The International Handbook of Penal Abolition

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Introduction: The Six Hues of Penal Abolitionism

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In this chapter we introduce the penal abolitionist’s worldview and provide an introduction to six salient aspects of penal abolition. For the latter, we first consider penal abolitionism as an intellectual and theoretical perspective providing a way of interpreting the world; second, penal abolitionism is drawn as using a new language to both innovate our thinking and practices and reject accepted but false wisdom; third, penal abolitionism is understood as a social movement engaged in emancipatory praxis and direct social struggle against penal oppression; fourth penal abolitionism is conceived as a form of reflexive political strategy and emancipatory political engagement that builds on abolitionist praxis; fifth penal abolitionism is conceptualised as a broader set of ethico-political values and principles that inform how we should live on a day to day basis; and sixth penal abolitionism is examined as revolutionary praxis.

The Penal Abolitionist

The task of the penal abolitionist today may seem to some like an unenviable one, for we live in societies that increasingly rely on criminalisation as the response to social problems. In short, penal abolitionists question the legitimacy of the penal rationale, arguing that rather than effectively handling or solving social problems, inter-personal disputes, conflicts and harms, much less holding transgressors responsible, the result of law, policing, courts, prisons and their numerous tentacles is to actually increase individual and societal problems, inter-personal violence and troubles. In addition, for penal abolitionists, centuries of observation demonstrate that punishments are not just intolerable, but also counter-productive and frequently dehumanising. The task of the penal abolitionist is thus to be a public intellectual deploying moral and political arguments to challenge hegemonic norms and standards which ask us to accept penal institutions that can never be separated from their
heritage and ongoing dependence on white supremacy, colonialism and racial capitalism. Further, the task of the penal abolitionist is to be an activist working to awaken the mass populace to the abject failure of the penal system as a systematic response to transgression (“crime”), which is ubiquitous in human relationships and social living and not the purview of some “criminal” classes or individuals (Coyle 2018).

The abolitionist’s vision is not restricted to the reformist’s dream of better law, fairer courtrooms, kinder policing, or more efficient prisons. Rather, the abolitionist imagines how greater access to opportunities and rights – such as healthcare, housing, work, and education – will always create better outcomes than the use of criminalisation to solve the social, economic, behavioural and interpersonal problems we face. The abolitionist imagines a state that goes beyond what Ruth Wilson Gilmore (2015) calls the organised state abandonment of entire populations within communities (such as the working class, or the homeless). The abolitionist imagines a state that goes beyond concentrating on targeted, vengeful, punitive responses to problematic conduct and harms. Opposite to these, the abolitionist imagines a state that calls for an end to the penal sanction and the creation of a more equitable society (Davis 2003).

A penal abolitionist wants to see an end to the deployment of the penal rationale and a true levelling in the social and economic distributions of rights, opportunities, wealth and power. The abolitionist wants these not only because they see the emergence of the penal rationale and inequalities as lying in white supremacy, colonialism, racial capitalism, gender oppression, racism/ethnocentrism, classism, sexism, and the like, but because they also understand that if an individual’s needs are not being met, then they are not going to have time for other people’s needs, nor have the inclination to show compassion and care about how people (including themselves) step into transgressive acts (“crimes”). Penal abolitionists all around the world have consistently argued that all forms of state-inflicted suffering and
harm are morally and politically unjustified and that non-violent, needs-based social
organising and interventions must be promoted in their place. In a time when the violence
and harmful consequences of criminalisation and penalisation are increasingly evident,
exploring and developing the penal abolitionist’s vision of transformative justice remains a
most pressing contemporary task. For a penal abolitionist the current emphasis on
punishment and prisons on the one hand, cannot be separated from the growing social and
economic inequalities on the other hand – both of which are most deeply felt by indigenous
and many racial/ethnic minorities, and the poor, unpropertied, immigrant and disposable-
labour working populations. When people worry about the stability of their work and
consequently their ability to survive what inevitably emerges is a greater sense of insecurity.

