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## BOOK REVIEW

### **Are Prisons Obsolete? by Angela Y. Davis<sup>1</sup>**

REVIEWED BY KIM PATE<sup>2</sup>

After reading Angela Davis's *Are Prisons Obsolete?* I was again reminded that the standard held out for anything other than the current criminal "justice system" – whose central theme is punishment and whose monolithic structure is imprisonment – is one of comparative perfection. I was also reminded of two central messages in Thomas Mathiesen's "The Unfinished":<sup>3</sup> that we cannot merely replace one system with another and that the work of striving for equality and justice is an evolution of inter-related and sometimes symbiotic processes. There is abundant evidence that the current system of punishment and imprisonment is out of control and ineffective as a means of rendering more people equal, safe, secure, and otherwise free. Nevertheless, there seems to be a presumption that before replacing any of this outdated, ineffective, destructive, and obsolete system, we must first discover, create, or otherwise imagine an alternative one that is first proven to be effective and all-encompassing.

In this wonderfully digestible, and therefore accessible, new book, Angela Davis further supports the abolition argument and provides some very clear and tangible reasons to further examine the impact of the prison industrial complex, rather than continuing with prison reform. It is clear that imprisonment has become the normative criminal justice response and that prison is an irrevocable assumption. As Ms. Davis clearly articulates, the inducement of moral panics, fear- and hate-mongering is also integral to the punishment and imprisonment industry. Those with the power and resources

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1. Angela Davis has spent much of her life writing and campaigning against the rise and exponential growth of the prison industrial complex. Recognized internationally for her emancipatory work, Angela first appeared as the world rose in her support following her trial and subsequent acquittal on charges that she was involved in the Soledad Brother murders. Her actions and words continue to inspire all who work to eliminate racism and other interconnected forms of discrimination of those in whose interest it is to continue the oppression, criminalization, and brutalization that epitomize the mushrooming prison industrial complex.
  2. Kim Pate, a feminist lawyer and teacher by training, is the executive director of the Canadian Association of the Elizabeth Fry Societies. She has worked in alliance with marginalized, criminalized, and imprisoned men, women, and youth for the past 20 years. The Canadian Association of Elizabeth Fry Societies (CAEFS) is an organization of 25 grassroots community-based groups whose mandate is to work with and on behalf of marginalized, criminalized, and imprisoned women and girls in Canada. The views expressed herein are those of the reviewer.
  3. Thomas Mathiesen (1974) "The Unfinished" in *The Politics of Abolition* (New York: Wiley).

benefit from the continued reliance on imprisonment to convince not only those who create public policy and law, but the rest of us, too, that, unless we continue to lock people up, we will all be in ultimate peril of the loss of our safety, security, and general well-being.

Indeed, as Ms. Davis reveals, it is precisely these same sorts of arguments and the same rhetoric and invective that predated the abolition of slavery in the United States. As she also points out, prisons were developed as a more palatable and presumably human alternative to the previous norm of torture and death.

The rise of corporate interests in the development and growth of punishment and imprisonment is a clear and integral part of the prison industrial complex. Ms. Davis points out that the impact and insidiousness – not to mention the invidiousness – of the influence of corporatization of the pain and punishment industry are so embedded in the individual and collective North American psyche, and increasingly throughout the industrial world, that it has pervaded even our recreational and “entertainment” industries. How many of us could have predicted that there would be an entire genre of Hollywood prison films?

As Ms. Davis also notes, the growth of the penal industry within the last three decades in particular, and the last century more generally, is also related to the backlash against emancipatory movements worldwide. In the United States, the end of slavery and the growth of civil rights of African American people were clearly related to the exponential growth of the rate of imprisonment of black people in America. Again, as Ms. Davis points out, just as the end of slavery was once seen as unimaginable, current thinking would have us all believe that it is impossible to imagine the end of the use of imprisonment. Nowhere is this more true than in the United States. There, the citizenry – especially the racialized, poor, and mentally ill, who are disproportionately marginalized and oppressed – have a far greater likelihood of being criminalized and imprisoned than they do of finishing high school or obtaining any post-secondary education. In highlighting that the United States currently imprisons more than 2 million people, she discloses the many other similarities between slavery and prison and the growth of the prison industrial complex. Key among these is the acute reliance that both slavery and imprisonment have on racism and other forms of discrimination.

