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Abolitionism
Building an Avant-Garde Criminological Antitheory

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ABOLITIONISM
Building an Avant-Garde Criminological Antitheory

«Maybe we should not have any criminology.
Maybe we should rather abolish institutes, not open them.
Maybe the social consequences of criminology
are more dubious than we like to think.
I think they are».

Nils Christie, 1977

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Abstract

The following study consist an effort of structuring a complete, abolitionist speech within t bounds of possibility. The difficulty of such an effort appears to be considerable, because of t nature of abolitionism. Since its appearance, abolitionism is far from any ideological camp relatir status quo Moreover, abolitionism, as a form of criticism, aims not only at the demonstration of t manunctions of the criminal justice system but also at the dispute (discredit) of the institution itself.

In accordance with the criminological reports, which have been made in the past, the ba grounds and principals of the abolitionist model have been classified in five categories (the sens crime, the process of criminalization, the prison, the criminal justice system and the victim). T classification serves the better elaboration of the theoretical frame of abolitionism and the lu perception of its philosophy In this context I add my personal perspectives about the future of t abolitionist model while at the same time I point out some «traps» that should he avoided.

It is actually true what the philosopher wrote: «It is the pursuit of the «impossible» which h always motivated man to realize and recognize the «possible» while those scared who ke themselves within the limits of the «seeming possible» they never manage to go further».

Abolitionism rang the knell of the way criminology has been dealt with.

Forward

«It is a paradoxical situation we are in: Modern states have stopped regulating the econor Instead they regulate the poor. The absence of the other task - regulating the economy - makes convenient to find another arena for political exposures. And insecurities regarding potential pro from those at the bottom make it also convenient to have law and order as the central one strengthened law and more punitive order. The US is fast developing its system into one where t majority of the minority-population is controlled by penal law. But not only minorities. I send off th edition of my little book on *rime control as Industry these days*. I was forced to revise the book, d to the extreme changes in the US-figures. In 1991, time for writing first edition, they had 4

prisoners per 100 000 inhabitants. In 1993, time for preparing second edition, they had 537. Ja 1 this year they have 709. Today they might be at 715. More than 8 percent of young males in t US is at present under control of the penal law, - in prison or at parole or probation. Russia has 6 prisoners per 100 000 of the population, but Putin won the election under the slogan: «T dictatorship of the law».

In this situation, it is extraordinary important to resist this development. Abolitionism is a soc movement, based on a coherent set of ideas, and a leading force behind this resistance. This bo is to my knowledge, the first one to attempt to give a coherent description of this set of ideas. I a impressed by the enormous reading that is behind the book, its energy in presenting the ma arguments, and I do also think the material is well organised.

The trend in most industrialised countries is in the direction of more and more use imprisonment. It is therefore this book is so important just now. But nonetheless, we have also penetrate the opposite question: Can a modern state exist without penal law and without prisor Personally, I doubt that. We might reduce our prison-populations enormously, may be down to t half or two-thirds of the present level in Western Europe. But at the very bottom, we might me problems where a modern state would need to use force, and then in the form of penal law a imprisonment There are certain conflicts that can not he solved through mediation, conflicts th would have developed into a situation where the weak part might have been forced to succumb the strong one, independent of any abstract «rights». I see in these exceptional cases no bet instrument for the protection of all parties than the penal courts I am for the great number of cas an abolitionist, hut a minimalist when it comes to a few, impossible conflicts. As I read the author

this book, he goes all the way as an abolitionist That is his morally well founded right And it help to clarity the benefits - and the possible weaknesses - in that interesting position

It is a hook well worth reading

Oslo May 3, 2000

Nils Christie

Forword

There are neither «good prisons» nor «prisons-models» Nevertheless, the «penitentiary illusior insist to ignore an obvious evident: the suppressing and corruptive character of prison does not any latitude for a humanized law and a socially - proper and individually - centered model treatment Consequently, there is no other way, but restoring, the «rehabilitative ideal» and mai avoiding confinement

I wonder if we live through the era of «de»(?)

De-criminalization

De-legalization (de-penalization)

De-judicialization???

De-institutionalization

I am not so sure.

However, what I am in the position (stale) to assure is that the study of Charalamp Karagiannidis lead (guide) us to the neglected paths of abolitionism, a theory which had fallen many errors hut which moistly had claimed right predictions Our over-paged penal codes, our ov loaded courts, plus (and) the overpopulation in prisons consist the best witnesses of an on-comi failure

The feeling that I get from the study of Charalampos Karagiannidis is synonym to the sense freedom «Set the prisons free» could be the catchword(-word-slogan). «Solidarity instead

repression» could be the message

The way has been paved again It's time to sec by whom and how is going to be stepped on(??

Y. Panoussis

Preface

A social scientist can and in fact is obligated to act in a political way This does not mean that sh he should act as a politician but rather as a «prime mover» on the basis of his autonomy offered his specific position in the process of producing new ideas (Bourdieu, 1997).

On the other hand, the penal abolitionist is responsible for the determination of an extrem positive function; the analysis and abolition of fictitious or falsely formulated problems. It is in responsibility to pull up and bring about real problematic situations that do not have access expression. It is in his responsibility to stand critical not only towards mainstream but also towa «new» or «critical» criminology which in its effort to reconcile irreconcilable points of view a practices, has render itself - to use Pierre Bourdieu's onomatopoeia - «the left hand of sta authority» (1996 and 1997).

In this respect, penal abolitionism raised some questions and offered some answers. For examp it raised the question «does crime exist or is it just a myth?» and answered that «there is no such thing as crime because...». In essence, I will try to comprehensively epitomise the abolitionist ide order to make the essential evaluation and I will aim to produce an accurate picture of the philos of penal abolitionism in order to make a de profundis analysis of this criminological paradig

Moreover, I felt the necessity to add my own views on the future of penal abolitionism by pointin some serious pitfalls the paradigm in question should avoid.

My conclusion will be that the answers given by penal abolitionism are convincing, powerful a stimulating. Penal abolitionism is the noble part of critical criminology and offers viable solutions confront the «criminal phenomenon».

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Finally I am grateful to my family for their love and support.

Introduction

«It is about a society in free fall.
To reassure itself,
it repeats endlessly...
“So far, so good”
“So far, so good”
“So far, so good”
It is not the fall that matters
It is the landing.»

LA HAINE - Mathieu Kassovitz

There is a fundamental problem with dealing, let alone writing a dissertation, on abolitionism problem rooted in the gap between what we see and what we know. For perhaps it is only what think we know. The starting point for this dissertation, written in two different places, and in fa between two different «realities», is to present something real, tangible and visible which clash furiously with preconception. Furthermore, what is perhaps beyond question is that penal aboliti and the debate that surrounds it provokes great emotion and passion. It is in my intention to se outline some of the concepts that provoke this response.

In an era when centralisation and State have reached the most explosive point of histori negativity and the scientist and intellectual function in a system that rewards for their men conformity (Said, 1994 and Chomsky, 1995), the process of decomposition is becoming general disrupts traditional values and institutions. But it is the same process that creates new themes conversation, new ways of struggle and new forms of organisation by demanding a brand n approach not only in Theory but also in Praxis. For it is the highly industrialised, late capitalist so that is «beginning to endanger the very physical foundation of existence of people in societ (Mathiesen, 1983: 5).

On the other hand, the language of abolitionism seems to be at least strange, and the politics abolition, more or less, utopian. It is not strange that abolitionists were always considered as t «threatening Other» even within the frame of the so-called critical or radical criminology. Clea speaking, the penal abolitionist fights a battle in a conceptual war with, so far, countless victims; dead people who are «warehoused» in the «gardens of law», and thousands of suicides in a n declared war on the platform of the «language of the prevailing law and order».

The suspicion of critical criminology towards abolitionism can easily be explained; it is t «bankruptcy» of the existed socialism that afflicted the spirit of utopia - with the dialectical a dynamic meaning of the word - and hope, the vision and the search for radical solutions, the id and the programs that look forward to a social renaissance.

But the movement of Abolitionism offers the opportunity to see an alternative vision a abolitionists hold the eternal faith to the alternative offer; in every case and problematic situati indifferently to what extent is it imposed, there lies always the alternative resolution, the «other v

For the struggle of abolitionists is not only a struggle for the abolition of the criminal justice syste is a struggle for verification of human rights.

As we are close to the turn of a new century, there still exists the necessity for a new beginning new beginning intellectually, spiritually and politically in our criminological thought (Quinney, 197

And for a really radical criminology we need not radical mediums but radical approaches; that m that the very «why» of it must be radical. However, the path of abolitionism is in fact a «hard roac But, poetically licence and to use Herman Hesse’s terminology (Siddartha, 1922) the path abolitionism is the path that leads to the essential «Befreiung» (Liberation), which is the conditio qua non for «Freiheit» (Freedom). It is a lively time for abolitionism; the socio-political situation is n as bleak and difficult as many defeatist representatives of «critical» criminology might suggest. An bearing in mind that main elements for a «good» theory are the clarity of conception, the accura and the logical integration (Parsons, 1961), penal abolitionism will succeed.

This dissertation has two clear aims:
a. to produce an accurate, clear and in depth picture of penal abolitionism and
b. to demonstrate the questions raised by abolitionism and critically evaluate them.

Tout court, conventional criminology is a failure, abolitionism must then be the answer; for t clarity of thought, honesty of heart and buoyancy of spirit.

The Penal Abolitionism

«At its core, criminal law is still based on the same repressive assumptions as the Inquisition fr which it originates. From the beginning it has been seen to create problems instead of solving th A penal reaction after the fact is not preventive but desocializes an ever-increasing number people. Therefore it would be better to abolish penal means of coercion, and to replace them more reparative means. This briefly is the abolitionist message.»

Rene van Swaaningen, «What is Abolitionism?», 1986

Penal abolitionism is a methodical avant-garde criminological antitheory and includes theoreti pursuits, non-systematic elaboration and mainly practical solutions. Furthermore, this model functi as a criminological agenda and the essential basis of discussion for the solution of serious soc problems such as crime and criminality, the criminal justice system, the prison system and t prisoners, the need for decriminalisation and de-institutionalisation and many other. In essence, i possible to say that penal abolitionism incarnates and reflects the critical criminology its (Dimopoulos, 1989) by aiming at the deconstruction of the traditional criminological agenda. And aim should be seen as «a process of rethinking the meaning and categorisation of terms and to so that none can be assumed to have substance» (Heidensohn and Silvestri, 1998) while offeri alternative and non-punitive approach to «crime». In Stan Cohen's words (1986: 3).

«Abolitionism has turned out to be more durable and uncompromising of these critiques ("new" "critical" criminology). It assumes labelling theory's relativism and its insistence on the problema status of deviant labels - but moves beyond interactional questions of stigma and identity to historically informed sense of "crime" as unique form of social control. It assumes the critical schoo attack on conventional criminology and its alternative theory of law and the state - but instead searching for a socialist criminology and crime policy ("left realism"), it envisages the eventu abandonment of crime and criminology as viable constructs».

In the first place, penal abolitionism is an avant-garde criminological paradigm because introduces a new point of departure for the criminological thought; the problematic situation. Sim crime does not exist. It is another myth well orchestrated by the «pyramidal» style of criminal just system and the State authority.

«Acts are not, they *become*. So also with crime. Crime does not exist. Crime is created First the are acts. Then follows a long process of giving meaning to these acts. With this as our point departure, we have to frame our questions in another way than the usual» (Christie, 1998: 121).

In order to understand the concept of «crime» or, to use the abolitionist terminology, the conce of the problematic situation, one should first of all understand not only the institution of crimi justice system that defines it; it is the social and political process that is needed to be taken in

account and put into our magnifying glass.

Thus, penal abolitionism is simply the revolution in criminology, the end for the system of thou of the past, and a brand new philosophy for the study of crime that stands adamantly against t duality of conventional criminology. It is under the abolitionist perspective that criminology for the first time has reached to an «open end»; the criminological pursuit has limitless developme potential. In the second place, penal abolitionism is an anti-theory because, first and foremost, is theory of *Praxis* or to set it in the right perspective, Praxis *of* theory. That is the most prodigious a noble characteristic of it. Like Marxism, the abolitionist metamorphosed the dialectics from subjective dimension into an objective one and the philosophical and sociological critique into so action. Thus, paraphrasing Murray Bookchin (1969: 12) «if theory and praxis are complet separated, abolitionism is not destroying itself, it commits suicide». Therefore, although abolitior ideas are powerful, there is no future for penal abolitionism to make any progress if it is suppose remain just another theory. Penal abolitionism elegantly combines theory and praxis instead of b just, in Prof. Fritz Sack's terms (1996), a «paper-and-pencil» criminology. As Frances Heidensoh Marisa Silvestri nicely put it (1998: 7);

> «It is not, on the whole, the power of ideas which makes them fly. Ideas will have wings wh political, historical and social situations are propitious. For them to launch effective missiles (to st a metaphor to snapping point) requires local, if not global, conflict and a major production indust support».

In the field of the scientific research, the penal abolitionism invariably provokes us into doing n and renovating research in the «classic» criminological or not works of the past (e.g. the outstar article of Thomas Mathiesen «The Viewer Society», about Foucault's «Discipline and Punish» *heoretical Criminology Journal*) in order to let them be more critical, more investigative and, in bri more readable.

