flacsoandes.edu.ec/sites/default/files/agora/files/1277226129.carlos_de_la_torre_5.pdf
- Den Heyer, G. (2014). Examining police strategic resource allocation in a time of austerity. *Salus Journal*, 2(1), 63-79. <https://search.informit.org/doi/pdf/10.3316/informit.748254042955741>
- Dagan, D., & Teles, S. M. (2016). *Prison break: Why conservatives turned against mass incarceration*. Oxford University Press.
- Davis, A. Y., & Rodriguez, D. (2000). The challenge of prison abolition: A conversation. *Social Justice*, 27(3) (81), 212-218. <https://www.jstor.org/stable/29767244>
- Davis, C., Bahr, S. J., & Ward, C. (2013). The process of offender reintegration: Perceptions of what helps prisoners re-enter society. *Criminology & Criminal Justice*, 13(4), 446-469. <https://doi.org/10.1177/1748895812454748>
- Denis, C. (1995). "Government Can Do Whatever It Wants": Moral Regulation in Ralph Klein's Alberta. *Canadian Review of Sociology/Revue canadienne de sociologie*, 32(3), 365-383. <https://doi.org/10.1111/j.1755-618X.1995.tb00777.x>
- Department of Corrections. (2016) *Annual Report – Part D: Appendices*. https://www.corrections.govt.nz/_data/assets/pdf_file/0017/13940/Annual_Report_201516_Part_D.pdf
- Department of Corrections. (2017) *Annual Report*. https://www.corrections.govt.nz/_data/assets/pdf_file/0008/30887/Annual_Report_2016-17.pdf
- Department of Corrections. (2020) *Briefing to the Incoming Minister*. <https://www.beehive.govt.nz/sites/default/files/2020-12/Corrections.pdf>
- Department of Corrections. (2022) *Internal Movement of Prisoners – Prison Operations Manual*. https://www.corrections.govt.nz/resources/policy_and_legislation/Prison-Operations-Manual/Movement/M.01-Movements-internal,-directed-and-specified/M.01.01-Internal-movements-of-prisoners
- Department of Corrections (2019) *Prison facts and statistics - September 2019*. https://www.corrections.govt.nz/resources/research_and_statistics/quarterly_prison_statistics/prison_stats_september_2019
- Department of Corrections (2021) *Prison facts and statistics – December 2021*.

https://www.corrections.govt.nz/resources/statistics/quarterly_prison_statistics/prison_stats_december_2021

Department of Corrections. (2014). *Strategic Intentions 2015 – 2019*.

https://www.corrections.govt.nz/_data/assets/pdf_file/0012/13161/Strategic_Intentions_2015_-_2019.pdf

Department of Corrections. (2022). *Waikeria Prison Development*.

https://www.corrections.govt.nz/news/waikeria_prison_development

Department of Prime Minister and Cabinet. (2020, March 26). Reducing Child Poverty

<https://dpmc.govt.nz/our-programmes/reducing-child-poverty>

Dignan, J., & Cavadino, M. (2007). Penal policy in comparative perspective. *Criminal Justice Matters*, 70(1), 15-16. <https://doi.org/10.1080/09627250708553681>

Dixon, D. (2005). Why don't the police stop crime? *Australian & New Zealand journal of criminology*, 38(1), 4-24. <https://doi.org/10.1375/acri.38.1.4>

Dobrynina, M. (2016). The Roots of "Penal Populism": the role of media and politics. *Kriminologijos studijos*, 4, 98-124. <https://doi.org/10.15388/CrimLithuan.2016.4.10729>

Doob, A. N. (2000). Transforming the punishment environment: Understanding public views of what should be accomplished at sentencing. *Canadian Journal of Criminology*, 42(3), 323-340.

<https://doi.org/10.3138/cjcrim.42.3.323>

Douglas, R. (1993). *Unfinished business*. Random House New Zealand.

Dowler, K. (2003). Media consumption and public attitudes toward crime and justice: The relationship between fear of crime, punitive attitudes, and perceived police effectiveness. *Journal of criminal justice and popular culture*, 10(2), 109-126.

<https://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.371.5983&rep=rep1&type=pdf>

Duff, M. (2020). *Jacinda Ardern*. Allen & Unwin.

Dzur, A. W. (2010). The myth of penal populism: Democracy, citizen participation, and American hyperincarceration. *Journal of speculative philosophy*, 24(4), 354-379.

Electoral Commission (2018). *Enrolment Statistics*.

<https://elections.nz/stats-and-research/enrolment-statistics>

Elers, S. (2012). Police interactions with Māori: A contributing factor in disproportionate crime statistics. *Australasian Policing*, 4(2), 40-41.

<https://search.informit.org/doi/10.3316/INFORMIT.174034507566464>

Ellis, F. (2011). Traditional or Progressive? Albertans' Opinion Structure on Six Policy Issues. *Lethbridge: Citizen Society Research Lab*. Lethbridge College,

<https://www.lethbridgecollege.ca/about-us/applied-research-innovation/citizen-society-research-lab/alberta-opinion-studies>

- Fellner, J. (2006). A corrections quandary: Mental illness and prison rules. *Harvard Civil Rights-Civil Liberties Law Review*, 41, 391-412. http://www.antonioacasella.eu/archipsy/Fellner_2006.pdf
- Fergusson, D. M., Horwood, L. J., & Swain-Campbell, N. (2003). Ethnicity and criminal convictions: Results of a 21-year longitudinal study. *Australian & New Zealand Journal of Criminology*, 36(3), 354-367. <https://doi.org/10.1375/acri.36.3.354>
- Ferre-Rode, S., & Rodd, A. (2020). "Style and substance": Perspectives on prime ministers Jacinda Ardern (New Zealand) and Justin Trudeau (Canada). *Cultures of the Commonwealth*, 23, 56-70. <https://doi.org/10.3316/215490331227535>
- Ferri-García, R., & Rueda, M. D. M. (2018). Efficiency of propensity score adjustment and calibration on the estimation from non-probabilistic online surveys. *SORT*, 1, 159-162. <https://doi.org/10.2436/20.8080.02.73>
- Fisher, D. (2018, August 20). Prisons a 'moral and fiscal failure' Prime Minister Jacinda Ardern says. *New Zealand Herald*. <https://www.nzherald.co.nz/nz/prisons-a-moral-and-fiscal-failure-prime-minister-jacinda-ardern-says/>
- Fishkin, J.S (1995). Bringing deliberation to democracy: The British experiment. *The Good Society*, 5(3), 45-49.
- Fishkin, J. S. (1996). The televised deliberative poll: An experiment in democracy. *The Annals of the American Academy of Political and Social Science*, 546(1), 132-140. <https://doi.org/10.1177/0002716296546001012>
- Fowler, J. (2005). Māori land claims: a historical perspective. *International Journal of Entrepreneurship and Small Business*, 2(2), 149-162. <https://doi.org/10.1504/ijesb.2005.006811>
- Frank, T. (2004). *What's the matter with Kansas: How Conservatives Won the Heart of America*. Metropolitan Books.
- Freiberg, A. (2001). Affective versus effective justice: Instrumentalism and emotionalism in criminal justice. *Punishment & Society*, 3(2), 265-278. <https://doi.org/10.1177/14624740122228320>
- Frost, N. A. (2010). Beyond public opinion polls: Punitive public sentiment & criminal justice policy. *Sociology Compass*, 4(3), 156-168. <https://doi.org/10.1111/j.1751-9020.2009.00269.x>
- Furley, T (2017). It's haere rā to Serco as Mt Eden Prison contract ends. *Radio New Zealand* <https://www.rnz.co.nz/news/national/327855/its-haere-ra-to-serco-as-mt-eden-prison-contract-ends>
- Gagné, N. (2008). On the ethnicisation of New Zealand politics: The foreshore and seabed controversy in context. *The Asia Pacific Journal of Anthropology*, 9(2), 123-140. <https://doi.org/10.1080/14442210802023657>
- Garland, D. (2021). What's Wrong with Penal Populism? Politics, the Public, and Criminological Expertise. *Asian Journal of Criminology*, 16(3), 257-277.

- Garland, D. (2012). *The culture of control: Crime and social order in contemporary society*. University of Chicago Press.
- Gidron, N. & Bonikowski, B. (2013) *Varieties of Populism: Literature Review and Research Agenda* (Working Paper Series No.13-0004), Weatherhead Center for International Affairs, Harvard University. <http://dx.doi.org/10.2139/ssrn.2459387>
- Godfrey, M. (2015). Settled peacefully. *Overland*, 219, 4-10.
- Gorman, D. M. (1993). "War on drugs" continues in United States under new leadership. *British Medical Journal*, 307(6900), 369-371. <https://doi.org/10.1136/bmj.307.6900.369>
- Gottschalk, M. (2010). Cell blocks & red ink: Mass incarceration, the great recession & penal reform. *Daedalus*, 139(3), 62-73. <https://www.jstor.org/stable/20749842>
- Gottschalk, M. (2006) *The Prison and the Gallows: The Politics of Mass Incarceration in America*. Cambridge University Press.
- Gottschalk M (2009) The long reach of the carceral state: The politics of crime, mass imprisonment, and penal reform in the United States and abroad. *Law & Social Inquiry* 34(2): 439–472. <https://doi.org/10.1111/j.1747-4469.2009.01152.x>
- Gottschalk, M. (2008). Hiding in plain sight: American politics and the carceral state. *Annual Review of Political Science*, 11, 235-260. <https://doi.org/10.1146/annurev.polisci.11.060606.135218>
- Gottschalk, M. (2015). *The folly of neoliberal prison reform*. Boston Review. <https://bostonreview.net/articles/marie-gottschalk-neoliberal-prison-reform-caught/>
- Gendreau, P., Little, T., & Goggin, C. (1996). A meta-analysis of the predictors of adult offender recidivism: What works! *Criminology*, 34(4), 575-608. <https://doi.org/10.1111/j.1745-9125.1996.tb01220.x>
- García-Montoya, L., Arjona, A., & Lacombe, M. (2021). Violence and Voting in the United States: How School Shootings Affect Elections. *American Political Science Review*, 1-20. <https://doi.org/10.1017/s0003055421001179>
- Gibbons, T. (2002). Waikato Law Review: The First Ten Years. *Waikato L. Rev.*, 10, 39. <https://heinonline.org/HOL/P?h=hein.journals/waik10&i=43>
- Gray, I. W., & Lawrence, G. (2001). *A future for regional Australia: Escaping global misfortune*. Cambridge University Press.
- Greaves, L. M., Oldfield, L. D., Von Randow, M., Sibley, C. G., & Milne, B. J. (2020). How low can we go? Declining survey response rates to New Zealand electoral roll mail surveys over three decades. *Political Science*, 72(3), 228-244. <https://doi.org/10.1080/00323187.2021.1898995>
- Greaves, L. M., Oldfield, L. D., & Milne, B. J. (2021). Let the people decide? Support for referenda since the New Zealand flag change referendums. *Kōtuitui: New Zealand Journal of Social Sciences Online*, 16(1), 133-147.