As witnessed and exacerbated recently with the global COVID-19 pandemic, not
everyone experiences crisis in the same way (where the authors live and work, in the USA
and the UK, it has disproportionately impacted indigenous, Black and Brown communities).
Nor is criminalisation the better solution for societal problems. For example, criminalising
and penalising homeless persons’ use of public spaces to shelter-in-place for the coronavirus
is as unlikely to solve matters, as criminalising and penalising their use of parks as bathrooms
or bedrooms proved to be in the past. Similarly, criminalising disregard of COVID-19 orders
by those whose survival, life progress, or pursuit of happiness depends on disregarding such
orders solves nothing. Instead, as is typical with criminalisation, it only creates more
problems. For the abolitionist, in a society that works for everyone and not just the privileged,
instead of punishing people whose needs have not been previously met, the state offers
support and protection to all – especially to those who require them most. For matters over
which we disagree – and we will always disagree – arenas of indecision and suspended action
must be allowed to exist, and must be privileged over violent solutions such as punishment
that almost without exception make matters worse and multiply rather than solve problems.
Six Hues of Penal Abolitionism

This Handbook is focused on ‘penal abolitionism’ as it challenges the taken-for-granted assumptions about the very existence of law, police, courts, and prisons, and the ways they are practiced all around the globe today. There are of course, cultural and geographic variations in the meaning of ‘penal abolitionism’, but we understand this term (building on the insights of Willem de Haan, 1991) as operating on six levels: (1) as an intellectual project that provides a way of understanding the world (in other words a theoretical perspective); (2) as a language that points to a way of speaking, thinking and acting; (3) as a social movement informed by such theoretical understandings that is directly engaged in resisting and contesting penal policies, logic and practices; (4) as a form of strategic engagement with existing power relations, promoting both a critique of the present but also a vision of a better and more just future; (5) as a coherent set of ethico-political values and principles shaping daily lives and interactions with other people and the handling of conflicts; and (6) as a form of revolutionary praxis that demands engagement with the voice and struggles of those facing penal oppression in the here and now. Penal abolitionism, then, involves thinking, speaking, acting, reflecting, hearing and changing language, culture and world.

Let us briefly expand upon these six hues of penal abolitionism.

First, penal abolitionism is an intellectual project that provides a way of understanding the world (in other words a theoretical perspective). Penal abolitionists recognize the state’s criminalising system as inherently unjust, violent and damaging to individuals and society at large. As such, abolitionism works to produce new models of theory and practice that can address what accompanied the rise of criminalising systems (e.g., colonialism), their causative forces that have introduced massive structural harm (e.g., white supremacy, racial capitalism), as well as recognise and respond to individual acts of harm (e.g., person-to-person assault or theft) and community acts of harm (e.g., racism, economic
policy that creates poverty and destitution) that require action (e.g., redress, restitution, transformation) and a process of recovery for all those involved when transgressions occur (individual community members and/or entire communities).

Given its scope of analysis it may not be surprising to learn that penal abolitionism has, both in the past and present, been informed by diverse perspectives. As this volume indicates, penal abolitionist ideas have emerged all around the world and have drawn upon a number of traditions, including those that have arisen from the legacy of the emancipatory struggles of slaves and colonized peoples; from the insights of feminist epistemologies and conceptualisations of ethics and justice; from the struggles of oppressed experiences and identities (e.g., disability, sexual orientation); from the ethics, values and principles of traditions (e.g., nonliterate societies’ restorative justice paradigms, Christianity); from the concerns of influential social theories (e.g., Marxism and Anarchism); and from the post-modern turn, which has aimed to contest and deconstruct the very foundations of violence and exclusion underpinning the Western project of modernity. Abolitionist theory has much in common with the critical criminologies emerging in the latter part of the 20th century (radical, left realist, peacemaking, labelling, queer theory, cultural, green, and so on). As such, penal abolitionism always involved broadening the scope of analysis beyond reform of systems of punishment as well as recognition of the role social-economic inequalities and state-corporate power play in generating social injustice. Penal abolitionism, despite claims to the opposite by dismissive critics, has also always included a concern for ‘victims’ damaged not only by harms but also by illegalities as well as social and penal injustices (Scott, 2020b).