Penal Abolitionism has its roots in the 1960's in the Scandinavian countries, but was a developed as a paradigm for the study of crime in England, Canada and the United States America (Mathiesen, 1986). However, it was during the Ninth World Congress of Criminology Vienna, Austria (1983) when for the very first time academics presented themselves as abolitioni (Swaaningen, 1986). Therefore, it is not risky to say that penal abolitionism is the younge criminological paradigm for the study of crime. And by contrast with Left Realism, penal abolitioni neither only a left-wing reply to mainstream criminology nor it represents the «Left's Law and Or Campaign» (Steinert, 1985). Penal abolitionism rejects conventional political categories and red the terms of the political debate (Haan, 1987).

The cornerstones of penal abolitionism are three basic principles, which function in interactionist way and stimulate each other;

a. Criminal Justice system is a social problem and its problematic character originates from the fa that the present social order is an unjust one. Moreover, what state and criminal justice system lik to call crime control is a plain industrially structured social control.

b. As a result, the definition given to «crime» is questionable, manipulative and the concept crime itself has a clear ideological concept. The concept of crime has no ontological dimension; i just a social construction.

c. Consequently, state authority and its criminal justice system has no legitimacy to puni lawbreakers. Criminal justice system is an ideological apparatus and its power to punish people h no valid justification. And prison is not the «normal» response to «crime».

In this respect, what penal abolitionist is dreaming of is the replacement of the left realist «squa of crime» with the «triangle of problematic situation»; «the two disputants, and the surroundi community, allowing the definition of the situation to arise out the interaction itself rather than bei pre-formulated in a juridical language sustained by the state» (Lea, 1999).

As a criminological paradigm, penal abolitionism has a spiritual affinity with another criminologi paradigm, the Left Realism, with a sociological theory, the critical Frankfurt school of Social Theo and with a philosophical a political cosmic theory, Anarchism.

Penal abolitionism and left realism both problematized with the very concept of crime and ha

many common approaches. It is true that along with penal abolitionism, only left realism felt t
necessity to deal with and problematize with the concept of crime. Left Realists also treats «crim
problematic but what differentiates both left realism and penal abolitionism from other criminologi
theories is the answer, the «remedy» given to this problem; it is a non punitive (realistic) and refl
approach to them, without falling in the trap of neo-classicist answers or «just deserts» approacl
is exactly this common approach that raised serious and interesting debates in the middle of 19
was left realism and penal abolitionism that revitalise critical criminology and fight for the overste
of the immobility of critical criminology. And both the criminological paradigms believe that what
needed for a true radical criminology is the integration of theory with practice (Matthews and Yo
1992: 8) and call for attention to the reciprocal nature of crime and punishment, where each beg
the other in an almost cyclical fashion. Moreover, left realism asserts the action-reaction model f
study of crime and the work of the left realists implicates the «get-tough-on-crime» policies
thatcherism. And, both abolitionism and left realism point to the social injustice that provokes crir
Finally, the criminological paradigms in discussion believe - and it is logical - that the process
criminalization is in fact a process that invariably transforms itself and embodies the terms of actic
for individuals. However, what seems to be the difference, is the left realist belief that community
its members have an active role in this process.

On the other hand, penal abolitionism and the Critical Frankfurt School of Social Theo
(represented by Horkheimer, Adorno, Marcuse and Habermas), stood adamantly against structu
inequality, authority and power (Horkheimer, 1984 and Habermas, 1987, Marcuse, 1988). T
theorists of the Critical Frankfurt School «advanced the importance of debunking, demystifying a
deconstructing domination and the knowledge claims predicated upon power structures» (The C
Criminology Homepage). Moreover, the Critical School made a great attempt to show that what
hidden in science is not some neutral formulations but rather a lot of repressive interests. In t
respect, it seems that the materialist and liberal tradition in the field of criminology was develope
penal abolitionism.

Finally, Anarchism adopts a radical stance towards crime and believes that it is not possible
confront crime by any means of state authority. Criminal is another human being and what is ne
is to build up new patterns of communication based on the principle of «no pain infliction». In
anarchist point of view, self-discipline and self-liberation are the sides of the same coin. And in g
extent, the anarchist hope for an immediate abolition of the State is depended upon the faith fc
viability of the social instincts of man. For example, Bakunin was sure that it is the *tradition* that v
force people with antisocial habits to obey the communitarian values and needs. Therefore, the
would be no need to force the community to use oppressive measures against them. Moreov
Kropotkin demonstrates that the instinct of people for *mutual aid is* instinct. And this instinct wo
function as the essential guarantee in an anarchist community (Bookchin, 1969). Finally, as Re
van Swaaningen had already mentioned, Peter Kropotkin «is amongst all anarchist the most exp
in his ideas that criminal law is one of the most repressive instruments of the state, which sho
disappear with the abolition of the state itself» (1995: 1 19).

In terms of penal abolitionism's terminology, hypothesis and method of research, the criminologi
paradigm in question proves that it is an avant-garde criminological antitheory.

In terms of terminology, the abolitionist vocabulary is revolutionary. Abolitionists refuse to use t
traditional criminological vocabulary and call for alternative interpretations of the original act (e
«crime» is just a problematic situation and «criminal» is the culprit for this situation). The differen
neutral terminology of abolitionism is not just a caprice or an alibi for modernism. Nils Chris
elegantly explains and shows the point of departure for our criminological *activity* (Christie, 1997
22);

«By taking state categories as our point of departure, we are captured by the meanings given
the official system of registration. We are therefore in danger of losing the myriad of alternat
possible meaning ... It is time to counteract this development and stick to our point of departure
- not crimes - are the basic material for our activities».

In this respect, penal abolitionism refuses to follow the imposed observance of the excuses, i

the language of criminological rationalism. Penal abolitionism comes in straight juxtaposition w mainstream criminology and gives rise to much controversy. Tout court, it questions all the *s evident* of conventional criminology.

In terms of *hypothesis and method of research*, penal abolitionism takes for granted that the o hope for exceeding the current immobility in critical thinking is the spread of new ways of practic (Vitale, 1996), rather than the offer of just another one criminological perspective with a «new» s aetiology for crime. Therefore, penal abolitionism do not let itself to be seduced into legal reasoni but offer socio-political argumentation (Mathiesen, 1983).

Abolitionist thought is taking place through depictions. One and only study of the abolitior writing is enough to show that abolitionists feel great aversion towards the conceptual and t abstract. It is the words in these works themselves that have an aesthetic and poetic texture; wo that by only hearing them, we can imagine them to be surrendered in the images and depictions life itself. Therefore, the language of abolitionism is tough and simultaneously haughty for it exp most of times daring hints.

On the other hand, abolitionists use the dialectical method as its scientific method for the study problematic situation; for the abolitionist thought is concrete though, that is dialectical thought. A the cornerstone of this method is the assumption that society is an animate thing under a contir evolution. In this respect, for penal abolitionism the «obvious» is rare and everything needs to constantly substantiated.

Furthermore, penal abolitionism as a criminological paradigm uses the sociological resea method of the participant observation (Hulsman, 1997 and Snare, 1996) in order to approach a study the problematic situations and to urge for finding passages never used before. Let's example remember the case of professor Guy Houchon (University of Louvain - Belgium) w voluntarily stayed in prison as inmate for two years (1967-1968) within the bounds of particip observation; «During this period I had the great opportunity to live for 12 months imprisoned an voluntary imprisonment offered me the chance to engage in a participant observation of prison lif he asserted ten years ago (Houchon, 1989: 75).

Thus, what is important for abolitionists is exactly the personal and lived experience, rather th an abstract and distant criminological theory; «Don't go to the library» advised the abolitionist N Christie (1997: 18) to new students and scientists, in his recent article for *Theoretical Criminolo* journal. Furthermore, in an abolitionist point of view, an «abstract and removed from everyday lif not something to which they aspire» (Quinney, 1994: 1). In this respect, the abolitionist analy invades at the very framework of criminal justice system without losing its contact with the fact a reality.

Abolitionists invariably turn their back to frameworks that are in harmony with criminal statistics a «hard» data. It seems that they share the opinion that it is these statistics and data themselves need to be explained than what they are trying to explain (Wiles, 1971). Like Left Realists (Mattl 1998-1999), penal abolitionists share the opinion that prison statistics need to be used critically the use of prison system has to be evaluated as all cultural phenomena. In an abolitionist point view there is no strong relation between crime rates and imprisonment level and a different appr to prison statistics in needed. Thus, prison statistics does not reflect crime rates but they are j «reflections of broad structural and cultural phenomena within the various countries» (Christie, 1 91: 54). As the abolitionist Nils Christie recently concluded (1990/1991: 53);

«In that perspective the number of prisoners in a country is not seen as a necessity, created crime. Instead it is seen as a result of a magnitude of forces and counterforces, all open for choi With this perspective prison figures are also open for evaluations. Prison figures are not seen determined by crime. We determinate. In this perspective the use of prison is seen as other cultu phenomena.

On the other hand, the fact that crime surveys are not of great importance for a criminologi research is taken for granted even by criminal justice system agencies. For example the latter w noticed by the Central Research Unit of the Scottish Office in the their latest Research Findir Paper. We read that (The Scottish Office-News Release October 10, 1997):

«Crime surveys do not provide a complete picture of crime. They do not cover crimes committ
against businesses (e.g. fraud, shoplifting etc.); crimes which people may not be aware of (e
environmental crimes); nor victimless crime (e.g. drug offences). The accuracy of crime surveys
limited by the reliability of answers given by respondents and sampling and non-sampling errors».

Moreover, it is the personal experience that is in fact the most important potential source of da
In Nils Christie's words, «there is little in the field of criminology we have not yet experienced. T
problem is access to us. Access, and respect for what we find» (Christie, 1997: 14). In this respe
the abolitionist research is autonomous. The research is based on problems as they are definec
observed in real life in the social tissue, rather as defined by the state apparatus.
Regarding the so-called *scientific objectivity*, penal abolitionism adopts a rather Marxist, i
materialist and dialectical, stance. There is nothing that can exist in a state of total isolatic
independent from the conditions of its existence and with no relation with its environment. Thir
appear, exist and disappear, not irrespectively of the other things, but in close relation with then
the nature of things itself is been transformed because of this relation (Cornforth, 1975). Karl Ma
and Frederick Engels, as early as in 1848 wrote about in their «Communist Manifesto» (1998: 5
fine);

«Does it require deep intuition to comprehend that man's ideas, views and conceptions, in o
word, man's consciousness, changes with every change in the conditions of his material existen
his social relations and in his social life?».

The myth of the «scientific objectivity» is in fact an invention of positivism (and neo-positivism). I
this paradigm for the study of crime that invent also the well known «consensus model» of soc
organisation (Michalowski, 1977). The positivist paradigm emphasised on the determinate nature
individuals and on the unity of scientific method and value-neutrality of science. Therefore, (ne
positivism accepted the unacceptable view that a social scientist and his personal values deriv
from the study of the world «could be separated» (Michalowski, 1997: 29). On the other hand, p
abolitionism and critical criminology in general always shared the opinion that there is not such
thing as «scientific objectivity». In Richard Quinney's words, «we have no reason to believe in t
objective existence of anything» (1994: 2).
And it is true that a social scientist - as any individual - is living in the society, has his own politic
economic and cultural values, in short his own «background». In Quinney's words

«Our thinking about law and crime only confirms an official ideology that supports the existi
social and economic order. As long as we fail to understand the nature of law in contempora
society, we will be bound by an oppressive reality. What is urgently needed is a critical philosoph
legal order (Quinney, 1975: 181).

In this respect, the penal abolitionists could never be characterised as «objective» scientists. T
scientific clarity and neutrality is an invention, it is something of a fiction and an alibi (Karydis, 19
And penal abolitionists could easily be characterised as total subjectivists.
Penal abolitionism is a criminological paradigm that should perpetually provoke (Ruggiero, 19
and call for an endless confrontation with conventional and technocratic criminology by refusing
receive with no evaluation the abstract, metaphysical and invalid knowledge they prefix. Therefo
instead to pretend the objective scientists, penal abolitionists choose to adopt the method of t
external interpretation of crime, criminal justice system and the capitalist (and state-capitalist) stru
of society as a whole. While the internal interpretation gives a boost to the absorptive a
assimilative role of capitalist system, the external interpretation of penal abolitionists shows off t
versatile crisis of this system and demands its overstepping by abolition. And while inter
interpretation does not challenge the framework of criminal justice system but rather improve a
consolidate it on new and stronger basis, the external interpretation of abolitionism questio
provokes and suggests (Mathiesen, 1974 and Dimopoulos, 1989).

Finally, the abolitionist perspective and proposal would never reach to an end. Penal Abolitionis as an avant-garde criminological antitheory, would never offer the definite «recipe» for confronti «crime». As Thomas Mathiesen asserted many years ago, the perspective of abolitionism would invariably and inevitably «unfinished». It is exactly the continuous transformation that will liberate in the highest degree. Therefore, a transformation should not be something limited and fixed b rather something that invariably starts from the beginning.

