Colonial Systems of Control

Saleh-Hanna, Viviane

Published by University of Ottawa Press

Saleh-Hanna, Viviane.
Colonial Systems of Control: Criminal Justice in Nigeria.

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CHAPTER 21

PENAL ABOLITIONIST THEORIES AND IDEOLOGIES

Viviane Saleh-Hanna

PENAL ABOLITIONISM: A RADICAL CRIMINOLOGY

Penal abolitionist academic discourse emerges through the critical criminological academic context, with subparadigmatic affiliations to radical criminology. The emergence of radical criminology occurred when critical criminology could no longer fully satisfy all the theories that emerged as critical of the social order. Radical criminology builds upon critical criminological attempts to question mainstream criminological discourse. While critical criminologists work to expose the oppressive status quo that mainstream (mainly classical and positivist) criminology scientifically works to maintain, radical criminologists present a level of analysis that promotes a more accurate questioning of crime and the (dys)functions of law: "The groundbreaking argument for redefining crime from a radical perspective was made by Herman and Julia Schwendinger.... They argued that criminologists should be concerned with violations of human rights as well as with behaviors traditionally proscribed by the criminal law. Since then, radicals have compiled quite a list of socially injurious behaviors and would-be-crimes" (Lynch and Groves 1989, 32).

Penal abolitionism falls within the realm of the radical perspective because it promotes radical revisions to the social order, both in relation to the distribution of power and in relation
to attitudinal social functioning. In addition, penal abolitionism problematizes the structures that promote crime while not recognizing harm. Most abolitionists advocate a mental as well as a social revolution that should not only result in the destroying of penal structures as the only form of justice, but also promote the rebuilding of a society that is able to function without resorting to revenge-oriented reactions to harm.

Penal abolitionists also fall within the realm of radical criminology because they are generally under the assumption that “with very few exceptions... the concept of crime as such, the ontological reality of crime, has not been challenged” (Hulsman 1986, 28). Two questions about the penal abolitionist perspective are whether it is a theory of crime and whether it can or does address the nature of crime. Here I will illustrate that penal abolitionism is a theory that radically addresses the nature of crime, but in that assessment rejects the categorization of its perspectives as a theory of crime. This rejection is based on the abolitionist definition of crime: “Crime does not exist. Only acts exist, acts often given different meanings within various social frameworks. Acts, and the meaning given to them, are our data. Our challenge is to follow the destiny of acts through the universe of meanings. Particularly, what are the social conditions that encourage or prevent giving the acts the meaning of being crime?” (Christie 2003, 3). From this perspective crime is a socially constructed category, and it is the nature of this construction that is assessed from the penal abolitionist perspective.

Reiman (1990, 81) explains the importance of addressing the process of criminalization in attempting to understand the nature of crime. His assessment of this process is that it “makes certain that the offender at the end of the road in prison is likely to be a member of the lowest social and economic groups in the country.... For the same criminal behavior, the poor are more likely to be arrested, they are more likely to be charged; if charged, more likely to be convicted; if convicted, more likely to be sentenced to prison; and if sentenced to prison, more likely to
be given longer terms than members of the middle and upper classes." This definition of crime illustrates that the abolitionist assessment of crime is rooted, not in the individual, but in the state and social structures that criminalize oppressed groups. In addition to addressing class-based issues, radical scholars (predominantly African, African American, and other academics of colour) also work to establish the links between criminalization and racialization of criminal justice.

THE PENAL SYSTEM: SLAVERY, IMPRISONMENT, AND THE JUSTIFICATION OF RACIST INSTITUTIONS

The overrepresentation of people of colour in prisons in the United States, and around the world, is blatant proof of the racism that exists within and is perpetuated through the criminal justice system. A brief historical analysis of the penal system in relation to Euro-American slavery of African people aids in both the historical and the economic contextualization of the racist structures of penal systems. In 1850 the US penal system incarcerated nearly 6,700 people, almost none of whom were black. At the time black people were more valuable economically outside the prison walls—they were "already imprisoned for life on plantations as chattel slaves" (Acoli 1995, 5). As Acoli notes, following the Civil War and at the so-called end of slavery "vast numbers of black males were imprisoned for everything from not signing slave-like labor contracts with plantation owners to looking the wrong way at some White person, or for some similar petty crime" (6). Five years after the formal institution of slavery was abolished black representation in the prison population rose from almost zero to thirty-three percent: "Many of these prisoners were hired out to Whites at less than slave wages" (6). Eventually, "convict leasing" was phased out, and it came to be replaced by "one of the most brutal forms of convict forced labor in the United States, the chain gang" (Browne 1996,
Control of unpaid black labour shifted from the official institution of slavery to the official institution of imprisonment, initially used to maintain private and white family-owned business enterprises. Eventually, the US government came to recognize that in building a nation black labour could be used through the chain gang at no expense to the state. Convict labour became profitable and politically popular in many southern states, as Browne notes: “The fundamental ‘reform’ in abolishing convict leasing and replacing this system with chain gangs was that the state now owned the convicts and their labor” (64). This form of exploitation and economic manipulation continues to exist, and grow, through prison industries in the contemporary US economy. The chain gang has been revived in Alabama, and since 1995 “several other states have responded positively to the idea.... Arizona has already begun modeling the program in their own prisons” (69).

The economic value of prisoners used as workers expands beyond chain gangs, though, and all sorts of intense labour and forced work exist today. “The Prison Industry Authority (PIA) is a multi-million dollar industry that is dependent on the productivity of prisoners in California. As inmates are classified for placement in an institution, they are surveyed for almost 50 different work skills, from appliance repair to x-ray technician, to determine which institution they should be placed in” (Browne 1996, 65). A close analysis of prison labour illustrates that convict labour plans are not about job training and education, but about profit and industry. While the Department of Corrections in California maintains that prisoners work on a voluntary basis, it is clear, according to Browne, that those who refuse to work serve sentences that are twice as long as those who do work because “each day worked reduces a prisoner’s sentence by one day” (65). Those who refuse to work, or work less, receive no privileges or fewer privileges through a classification process called the Work/Privilege Group. Under this programme, prisoners who refuse to work are not entitled to family visits, are given smaller limits
for canteen withdrawals, can make telephone calls only in cases of emergency (at prison staff discretion), and are not allowed access to recreational or entertainment segments of the prison: "These extreme coercive tactics contradict the claim that labor is voluntary" (65). These conditions bring forth the expanding role the economics of penalty plays in the implantation of criminal justice in the United States. One Canadian lifer summarizes the economic and inhumane aspects of the conditions of the "prison industrial complex" effectively in one sentence. He states that "they [corrections] count you like diamonds and treat you like shit" ("John" 1997, 29).

THE CRIME CONTROL INDUSTRY: FINANCIAL AND ACADEMIC PROFITS

Some scholars link "the rise of the penitentiary to the economic concerns. In this view, not only was the penitentiary an economically effective and self-sustaining institution, but the practice of institutionalization was thought to have economic benefits for society as well" (Welch 1995, 252). The financial domain within penalit y is seldom discussed in popular discourse; it is well documented, though, in the critical and radical criminological realm.

