

Reimagining Justice: From Settler Carcerality to Abolition and Reparatory Justice in Canada

Sarah Riley Case. (2025). *Beyond settler carcerality: Abolition and reparatory justice in Canada*. Canadian Network for Equity and Racial Justice. Prepared for the Canadian Network for Equity and Racial Justice (CNERJ). [You can read the full report here.](#)

Canada's criminal law system is built on assumptions about morality and the practical outcomes of disciplinary measures. However, this system is neither universally moral nor reliably effective at achieving its supposed aims of safety, order, and justice. It is essential to explore alternative approaches that address safety as well as healing, accountability and responsibility, and that prioritize the wellbeing of everyone. There are initiatives underway that illustrate such alternatives, including abolitionist and reparatory justice.

Carcerality In and Beyond the Criminal Code

Criminal law goes beyond the Criminal Code to include other statutes and, fundamentally, the everyday things actual people do to uphold the system across policing, courts, prison administration, parole, immigration, education, housing, and mental health institutions, for instance. These institutions are 'carceral' when they reinforce the false idea that certain people are deviant and require surveillance, management, and punishment.

Settler Carcerality: A Continuum of Oppression

Canada's carceral system rests on settler colonial foundations that reproduce racial, gender, and economic injustices. It targets Black and Indigenous peoples, especially, through policing, imprisonment, and overall surveillance and punishment. Settler colonialism essentially dispossesses Indigenous people of land and life. Slavery was key to settler colonialism in times past and it lives on today in new forms of anti-Black racism.

For example, Canadian prisons evolved from settler colonial mechanisms of confinement, forced labour, and racial hierarchy, such as slavery, reserves, residential schools, and workhouses. Canada's criminal law today reproduces these logics through the ordinary things that individuals do in maintaining dehumanizing practices.

Narratives of Harm

There are hundreds of reports on racial disparities in Canada's criminal law that go back decades. These may be promising in that being honest about settler colonialism and harms is necessary. However, even well-intentioned narratives risk reinforcing a deficit lens that portrays racialized people as damaged, pathological and pre-disposed to 'crime'. This means *how* data is collected and portrayed matters. To provide an example, this report discusses challenges of and possibilities for Impact of Race and Cultural Assessments during criminal sentencing.

Carceral Reforms

Most "reforms" to criminal law (e.g., bodycams, bias training, institutional restorative justice without agency) cannot address settler carcerality, which requires transformation across all of society, and everyday actions that undo harmful state practices, stereotypes, and false narratives that the criminal law is good and necessary.

Indigenous and Community-Led Alternatives

Moving beyond settler carcerality requires 'prefigurative politics': living now in ways consistent with desired futures. This is epitomized by abolitionist and reparatory justice frameworks. It means respecting the sovereignty of Indigenous peoples to define and address wrongs, hurt and harms, inside or outside of Canada's system. There are many such Indigenous-led initiatives, internal to nations and through Healing Lodges and Friendship Centres, for instance. As well, Black and other marginalized communities are advocating on behalf of prisoners and their families, ensuring security in housing, education, food and mental health, whether for themselves or others.

Ways Forward

Viable alternative practices must balance truth-telling about colonialism, structural racism and harm with affirmations of common humanity and self-determination. **Abolition and Reparatory Justice** are interlinked paths towards that goal because they respond to settler carcerality directly.

Abolition	Reparatory Justice	Both
<ul style="list-style-type: none"> ❖ Aims to dismantle police and prisons while building life-affirming networks of care around wrongs, hurt and harms as much as health, immigration, housing, and education, for instance. 	<ul style="list-style-type: none"> ❖ Demands redress for historical wrongs that persist in new forms today and centers the voices and knowledge of those most affected in defining what redress must entail. 	<ul style="list-style-type: none"> ❖ Promote the redistribution of knowledge, power and resources to marginalized communities and Indigenous nations. Require honesty about the past and present, so that any measures do not reinforce harmful structures.

Redirecting Resources

- ❑ Redirect resources from police and prisons toward Indigenous-led and community-based supports addressing e.g., housing, health, education, and income security.
- ❑ Defer to, respect and support Indigenous jurisdiction, including self-government and funding necessary for self-determined legal systems.

Service Provider Advocacy

- ❑ Promote anti-carceral collaborations between Indigenous nations, community agencies, advocates and policymakers to work towards replacing criminal law with institutions and everyday practices that foster wellbeing and substantive justice.
- ❑ Facilitate ongoing, honest and constructive dialogue among grassroots organizations and with directly affected individuals and communities to co-create abolitionist and reparatory strategies and tactics responsive to what affected persons are calling for.

Non-Reformist Reforms

- ❑ Design strategies and tactics that reduce the power of the carceral state rather than legitimize it, which may include operating against the system from within or providing supports that avoid state management at the community level.
- ❑ Defer to, respect and support Indigenous sovereignty in parallel with working within and against Canada’s criminal law system for Black and further marginalized communities

Reparatory Narratives

- ❑ Name state responsibility for racial injustices and carceral harms, avoiding monolithic, flat narratives that reproduce stereotypes and false ideas about criminal law as good and necessary
- ❑ Foster narratives about racialized people that respect their humanity and therefore capture their full personhood and agency, which is multifaceted and intersectional
- ❑ Defer to affected individuals, nations and communities about how to tell their stories, even if this may run against the well-intended instincts of professionals supporting them

See the Full Report for Examples