- Greaves, L., & Vowles, J. (2020). Measuring Populism in New Zealand. In J. Vowles, & J. Curtin (Eds.), *A Populist Exception?* (pp. 71-106). ANU Press.
- Green, D. A. (2014). Penal populism and the folly of “doing good by stealth”. *The Good Society*, 23(1), 73-86. <https://www.jstor.org/stable/10.5325/goodsociety.23.1.0073>
- Green, G. L. (2009). The Quixotic Dilemma, California's Immutable Culture of Incarceration. *Pace L. Rev.*, 30, 1453. <https://heinonline.org/HOL/P?h=hein.journals/pace30&i=1467>
- Green, D. A. (2008). *When children kill children: Penal populism and political culture*. University Oxford Press.
- Greer, C. R. (2007). *News media, victims and crime*. In P. Davies, P. Francis, & C. Greer (Eds.), *Victims, Crime and Society* (pp. 21-49). Sage.
- Grey, S., & de Roo, K. (2010). When the next step is capital punishment what choices do we have: Penal reform movements in the age of penal populism. *New Zealand Sociology*, 25(2), 38-58. <https://search.informit.org/doi/epdf/10.3316/informit.113824116840230>
- Grimm, P. (2010). Social desirability bias. In W. Karakura (Ed.), *Volume 2 Marketing Research: Wiley international encyclopaedia of marketing*. <https://doi.org/10.1002/9781444316568>
- Grimwood, G. G., & Berman, G. (2012). *Reducing Reoffending: The “what works” debate* (Research paper 12/71). House of Commons Library. <https://researchbriefings.files.parliament.uk/documents/RP12-71/RP12-71.pdf>
- Groves, R. M., Fowler Jr, F. J., Couper, M. P., Lepkowski, J. M., Singer, E., & Tourangeau, R. (2011). *Survey methodology* (Vol. 561). John Wiley & Sons.
- Guiney, T. (2019). Marginal gains or diminishing returns? Penal bifurcation, policy change and the administration of prisoner release in England and Wales. *European Journal of Probation*, 11(3), 139-152. <https://doi.org/10.1177/2066220319895802>
- Gusterson, H. (2017). From Brexit to Trump: Anthropology and the rise of nationalist populism. *American ethnologist*, 44(2), 209-214. <https://doi.org/10.1111/amet.12469>
- Hage, G. (1998). *White nation: Fantasies of white supremacy in a multicultural society*. Routledge.
- Hale, J. (2000). Does Prison Work? A Comparative Analysis of Contemporary Prison Systems in England and Wales and Finland, 2000 to Present. [https://www.wlv.ac.uk/media/departments/faculty-of-social-sciences/documents/wolverhampton-law-journal/edition-4/\(2020\)-4-WLJ-64.pdf](https://www.wlv.ac.uk/media/departments/faculty-of-social-sciences/documents/wolverhampton-law-journal/edition-4/(2020)-4-WLJ-64.pdf)
- Hattie, J. (2003). New Zealand education snapshot. Paper presented at the Knowledge Wave 2003 – the Leadership Forum, Auckland, New Zealand.
- Halushka, J. (2017). Managing rehabilitation: Negotiating performance accountability at the frontlines of re-entry service provision. *Punishment & Society*, 19(4), 482-502. <https://doi.org/10.1177/1462474516669356>

- Han, C. (2018). Precarity, precariousness, and vulnerability. *Annual review of Anthropology*, 47, 331-343. <https://doi.org/10.1146/annurev-anthro-102116-041644>
- Harding, R. W. (2018). *Private prisons and public accountability*. Routledge.
- Harris, R. J., & Lo, T. W. (2002). Community service: Its use in criminal justice. *International Journal of Offender Therapy and Comparative Criminology*, 46(4), 427-444. <https://doi.org/10.1177/0306624X02464005>
- Harrison, T. W. (2015). Petroleum, politics, and the limits of left progressivism in Alberta. In M.
- Hawkins, K.A. (2010). *Venezuela's Chavismo and Populism in Comparative Perspective*. Cambridge: Cambridge University Press.
- Hayek F.A. (1944). *The Road to Serfdom*. University of Chicago Press
- Heaton, S. 2011. The Co-opting of Hauora in Curricula. *Curriculum Matters* 7(19) 99–109. <https://search.informit.org/doi/epdf/10.3316/informit.709725170648724>
- Herbeck, D. A. (1998) 'Three Strikes' And 'Hail Mary' Passes: Sports Metaphors in Public Argument [ISSA Proceedings 1998]. *Rosenberg Quarterly*. <https://rozenbergquarterly.com/issa-proceedings-1998-three-strikes-and-hail-mary-passes-sports-metaphors-in-public-argument/>
- Heseltine, K., & Day, A. (2017). Rehabilitation Programmes in Australian Prisons. In A. Deckert, & R. Sarre (Eds.), *The Palgrave Handbook of Australian and New Zealand Criminology, Crime and Justice* (pp. 831-846). Palgrave Macmillan.
- Hill, R. S. (2012). Māori urban migration and the assertion of indigeneity in Aotearoa/New Zealand, 1945–1975. *Interventions*, 14(2), 256-278. <https://doi.org/10.1080/1369801X.2012.687903>
- Hogan, J., & Haltinner, K. (2015). Floods, invaders, and parasites: Immigration threat narratives and right-wing populism in the USA, UK and Australia. *Journal of Intercultural Studies*, 36(5), 520-543. <https://doi.org/10.1080/07256868.2015.1072907>
- Hokowhitu, B. (2004). Tackling Māori masculinity: A colonial genealogy of savagery and sport. *The Contemporary Pacific*, 259-284. <http://hdl.handle.net/10523/5174>
- Hokowhitu, B. (2007). The Silencing of Māori Men. *New Zealand Journal of Counselling*, 27(2), 63-76. <https://web.s.ebscohost.com/ehost/pdfviewer/pdfviewer?vid=0&sid=d1ad2991-f616-4aee-9f35-ab5df07f34f5%40redis>
- Hopkins, J. P. (2012). Māori education: The politics of reconciliation and citizenship. In *Catalyst: A Social Justice Forum* 2(1), 13-24. <https://trace.tennessee.edu/cgi/viewcontent.cgi?article=1035&context=catalyst>
- Houdt, F., & Schinkel, W. (2014). Crime, citizenship and community: neoliberal communitarian images of governmentality. *The sociological review*, 62(1), 47-67. <https://doi.org/10.1111/1467-954X.12115>
- Hough, M., Bradford, B., Jackson, J., & Roberts, J. V. (2013). *Attitudes to sentencing and trust in justice:*

- exploring trends from the crime survey for England and Wales*. Ministry of Justice, United Kingdom.
- Hough, M., & Roberts, J. (2005). *Understanding public attitudes to criminal justice*. McGraw-Hill Education.
- Howard, M. M. (2017). *Unusually cruel: prisons, punishment, and the real American exceptionalism*. Oxford University Press.
- Hughes, P., & Smart, J. (2012). You say you want a revolution: The next stage of public sector reform in New Zealand. *Policy Quarterly*, 8(1). <https://doi.org/10.26686/pq.v8i1.4408>
- Humpage, L., & Fleras, A. (2001). Intersecting discourses: Closing the gaps, social justice and the Treaty of Waitangi. *Social Policy Journal of New Zealand*, 37-54. <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.124.1067&rep=rep1&type=pdf>
- Humpage, L. V. (2002). *Closing the gaps? The politics of Māori affairs policy* [PhD Thesis – Massey University]. Massey Research Online.
- Humpage, L. (2014). *Policy change, public attitudes and social citizenship: Does neoliberalism matter?* Policy press.
- Huntington, N., & O'Brien, T. (2021). Tied to a star: the Green Party of Aotearoa New Zealand and the 2020 election. *Environmental Politics*, 30(4) 1-8. <https://doi.org/10.1080/09644016.2021.1877477>
- Hurley, S. & Leask, A. (2019). Officer tells of details of finding Grace Millane's body. *New Zealand Herald*. <https://www.nzherald.co.nz/nz/officer-tells-of-details-of-finding-grace-millanes-body/BRVC32H7DV33O3TTW7CENRWILE/>
- Hutton, N. 2005. 'Beyond Populist Punitiveness?' *Punishment & Society*, 7(3) 243–58. <https://doi.org/10.1177/1462474505053828>
- Indermaur, D. (2008). Dealing the public in: Challenges for a transparent and accountable sentencing policy. In A. Freiberg, & K. Gelb, *Penal populism, sentencing councils and sentencing policy*, (pp. 45-67). Hawkins Press.
- Indermaur, D., Roberts, L., Spiranovic, C., Mackenzie, G., & Gelb, K. (2012). A matter of judgement: The effect of information and deliberation on public attitudes to punishment. *Punishment & Society*, 14(2), 147-165. <https://doi.org/10.1177/1462474511434430>
- Inglehart, R.F & Norris, P. (2016). *Trump, Brexit, and the Rise of Populism: Economic Have-Nots and Cultural Backlash* (HKS Working Paper No. RWP16-026). John F. Kennedy School of Government, Harvard University. <http://dx.doi.org/10.2139/ssrn.2818659>
- Ionescu, G., & Gellner, E. (Eds.). (1969). *Populism: its meaning and national characteristics*. Macmillan.
- Jackson, M. (1987). *The Māori and the criminal justice system, a new perspective: He whaipanga hou*. Ministry of Justice, New Zealand.