In his discussion of power and punishment Foucault asserts that the success of the prison lies in its reproduction of delinquents, who serve as raw material and provide the necessary energy that keeps the prisons running (1972, 39). Christie develops this argument in relation to the industrial aspect of crime control: "Societies of the Western type face two major problems: Wealth is everywhere unequally distributed. So is access to paid work.... The crime control industry is suited for coping with both. This industry provides profit for work while at the same time producing control of those who otherwise might have disturbed the social process" (1993, 13).

Christie further outlines the profit-making aspect of crime control and presents an alternative view of the functions of
penal systems. In his analysis the profit-driven system is vastly different from a security-focused system that works to provide safety within communities. In politicizing crime control and discussing the industrial aspect of penology Christie lays out one of the largest obstacles in the path of penal abolition. He points out that an “urge for expansion is built into industrial thinking” and that this mentality is similar to the penal system’s policy implications (1993, 13).

Within the North American context Cayley points out that “levels of crime and levels of imprisonment show no regular or predictable relationship.... In both Canada and the United States, [crime] has gone down for a number of years without any abatement in the growth of [the] prison population” (1998, 5). One can conclude that a large section of the prison population is dependent on political decisions and economic growth. Comparing crime control to other industries, Christie concludes that “the crime control industry is in the most privileged position. There is no lack of raw material—crime seems to be endless in supply. Endless also are the demands for the service, as well as the willingness to pay for what is seen as security” (1993, 13). Looking at the bigger picture, it becomes harder to accept the failure of the penal system as a consequence of bad people behaving in bad ways. It becomes clear that Western industrialized nations rely on a ‘criminal’ class to build their economies, and that penal systems function to maintain a status quo that keeps some people rich and the majority poor. These class-based structures are defined through race, both within the boundaries of Western industrialized nation-states and globally, as nations ruled by white people interact with nations ruled by people of colour.

CONTEMPORARY PENAL SYSTEMS: UPHOLDING HISTORICAL SLAVE LABOUR AND COLONIAL LEGACIES

The penitentiary is the ultimate penal structure as society knows it today. Supposedly the prison functions to punish, to protect,
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...to rehabilitate, and to transform, among other things. In terms of the everyday functions of the prison, ironically enough, it is maintained by the same people whom it oppresses. In the prison "inmates have produced all of the work that supports the prison system, such as making the clothes, washing the clothes, and building the cell equipment, day room furniture, lockers, and mess hall tables" (Browne 1996, 66). Browne also notes that, aside from building and maintaining the prison's physical structure, prisoners have also made "shoes, bedding, clothing, detergents, stationery products, license plates and furniture for all state agencies. In addition, convict laborers have provided 'special services' such as dental lab work, micro graphics, and printing" (66). All of these tasks are generally assigned to male prisoners.

In line with patriarchal gender stereotypes "the women's prison industries have generally been in the areas of re-upholstery, fabric production, laundry, and data entry. In men's prisons all of this work is done, as well as metal production, wood production, and the operation of farms, dairies, and slaughterhouses" (Browne 1996, 66). These processes and tasks add up to a multi-million-dollar industry. The prison is not only saving money when prisoners build, maintain, and clean the prison, but also making money when labour outside the realm of the prison is brought into the oppressive, unequal power dynamics of the penitentiary. Browne mentions that "this enormous, multi-million-dollar industry was purportedly created to address the problem of 'inmate idleness'... by helping in rehabilitation, building effective work habits, and providing job training. Yet a prisoner who spends a ten-year sentence processing stationery products on an assembly line or washing laundry has not learned any highly employable skill [outside the prison industry], nor has been mentally or emotionally challenged through this service to the state" (66).

In essence prisoners are taught skills that will provide them with experience to work in prison, for prison, and only within the conditions that are prescribed and enforced by prison. Such realities illustrate that the penal system in the
United States functions through a racist and capitalist agenda. Based on a history that relied on the slave labour of Africans, the contemporary criminal justice system in the United States upholds its own legacy. In relation to penal systems in Africa history is more closely linked to colonialism and European invasions that worked to control and destabilize African societies. Contemporary implementations of penal systems in Africa uphold those European modes of social control that work to divide and conquer populations. They uphold the legacy of colonialism that worked to destabilize and delegitimize African social structures and cultures.

**ABOLITIONIST MOVEMENTS: EXTENSIONS OF RACIST HISTORIES**

The assessment of crime and penal systems of control has a long history in academic disciplines. As a starting point “abolitionists raise questions like: What logic, and ethic, makes it so certain that punishment has priority over peacemaking?” (Christie 2003, 80). This line of assessment touches on not only the administration of justice, but also the nature of society, the nature of human behaviour, and the nature of crime. Abolitionist literature in the Western academic realm can be traced back to 1919, to a Dutch penal scholar, Clara Wichmann, who wrote about “the class interests that guide the process of criminalization” (van Swaanningen 1997, 57). Her views mirrored Bonger’s (1967) rejection of the notion of deterrence, arguing that the implementation of penal punishments in attempts to control social behaviour is irrational and counterproductive. Bonger’s work delegitimized the very concept of social control through fear, emphasizing that human behaviour is not and cannot be controlled through a system that threatens to punish those who do not follow the so-called social contract that the state assumes relevant to society. Wichmann’s assessment of Bonger’s work was critical of his omission of “the selectivity of criminalization in the legislative process” and the fact that Bonger had not “argued
against apparent cases of class justice" (van Swaaningen 1997, 57). Her perspectives were rooted in the early critical paradigmatic affiliations that incorporated a Marxist- and Engels-oriented promotion of socialism.

Wichmann considered the classical scholars' concepts of crime and punishment to be “far too limited. With the unfounded suggestion of a direct causal relation between crime and punishment, the political character of criminality is obscured: poverty and repression do not receive the label 'crime,' but the consequences of poverty and repression” do (van Swaaningen 1997, 57). This analysis provided a foundation for the abolitionist perspective, which views crime as an oppressive categorization of the powerless, and punishment as an oppressive method of social control. It is assumed here that penal-oriented methods of social control that rely on punishment and revenge ideological frameworks work to maintain the status quo, not to maintain (or even create) social order.

In 1919 Wichmann connected her political ideas with her criminal law profession to form the CMS (which translates as the Action Committee against the Prevailing Opinions on Crime and Punishment). “The CMS was a political platform which found its basis in various revolutionary groups, and strove for penal abolition. Opposition to the state’s right to punish is as old as the state itself” (van Swaaningen 1997, 54). The premise of the CMS manifesto, as it related to the nature of crime and crime control, is very much rooted in an analysis of state power dynamics and social control of the powerless classes.

Emerging directly after World War I, the CMS saw links between penal and military systems, “and regarded both as man-created institutions of pointless and repressive cruelty” (van Swaaningen 1997, 55). Quinney’s assessment of the penal justice model falls in line with that assessment. Quinney states that, “when we recognize that the criminal justice system is the moral equivalent of the war machine, we realize that resistance to one goes hand in hand with resistance to the other” (1991,
Within such assertions lie concepts about society and social control that are the foundations of radical criminology.

The concept (not just the application) of penal punishment was viewed by Wichmann as both counterproductive and inhumane: "By retaliating against the evil of crime with the evil of punishment, the threshold of answering violence with violence is continually lowered. Punishment is a form of unresponsive violence, and CMS rejected, following Tolstoy, its legitimacy—both as retribution and as rehabilitation" (van Swaaningen 1997, 55). Morris further defines those "evils" of punishment as unjust (racist and classist), and concludes that in the US version of criminal justice "money talks and everybody else does time" (1995, 7).

