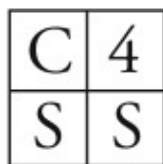


# WE ARE NOT DISPOSABLE! BUILDING ALTERNATIVES TO PRISONS

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This study contains topics and content that may be triggering.

Examples include discussions of rape, prejudice and violence.

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'Hello, you little fat father!' the devil said to the priest. 'what made you lie so to those poor, misled people? What tortures of hell did you depict? Don't you know they are already suffering the tortures of hell in their earthly lives? Don't you know that you and the authorities of the State are my representatives on earth? It is you that make them suffer the pains of hell with which you threaten them. Don't you know this? Well, then, come with me!'

The devil grabbed the priest by the collar, lifted him high in the air, and carried him to a factory, to an iron foundry. He saw the workmen there running and hurrying to and fro, and toiling in the scorching heat. Very soon the thick, heavy air and the heat are too much for the priest. With tears in his eyes, he pleads with the devil: 'Let me go! Let me leave this hell!'

'Oh, my dear friend, I must show you many more places.' The devil gets hold of him again and drags him off to a farm. There he sees workmen threshing the grain. The dust and heat are insufferable. The overseer carries a knout, and unmercifully beats anyone who falls to the ground overcome by hard toil or hunger.

Next the priest is taken to the huts where these same workers live with their families--dirty, cold, smoky, ill-smelling holes. The devil grins. He points out the poverty and hardships which are at home here.

'Well, isn't this enough?' he asks. And it seems as if even he, the devil, pities the people. The pious servant of God can hardly bear it. With uplifted hands he begs: 'Let me go away from here. Yes, yes! This is hell on earth!'

'Well, then, you see. And you still promise them another hell. You torment them, torture them to death mentally when they are already all but dead physically! Come on! I will show you one more hell--one more, the very worst.'

He took him to a prison and showed him a dungeon, with its foul air and the many human forms, robbed of all health and energy, lying on the floor, covered with vermin that were devouring their poor, naked, emaciated bodies.

'Take off your silken clothes,' said the devil to the priest, 'put on your ankles heavy chains such as these unfortunates wear; lie down on the cold and filthy floor--and then talk to them about a hell that still awaits them!'

'No, no!' answered the priest, 'I cannot think of anything more dreadful than this. I entreat you, let me go away from here!'

'Yes, this is hell. There can be no worse hell than this. Did you not know it? Did you not know that these men and women whom you are frightening with the picture of a hell hereafter--did you not know that they are in hell right here, before they die?'

Written by Feodor Dostoyevsky on the wall of his Siberian prison cell in 1849, calling it [\*The Priest and the Devil\*](#).<sup>1</sup>

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<sup>1</sup>Feodor Dostoyevsky, "The Priest and the Devil," Hosted by Bartleby.com <<http://www.bartleby.com/71/0830.html>>

## Introduction: Resisting Disposability

Prisons are grotesque and brutal monuments to the power of the state.

They are an institution dedicated to *confining* our bodies to the smallest of spaces. So that we may suffer, feel tortured and so in the end, we may *repent*.

Unsurprisingly, the history of prisons is therefore also intertwined with the history of religious movements. Whether it is priests thinking that *penitentiaries* will help create *penance* among the criminal class. Or among the Quakers who innocently thought that isolation would help criminals consider their wrongs and ultimately embrace spiritual enlightenment.

None of this is to unilaterally blame religion given that the logic of the state, as queer activist and fellow prison abolitionist Dean Spade says, "...demands a dichotomy of innocent and guilty so that imprisonment and deportation can be justified."<sup>2</sup>

This should not be surprising to libertarians of any stripe. The history of the state is, as the anarchist Voltairine de Cleyre put it, "to become a thing apart". The machination of the state, with its representatives, elections and special interests quickly, becomes a game of *who* you know and not *what* you know.

For those who study [public choice theory](#), this is doubly unsurprising.

For example, we have national elections where your vote is statistically insignificant, where it is perfectly [rational to be irrational](#) about whom you vote for, where the votes you cast have their effects externalized and abstracted, making rational decisions much harder to make. This is not even including all of the convicted felons or prisoners (many of whom are people of color) who cannot vote, silencing their voices further.

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<sup>2</sup>Reina Gossett and Dean Spade, "No One is Disposable: Everyday Practices of Prison Abolition" Hosted by Barnard.edu <<http://bcrw.barnard.edu/event/no-one-is-disposable-everyday-practices-of-prison-abolition/#videos>>

The people who constitute the prison population themselves can roughly be divided into three groups; I divide them as de Cleyre did in her essay [\*Crime and Punishment\*](#):

- The Born Criminal – Someone who through some mental, biological or otherwise inherent trait, is destined for a life of crime. This sort of criminal, in my opinion, is exceedingly rare but I include them so that I may [steelman](#) the argument for prisons.
- The Criminaloid – Someone who is otherwise ordinary but has some disparity between their ability to reason and to desire things. They may have mental health issues that inhibit their ability to live normal lives. These criminals are more plentiful.
- The Accidental Criminal or Occasional Criminal – People who are completely normal but have some sort of outburst, contrary to themselves normally. These are the acts of passion or the case of manslaughter and the like.<sup>3</sup>

My position is that not only do none of these criminals *need* prisons but that prisons *themselves* are not necessary for a flourishing society.

The notion of "crime" as such is not well understood given most people think that crime is just a thing that *happens*. Too many news stations treat crime like there are no causes for it; there is no backstory to these individuals who have committed crimes. They are solely defined by their acts in these moments and the people sitting at home get to cast as many stones as possible.

But crime is not, as de Cleyre notes, "a plant without roots"<sup>4</sup>. Instead, crime has its social causes that need radical investigation that get to the roots of crime. So that we may actually try to find out *why* people commit crimes, instead of just confining them in cages as a solution.

A definition of "crime" may prove useful but could also be another study in of itself. Suffice it to say, "crime" is any act or lack thereof that violates a legal order and could be justly punished for. For sake of argument, I'll be presuming that punishment is a justified response to legal wrongs.

I have no delusions of grandeur, however.

The aim of this study isn't to *settle* the matter of prisons.

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<sup>3</sup>Voltairine de Cleyre, "Crime and Punishment" Hosted by the Gutenberg Project  
<<http://www.gutenberg.org/files/43098/43098-h/43098-h.htm#Crime-and-Punishment>>

<sup>4</sup>Ibid

But what power this may not have individually, to quote de Cleyre once more:

Nevertheless, by the continued and unintermitting action of forces infinitesimal compared with the human voice, the greatest effects are at length accomplished. A wave-length of light is but the fifty-thousandth part of an inch, yet by the continuous action of waves like these have been produced all the creations of light, the entire world of sight, out of masses irresponsible, dark, colorless. And doubt not that in time this cold and irresponsible mass of indifference will feel and stir and realize the force of the great sympathies which will change the attitude of the human mind as a whole towards Crime and Punishment, and erase both from the world.<sup>5</sup>

Prisons are not just places that house serial killers, rapists, and murderer. The prisons *are themselves* murderers, serial killers, rapists and on a larger scale than nearly any criminal could ever get away with.

As such, the call for abolishing prisons means getting rid of the current context in which serial killing and rape can be turned away from. Where "drop the soap" jokes can be made casually and everyone nervously laughs, deflecting from the actual horrors that happen in prisons.

To paraphrase Spade, prison abolition is a position that belies a set of principles focused on minimizing the amount of harm in society.

More concretely, what does an *abolitionist* stance look like?

In a blog post entitled [Exploring Prison Abolition](#) Carly Crane, from the *Barnard Center for Research on Women*, says,

Abolitionists take on the physical institutions of prisons themselves, condemning the violence inherent in a system and practice of punishment and imprisonment, but they

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<sup>5</sup>Ibid

also examine the violence in the ideology of prison culture—the violence in the very naming of someone as “criminal.”

That pervasive “prison culture” logic—almost like an intuition, as if the existence of prisons is instinctive—allows us to rationalize the existence of prisons and to justify the violence that always exists in prisons, that permits us to condone one violent act as a “crime” and another as rational “punishment” or even “justice.”

Think of the power and contradiction of the terms “drone strike” and “terrorist attack” to Americans. And, finally, the (often racially-fueled) logic that defines some in our society as “innocent” and others as “guilty,” some as “dangerous” and others as “safe” and leads to a whole host of avoidable, unnecessary, and self-reproducing violence.<sup>6</sup>

Libertarians are ever ready to point out that the state is an institution that delegates certain rights to state officials that individuals wouldn't normally have. Whether it is the right of police officers to monopolize the service of defense for communities, the military's monopolization of defending a population, or the court system which monopolizes the provision of justice.

Naturally, not all libertarians agree whether these should be *completely* left up to voluntary communities or whether there is room for *some* amount of state control. But regardless of whichever stance you take, you are likely critical and skeptical of monopolies on both ethical and economic grounds. I would urge that same skepticism towards the institution of prisons.

Prisons, whether “private” or state-funded (and it's often a mix) are institutions that engage in a form of mono-cropping, that is to say, drawing territorial lines around certain services. In this case, it is the matter of rehabilitation, reform and confinement. All of these things are largely monopolized by jails and prisons (the only difference between these two institutions is the

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<sup>6</sup>Carly, “Exploring Prison Abolition” Hosted by Barnard.edu <<http://bcrw.barnard.edu/blog/exploring-prison-abolition/>>



amount of time criminals stay there). And while this near-monopoly does not *prove* the case for abolition by itself, it at least warrants *some* amount of de facto skepticism from libertarians.

And of course, many libertarians *are* skeptical of prisons to a certain extent. Libertarians often rightly condemn the current system of mass incarceration, the harsh penalties, the “three strikes” laws that have [aided in the massive expansion of prisons](#), etc. Libertarians also tend to be against the death penalty, correctly seeing that the *state* is the *last* institution we should trust with the life and death of anyone.

All of these and more are popular critiques from libertarians towards prisons and rightly so.

But opposition on those fronts does not get to the *roots* of what causes all of these things occur. Prisons *themselves* must be held to as high (if not a higher) level of criticism and skepticism than the branches that sprout from its rotten stump.

And if we're advocating abolition for prisons, we must realize that if we are going to oppose things like [racism](#), [corporations](#), and the [war on drugs](#) we should abolish prison.

If we claim to uphold the non-aggression principle and thus oppose rape and violence itself, we should want the abolition of prisons.

And if our abolition is to mean *anything*, it must be *holistic*.

[Nathan Goodman](#), who is the Lysander Spooner Research Scholar in Abolitionist Studies at the [Center for a Stateless Society \(C4SS\)](#), has written about what that might look like.

Goodman writes in his post [Abolish Criminalization, Abolish the State](#) as part of a series of articles for C4SS entitled [The Weekly Abolitionist](#).

While prisons are particularly repugnant institutions, people will not be free if they are released from prisons but then subjected to mass surveillance, police harassment, invasive searches, prison-like schools, incarceration within "halfway houses," stultifying state-secured structural poverty, or other forms of systemic coercion and control.

This why my abolitionism is holistic. Rather than merely looking at the institutions of prisons, I look at the entire state apparatus and social order.<sup>7</sup>

De Cleyre did not just write about three types of criminals but *also* three types of people as well:

- The Turn Backs – The Conservatives
- The Indifferents – The Average Individual
- The Rush Aheads – The Radicals

The conservatives win, because information they give is easier to absorb than the radical who says, "All false! All wrong!"<sup>8</sup>

But eventually, de Cleyre counsels, the radical will win.