- Jackson, M. (2017). *Why did Māori never have prisons?* JustSpeak NZ, 16. <https://www.justspeak.org.nz/ourwork/why-did-maori-never-have-prisons>
- Jacobs, K. (1998). Value for money auditing in New Zealand: Competing for control in the public sector. *The British accounting review*, 30(4), 343-360. <https://doi.org/10.1006/bare.1998.0077>
- Johansson, J. (2004). Orewa and the rhetoric of illusion. *Political Science*, 56(2), 111-129. <https://doi.org/10.1177/003231870405600212>
- Johnsen, M (2021, February 24) Prison reform group hits back at Correction Minister over claims of violence. *Radio New Zealand*. <https://www.rnz.co.nz/news/te-manu-korihi/437023/prison-reform-group-hits-back-at-correction-minister-over-claims-of-violence>
- Johnsen, M (2020, December 15) Prison report shows failure to implement Hokai Rangi strategy – advocate. *Radio New Zealand*. <https://www.rnz.co.nz/news/te-manu-korihi/432917/prison-report-shows-failure-to-implement-hokai-rangi-strategy-advocate>
- Johnson, D. (2008). Racial prejudice, perceived injustice, and the Black-White gap in punitive attitudes. *Journal of criminal justice*, 36(2), 198-206. <https://doi.org/10.1016/j.jcrimjus.2008.02.009>
- Johnston, A. (2016). *Beyond the prison gate: Reoffending and reintegration in Aotearoa New Zealand*. Social Policy and Parliamentary Unit, Salvation Army. https://www.salvationarmy.org.nz/sites/default/files/uploads/20161207spputsa-prison-gate-2016_report.pdf
- Johnstone, G. (2000). Penal policy making: Elitist, populist or participatory? *Punishment & Society*, 2(2), 161-180. <https://doi.org/10.1177/14624740022227935>
- Jones, B. L. (2016). Offending outcomes for Māori and non-Māori, an investigation of ethnic bias in the criminal justice system: evidence from a New Zealand birth cohort [Master's Thesis, Canterbury University]. UC Research Repository. <http://dx.doi.org/10.26021/8712>
- Jones, R. (2010). Populist leniency, crime control and due process. *Theoretical Criminology*, 14(3), 331-347. <http://10.1177/1362480610371667>
- Kaltwasser, C. R. (2012). The ambivalence of populism: threat and corrective for democracy. *Democratization*, 19(2), 184-208. <https://doi.org/10.1080/13510347.2011.572619>
- Karmen, A. (2015). *Crime victims: An introduction to victimology*. Cengage Learning.
- Karp, J. A., & Brockington, D. (2005). Social desirability and response validity: A comparative analysis of overreporting voter turnout in five countries. *The Journal of Politics*, 67(3), 825-840. <https://doi.org/10.1111/j.1468-2508.2005.00341.x>
- Kay, A. C., Jimenez, M. C., & Jost, J. T. (2002). Sour grapes, sweet lemons, and the anticipatory rationalization of the status quo. *Personality and Social Psychology Bulletin*, 28(9), 1300-1312. <https://doi.org/10.1177/01461672022812014>
- Kazin, M. (1995). *The populist persuasion: An American history*. Cornell University Press.

- Kingfisher, C. (2015). Disjunctive Policy Assemblages: The New Zealand Model of Welfare Reform in Alberta, Canada. In E. Dürr & P. Schorch, *Transpacific Americas* (pp. 157-175). Routledge.
- Kelsey J., (1995) *The New Zealand experiment: A world model for structural adjustment?* Auckland University Press.
- Kendall, K., & Mills, A. (2018). Conclusion: Mental Health in Prison. In K. Kendall & A. Mills, *Mental Health in Prisons: Critical Perspectives on Treatment and Confinement*, (pp. 355-364). https://doi.org/10.1007/978-3-319-94090-8_15
- Klinger, S. (2009). Three strikes for New Zealand? Repeat offenders and the Sentencing and Parole Reform Bill 2009. *Te Mata Koi: Auckland University Law Review*, 15(2009), 248-257.
- Kilgour, T. G., & Polaschek, D. L. L. (2012). *Breaking the cycle of crime: Special Treatment Unit evaluation report*. Department of Corrections Psychological Services. https://www.corrections.govt.nz/_data/assets/pdf_file/0012/10722/COR_Breaking_the_Cycle_of_Crime_WEB.pdf
- Kim, B., Benekos, P. J., & Merlo, A. V. (2016). Sex offender recidivism revisited: Review of recent meta-analyses on the effects of sex offender treatment. *Trauma, Violence, & Abuse*, 17(1), 105-117. <https://doi.org/10.1177/1524838014566719>
- Kim, C. Y., Losen, D. J., & Hewitt, D. T. (2010). *The school-to-prison pipeline: Structuring legal reform*. <https://doi.org/10.18574/9780814749197>
- King, R. S., & Elderbroom, B. (2014). *Improving recidivism as a performance measure*. Washington, DC: Urban Institute. <http://hint-magazine.com/wp-content/uploads/2014/10/413247-improving-recidivism.pdf>
- Kozolanka, K. (2007). *The power of persuasion: The politics of the new right in Ontario*. Black Rose Books Ltd
- Kramer, R., Rajah, V., & Sung, H. E. (2013). Neoliberal prisons and cognitive treatment: Calibrating the subjectivity of incarcerated young men to economic inequalities. *Theoretical Criminology*, 17(4), 535-556. <https://doi.org/10.1177/1362480613497780>
- Krippendorff, K. (1980). Validity in content analysis. In E. Mochmann (Ed.), *Computerstrategien die kommunikationsanalyse* (pp. 69-112). http://repository.upenn.edu/asc_papers/291
- Kukutai, T., & Didham, R. (2009). In search of ethnic New Zealanders: National naming in the 2006 census. *Social Policy Journal of New Zealand*, 36, 46-62. <https://www.msd.govt.nz/documents/about-msd-and-our-work/publications-resources/journals-and-magazines/social-policy-journal/spj36/social-policy-journal-36.pdf#page=51>
- Kukutai, T. (2004). The problem of defining an ethnic group for public policy: Who is Māori and why does it matter. *Social Policy Journal of New Zealand*, 23, 86-108. <https://www.msd.govt.nz/documents/about-msd-and-our-work/publications-resources/journals-and-magazines/social-policy-journal/spj23/23-pages86-108.pdf>

- Lacey, N. (2008). The Prisoner's dilemma. In M. Hough, R. Allen & E. Solomon (Eds.), *Tackling Prison Overcrowding: Build More Prisons? Sentence Fewer Offenders?* (pp. 9-24). The Policy Press.
- Lacey, N. (2011). The prisoners' dilemma and political systems: the impact of proportional representation on criminal justice in New Zealand. *Victoria University of Wellington Law Review*, 42(4), 615-638. <https://heinonline.org/HOL/P?h=hein.journals/vuwlr42&i=619>
- Lacey, N. (2013) 'Punishment, (neo)liberalism and social democracy'. In J. Simon and R. Sparks (eds.) *The Sage Handbook on Punishment and Society* New York: Sage
- Laclau, E. (2005). *On populist reason*. Verso.
- Lambie, I. & Gluckman, P. D. (2018). *Using evidence to build a better justice system: The challenge of rising prison costs*. Office of the Prime Minister's Chief Science Advisor, Department of Prime Minister and Cabinet [New Zealand]. <https://doi.org/10.17608/k6.OPMCSA.7391090.v1>
- Lambie, I., & Stewart, M. W. (2003). *Community Solutions for the Community's Problem: An outcome evaluation of three New Zealand community child sex offender treatment programmes*. Department of Corrections [New Zealand]. https://www.corrections.govt.nz/_data/assets/pdf_file/0017/10673/sexoffender.pdf
- Lancaster, F. E. (2020). *Violence in New Zealand women's prisons* [Masters Thesis, University of Waikato]. Waikato Research Commons. <https://hdl.handle.net/10289/13593>
- Larner, W. (1997). "A means to an end": neoliberalism and state processes in New Zealand. *Studies in Political Economy*, 52(1), 7-38. <https://doi.org/10.1080/19187033.1997.11675320>
- Lashlie, C. (2002). *Who goes to prison and why?* HarperCollins Publishers.
- Lefort, C. (1988) *Democracy and Political Theory*. Cambridge: Polity.
- Leonard, R. (2018). Jono Rotman: Our enduring image of strength. *Art Monthly Australasia*, (310), 64-71.
- Lett, D. (2021). *Prototypical gang recruits in New Zealand prisons* [PhD Thesis, University of Waikato]. Waikato Research Commons. <https://researchcommons.waikato.ac.nz/bitstream/handle/10289/14328/thesis.pdf?sequence=4&isAllowed=y>
- Lisac, M. (1995). *The Klein Revolution*. NeWest Press.
- Little, G. (2019). *Putting 'Science' into Social Science: Explanation of High Māori Incarceration in New Zealand*. Social Science Research Network. <http://dx.doi.org/10.2139/ssrn.3386804>
- Loader, I. (2010). For penal moderation: Notes towards a public philosophy of punishment. *Theoretical Criminology*, 14(3), 349-367.
- Lopez-Aguado, P. (2016). The collateral consequences of prisonization: Racial sorting, carceral identity, and community criminalization. *Sociology Compass*, 10(1), 12-23. <https://doi.org/10.1111/soc4.12342>