The fact that abolition (which we interpret here as the act of dismantling penal practices) has attracted such an eclectic range of perspectives is surely a great strength: there may well be many different roads to abolitionism, but this only adds to the appeal and inherent durability of the idea. Abolitionist ideas today are widely discussed, debated, and
expanded upon in academic and grass roots forums across the entire world (see discussion of
the global dimensions in the following chapters).

As we discuss below, modern abolitionist thinkers’ interest in the intersections of
social and structural divisions has proved crucial to the current renaissance of abolitionist
ideas. Collectively, abolitionist theory buttresses the global resistance to the failed thinking,
policies, and practices of what has become a global criminology and ubiquitous criminalising
systems. Further, abolitionism theory shows how the penal apparatus, willingly or not,
fosters colonialism, white supremacy, catastrophic capitalism, and severe violence in the
name of society – all the while promoting brutal violations of human rights and failing to
transform the inequities and injustices of everyday life (which are actually only made worse
by the very processes of criminalisation).

Second, penal abolitionism points to how we have become trapped in a language that
no longer reflects what we know, what we value, nor what we need (Coyle 2013). To
understand what this means one must reflect on how as we go about our everyday life, we
think of words as tools that we use to describe things (*language as a tool we use*) and not as
habits that create the world in a certain way (*language as making us*). As Sapir (1956)
phrased it:

> The fact of the matter is that the ‘real world’ is to a large extent
> unconsciously built up on the language habits of the group… We see and
> hear and otherwise experience very largely as we do because the language
> habits of our community predispose certain choices of interpretation”.
> (Sapir, 1956: 75).

The implications of habitually performed words (and the discourses that develop out
of them) are profound. This after all is why people used to think the way they did (“the world
is flat”) and why people think the way they do today (“crimes are acts by criminals”). In
studying language closely, abolitionism alert us to daily justice language use, how it forms so
much of how we talk (i.e., think), how it tells us that the world is one thing and not another, that the problems of justice and their solution are one thing and not another, and that the logics of justice and injustice are one thing and not another. And all this before we begin to consciously think! With its interest in language, penal abolitionism shows how daily justice language choices, that once were seen as deliberate creations and choices, have now become habits of language, which carry a reality similar to that of bricks and stones, i.e., they are not perceived as creations or choices, but are instead seen as facts.

For example, what was once a deliberate and novel creation, a drawing of certain social situations as the encounter of a “criminal” and a “victim” in a “crime,” is hardly ever experienced today as a discourse creation (Coyle 2016). These words (concepts), which but centuries ago did not exist, are now accepted by almost all publics (globally) regardless of where they fall ideologically or politically, and are thought to have the reality of bricks and stones, i.e., they are not seen as creations, but as facts. The “crime” discourse in our age is a total discourse. From these simple words are born the “criminal justice” language staples of the “normal” and “deviant” person, the “criminal” as a new category of a person against the rest of the “law and order” respecting and behaving persons. Interestingly it is impossible to find evidence to support any of these interpretations. As abolitionists have long been pointing to, there is a plethora of annually produced data around the world that demonstrate beyond a shadow of a doubt that (non-violent and violent) “crime” behaviour is ubiquitous to almost all human beings and that if all were equally held accountable to police, courts and prisons, almost all of us would sooner or later find ourselves in prison. The meaning of this research, as Thomas Gabor sums it up in his aptly titled book, Everybody Does It! Crime by the Public, is that most people habitually violate the law, and whether on the job, at home or on the street, commit a variety of both violent and non-violent “crimes” in their lifespan (1994). One
counting of such empirical data shows that in the USA more than 90% of all Americans have committed at least one “crime” for which they could be incarcerated (Bohm 1986).

The reality-denying dominance of penal language, and the ascendancy of the “crime” discourse is of course no accident nor the result of some lapse of attention. Rather, its ongoing propagation by moral entrepreneurs in every corner of society ensures the ability of white supremacy and racial capitalism to continue unabated. Michel Foucault masterfully demonstrates how the study of dominant language unmasks not only the capacity of some groups to control the justice discourses and justice realities of their own groups, but also those of the public at large, in other words, the perception of reality and thus reality itself (1977). What emerges is that the use of language in social life can privilege certain discourses, while marginalizing alternative discourses to subordinate positions or even to irrelevancy.