We are few and we are small, but we're an irksome lot who will keep buzzing in your ears until you can no longer ignore the cries of suffering surrounding society.

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<sup>7</sup>Nathan Goodman, "Abolish Criminalization, Abolish the State" Hosted by the Center for a Stateless Society  
<<https://c4ss.org/content/25934>>

<sup>8</sup>De Cleyre, *ibid*

## I: Defining Disposability: What is a Prison?

As prison abolitionists, we are taking a fairly controversial stance. As such I find it helpful to define our terms as cogently and non-controversially as possible.

For this, I rely on Jason Lee Byas' definition of prisons in his article [\*Prisons Without Punishment?\*](#)

...large compounds where people are involuntarily confined (typically with many other criminals) in response to their having committed a crime, without the right to voluntarily transfer to another location if that other location would confine them just as well, and where the administration has almost total control over those confined.<sup>9</sup>

Before we get into the three institutions that I feel best represent this definition, I also want to give a quick definition of the *prison industrial complex* (PIC) which you will see often discussed in the prison abolition discussions.

The PIC is a concept that's closely related to *many* of the things libertarians already take issue with: Corporate-government collusion, mass incarceration, the death penalty and more.

Huey Freeman from the Adult Swim show *Boondocks* has [this definition](#) of the PIC:

The prison industrial complex is a system situated at the intersection of government and private interests. It uses prisons as a solution to social, political and economic problems. It includes human rights violations, the death penalty, slave labor, policing, courts, the media, political prisoners and the elimination of dissent.<sup>10</sup>

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<sup>9</sup>Jason Lee Byas, "Prisons Without Punishment" Hosted by the Center for a Stateless Society  
<<https://c4ss.org/content/32847>>

<sup>10</sup>Huey Freeman, "Prison Industrial Complex (Excerpt from The Boondocks)" Hosted by Youtube

The PIC can therefore be most characterized by corporate-government collusion, prisons as a social solution and violations of individual liberty to put that "social solution" in practice.

Additionally, abolishing the prison industrial complex doesn't *just* mean prisons.

It also means disentangling the way we see crimes and how they should be dealt with. It entails resisting the notion that corporate and government power should be as closely intertwined as it tends to be in our economy. Libertarians should be no strangers to fighting phenomena that exacerbate the pre-existing poor incentive structures that governments have. Particularly by governments isolating themselves from prices and instead subsidizing their costs through taxes.

For those curious, the reference to "slave labor" is highlighting that prisons are still able to [force prisons under threat of punishment](#) (with the punishments being as severe as solitary confinement) to make widgets that tend to benefit specific corporations, like [Wells Fargo](#).

Disturbingly, the thirteenth amendment does not help prisoners since it states that slavery and involuntary servitude are [legal](#) "*...as punishment for crime whereof the party shall have been duly convicted...*"<sup>11</sup>

But the 13<sup>th</sup> amendment ignores the fact that due process is no guarantee of a just conviction and especially most cases end in [plea bargaining](#) as Jed S. Rakoff writes,

"In 2013, while 8 percent of all federal criminal charges were dismissed (either because of a mistake in fact or law or because the defendant had decided to cooperate), more than 97 percent of the remainder were resolved through plea bargains, and fewer than 3 percent went to trial. The plea bargains largely determined the sentences imposed."<sup>12</sup>

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<<https://www.youtube.com/watch?v=UZPQRLqy9i0>>

11U.S. Constitution, "13<sup>th</sup> Amendment" Hosted by Cornell University Law School

<<https://www.law.cornell.edu/constitution/amendmentxiii>>

12Jed S. Rakoff "Why Innocent People Plead Guilty" Hosted by The New York Review of Books

This means the "trial by jury" that most Americans think is the pillar of our legal system is largely absent in today's court system. Plea bargaining itself is often imposed on the defendants so they do not face harsher punishments. Or it is used as a way for the prosecutor to get the case over with sooner so they can take on other and possibly more lucrative cases.

There are many angles to this process, but the bottom line is that just because the courts *conclude* you are guilty, does not mean you are. And this is a *big* problem for a government that wants to assure us that it ensures liberty and justice for *all*.

But even besides these denials of justice in both prisons and jails I think there are some other institutions that at least *resemble* prisons in non-trivial ways and in the spirit of a holistic abolitionist perspective should be highlighted.

But before I do that, I must stress that I am using the word "resemble" and do *not* claim that all of these institutions are completely analogous to prisons. Nor am I making these comparisons carelessly or for the sake of inspiring shock among my readers. I am making these analogies because I see strong similarities between these institutions and modern prisons.

For starters, I think detention centers for immigrants are a fairly non-controversial example.

Detention centers have the word *detention* in them for starters and primarily rely on the involuntary holding of immigrants. These individuals deemed illegal are not allowed to leave (usually under threat of violence) unless they can get a visa or are deported.

In addition, [detention centers usually resemble prisons](http://www.nybooks.com/articles/2014/11/20/why-innocent-people-plead-guilty/) both structurally and in terms of power disparities. The guards there often have much more power given that the immigrants are considered illegal and have fewer rights. Sadly, though not surprisingly, this leads to high

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<<http://www.nybooks.com/articles/2014/11/20/why-innocent-people-plead-guilty/>>

percentages of [sexual assaults](#) and other abuses on the part of the staff of these detention centers.

Psychiatric wards may be a slightly more controversial comparison but that seems due to the fact that not as many exist today and little about them tends to be common knowledge.

For one thing, many people would not volunteer to go into one of these if they had the choice. And the people who go tend to go involuntarily or unhappily are not voices our society often amplifies, much less pays any mind to.

So for your ease of access just imagine [One Flew Over the Cuckoo's Nest](#), a critically acclaimed novel dedicated to the conditions of psychiatric wards in the 1950s and early 60s. It seems implausible that the state of psychiatric institutions would be anything resembling that in the 21<sup>st</sup> century but [Quincy Medical Center](#), [previously](#) one of the best-funded mental hospitals in the country, was investigated in 2013 and it was found that:

Patients were largely ignored by nurses and other staff members and left in bed without covers and wearing only hospital gowns, inspectors found. Some complained of mean or disrespectful staff members.

In one room, a woman in bed was covered in feces and said no one had answered her calls for help. She told inspectors that one nurse was unkind and that another staff member "told her she needed to take care of herself."

"The patient in the bed next to her was almost cowering and very frightened," said the report by the state Department of Mental Health. "The odor coming from this room could not have been missed by anyone in the hallway, yet no one was responding to the patient."

...

The facility overall was squalid, with dirty floors, damaged furniture, and missing privacy curtains in patient rooms, inspectors found.<sup>13</sup>

I said *previously* because QMC was shut down for a week and then for good after the investigation.

But things do not necessarily get better for the mentally ill when these places get shut down. Instead they get sent to *actual* prisons, according to the [Urban Institute](#), "An estimated 56 percent of state prisoners, 45 percent of federal prisoners, and 64 percent of jail inmates have a mental health problem."<sup>14</sup> With the decline of the psychiatric wards has come the rise of prisons in the last few decades. And so accordingly, a joint 2014 study done by the [Treatment Advocacy Center](#) reported, "The number of individuals with serious mental illness in prisons and jails now exceeds the number in state psychiatric hospitals tenfold."<sup>15</sup>

Unsurprisingly, the conditions in prisons for these who are mentally ill are often underfunded and ill equipped to meet their needs. As [The Atlantic notes](#) via the aforementioned Urban Institute study, "...only one in three state prisoners and one in six jail inmates who suffer from mental-health problems report having received mental-health treatment since admission."<sup>16</sup>

With all of this it is no surprise that Franco Basaglia, a leading Italian psychiatrist who inspired and was the architect of the Italian psychiatric reform, [wrote in 1971](#):

The [psychiatric ward] is a deposit where people believe the mad (ipazzi) are sent, where intellectuals believe the lunatics (ifolli) are sent and where doctors believe mental

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13Chelsea Conaboy, "Quincy Medical Center psychiatry unit cited for squalid conditions, patient neglect" Hosted by Boston.com <<http://www.boston.com/lifestyle/health/blogs/white-coat-notes/2013/06/27/quincy-medical-center-psychiatry-unit-cited-for-squalid-conditions-patient-neglect/Mm7iUO7kxSBK6rSjT2kUOO/blog.html>>

14The Urban Institute, "The Processing and Treatment of Mentally Ill Persons in the Criminal Justice System" Hosted by Urban Institute <<http://www.urban.org/research/publication/processing-and-treatment-mentally-ill-persons-criminal-justice-system>>

15Treatment Advocacy Center, "The Treatment of Persons with Mental Illness in Prisons and Jails: A State Survey" Hosted by Tacereports.org <<http://www.tacereports.org/storage/documents/treatment-behind-bars/treatment-behind-bars.pdf>>

16Olga Khazan, "Most Prisoners Are Mentally Ill" Hosted by The Atlantic <<http://www.theatlantic.com/health/archive/2015/04/more-than-half-of-prisoners-are-mentally-ill/389682/>>

patients are looked after and treated.

For the mad, the lunatic and the mental patient it is a locked, oppressive and total institution where punitive, prison-like rules are applied, in order to slowly eliminate its own contents.

In the [psychiatric ward] doctors, nurses and patients are all subjected (at different levels) to the same process of institutionalism. Its role is to explicitly isolate and control socially disturbing subjects, the illness being only a very marginal element.<sup>17</sup>

Lastly, we come to schools, and just to refresh our memories and compare, let us go over the definition that Byas provided us earlier

...large compounds where people are involuntarily confined (typically with many other criminals) in response to their having committed a crime, without the right to voluntarily transfer to another location if that other location would confine them just as well, and where the administration has almost total control over those confined.<sup>18</sup>

Schools are large building where children are forced by law to go and not leave until they have the permission of the authorities. They are not sent there as a result of a crime, though in some schools that may be the case if they misbehave elsewhere.

Children may have the *ability* to transfer from one school to another but not without their parent's approval and/or the approval of the school administrators. Thus they (on their own) have no *right* to transfer anywhere in most cases.

Now, whether the school administration has *total* control over the children is debatable. It depends on what school we are looking at, their specific policies and how those policies are implemented in practice.

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<sup>17</sup>Franco Basaglia, "Community psychiatry without mental hospitals – the Italian experience: a review" Hosted by the National Center for Biotechnology Information  
<<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1290535/pdf/jrsocmed00184-0052.pdf>>

<sup>18</sup>Byas, *ibid*



But even with that caveat, we can see many schools have constant surveillance of children (especially during lunch), children are expected to be subordinate to the authorities, and are kept on schedules not according to their own wishes but the administration's, etc.

This comparison has its problems but they loosen in my opinion when we do not compare the *concept* of schools but rather how *compulsory education* in particular works *today*. With its truant officers, police guards at the entrances, the enforcement of dress codes or even uniforms and classrooms which are not that much bigger than the size of most prison cells.

But even with those loosened constraints, it's important to emphasize that prisons are generally worse whereas schools are just particularly bad *relative* to other institutions.

For example, while there may be a chance of sexual abuse from teachers and fellow students in schools, the relative risk between schools and prisons are likely disparate in favor of prisons.