- Lukkien, C. C., & Johnston, P. W. (2013). An evidence-base for reducing re-offending. *The New Zealand Corrections Journal*, 1(1), 3.
- Luna-Reyes, L. F., & Andersen, D. L. (2003). Collecting and analyzing qualitative data for system dynamics: methods and models. *System Dynamics Review: The Journal of the System Dynamics Society*, 19(4), 271-296. <https://doi.org/10.1002/sdr.280>
- MacDonald, J. (2006, July 5). *Klein slams Al Gore interview on oil sands*. The Globe and Mail. <https://www.theglobeandmail.com/news/national/klein-slams-al-gore-interview-on-oil-sands/article1105094/>
- MacKenzie, D. L. (2000). Evidence-based corrections: Identifying what works. *Crime and Delinquency*, 46(4), 457-471. <https://doi.org/10.1177/0011128700046004003>
- MacKenzie, G., Stobbs, N., Ferguson, C., & Gelb, K. (2014). Measuring the effects of small group deliberation on public attitudes towards sentencing: Benefits and challenges. *Current Issues in Criminal Justice*, 25(3), 745-761. <https://doi.org/10.1080/10345329.2014.12035996>
- MacPherson, C. B. (1953). *Democracy in Alberta: Social credit and the party system*. University of Toronto Press.
- McCreanor, T., Rankine, J., Barnes, A. M., Borell, B., Nairn, R., & McManus, A. L. (2014). The association of crime stories and Māori in Aotearoa New Zealand print media. *Sites: A Journal of Social Anthropology and Cultural Studies*, 11(1), 121-144. <https://doi.org/10.11157/sites-vol1iss2id240>
- McCreanor, T. (1997). When Racism Stepped Ashore: Antecedents of Anti-Māori Discourse in Aotearoa. *New Zealand Journal of Psychology* 26(1), 36-44. <https://www.psychology.org.nz/journal-archive/NZJP-Vol261-1997-4-McCreanor1.pdf>
- McCulloch, C. (2018). 'Labour's three strikes repeal off the table'. *Radio New Zealand* <https://www.radionz.co.nz/news/political/359325/labour-s-three-strikesrepeal-off-the-table>
- McDonnell, D. (2017). Populist leadership. *Social alternatives*, 36(3), 26-30. <https://search.informit.org/doi/pdf/10.3316/informit.261506509644299?>
- McGregor, J. (2017). Crime, news, and the media. In A. Deckert, & R. Sarre (Eds.), *The Palgrave handbook of Australian and New Zealand criminology, crime and justice* (pp. 81-94). Palgrave Macmillan.
- McIntosh, T., & Workman, K. (2017). Māori and prison. In A. Deckert, & R. Sarre (Eds.), *The Palgrave handbook of Australian and New Zealand criminology, crime and justice* (pp. 725-735). Palgrave Macmillan.
- McKinlay, P. F. (1998). Postmodernism and democracy: Learning from Lyotard and Lefort. *The Journal of Politics*, 60(2), 481-502. <https://doi.org/10.2307/2647919>
- McLeod, A. M. (2015). Prison abolition and grounded justice. *UCLA L. Rev.*, 62, 1156. <https://heinonline.org/HOL/P?h=hein.journals/uclalr62&i=1163>

- McMillan, K. (2005). Racial discrimination and political bias on Talkback Radio in New Zealand: Assessing the evidence. *Political Science*, 57(2), 75-91. <https://doi.org/10.1177/003231870505700208>
- Macleans. (2013). Creep, bums and a foot in the mouth. <https://www.macleans.ca/news/canada/creeps-bums-and-a-foot-in-the-mouth-some-of-kleins-more-colourful-moments/>
- Major, C., & Winters, T. (2013). Community by necessity: security, insecurity, and the flattening of class in Fort McMurray, Alberta. *Canadian Journal of Sociology/Cahiers canadiens de sociologie*, 38(2), 141-165. <https://www.jstor.org/stable/10.2307/canajsocihican.38.2.141>
- Manfredi, C. P. (2004). Judicial Power and the Charter: Reflections on the Activism Debate. *University of New Brunswick Law Journal*, 53, 185, 185-198. <https://heinonline.org/HOL/P?h=hein.journals/unblj53&i=1>
- Marriner, B. (2018). The Law on Bail: A Case for Freedom [Honours Dissertation, Victoria University of Wellington]. Victoria University Research Archive. https://researcharchive.vuw.ac.nz/xmlui/bitstream/handle/10063/8450/paper_access.pdf?sequence=1
- Marriott, L. (2013). Justice and the justice system: A comparison of tax evasion and welfare fraud in Australia and New Zealand. *Griffith Law Review*, 22(2), 403-429. <https://doi.org/10.1080/10383441.2013.10854781>
- Marsh, I., & Miller, R. (2012). *Democratic decline and democratic renewal: Political change in Britain, Australia and New Zealand*. Cambridge University Press.
- Martin, D. (2002). *King Ralph: the political life and success of Ralph Klein*. Key Porter Books.
- Martin, L. (2017, October 26). Labour needs to scrap corrections' plan to build mega-prison. *New Zealand Herald*, <https://www.nzherald.co.nz/nz/liam-martin-labour-needs-to-scrap-corrections-plan-to-build-mega-prison/QWVYHGPZPCTPXDZPWWPNOUM5RE/>
- Martinson, R. (1974). What works? Questions and answers about prison reform. *The public interest*, 35, 22-54.
- Mason, C. (2013). *International growth trends in prison privatization*. The Sentencing Project. <https://www.sentencingproject.org/wp-content/uploads/2015/12/International-Growth-Trends-in-Prison-Privatization.pdf>
- Matthewman, S. (2017). Pākehā ethnicity: The politics of white privilege. In A. Bell, V. Elizabeth, T. McIntosh, & M. Wynyard (Eds.), *A land of milk and honey*, (pp. 83-94). Auckland University Press.
- Maxwell, S. (2005). Rethinking the Broad Sweep of Recidivism: Task for Evaluators. *Criminology & Public Policy*, 4(3), 519-526. <https://heinonline.org/HOL/P?h=hein.journals/crpp4&i=525>

- Maxwell, A. (2015). Adult criminal court statistics in Canada, 2013/2014. *Juristat: Canadian Centre for Justice Statistics*, 1. <https://www150.statcan.gc.ca/n1/en/pub/85-002-x/2015001/article/14226-eng.pdf?st=mop-ReCb>
- Mendelberg, T. (1997). Executing Hortons: Racial crime in the 1988 presidential campaign. *The Public Opinion Quarterly*, 61(1), 134-157. <https://doi.org/10.1086/297790>
- Mikaere, A. (2005). Cultural invasion continued: The ongoing colonisation of Tikanga Māori. *Yearbook of New Zealand Jurisprudence*, 8(2), 134-172. <https://doi.org/10.5040/9781509931644.ch-001>
- Mills, A. (2018). *Penal populism, crime and criminal justice in New Zealand* (NSfK's 60 - Research Seminar). Scandinavian Research Council for Criminology. <https://www.nsfk.org/wp-content/uploads/sites/10/2018/11/NSfK-Research-Seminar-report-2018.pdf#page=16>
- Mihaere, R. (2015). *A kaupapa Māori analysis of the use of Māori cultural identity in the prison system* [PhD Thesis, Victoria University of Wellington]. VUW Research archive. <http://researcharchive.vuw.ac.nz/xmlui/bitstream/handle/10063/4185/thesis.pdf?sequence=2>
- Ministry of Health (2008). Presenting Ethnicity: Comparing prioritised and total response ethnicity in descriptive analyses of New Zealand Health Monitor surveys. Wellington: Ministry of Health.
- Ministry of Justice (2021). New Zealand Justice Sector Long-term Insights Briefing [Consultation Document]. https://consultations.justice.govt.nz/sector/justice-sector-long-term-insights-briefing/user_uploads/2021-11-01-justice-sector-ltib-consultation-document.pdf
- Ministry of Justice (2021). *Justice Sector Projections 2021-2031*. <https://www.justice.govt.nz/assets/Documents/Publications/FSJ0M-2021-Justice-Sector-Projections-Report.pdf>
- Ministry of Justice (2017). *Introducing the LMDI: A new method to understand pipeline flows and their impact on the prison spend*. Wellington: Ministry of Justice.
- Moffitt, B. (2017). Populism in Australia and New Zealand. In C.R. Kaltwasser, P. Taggart, P.O. Espejo, & P. Ostiguy, *The Oxford handbook of populism*, (pp. 121-139). <https://doi.org/10.1093/oxfordhb/9780198803560.001.0001>
- Moffitt, B., & Tormey, S. (2014). Rethinking populism: Politics, mediatisation and political style. *Political studies*, 62(2), 381-397. <https://doi.org/10.1111/1467-9248.12032>
- Mora, R., & Christianakis, M. (2013). Feeding the school-to-prison pipeline: The convergence of neoliberalism, conservatism, and penal populism. *Journal of Educational Controversy*, 7(1), 5. <https://cedar.wvu.edu/jec/vol7/iss1/5>
- Morgan, V. (2018). Survey of Provincial and Territorial Budgets, 2017-18. *Canadian Tax Journal*, 66(1), 37-110. <https://heinonline.org/HOL/P?h=hein.journals/cdntj66&i=101>
- Morgan, S. L., & Lee, J. (2017). The white working class and voter turnout in US presidential elections, 2004 to 2016. *Sociological Science*, 4, 656-685. <https://doi.org/10.15195/v4.a27>
- Morgan, S. L., & Lee, J. (2018). Trump voters and the white working class. *Sociological Science*, 5, 234-

