# For a materialist programme of prison abolition

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# Introduction

Kia ora te whānau. I would like to start by acknowledging the mana whenua of this land – the Wurundjeri people of the Kulin Nation, who’s tino rangatiratanga, self-determination, and unceded sovereignty continues to this day. I also acknowledge the tupuna and tipuna, the elders past, present, and future, who have carried on the struggle for centuries before us and will do so after us. However, this acknowledgement isn’t a mere formality, but crucial part of our analysis of and efforts to combat the prison industrial complex. Indeed, in the settler colonies, any work in the justice area will be fundamentally flawed without first placing it in the material conditions of theft, dispossession, invasion, genocide as a process of ongoing colonisation.

Although I’m presenting this paper in occupied Wurundjeri country, this intellectual labour that went into it was done on land stolen from the Ngāti Whatua people on the isthmus of Tamaki Makaurau, Auckland. While I wish I knew more about the carceral landscape of Australia, my knowledge comes instead from prison abolitionist organising, prisoner advocacy, and criminal justice research based in New Zealand. This paper is an opportunity for me to work through key issues I see with the praxis of prison abolitionist organisations, like People Against Prisons Aotearoa for which I am a member, and scholarship.

For the sake of time, I will assume all of us in the room are in agreement that (1) prisons are fundamentally destructive and (2) must be abolished. This paper starts from the assumption of abolition – I will not justify the necessity of the cause to you in this paper, but I am happy to do so in response to questions. Instead, I want to understand how we can achieve the seemingly impossible yet necessary task of abolition.

Indeed, the problem I’ve hoping to chip away at today is how we take abolition seriously. How we actually achieve it. Although Foucault famously argues that there has been prison reformism as long as there have been prisons, there have abolitionists for almost as long as well – arguably for thousands of years. I would argue that just as reformism has failed to achieve justice, persistent calls for abolition have similarly failed to come to fruition. In fact, just as abolitionist scholarship reached its academic peak in the early 1970s, Western governments implemented rafts of criminal justice reforms, alongside economic restructuring and renewed accumulation by dispossession in the same period, which saw explosive growth in prison populations and state repression generally, particularly in the US, UK, and New Zealand. While the economic and social conditions were beyond the control of the handful of abolitionist scholars and activists, and they certainly cannot be blamed for the reactionary reforms, I argue that a better prepared praxis may have been able to edge us closer to abolition.

# Utopianism of abolition

The issue I see with much of abolitionist scholarship and activism is what I’m loosely calling the ‘utopianism’ of abolition. I acknowledge this may not be quite the right term, but generally collects the key issues I see. Nonetheless, by the utopianism of abolition I generally mean the following: the assumption that regardless of the current social conditions and contradictions, we can get from mass incarceration to a world without prisons. While there are too many subtendencies of this tendency to outline here, I will note three as they will be useful foils for the kind of analysis I hope to outline at the end of this paper.

First, Thomas Mathieson is the father of the 20th century abolitionist movement. Mathieson’s analysis in *The Politics of Abolition* is, at times, thorough and brilliantly materialist and, at other times, nihilistic and idealistic. His crucial contribution is that abolition is forever an unfinished process. History cannot end because new tasks for the abolitionist will always emerge in order to address injustice. However, Mathieson also fundamentally rejects the idea that abolitionists should offer alternatives to prison, arguing that the offering of alternatives will always have a conservatizing effect, requiring compromise of abolitionist principles and the potential for carceral recapture of alternatives.

At face value, this may seem to cohere with his argument that abolition is always unfinished. However, closer analysis demonstrates a logical incoherence. Indeed, by rejecting the proposition of alternative modes of justice, abolition can only be achieved when inspired by a beautiful soul-like insurrectionary moment in which things magically are transformed from being fucked, to being perfect. If Mathieson seriously believes in the possibility of abolition but rejects alternatives, abolition can only come about in this organic, unplanned, yet perfect world, so as not to be conservatizing and carceral. If abolition is truly an unfinished project, it requires actually getting started. A refusal to try alternatives is also a refusal to get started on something incomplete, instead waiting for a perfect solution which takes us to the end of history.

On the contrary, proposing a concrete alternative to prisons must start with the assumption of imperfection – that whatever comes next must be fundamentally progressive and yet, as a human-made, flawed and contradictory.

This rejection of alternatives due to the self-contradictory need for perfection, should also be understood in relation to penal abolition – what I identify as a second strain of utopian abolitionism. While prison abolition seeks to end prisons, penal abolition further argues that society must end punishment entirely. Coming from religious and other moral justifications that see the deliberate infliction of pain as morally unjustifiable, purist penal abolitionists reject any reform that, while reducing the scope of the prison, maintains systems of punishment. While there I personally share the moral convictions of penal abolitionism, and there is even criminological and psychological evidence to demonstrate the inefficacy of punishment per se rather than just imprisonment, ultimately penal abolition is an ideal. It is the classless, peaceful utopia, in which not only material conditions of production have changed, but normative social practices, relations and values have changed. Indeed, where we can physically shut down every prison in the medium term, addressing the norms of punishment extend far beyond material state practices over which we have, in theory, democratic control. Thinking of penal abolition as a normative ideal for which we ultimately strive, I argue prison abolition must be the materialisation of imperfect efforts to approach that ideal.

The dominant, yet unacknowledged, theoretical disposition I have personally witnessed and otherwise read about in abolitionist activist spaces is of political purity or ultra-left abolitionism – the third utopian tendency. Indeed, while a radical left project necessarily sees itself in opposition to the powerful, that opposition can sometimes extend to an opposition to power per se, even when wielded democratically. In this sense, the fear of the left to democratically take power, because of the undeniable potential for its abuse or disappointment in its application, means we can also reject the imaginative potential of thinking through what democratic power can look like. In order to remain pure and, frankly not to be called out for inevitable missteps, we wait for the perfect world that will never come.