In both prisons and schools there is a punitive incentive system, but schools almost never reach the levels of prisons, except perhaps with children who have disabilities. Neither do the searches that happen to students on their way in or the amount of coercion they may face if they refuse to attend are anywhere near the invasiveness that prisoners deal with.

And, depending on your state's laws, home-schooling and unschooling are *possible* alternatives. Though, again, they typically depend on the cooperation of the local authorities and the child's parents to one extent or another.

Perhaps most importantly, children do not need to worry about whether they can go home or not.

I want to reiterate that the point here is not to spark outrage but reinforce to libertarians that if we find these core aspects of schooling objectionable, then we should *also* find these aspects of prisons objectionable as well. Especially given that prisons just seem like a much more *extreme* version of schools but without the pretense that they exist for learning.

My point is that prisons don't just stay in the prison, they're all around us. Prisons must be confronted in radical and holistic ways if we are to get to a truly freed society.

Nothing short of prison abolition will accomplish that.

## II: Defining Resistance: Why should we abolish prisons?

### a) Reform is Inadequate

But even if *all* of the things I have said are true, why prison *abolition*?

Could we just try to *reform* prisons until we've reached a more acceptable state?

Sure, mass incarceration is bad, the war on drugs is bad and three strike laws are bad and so on. But all of these things could be individually dealt with *without* abolishing prisons as a whole.

So why make the process of liberation even more difficult?

The sad part is that I am not necessarily against reform in the short-run. But it has been tried so many times before and has typically led to sub-optimal consequences at best.

As Nathan Goodman reminds us in his article for *The New Leveller*, [\*Prisons: The Case for Abolition\*](#):

It's important to remember that prisons themselves were first developed by social reformers who wanted an alternative to corporal punishment and capital punishment. Solitary confinement, which is now recognized as a traumatizing form of psychological torture, was first proposed by Quakers as a form of introspection that could be more humane than the whip. ... Women's prisons were opened in response to campaigns to end sexual assaults against women in men's prisons. The construction of these prisons paved the way for dramatic increases in incarceration of women ... Recently we have seen

similar processes in the development of transgender wings in prisons and jails in response to abuses of transgender inmates in the general prison population.<sup>19</sup>

The state, as it often does, *perverted* the best intentions of would-be social reformers. The Quakers were not bad people. They had perfectly good intentions of giving criminals more time to themselves to think about their actions. The Quakers wanted spiritual enlightenment and redemption to be found for criminals. But instead, the state has turned this into a situation where prisoners are kept 23/7 with only an *hour* for prisoners to have any semblance of freedom.

Solitary confinement is, in fact, so brutal, that a favorite quote of mine to use is, "It's an awful thing, solitary. It crushes your spirit and weakens your resistance more effectively than any other form of mistreatment."<sup>20</sup> That was a quote by *John McCain*, the Republican senator.

McCain would know better than anyone, being captured as a prisoner during the Vietnam War.

Likewise, women's prisons were made in large part to *defend* women from sexual assault.

A perfectly laudable goal that, instead of getting women *out* of prisons has, according to Victoria Law, author of [\*Resistance behind Bars: the Struggles of Incarcerated Women\*](#), has done the exact opposite. For example, in the decade after the opening of the first women's prison in Illinois in 1859, "the total number of women sentenced to prison tripled." and between 1990 and 2000 grew by 108% while "The male prison population grew only 77% during that same period."<sup>21</sup>

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<sup>19</sup>Nathan Goodman, "Prisons: the Case for Abolition" Hosted by Students for a Stateless Society <[http://s4ss.org/from-nl-1-3-prisons-the-case-for-abolition-nathan-goodman/#\\_ftn1](http://s4ss.org/from-nl-1-3-prisons-the-case-for-abolition-nathan-goodman/#_ftn1)>

<sup>20</sup>Atul Gawande, "Hellhole" Hosted by the New Yorker <<http://www.newyorker.com/magazine/2009/03/30/hellhole>>

<sup>21</sup>Nathan Goodman, "Resistance Behind Bars" Hosted by the Center for a Stateless Society <<https://c4ss.org/content/27212>>

None of this should be surprising for those libertarians who study economics. The [law of unintended consequences](#) is a concept that goes back to Adam Smith as well as his concept of "the invisible hand". Except, in that case, it is a *positive* unintended consequence that is expected to happen. Unfortunately we cannot predict the same, much less at the same rate, when the state gets involved and *especially* when it comes to one of the state's most harmful institutions.

None of this is to say that we should never fight for reform or more humane conditions in prisons. But it *does* mean we should be skeptical of movements who call for prison reform and stop there. For example, there have been valiant efforts at places like Riker's Island prison to create a gay unit. But as Dean Spade points out<sup>22</sup>, there is no guarantee that it would be any safer. Prisons are *inherently* dangerous places and as such the proposition is a costly and risky one.

Expanding the prisons is also risky. Doing so could give the state more reason to simply institute prisons specifically designed for significantly populated minorities. And again, the reasons for doing so are based on admirable intentions and goals. But we have seen the road that the history of good intentions paves when it comes to prisons. And so at the *very least* we should be skeptical of the reformist approach, while still encouraging the most social change possible.

In the end, in as Spade says, "...the people most impacted should be the people making the decisions..."<sup>23</sup> and if there's a clear consensus that this is the best way to establish security I would not object. But we should *also* ask ourselves bigger and more radical questions. *Why* are these people in Riker's to begin with? Is there anything we can do to *prevent* more harm rather than risk expanding the abusive context they are in?

In summary, there are *structural disincentives* to the state reforming itself or one of its biggest

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<sup>22</sup>Gosset and Spade, Ibid

<sup>23</sup>Ibid

and most prized institutions. To quote Spade once more, "The logic of the state is constantly demanding that we increase policing to decrease harm & violence"<sup>24</sup>

Fighting against this logic is a tough and up-hill battle, but I would recommend abolition as a way to *route around* the damage that the state and its prisons create so we can build alternatives.

Part of these structural disincentives comes from the very *liberal* tradition that prisons have turned into. To be clear, I do not mean *classical liberal* (though John Stuart Mill and his "panopticon" concept is relevant) but rather modern-day liberals.

For example, *The Nation* has an article entitled, [\*How White Liberals Used Civil Rights to Create More Prisons:\*](#)

As liberals believe that racism is first and foremost a question of individual bias, they imagine racism can be overcome by removing the discretion of (potentially racist) individuals within government through a set of well-crafted laws and rules.

If obviously discriminatory laws can be struck down, and judges, statesmen or administrators aren't allowed to give reign to their racism, then the system should achieve racially just outcomes.

But even putting aside the fact that a removal of individual discretion is impossible, such a conception of "fairness" applies just as easily to producing sentencing minimums as school desegregation.<sup>25</sup>

This is one of the biggest issues with most reformists. Their liberal bias, that is to say that the issues of a *system* can be reduced to the *individual* ("Obama just needs more time!") is a

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<sup>24</sup>Ibid

<sup>25</sup>Willie Osterweil "How White Liberals Used Civil Rights to Create More Prisons" Hosted by The Nation <http://www.thenation.com/article/how-white-liberals-used-civil-rights-create-more-prisons/>

prominent rallying cry. They fail to see that the system was in many ways *built* to benefit the ruling elite. It's not an *accident* that schools end up making people more easily acclimated to the workplace, for instance. The history of schools is a history of training children so that they can be assimilated into the workforce easier.

I encourage reader to research the work of [John Taylor Gatto](#) for more on this.

### **b) Prisons Disproportionately Hurt the Marginalized and Dis-Privileged**

There is much merit at the moral case against prisons but the case for abolition doesn't just revolve around morality. So let's also talk about how prisons concretely affect various marginalized or dis-privileged groups, starting with people of color (PoC):

- According to [Michelle Alexander](#), author of *The New Jim Crow* there are, as of 2011, more black men in prisons than were *enslaved* in 1850.<sup>26</sup>
- As of 2010, the [Prison Policy Initiative](#) estimates that although people of color only make up 13 percent of the population they make up 60 percent of the *prison* population. This has thankfully been decreasing in the years since, but the disparity is still notable.<sup>27</sup>
- Human Rights Watch reported in their 2009 study, [Decades of Disparity: Drug Arrests and Race in the United States](#), that although blacks and whites commit drug-based offenses at similar rates, blacks are disproportionately harmed due to

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<sup>26</sup>Thoai Lu “Michelle Alexander: More Black Men in Prison Than Were Enslaved in 1850” Hosted by ColorLines <http://www.colorlines.com/articles/michelle-alexander-more-black-men-prison-were-enslaved-1850>

<sup>27</sup>Prison Policy Initiative, “United States Profile” Hosted by Prison Policy Initiative <<http://www.prisonpolicy.org/profiles/US.html#disparities>>

the war on drugs which is a heavily racialized policy, intentional or not.<sup>28</sup>

- In fact, [according to a 2014 study done by The Leadership Education Fund](#), "Discrimination and racial disparities persist at every stage of the U.S. criminal justice system, from policing to trial to sentencing. The United States is the world's leading jailer with 2.2 million people behind bars."<sup>29</sup>
- The report also stated that, "Perhaps no single factor has contributed more to racial disparities in the criminal justice system than the 'War on Drugs'. Even though racial/ethnic groups use and sell drugs at roughly the same rate, Blacks and Hispanics comprise 62 percent of those in state prisons for drug offenses, and 72.1 percent of all persons sentenced for federal drug trafficking offenses were either Black (25.9 percent) or Hispanic (46.2 percent), many of whom often face harsh mandatory sentences."<sup>30</sup>

While not discussed as often, the elderly are another group particularly abused by prisons:

- [The Human Rights Watch](#) reported in 2010 that there were 124,400 prisoners--8 percent of inmates--aged 55 or older, which is an increase of 57.3 percent from 2009.<sup>31</sup>
- The number of aging prisoners will continue to grow, Human Rights Watch found, unless there are changes to harsh "tough on crime" policies, such as long mandatory minimum sentences, increasing life sentences, and reduced opportunities for parole.<sup>32</sup>

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28Human Rights Watch, "Decades of Disparity: Drug Arrests and Race in the United State" Hosted by Human Rights Watch <<https://www.hrw.org/report/2009/03/02/decades-disparity/drug-arrests-and-race-united-states>>

29The Leadership Education Fund, "Falling Further Behind: Combating Racial Discrimination in America" Hosted by Civil Rights Docs <[http://www.civilrightsdocs.info/pdf/reports/CERD\\_Report.pdf](http://www.civilrightsdocs.info/pdf/reports/CERD_Report.pdf)>

30Ibid

31Human Rights Watch, "Old Behind Bars" Hosted by Humans Right Watch <<https://www.hrw.org/report/2012/01/27/old-behind-bars/aging-prison-population-united-states>>

32Ibid

- Many older prisoners remain incarcerated even though they are too old and infirm to threaten public safety if released.<sup>33</sup>
- Human Rights Watch also found that the number of sentenced state and federal prisoners age 65 or older grew at 94 times the rate of the overall prison population between 2007 and 2010. The number of sentenced prisoners age 55 or older grew at six times the rate of the overall prison population between 1995 and 2010.<sup>34</sup>
- More recently, the US Department of Justice reported in their May 2015 study "[The Impact of an Aging Inmate Population on the Federal Bureau of Prisons](#)" found, according to [MSNBC](#) that, "...the Bureau of Prisons (BOP) is often unable to provide adequate and humane housing and care for elderly, infirm prisoners."<sup>35</sup>
- Disturbingly, MSNBC reports that "The BOP has broad power under federal law to recommend the release of such prisoners. When Congress instituted mandatory sentencing and eliminated parole in the mid-1980s, it removed the power of federal courts to revisit final sentences in all but a few circumstances. The BOP was granted exclusive authority to petition federal courts for "compassionate release." For many years, however, the BOP practiced the "death rattle rule," recommending only a scant handful of terminally ill prisoners for reduced sentences."<sup>36</sup>

Lastly, let's discuss how prisons treat transgender folks.

