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The Case for Abolition

“A serious reformation of our carceral policy—one seeking a smaller prison population, and a prison population that looks more like America—cannot concern itself merely with sentencing reform, cannot pretend as though the past 50 years of criminal-justice policy did not do real damage.”¹ In *The Black Family in the Age of Mass Incarceration*, Coates makes clear why surface level prison reform will never work. Reform, by nature, is unrevolutionary. It is impossible to truly change a justice system for the better without altering the institutional structures, communities, and politics that inform it. To make these improvements requires warring against the American disparity in unfreedom and in resources. And “to war against a disparity in resources,” Coates says, “is to confront a history in which both the plunder and the mass incarceration of blacks are accepted commonplaces.”² Unsubtly, the prison industrial complex is rooted in the for-profit incarceration and destruction of black bodies. Reforming a system that represents the maintenance of slavery ultimately only serves to fortify that system. Delivering real criminal justice means abolishing mass incarceration altogether and replacing systems of retribution with those of restoration. It means building a society where punishment is not a source of corporate profit and where race and class are not determinants of legal fate. This entails ending the habitual plundering of black bodies and waging war against the unholy marriage of capitalism and white supremacy. It means reckoning with the moral debt that

¹ Ta-Nehisi Coates, *We Were Eight Years in Power*, 281.

² *Ibid*, 279.

America has accrued and asking what is owed to the citizens this country has forced into irreparable vulnerability.

In the United States, “color is not a human or personal reality; it is a political reality.”³ The American response to crime makes painfully clear the veracity of Baldwin’s words. Black struggle and black villainy, both born of white supremacy and equated under law, are used to justify white oppression, which is understood not as oppression but as “the corner-stone of our republican edifice.”⁴ So deep is this blind understanding that blackness itself becomes the mark of criminality, used to defend incarceration and government sanctioned murder. As capital punishment is “the legally authorized killing of someone as punishment for a crime,”⁵ black Americans are systematically executed for the “crime” of being black.⁶ Any skeptic who has the privilege or audacity to doubt this may turn to the execution of the innocent Nathaniel Woods on March 6, 2020. Anyone who remains unconvinced about the political reality of color should attempt to answer why, in the search for employment, black men without a criminal record fare worse than the white men with one.⁷

The Gray Wastes—what Coates names the nation’s carceral state and sprawling netherworld of prisons and jails—are but a new face of an oppression so old that America’s foundation rests upon it: the destruction of the black family. “Peril is generational for black people in America—and incarceration is our current mechanism for ensuring that the peril continues.”⁸ Every statistic backs this truth. The black-white incarceration disparity that exists in

³ James Baldwin

⁴ Ta-Nehisi Coates, *We Were Eight Years in Power*, 242.

⁵ Capital punishment as defined by the New Oxford American Dictionary.

⁶ Tianna Mobley, AFAM 318 Discussion Post, Week 11.

⁷ Ta-Nehisi Coates, *We Were Eight Years in Power*, 240.

⁸ *Ibid*, 270.

the United States today, which is roughly seven to one, is nearly identical to that of Antebellum Virginia, a state where seventy-three crimes could garner the death penalty for the enslaved and only one could do so for whites.⁹ While the definition of crime changes, criminalization in America has always been and will always be racialized. It is no coincidence, but rather, intentional that prison has become “a normal and anticipated marker in the transition to adulthood” for black men.¹⁰ Coates points out that the chasm in incarceration rates and the socioeconomic chasm between black and white America are self-reinforcing, as impoverished black people are more likely to end up in prison—an experience that breeds impoverishment and recidivism. “An array of laws, differing across the country but all emanating from our tendency toward punitive criminal justice—limiting or banning food stamps for drug felons; prohibiting ex-offenders from obtaining public housing—ensure this.”¹¹

Not only is the prison industrial complex inhumane and nakedly racist, it is also counterproductive to the assurance of public safety and the interest of all taxpayers. When policy is driven not by an effort to make neighborhoods safer but by the promise of profit and the maintenance of oppression, crime rates do not go down and safety is obscured. When cities are dependent on fines for their revenue, “wearing saggy pants” is made a crime and law enforcement is tasked with the job of municipal plunder.¹² With motives so profit-centered and grounds for incarceration so racist, it should be no surprise that America’s prison and jail population from 1970 until today has increased sevenfold, from some 300,000 people to 2.2. Million. And while the 66 percent increase in the state prison population between 1993 and 2001

⁹ Ibid, 243.