This is - and should continue to be - the abolitionist proposal; a real alternative perspective wh does not reduce the essential elements of diversity of forms and open-minded change. This is - should be - the abolitionist perspective; a real radical body of opinion which transforms the nega into thesis.

«This alternative is one where justice does not consist of ready-made principles to be excavat through methods applied within law or within social sciences, but as principles formulated in t process of finding them. It is a concept where the truth does not exist except in the moment creation. It is a conception of each human being as a moral agent, each and everyone as prophet!» (Christie, 1990/91: 56).

And it is exactly this very aspect of penal abolitionism, the powerful element of the «unfinished that is confronted with scepticism even by critical criminologists (Scheerer, 1986: 12). But, what critical criminologists fail to see is that abolitionism, even the very word itself, means «work progress». It is a criminological paradigm that invariably is «engraving» itself. On the other han penal abolitionists do not «leave the formulation of alternatives to those in power» as was concl by Sebastian Scheerer. The abolitionist alternative is well known; it is the «alternative» reform th was left to be formulated by others. More to the point, penal abolitionism is not a reform perspective. That is to say that the abolitionist analysis is a dialectical analysis; an «unfinishe analysis that would never reach to an end; it will end up and start again. And the main issue penal abolitionism is not to reform but to mount a struggle to abolish function and foundation prison (Aptheker, 1971) and criminal justice system.

Abolitionism and the Concept of Crime

«Mankind is really bad.
So hit hint on the hat.
Have you hit him on the hat.
Maybe he will be no longer bad.»

Bertolt Brecht, «Dreigroschen Oper»

Central position in the abolitionist rationale and reasoning is possessed by the concept of crir This sounds logic, if we consider that «first of all we were obligated to sustain on the knowledge the law of gravity in order to be able later to fly, in essence to be able to effectively *defy* the law the French sociologist and philosopher Pierre Bourdieu recently wrote (1996). Therefore, in abolitionist point of view, it is crucial for the success of our criminological inquiry to search for a problematize with the concept of crime.

Alas, we can not aim at the desirable absolute abolishing of the penal repression if firstly we not problematize with the cornerstone of the penal system, the concept of crime itself. The «blac swan of the Dutch Critical Criminology, the abolitionist Louk Hulsman quiet recently located the r for an anascopic view of society, a view that will inevitably help us during our scientific research

the real concept of 'crime». Linking the need for this anascopic view with the search for the conce of crime he asserted that (Hulsman, 1986: 30)

«When we do not problematize - and reject - the concept of crime, we are stuck in a catasco view of society in which our informational base (both the "facts" and their interpretational fran depends mainly on the institutional framework of criminal justice. It means therefore that we do r take account effectively of the critical analyses of this institutional framework by critical criminology.»

As it was noticed in the abstract of this paper, conventional criminology created an image, form some standards and fixed through time relative notions like «crime», «criminality» and «criminal» really interesting to analyse and understand the way that criminal law carefully elaborates and s its own abstract notions.

According to Noam Chomsky, professor of linguistics at Massachusetts Institute of Technolc since 1955 (1997), the language is first of all a tool for our thought; if we underestimate t language, we underestimate the thought. Formulated in bold terms we can say that, the control language simply forms and shapes our conception and comprehension of reality. Accordingly, mo and more we hear the «language of the prevailing Law and Order» (Marcuse, 1970) to say - a here lies the power of the language - that there is nothing else more capable to be opposed ag the conventional criminal doctrine and policy. And the great degree of evidence that is held by t traditional criminal policy is clearly due to the great work of «engraving» in the social tissue by t State apparatus, politicians, academics, the mass media, and last but not least, the omnipres «public opinion» (Bourdieu, 1997).

And, the powerful Marcuse's «language of the prevailing Law and Order» is becoming more a more repressive as it calls for tougher «wars on crime» and «zero tolerance». The indices of t move towards right-wing «law and order» are as plain as day (Haan, 1987: 323):

«Increasing hostility against minorities and deviants; renewed efforts to criminalise behaviour r currently subject to criminal sanction; efforts to expand and empower the repressive apparatus redistribution of public expenditure to the benefit of policing and the administration of criminal ju and increasing severity of punishment fuelled by a refreshed belief in deterrence and retribution».

Thus, criminal justice system guides in full consciousness the language (bearing in mind the gr power hidden in the process of onomatopoeia) in order to bring about confusion and lack comprehension. Thus, paraphrasing George Orwell (Politics and English Language) «the langua of the *penal law is* more or less an attempt to justify the unjustifiable» (my italics). Therefore, in abolitionist point of view, the word crime should «gradually disappear from our language» (Bianc 1986b), as it holds a stigmatising, arbitrary and dangerous character and power.

On the other hand, criminological theories seem to be separated into different schools a directions and the related debates seem to be interminable when in fact they all have the same of departure; the concept of crime. However, both the construction of these theories and t maintenance of the debates must be seen as a means of control of whatever people may think. condition that all the participants accept the established and assumed hypothesis, the existence the concept of crime, as their central and main keystone, the criminological debate should be se as never-ending. Furthermore, the current immobility in the criminological thought is elegar portrayed in the above debates; more or less the arguments are being exchanged with a solem and offer little or no additional value in the social analysis of the penal subject matter or t knowledge in general (Houchon, 1989).

On the other hand, it is not risky to say that, in essence, these various criminological theor misinterpret the concept of crime, bearing in mind that criminology itself «has predominantly beer *epressive* science», as Herman Bianchi argued recently (Bianchi, 1986b). Under the guidance these theories we lead ourselves far away from the understanding of the real concept of probler situations. Thus, we create substitutes for the understanding and - that is the worst part of it - create channels for «evasion» from the will to understand, from the necessity to understand. Ar criminal law bureaucracy simply continues to have the monopoly for «crime» definition (Bianc

1986b).

Unfortunately, nowadays even critical and progressive criminologists seem to lose the plot, as th
are stacked in a neo-classicist acquiescence by jumping on the «Law and Order» bandwagon, v
criminal justice system and the penal policy as a whole get more and more repressive. Heinz Ste
problematized and observed that (Steinert, 1985: 328)

«It is easy to see the problem. "Crime" has such a strong appeal as an "inner enemy", a "war
crime" is such a good banner for all the "righteous people" to unite behind, and it is exactly t
working class that especially falls for this appeal. So the left *must* set something against this. Bu
should know, as sociologists. that criminal law is not instrumental in seriously reducing undesiral
conduct, that it is in fact an *ideological* apparatus that uses human victims to demonstrate a mor
(including, first and fore most, a "work-ethic") and certainly not an effective instrument to bring abo
such a morality and the corresponding order of social relations. And we could know from histori
experience that the political organisations have not all been immune to a bit of law & order polit
themselves.»

It is true that criminology traditionally reflects and reinforce the values of the State and that t
vast majority of criminologists «assume a State definition of crime, taking as their initial referen
point the legal code as the subject-matter of investigation and analysis» (Platt, 1975: 96). But it
also true that past attempts to redefine crime even in critical context appeared to be simple-mind
is not the legal definition of crime the pathway that lead us to the acceptance of the fiction of ne
law, as the critical criminologist from the United States of America Tony Platt argues (ibid.: 103), t
the definition of crime *itself*.

On the other hand, abolitionism is among the most critical perspectives towards the concept
crime in the European criminological community and abolitionists showed a great interest in critic
the concept of crime as such, and adopt a totally different view of criminality «than the simplistic
- punishment axioma which is considered as the "normal" way of dealing with conflicts» (Swaanin
1986: 12). In essence, abolitionism stood adamantly against the assumption that the masses a
unable to take care of themselves and badly need «guardianship», that is to say, guidance by t
authority. In an abolitionist point of view, it starkly obvious that «guardianship eventually erodes t
foundations of democracy itself for, in the long run, it diminishes citizens' competence» (Haan, e
1991: 350).

According to the abolitionist principles, the picture of the reality of criminal justice system appea
untenable and the abolitionist critique went so far as to claim that:

a. the criminal events are not exceptional,

b. criminals are not a special category of people and

c. the development of criminal law is not one slowly progressing humanisation.

Abolitionism refuse to accept the positivist definition of crime offered by the conventio
criminology. Invariably it lays emphasis not only on the ideological character of the definition
«crime» but also on the «hopelessly repressive and class-biased character of criminal law and
proven ineffectiveness for creating order» (Steinert, 1985: 327). The definition of crime is «syste
and confined within the limits of criminal justice system and, in a broader context it was said that
fact «crime» is merely a social construction (Haan, 1996). Therefore, abolitionists would not disa
with the opinion expressed in the *Critical* Criminology (1975) of Taylor, Walton and Young that, t
present social order is unjust, the «equal opportunities for everyone» is another myth and last b
least that «the definition of what is or is not a crime is biased by unequal relations within the soc
order» (Haan, 1990: 4).

It is true that the Marxist criminologist Anasenov was the first who claimed that the notion of cri
was born simultaneously with the emergence of the class structured and class divided state, to
followed by another Marxist, E. Pashukanis who considered criminal law as an organised cla
terrorism (Alexiadis, 1989). That sounds logic if we considered that the sovereign political a
economic class is the class that controls the sovereign institutions, like the criminal justice syste
And those who control the sovereign institutions ensure their power to a great extent by imposi

their definitions and their will. Historically we can conclude easily that the concept of crime is cre
by the process of criminalization; crime simply exists because of this process and the process
criminalization has its own historicity (Dimopoulos, 1989). Crime is a «myth» (Steinert, 1985). An
is to say that mainly neither «crime causes problems to society» nor «society causes the problem
crime» (Young, 1997b: viii); criminal justice system invents crimes and put in trouble the commur
is not a reverse of casuality what is occurred but rather a creation of casuality.

In essence, the concept of crime has not any substantial content because it is a divertible hum
decision that determines which problematic situation would be considered as «crime» (Hulsma
1997). There is no common denominator neither in the definition and the motives of those enga
in nor in the penal measures that provided for against them. The one and only link that bound t
together is a pure technical one; a typical competence of the criminal justice system to deal with
situation. It is the law that determines what is crime, it is the law that creates the criminal. Tout c
crime is a product of criminal justice systems rather than the converse. Crime has no ontologi
reality and unequal (both qualitatively and quantitatively) actions are characterised and given
element of unity through criminalization as «crimes» (Hulsman, 1986 and 1997).

«Within the concept of criminality a wide range of situations are linked together. Most of thes
however, have separate properties and no common denominator: violence within the family, viol
in an anonymous context in the streets; breaking into private dwellings; completely divergent wa
receiving goods illegally; different types of conduct in traffic; pollution of the environment; and so
forms of political activities. Neither in the motivation of those who are involved in such events, nor
the nature of the consequences, nor in the possibilities of dealing with them (be it in a prevent
sense, or in the sense of the control of the conflict) can any common structure be discovered. A
these events have in common is that the criminal justice system is authorised to take action agai
them.» (Louk Hulsman, 1986: 27, in fine).

Thus, in an abolitionist point of view, the problem «crime» is stripped of all the labels a
stereotypes that were invented through time in order to be characterised and functionally takes
social role in the framework of the general social tissue (Wolfgang and Feracutti, 1995). The cor
of crime has a clear ideological character and crime is an inadequate social construction (Hulsma
1997); the myth of crime simply (Haan, 1987: 326);

«serves to maintain political power relations and lends legitimacy to the expansion of the cri
control apparatus and the identification of surveillance and control. Public attention is distracted
more serious social problems and injustices. It justifies inequality and relative deprivation. In sho
bigger the social problems are, the greater the need for the crime myth. Thus, not only should
discard the concept of crime, but we should get rid of the theories of crime as well».

On the other hand, in an abolitionist point of view, there are no felonies or misdemeanours b
simply *unique* and unparalleled problematic situations (Hulsman, 1986 and 1997).

More to the point, the world is more complex than traditional criminology likes to think and t
same goes for the actions, the «sins» or crimes this very criminology likes to «clearly» classify a
rank in advance. On the other hand, penal abolitionists like to wonder;

«What about those offenders who have suffered so much beforehand in life that they, in a wa
have been punished long before they committed the crime they now have to be punished for? \
about the difference between the poor thief and the rich one, the brilliant and the stupid, the w
educated and the uneducated?» (Christie, 1981: 45).

Abolitionism is obligated to reveal all the successive veils of distortion that surrounds the conce
of crime and let people see the truth. And in essence, this struggle is not so difficult as it appea
be. Plain people are more ready to accept a new model for the definition of the problematic situ
and if re-skilled than, for example, a university-based elite; it is well known that propaganda and t
«language of the prevailing Law and Order» (Marcuse, 1970) is applied perfectly among t

educated parts of society than the non or less educated. As Noam Chomsky argued so forci (Chomsky, 1995) well-educated people are either receiving «high doses» of propaganda becau they read more, or they are used as a vehicle of propaganda and belong to the so called «privil elite». For, as we know, the greatest social changes brought about not from actions by great m who transferred their will and their noble ideas to the passive mass; it is exactly the evolution of t internal power of the society that will bring the change (Cornforth, 1975). And it is in abolitionist responsibility to struggle for a radical social change, struggle for humane human life. The existe the above can clearly explain why the abolitionist is considered as the «threatening Other» or, least, romantic.