People who identify as transgender would be people who do not identify with their assigned gender at birth.

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33Ibid

34Ibid

35Mary Price, "America's elderly prison population boom is becoming a nightmare" Hosted by MSNBC  
<<http://www.msnbc.com/msnbc/americas-elderly-prison-population-boom-becoming-nightmare>>

36Ibid



For this information I'll be relying on the [Sylvia Rivera Law Project](#) which has been providing legal assistance to trans folks since 2002 with the help of folks like Dean Spade.

In particular, I am using their 2007 report entitled: "['It's War in Here': A Report on the Treatment of Transgender and Intersex People in New York State Men's Prisons](#)" as a case study:

- The study consisted of in-person interviews and written correspondences, 12 current and former prisoners + 10 advocates. The sample size is small but the study is innovative and to my knowledge has not been done any more recently than this. I do not think any of the experiences here are particularly implausible or hard to believe that they still happen.
- Trans folks suffer a disproportionate likelihood of being criminalized thanks to their family putting them in foster care, putting them on the streets, struggling with school and getting bad grades due to their gender dysphoria and lack of access to care, etc.
- Due to these things, trans folks tend to end up on the streets where they may engage in sex work, drugs, or other illegal activities just to get by. Police often also harass trans folks (especially trans women and trans women of color) and *presume* they are sex workers.
- All of these things increase the chance of police contact and hence contact with the prison system.
- One trans person in the study said that, "My friends of trans experience get arrested like everyday. Sometimes they get arrested for sex work even when they're not working, the cops are like 'She's trans, let's arrest her!' Cops are looking for [us]. But when we need help they're not there, or when somebody is stalking us or somebody is harassing us, they never there. They really don't care and they don't want to hear it."

- Once in the prisons some trans folks said they preferred isolation to general population because at least there they could be safer from attacks. But not all trans folks agreed and some noted that the prison guards had better access to you in isolation.
- One of the other trans prisoners described a brutal attack and rape that they experienced: "I'm not ashamed—it's war in here. The administration is against us. Something has to be done, and all they say is 'Act like a man!'... [There is] lots of harassment from other prisoners, but they're sort of scared of me. The correctional officers are the ones who are the most violent. They're the ones to be scared of....I'm raped on a daily basis; I've made complaint after complaint, but no response. No success. I'm scared to push forward with my complaints against officers for beating me up and raping me. I was in full restraints when the correctional officers assaulted me. Then after they said I assaulted them. All the officers say is 'I didn't do it.' The Inspector General said officers have a right to do that to me. That I'm just a man and shouldn't be dressing like this ....When you get beat up real bad and they don't want to take you out to get checked out, they put you in the snake pit. They threw me in the snakepit for 6 months after beating me up. Six months! They're animals....I got beat up by 12 officers. I'm only 123 lbs."
- Trans prisoners reported that frisk and searches were more likely, that their gender expression was generally curtailed, that they had high risk of AIDS/HIV and were frequently denied basic medical care.
- One trans prisoner remarked on how accountability worked within the prison, "I've filed close to 100 grievances in the last 6 years. Most are met with retaliation and the system is so corrupt that evil guards are supported all the way up to the central office level. In NYS, prison guards can do no wrong."<sup>37</sup>

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<sup>37</sup>Sylvia Rivera Law Project, "It's a War in Here" Hosted by the Sylvia Rivera Law Project

- For more on trans experiences within prisons I recommend Chelsea Manning's op-ed in *The Guardian*, [Prisons keep us isolated. But sometimes, sisterhood can bring us together.](#)
- Additionally I would recommend, based on mutual recommendations, [Captive Genders: Trans Embodiment and the Prison Industrial Complex, Second Edition](#) and the recent write-up about it in the New Yorker by Grace Dunham called, [The Forgotten Ones: Queer and Trans Lives in the Prison System.](#)

Prison rape in particular is egregiously common:

- In January of 2014, the Bureau of Justice released a special report entitled, ["Sexual Victimization reported by Correctional Authorities, 2009-11"](#) with allegations of sexual abuse rising to nearly 9,000 but *substantiation* of allegations staying mostly the same.<sup>38</sup>
- Perhaps most disgusting are the details of how this came to be: "About half of those accused of carrying out sexual abuse were prison or jail employees, but while complaints of official abuse rose, convictions didn't: less than 1 percent of staff members considered guilty of sexual misconduct or harassment by their employers were ever convicted of a crime—and one in five got to keep their jobs."<sup>39</sup>
- There was also an odd disparity of genders in both victims and perpetrators, "Of the 10 percent of allegations which were considered substantiated in 2011, however, a disproportionate number of the victims were women. While they make up just 7 percent of the state and federal prison population, females accounted for 33 percent of "staff-on-inmate victims." And in contrast to popular assumptions, more than half of "substantiated incidents of staff sexual misconduct... were committed by females," 99

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<<http://srlp.org/files/warinhere.pdf>>

38Bureau of Justice, Sexual Victimization reported by Correctional authorities, 2009-11" Hosted by Bureau of Justice and Statistics <<http://www.bjs.gov/content/pub/pdf/svraca0911.pdf>>

39Ibid

percent of whom ultimately suffered no legal consequences."<sup>40</sup>

- Going a bit further, it gets even odder, "About 54% of incidents of staff sexual misconduct and 26% of incidents of staff sexual harassment were perpetrated by females. Males perpetrated 46% of incidents of staff sexual misconduct and 74% of incidents of staff sexual harassment. In state and federal prisons, 67% of inmate victims of staff sexual misconduct or harassment were male, while 58% of staff perpetrators were female. In local jails, 67% of victims were female, while 80% of perpetrators were male."<sup>41</sup>
- In any case, "The most commonly imposed sanctions for staff sexual misconduct were loss of job (in 85% of incidents) and arrest or prosecution (56%). More than half of the staff (52%) involved in sexual harassment of inmates lost their jobs, while 43% were reprimanded, disciplined, demoted or transferred, and 6% were arrested or prosecuted."<sup>42</sup>
- In 2013 [The Shame of Our Prisons: New Evidence](#) was published and highlights other relevant facts about prisons and sexual abuse, particularly with incarcerated youth.<sup>43</sup>
- "According to the latest surveys, in 2011 and 2012, 3.2 percent of all people in jail, 4.0 percent of state and federal prisoners, and 9.5 percent of those held in juvenile detention reported having been sexually abused in their current facility during the preceding year."<sup>44</sup>
- "Allen J. Beck, the senior BJS statistician who has been the lead author on all of these

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40Ibid

41Ibid

42Ibid

43David Kaiser and Lovisa Stannow, "The Shame of Our Prisons: New Evidence" Hosted by The New York Review of Books <<http://www.nybooks.com/articles/2013/10/24/shame-our-prisons-new-evidence/>>

44Ibid

studies, tells us the new findings indicate that nearly 200,000 people were sexually abused in American detention facilities in 2011"<sup>45</sup>

Lastly, as Nathan Goodman reminds us in his [\*Prisons: The Case for Abolition\*](#),

Moreover, these numbers only tell the story of sexual abuse that the state recognizes as illegal. In prisons and jails all across the country, inmates are forced to strip, expose their genitals, and sometimes even allow guards to digitally penetrate their most private orifices. When penetration is involved, these searches meet the FBI's definition of rape: "The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim." Even when penetration is not involved, strip searches are humiliating and degrading. They routinely trigger flashbacks and trauma for sexual assault survivors. Yet they are standard procedure in prisons and jails.<sup>46</sup>

With all of these abuses, you have to ask yourself, do people lose their *fundamental rights* as human beings when they are sent to prison? If you advocate for prisons, you may be very well advocating for someone, regardless of their crime, to suffer the abuses outlined above.

And this is particularly true if they are a member of a marginalized group.

Lastly, there is an excellent 2011 article on *Reason* called [\*Prison Math\*](#) that I feel summarizes the statistical amount of *general* harm that prisons perpetuate beyond just towards the marginalized:

- "...according to the Bureau of Justice Statistics, there were 1,524,513 prisoners in state

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<sup>45</sup>Ibid

<sup>46</sup>Nathan Goodman, "Prisons The Case for Abolition" Hosted by Students for a Stateless Society <[http://s4ss.org/from-nl-1-3-prisons-the-case-for-abolition-nathan-goodman/#\\_ftn1](http://s4ss.org/from-nl-1-3-prisons-the-case-for-abolition-nathan-goodman/#_ftn1)>

and federal prisons. When local jails are included, the total climbs to 2,284,913. These numbers are not just staggering; they are far above those of any other liberal democracy in both absolute and per capita terms. The International Centre for Prison Studies at King's College London calculates that the United States has an incarceration rate of 743 per 100,000 people, compared to 325 in Israel, 217 in Poland, 154 in England and Wales, 96 in France, 71 in Denmark, and 32 in India."<sup>47</sup>

- And "According to a 2010 report from the Center for Economic and Policy Research (CEPR), U.S. incarceration rates between 1880 and 1970 ranged from about 100 to 200 prisoners per 100,000 people. After 1980, however, the inmate population began to grow much more rapidly than the overall population, climbing from about 220 per 100,000 in 1980 to 458 in 1990, 683 in 2000, and 753 in 2008."<sup>48</sup>
- But even so, "...according to data from the Federal Bureau of Investigation and the Bureau of Justice Statistics (BJS), the total number of violent crimes was only about 3 percent higher in 2008 than it was in 1980, while the violent crime rate was much lower: 19 per 1,000 people in 2008 vs. 49.4 in 1980. Meanwhile, the BJS data shows that the total number of property crimes dropped to 134.7 per 1,000 people in 2008 from 496.1 in 1980. The growth in the prison population mainly reflects changes in the correctional policies that determine who goes to prison and for how long. "<sup>49</sup>
- "According to the CEPR study, nonviolent offenders make up more than 60 percent of the prison and jail population."<sup>50</sup>
- And "According to a 2009 report from the Pew Center on the States, keeping an inmate

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<sup>47</sup>Veronique de Rugy, "Prison Math" Hosted by Reason <<http://reason.com/archives/2011/06/08/prison-math>>

<sup>48</sup>Ibid

<sup>49</sup>Ibid

<sup>50</sup>Ibid

locked up costs an average of \$78.95 per day, more than 20 times the cost of a day on probation."<sup>51</sup>

- And to top it all off: "Housing nonviolent, victimless offenders with violent criminals for years on end can't possibly help them reintegrate into society, which helps explain why four out of 10 released prisoners end up back in jail within three years of their release."<sup>52</sup>

### c) *Prisons are Structurally Abusive: A Case Study*

Prisons are broken from top to bottom and nothing proved that more than Julia Tutwiler's Prison for Women located in Birmingham, Alabama. Tutwiler was a prison that closed in February of 2016 after nearly *two decades* of reported and known sexual abuse.