245. <https://doi.org/10.15195/v5.a10>
- Morris, A., Reilly, J., Berry, S., & Ransom, R. (2003). New Zealand national survey of crime victims 2001. https://www.cbg.co.nz/site/cbg/National_NZ_Survey_Crime-Victims.pdf
- Morrison, M. (2019). *Context counts: leading educational reform in New Zealand secondary schools* [PhD thesis, University of Waikato]. Waikato Research Commons.
- Mouffe, C. (2000). Politics and Passions. *Ethical Perspectives*, 7(2) 146-150.
<https://doi.org/10.2143/EP.7.2.503800>
- Mudde, C. (2007). *Populist radical right parties in Europe*. Cambridge University Press.
- Mudde, C. (2004). The populist zeitgeist. *Government and opposition*, 39(4), 541-563.
<https://doi.org/10.1111/j.1477-7053.2004.00135.x>
- Mudde, C., & Kaltwasser, C. R. (2012). Populism and (liberal) democracy: a framework for analysis. In C. Mudde, & R. Kaltwasser, *Populism in Europe and the Americas: Threat or corrective for democracy*. Cambridge University Press.
- Mudde, C., & Kaltwasser, C. R. (2013). Exclusionary vs. inclusionary populism: Comparing contemporary Europe and Latin America. *Government and Opposition*, 48(2), 147-174.
<https://doi.org/10.1017/gov.2012.11>
- Muncie, J., McLaughlin, E., & Langan, M. (2002). *Criminological perspectives: essential readings* (2nd Edition). Sage.
- Murphy, L., & Cloher, D. U. (1995). Economic restructuring, housing policy and Maori housing in Northland, New Zealand. *Geoforum*, 26(4), 325-336.
- Mutu, M. (2011). *The state of Māori rights*. Huia Publishers.
- Mutu, M. (2013). Māori Issues. *The Contemporary Pacific*, 25(1), 165-172.
- Nagesh, A. (2019, March 21). Jacinda Ardern: 'A leader with love on full display'
<https://www.bbc.com/news/world-asia-47630129>
- Nairn, R., & McCreanor, T. (1991). Race talk and commonsense: Ideological patterns in Pakeha talk about Māori/Pakeha relations. *Journal of Language and Social Psychology*, 10(4), 245-262.
- Napier, A. G. (2012). *Each day is different: Prison officers and their work*. [Master's Thesis, Victoria University of Wellington]. VUW Research Archive.
<http://researcharchive.vuw.ac.nz/xmlui/bitstream/handle/10063/4535/thesis.pdf?sequence=2>
- Nathan, S. (2003). Prison privatization in the United Kingdom. In A. Coyle, A. Campbell and R. Neufeld (Eds.), *Capitalist Punishment: Prison Privatisation and Human Rights*, (pp. 162-178). Zed Books.

- Nelken, D. (2009). Comparative criminal justice: Beyond ethnocentrism and relativism. *European Journal of Criminology*, 6(4), 291-311. <https://doi.org/10.1177/1477370809104684>
- Nelken, D. (2010). *Comparative criminal justice: Making sense of difference*. Sage.
- Neminski, M. (2014). The professionalization of crime: how prisons create more criminals. *The Journal of Core Curriculum*, 23, 81-92. <http://www.bu.edu/core/files/2020/10/journal14.pdf>
- New York Times (2020, April 30). In a Crisis, True Leaders stand out. <https://www.nytimes.com/2020/04/30/opinion/coronavirus-leadership.html>
- New Zealand Herald (2006, June 29). Prison underfloor heating luxury says National. <https://www.nzherald.co.nz/nz/prison-underfloor-heating-luxury-says-national/XGI4L3TSHSIYCPIXXFKZWEFRSQ/>
- New Zealand Law Society. (2018). Civil society shadow report to the UN Human Rights Council (New Zealand's 3rd Universal Periodic Review, 2018-19). United Nations Human Rights Council.
- New Zealand Treasury. (2009). *Challenges and Choices: New Zealand's Long-Term Fiscal Statement*. Wellington: Government Printer.
- Newburn T (2007) 'Tough on crime': Penal policy in England and Wales. In M. Tonry (Ed.), *Crime and Justice: A Review of Research*. Vol. 36. <https://doi.org/10.1086/592810>
- Newburn, T., & Jones, T. (2005). Symbolic politics and penal populism: The long shadow of Willie Horton. *Crime, Media, Culture*, 1(1), 72-87. <https://doi.org/10.1177/1741659005050272>
- NewstalkZB. (2017, December 25). *The cost of Christmas for prisoners*. <https://www.newstalkzb.co.nz/news/national/the-cost-of-christmas-for-prisoners/>
- Nielsen, M. O., & Robyn, L. (2003). Colonialism and criminal justice for Indigenous peoples in Australia, Canada, New Zealand and the United States of America. <http://hdl.handle.net/1808/5791>
- Norris, A. N., & Lipsey, K. (2019). Public attitudes toward new prisons in New Zealand and deficit narratives: A quantitative survey. *International Criminal Justice Review*, 29(4), 348-360. <https://doi.org/10.1177/1057567718803147>
- Norris, P., & Inglehart, R. (2019). *Cultural backlash: Trump, Brexit, and authoritarian populism*. Cambridge University Press.
- O'Sullivan, D. (2008). Needs, rights and "one law for all": Contemporary debates in New Zealand Māori politics. *Canadian Journal of Political Science/Revue canadienne de science politique*, 41(4), 973-986. <https://www.jstor.org/stable/i27754399>
- Oldfield, L. & van Veen, J. (Forthcoming). Man Alone: Winston Peters and the Populist Tendency in New Zealand Politics. In Subedi et al. *Routledge Handbook of Populism in the Asia Pacific*. Routledge.
- Oleson, J. C. (2015). Habitual criminal legislation in New Zealand: Three years of three-

- strikes. *Australian & New Zealand Journal of Criminology*, 48(2), 277-292.
<https://doi.org/10.1177/0004865814532660>
- Ombler, K. (2014). Connecting the dots-Joined-up justice. *Public Sector*, 37(1), 18.
<https://doi.org/10.3316/228710905829012>
- Osborne, G., & Wilton, S. (2017). Professing in the Local Press: Professors and Public Responsibilities. *Journal of Community Engagement and Scholarship*, 10(1), 67-80.
<https://digitalcommons.northgeorgia.edu/jces/vol10/iss1/8>
- Ostiguy, P. (2009). *The high-low political divide. Rethinking populism and anti-populism* (Working paper series no. 35). The Helen Kellogg Institute For International Studies.
https://kellogg.nd.edu/sites/default/files/old_files/documents/360_0.pdf
- Ostiguy, P. (2017). A socio-cultural approach. In R. Kaltwasser et al., *Oxford handbook of populism*, (pp. 74-96). Oxford University Press.
- O'Malley, P. (2018). Neoliberalism, crime and criminal justice. *The Sage handbook of neoliberalism*, 284-294
- O'Sullivan, D. (2006). Needs, rights, nationhood, and the politics of indigeneity. *MAI Review LW*, 1(1), 12. <https://researchoutput.csu.edu.au/ws/portalfiles/portal/9675172/PID11288.pdf>
- Ouimet, M. (2002). Explaining the American and Canadian crime drop in the 1990's. *Canadian Journal of Criminology*, 44(1), 33. <https://doi.org/10.3138/cjcrim.44.1.33>
- Pack, S., Tuffin, K., & Lyons, A. (2015). Resisting racism: Māori experiences of interpersonal racism in Aotearoa New Zealand. *AlterNative: An International Journal of Indigenous Peoples*, 11(3), 269-282. <https://doi.org/10.1177/117718011501100305>
- Panizza, F. (2005). Introduction: Populism and the mirror of democracy. Verso.
- Pankowski, R. (2010). *The populist radical right in Poland: The patriots*. Routledge.
- Pappas, T. S. (2012). Populism Emergent: A framework for analyzing its contexts, mechanics, and outcomes. <http://hdl.handle.net/1814/63513>
- Pasquino, G. (2008). Populism and democracy. In D. Albertazzi, & D. McDonnell (Eds.), *Twenty-First Century Populism* (pp. 15-29). https://doi.org/10.1057/9780230592100_2
- Pauwels, T. (2011). Measuring populism: A quantitative text analysis of party literature in Belgium. *Journal of Elections, Public Opinion and Parties*, 21(1), 97-119.
<https://doi.org/10.1080/17457289.2011.539483>
- Peck, J. (2010) *Constructions of Neoliberal Reasoning*. Oxford University Press
- Penehira, M., Green, A., Smith, L. T., & Aspin, C. (2014). Māori and indigenous views on R and R: Resistance and Resilience. *MAI Journal*, 3(2), 96–110. <https://hdl.handle.net/10289/10016>
- Peters, A., & Lambert, S. (2021). “Wominjeka”/“haere mai”: The role of Indigenous ceremony in

