

Penal Abolition – An Analysis of Proposals

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‘Penal abolition’ refers to the rejection of the current system of punishment and incarceration for crimes against the state. Penal abolitionists assert that the penal system is an oppressive social control mechanism that fails to reduce crime and maintain community protection, exhibits racial, socio-economic and gender discrimination and is susceptible to abuse by influential individuals and groups for profit, politics, and power.

Reasons for Abolition

1. Ineffectiveness of the Penal System

- The penal system can result in the wrongful conviction of innocent persons.
- The penal system actually inhibits the ability to apprehend, rehabilitate or deter individuals from crime.
- Expenditure and allocation of resources towards policies, laws and facilities required by the penal system directs funds away from crime prevention strategies.
- In Australia, the recidivism rate is approximately 43.7% and there is no evidence to suggest that prisoners are deterred from re-offending by incarceration.
- An oppressive and hostile prison environment can negatively affect prisoners’ emotional and mental states, decreasing the effectiveness of rehabilitation and increasing the possibility of re-offending.
- Laws and policies within the system are often in violation of human rights and civil liberties.
- There is no evidence that authorities can accurately select individuals to incapacitate in order to prevent future harms.
- The penal system does not provide effective remedies for victims of crime, because they do not have the power to participate in criminal proceedings. This undermines the public perception that punishing an offender gives “justice” to the victim persists.

2. Misuse of the Penal System

- “Prison Industrial Complex” – politically influential conglomerates have sought to capitalise on the penal system by supplying the government with private police, lawyers and private prison facilities. The recent expansion of the penal system has been partly attributed to this misuse.
- Political power – the exploitation of the penal system by politicians and entrepreneurs as a vehicle for propaganda, with the aim of gaining popularity and influence.
- Profession/career – many “professionals” profit from the penal system through careers in academic criminology and law and argue for the continuation of the system despite its shortcomings

3. The Penal System as a Mechanism for Controlling the Underprivileged

- Contrary to general belief, the penal system has proven more effective at reinforcing social paradigms by sorting individuals into groups and classes on

the basis of gender, race and socio-economic status than at maintaining safety and security within the community.

- Individuals who, according to general social opinion, are classified as different, underprivileged or in some way threatening, such as persons of color (such as Indigenous Australians), those living in poverty or mental illness, war veterans and those who are otherwise socially disadvantaged (by lack of education, family wealth or opportunities for stable employment, for instance), have greater rates incarceration and punishment than those who are socially prosperous or privileged. The penal system is oppressive and targets these disadvantaged groups.
- The penal system promotes the myths that surround criminals by establishing a division between “criminals” and “victims”, and between “good” law-abiding citizens and “bad” people who reside in prisons. This depiction alienates those who have committed crimes by representing them as “the other”, perpetuating the social stigma attached to former offenders.
- Only a fraction of those who break the law in their lives are subject to the penal system, suggesting that the modern penal system does not respond to “crime” per se, but to the crimes committed by certain individuals or groups.

4. High Costs for the Taxpayer

- In Australia, the imprisonment of young and mentally ill offenders costs taxpayers over \$200,000 per year per inmate. The high rate of re-offending and re-imprisonment undermines the practicality and feasibility of this cost.
- The US “Criminal Justice System” has been, and continues to be, the most expensive government program in the history of mankind. California’s penal system takes more money from the state budget than public education, and Australia is predicted to follow this example unless active steps are taken to prevent the expansion of the Australian penal system.
- Cost-benefit analyses show that tax revenues are maintaining this system despite little, if any, positive results. In particular, the penal system produces jobs in areas of high risk and low skill requirement, rather than in the areas of development, health and infrastructure.

Alternatives for Dealing with Disturbing or Criminal Behaviour

Community problems are cross-fertilised and festering within the current prison environment. A need for open discussion and exchange of ideas is required in order to move away from this unsuccessful approach. It is important to remember that crime is a symptom of underlying problems within the broader community.

Alternative methods for dealing with disturbing or criminal behaviour without relying on punishment and imprisonment include:

- Funding education programs which promote greater tolerance and dissolution of stigmas associated with former criminals and social groups which have been traditionally targeted by the penal system
- Transformative justice (restorative justice and justice reinvestment)
- Building community support systems through peer mentoring and professional training.

- Inspiring good behaviour through hope rather than intimidation, fear and punishment
- Preventing violent behaviour by investing in expanding health care programs in areas such as anger management, rehabilitation and mental health (recipients of such programs need not commit crimes to be eligible for these programs, and should not be chosen by government agencies)

Further reading

- The International Conference on Penal Abolition (ICOPA): <http://actionicopa.org/>
- Morris, Ruth (2000) "History of ICOPA", in W. Gordon West and Ruth Morris (eds.), *The Case for Penal Abolition*, Toronto: Canadian Scholars' Press.
- # Finateri, Lisa and Viviane Saleh-Hanna (2000) "International Conference on Penal Abolition: The Birth of ICOPA", in W. Gordon West and Ruth Morris (eds.), *The Case for Penal Abolition*, Toronto: Canadian Scholars' Press.
- Davis, Angela and Dylan Rodriguez (2000) "The Challenge of Prison Abolition: A Conversation", *Social Justice*, 27(3): 212-218.
- Piché, Justin and Mike Larsen (2010) "The Moving Targets of Abolitionism: ICOPA, Past, Present and Future", *Contemporary Justice Review*, 13(4): 391-410.