The Department of Justice released a report [in January of 2014](#) that says that since *at least* 1995, officials at the prison have known about the hyper-sexualized environment of Tutwiler. An environment where male prison guards are able to voyeuristically look at the women in the showers, where sexual harassment is more or less the norm and a *strip show* was done by the prisoners and *condoned* by the staff.<sup>53</sup>

When feminists talk about [rape culture](#), we can have reasonable disagreements about whether the US as a *whole* suffers from rape culture.

But I don't see any such reasonable disagreement possible about prisons.

A place where people's lives and bodies are *inherently* devalued, debased and treated as if they

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<sup>51</sup>Ibid

<sup>52</sup>Ibid

<sup>53</sup>Department of Justice, "Findings Letter – Julia Tutwiler Prison For Women – January 17<sup>th</sup>, 2014" Hosted by US Department of Justice <[https://www.justice.gov/sites/default/files/crt/legacy/2014/01/23/tutwiler\\_findings\\_1-17-14.pdf](https://www.justice.gov/sites/default/files/crt/legacy/2014/01/23/tutwiler_findings_1-17-14.pdf)>

are objects. A place where the prisoners' bodies (especially women and transwomen's bodies) are sexually aggressed against by either the inmates or, more frequently, the guards. A place where many still think it is funny to make "drop the soap" jokes about the horrors that prisoners go through. These are horrors that happen in the public showers which are often the sites of rape and other sexual violations, not to mention sexual harassment by both fellow inmates and guards.

Tutwiler in particular was noxious in *all* of these respects where a *quarter* of the nearly 1000 prisoners (as of 2007) denoted sexual abuse, harassment, dehumanizing behavior, and discriminatory treatment. Where, "inappropriate sexual behavior ... is grossly underreported." And, "...sexual misconduct ... at one of the highest rates in the country".<sup>54</sup>

The DoJ notes that the Bureau of Justice had done a 2007 study and found that Tutwiler had the 11<sup>th</sup> worst sexual misconduct levels out of 146 prisons. And in 2013 the BJS reported that the rates of sexual misconduct had *increased substantially*.<sup>55</sup>

But aren't there processes for these validating reports of sexual misconduct?

Let's look at how "fair" this process is:

- If you are mentally ill, your case is immediately dismissed and as we have discussed, many prisoners deal with mental illnesses which means many of these cases were promptly dismissed.
- As many of us know, polygraph tests are *highly* questionable to test the veracity of someone's claims. But not only are they used but they are the *main* source of whether prisoners are telling the truth or not.

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<sup>54</sup>Ibid

<sup>55</sup>Ibid



- Lastly, and perhaps most insultingly, *if the prisoners say it was consensual it is treated as such*.<sup>56</sup>

Let us pause for a second and recognize that besides all of the *other* awful things on the list that the last one is particularly degrading. The power dynamics between prisoners and prison guards is so wide in Tutwiler so as to make these sorts of claims completely untenable.

And even if it *was* consensual (and given the power dynamics involved it couldn't be) it is still *illegal* and the prison guards should still lose their jobs or at least not get a *vacation* over it.

But of course, that is largely what happened.

The DoJ reported that, "At least thirty-six of the ninety-nine total employees were identified as having had sex with prisoners—approximately 36% of current staff." And yet, sexual misconduct was tolerated by letting individuals resign in lieu of termination and coming back either there (or presumably elsewhere) via the process of reinstatement.<sup>57</sup>

How does the DoJ know that all of these allegations of sexual misconduct are true?

Well, "Individual prisoner allegations have been corroborated by paternity tests, polygraph examinations, staff admissions, ADOC investigations, and internal corroboration from other prisoners with no opportunity to coordinate stories."<sup>58</sup>

In summary, the DoJ found that Tutwiler was such a horrendous institution that it violated the *8th amendment of the United States Constitution*, "...by failing to protect women prisoners at Tutwiler from harm due to sexual abuse and harassment from correctional staff."<sup>59</sup>

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<sup>56</sup>Ibid

<sup>57</sup>Ibid

<sup>58</sup>Ibid

<sup>59</sup>Ibid

Let us also consider that Tutwiler officials themselves had some suspicious discrepancies that the DoJ noticed, "Alarming, we found serious discrepancies between the information maintained by Tutwiler in its incident report log related to allegations of sexual misconduct, and the sexual abuse log maintained by ADOC's PREA Coordinator."<sup>60</sup>

At this point, I don't know *who* exactly that would be alarming to.

#### ***d) Prisons Worsen Out-Group Biases***

As part of my research I looked at Peter Kropotkin's [\*Are Prisons Necessary?\*](#), Emma Goldman's [\*Prisons: A Social Crime and Failure\*](#) and Voltairine de Cleyre's aforementioned [\*Crime and Punishment\*](#).

Now, at least *two* of these thinkers (Goldman and Kropotkin) are anarchist communists and thus may be less amenable to my own form of anarchism, which is more akin to individualist anarchism or mutualism. But I think their insights are still valuable and provide ample resources for prison abolitionists of all stripes.

One concept that Kropotkin uses is that prisons are "universities of crime".<sup>61</sup>

This has been a standard talking point among both reformers and abolitionists alike. How can we expect prisons to *reform* criminals when they are hot beds of crime themselves? Lower-level criminals are at times *more* likely to learn the tricks of the trade than if they were outside the prison walls. This is especially true of non-violent offenders who would've normally not gotten involved in prison gangs or more violent activities without going to prison.

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<sup>60</sup>Ibid

<sup>61</sup>Peter Kropotkin, "Are Prisons Necessary?" Hosted by Panarchy <<http://www.panarchy.org/kropotkin/prisons.html>>

Kropotkin also makes an excellent point about those who may be somehow "born" to be a criminal, "...most of those whom we treat as criminals are people affected by bodily diseases, and that their illness ought to be submitted to some treatment, instead of being aggravated by imprisonment."<sup>62</sup>

He is quick to clarify however that he is not calling for "lunatic asylums" and compares them to prisons as I have. Kropotkin would rather "fraternal help" from the people in their local communities than submit them to "pedagogists and medical men".<sup>63</sup> We will get into more of what this sort of "fraternal" help might look like in my conclusion.

Kropotkin also strikes at the very root of prisons and compares them to the advancements medicine had made, pointing out that "hygiene is the best form of medicine".<sup>64</sup>

In other words, *prevention* of crime (much like disease) should be favored over "curing" it. If we can see the roots of crime and try to prevent them from being exacerbated, things like [structural poverty](#), [systematic racism](#), [transphobia](#), [ableism](#) and other oppressive cultural norms, we can often *prevent* people from engaging in actions out of desperation.

Most importantly, I think Kropotkin calls for a sort of *moral humility* on our part:

If we analyse ourselves, if everybody would frankly acknowledge the thoughts which have sometimes passed through his mind, we should see that all of us have had - be it as an imperceptible wave traversing the brain, like a flash of light - some feelings and thoughts such as constitute the motive of all acts considered as criminals.

We have repudiated them at once; but if they had had the opportunity of recurring

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62Ibid

63Ibid

64Ibid

again and again; if they were nurtured by circumstances, or by a want of exercise of the best passions – love, compassion, and all those which result from living in the joys and sufferings of those who surround us; then these passing influences, so brief that we hardly noticed them, would have degenerated into some morbid element in our character.<sup>65</sup>

In tandem with that, there is an excellent quote from [Humans of New York](#) that I particularly enjoy:

I can't stand moral absolutism. You know, there's always that guy who wants to point out that Martin Luther King cheated on his wife—as if he obviously couldn't have been a great person if he did something like that. Or someone will bring out an inspirational quote, and get you to agree, and then inform you that Hitler said it. As if a good thought couldn't come from Hitler. Moral absolutism keeps us from learning from the past. It's easy to say: 'Hitler was a demon. Nazis were all bad seeds.' That's simple. It's much harder to say: 'Is that humanity? Is that me?'<sup>66</sup>

It is attractive to think all people who commit heinous acts are simply “monsters”; I am skeptical that this is the case or that even if it *was* the case it would still be more beneficial to ask ourselves whether *we* have had these thoughts before.

Have we ever considered aggressing against others? Perhaps a serious thought or perhaps some amount of planning? Maybe you deal with intrusive thoughts or some sort of OCD or maybe you have impulse control issues but can keep them under control.

Consider that some people simply do not have these same restraints on themselves. Consider

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<sup>65</sup>Ibid

<sup>66</sup>Unknown, “Humans of New York” Hosted by Humans of New York

<<http://www.humansofnewyork.com/post/71976509483/i-cant-stand-moral-absolutism-you-know-theres>>

how much closer you are to these people than you might like to admit.

As de Cleyre says:

Out of one great soul-stuff are we sprung, you and I and all of us; and if in you the virtue has grown and not the vice, do not therefore conclude that you are essentially different from him whom you have helped to put in stripes and behind bars. Your balance may be more even, you may be mixed in smaller proportions altogether, or the outside temptation has not come upon you.<sup>67</sup>

I am not saying these things to excuse the acts of anyone. I do not think we should dismiss heinous acts just because all of us (to paraphrase Whitman) have the power to do good or evil. But I *do* think we should think about how we often let our passions get the best of ourselves and particularly when it comes to the matter of punishment.

Think of how many times a family has lost someone to murder and then turned around to ask the state to murder that person for them. Not necessarily on the basis of any solid reasoning but an emotional sense that *justice* should be done and justice for them requires killing.

My point it is not that the family is *wrong* to feel how they feel. But if we are to have a just legal system, we cannot base it on our passion *alone* but rather our reason *and* our passion.

As professor at Auburn University Roderick Long says in his essay [\*Punishment vs. Restitution: A Formulation\*](#):

What if someone you loved were murdered?

Would you be content with seeing that the murderer paid you back and was locked up,

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<sup>67</sup>De Cleyre, "Crime and Punishment"

or would you want to see the murderer dead?

In my case, at least, the answer is: yes, I'd want to kill the murderer.

And I might be justified in doing so if the government released the murderer while he still posed a danger to others - for then my action might count as defensive rather than retaliatory (whatever my motivations might be).

But suppose I know the government isn't going to release the murderer. Even then, the desire to take revenge by slaying the slayer is a perfectly natural and forgivable reaction.

But should the vengeful emotions of victims and their loved ones replace rational analysis as the foundation of jurisprudence? Important questions of rights and justice should not be decided in the heat of anger.<sup>68</sup>

In addition, I do not think it is enough to call for violence against those who commit serious crimes such as murder.

Acts of private retribution may indeed occur in a freed society. It may be the case that if someone commits enough crimes that someone else is going to put a stop to it in their own way. And while I doubt anyone in the community would blame them, can we reasonably expect this process leading to a healthy and safer environment for everyone involved?

On the other hand, someone who would commit private retribution in response to a loved one dying should not be punished as harshly as someone who kills an individual for no reason at all. But nevertheless it seems to me that an eye for an eye is an unworkable system of ethics and law.