Ms. Davis also focuses some of her discussion in this book on the role of gender in the structuring of prisons. I would have preferred to see more discussion of the role that the backlash against violence against women and children, and misogyny in general, has played in contributing to the increased oppression, criminalization, and imprisonment of women, as well as the most vulnerable male abusers – poor, racialized men. But the author does introduce some of the challenges that an abolitionist position poses to those who are united in their desire to stop male violence and abuse of women and children. Furthermore, anti-violence workers recognize that punishment and imprisonment do not make women or children safe, except perhaps for the very limited time that the person might serve in custody. Such temporary removal and

separation of some individuals from those to whom they may pose a risk is a Band Aid response at best.

Ms. Davis argues that it is vital to focus not on reinforcing criminal justice responses that merely promote the status quo, because the status quo marginalizes and discriminates against those who are most vulnerable, in a manner that renders them more likely to be criminalized and more likely to be struggling for their very survival. Given the inexorable links between cuts to social services, health programs, and educational opportunities, increased numbers of the poor—especially young racialized women—are more vulnerable to poverty, homelessness, mental and other health challenges, and reduced educational and employment opportunities. She thus lays the foundation for the perspective that these are also the same people who are also more likely to be the first to be scapegoated, criminalized, and imprisoned.

Ms. Davis does not make a clear link between the backlash against violence against women and the interest of corporations and industries in maintaining the status quo of power, control, and resources in the hands of the predominately heterosexual, male, predominately white, and predominately middle and upper class. It is clear, however, that the same impetus for backlash against Americans in the United States, Aboriginal peoples in Canada and Australia, and the policies that are resulting in women being the fastest growing prison populations worldwide, all have similar roots. Ms. Davis does discuss strip searches of women as a primary exemplification of a gendering of punishment. She is specifically critical of the use and overuse of strip searches in situations involving imprisonment and other forms of social control of women.

The cuts to social, economic, health, and educational supports in countries such as Canada reveal the stark reality that those who have the least opportunities of equal access to economic, social, health, and educational resources are the most likely to be ensnared in the ever wider, deeper, and stickier nets of social control. The most ineffective, personally destructive, and expensive of these is the prison industrial complex.

One of the other ironic realities of imprisonment is that it was created as a means of controlling men by men for men. Under the pretext of feminization, reforms of women's prisons have resulted in the pernicious further oppression, infantilization, and profound interference with attempts to achieve substantive equality for women, especially racialized and poor women, as well as those with mental health challenges, including mental illness. Indeed, it was precisely this sort of experience in Canada – the profound failure of our most aggressive prison reform initiatives in the late 1980s – that led our organization, the Canadian Association of Elizabeth Fry Societies (CAEFS)<sup>4</sup> to develop a clear position in support of penal abolition in 1993.<sup>5</sup>

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4. The Canadian Association of Elizabeth Fry Societies is an organization of 25 grassroots community-based groups whose mandate is to work with and on behalf of marginalized, criminalized, and imprisoned women and girls in Canada.

5. Minutes of the Annual General Meeting of the Canadian Association of Elizabeth Fry Societies,

Some readers have commented that they had hoped Ms. Davis would suggest other options to replace the use of imprisonment. Indeed, as the author asks at the beginning of chapter 6, “Abolitionist Alternatives”,

“If jails and prisons are to be abolished, then what will replace them?” This is the puzzling question that often interrupts further consideration of the prospects for abolition. Why should it be so difficult to imagine alternatives to our current system of incarceration? There are a number of reasons why we tend to balk at the idea that it may be possible to eventually create an entirely different – and perhaps more egalitarian – system of justice. First of all, we think of the current system, with its exaggerated dependence on imprisonment, as an unconditional standard and thus have difficulty envisioning any other way of dealing with the more than two million people that are currently being held in the country’s jails, prisons, youth facilities, and immigration detention centers. Ironically, even the anti-death penalty campaign tends to rely on the assumption that life imprisonment is the most rational alternative to capital punishment.... The death penalty has coexisted with the prison, though imprisonment was supposed to serve as an alternative to corporal and capital punishment. This is a major dichotomy. A critical engagement with this dichotomy would involve taking seriously the possibility of linking of the goal of death penalty abolitionism with strategies for prison abolition.

It is true that if we focus myopically on the existing system – and perhaps this is the problem that leads to the assumption that imprisonment is the only alternative to death – it is very hard to imagine a structurally similar system capable of handling such a vast population of lawbreakers. If, however, we shift our attention to the prison, perceived as an isolated institution, to the set of relationships that comprise the prison industrial complex, it may be easier to think about alternatives. In other words, a more complicated framework may yield more options than if we simply attempt to discover a single substitute for the prison system. The first step, then, would be to let go of the desire to discover one single alternative system of punishment that would occupy the same footprint as the prison system.<sup>6</sup>

Indeed, it has been our organization’s experience that in every community – even communities that are characteristically depicted as the most conservative and pro-prison, when the average person is asked to suggest the most effective means of achieving the greatest possible good for all in the community, including those who may have perpetrated harm in those communities, prison is never the first or the most common response provided. Instead, it has been our experience that when people are asked to consider alternatives for scarce resources, options ranging from enhanced availability of child care, education, health, social supports, economic development, cooperative living, and communal enterprises are the preferred options for human and fiscal investment. There is certainly an eager appetite in civil society for more humane and civil responses to define, address, and redress what harms us.