These conclusions arise from a general critique of capitalist social structures that rely heavily on the existence of a surplus labour population that can be exploited to build capital for profit. The recognition that the penal system is a function of those structures is a central tenet of penal abolitionist ideologies. Penal abolitionism focuses on the function of the criminalization process as maintaining a status quo of oppression for the majority and profit for the minority. The influence of Wichmann's CMS and the ideology presented in it can be seen in contemporary penal abolitionist literature, both in the assessments of punishment and systems of social control, and in the role that the process of criminalization plays in the production of an ideology that legitimizes and normalizes oppression.

In 1912 Wichmann's dissertation, entitled "Reflections on the Historical Foundations of the Present-Day Transformation of Penality," emphasized the "current manifestations of crime" as "inherent in the capitalist structure of society" (van Swaaningen 1997, 55). This emphasis on the correlation between capitalist structures and crime is presented clearly in Christie's (1993) assessment of crime as functionally relevant to capitalist structures.

In her dissertation Wichmann reached the conclusion that "the socioeconomic conditions under which crime emerges, as
well as the treatment of delinquents, need a better solution than repression" (van Swaaringen 1997, 55). This conclusion has academically evolved into the contemporary penal abolitionist view of the nature of crime as a process of criminalization that continues to repress the most powerless populations in each society: the poor in Nigeria, African Americans in the United States, and First Nations people in Canada.

In understanding these components of the criminalization process penal abolitionists today assert that "there is no such thing as crime: not just the contents of what is at a given time and place defined into that category, but the category of crime itself does not exist outside the context of 'criminalization.' 'Crime' as a category is reliant upon historical 'inventions' to criminalize what the capitalist economy identifies as the 'surplus population'" (Steinert 1986, 26). The definition of acts as criminal is based not on harmful acts, or on dangerous people, or even on acts that break the social contract. Crime is in fact a social construction, to be analyzed as myth presented as reality in everyday life (Hess 1986).

"As a myth, crime serves to maintain political power relations and lends legitimacy to the expansion of the crime control apparatus and the intensification of surveillance and control. It justifies inequality and relative injustices. Thus, the bigger the social problems are, the greater the need for the crime myth" (De Haan 1996, 357-358). From within this assessment emerges the functional element of crime as perpetuating and legitimizing the social structures that Wichmann found so problematic. In this context harmful behaviours are not all recognized as criminal. Harmful acts committed by corporations and nation-states are not crimes. Crime, criminalization, and penal sanctions are saved for those people whom the state sees fit to punish, for those populations that the capitalist structures can oppress in order to maintain a white and dominant status quo. Whereas some criminalized acts are violent, much of what has been deemed criminal is not. From an abolitionist perspective criminal
Justice is violent in structure, in ideology, in institutions, and in implementation.

Nineteenth-century European scholars (Nietzsche, Guyau, Tolstoy, Kropotkin) put forth penal abolitionist arguments that continue to inspire "the rejection of criminal law as an expression of violence" (van Swaanningen 1997, 54–55). The term "abolition" has come to be viewed in more contemporary times to describe those people who are opposed to the use of the death penalty. In addition, the prison abolitionist movement in the United States and Canada has come to be viewed as an extension of the movement to abolish slavery. This extension is well documented and, on the most basic level, best illustrated in the Thirteenth Amendment to the US Constitution:

Amendment 13 Abolition Of Slavery Ratified Dec. 6, 1865:

Section 1. Neither Slavery, nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2. Congress shall have power to enforce this article by appropriate legislation. (emphases added)

The penal system was able to step up and take responsibility for the extension of slavery from historical into contemporary times: mass incarceration of such large numbers of the direct descendants of slaves by such large numbers of the direct descendants of slave-owners and other people of European descent visibly and economically mirrors historical slavery. These obvious facts and extensions are lost in the contemporary criminal justice system’s shift in language. Where black used to mean “slave,” it now means “criminal.” However, as white people shift the language they use to refer to black people, and the institutions they employ to control and exploit them, little else changes. In both eras justifications and explanations presented to implement the continued exploitation of black people have been accepted by
the vast majority of Europeans and people of European descent living in Western, so-called civilized societies.

In the "developing" world the abolitionist movements came to represent the move to physically remove European governments from African soil. In more recent times penal abolitionist movements in Africa can be viewed as an extension of the movement to abolish colonization: in fighting to remove colonial institutions of control one continues to fight colonialism in Africa.

In light of these social realities, and against the overwhelming opposition that abolitionists face in all areas of society, Scheerer (1986, 7) presented an analysis of the history of abolitionist movements and concluded that "the great victories of abolitionism are slowly passing into oblivion, and with them goes the experience that there has never been a major social transformation in the history of mankind that had not been looked upon as unrealistic, idiotic, or utopian by the large majority of experts even a few years before the unthinkable became a reality." The standard criticism that can be heard all through the history of abolitionism relates to abolitionist goals comprising merely a moral position of little theoretical value and material foundation, much less policy impact.

A discussion on the abolition of slavery with the average white American in the 1700s would have included a diatribe accusing abolitionists of being unrealistic, idealistic, and crazy. "The same is being said today in view of penal abolitionist activists and academics. It is a standard reply to theoretical works of abolitionists such as Nils Christie, Louk Hulsman, Thomas Mathiesen, and Heinz Steinart" (Scheerer 1986, 8), and it is a standard and well-rehearsed reply to any activist or community organizer who engages in discussion with mainstream society about penal abolitionism. "But there is a blind spot in this criticism, as it fails to give an explanation for the sudden popularity of abolitionist positions in some European countries. Abolitionist books find a receptive audience; the basic ideas of abolishing
prisons and/or even the criminal justice system, utterly utopian as they seem to the majority, seem to be quite stimulating to a sizeable minority not only in the university class rooms” (8).

**A PENAL ABOLITIONIST’S DEFINITION OF CRIME**

This section provides a presentation and assessment of contemporary penal abolitionist discussions and discourses on crime. According to De Haan (1996, 355), “the term ‘abolitionism’ stands for a social movement, a theoretical perspective and a political strategy.” In this assessment of abolitionism I will put aside the penal abolitionist political strategies and social movements to allow for an in-depth presentation of the penal abolitionist theoretical perspective.

Emerging from the critical paradigm, penal abolitionists embrace a constructionist view of “crime”: “Abolitionists regard crime primarily as a result of the social order and are convinced that punishment is not the appropriate reaction” (De Haan 1996, 355). That social order is defined within the context of power and conflict. It is assumed within the abolitionist perspective that conflict is related to power: both interpersonal conflicts that result in harm and structurally imposed conflicts that result in crime.

The study of crime from a penal abolitionist perspective does not necessarily address violence or deviance or delinquency. According to abolitionist discourse, these issues are important, need to be addressed, and do get addressed by abolitionists (peacemaking criminologists, transformative justice theorists, restorative justice theorists, and others), but the importance of these issues does not automatically qualify them all as criminal. Crime does not and cannot represent social and interpersonal harms, because crime is a construction of the state’s reality. Crime is defined by state laws and relies heavily on the implementation of those laws: an understanding and assessment of state behaviour leads to an understanding and assessment of crime. To properly
represent and illustrate the penal abolitionist theoretical model of crime, we must first address the terms being used, and the need to differentiate between crime and violence.

