

“Penal Abolition as the End of Utopian Criminal Justice”

(This presentation can be made in an abbreviated version of 15 minutes or an extended version of 30-45 minutes)

ABSTRACT

In this presentation I argue that penal abolition activists and scholars can increase the power and appeal of abolition proposals and abolition thinking by showing how normative “criminal justice system” practices and thinking rest on a thoroughly utopian vision of humans, institutions, and society. Perhaps no criticism of penal abolition proposals is more common than the one which declares them as so deeply idealistic and so completely dis-attached from reality that they can only be called utopian. Leaving aside the question of how specific abolitionist proposals are or are not utopian, in this presentation I demonstrate how a careful consideration of the ideas and practices of modern “criminal justice systems” shows that they stand on a foundation that is profoundly utopian. For example, I explore the “criminal justice system’s” utopian assumptions (1) that people are either good (non-criminals) or bad (criminals), when actually data clearly demonstrate that violent and nonviolent crimes are committed by almost all persons within their lifespan, (2) that the threat of punishment and/or imposition of punishment prevents crime and is an effective social control mechanism (when actually research clearly demonstrates that this can only at best be argued to be true some of the time), and (3) that human behavior can be controlled by the threat of, or actual use of, law, police, courts, and prisons (when actually data clearly demonstrate that it cannot). In the context of these and other reasons I argue that because penal abolition is a call to end the “criminal justice system” as we know it, it is actually a call to end utopian thinking and utopian practices around humans, institutions, and society. In this fashion the argument that penal abolition is utopian is reversed and instead placed on modern “criminal justice” practices and ideology.