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Kelowna, BC, 1993.

6. At 105–106

Moreover, it is also important to remember that, to our knowledge, no regional, national, or international body has been democratically elected or selected on the basis of regressive, punitive, mean-spirited social, economic, or political policies. Invariably these sorts of initiatives are trotted out after the individuals have been elected, appointed, or anointed. Witness the activities of the current president of the United States, who not only did not have a clear mandate to govern, but consistently and arrogantly insists on wielding the power of his office in the most undemocratic and destructive manner for Americans and people the globe over, particularly those who have the misfortune of living in oil-rich countries.

Suffice it to say that *Are Prisons Obsolete?* is a necessary read for all who have contact with, think about, or in any way influence or experience the prison industrial complex. It should also be translated into other languages, so that the rich coverage of the U.S. experience may be distributed widely. It would also be helpful if the material in the book were available in a form more easily digested by our youth, upon whose backs we heap the current injustices of a world that is increasingly reliant upon prisons and maintenance of the prison industrial complex. With the “war on terrorism” and the refusal of politicians and policy makers to authentically address the structural, economic, and social inequities that lead increasingly desperate people to be placed in more hopeless and deplorable circumstances, the people are not being fooled. Making the author’s work more accessible to the young and those for whom television has become the most popular means of educating, is a necessary next step to the dissemination of this critical material. Such cross-cultural interpretation or translation is also important so that the work of others, such as Thomas Mathiesen, may also contribute to the vision of a world very different from the current one that relies upon prisons.

Until awareness grows that something else is possible, many of us fear that prisons are not obsolete at all and will continue as a presumed panacea for all our social ills. In fact, as Ms. Davis clearly points out, prisons are integral to the continued growth of the same corporate interests that currently rely upon the prison industrial as well as the military industrial complex for their continued gargantuan growth.

Another area that also requires further examination is what is actually criminalized and why. The fact that so many harmful actions and activities are not criminalized, and that only those committed by certain people, in certain contexts, at certain times, are readily criminalized and punished by imprisonment, is also a vital component to this issue. For instance, as Ms. Davis points out in the book, prior to the abolition of slavery, very few black people were imprisoned in American prisons. Similarly, prior to the end of residential schools and other forms of segregation of Aboriginal peoples in Canada, relatively few Aboriginal people were imprisoned. I suspect the same is true in other places, such as Australia and New Zealand, where colonizers brought notions of imprisonment, discrimination, marginalization, and subjugation to the world.

Similarly, even if prisons are deemed obsolete, without a fundamental restructuring of social, economic, health, and educational policies, we could merely see the development of new means of punishing and reinforcing the current sexist, racist, class-

biased, ablest and heterosexist notions of “justice” found in our current law-and-order approach. Learning from past realities, we know that like the ending of the earlier eras of slavery and the replacement of the use of torture and death with imprisonment, the abolition of prisons, absent substantive equality, could result in the development of other equally egregious and devastating forms of social control and punishment. For instance, already in Canada and Australia we have seen the suggestion that forced forensic institutionalization might replace the use of the more common threat of prison for Aboriginal peoples. This possibility is premised on such notions as the development of fetal alcohol-related neurological and psychological disorders that curiously are being described as epidemic in Aboriginal communities, despite clear and longstanding histories of alcohol use among wealthy white fathers and mothers and questionable ethiological and diagnostic tools and theories. Such misogynist, racist, and class-biased diagnoses speak volumes of the harm that could be caused by the mere development of alternatives, absent a substantive equality framework.

Similar sorts of issues are developing throughout the world in the use of restorative justice approaches, the majority of which remain within a white hegemonic framework and are state-sanctioned. Most such approaches presume that current definitions of harm and wrongdoing are irrefutable. As such, they are most likely to result mostly in a final rendering or conclusion that differs only in the nature of the punishment and the identity of the punisher (*i.e.* the person or persons who holds the authority to give out the consequence) of the harm that is recognized as done. As Ms. Davis points out in her conclusion, it will no doubt be our pursuit of alternatives, which must be egalitarian and inclusive, not to mention feminist, that will finally render prisons obsolete.