Abolitionists are firm in the conviction that violent acts are not necessarily criminal acts (consider acts of violence in self-defence, victimless crimes, state executions), but the fact that they are not criminal does not preclude them from being violent. Thus, violence and harm do not define crime. Pepinsky and Jesilow (1992, 28) confirm this view by explaining that “crime is not purely and simply harmful behavior. To begin with, the law is rather arbitrary about what kinds of harm are regarded as crime. It can be considered criminal to refuse to kill, as conscientious objectors have discovered during wartime. It can legally be tolerated to kill, in self-defense or in defense of property.” As a result of these observations, and in line with this logic, abolitionists conclude that crime is defined through the process of criminalization, and that this process is not immersed in morality or safety. It is immersed in the maintenance of a racist, classist, and oppressive status quo.

Chambliss (1996, 227) states that “there is little evidence to support the view that the criminal law is a body of rules which reflect strongly held moral dictates of the society. Occasionally we find a study on the creation of criminal law which traces legal innovations to the ‘moral indignation’ of a particular social class.” Pepinsky and Jesilow (1992, 28) further explain that “common sense and compassion are often missing in the law’s definition of what is permissible”; thus, one begins to question and assess the role of criminalization. If it is not found in the professed role of social safety or in the implementation of a non-existing moral consensus, abolitionists conclude, it is found in the unprofessed goal of state-imposed social and economic controls.

Criminalization is found in the attempts to institutionalize and exploit powerless populations for the progression of capitalist economic structures. Abolitionists also conclude that the true nature of crime does not lie in prediction and risk assessment of
future criminals. Abolitionists assert that the predictive process is fruitless because it has been shown time and time again that future criminals are those whom the future will oppress. Whether that oppression comes by means of the classism, racism, sexism, ageism, or any other “ism” of the social structure is not focal: what is focal and necessary in understanding the true nature of crime, according to abolitionists, is a proper understanding of criminalization.

Abolitionists hold the view that violence is much more complex and much more widespread than the simple and mythical concept of “crime” can define or address. Thus, violence cannot be appropriately defined or dealt with from within the confines of the penal frameworks and/or institutions. In other words, violence cannot be defined or represented within the poorly constructed concept of crime. Violence is better defined and more appropriately represented from within the experiences of those involved with and affected by violence. Based on this line of reasoning, crime represents the state’s functional conceptualization of harm and thus is best understood within the confines of these conceptualizations. These confines lie within the state’s interests, and the socioeconomic and racist structures that the state imposes to advance those interests. “One advantage of this definition is its affirmation that criminality is not an intrinsic quality or an inherent character of the behavior; it is a label that is attached to the behavior. It also emphasizes the roles of authority and coercion in defining certain acts as criminal” (Fattah 1997, 35).

In presenting the penal abolitionist definition of crime it is not representative to state that crime does not encompass a violent element, but it is representative to say that the violent or harmful elements in crime are not the defining components in categorizing certain acts as criminal. Instead, the unequal distribution of power in society is the key element in defining crime (as illustrated by Reiman 1990, 80-85).

Within this view of crime the abolitionist perspective, as the conscientious objector in criminological literature, puts
“into question the validity of the guilt-and-punishment frame of reference as well as hitherto well-accepted beliefs about the relevance of terms like crime, dangerousness, and many others. In this respect... abolitionism much resembles the labeling perspective, which in its refusal to accept the traditional biases of criminology did much to reveal the inadequacy of usual questions and answers” (Scheerer 1986, 10).

The assumptions held by penal abolitionists in relation to the state point “to the basic problem as one of non-usefulness.... There is no longer any reason to trust that the welfare state will provide work for all. Society is gradually changing from having a shared—common—rationality into one of individual rationality” (Christie 1993, 63). Individual rationality cannot hold a consensus view of social order because with individuality comes diversity, and with diversity comes the inherent potential for conflict. The penal structure denies society the ability to deal with the existence of diversity in its monopoly, both in the administration of justice and in the conceptualization of crime as representative of social conflict: “the essence of state power is not just the particular way it deploys its forces of criminalization and punishment but its initial normalizing power, that is, its radical monopoly to define what is right” (Cohen 1992, 229). This monopoly defines the power of penal systems more so than the actual relevance of penal structures and institutions of control.

Abolitionists recognize that actions deemed criminal function to advance the interests of the state (as illustrated by Pepinsky and Jesilow 1992). The same actions undertaken by an individual and carried out on behalf of that individual’s interests, not the interests of the state (or corporate agencies that progress the state’s capitalist structures), are criminal. The few exceptions to this differential application of legality in regard to violent behaviour, those few times that corporate or state-affiliated individuals are criminalized for their actions, serve only to legitimate the grander structure by providing a few scapegoats to present an illusion of equality under the law. In doing so the state is able to legitimize its power, and continue
the unequal and racist distribution of criminality. In line with Christie’s perspective, crime thus functions to provide the raw material that fuels the crime control industry; it is an industry with stocks in power and control, and it fits well within the framework of economic advancement in the social structures of white capitalism.

To summarize the penal abolitionist theoretical model of crime: the state uses the law to define acts as criminal, and it is the state, not the individual, that has a direct correlation to crime, for without laws to break there would be no crimes to assess. Within this perspective a study of deviant individual human behaviour cannot be related to the study of crime, because crime does not wholly and unconditionally define human-perpetrated violence, and human-perpetrated violence does not wholly and unconditionally define crime; therefore, in studying crime from a behavioural perspective, the focus of abolitionists is the behaviour of the state, not the behaviour of the individual. In studying violence (as separate from studying crime) abolitionists assess and address human behaviour. It is within that realm that alternative forms of social control and microlevel analyses of harm are utilized. The term “crime” is not functional within this assessment because it is a state-perpetrated act, not an individually perpetrated act. Crime is not necessarily violent. The process of criminalization is.

**HOW DOES SOCIETY CREATE CRIME?**

In adopting a constructionist view of crime penal abolitionists assume that society creates crime. According to Cohen (1992, 46), before society can create crime it must first be structured in a manner that allows for the existence of certain segments of the population "that are more likely to contribute to the crime rate than others. There is no need to make any sweeping deterministic claims about ‘poverty causing crime.’... No amount of sophisticated research and theory can hide the fact that in Western industrial society, the bulk of officially recorded crime is committed by those at the bottom of the socioeconomic
ladder." In capitalist societies, where money dictates power, it is logical to conclude that the economic variable is present in the determination of power, and thus it is confirmed that those with the least amount of power are those who will become criminalized.

Quinney (2001, 207) further explains this concept, which links societal organization with criminalization: "All behavior may be understood in reference to the organization of society.... Basic to such a perspective are the assumptions that, first, behavior becomes structured in a segmented society and that, second, some segments impose their order on others by formulating and applying criminal definitions." An application of the context of power to this logic affirms that the criminalization process is not about safety but about maintenance of the status quo.

Within the assertion that society produces crime the penal abolitionist perspective does not deny that crime "has something to do with differences in opportunity" and the relative vulnerability of the criminalizable group "to the machinery of social control: arrest, sentencing, punishment" (Cohen 1992, 47). Furthermore, as Cohen notes, society will continue to generate crime by problematizing specific segments of its population, while promoting the very values that generate it: "individualism, masculinity, [and] competitiveness" are highly encouraged traits in contemporary social structures, and are essential for the building of wealth and power, but they are also "the same ones that generate crime" (47).