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<sup>68</sup>Roderick T. Long, "Punishment vs. Restitution: A Formulation" Hosted by Center for a Stateless Society  
<<https://c4ss.org/content/16044>>

Finally, I believe that seeing certain classes of people as monsters has led us to having prisons built faster than they could have been otherwise. Thus I have strong reasons to resist this sentiment from an abolitionist standpoint as well.

de Cleyre makes this point well:

And [punishment] is a failure not because men do not hunt down and strike enough, but because they hunt down and strike at all; because in the chase of those who do ill, they do ill themselves; they brutalize their own characters, and so much the more so because they are convinced that this time the brutal act is done in accord with conscience.

The murderous deed of the criminal was *against* conscience, the torture or the murder of the criminal by the official is *with* conscience. Thus the conscience is diseased and perverted, and a new class of imbruted men created.<sup>69</sup>

And again here:

Logic would say that anyone who wished to obliterate cruelty from the character of another must himself show no cruelty; one who would teach regard for the rights of others must himself be regardful.

Yet the story of exile and prison is the story of the lash, the iron, the chain and every torture that the fiendish ingenuity of *the non-criminal class can devise by way of teaching criminals to be good!*

To teach men to be good, they are kept in airless cells, made to sleep on narrow planks, to look at the sky through iron grates, to eat food that revolts their palates, and destroys their stomachs,—battered and broken down in body and soul; and this is what they call

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<sup>69</sup>De Cleyre, "Crime and Punishment"

reforming men!

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Do you think people come out of a place like that better? with more respect for society? with more regard for the rights of their fellow men? I don't. I think they come out of there with their hearts full of bitterness, much harder than when they went in.<sup>70</sup>

But what if these people *are* monsters? Or they have inherited some sort of defective gene? De Cleyre argues in a similar way as to Kropotkin; we should pity them and realize their life is one struggle. Not condemn them to confinement and the equivalent of a slow tortuous life.

It is helpful to remember that at its core *crime is a charge against society itself*.

It is not a charge against the person individually because crimes of desperation are common under the state and capitalism. And we should understand that whether people are criminals because they are "born" predisposed to end up like that or have imbalances of passion and control that there is no place for them in prisons.

Once more, from de Cleyre:

If he is a born criminal, or in other words an insane man, he should, I reiterate, be treated as a sick person—not punished, not made to suffer. If he is one of the accidental criminals, his act will not be repeated; his punishment will always be with him. If he is of the middle class, your punishment will not reform him, it will only harden him; and it will not deter others.

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<sup>70</sup>Ibid



"But", you will say, and say truly, "to begin by taking loaves means to end by taking everything and murdering, too, very often."

And in that you draw the indictment against your own system. If there is no alternative between starving and stealing (and for thousands there is none), then there is no alternative between society's murdering its members, or the members disintegrating society.

Let Society consider its own mistakes, then: let it answer itself for all these people it has robbed and killed: let it cease its own crimes first!<sup>71</sup>

#### **e) Privatization is Inadequate**

Many libertarians will claim that we should still have prisons a in a freed society, they should just be controlled by private companies instead of governments.

Even one of my favorite anarchist capitalist thinkers, Michael Huemer, says in his overall excellent book [\*The Problem of Political Authority\*](#) that we should have private prisons in an anarchist capitalist society.<sup>72</sup>

Before we get to that, there is also a problem with claiming privatization as a solution *now*, which is that we do not live in a freed market. So having corporations (who are often working in tandem with the government) to create prisons under the profit incentive is an option that I do not think libertarians should take as seriously as they do.

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<sup>71</sup>Ibid

<sup>72</sup>Michael Huemer, "The Problem of Political Authority" p. 241

I think we have good reasons to resist privatization within markets today due to the distortion of the state and its corporate allies. And relying on a profit motive within this context makes private prisons ripe for abuse.

Markets are, of course, *excellent* social tools for deploying wide and effective results across large populations. But that is *exactly* why I do not want prisons to be privatized in either an anarchist capitalist utopia or otherwise. The prison industrial complex (which has nothing to do with a freed market) and general private contracting of prisons out to companies (which some think *could* have something to do with a freed market) has been disastrous for prisoners.

Nathan Goodman writes on this in his [\*Prisons: The Case for Abolition\*](#):

Prison guards, private prison companies like the Corrections Corporation of America (CCA), contractors that provide services in prisons, and firms that profit off prison labor are all concentrated interest groups that benefit from incarceration.

Meanwhile, the costs of operating prisons are widely dispersed across a population that has little incentive to research prisons and largely thinks prisons are necessary for their protection. Those most substantially harmed by the prison system are prisoners, who are not able to vote or go lobby their representatives.

Felon disenfranchisement limits their political power even after they are released from prison. Their family members and neighbors have their political power limited, because prisoners are often counted on the census for the area they are incarcerated, not the area they were forcibly taken from. This means that regions that profit from prisons have increased political representation, while regions that are scarred by mass incarceration are disenfranchised.

This phenomenon is called "prison based gerrymandering".<sup>73</sup>

A good example of such a company besides CCA is Wells Fargo.

To quote Goodman in his C4SS Weekly Abolitionist article [\*Don't Tax the Rich, Smash Their Privilege: A Response to Warren Buffet:\*](#)

But far more destructive is Wells Fargo's investment in prison profiteers.

Wells Fargo owns 4 million shares in the Geo Group, the second largest private prison corporation in America, and 50,000 shares in the Corrections Corporation of America (CCA), the largest private prison corporation in the country.

These shares combined are valued at more than [\\$120 million](#). Companies such as the Geo Group and CCA do not earn their money by providing goods or services to customers.

Rather, they make their money solely from the government, and solely for locking human beings in cages, mostly for non-violent offenses.

Further, these companies actively lobby for unjust laws, largely using the American Legislative Exchange Council (ALEC), a corporatist conservative political group.

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These laws increase the number of peaceful people locked in cages, as well as the lengths of their sentences. Those they lock up are almost without exception members of the working class, and they are [disproportionately people of color](#).

Meanwhile, Geo Group and CCA gather obscene profits from these racist and classist

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<sup>73</sup>Goodman, "Prisons: The Case for Abolition"

laws. Wells Fargo then profits by investing in these firms, and Warren Buffett profits by investing heavily in Wells Fargo. If Warren Buffett were to pay more in taxes, at least some of those taxes would go to the prison industrial complex and then head straight back to Warren Buffett's unfathomably large bank account.<sup>74</sup>

But none of this speaks to private prisons in a freed society. What happens when we abolish criminal law and replace it with civil law? Should we still retain prisons of some sort or should we abolish them all together?

There's been considerably less work done on this question within anarchist capitalist circles and outside of it, but I will use Huemer's case for it.

Huemer doesn't lay out in much detail how they would work (most likely due to page constraints in his book) other than they would be based on people who did *serious* harm to the community or individuals involved in the crime.

In this context let's presume they will be murderers, high-level thieves or rapists.

Later, Huemer cites the competitive nature of private firms and their productivity-focused nature to (briefly) explain why recidivism and inter-prison violence wouldn't occur.<sup>75</sup>

But it's not clear to me that, even if this was true, it would not stop people from assuming the guard personas they did in the Stanford Prison Experiment. The competition element is important but it does not mean that authority is not any less of a drug for the people involved.

It's true that prison guards may be carefully selected based on reputation and level of sensibility, but so were the Stanford students. None of them were particularly bad people or

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<sup>74</sup>Nathan Goodman, "Don't Tax the Rich, Smash Their Privilege: A Response to Warren Buffet" Hosted by Center for a Stateless Society <<https://c4ss.org/content/14741>>

<sup>75</sup>Huemer, "Problem of Political Authority" p. 251

people with abnormal psychological profiles. Yet within a *week* the experiment was shut down due to the level of violence, harassment and abuse from the guards towards the "prisoners".

I cannot see how competition is going to prevent people from acting malicious with so much authority. It is not enough to privatize it as if the issue is that prisons are not "competitive" enough with each other. It is also not enough to claim that focusing on prisoners being "productive" will stop them from attacking each other.

Because at the end of the day you are putting a *lot* of violent, dangerous and presumably skilled people in the same place. I do not think reassuring them that there are other firms out there and that they can be productive within is going to stop them from harming each other. After all, what do they have to lose? And for prisoners who can *never* pay off their debts, what about them?

I'm tempted to agree with the anarchist capitalist economist David Friedman that economically and morally it is more merciful to execute these sorts of criminals than to put them in prisons. I think this applies to even privatized ones and *especially* those kinds of prisons given how effective markets can provide goods and services. My point here isn't to claim that this outcome of execution is *desirable* but rather to show how *undesirable* private prisons are.

As is, the [Bureau of Justice Statistics reported in August 2015](#) that from 2000-2013 that suicide has been the leading cause of death in jails. So if prisons are going to turn into anything similar to what exists today, as I think they will, we can likely assume that prisoners may even prefer that if they have no way out due to the magnitude of their crimes.<sup>76</sup>

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<sup>76</sup>Bureau of Justice Statistics, "Mortality in Local Jails and State Prisons, 2000-2013 - Statistical Tables" Hosted by Bureau of Justice Statistics <<http://www.bjs.gov/content/pub/pdf/mljsp0013st.pdf>>

### III: From Disposability to Community: How do we abolish prisons?

Good news comes to those who wait and I am happy to say that in the last few years there have actually been important statistical changes in prisons.

For instance, The [Pew Charitable Trusts](#) reports based on the BJS imprisonment rates and FBI crime rates that in the last five years "the majority of states have reduced their imprisonment rates while experiencing less crime".<sup>77</sup>

Now, it's good news but let's view this cautiously.

The correlation between reducing imprisonment and less crime is a very complex one. And of course, [correlation does not equal causation](#). Nevertheless, this combined with the Washington Post reporting that [African-Americans are being incarcerated in fewer numbers](#) and some trends of de-incarceration happening in the last 6 years points towards a reduced role of prisons in society.<sup>78</sup>

But this change is not equal; interestingly the Post also reports that whites have only been increasingly incarcerated in the past few years. The percentages are small for white men (4%) but for white women since 2000 it has risen 56% which reflects Victoria Law's points about the

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<sup>77</sup>The PEW Charitable Trusts, "Most States Cut Imprisonment and Crime" Hosted by The PEW Charitable Trusts <<http://www.pewtrusts.org/en/multimedia/data-visualizations/2014/imprisonment-and-crime>>

<sup>78</sup>Keith Humphreys, "There's been a big decline in the black incarceration rate, and almost nobody's paying attention" Hosted by The Washington Post <[https://www.washingtonpost.com/news/wonk/wp/2016/02/10/almost-nobody-is-paying-attention-to-this-massive-change-in-criminal-justice/?postshare=1101455378467865&tid=ss\\_fb-bottom](https://www.washingtonpost.com/news/wonk/wp/2016/02/10/almost-nobody-is-paying-attention-to-this-massive-change-in-criminal-justice/?postshare=1101455378467865&tid=ss_fb-bottom)>

impact women's prisons have had in our society.<sup>79</sup>

As a result of these shifting racial makeups of prisons, the disparities that once seemed so absurd are becoming more relative to population level. Whether this is a good thing and whether it is something we should *actually* want are separate matters. But it certainly makes more *sense* that whites would be incarcerated at a higher rate. Especially if they commit drug offenses [on nearly equal rates](#) and make up *much more* of the US population than people of color do.<sup>80</sup>

Going straight to the [2014 BJS report](#) itself (summary [here](#)), one of the particularly notable developments is that "The federal prison population decreased by 5,300 inmates (down 2.5%) from 2013 to 2014, the second consecutive year of decline." And while female population has increased nearly 60% in a little over a decade, in the last few years it's only increased by 2%.<sup>81</sup>

There are some other things of note as well, but at this point I think it's fairly safe to say that we could be *cautiously* optimistic. It is nice that we can at least *hope* that the state will keep rolling itself back in terms of prison power. But for prison abolitionists, the words "hope" and "government" do not often go very far together.