On the other hand, it is true that the existence of «crime» was invariably been characterised w a metaphysical concept by conventional criminology. Crime is something evil that needs to confronted by any means (Holy Inquisition in the past, «war on crime» and «zero toleranc nowadays). However, in an abolitionist point of view, the appearance of problematic situations is only something natural but also something essential. Conflicts are seen as «potential for activity, participation» (Christie, 1977: 7).

In essence, abolitionists manifestly discover a technique for demonstrating the two subjec parameters, i.e. community and problematic situations, which although are developing in counterpoint way, they finally harmonised. It is exactly the community's field of power where t essential stretching for life is creating and it is the same field where the energy for the change a transformation is developing. In this respect, penal abolitionism adopts a fully social approach «crime» away from criminal justice system's abstract regulations and tricky legitimations (e.g. «soc dangerousness») of penal intervention (Swaaningen, R.V. and Beijerse, J., 1993: 138-140). Th the abolitionist perspective is inevitably driving us from the *thesis* to the *antithesis*, in order to he make the clearest possible *synthesis*.

Abolitionism and the Process of Criminalisation

«Crime is not the object but the product of criminal policy. Criminalisation is one of the many wa for constructing social reality.»

Louk Hulsman, «Critical Criminology and the Concept of Crime», 1986

In an abolitionist point of view, it is extremely essential to deal with and concentrate our resea on the process of criminalization. It is exactly the understanding of this process that will offer us t platform to understand the notion of crime itself. Therefore, Richard Quinney is right when asserti (1994) that, what is important in the study of crime is everything that happens before crime occu

And what occurs before crime is a divertible human process that creates and classifies simply hu acts; the process of criminalization.

Formulated in bold terms, we should say that, while the other strong part of critical criminology, t Left Realism, believe that community has an active role during the process of criminalisation (Le 1992), abolitionists see the process as a wholly state generated process (Matthews, R. and Your J., 1992).

According to Raymond J. Michalowski (1977), the process of the primary criminalization has be structured on three basic model of social organisation; the consensus module, which could regarded as the conservative one, the pluralist model, which could be seen as the liberal, and fi the conflict model, which is the radical model of social organisation.

In the first place, the *consensus model is* closely related to positivism and supports the consens formation and foundation issue of criminal law. The organising principles of the model a

(Michalowski, 1977:23);

a. The law reflects the collective will of people and is merely the written statement of the collect will.

b. The law serves all people equally. It neither serves nor represses the interests of any particu group of individuals.

c. Those who violate the law represent a unique subgroup, which fails to live according to t standard definitions of right, and wrong agreed upon and followed by the majority of societ members.

The consensus model offers the positivist paradigm for the study of crime; it accepts t unacceptable view that law serves all the people equally and reflects an abstract collective v However, the paradigm in question fails to explain the existence of the «white-collar» criminality a other organised forms of «crime», like for example state organised crime, which hardly can be d as crime committed by «a unique subgroup».

In the second place, the *pluralist model* holds «liberal» views. The model emphasises upon t complexity of society's structure; those in fave of the model believe that society consists of diver social groups and conflicts among them are often. Regarding the principles of this interactior perspective, Raymond J. Michalowski wrote (1977: 33);

a. Criminality is a quality, which resides not in behaviour, but in the response to it.

b. Behaviours responded to as criminal are given the label of criminal and the individual whc behaviour is labelled as criminal is also labelled criminal.

c. Individuals are labelled as criminals through a process of interaction and there is a tendency individuals to be identified with that label.

According to the pluralist model, the diverse social groups agree to dispute settlements by usi law as mechanism for conflict resolution. In Chambliss and Siedman words

«While society is no doubt made up of interest group with divergent goals and values, it is everybody's interest to maintain a political framework, which permits these conflicts to be resolv through peaceful bargaining, always reserving the right of the minority group through peace persuasion and dissent (Chambliss, W.J. and Siedman, R. «Law, Order and Power», 1971, pag as quoted in Michalowski, 1977: 24).

The pluralist model is more complicated and less unsophisticated than that of consensus, but i based on illusions. What the advocates of the model in discussion like to forget is the fact that t legal system is not value-neutral and that the legal mechanisms for conflict resolution are not at above disputes themselves. The legal system reflects the needs and supports ex officio the inte of the sovereign political-economic class. Tout court, the official ideology and the interest of the class came through up with and invent the pluralist model.

Finally, it is the *conflict model* that fits precisely to the abolitionist principles. The conflict mode the radical model; society consists of diverse social groups being in a non-stop conflict state affairs. As a model for the study of law and society, the conflict perspective emphasises on t coercive and repressive nature of the legal system; therefore it is applicable to the abolitior rationale. The legal system is just the «teeth» of those with power and supports the maintenanc their power (Baratta, 1989). Actions that put in danger the maintenance of their power can easil characterised as deviant acts and be criminalized.

«The legal system is an apparatus that is created to secure the interests of the dominant cla Contrary to conventional belief, law is a tool of the ruling class. The legal system provides t mechanism for the forceful and violent control of the rest of the population. In the course of batt the agents of the law (police, prosecutors, judges, and so on) serve as the military force for t protection of domestic order. Hence, the State and its accompanying legal system reflects and s the needs of the ruling class. And it may be added that the legal system prevents the dominat classes from becoming powerful. (Quinney, 1975: 192-193).

According Michalowski (1977: 26), the organising assumptions of this model are;

a. Society is composed of diverse social groups while existing differing definitions of right a wrong and the conflict between these social groups is one of political power.

b. Law is designed to advance the interest of those with power to make it. The law is not val neutral forum for dispute settlement.

c. A key interest of those in power to make and enforce the law is exactly the maintaining of th power.

More to the point, law is not a body of rules established through consensus by those who a governed, but it serves the interests of the ruling class; «those who benefit from such a conceptic those who rule» (Quinney, 1975: 192). Therefore, criminal law is State's instrument for maintaini and perpetuating the existing social and economic order. In Richard Quinney's words (1975: 195);

«The criminal law is used at home by the ruling class to maintain domestic order. Ruling cla interests are secured by preventing any challenge to the moral and economic structure of the ruli class. In other words, the military abroad and law enforcement at home are two sides of the sa phenomenon: the preservation of the interests of the ruling class. The weapons of control are ir hands of the ruling class. Their response to any challenge is force and destruction. The weapor crime control, as well as the idea and practice of law itself, are dominated by the ruling class. A s order is in the interest of the ruling class».

In this respect criminology must either be abolished or it should change its very subject matt The focal point for criminology as a science must be neither crime nor criminal; it is exactly the soc and political vehicles of criminal policy that are needed to put into our magnifying glass.

Chambliss» words «if we are to explain crime, we must first explain the social forces that cause s acts to be defined as criminal while other acts not» (1976: 102).

In an abolitionist point of view, crime has no ontological dimension or value (Hulsman, 1986 a Haan, 1990) and criminalization is a nice way of constructing social reality. According to the Dut abolitionist Louk Hulsman, when someone wants to criminalise, this implies that he;

«a. Deems a certain occurrence or situation as undesirable;

b. Attributes that undesirable occurrence to an individual;

c. Approaches this particular kind of individual behaviour with a specific style of social control, i the style of punishment;

d. Applies a very particular style of punishment which is developed in a particular (leg professional context, and which is based on a scholastic (last-judgement) perspective on the wo this sense, the style of punishment used in criminal justice differs profoundly from the styles punishment in other social contexts;

e. Wants to work in a special organisational setting, e.g. criminal justice. This organisatio setting is characterised by a very developed division of labour, a lack of accountability for the pr as a whole, and a lack of influence of those directly involved in the "criminalized" event, on t outcome of the process» (1986: 33).

The abolitionist reasoning of the criminalization process is based on dialectic principles and follo an interesting induction. If the above «chain» of thoughts broke there will be no «crime». There be no need to construct a «crime», thus no invention will take place. That is to say that «crime» not exist before its criminalization and after this process it exists as a construction, an invention criminal justice system.

Abolitionism and Prison

«What is to be done about criminals? Here is a criminal question that perpetuates the trap we (t abolitionists) do not want to fall; the eternal rejection of the individual.»

Catherine Baker, «Does the Abolition of Prison mean the abolition of justice, law and society?», Second International Conference on Prison Abolition, Amsterdam, The Netherlands, 1985

If it true that prisons are in fact the weights and measures of freedom, dignity and humanity th characterise our society, it is obvious that we must do something with these prisons.

The disciplinary authority (power) covers all the sides of capitalist system and among them is course prison (Foucault, 1991). The disciplinary authority in question, reticulates the entirety of s relations, therefore even «criminal» ones (Dimopoulos, 1989). Thus, the contemporary punishi function of penal law aims not only at the harmonisation of «crime» with the penal threat punishment, but also at the penal and social control of individuals. The idea of treatment a handling of «criminals», for example, had more and more been used for their submission in a re of total control, if we take into account that this «treatment» often lasts longer than their rehabili and social re-incorporation demand (Dimopoulos, 1989). And despite the fact that prison system fiasco (Scham, 1996) «this fiasco is to a large extend maintained as a secret... Prison is s maintained as a major way of solving conflicts as if it were effective and just» (Mathiesen, 1990).

Imprisonment is the principal form of punishment in every criminal justice system and punishme is institutional violence, for it constitutes restrictions on prisoner's rights and repression of his ba needs by legal or illegal actions from a legal or de facto representatives of an authority (Barat 1989). The cause for the heavy reliance and the emphasis of criminal justice system was succes localised and analysed on a solid Marxist socio-political basis by Rusche and Kirchheimer and (1 68-69 see also Mathiesen, 1990: 36);

«Of all the forces which are responsible for the new emphasis upon imprisonment as punishment, the most important was the profit motive, both in the narrower sense of making t establishment pay in the wider sense of making the whole penal system a part of the stat mercantilist program».

Moreover, in all critical moments in our history, periods of civil disobedience and lurch of t establishment, prison functioned as a suitable political instrument for mass intimidation, subversi and terror against working class people (Christie, 1981).

It is true that nowadays conditio sine qua non of every criminal policy is prison: it is the essen counterbalance, the ontological towards the structured, the specific towards the abstract. Prima criminal justice system socialises the concept of crime via indictment and, secondarily, the «crimi himself via imprisonment; respect for hierarchy, blind obedience, permissible occupations, compu labour, deprivations and so on. As the abolitionist Catherine Baker poetically licence put it «pris not the disease of our days and does not have anything monstrous; it is simply the capping-sto every society and every social framework of social affairs» (Baker, 1992: 14). Tout court, pe sanction is essential for the maintenance of their «law and order».

«We all have realise that there will never be a society without law and order. We have realise t seriousness of the situation so clear that we strengthen the bars and guillotine of our minds. L crazy we naturally ask for state's authority guardianship to our lives because we consider ourselv totally "irresponsible" and "uncountable". But the State is just a machine, a mechanism in an ev more outrageous thing pay; behind state there is human willingness. Human is there accompan his law. Down with human!» (Baker, 1992: 14).

In his remarkable work, «Discipline and Punish: The Birth of Prison» Michel Foucault observ

that «the penitentiary technique and the delinquent is are in a sense twin brothers» and elegar concluded that (Foucault, 1991: 255);

«It is said that the prison fabricated delinquents; it is true that it brings back, almost inevitab before the courts those who have been there. But it also fabricates them in the sense that it h introduced into the operation of the law and the offence, the judge and the offender, t condemned man and the executioner, the non-corporal reality of the delinquency, that links th together and, for a century and a half, has caught them in the same trap.»

But what is also true, is that, despite the heavy reliance of criminal justice system on prison, tr conviction and imprisonment are in no way an «one way street». As Mark Poster observed Foucault's outstanding work «... Foucault's depiction of Damiens' suffering convinces one that system of punishment other than our system is possible» (Poster, 1984: 98). And it is exactly t other «way», the other system of «punishment» that abolitionists have dreamed of; a system th would encourage and strengthen the conciliatory possibilities among litigants (Christie, 1977), condition that we would overstep the dichotomic logic of penal law (Christie, 1981).

However, we should recognise two elements of historical success for prison system. In the f place, the prison system succeeded to produce and reproduce «criminals» coming from t disadvantaged and underprivileged sections of the population (Reimen). Thus, it creates a suital enemy, the «right» penal population. In the second place, and that is of great importance, the p system succeeded to «enact the relations of inequality that characterise our society as *normality* reproduce these relations in a material and ideological point of view» (Baratta, 1989, 11-12). In t respect, we can justify Foucault's (1991) analysis and easily understand prison system's survival.

On the other hand, penal abolitionism's critique towards prison system was always harsh (Chris 1986b). The requisitions for law and order supply revengeful and punitive reflex and the suggest measures from the side of criminal justice system have invariably in common the character repression. Punishment in general is «an intended evil», that reflects general cultural traditio (Christie: 674). Thus, paraphrasing Hal Pepinsky «crime, generates solidarity by channelling people's anger away from those at hand who provoke it most directly onto politically safe targe (Pepinsky, 1999). And, to use Nils Christie's terminology, the prisoner is *suitable enemy;* enem against whom, we, the «law abiding people» are united. The enemy is easy to be identified (Bo Hale, 1986 - Haan, 1987). People of colour, young and poor, drug addicts from the «underclas and when it comes to «family values», women; In Hal Pepinsky's words (1999: 1-3);

«Governmental response to crime has become more punitive, and focused more heavily not o on drug enforcement, but on enforcement against racial minorities, and on immigrant populatio Even where prisoners were released in large numbers in the late 1980's - as in the Soviet Unior Poland - prisons have rapidly refilled».