Last but not least, society creates crime by creating law: "By definition, true of all societies,... we make the rules whose infraction constitutes crime. Crime is simply a behavior that violates the criminal law. It is a category that is not fixed or immutable. By definition a major cause of crime is the law itself" (Cohen 1992, 47). Caulfield (1991, 232–233) suggests that the role of the criminologist in this element of crime production in societies is not neutral. It is not just the legislators who create laws that are involved with the creation of crime, but also the criminologists who promote theories of crime that lack a
problematization of the criminalization process. Criminologists aid in defining criminals as an enemy population, and in doing so criminologists serve to divert attention away from what the state is doing, away from the state’s harmful behaviours; thus, criminologists serve to legitimize and maintain society’s ability to create crime.

THREE TYPES OF ABOLITIONISTS

Within the criminological realm there are three types of abolitionists: the prison abolitionists, the gradual penal abolitionists, and the immediate penal abolitionists. Prison abolitionists focus on the institution of imprisonment. Gradual penal abolitionists assert that legitimate alternatives to penal systems of control and conflict resolution (prisons, courts, police, parole) will result in the eventual delegitimization of the penal system, leading to penal abolition. Absolute abolitionists assert that the immediate and unconditional removal of penal structures is essential in the progression of freedom, and in the fight against racism and classism. These competing and conflicting forms of abolition exist together within the abolitionist movement.

As each type of ideology and opinion works to advance its visions, what at times appears as conflicting represents a continuum of understanding within which people work and conduct research. Morris explains that “being an abolitionist is not a finished state.... Abolitionists can be gradualists, or believe in immediate abolition. Some... began as prison abolitionists and have moved to penal abolition: realizing that bad as prisons are, as long as the goal of the system is revenge, prisons or something equally bad must follow” (1995, 52).

The difference between prison and penal abolitionists lies in ideological frameworks. The former focus on the administrative failures and oppressive elements of the prison as an institution. The latter extend the notion of abolition to include structures that have implemented and allowed the prison to exist for as long as it has. Penal structures and mentalities have kept the prison going, and if it is to be abolished, and the structures are not abolished
with it, the rise of newer, more oppressive, and potentially more inhumane institutions will likely occur. This likelihood was evident in the abolition of slavery followed by racialized mass incarceration in the United States. The abolition of the institution of slavery was not sufficient.

Within the capitalist and racist structures of Western societies institutional abolitions do not challenge the grander structures that benefit from oppression and brutality. The shift from prison to penal abolitionism (in the 1980s) gave rise to the opportunity for a more thorough analysis of social structures, the concept of penality, criminalization processes, and the assumptions made about human nature and society within these processes. A focus on institutional abolition (prison abolition) is relevant, but it is not enough. Abolitionist movements in contemporary times must begin to address grander structural issues in order to succeed in abolishing oppression, not just abolishing specific institutions that oppress. In addressing the grander structures of oppression, the abolition of institutions of oppression (such as slavery) cannot result in their replacement by transformed oppressive institutions (such as prisons).

Mathiesen (1974, 212) explains abolition as a process with both short-term and long-term goals: “Not only is it necessary, in order to attain a long-term goal of abolition, that you stubbornly insist on abolition on a short-term basis and in the immediate present; conversely it is just as important, in order to insist on abolitions in the immediate present, that you have a more long-term goal of abolition to work for.” According to this perspective, absolutist and gradualist abolitionists play their own roles in the progression of a vision. While gradualist abolitionists tend to focus on the long-term vision, promoting the inclusion of legitimate and separate models of justice and conflict resolution, immediate abolitionists focus on the short-term perspective, and assert that there is no room for alternatives within the present oppressive penal structure. Absolute abolitionists insist that any alternatives erected at this time will only be co-opted because the present social order, the present justice model, has claimed a
monopoly on harm. Many of these long- and short-term visions are rooted in a process that defies the mainstream, and promotes underrepresented questions about the distribution of power, the nature of humanity, and the social order within which we (criminals, academics, state bureaucrats, frontline workers, victims of violence) all live.

**PENAL ABOLITION: A MINORITY POSITION**

Within the realm of critical criminology, and its role as conscientious objector in the discipline of studying crime, the penal abolitionist perspective puts forth questions about crime and penalty that are challenging, not only in questioning the status quo, but also in problematizing it. Cohen (1992, 47) states that “the behavioral questions, the ones criminologists are obsessed with—‘Why did they do it?’—might be dead-end ones when compared with the definitional questions: Why is that rule there? How is it enforced? What are the consequences of this enforcement?” Christie adds that,

with a perspective on crime as an endless natural resource, we can raise the questions which are rarely made explicit. We can ask: When is enough, enough or, eventually, when is it too little crime? And following that, what is the suitable amount of control through the penal apparatus—eventually, what is the suitable number of officially stigmatized sinners? How large can we let the penal system grow, or conversely, how small can we have it, if we need it at all? Is it possible to establish upper, and eventually lower, limits to the amount of punishment that ought to be applied in modern society? And lastly, for those of us working close to this field, is it possible for us to influence what happens? (2003, 101)

In light of these challenges and proposed questions, the role and contribution of penal abolitionism in the criminological field become clearer. Although it is a perspective that most find
obscure or idealistic, or not academic, to mention a few of the reactions that penal abolitionism has elicited, and although it is a perspective that few take the time to study and fewer take the time to research, it is also a perspective that thrives in its marginality and embraces the role of a 'minority position' in academia. It is the diversity in this field that makes it relevant, for if there was a total monopoly on the production of knowledge, mainstream academia would become an official branch of the state’s social control apparatus. It is in the power games that seem to inherently infuse the politics of diversity that the penal abolitionist perspective, much like disenfranchised populations in society, finds itself.

**CRITIQUES OF PENAL ABOLITIONISM**

Given its disenfranchised position in the field, penal abolitionism is often held up to criticism and, when referred to at all, referred to within the context of explain yourself more than within the context of who are you and what do you stand for? It is also a position that is lumped into the crazy radicals stereotype, often perceived as holding a uniform identity, because through a mainstream lens ‘minorities’ all look the same and do the same things. The power games that oppress exploited populations in society do not oppress the ‘minority’ populations in academia; they may briefly silence them, but it is during those moments of silence (to mainstream ears, not among the minority) that observation of the mainstream is exercised, and true contemplation of a strategy to implement change is done.

Within this context, I address the issues that arise when a critique of penal abolitionism is presented. Christie explains that "the most radical among them [abolitionists] want to eliminate penal law and formal punishment altogether. But there are several major problems with that position" (2003, 80). He explains that absolute abolitionists, those whom Morris referred to as immediate abolitionists, those who advocate for the eradication of the penal system in its entirety, are in essence
taking away the opportunity of retributive justice (revenge) for victims of harm who may want to use it. Absolute abolitionists tend to address this critique through a presentation of victims’ needs that outlines the need for revenge as occurring early in the stages of surviving victimization. In most cases those who seek to address the harms they have encountered are encouraged to address violence in non-violent manners.