In penal abolitionism the “crime” discourse is called out for what it is (a creation that no longer reflects what we know, value and need), and for what it does (lending legitimacy to a penal system that assists the work of colonization, white supremacy and the social control necessary for racial capitalism (Robinson 1983). As numerous abolitionists have argued, in the face of a world infused with transgressive actors and transgressive acts, the penal system daily functions to label only some transgression as “crime” and only some transgressors as “criminals.” In this sense, the purpose of the penal system is exposed as preoccupied with the management of only certain transgression. Thus, far from referencing an unusual “criminal” other, the penal system only references attempts of dominance by certain persons over others. Replayed and repeated countless times in everyday life, penal language becomes a discourse whose habitual use does more than simply describe: it constructs and continuously regenerates not only the very architecture of our descriptions and our arguments about “criminal” persons, but when followed, also creates unambiguous interpretations of them and
invites (and often requires) specific actions toward them: social exile, physical punishment and torture via incarceration, and the death of their future (Coyle 2018). But this is, of course, only the fate of those harms (“crimes”) that have not been accepted and that have been sent through the “criminal justice system.” All the other harms (the vast majority) are accepted, i.e., they are responded to by reconstructing them into something else (as in ‘he is a good kid, not a criminal’) or by ignoring them (as in ‘the cost of doing business’).

In light of these thoughts, penal abolitionism is seen as the end of an era and a beginning of a new one. It is the end of an era because it means accepting that we have seen the foundation of the penal house (‘crimes’, ‘criminals’ and ‘criminal behaviour’) crumble before our eyes. But we are also at the dawn of another era because we now need new language to conceptualize norms, their transgression, and our response to their transgression. Along the way we will need to build new cultural institutions and practices that respond to the ceaseless waves of everyday conflicts and harms that seem innate to interpersonal relationships and social living. Above all, we need to figure out how to do all this response-work in a way that the penal project was never able to do: without increasing harms and without becoming yet another vehicle of white supremacy, racial capitalism and patriarchal heteronormativity.

Third, penal abolitionism is a social movement which is not only informed by this diverse theoretical understanding of the social world, but is also directly engaged in resisting and contesting penal policies, logic and practices by engaging in grassroots and local community activism and networking with like-minded people in the struggle against penal repression. A central aspect of penal abolitionism is strategic: to raise political awareness and to awaken our cultural consciousness and thus change the way people see both the punitive state and the role of criminalisation within our society. As a social movement, abolitionists try to build stronger bonds and networks of association; develop community-based models of
resistance; and organise interventions that can work towards improving the safety and wellbeing of all. For abolitionists, being involved in local campaigns means building solidarity, shared values and common beliefs, and cutting against the grain by questioning received ideas in everyday encounters with ordinary people.

Using such layers of strategy, abolitionist social movements have fostered relationships addressing multiple crises, creating solidarities with communities who are experiencing the violence of colonialism, austerity, racial capitalism and other forms of domination, exploitation and oppression. Underscoring penal abolitionism as a social movement today is a commitment to use knowledge, understanding and expertise to build the capacity of ordinary people to challenge the legitimacy of the punitive state. Abolitionists then have multiple audiences, which include the general public, the countless victims of criminalization (a proper accounting of which would probably include everyone), politicians, community organisers, the media, the judiciary, penal system workers and those who study or work in universities. Consequently, the role of the abolitionist is direct engagement in struggles that bring together diverse progressive social movements that are fighting for social justice.

Penal abolitionism as social movement is as old as any tentacle of the penal system. Laws have always followed privilege and as such have always been resisted by those it has victimized; it has led to anti-colonial, anti-slave, anti-national as well as anti-cultural revolutions. The organized rejection of the attempt to surveil and control targeted groups within communities are as old as time, of which institutions like police or technological developments such as electronic monitoring devices are only the most recent renditions. Kangaroo court rule-based procedures have similarly been long resisted, in all their renditions, as has the rationale, right and supposed “humanism” of prison torture and enslavement. All such social movements, whether slave revolts throughout the world or
modern day prison abolition work taking shape across the planet, has occurred in communities where people have worked together, frequently in organized fashion, to resist and overcome oppression and to find workable solutions to genuine problems.

