

Penal abolitionism: a different kind of reform

Justin Piché describes how abolitionist views can arise from the experience of working within the system.

The penal abolitionist stance is often critiqued as the product of a detachment from reality or pie-in-the-sky thinking. In what follows, I want to show how one's arrival at an abolitionist position is, in more cases than not, connected to personal experience with a system that has proven itself to be an unjust, costly, immoral failure resilient to fundamental reform.

While completing my undergraduate degree at the University of Ottawa, I became familiar with the history of the penal system in Canada. In my criminology courses I read reports by numerous Royal Commissions tasked with investigating prisons on Canadian soil. Each inquiry deemed these institutions to be failures in terms of meeting their own objectives, yet prescribed the allocation of more resources to achieve old and new aims. However, with the installation of every new penal regime came more failure, new critiques and more reform, with similar results. In my studies I was also exposed to the brutalities of imprisonment through the writing of prisoners. While cognizant of the past failures and ongoing pains of imprisonment, I, like so many others, believed that I could be an agent of change from within the 'criminal justice' system and sought work that would afford me this opportunity.

As an undergraduate student, I worked as the Toolbox Project Coordinator for the Royal Canadian Mounted Police (RCMP) deal.org Programme. The goal of the Toolbox was to provide presentations and activities to police officers on issues of concern to youth that were

informed by the perspectives of young people. The creation of this project geared towards enhancing the credibility of police officers in the eyes of youth coincided with the organisations' renewed National Youth Strategy, which sought to enlist youth as community partners in policing, following the coming into force of the Youth Criminal Justice Act in 2003.

When I took the job, I was told that our team had the freedom to develop the content of the Toolbox. With then Project Researcher and Developer, Carolyn Côté-Lussier, we released modules on bullying, impaired driving and e-literacy. However, when we prepared an issue on drug awareness based on scholarly research that included information on harm reduction, I was advised by my superiors that the module would not be published, as it did not reflect the RCMP's official viewpoint on illicit substances. At that moment, I realised that we were free to develop the content of the Toolbox in so far as it reflected the worldview of our employer, which proved to be highly restricted. I handed-in my resignation with a new found scepticism regarding claims that the 'criminal justice' system could be transformed from within.

During this period, I had also worked as a placement student at the Restorative Justice and Dispute Resolution Branch of the Correctional Service of Canada (CSC). This branch was created in 1996 to explore how the organisation could apply the philosophy of restorative justice to their work in order to influence broader 'criminal justice' system

reform. When I interviewed for the position, I told the Director that I was sceptical about whether a prison agency could be involved in restorative justice in a manner that adhered to its fundamental tenets. With a smile, he asked that I join the team to find out. I took him up on the offer.

In the four months I spent working at CSC, I met many individuals committed to reforming Canadian federal prisons who developed policies and programme frameworks to provide restoratively-oriented opportunities for prisoners and other victims of 'crime'. However, once my term had been completed and I began a master's degree in criminology at the University of Ottawa, my view of CSC's stated involvement in restorative justice changed dramatically. Based on published and unpublished documents I obtained with permission from CSC, I completed a master's thesis in 2006 titled 'Restorative Prisons?' on the now defunct Restorative Justice Unit in Grande Cache Institution. In my analysis of institutional reports written by the Unit Coordinator, I discovered how the language of restorative justice had been adopted by officials at Grande Cache to meet control- and punishment-oriented objectives. For instance, the programme required prisoners to participate in all prescribed institutional programming as a sign that they were 'taking responsibility' for their actions, yet did not provide them with opportunities to engage in restorative processes and to 'make things right' with their victims or members of their communities. Moreover, prisoners were expected to engage in informal conflict resolution when in dispute amongst one another, yet when the institutional rules were in conflict with their actions, the programme participants would receive charges, extra duties, be sent to segregation or be removed from the Unit. Despite the efforts of well-intentioned reformers in an Ottawa policy office, on the ground, the Restorative Justice Unit experiment represents another chapter in the history of penal reform failures.