It is only through the criminal justice system that violence is encouraged and revenge offered as a solution to harm. The answer to this question that some victims may want revenge is different for gradual abolitionists: the value of retaining options is essential. The gradual abolitionist would suggest that other models for achieving justice be implemented as totally separate from the penal structure but just as legitimate. It is hypothesized that, if the general population can come to realize that there are “other less painful and more productive ways” of dealing with harm, they will turn to these options. It is also hypothesized that the penal system, set up alongside other legitimate options for conflict resolution, and thus opening itself up to comparison, would eventually prove itself obsolete.

Absolute abolitionists criticize this assertion, claiming that penal structures work to legitimize penalty and co-opt any other legitimate options for conflict resolution—alternatives cannot exist alongside the penal structure. In response gradualist abolitionism asserts that the power of resistance is infinite, and turn to non-Western nations for examples of societies that do not rely heavily on an oppressive penal regime. A study of legal pluralism aids in addressing these questions and working toward solutions to these debates.

Christie also put forth the critique that, “in enthusiasm for mediation, it is important not to forget that rituals and arrangements in penal courts might have important protective functions. When tensions run high, maybe even immediate violence threatens, the solemn and often utterly tedious and dull rituals in the penal apparatus might have a calming effect” (2003, 87). While this argument may hold true within classical and
positivist assumptions about the nature of society, it is important to emphasize again the principles of peacemaking and a reaction to conflict that understands that, "if violence is admitted and addressed, it is less likely to be destructive than if it is repressed" (Mindell 1995, 223); thus, the numbing of volatile situations through the implementation of dull and tedious proceedings does not diffuse the flame, but only represses it, creating a greater chance for larger explosions later.

An often misunderstood feature of penal abolitionism relates to the perceived goal of achieving an idealistic society void of violence and harm. Van Swaanningen (1997, 25) explains that "Wichmann and Bonger both rejected the notion of an ideal society or the idea that crime will ever disappear. They concluded that 'truly educational reactions cannot be of a punitive nature, but should indeed offer positive stimuli to the individual's personal development'; to do this properly, peacemaking principles need to be pursued. According to Kohn (1996, 55, 58), effective discipline has been associated with conformity and obedience, while rewards and punishments have been associated with control, not order. Also, it is the predictability of rules that invokes comfort in knowing what to do—it is the categorization of reactions to conflict that provides safety in rule-setting, not the actual existence or implementation of the rules themselves (70). Utopian expectations lie in the categorical definition of conflict and categorical response to it. Conflict is seldom rational, seldom organized, and seldom predictable; it is the opposite of these principles that makes it conflict, so a response that is categorical and rule-oriented is utopian; the promotion of more flexible options to deal with conflict and the realization that we cannot continue to believe that, "if you scare people enough, they will comply" are not.

It is important to note that penal abolitionism is not a rejection of the existence of violence, but a rejection of the counterproductive nature of punishment. In that rejection abolitionists recognize that punishment is more than an administrative principle; it is an ideology. That ideology is elemental in contemporary social
structures and their oppressive status quos: those structures that legitimize classism, racism, sexism, heterosexism, and ageism also legitimize the penal mentality, which in turn allows the penal system to exist. The enforcement of penality as a method of social control imposes a criminal form of justice that is oppressive, idealistic in its expectations of deterrence, and unrealistic in its expectations of creating safety.

Wichmann emphasized what later came to be Mathiesen’s (1974) notion of the “unfinished,” a rejection of the notion of completeness. Wichmann stated that “crime has always been and will always remain. Its massive character is, however, not self-evident and can be limited by social measures. The realization of socialism will first of all change the nature of crime, and perhaps also diminish the level of crime as a whole” (van Swaaningen 1997, 58). In this respect Wichmann’s analysis and propositions are much like Bonger’s and Engel’s, rooted in a critique of capitalist structures. In this analysis conflict does not disappear; instead it appears in a manner that avoids demonization, stigmatization, and fear, while promoting the values of taking responsibility and maintaining social balance.

The most verbalized concern about penal abolitionism is the basic: so what do you propose to do instead? Knopp (1991, 181) explains that “the pressure is always excessive for abolitionists to produce a plan, a plan that solves every problem and deals with every criminal act before abolition can be considered. But it is not necessary to have a finished blueprint; it is not necessary to know the last step before taking the first step. The first step toward abolition is to break with the old system and help conceptualize the new.”

Within the penal abolitionist framework the finished, the determined, and the predictable tenets hold elements of repression and inflexibility; thus, when a plan is called for, abolitionists respond from within the ideology of Mathiesen’s unfinished. Pepinsky (1991, 315) presents a response to this concern that explains the logic behind such responses. He explains that “peacemaking means being ever open to surprise
and discovery of good and bad, successes and failures.... There are, as Ms. Knopp notes, no final solutions for a peacemaker. To act on a ‘solution’ is to stop listening and responding to one’s impact on others. It is a tip-off that warmaking entrepreneurs typically promise to solve ‘all your problems.’

The lack of an absolute answer does not justify the unnecessary evils of penal repression. In attempts to delegitimize abolitionism the mainstream and the privileged rely on a silencing of the questions, putting forth a demand for a solution. That very demand for a solution, while admitting a problem with penal justice, refocuses the discussion from an understanding of these problems to an answer to the unasked critical questions of penalty.

As Mathiesen (1974, 13) points out, “abolition is a point of departure.” Abolitionism is not absolutism. Absolutism is a tenet of the positivist, classical, and mainstream criminological disciplines. Absolutism promotes a dichotomized, right-and-wrong assessment of social reality and social problems. In the critical and radical criminological paradigms these tenets are not prioritized; thus, according to abolitionism, “there is no reason to expect any terminated condition of final abolition; for example, no country can count on attaining a terminated condition of final revolution; a retrospective consolidation of abolition which has been attained – for example a revolution in a country – is the same as finishing the abolition and in large measure returning to the old. The maintenance of abolition implies that there is constantly more to abolish, that one looks ahead towards a new and still more long-term objective of abolition” (Mathiesen 1974, 211-212).

The most recognized principles among academics who are not abolitionists are those related to the policy implications and suggestions made by abolitionist researchers. The least recognized but most fundamental aspects of the abolitionist perspective lie in a recognition of crime as a legal, not a social, concept, and in the assessment of the power dynamics involved in state politics and oppressive social structures. Based on these theoretical foundations, the emergence of a penal abolitionist
administrative policy occurs. Penal abolitionists do not just call for the abolition of the penal system. The perspective provides a logic, a mode of reasoning, a theoretical model concluding that abolition of penality is imperative in the quest to deal with violence and inequality.

How do penal abolitionists use scientific data to support theoretical foundations and conclusions? Abolitionists hesitate to glorify and follow in the footsteps of Western philosophical traditions. “They are suspicious of the, both legal and sociological, custom not to be satisfied with anything before all particular events have been neatly arranged in mental drawers of classification schemes,” and the cause of these suspicions “is the experience that classifications are treated as if they were realities.... Hence if there is such a thing as crime it can only exist as something one can immediately see, i.e. a very specific act” (Scheerer 1986, 11). In relation to notions of empiricism theoretical abolitionists identify well with what Takeyoshi Kawashima once called empirical immediacy. “To the Japanese,” as Scheerer notes, “each thing has its own characteristics which differentiate it from other things. So it cannot be seen as falling within a class. The reflexive approach to crime and criminal justice evident in abolitionist thinking might reveal a structure quite similar to this kind of Eastern thinking. Both distrust and abstract general classifications... stress a limited social nexus, thus preventing the rise of universals” (11).