- socialising tourism. In F. Higgins-Desbiolles, A. Doering & B.C. Bigby (Eds.), *Socialising Tourism* (pp. 25-39). Routledge.
- Peterson, T. (2020). Red Toryism and Neo-Liberalism in Alberta Conservative Party Ideology. *Political Science Undergraduate Review*, 5(1), 17-24. <https://doi.org/10.29173/psur134>
- Pettus-Davis, C., & Epperson, M. W. (2015). *From mass incarceration to smart decarceration* (CSD Working Papers No. 14-31). Centre for Social Development. https://openscholarship.wustl.edu/cgi/viewcontent.cgi?article=1575&context=csd_research
- Plattner, M. F. (2010). Populism, pluralism, and liberal democracy. *Journal of Democracy*, 21(1), 81-92. <https://doi.org/10.1353/jod.0.0154>
- Poa, D., & Monod, S. W. (2016). A re-education initiative and its impact on reoffending among indigenous New Zealand youth. *Journal of Applied Youth Studies*, 1(3), 55. <https://doi.org/10.3316/333155970322213>
- Poata-Smith, E. S. (2005). *Aotearoa - New Zealand*, In S. Stidsen & D. Vinding (Eds), *The Indigenous World*, International Working Group for Indigenous Affairs. <https://ro.uow.edu.au/cgi/viewcontent.cgi?article=2525&context=artspapers>
- Polaschek, D. L. (2011). High-intensity rehabilitation for violent offenders in New Zealand: Recidivism outcomes for high-and medium-risk prisoners. *Journal of interpersonal violence*, 26(4), 664-682. <https://doi.org/10.1177/0886260510365854>
- Pratt, J. (2013). *A punitive society: Falling crime and rising imprisonment in New Zealand*. Bridget Williams Books.
- Pratt, J. (2007). *Penal populism*. Routledge.
- Pratt, J. (2008). When penal populism stops: Legitimacy, scandal and the power to punish in New Zealand. *Australian & New Zealand Journal of Criminology*, 41(3), 364-383. <https://doi.org/10.1375/acri.41.3.364>
- Pratt, J., & Clark, M. (2005). Penal populism in New Zealand. *Punishment & Society*, 7(3), 303-322. <https://doi.org/10.1177/1462474505053831>
- Pratt, J., (2017). New Zealand Penal Policy in the Twenty-first century. In A. Deckert, & R. Sarre (Eds.), *The Palgrave handbook of Australian and New Zealand criminology, crime and justice* (pp. 347-361). Palgrave Macmillan.
- Prison Policy Initiative (2021). California Profile. <https://www.prisonpolicy.org/profiles/CA.html>
- Pritikin, M. H. (2008). Is prison increasing crime? *Wisconsin Law Review* 6, 1049-1109. <https://heinonline.org/HOL/P?h=hein.journals/wlr2008&i=1060>
- Hayes, J., Goss, J., Harris, H., & Gumbs, A. (2018). *California's Prison Population - Just the facts*. Public Policy Institute of California. <https://www.ppic.org/publication/californias-prison-population/>

- Papadopoulos Y. (2002). Populism, the Democratic Question, and Contemporary Governance. In Y. Mény, & Y. Surel. (Eds.) *Democracies and the Populist Challenge*. Palgrave Macmillan. https://doi.org/10.1057/9781403920072_3
- Paterson, R. K. (2010). Taonga Māori Renaissance: Protecting the Cultural Heritage of Aotearoa/New Zealand. In *Cultural Heritage Issues* (pp. 107-134). Brill Nijhoff.
- Polaschek, D.L., & Kilgour T.G. (2013). New Zealand's special treatment units: the development and implementation of intensive treatment for high-risk male prisoners, *Psychology, Crime & Law*, 19(5-6), 511-526. <https://doi.org/10.1080/1068316X.2013.759004>
- Pyrooz, D. C., Decker, S. H., & Fleisher, M. (2011). From the street to the prison, from the prison to the street: Understanding and responding to prison gangs. *Journal of aggression, conflict and peace research*, 3(1), 12. <https://doi.org/10.5042/jacpr.2011.0018>
- Radio New Zealand. (2010, May 13). *Tuhoe not amused by PM's 'cannibal' joke*, <https://www.rnz.co.nz/news/national/32346/tuhoe-not-amused-by-pm-s-'cannibal'-joke>
- Radio New Zealand (2017, May 4). *Reoffending target 'was never realistic'*. <https://www.rnz.co.nz/news/national/330062/reoffending-target-'was-never-realistic'>
- Radio New Zealand (2018, August 20). *'Kelvin Davis: 'Ngāpuhi most incarcerated tribe in the world'* <https://www.rnz.co.nz/news/political/364441/kelvin-davis-ngapuhi-most-incarcerated-tribe-in-the-world>
- Radio New Zealand. (2021, April 27). *The Legacy of the Waikeria Prison Riots*. <https://www.rnz.co.nz/programmes/the-detail/story/2018792780/the-legacy-of-the-waikeria-prison-riots>
- Ragin, C. C., & Becker, H. S. (Eds.). (1992). *What is a case? Exploring the foundations of social inquiry*. Cambridge University Press.
- Rākete, E., (2018, August 28). *Is New Zealand exploiting prison workers?* <https://thespinoff.co.nz/atea/28-08-2018/is-new-zealand-exploiting-prison-workers>
- Ratcliffe, J. (2005). The effectiveness of police intelligence management: A New Zealand case study. *Police Practice and Research*, 6(5), 435-451. <https://doi.org/10.1080/15614260500433038>
- Rayside, D. (2008). Queer inclusions, continental divisions: Public recognition of sexual diversity in Canada and the United States. <https://doi.org/10.3138/9781442688896>
- Rayside, D., Sabin, J., & Thomas, P. (2012, June). Faith and party politics in Alberta or “Danielle, this is Alberta, not Alabama.”. In *Proceedings of the Canadian Political Science Association Annual Conference*. University of Alberta, Edmonton.

- Richards, M. A. (2014). *Property of corrections: The experience of incarceration for female inmates in a New Zealand Prison* [Master's Thesis, Victoria University of Wellington]. VUW Research Archive.
<http://researcharchive.vuw.ac.nz/xmlui/bitstream/handle/10063/3599/thesis.pdf?sequence=2>
- Richards-Ward, L. A., & McDaniel, C. (2007). Corrections in Aotearoa/New Zealand: Current issues and future challenges. In R.K. Ax, & T.J. Fagan (Eds.), *Corrections, Mental health, and Social Policy: International perspectives*, (pp. 174-206). Charles C. Thomas – Publisher.
- Rimmer, D. (2011). *Sensible or senseless: a frame analysis of the Sensible Sentencing Trust's penal populist discourse*. [Masters Thesis – Massey University]. Massey Research Online
- Roberts, J. V. (2003). Sentencing reform in New Zealand: an analysis of the Sentencing Act 2002. *Australian & New Zealand Journal of Criminology*, 36(3), 249-271.
<https://doi.org/10.1375/acri.36.3.249>
- Roberts, J. V., & Hough, M. (2005). The state of the prisons: Exploring public knowledge and opinion. *The Howard Journal of Criminal Justice*, 44(3), 286-306.
<https://doi.org/10.1111/j.1468-2311.2005.00373.x>
- Roberts, J.V., & Stalans, L.J. (2018). *Public opinion, crime, and criminal justice*. Routledge.
- Roberts, J. V., Stalans, L.J., Indermaur, D., & Hough, M. (2002). *Penal populism and public opinion: Lessons from five countries*. Oxford University Press.
- Robson, S. (2021, February 17). Salvation Army call for 'brave policy action' to stem increasing inequality. *New Zealand Herald*.
<https://www.nzherald.co.nz/nz/salvation-army-calls-for-brave-policy-action-to-stem-increasing-inequality/5YZB7Z66LQKODWMUKP73FBNCJI/>
- Roper, T., & Thompson, A. (2006). *Estimating the costs of crime in New Zealand in 2003/04* (No. 06/04). New Zealand Treasury Working Paper. <https://www.econstor.eu/handle/10419/205580>
- Rosenberger, J. S., & Callanan, V. J. (2011). The influence of media on penal attitudes. *Criminal Justice Review*, 36(4), 435-455. <https://doi.org/10.1177/0734016811428779>
- Rowe, M. (2007). Rendering visible the invisible: Police discretion, professionalism and decision-making. *Policing & society*, 17(3), 279-294. <https://doi.org/10.1080/10439460701497352>
- Rudd, C. (2005). The New Zealand Labour Party, 1990–2003. In D.G. Lilleker & J. Lees-Marshment, *Political marketing: A comparative perspective*. Manchester University Press.
- Rumbles, W. (2011). Three strikes sentencing: Another blow for Māori. *Waikato Law Review*, 19, 108.
<https://doi.org/10.3316/081173465005729>
- Rusche, G., & Kirchheimer, O. (2003). *Punishment and social structure*. Transaction publishers.
- Ryberg, J., & Roberts, J. V. (2014). *Popular punishment: On the normative significance of public opinion*. Oxford University Press.

- Sawer, M. (2003). Down with elites and up with inequality: Market populism in Australia. *Australian Review of Public Affairs*, 27. <https://www.australianreview.net/digest/2003/10/sawer.html>
- Sawer, M. (2004). Populism and Public Choice in Australia and Canada: Turning Equality-Seekers into Special Interests. In B. Hindess, & M. Sawer, *Us and Them: Anti-elitism in Australia*. Curtin University of Technology.
- Sawer, M., & Laycock, D. (2009). Down with elites and up with inequality: Market populism in Australia and Canada. *Commonwealth & Comparative Politics*, 47(2), 133-150. <https://doi.org/10.1080/14662040902842836>
- Scheerder, A., Van Deursen, A., & Van Dijk, J. (2017). Determinants of Internet skills, uses and outcomes. A systematic review of the second-and third-level digital divide. *Telematics and informatics*, 34(8), 1607-1624. <https://doi.org/10.1016/j.tele.2017.07.007>
- Schrag, P. (2002). A quagmire for our time: The war on drugs. *Journal of public health policy*, 23(3), 286-298. <https://doi.org/10.2307/3343225>
- Scott, R., & Boyd, R. (2016). Results, targets and measures to drive collaboration: Lessons from the New Zealand better Public Services reforms. In J.R. Butcher, & D.J Gilchrist (Eds.), *The Three Sector Solution: Delivering Public Policy in Collaboration with Not-for-profits and Business*, (pp. 235-257). ANU Press.
- Sharpe, S., & Braid, D. (2016). *Notley Nation: How Alberta's Political Upheaval Swept the Country*. Dundurn Press.
- Shea, E. (2009). Elections and the Fear of Crime: the Case of France and Italy. *European Journal on Criminal Policy and Research*, 15(1), 83-102.
- Sheehan, M. (2018). Difficult Histories: Optional or Essential? *Public History Weekly* 6, 34. <https://doi.org/10.1515/phw-2018-12859>
- Shrivastava, M., & Stefanick, L. (2015) Framing the Debate on Democracy and Governance in an Oil-Exporting Economy. In M. Shrivastava, & L. Stefanick (Eds.), *Alberta oil and the decline of democracy in Canada*. Athabasca University Press.
- Shuster, A. (2016). *Punishment and the History of Political Philosophy: From Classical Republicanism to the Crisis of Modern Criminal Justice*. University of Toronto Press.
- Sibley, C. G., Liu, J. H., & Khan, S. S. (2010). Implicit representations of ethnicity and nationhood in New Zealand: A function of symbolic or resource-specific policy attitudes? *Analyses of Social Issues and Public Policy*, 10(1), 23-46. <https://doi.org/10.1111/j.1530-2415.2009.01197.x>
- Silverman, J. (2009). Why Tony Blair could never have been a Satisfactory First President of Europe. *Amsterdam LF*, 2, 71. <https://heinonline.org/HOL/P?h=hein.journals/amslawf2&i=71>
- Simon-Kumar, R. (2020). Justifying inequalities: Multiculturalism and stratified migration in Aotearoa/New Zealand. In R. Simon-Kumar & F.L. Collins, *Intersections of inequality, migration, and diversification* (pp. 43-64). Palgrave Macmillan.