Therefore, black people clearly experiencing the racist nature of the prison system. For examp according to the data of the National Institute on Drug Abuse, black people represent 12% of t population in the United States of America and 13% of the total number of the drug addic However, black people represent 45% of the arrests, 55% of the convictions and 74% of prisone possession only of illicit drugs. Moreover, half of the penal population in the States are black pe (Grivas, 1997). In this respect, institutional racism in the criminal justice system incarcerates Blac disproportionate numbers.

Indeed, in an abstract and legislative level, penal correction as a peculiar form of sanction see that is oriented towards the ideas of upbringing and rehabilitation. But it is true that t materialisation of this peculiar form of sanction slightly differs from a plain serving of a classi «deprivation of freedom» punishment. A deprivation that has in its core painful, punitive a repressive nature (lex talionis);

«Those who are punished are supposed to suffer. If they by and large enjoyed it, we wo change the method. It is intended within penal institutions that those at the receiving end shall

something that makes them unhappy, something that hurts» (Christie, 1981: 16).

In this respect, Michel Foucault's analysis of prison system appears to be true all along the li
Both «deprivation of liberty» and «rehabilitation idea» are core elements of the prison system a
appeared simultaneously in the history of penal repression. It seems that nothing changed; rule
guide for the function of prison system continues to be the unceasing and despotic discipline.

«One thing is clear: the prison was not at first a deprivation of liberty to which a technical functi
of correction was later added; it was from the outset a form of "legal detention" entrusted with
additional corrective task, or an enterprise for reforming individuals that the deprivation of Libe
allowed to function in the legal system. In short, penal imprisonment, from the beginning of t
nineteenth century, covered both the deprivation of liberty and the technical transformation
individual» (Foucault, 1991: 233 and book's note no. 1).

More than a century after the signing and ratification of the Treaty of Human Rights, tortures a
malpractice are more or less, common practice for the penitentiary system of many countries, in
to bend prisoners» morality. It is true that Amnesty International has already mentioned that not
authoritarian but also democratic countries of the West apply some kind of tortures and malpract
on prisoners. Life in prison is painful because the prison system is dedicated to bring about «pa
delivery». Brutal disciplinary measures and brutal acts are often used to ensure silence, discipl
and subjection of prisoners by guards and prison managers who thriving on having authority or
psychological problems.
On the other hand, it seems that nowadays crime pays; the profit «does not come from the w
of the slave or prisoner, but from the work of handling them» (Christie, 1990/91: 55). The privati
of prison offer the opportunity for greater profits and «prisoners are converted from workers
products, from humans to things» (Christie, ibid.).
Furthermore, the abolitionist critique of the rehabilitative ideal is reasonable all along the line; to
court, rehabilitation as a model of justice collapsed because it is based on false and dangerc
principles. Prison system is not an efficient mean of bringing deviants back to normal societal
(Mathiesen, 1965) and never led to prisoner's «return to competence» (Mathiesen, 1990).
Angelika Scham (University of Oslo) recently asserted «empirical evidence showed that coerc
treatment or rehabilitation did not work, or even that they were counterproductive. Locking up p
in other words, made these people worse, though it symbolically reassured the law abiding citize
who could feel "safer" in their pretty neighbourhoods» (1996: 3). And in fact what criminal just
system has in mind when it speaks about «reinsertion», is a pathetic submission to the current s
of affairs because the repressive penal sanction is a form of alienation (see however Ancel, 19
512-513). On the other hand, rehabilitative ideal, the so-called «medical model» has so
strengthened the destructive power of the criminal justice system (Bianchi, 1986b).

«Rehabilitation - with its treatment programmes, indeterminate sentences, and enforced thera
and counselling - was inherently manipulative and tended to substitute for law, judge, and jury, t
expertise and the cultural standards, of psychiatrist and social worker. The prisoner, in other wor
was made an object of diagnostic study and evaluation, whose release depended upon his abil
respond to the prescriptions of white-collar professionals for the 'cure' of his deviant behaviou
(Barker, 1986: 92).

The rehabilitative ideal, the so called medical model instead of decreasing the number of inmat
in fact functioned as a criminogenic machine; the increase in prison population is as plain as da
The effect of imprisonment is not rehabilitating and reforming the prisoners; recidivism rates ha
always been high (Poster, 1984 and Mathiesen, 1990). Thus, crime rates increasing and pris
population is climbing to «red alert» levels. And in turn, prison simply re-supply the «circuit» with
and better products» (Farsedakis, 1990:12). A Foucaultian vicious circle created by penal repres
is taken place;

«So that one should speak of an ensemble whose three terms (police-prison-delinquency) supp
one another and form a circuit that is never interrupted. Police surveillance provides the prison w
offenders, which the prison transforms into delinquents, targets and auxiliaries of prison supervis
which regularly send back a certain number of them in prison» (Foucault, 1991: 282).

In an abolitionist point of view, the rehabilitative ideal remained constant, immutable a
unsuccessful;

«To a large extent the rehabilitation ideas are the same today as they were at the time when t
prison was invented and ... to the extent that rehabilitation has in fact been attempted, it has to
overwhelming degree not functioned according to plan. In rehabilitation, the "return to competen
has not taken place».

In an abolitionist point of view, the ineffectiveness of the prison system and rehabilitative ideal a
taken for granted (Mathiesen, 1990). An opinion that even mainstream criminologists like Marc A
the founder of the so-called «New Social Defence» find it difficult to confront (Ancel, 1995: 511)
Christie pointed out the defeat of the treatment ideology, and asserted (Christie, 1981: 48) that;

«Prisons are filled with people in need of care and cure. Bad nerves, bad bodies, bad educatio
prisons are storing houses for deprived persons who stand in need of treatment and educatio
resources. Those fighting «treatment for crime» are of the opinion that humans should not
sentenced to imprisonment to give society the opportunity to treat them. But if human beings are
prison to receive punishments, they ought to get a maximum of treatment to improve their gene
conditions and soften their pain. Treatment for crime has lost its credibility. Treatment has not».

Prison system is dangerous as it does not rehabilitate but rather function as a «university
crime» which «serves to reinforce patterns of offending, and in the same cases, to produce mo
accomplished and more ingrained criminals» (Matthews, 1997: K2, referring to what the establish
liberal consensus maintains). On the other hand, prison system stigmatises; the «garbage can
society» (Mathiesen, 1990), the pariahs, the «underdogs», the dropouts are the products of crir
justice system and penal mechanism. More to the point, prison ruins lives;

«What criminological research nowadays has taught us is, however, that the idea of being able
improve the punished individual through a punishment implying deprivation of liberty, is an illusi
On the contrary, today is generally acknowledged that these kinds of punishment lead to po
rehabilitation and a high recidivism rate. In addition, they often have a destructive effect
personality» (Regeringens proposition, 1982/83 No. 85: 29, translated from the Swedish by Tho
Mathiesen, 1990: 47, in fine).

Furthermore, under the medical model, a prisoner had to face an indeterminate sentence and
fate is depending on uncertain scientific results of psychiatrist and psychologists. The prisoner do
not be judged for his crime but by his «performance» in prison.

«In many countries though, the enthusiasm for prison as a therapeutic community had produc
the indeterrninate sentence, making it possible for a delinquent who behaved badly in prison to
the possibility of a much longer stay in prison than the seriousness of his crime warranted. Pris
behaviour became a more decisive factor in assessing the length of one' stay in prison than t
seriousness of the crime» (Bianchi, 1986: 150).

And what is exactly contradictory is that it is under the «medical» model of justice where prison
suffering from serious illness such as cancer and HIV are often given ineffective remedies to relie
the pains. It is common secret that women inmates are routinely denied access to physicians a
especially as it impacts women prisons there is lack of adequate medical care. Unfortunately, cri
justice system under the pretext of rehabilitating, ill-treats prisoners with medical problems by the

of inhumane and punitive imprisonment and aggravates their situation. In essence, prisons a becoming more and more new sources of infection (Faugeron, 1998) and «the places which act encourages people or provides the conditions for high risk behaviour» (Dr Gerry Stimson/Monitori Research Group, «The Killer Inside» videotape, 1989).

And, lest we forget, it is inside the prison system where the most dangerous-mixed drugs a pouring into without the authorities being able or making any serious effort to stop the flood. T criminogenic function of criminal justice system is verified by the paragraph 112 of the report of t Committee of the European Parliament for Drug Problems; in most of the cases occasional dru users start to use them frequently and become drug-addicts in the «paradise» of the criminal just system (Grivas, 1990). However, the above situations are not only prison problems, i.e. proble behind the wall; «prison is not a different world and the way that AIDS and the other problems a handled inside could be crucial for those outside as well» (The Killer Inside, 1989).

Moreover, there is no lack of evidence in numbers for the destructive power of the punitive per system; the Howard League for Penal Reform for example revealed that during 1998 there were self inflicted deaths (source: HM Prison Service Suicide Awareness and Support Group, 1998 s Table 2) in prisons in England and Wales. And, unfortunately, these are the most deaths that ha been recorded in any one-year. Clearly speaking, the whole penal system is a serial killer and dr prisoners to the ultimate act of self-destruction. Frances Crook, the Director of the Howard Leag asserted that (Howard League For Penal Reform, 1999):

> «During the last year more people than ever before have been affected by the death of a lov one in prison. The very fact that 83 people have felt so distressed and isolated that they have t their own life is an indictment on the whole penal system. The sheer numbers speak for themsel

Finally abolitionist Thomas Mathiesen was exactly right in his conclusion that prison does r rehabilitate but in fact dehabilitates (Mathiesen, 1990); and the same goes to Claude Faugeron her conclusion that prison does not habilitate but neutralise prisoners (1998). For all the contra declarations and expectations, imprisonment imposed by criminal justice system has deeply imp in itself the sentiment of revenge. In essence, revenge and retribution are core and notio elements of the repressive penal mechanism. Therefore, it is not the feel of security that justify t existence of prison and makes us feel good; tout court, it is the desire for revenge that had be cultivated by the criminal justice system. In Foucaultian terms, prison system succeeded to ensla not only the body of prisoner; the slavery of mind is the ultimate target.

Moreover, during the past decade penal abolitionism harshly criticised the so-called «just model», because of a renewed interest that occurred by critical criminologists to justify punishme and curtail state authority's expansionist punitive approach towards «crime». Justice model h emerged as an «alternative» to the rehabilitative ideal as a model of punishment and justice, ins by the Kantian model on the issue of justice (Cavender, 1984).

Formulated in bold terms, we should say that «justice model» aim at the reintegration punishing the «criminal» with a just return. In this respect, «just deserts» means equal punishme equally serious crime. The main representative of this model of justice is Andrew Von Hirch (Chris 1981 and Haan, 1987).

However, as a critique of penality in every form, penal abolitionism demonstrated t contradictions and dangers of «just deserts» while other critical criminologists quickly reject it plainly «bourgeois» (Paternoster, R. and Bynum, T., 1982).

> «Key concept like deterrence and retribution are taken out of context and thereby stripped of th myriad implications. As a result, they are used as catchwords, as if they were in and of themselv justifications for punishment. Fundamental issues have been avoided or simply neglected as, instance, how the claim may be made in the first place that certain things are wrong and ought punished... In other words, the idea of "just deserts" only if the laws are fair and the soci guarantees entity, if not equality» (Haan, 1987: 327-328).

Thus, by criticising the «justice model», penal abolitionism showed that there is a clear ideologi

- in terms of legitimacy - crisis in prison system. However, in contrary to what Bottoms and Prest argued (1980), the ideological crisis caused not because of the failure of the «rehabilitative idea» but because of penal reasoning and rationale; a prison is inherently repressive means of soc control.

In this respect, penal abolitionism does not consider prison system as only a nexus of limitatio and restrictions but, mainly, as this very clear and real end of the intolerable logic of socialisatio neutralisation and normalisation. It is in abolitionists duty to fight in every scientific and activist fi against this special framework of society that inevitably leads to repression and annihilation (Bak 1992). As an immediate step towards this goal is the creation in every country of an independen separated body for prisoners complaints. This opinion find all the existed British organisations a committees for prisoners» rights in total agreement (NACRO, Prison Reform Trust, Howard Leag etc., see «Strangeways» video).

However, conventional criminology continues to sacrifice the individual to the State and personal liberty to the severity of repression. Likewise, mainstream criminologists reckon as their to patch the holes of the social tissue in order not to secure the prosperity of society but rather secure the survival of a system of repression and punishment. And on the other hand, Marx criminology continues to sustain the myth of criminal justice system;

«Marxist criminology falls within the conventional bounds of assuming that true criminals differ fr most other members of a social system, and that crime and criminality can best be controlled giving the true offenders special treatment» (Pepinsky, 1980: 299).