Abolitionists recognize that there is a sense of comfort that comes with predictability and categorization, but they also recognize that the process of generalization, while convenient for the scientific production of knowledge, is not convenient when the quest is to properly represent the society one is attempting to assess. This radically different perspective, which is not popular among or understandable to most Western researchers, results in a criticism of the abolitionist perspective by “numerous scholars who find it rather strange to their own way of perceiving things” (Scheerer 1986, 11). Aside from a conceptual gap between penal abolitionist and classical/positivist methodological boundaries,
a functional gap also exists. The functional gap is illustrated through a presentation of Mathiesen’s action research proposal.

Mathiesen explains that, “since all research involves influencing of the system which is being investigated, and since all information which is disclosed constitutes a ‘response’ to such influence, all research may be said to be ‘action research’” (1974, 29). The influences that he is referring to are not limited to crime policy: they may result in that (ideally), but in addition research on crime impacts and influences the social construction of crime as a category, and sometimes impacts public attitudes toward the criminalized population. These realizations about the functions of research extend well beyond discussions among academics and enter the realm of social existence. The transition from traditional research to action research provides the researcher with the opportunity to engage in resistance. As Mathiesen points out, “the bases for resistance... are among the many which contribute to the maintenance of a relationship between research and politics through which both activities are exposed to internal binding, internal strangulation. The conscious breaking down of the boundary between them may possibly create the foundation for research and politics being more of a liberated field for all the people; research being liberated by politics, and politics by research. At least, this may be an ideal goal” (36). It is this direct and implied abolitionist link between theory, research, and politics that causes many scholars to dismiss the academic nature of the abolitionist perspective. But within the rejection of the ability to achieve objectivity in research the link is legitimate and necessary from a radical criminological approach.

While the majority of the literature on abolitionism focuses on destructuring the present oppressive social order, there is also a focus on the dehumanization of individuals in both the academic- and the state-oriented categorizations and assessments of the ‘criminal’ or at-risk-of-becoming-criminal populations. The scientific process, as implemented through positivism and mainstream criminology, aims to advance knowledge with little consideration of the dehumanized elements it brings upon the
subjects of their research. This may not be done consciously, but is implemented through a miscalculation of the amount of power that academia possesses in its role as a producer of knowledge.

While the policy implications for criminal justice administrative sanctions are not always clear, it is important to realize that the academic criminological culture has claimed expertise in crime, and with that expertise comes responsibility. According to penal abolitionism, that responsibility is not primarily to science but to society. Science is regarded as a tool to be used in the progression of knowledge and ultimately in the progression of quality of life. When science is used to legitimize oppression through an unquestioned acceptance and justification of the criminalization process, especially within the contemporary context of the criminalized population’s demographics (race, age, and class seem to be the most crucial determinants of inclusion in the criminal population), the typical abolitionist cannot help but cringe.

Scientific studies that undertake analysis of the criminal population, but do not incorporate the context of power and social order, or do not incorporate a critical assessment of the criminalization process, are, in the view of abolitionists, participating in the legitimization of oppression through a scientification of the dehumanization of the powerless. Objectivity in research, according to abolitionism, is rejected as not only unrealistic but also unnecessary. In addition, the professionalization of justice is problematic because it disempowers the people directly involved in conflict and sends the message that people cannot properly define or deal with their own problems. Likewise, the professionalization of knowledge is problematic because it loses touch with the people who are being used to produce this knowledge. Following these assumptions, abolitionists undertake research in a manner very different from traditional positivist and classical criminological paradigms.

Abolitionist Use of Quantitative Data
In rejecting the notion of objectivity abolitionists recognize that official crime statistics used in positivist and (neo)classical
research studies can tell a very different story when viewed through an abolitionist lens. Through this lens official statistics represent the behaviour of the state, not the behaviour of individuals. The number of arrests made each year, the number of people in prison, and the number of cases a court processes do not represent social behaviour: they are records of the state’s behaviour, and are relied on as clear, accurate descriptions of what the state did, whom it criminalized, and how it dealt with them. Chambliss and Nagasawa’s concluding remarks in a 1969 study affirm penal abolitionist views of the roles and functions of official crime data: “The findings of this study... lend support to the argument that official statistics may tell us a good deal about the activities of agencies responsible for generating statistics, but they tell us very little about the distribution of criminal or delinquent activities in the population” (77).

Self-reported data, according to abolitionism, are not necessarily different from officially reported data in their implications and validity, because self-reported data rely heavily on state definitions of harm— if anything, self-reported data illustrate how much crime the state did or did not detect, and serve as a measure of effectiveness for the state’s penal institutions: how much crime the state detected compared with how much crime the general population participated in.

Christie provides a good example of how quantitative data are used within the penal abolitionist perspective. He explains that the United States currently has 2.1 million prisoners, 730 prisoners per 100,000 inhabitants. “The increase [in the prison population] has been unbelievable since 1975. The growth has slowed down recently, but has not come to a complete stop” (2003, 53). He adds that, with 4.7 million people on bail, probation, and parole, “6.8 million of the US population in 2003 is under some sort of control of the institution of penal law” (53).

In this context the use of official statistics has little to do with measuring or representing violence in society, and has a lot to do with measuring the amount of control a state exercises over people through its use of criminal justice. Christie (1993) points
out that 2.4 percent of the entire US population, and 3.1 percent of the population over the age of fifteen, are under some form of control by the penal system. He also provides cross-national statistics that illustrate the disproportionately high number of people in prison in the United States compared with other countries on a per-capita population basis. His conclusion is not that citizens of the United States are more violent but that the US government participates in imprisoning its citizens more than other nation-states. This shift in focus is instrumental in the abolitionist framework. Instead of relying on government statistics to assess the behaviours of the people, abolitionists more appropriately use government statistics to assess the behaviours of the government.

**Abolitionist Use of Qualitative Data**

Because crime is a socially constructed notion, and because society’s behaviour cannot be assessed through a study of state-gathered evidence, quantitative data sets produced by the state represent state behaviour; while official data are used to reveal the flaws of the state (racism, classism, and so on), ethnography is used to put forth a firsthand presentation of experiences with violence, harm, and/or criminalization. A widely used quantitative tool in the penal abolitionist perspective is the use of writing by prisoners when attempting to discuss or assess the processes of criminalization and, more specifically, portray the experience of imprisonment. The *Journal of Prisoners on Prisons* gathers articles written by prisoners from all over the world, and publishes them for use in university classrooms, distribution to imprisoned peoples all over the world and sale in bookstores. It is an underlying philosophy in the abolitionist methodological realm that, to portray criminal experiences, it is best to hear about them from the sources.

Ethnographies in the penal abolitionist perspective are best presented as biographies or autobiographies. Davies explains that “it is important to recognize the existence of a philosophy of incarceration which is specifically located in the experience of having been in prison” (1990, 21). He further divulges that in
his presentation of prison writings “my interest is not with how we rationalize having prisons, nor how prisons fit into a general conception of social order, but how, being prisoners, we come to terms with our own incarceration” (21). He contextualizes his intentions by stating that, “if we are to be more than reflectively impotent... the writings must be placed within our own communities, with a connectedness that is able to deal with social structures not simply as alien impositions, but as human creations that must be remade, transformed. And to do that we have to rethink our entire sense of human relationships” (240).