¹⁰ Ibid, 234.

¹¹ Ibid, 279.

¹² Ibid, 249.

reduced the rate of serious crime by “a modest 2 to 5 percent,” it cost taxpayers \$53 billion.¹³ This money, which could be allocated towards public education, housing, healthcare, or—dare I say—reparations, is in part spent on initiatives such as the No Frills Prison Act, funding “creative strategies to make offenders suffer.”¹⁴ (Simultaneously, the Supreme Court claims to honor the Eighth Amendment, decreeing that cruel and unusual punishments shall not be inflicted). We are not incarcerating criminals but the mentally ill, the illiterate, the drug addicted, and the poor. Four out of five criminal defendants qualify as indigent before the courts, and as the number of prison beds has risen in this country, the number of public psychiatric hospital beds has fallen dramatically.¹⁵ This incarceration is of course cyclical: it excludes returning citizens from the job market, disqualifies them from feeding their families with food stamps, allows for housing discrimination based on a criminal background check, increases the risk of homelessness, and increases the chances of being incarcerated again.¹⁶

The American criminal justice system is not just rooted in white supremacy and black plunder—it *is* white supremacy and black plunder. Reforming such a system makes little sense, as it is executing its purpose perfectly. If we hope to deliver real criminal justice, a concept that is currently alien to the United States, we must abolish mass incarceration and prisons altogether and create a movement built on the notion that homelessness, unemployment, drug addiction, poverty, and illiteracy are not crimes but social problems. Delivering criminal justice means building a society that does not need prisons: “A decent redistribution of power and income so as to put out the hidden fire of burning envy that now flames up in crimes of property—both

¹³ Ibid, 234.

¹⁴ Ibid, 236.

¹⁵ Ibid, 241.

¹⁶ Ibid, 270-271.

burglary by the poor and embezzlement by the affluent. And a decent sense of community that can support, reintegrate and truly rehabilitate those who suddenly become filled with fury or despair, and that can face them not as objects—'criminals'—but as people who have committed illegal acts, as have almost all of us.”¹⁷ In *Are Prisons Obsolete*, Angela Davis urges her readers to stop thinking about the current system as an unconditional standard and to let go of the desire to look for prison-like substitutes that would “occupy the same footprint as the prison system.” We must shift our attention from the prison to “the set of relationships that comprise the prison industrial complex.”¹⁸

Positing decarceration as our overarching agenda, a continuum of strategies that would assist in dismantling the prison industrial complex come to mind: the disruption of the school to prison pipeline and demilitarization of schools; a healthcare system that provides free physical and mental care to all; the decriminalization of drug use, sex work, and undocumented immigration; job and living wage programs and alternatives to the disestablished welfare state; a justice system based on reparation and reconciliation rather than retribution and vengeance. Removing from the ideological landscape the notion of prison as a necessary solution to societal ill allows for alternative strategies and institutions to become realized. In order to advance the goal of abolition, these alternatives must address racism, male dominance, homophobia, class bias, and other structures of domination.¹⁹

Disrupting the school to prison pipeline is essential, as schools are the most powerful alternative to jails and prisons. Unless the current structures of violence are eliminated from schools in impoverished communities and communities of color—including the presence of

¹⁷ Arthur Waskow, *Instead of Prisons: A Handbook for Abolitionists*, 15-16.

¹⁸ Angela Davis, *Are Prisons Obsolete*, 106.