Abolitionist social movements have emerged all around the world and have taken many forms. In different centuries and at disparate geographies they have looked unlike each other. But a slave-revolt centuries ago and a “Defund The Police” Black Lives Matter rally today share more than they do not. So, penal abolitionism as social movement has been and is everywhere where people have gathered to challenge white supremacy, racial capitalism, carceral logic and penal practice; penal abolitionism as social movement has been and is everywhere where in the face of privilege and injustice people assembled to force social (not to mention “criminal”) justice institutions to create equity in life; penal abolitionism as social movement has been and is everywhere where people have organized to create safety from harms and especially from the harms of the powerful (such as criminalizing systems); penal abolitionism as social movement has been and is everywhere where people have fought the use of law to foster economies of abandonment (such as the drug wars), the use of violence cohorts (such as police) to suppress and oppress the targeted, the use of puppeteering (such as courts) to mask social and economic injustice, and the use of violence and murder (such as prisons) to terrorize and control those resisting.

_Fourth_, penal abolitionism is a form of strategic engagement with existing power relations, promoting both a critique of the present but also a vision of a better and more just future. Penal abolitionists argue that we should look to dismantle the existing penal apparatus of the state and build genuinely safe societies that prioritise human needs, dignity and well-being, where everybody benefits equally. The abolitionist approach, then, ultimately provides a means of reflecting on how we can promote transformative justice interventions that can be used by communities to prevent and respond to the harms that happen in everyday
life. Critically, this includes how individuals, families and society can act to transform the very conditions that frequently accompany or are a prelude to the presence of harms big and small (e.g., white supremacy and theft). In this context, justice does not simply mean individual accountability, but the transformation of environments, settings, practices and thinking, that provide the background and framework for harms to emerge in the first place. A fair society requires the inclusion of everyone and is something that we must build together. For abolitionists, people singled out by the laws chosen to be written, the targeted nets of policing, the often purchasable or privileged court-room verdicts, and consequently the inequitably caged in jails and prisons, should be included at the forefront of this process. A fair society should be open to all people, and abolitionists call for the people estranged and targeted by the penal process to be in the frontlines of building tomorrow.

For abolitionists, criminalisation is a failed response to transgression ("crime"). As amply shown already, because of what the penal apparatus was designed to accomplish and because of whom it was designed for, abolitionists point to how every step of the penal process causes more harm to people than good. Thus, abolitionists think that what is required is an immediate shift from punitive action to transformative action, and instead of criminalisation they advocate for policies that centre on resolving social problems, interpersonal disputes, conflicts and harms, and promoting not just individual but also structural accountability in a society of equals. These policies are broadly anti-punitive and anti-carceral, and range from removing laws written to enforce the moral code of only some of us (e.g. the drug war or sex work), eliminating many forms of social control (e.g. the ceaseless surveillance of communities of colour through police), de-emphasising retributive-based justice (e.g. the modern courtroom process) and replacing it with restorative and transformative justice processes, and to ending the largely failed use of captivity to solve individual and social problems (e.g. prisons).
Penal abolitionists step outside well-worn debates between radical change and tinkering with the status quo – i.e. the dichotomy between ‘reform and revolution’. Penal abolitionists make the profound analytical and practical distinction between reforms which are merely reformist and those which have the potential to be transformative (which following the work of Thomas Mathiesen (1974) in the early 1970s are popularly referred to in abolitionist circles today as either ‘non-reformist reforms’ or as he referred to them in his book _The Politics of Abolition_, ‘negative reforms’). The penal abolitionist vision is one which means considering forms of exploitation, domination and repression in various different social sites, and charting their interconnections with contemporary manifestations of the penal apparatus.