Penal abolitionism wants the infliction of punishment in terms of only deprivation of liberty to taken place at least ultimately. Therefore, penal abolitionism calls for a «de-emphasis on us functions» in order to reduce pain delivery from the prison system. And, it is the «reduction of util thinking around punishment that opens the way for alternative paradigms» because «free of uti thinking we would be confronted with a need for an evaluation of the penal approach as a cultu phenomenon» (Christie, 1990/91: 55-56).

As an avant-garde criminological paradigm, «unjust pain» is not something to which it aspir Abolitionist Nils Christie brought in focus the need for protection from unjust pain delivery in inspiring book «Limits to Pain» and advocated that

«My own view is that the time is now ripe to bring these oscillatory moves (penal theories a practices) to an end by describing their futility and by taking a moral stand in favour of creati severe restrictions on the use of man-made pain as a means of social control. On the basis experience from social systems with a minimal use of pain, some general conditions for a low lev pain infliction are extracted. If pain is to be applied, it has to be pain without a manipulative purp and in social form resembling that which is used when the people are in deep sorrow. This migh to a situation where punishment for crime evaporated. Where that happened, basic features of t State would also have evaporated. Formulated as an ideal, this situation might be just as valual make explicit and to keep in mind as situations where kindness and humanity reign-ideals never reached, but something to stretch towards» (Christie, 1981: 5-6).

Clearly speaking, the necessity for the abolition of criminal justice system's institutions w dictated by the ascertainment that these institutions are unsuccessful to confront the problems social tissue and engendered and reproduced institutional violence. In this respect penal abolitio holds as «lighthouse» for its policy the need for de-encirclement of criminological research from t domination of penal law and the formation of conditions and stipulations for the exceeding capitalist socio-political system and post-capitalist society.

The abolition of prison, however, is inside the logic of history (Baker, 1992); nowadays a worldwide, a sweeping critique against the inhuman institution is taken place by scientists in ev scientific field. And penal abolitionism calls for the abolition of prisons by offering a new soluti (neue losung) that seems to be taken seriously. The poster of the of the Council of Europe sho a flight of birds throwing a cage in the sea under a multi-language title is a plain example

inspiration from the ideas and politics of penal abolitionism (Alexiadis, 1989).

Clearly, great problems demand great solutions. Abolitionism undermines the prisoncra authority, creates links in and out of prisons fights the death penalty and torture methods, and c juridical support. Invariably abolitionism fights against the propaganda of the prevailing socio-pol establishment that adopts «tough on crime» rhetoric and «zero tolerance» politics and spreads t «fear of crime» disease in the social tissue. Consequently, penal abolitionism calls for radi limitation of penal system, depenalization and decriminalisation of criminilized acts, moratorium prison construction and gradual abolition of prison system through radical spoilage of criminal la criminal justice system. Because prison is more than a plain institution; it is a pattern of soc organisation, a symbolic system that creates for individual a certain way of thinking that emphasis on violence and downgrading of human relationships.

In the questions «what is to be done with the penal system», penal abolitionists refer us to t answer given by the anarchist (and abolitionist - Swaaningen, 1995: 132) Russian philosopher, Kropotkin (1927);

«The prison kills all the qualities in a man which make him best adapted to community life, makes him the kind of person who will inevitably return to prison to end his days in one of tho stone tombs over, which is, engraved «House of Detention and Correction». There is only o answer to the question «what can be done to better this penal system?». Nothing! A prison cann be improved. With the exception of a few unimportant little improvements, there is absolutely no to do but demolish it».

It is true. The course «crime-prison-crime» hardly has a return. For the prison «scars prisoners a life time and dispatch the weakest or spiritually shatter the others» (Panousis, 1998: 136).

Let's think now of a fellow human being entering the prison and facing our criminal justice syste what she/he supposed to be expected? The answer is quite simple...

Psychological pressure, verbal abuse, deprivation of food and medicine, isolation, confinemen a control unit, violence and tortures, gang activity, guard brutality, inadequate ventilation a lightning, days in the «hole», limitation of communication and space, overcrowding, social relatio based on authority, scandalous imprisonment conditions, stigmatisation, deprivation of heterose relations, deprivation of autonomy, deprivation of security in relation to other inmates, disciplin punishments, closed-circuit television screens, brutal acts, isolation cells, dangerous conditions drug-use, terror and suppression, physical and sexual abuse of women prisoners, changes prisoners» personality, ideologies of the past that become the rule and been enforce muta mutandis nowadays like «poena est estimation delicti» (Papinius) and «malum passionis prop malum actionis» (Grotius), brainwashing, chemotherapy and other enforced therapies, pathetic a corruptive imprisonment, the wear and tear of prison, a life of boredom and useless toil...

«Think of a man shut up under these circumstances ... for a year, eighteen months or two yea and left to frood upon the past, with no companionship, save his own sad thoughts - his mind ut stagnant, with nothing to relieve the silent solitude and the monotonous torture of his confineme it any wonder, then, that after a long period of imprisonment, a prisoner often comes out enfeebled in body and mind that he is absolutely unfit for any employment and thus falls an ea prey to temptation? Our jails, like our laws and our social system, manufacture criminals. That is they are fit for» (Nicoll, 1992: 6).

Penal Abolitionists are right; «not only can we say most certainly that prison does not rehabilita but most likely we can also say that in fact it dehabilitates» (Mathiesen, 1990), because «the pen system is there to hurt people, not to help or cure» (Christie, 1981). It is time to listen more close prisoners and their grievances. It is time to acknowledge their rights. As immediate steps towards policy of abolition I will add the following measures which are compatible with the principles of pen abolitionism:

a. Legitimatization of all prisoners» rights that derive from the European Convention for Hum Rights.

b. Abolition of disciplinary measures and any method of malpractice and ill-treatment of prisone especially in cases of active or passive resistance of their side.

c. Easy access to prisons by the mass media.

d. Legitimatization of prisoners» right to create organisations, to read newspapers and communicate with their family and close environment with no restriction.

e. Legitimatization of prisoners» right for free and not imposed vocational training.

Abolitionism Against Prison Construction

«Try this out:
For a real taste of prison life,
try living 23 hours a day in your bathroom.
Remove everything but the toilet,
use the bathtub as a bed,
lock the door,
and make yourself comfortable.»

A prisoner in New York Prison Zone Web-Journal

The rates of incarceration are increasing geometrically, because of a continuous increase punitiveness by the criminal justice systems. As an inevitable result, the prison system is expandi and what is currently seen is a high demand for new prisons. Not surprisingly, abolitionism is stro opposed to the use of prison as a way of punishment and pleads for a ban on further developme of the system, i.e. a ban on the building of new prisons.

The abolitionist Thomas Mathiesen (Professor of Sociology of Law, University of Oslo - Norwa clearly stated that criminal policy and the use of prison are in fact dependent on the politi inclination and choice of the authorities. Thus, the issue of prison building has a pure political na

«Building is often seen as a technical question of architecture, construction, and short-term trer in inmate population. But the question is essentially political. Politics is a question of decidi priorities of values. Therefore, the issue of prison building is a question of deciding priorities values. Is this the way we want to treat fellow human beings? Is this how we want to meet the cri problem? These are some of the questions of value involved» (Mathiesen, 1986: 89).

In an abolitionist point of view, the arguments towards a policy of limiting and shrinking the pris system appear to be forcible. An expansion of the prison systems is not only unnecessary but a is not reasonable. And although prison for centuries has the central core of the State's policy social control, the situation is divertible. Apart from the well known arguments of the ineffectiven prison in terms of individual and general prevention, the destructive effects of imprisonment prisoner's personality, its degrading and humiliating character, and the obvious argument economy, the abolitionist arguments against the building of more prisons are even more solid a forcible.

In the first place stands the argument of the *irreversible character* of prison building. Once prison built would never be «undone» and simply criminal justice systems has to use it. In Thom Mathiesen's words;

«The irreversible character of prison building, the fact that prison building in this sense should seen as a part of a long-ranging historical process rather than as a short-term pragmatic measur

in itself a major reason for not embarking on any construction programme today» (Mathiesen, 198
87).

On the other hand, a new prison is not coming to replace the old prison but rather to be added
the current situation. Thus, a new prison is not a substitute but an addition and that shows clear
expansionist character of the prison system.

In the second place, and this is the major forceful abolitionist argument against new pris
construction, is the argument of cultural values. Simply, in the eyes of the general public, «pris
building necessarily signifies a positive value in building and *solidifies* the prison solution in
society» (Mathiesen, 1986: 88).

But what about the queues, the overcrowded prisons and the waiting (sic) lists? Abolitioni
argues that a ban on the building of new prisons is feasible and offers reasonable solutions;

a. lowering the limit for release on parole

b. changing sentencing rules, (reducing the number of custodial sentences and shortening t
length of custodial sentences) and most of all

c. extensive use of pardoning and repentance as a means of clearing blame.

Finally, one of my deepest concerns about prison construction is coming from the fact that m
and more state authority use to entrust universities and research centres with the task of designi
new prisons. And not surprisingly, it is behind the well-known and broadly accepted myth of scie
objectivity where a social consensus and apathy are been established, while simultaneously t
repressive penal mechanisms are been upgraded.

From Bentham's Panopticon to Electronic Monitoring

*«Taken as a whole, things are much worse than Michel Foucault imagined. The total situati
clearly calls for political resistance.»*

Thomas Mathiesen, «The Viewer Society», 1997

Despite the fact that the new technology holds a great liberating force and influence - bo
corporal and spiritual - in itself (Bookchin, 1979), it seems that somehow exists a fetishism for t
word «new technology» in itself; a fetishism that invariably seems to forgive even the most repre
and horrific plans and programs for a «war on crime». And, on the other hand, more and m
achievements in the fields of Biochemistry, Medicine, Psychology and others determine t
penitentiary and the whole penal system.

«Home confinement», «intensive probation programs» and «electronic monitoring»... The futu
of penal repression approaches more and more the orwellian-foucaultian nightmare and looks d
(Lilly, 1990).

«This then is how we must imagine the punitive city. At the cross-roads, in the gardens, at t
sides of the roads, in workshops open to all, in the depths of mines ... will be hundreds of t
theatres of punishment» (Foucault, 1991).

The planting of electronic devices into the bodies of «criminals» and the enabling of twenty-fo
hour observation by the «big-brother» is horrific and inhumane. Therefore, it received a harsh cr
by the abolitionists (Bianchi, 1986) for it is an insidious extension of state apparatus of social co
However, electronic monitoring (also known as «tagging») is not so new; as an idea within t
bounds of the penitentiary harm; back in 1964, there were related experiments, conducted und
guidance of Ralph Schwitzgebel in Harvard University. Later on, the judge Jack Love, in New Me

(biblio) continued the same experiments.

These experiments were called «electronic rehabilitative systems» and the main reason for t propulsion of them was the great pressure of economically mighty companies. Simply, there was great wish to promote and sell their technological equipment and the naive and fatuous pub

confidence in the technological devises functioned - and still functions - as an unforeseen suppo in their efforts.

Furthermore, despite the arguments of those in fave of the use of electronic monitoring, that it an «in freedom» (sic) form of punishment, it is plain as day that electronic monitoring is a form punishment. In an abolitionist point of view, it is not risky to say that electronic monitoring is ev more dangerous than plain imprisonment. As an alternative to freedom, electronic monitoring, wh is widely promoted by criminal justice systems, clearly face the scepticism of abolitionism and criti criminology. In essence, electronic monitoring as many other pseudo-alternatives to prison could seen as another form of criminogenic stigmatisation (Christie, 1981).

Imprisonment, let alone prisoner's rehabilitation, should be ruled at least by the basic well kno penal principles of analogy, necessity and equalising function.

However, electronic monitoring is operated on cases such «drink and drive» offences or pe thefts where an ordinary probation would be ample. Moreover, it is obvious that constant a indistinguishable monitoring, expands the official social control and outrages not only prisoner's b also third party's sense of justice and freedom (e.g. family, friends etc.). In John Walters (Ch Probation Officer in Middlesex) words («No Soft Option» - videotape);

«The introduction of electronic tagging as a means of monitoring behaviour is a sinis development in the relationship of the State and the citizen. And I would not like to see it operati in the work of the probation service».

On the other hand, as left realism has already showed, the use of electronic monitoring has in fa a very little impact on the prison population. Electronic monitoring, in contrary, brought about fam

breakdowns, reduction in the family income (because the offender pays a fee for the equipment

stigmatisation. However, what seem to be extended by the use of electronic devices are the pro the producer companies (Matthews, R. and Berry, B., 1989).

Penal abolitionists are obligated to stand adamantly against electronic monitoring by pointing o ideological, ethical and moral reasons. The resistance against this humiliating means of control is high priority. Market is not exactly the right thing to stimulate innovations in penal policies. Mich Foucault (1991) has already warned us «disciplinary power tends to multiply, differentiate a expand».