¹⁹ *Ibid*, 108.

armed security guards and police—and unless schools become places that encourage learning, these schools will remain the major conduits to prisons.²⁰ Next, within the healthcare system, we must eradicate the racial and class disparities in care available to the affluent and the deprived. Davis implores that “new facilities designed to assist poor people not be taken as an appeal to reinstate the old system of mental institutions, which were and in many cases still are as repressive as the prisons.”²¹ The decriminalization of drug use is also necessary and combats the prison industrial complex in its opposition to intentional structures of racism. Along with this, the money that is currently invested in prisons should be in part allocated toward developing free, community-based programs accessible to all people who wish to tackle their drug problems. As it is in the Netherlands, sex work should also be decriminalized. This would simply entail repealing laws penalizing people who work in the sex industry—which, of course, exists whether or not it is legal. Furthermore, we must dismantle the processes that punish people for their failure to enter this country without documents, both as an effort to diminish the number of immigrants inhumanely detained in centers and prisons, and as an attempt to combat domestic violence at large. “When women from countries in the southern region are imprisoned because they have entered this country to escape sexual violence, instead of being granted refugee status, this reinforces the generalized tendency to punish people who are persecuted in their intimate lives as a direct consequence of pandemics of violence that continue to be legitimized by ideological and legal structures.”²²

While there are endless other ways in which we might begin to attempt to reverse the impact of the prison industrial complex, contest racism, and decriminalize vulnerable

²⁰ Ibid, 108.

²¹ Ibid, 108.

²² Ibid, 110-111.

communities, abolition inevitably raises the question of violent crime and how it should be handled. Arguing for leniency toward violent criminals, Coates says, is not politically easy. While in many European countries, a 10-year sentence for a violent crime would seem harsh to citizens, American prisons are so filled with “lifers and de facto lifers who will likely die in prison” that “our politics seem allergic to the very question” of dealing with violent crime.²³ But what if punishment was not the central concern in the making of justice? What if, instead of criminal law, there was reparative law wherein the lawbreaker is “no longer an evil-minded man or woman, but simply a debtor, a liable person whose human duty is to take responsibility for his or her acts, and to assume the duty of repair.”²⁴ In its human-centricity, restorative justice understands wrongdoings as violations of people—not of the state. It operates on the reasonable premise that the persons most affected by crime should be involved in resolving it. Rather than being subjected to retribution and punishment, a strategy that helps no one, offenders are held accountable to those whom they have wronged and can focus on rehabilitation and reconciliation. Unsurprisingly, such methods of restorative justice yield remarkably low rates of recidivism compared to the jarring 76 percent of ex-offenders who are rearrested within five years of their release from prison.

There is no element of American mass incarceration that so much as suggests justice. The case for abolition—the simple plea to cease “the warehousing and deprivation of whole swaths of our country and the transformation of that deprivation into wealth transmitted through government jobs and private investment”—should not be considered radical.²⁵ The case for abolition is the case “to build suburbs on something other than human bodies,” “to angle jails

²³ Ta-Nehisi Coates, *We Were Eight Years in Power*, 278.

²⁴ Herman Bianchi, *Abolitionism: Toward a Non Repressive Approach to Crime*, 117.

²⁵ Ta-Nehisi Coates, *We Were Eight Years in Power*, 281.

toward something other than a human stockyard,” and “to erect a democracy independent of cannibalism.”²⁶ It is the case to confront white dominance not as some fact of the inert past or a delinquent debt that can be made to disappear if only we do not look.²⁷ It is an acknowledgement that this country has been unimaginable without plundered labor shackled to plundered land and without the organizing principles of whiteness as citizenship and whiteness as innocence.²⁸ Abolition is a step towards reconciling the scope of enslavement, “the generational destruction of human bodies—and all of its related offenses—domestic terrorism, poll taxes, mass incarceration,” with America’s foundation and existence.²⁹

²⁶ Ta-Nehisi Coates, *Between the World and Me*, 105.

²⁷ Ta-Nehisi Coates, *We Were Eight Years in Power: Notes from the Fourth Year*, 85.

²⁸ *Ibid*, 85.

²⁹ *Ibid*, 85.