_Fifth_, abolitionism is a philosophy which draws upon both negative and affirmative ethics (Scott, 2016; 2020b). The ethics of abolition, in the negative sense, question the deliberate infliction of pain, harm and suffering through the penal rationale and look to identify the good, the right and the virtuous through a critique of the dehumanisation and violation of human dignity wrought by punishments. But the ethics of abolition also look to advocate life affirming interventions and policies that meet human need and address human wrongdoing, harm and problematic conduct (see also discussion below). In the affirmative sense, abolitionism connects with the principles of transformative justice, which is a coherent set of ethico-political values and principles to inform our daily lives and interactions with other people and the handling of conflicts. This ethics of abolition not only call for the dismantling of the penal apparatus of the capitalist state, but also the building of new (non-coercive) social institutions that can transform the social world and build a civilisation grounded in peace and social justice. Providing a sufficient platform so that currently subjugated voices can be heard is surely central to any abolitionist ethics. This means _hearing_
and listening to the voice of the oppressed and subsequently looking to meet the needs of all victims of social injustice through the principles of transformative justice (Scott, 2020b).

Often, incorrectly, “transformative justice” and “restorative justice” are thought of as interchangeable. While they both challenge retributive justice, restorative justice aims to restore all parties in conflict, and transformative justice seeks to transform the very circumstances in human living that can give rise to conflicts. Retributivist concepts of accountability often promote notions of punishment. Restorative concepts build on the retributivist interest in accountability but find punishments frequently fail to produce it (and in fact conclude it normatively increases harms), and often seek to include concepts of peace and restoration for all parties involved in harms. Transformative concepts build on accountability and restoration, seeking to enlarge the scope to the notion that cultural, socio-political, and economic realities impact and frequently define human relations, harms and the resolution of harms. Thus, in the larger picture of transformative justice the interdependent definitions of harm, accountability, restoration and the transformation of individuals and society are enlarged, and they are all seen as key to understand what it means to construct theory, practices, and institutions of justice (Coyle, forthcoming).

The sixth aspect of penal abolitionism – referred to here as ‘abolitionist revolutionary praxis’ – builds on the previous five ways of conceiving abolition (thinking, speaking, acting, reflecting, hearing), but places revolutionary consciousness and radical social change in the current historical conjuncture at the heart of each of these dimensions. For penal abolition activist-scholars such as Joy James (1996; 2007), it is important to recognise that penal abolitionism is a living revolutionary philosophy that has the explicit aim of radically transforming society through the direct actions and lived agency of individuals and communities who are currently experiencing legal repression and state violence. There should not be a retreat by abolitionists to the academy where penal abolitionism becomes a sterile
and ‘safe’ theoretical or historical perspective that has a tokenistic place in the university curriculum, but rather, abolitionist theory should inform direct revolutionary practice – or what we call praxis – that is directed at radical change of social structure. Contemporary abolitionist theoretical critique appropriately focuses on white supremacy, colonialism, the material basis of racial capitalism and the consequences of the systemic privileging of whiteness – highlighting not only their coercive nature, but also their intersectionality with ability, age, gender and sexuality. Revolutionary praxis promotes interventions that actually transform such relationships of power, and consequently eradicate racism/ethnocentrism, an ableist prejudice in culture, ageist attitudes, gender-phobic laws and policies, and the like (Delgado & Stefancic, 2012).

Abolitionism as revolutionary praxis finds its inspiration in the direct struggles for liberation of neo-Marxist pan-African activists such as Franz Fanon, George Jackson and the Black Panther Party. It proposes that abolitionism should aim to expose and subvert all manifestations of criminalizing system suppression as well any other state violence and domination in the present. While this approach to abolitionism perhaps had its high tide in the 1960s and 1970s, its intellectual and political legacy remains of crucial importance to abolitionist theorising and practicing in the present. Indeed the dismantling of politically revolutionary groups in African American communities, and the dilution or drowning out of revolutionary calls for liberation and solidarity, should not diminish the importance of revolutionary praxis today or the continued construction of ‘racialized other’, linked to needs of the neo-liberal capitalist labour market and what is often the material interests of dominant white groups in the world today. Nor should the weakening of revolutionary abolitionism undermine the continued potential to communities of colour to use their agency and collective strength to engage in pragmatic forms of resistance against state violence (James, 1996).
At the time of writing, June 2020, the world has been shaken by the grass roots outcry of global communities against the police killing of George Floyd in the USA.¹ It is exactly these issues which are the forefront of the political debate on a global level and are the very questions which penal abolitionism needs to theorise: what does the murder of George Floyd teach us about what must be abolished? Certainly police. But is that all? Will ending institutions like police stop murders such as that of George Floyd’s? What must be abolished to prevent the violence that makes a police murder ordinary? What is it that enables a police worker to believe such a murder would be accepted and how do we go about abolishing that (Coyle, 2020)?