Abolitionism and the Criminal Justice System

In an abolitionist point of view, crime is the product of criminal justice systems rather than t converse. Criminal justice system, the child of «Holy Inquisition» (Swaaningen, 1986) has catascopic, repressive, punitive, exceptional and inflexible character, and offers no solution to t fundamental problems of racism and sexism (Ward, 1986). The system leads to a per reconstruction of reality (Swaaningen, 1995). Moreover, criminal justice system is more problema than crime itself in a moral sense (Hulsman, 1981), being «dysfunctional to its own end (Swaaningen, 1995: 120 and Christie, 1998: 123); it is the state and its criminal justice system th intentionally and systematically afflicts pain upon other people (Swaaningen, 1995) and h stigmatising effects. Therefore, abolitionists savagely criticised this system for its rationale and actual functioning and penal abolitionism invariably supports the abolition of this system in order

revitalise the social tissue (Swaaningen, 1986). The criminological paradigm in question is in fa
obligated to expose the futility and cruelty of every prison system along with the hypocrisy that is
the base of every criminal justice system.

And all that in a time when what is observed is a technocratic expansion of the punitive crimi
justice system in order to protect the privileges of one class (Baratta, 1989 and Smaus, 1996).

In the first place, criminal justice system is based upon a «pyramidal justice» style of dispu
settlement that multiplies its classifications with geometrical progression. The «pyramidal justice»

discussion stands far away from any description, comparison and evaluation by the populous, i.
people who really receive its orders and controlled by (Christie, 1998). By contrast with t
«equalitarian justice» of abolitionism, the «pyramidal justice» is simply imposed and controlled fr

«far and above»; it was created without the participation of the social tissue. Thus, there is no p

left for the creation of horizontal justice due to the reduction of opportunities for a real social cor

On the other hand, abolitionism, both as a movement and a criminological paradigm, has realis

that the decision between freedom and hierarchy depends upon the ability to create strong netv
of horizontal and equal relations against the pyramidal one of authority and repression.

«The wiping out of the state punitive apparatus would open new horizons through a stronger a
healthier coexistence towards a new justice» (Hulsman, 1997: 207).

A new thoughtful thesis was set-up by abolitionism; a thesis that provides recent elements fo
better comprehension of criminal justice system and the means of coercion imposed by the syste
but also elements for the comprehension of the function of criminal justice system's «satellites», i
the courts, the police and the mass media.

And last but not least, the recent article by the abolitionist Thomas Mathiesen in the *Theoreti*

Criminology journal, under the title «The Viewer Society» (1997) offers a harsh abolitionist critiqu
the mass media and the institutional elite for constructing «reality». As Nils Christie recer
concluded: «our present penal policy is an indicator of a general expansion of the state cont
systems» (1998: 123).

Foucault himself, has offered an enviable description of the function of criminal justice syste
Criminal justice system is an anti-subversive system that introduces a definite number
contradictions into masses. It creates an aenaus mutual competition between proletarians and nc

proletarians (Foucault, 1987). And «proletarization» is the condition that should be always one
main targets for the system; people must accept and agree on their current conditions and situati
as proletarians.

In the second place, criminal justice system could be characterised as - not only select
(Ruggiero, 1999) - but in essence marginalized; it deals only with a small part of criminal acts wh

the vast majority of criminalized acts go for one or another reason unreported and unrecorded.
acts simply stand «behind the veil» and constitute the so-called «dark figure» of criminality wh
criminal law turn out to be a rather unimportant and unnecessary instrument of conflict resolution.

«In my opinion, the amount of unrecorded crime is systematically underestimated. Anyway, the

is no doubt that actual criminalization of criminalizable events - even in the field of traditional crin
a very rare event indeed. In a country like Holland, far less than one percent of those criminalisa
events actually criminalized in the courts. Non criminalization is the rule, criminalization a ra
exception» (Hulsman, 1986: 32-33).

Clear examples of this «dark figure» are the racially motivated attacks. In the case of Brita

government figures suggest that these attacks are nowadays far more frequent than in the past
only a very small proportion are recorded and even fewer reach the British courts. In this respe
criminal justice system do not take full account of the racist nature of these events. However
should be noticed that it is not only a problem of criminal justice system, a problem of policy; it is
problem of state itself («Race, Violence and Law», 1993 - videotape).

In the third place, criminal justice system produces and maintains social inequalities as the per

system ex officio serves the ruling class while criminal law is an instrument of class domination («

character of criminal law») that should not be underestimated by critical criminology; the fact th
criminal law remains «in the background as a last resort» does not mean that criminal law is
«second-order law» as Heinz Steinert believes (Steinert, 1977). Criminal justice system simply wo
have no reason to exist without its rules. Therefore, criminal law is not only a means of repressic
also the heart of the matter. Criminal law and prisons are first and foremost about social contr
«about creating a more politically obedient and economically useful population» (Olson 1994) th
a process of creating an imaginary «criminal class». (Barfoot, 1993).

Thinking in a higher level of abstraction, the punitive system of criminal justice «appears to
rather a functional subsystem for the material and ideological reproduction (legitimacy) of soc
system as a whole», i.e. the existing relations of authority and ownership (Baratta, 1989: 1
Therefore, the usual «clients» for criminal justice systems are the poor, the working class people
«politically incorrect» (Bourque 1994) and essentially the «generalised-other» of any country (Ka
1996); the immigrants. Thus, the function of criminal justice system is extremely selective not o
regarding the offered security of goods and interests but also regarding «the process
criminalization and the related recruitment of the penal population» (Baratta, 1989: 11).

«Those who are officially recorded as "criminal" constitute only a small part of those involved
events that legally are considered to require to be criminalized. Among them young men from t
most disadvantaged sections of the population are heavily over-represented» (Hulsman, 1986: 27)

Furthermore, the impact of crime itself in uneven for the most victimised people belong to t
poorer and more vulnerable sections of the population. And it is exactly this section of the popu
that pays too high the price of the financing of criminal justice system (Matthews, R. and Young,
1992).

In the forth place, criminal justice system is deservedly considered as a «thief» by per
abolitionists; conflicts are been stolen from its owner (Christie, 1977). In essence, the states and
agencies take in hand personal subjects; thereby every peaceful and non-punitive settleme
becomes inevitably impossible.

«The violation of the law, this concrete action, is of such importance that it sets the wh
machinery of the state in motion and decides in almost every detail everything that will subsequ
take place. The crime - the sin - becomes the decisive factor, not the wishes of the victim, not t
individual characteristics of the culprit, not the particular circumstances of the local society.
excluding all these factors, the hidden message of neo-classicism becomes a *denial of the legiti
of a whole series of alternatives which should be taken into consideration*» (Christie, 1981: 44-45).

The criminal justice system invariably continues to exclude from its process all those involved
problematic situations («offender», «victim» and close social environment). As the Norwegi
abolitionist Nils Christie (1977: 1-5) argued so forcibly:

«Conflicts have been taken away from the parties directly involved and thereby have eit
disappeared or become other people's property ... criminal conflicts have either become othe
people property - primarily the property of lawyers - or it has been in other people's interests to c
conflicts away».

However, the fact that the vast majority of «crimes» goes unreported and unrecorded («da
figure») does not mean that these problematic situations remain unsettled. Most interperso
conflicts follow peaceful settlement with no implementation of the punitive criminal justice syste
Therefore, despite the high rates of imprisonment, a conflict rarely and occasionally is referred t
criminal justice system (Hulsman, 1997).

In the fifth place, there are many indicators showing that crime control means to a great exte
social control. Victimless crimes (e.g. homosexuality or drug use) and moral offences make clear
crime control via criminal law and criminal justice system is inevitably a means for social control. E
criminal law «is an inefficient instrument for imposing the good life to others» (Bayer, 1993: 13).

Formulated in bold terms, we should say that criminal law does not lead to justice but «te
something essential about the society, its structures and power relationships» (Gronfors a
Stalstrom, 1986), through society's sexual norms, and moral issues and attitudes.

On the other hand, crime control via criminal justice system is social control as it comes
economic issues, i.e. productivity. For example, one of the strongest tools for capitalism in order
support its own interests and needs is the control of sexuality. However, according the basic cap
principles, homosexuality should be considered as a «non-productive» behaviour. The lack of s
production and new industrial labour (i.e. children) is the real reason for the criminalization of t
behaviour in discussion. A criminalization well structured and covered with pseudo-moral issues w
constructed and a new type of «criminals» were created; the homosexuals, a highly discriminat
and stigmatised minority of «sexual deviants» (Gronfors and Stalstrom 1986). And unfortunate
criminologists became - more or less - the guardians of sexual normality.

Another indicator that crime control by criminal justice system and criminal law is in fact soc
control was offered by the neo-feminists in the field of criminology. Pat Carlen (1984) showed h
criminal justice system created a passive stereotype of woman and establishes an unreasonal
interest of criminal law in woman's sexuality and sexual behaviour. In this respect, criminal just
system managed to make an invasion to women's life, an invasion of her body and her mi
According to Pat Carlen

«The history of law on rape also shows a traditionally rape is been treated as a property offen
That is to say that rape is been seen as an offence by a man against another man's prope
Punishment did not reflect the harm done to a woman, it simply reflected her value to men» (Ca
1984).

More to the point, we should conclude that the abolitionist critique towards penal law and crimi
justice system is justified. The punitive character of criminal justice system produces more proble
than the problems is supposed to solve, while criminologists seems to be like doctors who secre
love the decease they are supposed to be fighting. And it is criminal justice system that creat
conflicts instead of arranging them and «many times the same conflicts reappear in a more seric
form or appear new ones because exactly of the penal intervention» (Baratta, 1989: 11).

For all the above reasons, abolitionists advocate the abolition of criminal justice system and sh
great interest to the civil procedure as a mechanism for conflict resolution for the so-called «mino
and «medium» criminality. For example, non-violent and tolerant approaches to the problem
«crime» are commonly used among the Quakers community; the cornerstone of Quakers» pol
towards this problem is the notion of «invasiveness». Such approaches are the payment of so
kind of fines from the offender to the victim, education, processing and practice of methods for s
defence, non-forced therapy, help by friends and relatives. The hardest approaches are simply t
non-collaboration between the community and the offender or in some case ostracization.

Simultaneously, penal abolitionism is in fave of a policy of minimal penal intervention for mo
serious criminality and offers a model of analysis towards a really alternative penal policy through
strategy of maximum limitation of the penal (institutional) violence. Because, «our fate, and o
saving grace, is to be compassionate beings. in all humility and whatever may be known is know
love» (Quinney, 1994: 2).

It is true that, in contrast to the civil procedure where the judge deals with a claim *if* and *as far*
there is clear right and reasonable interest of the plaintiff, and where the parties are treated mo
equally, the criminal law procedure is rather authoritarian way of dealing with conflicts. The civil l
would be a suitable means to achieve Bianchi's «eunomie» (Swaaningen, 1995 and 1997) th
criminal law. Abolitionists are right in their conclusion that

«the judge in criminal matters does not take into account, and focuses on abstract ideas like t
disturbed legal order, the so-called "seriousness" of the committed act(s), and the intentions of t
accused. He punishes on the vague standards of "equivalence of rights", based on dubious not
like retaliation, general prevention, confirmation of the norms and so on, which correspond in no
whatsoever to the damage caused by the action» (Knap, 1986: 215).

The criminological paradigm in question direct our attention to rational and reflexive reactions problematic events (Haan, 1990) and suggest autonomous and informal ways of conflict resoluti like neighbourhood justice and popular courts, for criminal justice system is beyond repair. N punishment but reconciliation is the abolitionist suggestion as a reaction to problematic events.

On the other hand, the bureaucratic framework of every criminal justice system automatically lea to the so-called professional deformity of those involved within. And the reason for this deformity the specialisation of judges; the existence of «specialised non-specialists». The abolitior perspective is clear:

«The ideal is clear; it ought to be a court of equals representing themselves. When they are al to find a solution between themselves, no judges are needed. When they are not, the judges o be their equals» (Christie, 1977:

Moreover, in an abolitionist point of view, the promotion of dispute-settlement, regulation a management of the conflict is a possible and viable alternative for conflict resolution. The duty abolitionists is to struggle towards re-skilling people to do so. On the other hand, both abolitioni and left realists share the opinion that the poor and deprived sections of the population a suspicious towards to informal and decentralised systems of conflict resolution (Lea, 1999) wh privileged categories in society «have far better possibilities than the underprivileged to settle th disputes in a non-penal or punitive way» (Bianchi 1986: 155*)*. But what left realists fail to see, exactly the great need to prepare the structures of dispute-settlement, to convince the deprived underprivileged parts of society for the need of a non-punitive approach to «crime» by demonst the class-biased character of penal law and at last to convince them to get involve in the prepar these structures. It is time to take criminal justice system seriously not the «crime». In Bianchi's v «the underprivileged suffer quite badly from false consciousness: they have been educated believe that a punitive attitude is the best criminal policy» (Bianchi, 1986: 156). That is what mus changed.

It is true; «any alternative is a matter of profound social change» (Lea, 1999). Therefore, t modern penal abolitionist has to «translate his message into political terms» (Bianchi, 1986:15 Crime and crime control are social relations as defined by the state apparatus. In order to see the as lay-oriented social relations we must adopt an anascopic view of life world and deal with them as pre-existing problems but as «by-products of criminal justice system itself» (Lea, 1999). The fa consciousness is the problem. And Herbert Marcuse was right;

«The power of the master depends on the slave himself who believes to and maintain this powe (Marcuse, 1965: 23).

