
PRISON ABOLITIONISM: RETHINKING JUSTICE BEYOND THE BARS

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Introduction

According to the UN, 11.2 million people face solitary confinement at any given time, and governments spend around billions of dollars to maintain them, but is it desirable for anyone? Some say that such measures are essential to counter the rise in the use of recreational drugs and growing crime rates. These are some arguments surrounding the prolonged debate on prison abolitionism that reflect the extent to which the laws and policies on conviction have created an impact. Examining if regulations have accomplished their true objective or not, they function as an extension to the age-old question- what is better, retribution or rehabilitation? While the principle of atonement emphasizes the need to pay the price of one's deeds and sets an example that immoral deeds will not go unpunished, the principle of reform advocates for providing another chance to the culprits for their reassimilation in society and striking at the root caused that compelled them into the world of crime. Both aim to resolve the issue of high incarceration rates that have not only been a concern for the public at large but also for the government's finances, crumbling under the pressure of managing the immense number of inmates suffering in prison. The only question is whether prison abolitionism will result in positive reforms to the criminal justice system, or will it create an offset that impedes reform efforts.

To weigh the impact of the desirable reforms that could make the legal system more efficacious, we should also keep in mind the multiple factors like the transformative power of community engagement, global resistance movements, and inclusive education frameworks that can facilitate potential solutions, while considering prison abolitionism as a policy change aimed at making the world a more peaceful place.

Background of The Debate

The omnipresence of incarceration for ages is what one can call its 'controversial history.' As an attempt to reform the criminal system, the prison abolition movement started with the Attica

Prison Uprising in 1971 under the umbrella of the Black rights movement in the United States, where prison conditions were awful, and punishments for the inmates were exceedingly harsh. The movement is based on the history of the prison system, which encompasses white supremacy, patriarchy, capitalism, and ableist and heteronormative ideas. It began with resistance to these dominant structures, with the goal of building a safe, liberal, and free world for all people, and emphasizes healing and accountability, proposing a new way of living and maintaining relationships outside of repressive regimes. The movement usually consists of two parts: reformists and abolitionists; Black, Indigenous peoples as well as women and gender nonconforming folks play significant roles. Abolitionists believe that prisons do not need to be reformed and criticize fashionable reforms and alternatives to prisons rooted in carceral logic. We could conclusively say that the prison abolition movement is an informal association of individuals and organizations that, in several ways, are advocating for meaningful, structural changes in how we manage and even think about crime across the globe. Recognizing the harm that imprisonment has on people and their families, the movement attempts to make the people a part of society that had once ousted them as a threat.

On the contrary, opponents could claim that the 'inhumane' confinements are not a coincidence but rather a result of the crimes committed by the convicts and that they get imprisoned for a reason, i.e., for the sake of the dispersion of justice. It is indeed true that there is a need to stop racial discrimination and torture in prisons, but the fact that these problems exist cannot absolve the culprits of their actions. How can someone be ready to reenter society if they have just proved that they are not and have not atoned for their mistake?

Societal Perspectives on Prison Abolitionism

When activist and cable TV broadcaster Van Jones began the #cut50 campaign the last decade to reduce prison populations in the United States by half, many mainstream reform observers scoffed at precarious overreach. The initiative has now drawn a star-studded lineup of celebrities, benefactors, and Democratic presidential campaigners who seem willing to push for congressional action in the hope of more votes. Nowadays, he asks for more public support to make all the prisons empty. Looking at the success of such campaigns, one can say that prison abolitionism is a topic whose implementation is more dependent on public opinion than governmental action since it is directly involved with social morality and human rights. Thus, it is critical to examine what public figures, and especially citizens, believe about removing

prisons. It is evident that the opinion of the citizens is shaped by what the former tell them, who say that the ability to see this debate through a humanitarian perspective and not a political one can provide a solution in sight.

In their view, the key to attaining the most effective way of imparting justice can be through the forces like love, community resilience, and global solidarity that bind humankind together. A notable display of these was done by the organization 'Black Panthers' during the Black rights movement, where they organized campaigns to free the wrongly incarcerated blacks and took peaceful entry into public places that the whites proclaimed were reserved for them. Their legacy continues to influence current abolitionist movements, emphasizing the importance of working together to eliminate restrictive systems.