In his assessment he is referring specifically to the role of prison writing; I extend this philosophy beyond prisoners’ work and into how qualitative data are used in the penal abolitionist realm. The intention is to capture the experiences of criminalization, victimization, and marginalization, as opposed to using these experiences to explain any specific theory of crime.

Maintaining the penal abolitionists’ emphasis on firsthand experience as the most reliable voice, Ruth Morris’s (2000) book *Stories of Transformative Justice* is an example of an abolitionist work that captures stories and experiences in a manner that is personal. Morris presents firsthand accounts of her experiences with transformative justice, and combines these experiences with records of actions taken and successes achieved on the road to abolition. She presents stories of transformative justice as told by the people who experienced them, and she places herself within this ethnography, including her experiences with transformative justice alongside the experiences of those whom she interviewed. This method of placing the researcher within the research not only deprofessionalizes the role of the researcher, but also humanizes the people interviewed. It also equalizes the power balance between researcher and researched, and relates well with Mathiesen’s conceptualization of action research.

The role and function of ethnographic research in penal abolitionist methodological works is well articulated in Gaucher’s (2002) analysis of the task of the *Journal of Prisoners on Prisons*. Gaucher states that “the analysis and commentary
of prisoners in this anthology represent a counter-inscription to these developments [expansion in prison populations and the crime control industry] and the arguments that legitimize them. Located firmly within the long-established tradition of prison literature... , they collectively represent the prisoner-intellectual's responses to the current conjecture, as informed by the experience of criminalization and incarceration in the 1990s” (5; emphasis added). It is in this philosophy that the humanization of the criminalized population as pursued in penal abolitionist methodological works is presented, in the hope of contradicting the dehumanization of ‘the criminal population’ enforced through positivist and (neo)classical assumptions of objectivity and deluded conceptions of the researcher as apolitical.

CONTRADICTIONS IN PARADIGMATIC METHODOLOGIES

Mathiesen’s assessment of the role of research in abolitionism incorporates a bottom-up, unfinished perspective, as opposed to a top-down, completed framework. Mathiesen states that “it is assumed that the refined theory will, through new hypotheses, lead to a new and refined disclosure of information, in a feedback process with theory. In this way, research is in principle an unfinished process.... It is this character of being in principle unfinished that may give vitality to research. In this respect, research perhaps resembles art, and is not unlike a series of other activities in society—in the world of labor and leisure—which are not in principle finished” (1974, 29).

Within this paradigm’s theoretical models “theory and practice should always be reciprocal, and the incentive for innovation is formed by social movements” (van Swaaningen 1997, 54). In essence the penal abolitionist perspective emerged out of dissatisfaction with the penal system. It incorporated (and continues to incorporate) a mode of knowledge production that is in direct contradiction with the very structures it opposes: individual determinism, generalization of individual experiences,
and the inherent dehumanization processes involved with such structures.

It has been shown how the acceptance of an unfinished philosophy in abolitionism is incorporated into the methodological tools used within the perspective. It is through the presentation of personal experience within a framework that highlights the scale to which penal repression can rise (as illustrated in Christie’s assessment of quantitative crime data) that the penal abolitionist methodologies function. It is with the expressed goal of humanization and empowerment that this perspective carries out research.

THE PRODUCTION OF KNOWLEDGE: ACHIEVING CONCLUSIONS

In this chapter I have presented a definition of the penal abolitionist perspective as a theory of the nature of crime, embracing a social constructionist definition of crime and encompassing a peacemaking definition of the view of human nature. I have illustrated through the form of analysis chosen here that contextualization of knowledge is as relevant to the production of knowledge as is the contextualization of socially constructed categories to the production of crime. My presentation of knowledge production in the penal abolitionist perspective illustrates how penal abolitionism uses data to support both its theoretical conclusion and its ideological framework. Penal abolitionism encompasses a destructuring impulse. I have illustrated how a starting point for destructuring the concept of crime may well be within the structuralized nature of knowledge.

Cohen (1992, 89) states that one may wonder why the study of crime, “a subject so obviously grounded in the real world,” should put effort into

mapping out the histories and present contexts in which knowledge is produced rather than in getting along with the
real business. The answer is paradoxical: some measure of self-consciousness about how knowledge is produced and diffused is needed to assess what proportion of this knowledge speaks only to itself. This is true even for the natural world; as Sir Arthur Eddington, an astronomer, once told his colleagues, "we have found a strange footprint on the shores of the unknown. We have devised profound theories, one after another, to account for its origins. At last, we have succeeded in reconstructing the creation that made the footprint. And lo! It is our own."

Penal abolitionism assumes that, a realization that the footprint is "our own," the notion of crime as a social construction will be emphasized in the academic field of criminal justice. Only then will the conceptualization of crime shift from understanding it as a phenomenon of human behaviour to understanding it as a process of criminalization imposed by the state.

For that to happen the grander social structures need radical revamping, and in some cases abolition, as is the case for penal structures. Abolition in this structural sense extends beyond the institutions of penal control and into the mental structures that allow these institutions to exist. These mental structures are currently grounded in a categorical, deterministic, and completed framework that is both oppressive and counterproductive. Unfortunately the academic structures associated with the study of crime are themselves dichotomized. A move away from paradigmatic divisions would be ideal, even though their present positions are contradictory and volatile, presenting an atmosphere for the study of crime that is at least structurally representative of the contradictory and volatile nature of the subject at hand. Kuhn presents an assessment of the paradigmatic trap that is relevant to these observations:

Without commitment to a paradigm there could be no normal science. Furthermore, that commitment must extend to areas and to degrees of precision for which there is no full precedent. If it did not, the paradigm could provide no puzzles that had not
already been solved. Besides, it is not only normal science that depends upon commitment to a paradigm. If existing theory binds the scientist only with respect to existing applications, then there can be no surprises, anomalies or crises. But these are just the signposts that point the way to extraordinary science. If positivistic restrictions on the range of a theory's legitimate applicability are taken literally, the mechanism that tells the scientific community what problems may lead to fundamental change must cease to function. And when that occurs, the community will inevitably return to something much like its pre-paradigm state, a condition in which all members practice science but in which their gross product scarcely resembles science at all. Is it really any wonder that the price of significant scientific advance is a commitment that runs the risk of being wrong? (1996, 100–101)

Fortunately (or unfortunately), in the social sciences, the risk of being wrong is minimized. The subject that we study, the complete nature of crime, is so complex, so ambiguous, and so susceptible to myriad influences and explanations that the possibilities are endless yet relevant. The key to grasping these possibilities lies in the ability to assess theories of crime according to their contextualized paradigmatic cultural affiliations, and the relevant conflicting basic assumptions held in relation to humanity and society. The key to advancing knowledge on crime lies not in proving or disproving theory, but in abolishing the perceived ability to unify the nature of crime.

NOTES

1 In presenting Wichmann’s ideology I rely on van Swaanningen’s translation of her works.
2 Much of Wichmann’s work was heavily influenced by Marx’s notions of revolution, both in the social realm and in the scientific realm, as well as his view of socialism (Marx 1956, 25).
3 “Crime” is presented in many abolitionist texts with quotation marks to emphasize its constructed nature.
The term is meant to encompass both criminology and criminal justice disciplines.

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