While I welcome any decrease in the incarceration of anyone I'm very skeptical that the state will go far enough. My central claim is that *reducing the roles of prisons is going to come down to us*. Culture tends to move a lot faster than the state does when it comes to social progress. For example, see the debate about intellectual property (IP) and how increasingly unenforceable IP has become due to technology in spite of the state's best efforts.

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<sup>79</sup>Ibid

<sup>80</sup>Dylan Matthews, "The black/white marijuana arrest gap, in nine charts" Hosted by The Washington Post < <https://www.washingtonpost.com/news/wonk/wp/2013/06/04/the-blackwhite-marijuana-arrest-gap-in-nine-charts/>>

<sup>81</sup>Bureau of Justice Statistics, "Prisoners in 2014" Hosted by Office of Justice Programs < <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=5387>>

What I mean by "us" is communities, social movements, activist organizations, individuals, etc. coming together with as little government and non-profit help as possible.

I mention non-profits because they can also be a problem, activist groups can often become co-opted by foundations that have laudable goals but disagree with how far the activists may want to go. So eventually they threaten to cut their cash from the organization and the organization either folds or becomes more reformist to compensate for their source of revenue.

You can read INCITE! Women of Color Against Violence's [\*Beyond the Non-Profit Industrial Complex\*](#) for more on this.

Our perspective on prisons should be holistic, as I noted earlier via Nathan Goodman's quote, but besides keeping our abolition holistic, there are three tactics that Goodman lays out in his article [\*Prison Abolition is Practical:\*](#)

1. Support prisoners. Act in solidarity with prisoners who resist, such as the hunger strikers. Write letters to prisoners. Raise money for their commissary or send them books. While these sorts of actions will not abolish prisons on their own, they help prisoners survive incarceration, and they can help build a resistance movement on all sides of prison walls.
2. Resist the prison growth industry. Organize against construction of any new prisons, jails, and detention centers. Divest from banks that profit off prisons, such as [\*Wells Fargo\*](#), and urge others to do the same. Expose prison profiteers like [\*Jane Marquardt\*](#) and undermine their political influence. Film cops, finance legal defenses, and promote jury nullification, so fewer people are sent to prison.
3. Build alternatives to prisons. For example, LGBT people of color in New York run a



[Safe Neighborhood Campaign](#), which trains local businesses and community groups to stop violence without calling the police. Women organize many grassroots [projects](#) to defend themselves from gender violence in an America where [97%](#) of rapists are never sent to prison.<sup>82</sup>

With regards to the first tactic I recommend getting involved with [Black and Pink](#) which helps support LBTOA+ folks who are in prisons. They have a "pen pals" program as well as a ton of resources on prison abolition. They seem like a solid organization to me, but they tend to be geared towards anarcho-communists if you're looking to join.

There's also [Anarchist Black Cross Federation](#) which supports political prisoners and prisoners of war through letter-writing, book programs and even financial means. You may not agree with some of the work they do as they tend to openly support political prisoners who did illegal activity. But they are worth checking out for their longevity, if nothing else.

Besides these organizations and those that I didn't list there are strategies you can engage in that Nathan mentions.

Divestment campaigns are another thing that activists can do against prominent corporations who profit from the prison industrial complex.

[The Prison Divestment Campaign](#) is particularly dedicated to this and Goodman noted the success of this campaign via [Mother Jones](#)

Scopia Capital Management, DSM North America, and Amica Mutual Insurance pulled nearly \$60 million in investments from CCA [Corrections Corporation of America] and GEO Group in the final quarter of 2013, marking full divestment for DSM and Amica and

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<sup>82</sup>Nathan Goodman, "Prison Abolition is Practical" Hosted by Center for a Stateless Society  
<<https://c4ss.org/content/20326>>

a 27 percent decrease in shares for Scopia. (Scopia has decreased its private prison stock by 59 percent since December 2012.)

Their announcements mark the first round of success for civil rights nonprofit Color of Change, which has been pushing over 150 companies to divest from for-profit incarceration companies since last year. Color of Change is one of 16 organizations working towards these divestment goals as part of the National Prison Divestment Campaign.<sup>83</sup>

Other smaller investments of your time can be as simple as education.

For example writing an op-ed for the [Center for a Stateless Society \(C4SS\)](#) about why prisons are awful. It is possible you'll [get published in a newspaper](#) and it is an easier way to try to change perspectives about prisons.

Encouraging more empathy and sympathy to prisoners is another good step. Trying to get across the point that people are *not* disposable and they do not lose their rights when they commit crimes. Protesting, holding up signs during hearings that benefit the prison industrial complex, engaging in conversations with friends and more are also good and easier steps.

Protesting outside prisons when you suspect a wrongful death or just when you want to show solidarity to the inmate(s). Send inmates books and do your own independent pen-pal program if that works better.

Appeal to folks' common intuitions when they think about calling the cops. Do they *really* want to put people in jails or prisons? Do they *know* what tends to happen to people in prisons?

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<sup>83</sup>Katie Rose Quandt, "Corporations Divest Nearly \$60 Million From Private Prison Industry" Hosted by Mother Jones <<http://www.motherjones.com/mojo/2014/04/investment-corporations-divest-60-million-private-prison-cca-geo-group>>

These are important questions to ask your friends if they are considering getting the police involved in whatever situation might be going on.

As the director of communications from Critical Resistance, another prominent prison abolitionist group, Isaac Ontiveros [said](#):

Rather than saying, "Is it wrong to call the cops?" I want us to ask, "Is there anything we can do *besides* call the cops?" I think the more we can ask ourselves that question, and ask it among our friends, families, coworkers, neighbors, organizations, etc., and try to ask it and answer it as imaginatively as possible *before* things escalate, the more we will be able to respond swiftly and thoughtfully during crises.<sup>84</sup>

And besides all of that we should just [abolish the police](#).

But that's another argument for another time.

Finally, fans of Lysander Spooner may find some tactics from Spooner's own positions, as Goodman notes in his Weekly Abolitionist article, [Lysander Spooner's Legacy for the 21st Century](#):

Spoooner further argued, in [An Essay on the Trial By Jury](#), that it is a jury's "right, and their primary and paramount duty, to judge of the justice of the law, and to hold all laws invalid, that are, in their opinion, unjust or oppressive, and all persons guiltless in violating, or resisting the execution of, such laws." He is articulating a case for what is often called jury nullification. Today, jury instructions exist to explicitly deny the right of a jury to judge the justice of laws. Organizations like the [Fully Informed Jury Association \(FIJA\)](#), seek to educate jurors on this right.

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<sup>84</sup>Charles Davis, "Abolish Prison!" Hosted by VICE < [http://www.vice.com/en\\_ca/read/abolish-prison](http://www.vice.com/en_ca/read/abolish-prison)>

Spooner argues, "if the government may dictate to the jury what laws they are to enforce, it is no longer a trial by the country, but a trial by the government; because the jury then try the accused, not by any standard of their own – by their own judgments of their rightful liberties – but by a standard dictated to them by the government. And the standard, thus dictated by the government, becomes the measure of the people's liberties. If the government dictate the standard of trial, it of course dictates the results of the trial." Reversing the trend from trial by jury to trial by government is one tactic available to us for thwarting the power of police, prosecutors, and prisons.<sup>85</sup>

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<sup>85</sup>Nathan Goodman, "Lysander Spooner's Legacy for the 21<sup>st</sup> Century" Hosted by Center for a Stateless Society  
<<https://c4ss.org/content/26601>>

## Conclusion: Building Community, Not Prisons

Here is a list I compiled based on some credible, actually-existing, or pre-existing *successful* organizations and/or concepts that provide/d meaningful alternatives to prisons

- [SafeOUTSide the System](#) (anti-violence project) - "anti-violence program led by and for Lesbian, Gay, Bisexual, Two Spirit, Trans, and Gender Non Conforming people of color."
- [Transformative justice](#) (see also [here](#))
- [Restitution](#) (see also [here](#))
- [Replacing civil law with criminal law](#)
- [Sista Il Sista](#) (see also [here](#) and [here](#))
- [Cell 16](#) (see also [here](#), [here](#) and [here](#))
- [Dorchester Green Light Program](#)
- [Brooklyn Women's Martial Arts](#) (BWMA, trans inclusive)

- [Common Justice](#)
- [Community Works West](#)

For the sake of space and time, I shall focus on the three most promising organizations I discovered, Common Justice, Sista Il Sista and Community Works West.

### a) Community Works West

I'll start with the tamest of the three organizations, Community Works West (CWW). CWW isn't trying to abolish the prison industrial complex or abolish prisons in particular; they are a reformist attempt in California trying to ease burdens on the state's legal system.

I said before reform was inadequate and went at length to say why that was. I still stand by that opinion, but I think the particular sort of promise that CWW tends to show in the application of their programs can be great educational tools and outlets for abolitionist perspectives. Either from the outside or the inside, we can use this as an example (or even get involved) to say that programs that reduce the roles of prisons in society *can* work and they will work even better if they take a more radical (i.e. abolitionist) perspective.

CWW as an organization has a few tactics when it comes to "offender restoration" and they are fairly effective. They include showing the offenders similar victims (here I am using CWW's terminology) and having these victims speak about their experiences and how the offenses committed against them affected them on a personal basis. Often times the CWW reports that this *alone* helps give the offenders a new perspective on their past crimes.

They also offer group therapy, have the offenders admit a wrong and include yoga and

exercise after particularly emotionally strenuous sessions. This helps offenders relax and makes them less likely to feel overwhelmed.

Instead of confining these offenders to a secluded part of the community that gives them a lot of stigma and shame, they have offenders involved in [positive community building projects](#). Things that may show to others that they are still able to make a positive impact in others' lives. Prisons usually do not give people these chances and stick to that lack of opportunity.

Now for some bad news.

As I mentioned, CWW tends to be reformist in spirit, if not in practice. I still maintain this is inadequate as an alternative, but it is a good start. Unfortunately this start is slightly hampered by close involvement with law enforcement and the government.

The *good* news about this is that they have a *better ability* to keep accurate records than fledgling organizations that exist within the radical community. One of the most difficult things was finding studies and statistical evidence that these organizations are *actually* effective. And even when I *did* find some studies, they were not many in number.

Clearly more work needs to be done in this area and I want to note that I do not claim that any of these three organizations I will discuss are perfect or are *the* solution to prisons. I do not believe in panaceas and I do not think that there is such a thing as *a solution* to crime itself. As I have tried to stress, I believe we should take holistic approaches to our conception of abolition and that means we cannot try to create panacea-based solutions.