It is the experiences with reform above that led me to adopt a penal abolitionist stance. My path is similar to those of other abolitionists such as Thomas Mathiesen who have directly observed how penal institutions neutralise reforms aimed at humanising punishment. Others, like Louk Hulsman along with Quakers in Canada and the United States such as Ruth Morris and Fay Honey Knopp, have come to an abolitionist position as they reject a system that by design perpetuates violence, often creating far more harm to individuals and communities than the actions of those under its control. Prisoners and former prisoners, including Angela Davis, George Jackson, the Attica Brothers, members of the American Indian Movement and the Anarchist Black Cross, who have experienced the pains of the penal system firsthand have also been at the forefront of abolitionist efforts. Their campaigns and written works have made visible that the penal system is an assemblage of instruments used primarily to oppress and further disenfranchise the poor, people of colour, political dissidents and other marginalised groups. Recent works by Davis (2003), Sudbury (2005) and Saleh-Hanna (2008) have also highlighted the connection of penal system growth across the world to patriarchy, colonisation and the globalisation of capitalism.

We cannot humanise injustice, nor should we try – the pages of history and our personal experiences tell us as much. For abolitionists, the response is to say ‘no’ and to work towards the eradication of penal institutions (Mathiesen, 2008). While this is proving to be a difficult task, particularly in a context where confinement and other coercive forms of control are becoming a normal aspect of everyday life, the situation should not cause us to abandon abolitionism. Instead, these circumstances should encourage us to intensify our efforts and refine our tactics. If such actions had not been undertaken in the past once-impossible feats such as the abolition

of slavery, the Apartheid in South Africa and the death penalty in many jurisdictions around the world may have never transpired. As new systems of control come to take their place, erecting new configurations of repressive structures, which produce injustices, abolitionist work aimed at counteracting regressive politics must continue.

Lives are at stake and we need reform, but not reform tied to the underlying logic of the penal system. Given the capacity of penal institutions to absorb and transform progressively-oriented proposals to re-legitimise their existence, Mathiesen (1974) argues that only reforms which seek to either abolish, at least in part, systems of control or those which curb any future growth ought to be pursued. As noted by Joe Sim at the Twelfth International Conference on Penal Abolition in London in July 2008, such campaigns could include working towards the decriminalisation of various offences and statutes, moratoriums on the use of penal sanctions including imprisonment, and an academic boycott of penal system sponsored research until governments renounce punitiveness.

As a young member of this so-called lunatic fringe I have encountered numerous critiques of my penal abolitionist stance. I have sat in rooms with leading scholars in the field who have told me that abolitionism is a negative endeavour and that I should engage in thinking about the ‘productive’ aspects of social transformations, as if reflexive thinking which pushes the boundaries of what is possible is somehow a scholarly sin. I have been labelled an ‘idealist’ by some colleagues who think that my abolitionist efforts are a waste of time given the recent growth in incarceration, while they themselves claim to be on the cusp of change by participating in efforts to reform institutions that have a tendency to bolster rather than transform penal practices. I have been critiqued for not advancing a fully-fledged

alternative to prisons, as if abolishing injustice is not a worthy goal in and of itself. In a recent conversation with a friend I was told that punishment is desired by the masses and will remain a fundamental feature of social life, which in my view not only reifies the existing order and accepts a tyranny of the majority, but also reduces our ability to think and respond differently.

With what we know about the futility of penal reform, I agree with Ryan and Sim (2007) that it is those who insist on making the best of a bad situation that need to justify their project. Since its beginnings, the big house has been on fire and reformers keep adding bricks as if it was the lack or composition of the stone that is the problem. Why not dismantle the structure and work towards putting out the flames of injustice, which burn and destroy those with whom the law is in conflict? ■

Justin Piché is a PhD student in sociology at Carleton University and is Co-managing Editor of the *Journal of Prisoners on Prisons*. See www.jpp.org for more information.

Acknowledgements

I would like to thank Mike Larsen and Kevin Walby for their helpful comments and suggestions on earlier drafts of this piece.

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