Through these examples that represent some of the most pertinent commentaries on this topic, one can say that a considerable portion of the public supports the abolition of prisons through social media, public forums, and publications, in the goal of making the world a 'utopia.' However, their opinions only consider the plight of the convicted but not the aggrieved, who fear not getting justice for what they have suffered. While it is true that public opinion matters and strengthens the case for prison abolitionism, it often happens that the voice of the masses is not the voice of the truth, and the majority opinion turns into a majoritarian opinion. Hence, both sides must get an equal pedestal to keep their cases, and we must ascertain which side could help to create and implement comprehensive solutions to make the justice system more 'just.'

Retribution vs. Rehabilitation

Mahatma Gandhi once said, "An eye for an eye will make the world blind." His saying has become the guiding principle for contemporary abolitionists who assert that the cycle of conflict between two groups will only cease if we reform the aggressor. They recognize that a conflict exists and that the aggressors are victims of their circumstances, for it promotes the humanizing belief that the law can save the offenders and not simply penalize them. The case for rehabilitation further acknowledges the social inequality in a society where sentences against people of all races, genders, colours, and religions are not the same for the same crime and vouches for the reintegration of these groups in society that otherwise would have been a tedious affair. According to the Washington State Department of Correction, more than half (56.7%) of individuals released from prison were rearrested by the end of their first year, and

more than three-quarters (76.6%) were back in jail within five years. Inmates are returning to jail at dangerously high rates, regardless of the crime they committed. Thus, it becomes clear that abolishing prisons will end blind incarcerations. Furthermore, inflicting more agony on the inmates who might have committed the crime out of distress instead of counselling them will create a perpetual cycle of detestation for the law and chaos in the world. While some classify this debate as a clash of ideology between politics and humanism, it also has economic dimensions. If it were to overlook the opportunity cost of keeping all these people out of the workforce, is it a profitable deal for the government to spend millions of dollars on inmates who generate no revenue when in prison?

Conversely, the case for retribution says that “The cost of an eye is certainly not an apology.” It signifies that one cannot get away with the harm they have caused without atoning for it and acknowledges that they might cause havoc in society if left loose again. While wanting to reform the culprits, abolitionists tend to normalize crimes, but the side for retribution treats the offenders’ acts as misconduct. Here, the purpose of imprisonment is not just to reform but to set an example of reciprocity and proportionality on misconduct and to recognize the harm done. It deems that the culprit is mindful enough to discern the moral nature and consequences of its actions that were not a coincidence and function as a tool of deterrence against those who might get nudged to indulge in crimes. However, even if rehabilitation were a potential solution, how could it be ascertained if the offender has reformed? The offender could pretend to have reformed to escape the rehabilitation centre. Also, the economic reasons for not maintaining prisons are inadequate because the loss of human life and harmony caused by the absence of prisons would be economically irreparable when there is not enough infrastructure present to set up rehabilitation centres that would replace prisons.

Suggestions for Remedial Justice

I believe working at the extremes of retribution and rehabilitation is impractical; instead, we require a balanced approach. While mass imprisonment remains a grave concern, virtually setting dangerous criminals free is also not an option. So, the government should introduce rehabilitation for minors and first-time convicts in non-heinous crimes like suicide, drug use, and verbal abuse. However, the law should proportionately deal with violent and heinous crimes against society that carry potential life sentences. Rehabilitation should not only comprise counselling to make the convicts realize their faults but also educational frameworks

that upskill the individual to get economically independent and anti-stress therapies like Functional Family Therapy and Multi-Systematic Therapy that can help cope with factors that led someone to commit crime through familial and societal support.

Societal support should be towards those who go to jail along with those who go to the rehabilitation centre, for it often happens that people get wrongly convicted owing to prejudices and get treated with violence and solitary confinement. The government and social groups must ensure that all convictions are fair, and they should work to protect the human rights of the convicts in jail. From an economic standpoint, diverting funds to maintaining and building more rehabilitation centres with educational and psychological support is a better use of public money to create more assets for the country than just perennial inmates. To reduce the reluctance associated with employing former convicts, the government could also provide incentives to corporations to hire them and ask incubators to disperse reserved funds for these people so that they can start business ventures for enhanced financial autonomy and respect. Additionally, rather than spending myriad amounts to construct more jails due to high incarceration rates, we should focus on measures like poverty reduction, equality, employment generation, and drug control to strike the root cause of incarceration and ensure that these people never act unlawfully again, so that justice prevails.

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