- Sinclair, K. P. (1992). Māori literature: protest and affirmation. *Pacific Studies*, 15, 27-27.
<http://lir.byuh.edu/index.php/pacific/article/download/2632/2548>
- Skilling, P. (2018). Why can't we get what we want? Inequality and the early discursive practice of the sixth Labour government. *Kōtuitui: New Zealand Journal of Social Sciences Online*, 13(2), 213-225. <https://doi.org/10.1080/1177083X.2018.1486328>
- Sloan III, J. J., & Miller, J. L. (1990). Just deserts, the severity of punishment and judicial sentencing decisions. *Criminal Justice Policy Review*, 4(1), 19-38.
<https://doi.org/10.1177/088740349000400102>
- Smiley, C., & Fakunle, D. (2016). From “brute” to “thug:” The demonization and criminalization of unarmed Black male victims in America. *Journal of human behavior in the social environment*, 26(3-4), 350-366.
- Smith, J. M. (2012). Reinventing Canada: Stephen Harper's Conservative Revolution. *World Affairs*, 174(6), 21-28. <https://www.jstor.org/stable/23210457>
- Smith, L. T. (2012). *Decolonizing methodologies: Research and indigenous peoples*. Otago University Press.
- Snow, D., & Moffitt, B. (2012). Straddling the divide: mainstream populism and conservatism in Howard's Australia and Harper's Canada. *Commonwealth & Comparative Politics*, 50(3), 271-292. <https://doi.org/10.1080/14662043.2012.692922>
- Soba, J. (2011). Willie Horton and the 1988 Presidential Campaign: A Tale of Two Narratives.
https://research.library.fordham.edu/aaas_senior/32/
- Sommers, Z. (2016). Missing white woman syndrome: An empirical analysis of race and gender disparities in online news coverage of missing persons. *Journal of Criminal Law & Criminology*, 106(2) 275-314. <https://scholarlycommons.law.northwestern.edu/jclc/vol106/iss2/4/>
- Sowden, J. N., & Olver, M. E. (2017). Sexual offender treatment readiness, responsivity, and change: linkages to treatment completion and recidivism. *Journal of forensic nursing*, 13(3), 97-108.
<https://doi.org/10.1097/JFN.0000000000000160>
- Stanley, E., & Mihaere, R. (2018). Managing Ignorance About Māori Imprisonment. In A. Barton & H. Davis (Eds.), *Ignorance, Power and Harm* (pp. 113-138). Palgrave Macmillan.
- Stanley, E., & Mihaere, R. (2019). The problems and promise of international rights in the challenge to Māori imprisonment. *International Journal for Crime, Justice and Social Democracy*, 8(1), 1.
<https://doi.org/10.5204/ijcjsd.v8i1.1045>
- Statistics Canada (2020). Adult and Youth Correctional Statistics in Canada 2018/2019
<https://www150.statcan.gc.ca/n1/pub/85-002-x/2020001/article/00016-eng.htm>
- Statistics New Zealand (2018). Income. Retrieved August 2nd, 2020, from
<https://www.stats.govt.nz/topics/income>

- Stemler, S. (2000). An overview of content analysis. *Practical assessment, research, and evaluation*, 7(1), 17. <https://doi.org/10.7275/z6fm-2e34>
- Stern, V. (2006). *Creating criminals: Prisons and people in a market society*. Zed Books.
- Stewart, G. T. (2020). A typology of Pākehā “Whiteness” in education. *Review of Education, Pedagogy, and Cultural Studies*, 42(4), 296-310. <https://doi.org/10.1080/10714413.2020.1773177>
- Stewart, M. (2018, March 6). Justice Advocate Proposes ‘Quick Fixes’ to Slash Prison Numbers to 7,000. *Stuff*. <https://www.stuff.co.nz/national/crime/101973360/justice-advocate-proposes-quick-fixes-to-slash-prison-muster-to-7000-in-six-years>
- Stoker, G., & Hay, C. (2017). Understanding and challenging populist negativity towards politics: the perspectives of British citizens. <https://doi.org/10.1177/0032321715607511>
- Stavrakakis, Y. (2014). The return of “the people”: Populism and anti-populism in the shadow of the European crisis. *Constellations*, 21(4), 505-517. <https://doi.org/10.1111/1467-8675.12127>
- Stuart, M. (2022). History as curriculum; history as politics. *Policy Futures in Education*, 1-13 <https://doi.org/10.1177/14782103211065602>
- Sturge, G. (2021). *UK Prison Population Statistic*. House of Commons Library. <https://researchbriefings.files.parliament.uk/documents/SN04334/SN04334.pdf>
- Sullivan, A. (2008). The Maori Party and The Media: Representations in mainstream print leading to the 2005 election. *Pacific Journalism Review*, 14(1), 131-149.
- Surette, R. (1994). Predator criminals as media icons. In G. Barak (Ed.), *Media, process, and the social construction of crime: Studies in news making criminology*, (pp. 131-158). Garland Publishing.
- Te Pere, M. (2021). *The Māori Prison Educator* [PhD Thesis, Auckland University of Technology]. <https://openrepository.aut.ac.nz/bitstream/handle/10292/14159/TePereM.pdf?sequence=3&isAllowed=y>
- Taft, K. (2007). *Democracy Derailed: A Breakdown of Government Accountability in Alberta--And How to Get It Back on Track*. Red Deer Press.
- Taft, K. (1997). *Shredding the public interest: Ralph Klein and 25 years of one-party government*. University of Alberta.
- Taggart, P. (2002). Populism and the pathology of representative politics. In Y. Mény & Y. Surel, *Democracies and the populist challenge*, (pp. 62-80). Palgrave Macmillan.
- Tännsjö, T. (1992). *Populist democracy: A defence*. Routledge.
- Taonui, R. (2010). Mana tamariki: cultural alienation: Māori child homicide and abuse. *AlterNative: An international journal of indigenous peoples*, 6(3), 187-202. <https://doi.org/10.1177/117718011000600301>

- Taonui, R., & Newbold, G. (2016). *Staunch: Māori Gangs in Urban New Zealand*. In *Urban Social Capital* (pp. 181-198). Routledge.
- Taionui, R. (2012). Mana tamariki, takahi tamariki: Māori child pride, Māori child abuse. In R. Sheehan, H. Rhoades & N. Stanley, *Vulnerable children and the law: International evidence for improving child welfare, child protection and children's rights*, (pp. 161-180). Jessica Kingsley Publishers.
- Taras, D. (2019). *Power and betrayal in the Canadian media*. University of Toronto Press.
- Tauri, J. M. (1999). Family group conferencing: The myth of indigenous empowerment in New Zealand. *Justice as Healing*, 4(1), 1-8. <https://doi.org/10.1080/10345329.1998.12036125>
- Tauri, J. M. (2013). Indigenous critique of authoritarian criminology. In K. Carrington et al. *Crime, justice and social democracy* (pp. 217-233). Palgrave Macmillan. http://dx.doi.org/10.1057/9781137008695_15
- Tauri, J. (2005). Indigenous perspectives and experience: Māori and the criminal justice system. In T. Bradley, & R. Walters, *Introduction to Criminological Thought*, (pp. 129-145). Pearson.
- Tauri, J. M. (2019). Reducing Our Prison Population: Past Failures and New Approaches. *Decolonization of Criminology and Justice*, 1(1), 106–116. <https://doi.org/10.24135/dcj.v1i1.12>
- Tauri, J. M., & Porou, N. (2014). Criminal justice as a colonial project in settler-colonialism. <https://ro.uow.edu.au/sspapers/3196>
- Tauri, J. M., & Webb, R. (2012). A critical appraisal of responses to Māori offending. *International Indigenous Policy Journal*, 3(4), 1-14. <http://dx.doi.org/10.18584/iipj.2012.3.4.5>
- Te hiwi, E. (2008). Disrupted spaces: Racism and the lived experience of Maori identity formation. In Levy, M., Nikora, L.W., Masters-Awatere, B., Rua, M. & Waitoki, W. (Eds), *Claiming Spaces: Proceedings of the 2007 National Maori and Pacific Psychologies Symposium* (pp. 12-18). University of Waikato. <https://hdl.handle.net/10289/1528>
- Terruhn, J. (2015). *Being Pākehā: White settler narratives of politics, identity, and belonging in Aotearoa/New Zealand* [PhD Thesis, University of Auckland]. ResearchSpace @ Auckland.
- Thomas, G. (2011). A typology for the case study in social science following a review of definition, discourse, and structure. *Qualitative inquiry*, 17(6), 511-521.
- Thomas, D. R., & Nikora, L. W. (1992). From assimilation to biculturalism: Changing patterns in Maori-Pakeha relationships. Chapter 15. In D. R. Thomas & A. Venno (Eds.), *Community Psychology and Social Change: Australian and New Zealand perspectives*. Dunmore.
- Todosijević, B., Pavlović, Z., & Komar, O. (2021). Measuring populist ideology: anti-elite orientation and government status. *Quality & Quantity*, 1-19. <https://doi.org/10.1007/s11135-021-01197-5>
- Tonry, M. (2016). *Sentencing Fragments: Penal Reform in America, 1975 – 2025*. Oxford University Press.
- Tonry, M. (2010). The costly consequences of populist posturing: ASBOs, victims, ‘rebalancing’ and