Racism is systemic, a deeply structural system, expressed largely through implicit bias, and is primarily unconsciously enacted (DiAngelo 2018). Even when individuals are not consciously racist, the everyday socio-economic structures they live within produce racism (Kendi 2019). There is an everyday racism that is embedded in everything, indicating the challenges that face abolitionists today. One widespread response to the killing of George Floyd has been calls for defunding the police in his city (in fact, “Defund the Police” is quickly becoming an international rally cry). Indeed, in June 2020 the Minneapolis City Council members unanimously voted to abolish their Police Department and instituted a Department of Community Safety and Violence Prevention “which will have responsibility for public safety services prioritizing a holistic, public health-oriented approach” (City Council 2020). Importantly, the new Department is described as prioritizing “community safety services, including but not limited to public health and/or restorative justice approaches” (Ibid). Whilst this alone will not be sufficient – the structures underpinning the vast apparatus of state coercion need to be fundamentally dismantled rather

¹ George Floyd was an African American man who died after a police worker kneeled on his neck for nearly ten minutes. The final words of Floyd – “I can’t breathe” – and the kneeling position of the police officer have become a slogan and symbol of the anti-racist struggle all around the world.
than approached in a piecemeal fashion – there is no doubting that abolitionist ideas in 2020 are of increasing political importance.

If penal abolitionism is to teach us anything, it is that while our punitive institutions (law, police, courts and prisons) are an irrecoverable problem and must be abolished, if we believe that is enough, nothing will change (Coyle, 2020). We need to use our abolitionist imaginations and situate the personal, with the structural and ideological, and how social divisions cut across state institutions. It is only by promoting holistic, revolutionary change of society grounded in emancipatory politics and praxis, which includes honest reflections of how we live within it and the institutions of the state, that we can hope to have a chance to escape the harms of racial capitalism that plague us today.

This leads us to further considerations of abolitionist political strategy. Revolutionary abolitionist praxis recognises the reflexive and multi-faceted nature of abolitionist interventions, and the organic development of strategy and tactics within those oppressed communities that are facing state violence. Political strategy is likely to be contingent and encompass whatever those resisting consider to be the most appropriate response at that given moment. A revolutionary abolitionist political strategy will be broadly orientated around the issues of life and death. Revolutionary abolitionist praxis aims to focus on the living – a living abolitionist movement; a living and thriving democracy; and the organisation of society around the promotion of the necessary material and emotional needs of all (James, 2015; Scott, 2020b).

What we have today is the opposite. The state has the power of death – be that through capital punishment in some countries around the world, or the extrajudicial killings of the police (James, 2015). Globally, the state violence of penal incarceration results in a form of dehumanisation that is akin to social death, not to mention the large numbers of
corporeal deaths in prisons all around the world. The state’s focus has been on security via increased policing and imprisonment rather than attending to economic inequality. In the USA, large swaths of Indigenous, African American and Latinx persons remain subjugated in modern society and are now simply fodder of the prison industrial complex. Young African American males face impossible odds in a stream of social and criminal justice disparities that make the term “criminal justice” oxymoronic. In Greece, it is African immigrants. In China it is Muslims. Legal suppression – with penal confinement as one if its primary tools – provides an index of a virtually dead democracy that is aimlessly floating across the sea of post-industrial racial capitalism. The politics of abolitionist revolutionary praxis therefore calls for solidarity with whatever form of resistance oppressed individuals use on a day to day basis against the repression, violence and domination of the capitalist state.

Revolutionary abolitionist praxis also promotes the development of a contemporary abolitionist social movement which roots resistance against the penal apparatus of the capitalist state in emancipatory politics and direct engagement with oppressed people and communities. Revolutionary abolitionist praxis thus not only rejects the discourse and commodification of penal abolition in the academy but also the dangers of co-option by the capitalist state itself. Any current or future penal abolitionist social movement that wishes to achieve the kind of revolutionary change suggested here ‘must come from below’ (Scott, 2020a) and the reasons why this is so are clearly evident when reflecting upon the bourgeois British anti-slavery abolition movement from the 1780s through to the 1830s.