Thankfully, for CWW I could find a [2015 study](#) on their Resolve to Stop Violence (RSVP) program and some of the progress they've made:

Evaluation of the program showed dramatic reductions in both in-house and post-release levels of violence, showing that multilevel, comprehensive prevention approaches may play an important role in reducing the cycle of violent crime.<sup>86</sup>

Interestingly, as reformist as CWW can tend to be sometimes, it has an excellent feminist program called MANALIVE which teaches men in the program to reject the stereotypes of how men *must* act. For example that they must be hyper-competitive, very strong, always take leadership roles, be controlling and so on. This is especially helpful for gang members who have grown up with toxic notions of masculinity.

The study also explains how showing similar victims can be so effective:

First, almost all of the inmates have themselves been victims or witnesses of violence, so there is a basis for empathy in their own personal knowledge of the suffering violence can bring.

Second, they come to realize how much suffering they have caused or (except for good fortune) could have caused, to the people they have victimized, or to those they would victimize in the future unless they learn to stop being violent.<sup>87</sup>

There is also a rather intense drama program:

A third major component of the RSVP program consists of an exercise, led by trained, professional theater people, in which each inmate writes a one-act play dramatizing an actual event in his own life, one that represented a major turning point in his becoming

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<sup>86</sup>James Gilligan and Bandy Lee “The Resolve to Stop the Violence Project: Reducing Violence through a Jail-Based Initiative” Hosted by Community Works West < <http://communityworkswest.org/wp-content/uploads/2015/07/RSVPevaluation-1.pdf>>

<sup>87</sup>Ibid



a violent man, or a "loss of innocence" moment that was often extremely traumatic.<sup>88</sup>

The study concludes by saying:

Strictly speaking, from the perspective of public health, the program described here represents only tertiary prevention (i.e., intervention only with those individuals who have already become sick, or in the case of violence, have already injured others). It may be a worthy challenge and goal to adapt it for primary and secondary prevention—i.e., preventing violence before it occurs in the first place, as opposed to merely reducing the incidence of reoccurrence—and plans are underway for RSVP in schools and in other community institutions.<sup>89</sup>

## b) Common Justice

[Common Justice](#) (for more see [here](#) and [here](#)) is a program based out of NYC that works with youths who are charged with assault or robbery. Some of the most common sanctions that they used in disputes involved the victim asking for an apology from the offending party, asking the offending party for assistance with securing employment, or asking them to perform community services.

Tying back into the non-profit industrial complex discussed by INCITE! though, Common Justice is *also* a program that is funded by the [Vera Institute of Justice](#) and possibly others. Which, as I noted before, could limit how radical they can get if they wanted to push further.

That said, with what they have, the [Vera Institute](#) found that:

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<sup>88</sup>Ibid

<sup>89</sup>Ibid

...while supervising their completion of the 15-month intensive violence intervention program. Responsible parties who complete both their assigned sanctions and the violence intervention program successfully do not serve the jail or prison sentences they would otherwise have served.

...

In 2012, Common Justice was recognized with the Award for Professional Innovation in Victim Services from the United States Department of Justice's Office for Victims of Crime (OVC). Every year, OVC recognizes individuals and organizations that demonstrate outstanding service in supporting victims and victim services.

The Award for Professional Innovation in Victim Services is given to one organization in the country that has demonstrated leadership in expanding the reach of victims' rights and services.<sup>90</sup>

In addition, in an [article](#) by the Robert Wood Johnson Foundation in 2014 where they detail a grant period of July 2009 through December 2012 and the [results](#) of that states, "Common Justice worked with 43 responsible parties and 47 harmed parties in Brooklyn, N.Y. By the end of 2012, 24 responsible parties or 56 percent had graduated from the program. Fewer than 5 percent had been terminated and sentenced for new crimes".

Though it is important to note

...it is too early and the same sample size is too small for us to say anything statistically significant from a research perspective," Project Director Sered noted, "Common Justice's early experience (with recidivism) appears to be in alignment with one of the most

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<sup>90</sup>Vera Institute "Common Justice" Hosted by Vera Institute of Justice < <http://www.vera.org/project/common-justice>>

important and under-heeded lessons in the restorative justice field: restorative justice works better for more serious cases.

The Stone Leigh Foundation has an [article](#) explaining some of the things that helps Common Justice be successful. In particular, they mention the concept of "participatory justice" wherein both the aggrieved party and the party that was responsible for the grievance are able to be a relatively equal part of the process. This is in stark contrast to criminal law, as Friedman points out because the state has almost all of the power in the dispute.

There are also non-standard uses of [language](#) in that Common Justice does not speak about "victims" but rather a "harmed party". And likewise they do not talk about "offenders" but "responsible parties". They use "event-centered language" instead of personalizing the disputes between people so as to minimize the amount of conflict between people.

It is also a matter of *restorative* justice, justice that is not based on punishing the responsible parties but rather trying to find a way for both parties to work out a solution that works for them.

Restorative justice is a solution that makes both of the parties feel involved and feels like they end up with something that is equitable instead of disproportionately hurting one or the other. This is often the case when we turn the matters of law over to the state because the *point* of justice in these situations often become punishment *in of itself* rather than actually giving any sense of dignity or compensation for the aggrieved party.

I recognize that there are limitations to the amount of research and studies with Common Justice. So my claim is rather limited and mild: it is only to say that there *are* alternatives out there and they *are* seeing some amount of moderate success even with *many* outside forces working against them. This is something to celebrate and replicate as much as possible,

hopefully outside the clutches of the non-profit industrial complex as well as the state.

### c) Sista II Sista

The last alternative I want to discuss is the most radical of the three. It sadly disbanded after a period of several years of being active due to state and economic pressures from the outside.

Sista II Sista (S2S) was a group based out of Bushwick, NY dedicated to resisting both state and interpersonal violence in communities of color. They engaged in confrontation of abusive ex-boyfriends with their ideas of "sister circles" that led people to have their violence against people involved in their organization or in their local communities socially called out in some sense.

I do want to note that there are dangers to this approach as I think shame is a really powerful tool and therefore should be used as sparingly and carefully as possible. That said if someone is seen as such a threat to a community that they need to be socially shamed then it is likely that the people in the community themselves likely know what will work best rather than the police.

Victoria Law tells the story of this collective in her article [\*What Does Justice Mean Besides Police and Prison\*](#) on the feminist site *Bitch Media*:

In 2000, the police murders of two young women of color sparked a dialogue about violence against women among members of [\*Sista II Sista\*](#), a collective of women of color in Brooklyn, New York.

The group's work to empower young women of color to identify and work towards solving their own problems led them to form Sistas Liberated Ground, a zone in their

neighborhood where crimes against women would not be tolerated.

Sista II Sista instituted an "action line," which women could call, inform the group about violence in their lives, and explore the options that they—and the group—could take to change the situation.

In addition, Sista II Sista established Sister Circles which provided space for women to talk about the violence and other problems in their daily lives but encouraged the community—rather than the individual woman—to find solution.<sup>91</sup>

In addition to this, S2S performed skits on the street to provide educational protests against sexual harassment. S2S also opened up Sista's Liberated Ground which they defined [as](#),

...a space where violence against sistas is not tolerated, and where women turn to each other instead of the police to address the violence in their lives. SLG includes extensive out-reach with flyers, posters, T-shirts, stickers, and murals to mark the territory. There is also an action line; a phone number that women can call to get involved.<sup>92</sup>

Unsurprisingly, in response to these actions and a public protest directed towards the police, the police decided to surveil S2S on a 24/7 basis over the course of two weeks. This led to the particularly vulnerable among the members, such as illegal immigrants leaving the organization so as not to risk deportation. This did not significantly set S2S back in the long run but it was a strong symbolic show of force by the police and the state.

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91Victoria Law, "What Does Justice Mean Besides Police and Prisons?" Hosted by Bitch Media <<https://bitchmedia.org/post/what-does-justice-mean-besides-police-and-prison-renisha-mcbride>>

92Sista II Sista, "Sistas Makin' Moves" Hosted by Collective Liberation <[http://collectiveliberation.org/wp-content/uploads/2013/01/Sista\\_II\\_Sista\\_Sistas\\_Makin\\_Moves.pdf](http://collectiveliberation.org/wp-content/uploads/2013/01/Sista_II_Sista_Sistas_Makin_Moves.pdf)>

The response to S2S makes sense given what Victoria Law tells us about prisons:

...the threat of imprisonment does not deter abuse; it simply drives it further underground. Remember that there are many forms of abuse and violence, and not all are illegal. It also sets up a false dichotomy in which the survivor has to choose between personal safety and criminalizing and/or imprisoning a loved one.

Arrest and imprisonment does not reduce, let alone prevent, violence. Building structures and networks to address the lack of options and resources available to women is more effective. Challenging patriarchy and male supremacy is a much more effective solution, although it is not one that funders and the state want to see...<sup>93</sup>

I think the sum of these organizations is that people are building the future *now* and it is a future where prisons have a reduced role in society. The more radically they challenge the status quo, the more likely it is they will face reprisal. But this only proves that they are radically challenging the status quo.

In addition, as the burdens on legal systems become greater and people keep seeking and building alternatives, we will get closer and closer to abolishing not only the state but the prison industrial complex and prisons themselves.

I want to conclude by sharing a bit of good news that happened upon my Facebook feed while originally finishing this piece from activist and anarchist Scott Crow that shows the power of resisting prisons:

Albert Woodfox of the Angola 3 is free!!!!!!

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<sup>93</sup>Victoria Law, "Vikki Laws: Resisting Gender Violence Without Cops or Prisons" Hosted by Youtube <<https://www.youtube.com/watch?v=Qlozk7G-JYo>>

Today is a personal historic day for many of us. His 43 years in solitary are over. Former Black Panther and longtime US political prisoner. He, along with Herman Wallace and [Robert King](#) were the longest held people in solitary confinement in modern US history.

Photo below us where he's being held on his way out.<sup>94</sup>



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<sup>94</sup>Scott Crow, No Title, Hosted by Facebook <<https://www.facebook.com/wordsfirst/posts/10206040006136050>>

## Further resources on prison abolition

<http://bcw.barnard.edu/blog/no-one-is-disposable-resources-and-context-for-a-conversation-on-prison-abolition/> - Carly from the Barnard Center for Women added some ideas and resources to Reina Gosset's and Dean Spades conversations

<https://melanienewport.com/2014/04/09/an-american-prison-history-reading-list/> - Melanie Newport puts together a rather comprehensive list of books to better understand prisons

<https://c4ss.org/content/30340> - A prison abolitionist reading list put together by Nathan Goodman

<http://kinkykinkshamer.tumblr.com/post/69512975149/prison-abolition-resources> - Nathan Goodman also put together some other prison abolition resources on his personal Tumblr blog

<http://www.usprisonculture.com/blog/visualizations/> - Helpful visuals for common prison statistics

[Abolish Prisons! By Charles Davis](#) VICE interview with a co-founder of Critical Resistance

<http://blog.skepticalibertarian.com/2014/03/08/public-choice-the-science-of-political-skepticism/> - Explains public choice theory, a relevant school of thought for prison abolitionists to read up on

<http://criticalresistance.org/resources/the-abolitionist-toolkit/> - An old school resource guide for prison abolitionists put together by Critical Resistance

<http://criticalresistance.org/resources/addressing-harm-accountability-and-healing/> - CR also put together ideas for how to best address harms and accountability process towards a better way of healing

<http://www.incite-national.org/page/organizing-tools-strategies> - INCITE! put together many organizing tools and strategies for achieving liberation