- diminution in support for civil liberties. *Punishment & Society*, 12(4), 387-413.
<https://doi.org/10.1177/1462474510377007>
- Tonry, M. (2004). *Thinking about crime: Sense and sensibility in American penal culture*. Oxford University Press.
- Toy-Cronin, B., Choe, L., & Stewart, K. (2021) “A lot of people are paying like \$5 a week for 20 years”: New Zealand lawyers, discounts, and payment plans, *International Journal of the Legal Profession*, 28(3), 335-349, <https://doi.org/10.1080/09695958.2020.1863219>
- Triponek, T. (2021, February 3). Government gears up as Aotearoa NZ history subject launches in 2022. *New Zealand Herald*,
<https://www.nzherald.co.nz/nz/government-gears-up-as-aotearoa-nz-history-subject-launches-in-2022/UNACAAHWGVIBNUWKL3ZN7VC37E/>
- Turner, L. (2014). Penal Populism, Deliberative Methods, and the Production of “Public Opinion” on Crime and Punishment. *The Good Society*, 23(1), 87-102.
<https://doi.org/10.5325/goodsociety.23.1.0087>
- Urbinati, N. (1998). Democracy and populism. *Constellations*, 5(1), 110-124.
<https://doi.org/10.1111/1467-8675.00080>
- United Nations. (2018). Standard Minimum Rules for the Treatment of Prisoners.
https://www.unodc.org/documents/justice-and-prison-reform/Nelson_Mandela_Rules-E-book.pdf
- United Nations. (2014). Report of the Working Group on Arbitrary Detention [Mission to New Zealand].
https://www.ohchr.org/sites/default/files/HRBodies/HRC/RegularSessions/Session30/Documents/A_HRC_30_36_Add_2_ENG.DOCX
- Unnever, J. D., Cullen, F. T., & Fisher, B. S. (2007). “A liberal is someone who has not been mugged”: Criminal victimization and political beliefs. *Justice Quarterly*, 24(2), 309-334.
<https://doi.org/10.1080/07418820701294862>
- Van Deursen, A. J., & Helsper, E. J. (2015). The third-level digital divide: Who benefits most from being online? In L. Robinson et al. *Communication and information technologies annual*, (pp. 29-52). Emerald Group Publishing Limited.
- Van Herk, A. (2010). *Mavericks: An Incurable History of Alberta*. Penguin Canada.
- Van Kesteren, J. (2009). Public attitudes and sentencing policies across the world. *European Journal on Criminal Policy and Research*, 15(1), 25-46. <https://doi.org/10.1007/s10610-009-9098-7>
- Von Hirsch, A. (1976). Giving criminals their just deserts. *Civil Liberties Review* 3(1), 23-35
- Vowles, J., & Curtin, J. (2020). *A Populist Exception? The 2017 New Zealand General Election*. ANU Press.
- Vowles, J., Coffé, H., & Curtin, J. (2017). *A bark but no bite: Inequality and the 2014 New Zealand*

- general election*. ANU Press.
- Wacquant, L. (2009). *Punishing the poor: The neoliberal government of social insecurity*. Duke University Press.
- Waitangi Tribunal. (2017). *Tū Mai te Rangi! Report on the Crown and Disproportionate Reoffending Rates* (Wai 2540). Legislation Direct.
https://forms.justice.govt.nz/search/Documents/WT/wt_DOC_135986487/Tu%20Mai%20te%20Rangi%20W.pdf
- Walker, R. (1990). *Struggle without end*. Penguin Books.
- Walters, L. (2018, July 5). Human Rights Commission criticises corrections law changes. *Stuff*,
<https://www.stuff.co.nz/national/politics/105262923/human-rights-commission-criticises-corrections-law-changes>
- Wang, X. (2021). Three-strikes sentencing in New Zealand. [Master's Thesis, University of Canterbury].
https://ir.canterbury.ac.nz/bitstream/handle/10092/102177/Wang,%20Xu_final%20Master's%20Thesis.pdf?sequence=1
- Wear, R. (2008). Permanent populism: the Howard government 1996–2007. *Australian Journal of Political Science*, 43(4), 617-634. <https://doi.org/10.1080/10361140802429247>
- Wetherell, M., & Potter, J. (1992). *Mapping the language of racism: Discourse and the legitimation of exploitation*. Harvester Wheatsheaf.
- Webb, R. (2017). Māori experiences of colonisation and Māori criminology. In A. Deckert, & R. Sarre (Eds.), *The Palgrave handbook of Australian and New Zealand criminology, crime and justice* (pp. 683-696). Palgrave Macmillan.
- Webb, R. (2018). Rethinking the utility of the risk factors and criminogenic needs approaches in Aotearoa New Zealand. *Journal of Global Indigeneity*, 3(1), 5. <http://ro.uow.edu.au/jgi/vol3/iss1/5>
- Webster C.M. & Doob A.N. (2007) Punitive trends and stable imprisonment rates in Canada. In M. Tonry (Ed.) *Crime and Justice: A Review of Research*. Vol. 36 (pp. 297–369).
<https://doi.org/10.1086/592807>
- Webster, C. M., & Doob, A.N. (2014). Penal reform ‘Canadian style’: Fiscal responsibility and decarceration in Alberta, Canada. *Punishment & Society*, 16(1), 3-31.
<https://doi.org/10.1177/1462474513506272>
- Weisberg, R. (2010). The not-so-golden state of sentencing and corrections: California's lessons for the nation. *Justice Research and Policy*, 12(1), 133-168. <https://doi.org/10.3818/JRP.12.1.2010.133>
- Wesley, J. J. (2011). *Code politics: Campaigns and cultures on the Canadian prairies*. UBC Press.
- Weyland, K. (2001). Clarifying a contested concept: Populism in the study of Latin American politics. *Comparative politics*, 34(1) 1-22. <https://www.jstor.org/stable/422412>

- Weyland, K. (2017). A political-strategic approach. In C.R. Kaltwasser, P. Taggart, P.O. Espejo, & P. Ostiguy, *The Oxford handbook of populism*, (pp. 48-72).
<https://doi.org/10.1093/oxfordhb/9780198803560.001.0001>
- White, M. D., & Marsh, E. E. (2006). Content analysis: A flexible methodology. *Library trends*, 55(1), 22-45.
- White, I., & Nandedkar, G. (2021). The housing crisis as an ideological artefact: Analysing how political discourse defines, diagnoses, and responds. *Housing Studies*, 36(2), 213-234.
<https://doi.org/10.1080/02673037.2019.1697801>
- Wiggins, A. (2021, March 23). Covid 19 coronavirus: Crime plummets during lockdown and remains below pre-Covid levels. *New Zealand Herald*. <https://www.nzherald.co.nz/nz/covid-19-coronavirus-crime-plummets-during-lockdown-and-remains-below-pre-covid-levels/>
- Williams, M. (2006). The long Māori renaissance. In B.D. Schildgen, G. Zhou, & S.L. Gilman *Other Renaissances* (pp. 207-226). Palgrave Macmillan.
- Wilson, J. (2009). The Origins of the Māori Seats [Parliamentary Library Research Paper].
<https://www.parliament.nz/resource/en-NZ/00PLLawRP03141/e27e432e971eb1f60ea75b00c987a39e4b2e62ce>
- Wilson, S. (2018, April 21). The ministry of ‘things will be different now’ – how are they doing? *New Zealand Herald*. <https://www.nzherald.co.nz/nz/the-ministry-of-things-will-be-different-now-how-are-they-doing/>
- Wilson, J. Q., & Herrnstein, R. J. (1998). *Crime human nature: The definitive study of the causes of crime*. Simon and Schuster.
- Workman, K. (2014). The social integration of Māori prisoners. *Aotearoa New Zealand Social Work*, 26(1), 39-46. <https://doi.org/10.3316/661461663300707>
- Workman, K., & McIntosh, T. (2013). Crime, imprisonment, and poverty. In M. Rashbrooke, *Inequality: A New Zealand crisis*, (pp. 120-131). Bridget Williams Books.
- World Prison Brief. (2021). World Prison Brief Data. <https://www.prisonstudies.org/world-prison-brief-data>
- Worsley, P (1969). The Concept of Populism. In G. Ionescu, & Gellner, E. (Eds.) *Populism: its meaning and national characteristics*. Macmillan.
- Young, J. (1987). The tasks facing a realist criminology. *Crime, Law and Social Change*, 11(4), 337.
- Zamprogno, J. (2021). Poverty, Promises, and Political Accountability: How a Lack of Accountability Caused New Zealand's Child Poverty Reduction Act to Fail. *Oregon Review of International Law*, 22, 85. <https://heinonline.org/HOL/P?h=hein.journals/porri22&i=87>
- Zaslave, A. (2008). Here to stay? Populism as a new party type. *European review*, 16(3), 319-336.
<https://doi.org/10.1017/S1062798708000288>