For penal abolitionists today it is essential that connections are made across a wide range of sites of exploitation, repression and domination. Penal abolitionism must consider together the historical legacies and contemporary manifestations of state racism; the insidious masculinist bias within the law and broader society; and the profound exploitation of
capitalist labour relations (Scott, 2020a). Engagement with the political, social and economic elite will not deliver social justice and radical social and economic transformation unless it is strongly tied / connected to the ‘view from below’ and infused with socialist emancipatory politics and praxis (Scott, 2002b). What we can learn from the anti-slavery abolitionists is that when the ruling elite champion a given moral cause, it may well be for the ‘moral capital’ that can be transferred to them rather than an honest and principled intervention.

The connections to anti-slavery abolition also connect to the notions of abolitionist ethics and the importance of hearing subjugated voices. A number of penal abolitionists have made connections between slavery and penal incarceration (with James, [2005], for example, reflecting upon contemporary prisoners as neo-slaves) and lived experiences of chattel slaves in the 1800s who won their freedom through pain, personal struggle and triumph.

It is important for abolitionists everywhere to understand what is required by caged bodies to resist and survive state violence (James, 1996; 2005). We must be prepared to listen and learn from the stories and narratives of prisoners who have a “suspect humanity” (James, 2005), and the calls for radical social change such as those found in the writings of revolutionary political prisoners like George Jackson, Eldridge Cleaver and Malcolm X. The prisoner-poet Jimmy Santiago Baca (2001:244) eloquently sums up the importance of prisoner testimonies and their significance for not only challenging social death but also inspiring contemporary penal abolitionism:

... I was a witness, not a victim. I was a witness for those who for one reason or another would never have a place of their own, would never have the opportunity to make their lives stable enough because resources weren't available or because they just could not get it together. My job was to witness and record the “it” of their lives, to celebrate those who don’t have a place in this world to stand and call home. For those people, my journals, poems, and writings are home. My pen and heart chronicle their hopes, doubts, regrets, loves, despairs, and dreams. I do this partly out of
selfishness, because it helps to heal my own impermanence, my own despair. My role as witness is to give voice to the voiced less and hope to the hopeless, of which I am one.

Not everyone can speak the language of the system or know the conversational nuances of the hegemonic idiom, and this may result in the silencing of certain voices and the prevention of progressive social transformation. Alternative means of communication, such as collective protests by people in prison, and individualised forms of resistance and contestation, such as self-harming, prison disturbances or hunger strikes, often fail to be interpreted as speech acts. It remains crucial within abolitionist praxis that great emphasis is placed on the patient listening and interpretation of voices within the prison industrial complex and that abolitionist interventions provide an unedited platform for incarcerated voices. Hearing the voice of those on the margins of society is the starting point for both progressive individual and structural change.

Conclusion

In conclusion, penal abolitionism today is an established global movement that is of increasing political and ethical significance and is a growing social influence both in terms of challenging state, race/ethnicity and economic oppression and offering radical non-penal alternatives as solutions to troubles in human relationships (e.g., harms). The abolitionist approach of dismantling the penal apparatus takes many forms, from intellectual and activist insurrection to more technocratic, although no less important, non-reformist strategies that reject penal institutions (e.g., law, police, courts, and prisons) and logics (e.g., punishment) that are predicated on the violence of unfreedom (e.g., coercion and confinement).

Abolitionist rebuilding is also broad, and includes work that (1) reimagines justice as action that transforms the foundation of inequities (e.g., socio-structural imbalances) and transforms the problematic situations that constitute the footing of unfairness (e.g., the preludes to conflicts or personal-structural imbalances), (2) addresses the harms and norm violations that
humans ubiquitously enact without anew violating persons and communities, and (3) pushes programs, organizations and relationships that can alternately harness or operate outside of state power. This Handbook captures some of this diversity, in terms of people, places and ideas. As Angela Davis (2003) argues, penal abolitionism is not just about pulling down walls and deconstructing penal logic: it is also about building a better and more just world.

References