For abolitionist ultra-leftists, this can mean rejecting any process of justice that involves the use of power or coercion. At its extreme, this form of abolition does not see prisons and their oppressive structure and effects as the issue, but power per se. However, if we genuinely want to achieve abolition, I would argue we need two things: (1) a powerful critique of how prisons fail to ensure safety and (2) and alternative justice system or systems that better approach safety. While we certainly have done the first, the second is often rejected because of contentions like Mathieson’s, the penal abolitionists, and those ultra-leftists who somehow believe that constraint or coercion is never necessary. While that it certain the ideal of a penal abolitionist future, it does not take into account our current material conditions, which are so socially destructive that people pushed into harming one another.

# Materialist

When a beautiful politics of perfection is discarded, however, prison abolition is not only necessary, but entirely possible. Indeed, from my analysis of the New Zealand criminal justice system, New Zealand has the capacity to shut down every prison over the next 10 years and improve public safety and justice outcomes. What I call the utopian prison abolitionism. Then. can be also described as the rejection of the possibility of prison abolition, because of the need for a perfect, yet politically inexplicable switch to a utopian world without power or punishment.

By contrast, the project I’m embarking on, for which this paper I hope will lay some of the theoretical foundations, seeks to understand the possibilities for abolition, based on the current conditions and the possibilities for social change made possible in the contradictions of late capitalism. For this reason, I propose that an abolitionist scholarship rejects the totalising narrative that all elements of the settler-colonial capitalist justice system are inherently oppressive. Instead, we must seek out the contradictions that lay the groundwork for transformation. Seeking out these contradictions will also help us to clarify what precisely it is that we oppose, support, want to do away with, expand, invent, or reinvent.

Thinking specifically about the prison, it is not *only* a site oppressive site for the reproduction of racism, colonisation, and poverty. It is also a place where many people get healthcare for the first time, however dismal. It can provide certainty of food and shelter and, for some people – particularly women prisoners who have extremely high rates of victimisation in the community – safety. This is a contradiction about which we should be fundamentally ashamed – that people can experience sometimes better standards of living in a cage than in their community. This contradiction, however, also allows us to critique that which is destructive – the cage, the isolation, the disconnection, and prison-specific violence – while also allowing us to see the need for social transformation where access to food, shelter, healthcare and education are a right.

Extending this analysis of contradiction to the justice sector more broadly, I think we can see imperfect justice alternatives that can allow for a transition from prisons in the medium term. For prison abolitionists, what I’m about to say next is heresy, so fair warning. If I had heard saying what I’m about to say a year and a half ago, I would have been highly critical. I’m asking you to hear me out. For those of you outside of the abolitionist social field, this might be simply obvious. Both parties, please bare with me.

For many of us in the abolitionist space, the justice system is fundamentally and entirely broken. We’ve seen reforms that were supposed to reduce the size of the prison system ultimately lead to net-widening – or where more people are swept into the justice system because judges are now able to dole out “softer” punishments to people who would otherwise not have been punished. Indeed, a small number of early abolitionists expressed excitement around the possibility that probation, electronic monitoring, and home detention could all reduce the number of people in prison. In practice, this hasn’t been the case. As a result, and in addition, many abolitionists argue that these ‘alternatives’ represent carceral expansion, increasing the ability for state surveillance and turning the home into a prison.

What I want to counter-argue is that these net-widening alternatives actually represent a fundamental contradiction and opportunity for an abolitionist project, if we are willing to accept imperfection. Indeed, if we see these, instead, as a value-neutral justice technologies and, appraise them based on the conditions in which they emerge, it’s possible there is a kernel of possibility in these contradictory alternatives. Indeed, if there were different conditions, the effects would in theory be different. What I mean is that the reason these particular alternatives had net-widening effects is that they were implemented in a justice system that still had prisons. They were an add-on, rather than a replacement. If, instead, home or community detention were the most severe form of punishment and containment rather than imprisonment, the social impact would be vastly different. Indeed, seen as an interim measure, a rapid transformation of the justice system to shut down prisons could involve a justice realignment, in which a small percentage of people who are currently imprisoned could be contained in home or community-detention conditions, pending, where necessary rehabilitative programmes. Therefore, an alternative such as this, based on already-existing technologies, could help abolitionists to actually address the question that forever plagues and undermines our politics: what do we do about the dangerous few?

To clarify, however, what I just outlined is not the blueprint I’m suggesting for a transition from prisons. Instead, it’s an example of the way that a materialist and dialectical analysis of the justice system can help prison abolitionists to embrace the possibility of abolition.

As I have indicated throughout this paper, what I see as a crucial barrier to the social transformation needed for abolition is the belief that there is no alternative. While popular opinion polls in NZ show, from time to time, that prisons are wildly unpopular and people know they don’t work, many see them as a necessary evil because there is no alternativeFor this reason, I see the key project for a prison abolitionist movement that actually wants to make abolition a reality, as demonstrating not only that there’s a concrete alternative but that the alternative will improve the lives of ordinary people. What I, therefore, propose is that abolitionists take time to rigorously study our local and international justice systems so that we can construct a programme for achieving abolition in the next 10 years. Of course, our exact programmes will never be implemented to the letter, but in a society where it’s impossible to imagine a world without prison, we need to be a little more imaginative. This kind of transformative social change won’t just happen on its own, but only if we fight for it. We can’t just hope that the world will get better. We have to be bold, imperfect, and be willing to make mistakes, because there is no alternative until we create one.