Finally, penal abolitionists should make every endeavour to spread the abolitionist ideas amo the judiciary. And as good example towards this aim we can mention the French «Syndicat de Magistrature», a syndicate that offers the opportunity for real and equal representation to members of judicial body and aims at the breaking «with the sectarianism and monolithic structu the judiciary and instead be antielitist, antihierarchical and pluralist» (Haan, W. et al, 1989: 479).

This syndicate, based on anarcho-syndicalist traditions and principles, launched on 8 June 19 and until this moment organised conferences on human rights, legislation, prison reform, class ju while simultaneously organised a lot of judicial strikes for political matters and not only for negoti better salaries and working conditions. And, despite the fact that judges are most of the times re from the upper stratum of society and despite the clear limits and related contradictions, the jud the «Syndicat de la Magistrature» many times «worked to demystify the images of law», a represented the anger of a social class that is frustrated by seeing law enforced selectively agai «the normal clientele of justice» (Haan, W. et al. 1989: 480). In this respect, the syndicate succ to shift attention from technical aspects of law and focus it on the real social problems.

More to the point, penal abolitionism must build bridges of collaboration with these kind syndicates and work together for the overstepping of the current situation; judiciary should not

based on ritualistic and authoritarian principles. The enemy is well known and too strong to confronted m an elitist way of acting.

Abolitionism and the Driving Forces Behind Penal Repression

Nowadays, the police, the mass media and the political establishment are major social inter groups for every society. Penal abolitionists were always sceptical about their actual role in drawi out moral panic and altering the socio-political climate in the area of criminal and penal poli Therefore, penal abolitionism confronted them as a real threat and as the actual driving forc behind the growing penal repression. It is common to see the police, the mass media and the p establishment united and participated in major public outcry against «high rates of criminali (Mathiesen, 1996). In this respect, the triangular mechanism appears to be extremely powerful; i the «power to define what we think about and how we think about it. It is the power that shapes collective consciousness and attitudes, and in so doing, motivates people to respond to spec stimuli, and respond in a specific way» (Muntaquin, 1995). But alas, it is well known that whene authority fails to paralyse and dislocate by coercion and force, it dislocated by subjection; by giv crutches to society, and we are all going about on crutches owned and controlled by this sa apparatus.

In the first place, police is one of the most powerful institutions within the criminal justice syst and hardly holds any liberal and non-punitive policies. It is in its duty not treating human beings *cases*, and that is of great importance. As an institution, police is always ready to jump onto the tough-on-crime» bandwagon and many times police officers are charged for malpractice such bending the rules, planting evidence, stop and search with no reason at all and physical abuse. instead of functioning as a service as critical criminology wants, it function as a force. However p abolitionism and critical criminology in general will invariably call for a change of ethos for police demonstrating its malpractice and the inevitable decline in the public perception of police efficien On the other hand the force-police, use to target offenders not only in an ineffective way but a provocative one (e.g. eagle eye prominent» policies»). In the «Frontline Britain» programme of t «Network First» series we heard that police many times act as an «agent-provocateur»;

«Young black men are given particularly close attention from the police from the police. London, there are five times more likely to be stopped and searched than whites. In high crime young blacks are likely to be seen by the police and by many of the white majority as an identifia enemy».

In the second place, mass media are been nourished by stories of high criminality and sea intensively for sensational individual cases; «it is part of the very development of the modern ma media and of the modern concept of the "newsworthy" to do just that», as Thomas Mathies elegantly put it (1996: 3). The media pick, choose and show us according to what they perceive of interest and «safe» to their public. Thus, «mass media apply and cash in heavy profit on t concept of crime» (Christie, 1990/91: 54). In this respect, rather than justify the media stereotype argue that it is precisely the media distortion that causes the bulk of problems. Tout court, ma media bring about a «pattern of one dimensional thought and behaviour» (Marcuse, 1991). And the Canadian abolitionist prisoner Yves Bourque (1994: 4) concluded in his paper under the t «Prison Abolition», the six o' clock news will report a regrettable incident like so:

«Today, a young bank teller was shot in cold blood in the course of a robbery. Wh apprehended by the police, it was found that twenty-six old so and so had just recently be

released on parole after having served only four of a seven year sentence for robbery. More ne later..».

It does not say:

«Yesterday again, a young bank teller was shot in the course of a robbery at the corner of su and such street. A humanitarian organisation that is now helping the parents of the victim cope w their immense grief and anger has told this media that the apprehended twenty-six year old ha since age seventeen, undergone six years of "legal" physical and psychological torture, degrada and systematic dehumanisation at the hands of the penal authorities. Socially and emotiona assassinated so and so had once told the institutional psychiatrist that the scars of cigarette bu on his penis, inflicted by police in a forced questioning pertaining to the denunciation of a ma heroin dealer, had caused him to try to commit suicide at least three times while in prison and o his mother's house. More news later, now, this report on the devastating effects of the cru missile».

It is true; crime pays through a process of its «Hollywoodization» (Greenfield, S. and Osborn, 1999). Nowadays, people-viewers eat «crimes» in their television set like candies and murders n best sellers. Mass media, police and political establishment feed the circuit; criminal justice syst invariably need scapegoats, it needs «criminals», in order to achieve their own existence. Marx a clever observation when he wrote that:

«The criminal produces not only crimes but also criminal law, and with this also the professor w gives lectures on criminal law and in addition to this inevitable compendium in which this sa professor throws his lectures onto a general market as commodities ... and the criminal moreo produces the whole of the police and criminal justice, constables, judges, juries, etc.» (Marx, 19 387-388).

In the third place, political establishment managed with the help of mass media to form omnipresent «public opinion», to create to a large extent a public concern about crime and win silent (sic) majority to the support of increasingly coercive measures and unusual exercising of c on the part of the state, particularly over young, black, unemployed males» (Haan, 1987: 324). shaping with the help of mass media the collective consciousness and attitudes, the politi establishment has the opportunity and ability to pass into law draconian sanctions. There is no that many times fear of crime is spread maintained and been used by the political establishment order to bring about and legitimise penal measures that encroach human rights (Farsedakis, 1989) And once again, state authority and its criminal justice system choose the most suitable enem to carry out their actions. In Nils Christie's words (1990-91: 54)

«Crimes ideal for state actions are those carried out by powerless groups in the periphery (you poor, mentally confused), people with appearance that blocks identifications (hippies, gypsi foreign workers, immigrants) and people performing acts generally disapproved of, and with o limited similarity to deviant acts carried out elsewhere».

I will try to show of the interactionist way that political establishment, police and mass me function by mentioning a recent example that occurred in Greece; the building of the stereotype the dangerous Albanian immigrant (Karydis, 1992,1996,1996b, 1998 and Psimmenos, 1995). example that will show clearly the «incestuous relationship» of the triangle mentioned above.

Greece, although a traditional country of emigration, became a country of immigration since t beginning of 90's and, latest statistics showed that today immigrants constitute 5% of the to population and 10% of the economically active population (Karydis, 1996). The vast majority immigrants are Albanians (52,51%); young and impoverished people coming from an «intra Euro country of third world» and holding the faith of a better life. This part of the population beca however the scapegoat of Greek society, a suitable «folk devil».

Mass Media has a crucial and decisive contribution to the creation of the negative concepti towards immigration and to the construction of negative stereotypes. A content analysis of the G press and television programs during the first years of the massive influx of economic refuge reveals that unemployment and criminality were the main issues connected to migration. Clea speaking, mass media contributed to the creation of a moral panic and propaganda of the politi establishment and adopt «tough on crime» rhetoric while spreading the «fear of crime» disea They often characterised immigration as a social scourge and urge to adopt an even harsh immigratory policy and legislation. In essence, Pierre Bourdieu's «Portraying of Despair» led to t creation of bias and the discouragement of impartiality.

On the other hand, political establishment greatly contributes to the reconstruction of crime as social reality, motivated by political and vote-haunting reasons. So, they fast urged for a harshe more punitive migration policy.

And, finally the police reproduced with great pleasure this same reconstruction of crime. T increase in crime rates that occurred in Greece was easily attributed nearly exclusively to t undocumented immigrants and not to its lack of accountability.

However, the results of the stereotyping are disastrous. Undocumented immigrants live constar under the fear of state repression and deportation. They are obligated to deal with men of t underworld in order to enter the country and ones in Greece they are exploited as a cheap labo force. More to the point, we observe the existence of an institutional violence that tolerates a provokes incidents of racial hatred and xenophobia.

The criminal stereotype function nowadays as an alibi for the use of violence against Albani immigrants and therefore, in a left realist «action-reaction» perspective, immigrants adopt a defe negative stance (Lea, 1992).

However, many research studies demystified the myths of unemployment and increasing cri rates caused by immigrants. For example, immigrants occupy roles and positions in the labour m which local labour force do not wish to occupy either because they are heavy and not well paid dangerous. On the other hand, despite the fact that according to the stereotype immigrants a responsible for the high crime rates, research showed that the crime committed by migrants in G are usually low-profile ones; criminal offences provoked by their illegal status (e.g. illegal entry) property crimes motivated by poverty or even for survival reasons (Karydis, 1998).

The situation that is created through the interaction between these driving forces is developing the worse. However, abolitionism considers this situation as a good reason to call for a much str political resistance. Penal abolitionists point out the need for building «alternative public space» space that will provide no access for a destructive invasion from mass media, police and politicia Thomas Mathiesen's words, «the point is to contribute to the creation of an alternative public spa in penal policy, where argumentation and principled thinking represent the dominant value (Mathiesen, 1996: 5). Therefore, what is needed is

«Firstly, liberation from what I would call the absorbent power of the mass media. Secondly restoration of the self esteem and feeling of worth on the part of grass roots movements. And, tl a restoration of the feeling of responsibility on the part of intellectuals ... partly directed towards refusal to participate in the mass media show business and partly directed towards re-vitalisation research taking the interests of common people as a point of departure» (Mathiesen, 1996: 5).

In this respect, it is time to take criminal justice system and its driving forces seriously. It is time throw away our crutches and walk our road in solidarity. Abolitionists, are right; the spirit of resist and activism is not dead (Mathiesen, 1996). The existing mobility in the neo-feminist and ecologi movement are clear examples.

Finally, the «fear of crime» that is born on the irrationality of the mass media functions as a form social exclusion, and is a major social problem. This fear has unfortunate side-effects (Simpson, and Yexley, 1992) as it can exclude the parts of the population that fear most from getting invol social, political or work activities. And the abolitionist answer to aggravation and exploitation of t fear by the mass media can not be other than the struggle towards the upgrading of the role woman and the activation of elderly people in the social web. There lies the debt for abolitionism

neo-feminism; the role of the «harmless» and «dependent» victim that is been offered by crimin and justice to women should be refused and radically criticised along with any repressive way thinking (Swaaningen, 1989: 297).

Abolitionism and the Pitfalls of Today

«There is no crueller tyranny than that which is perpetrated under the shield of Law and in t name of Justice.»

Montesquieu, 1742

Although it is well known that abolitionism as a movement met great victories throughout histo the movement did not succeed to avoid pitfalls set by the system of repression and - mainly - di show the necessary flexibility to avoid the «power of absorption» of this same powerful system. T abolitionist Herman Bianchi, offered three clear examples for this situation in his opening addres 25th June 1985 for the Second International Conference on Prison (now Penal) Abolition Amsterdam (Bianchi, 1986).

a. The successful abolitionist struggle for the abolition of the privileges of the clergy and of t aristocracy in the end of the 18th century was followed by a new more humiliating status quo bureaucracy and in fact, a new aristocracy of economic enterprise.

b. The successful abolitionist struggle for the abolition of slavery was followed by an unlimit economic exploitation of a large part of the population, and

c. The victorious abolitionist struggle for the abolition of state organised and a commercia organised criminal network of female abuse, in essence, followed controlled prostitution in the e the 19th century.

However, it is exactly the mistakes of the past that would be the guiding light for the abolitior struggle and resistance in the future. Here lies the great debt for any abolitionist; to offer justifica argumentation, to uncover the fallacies of criminal justice system and to re-skill the de-skil community. Nils Christie was exactly right in his conclusion that the role of the criminologists is not be perceived as useful problem-solvers, but as problem raisers (as cited in Bottomley, 1979). Herman Bianchi's words;

«Perhaps, we are not far from the truth in assuming that the cause for this kind of trap in t struggle for the abolition of any kind of social injustice, lies exactly in the fallacies of justificat argumentation ... As long as a greater part of the population acquiesced to these kind of argum they offered ample opportunity to rulers and the privileged to manipulate the whole nation. Wh happened was that new institutions took over the supposed duties of the previous ones and soc injustice could quite often just continue. And, for some time, people were beguiled until they bec aware of the social deceit, by which time it was too late» (Bianchi, 1986: 148).

So, in the first place stands the well-known argument of the necessity of imprisonment as a mea of protection of the community from crime. This argument is itself one of the greatest pitfalls abolitionists. Therefore it must be confronted with great attention. Abolitionists can and in fact a obligated to uncover the fallacy and to continue advocating for a radical non-intervention. F example, the argument that abolitionist principles are almost impossible to applied in mode capitalist societies, as it comes in terms of prison abolition, is one of the most expressed by t opponents of penal abolitionism. However, this opinion is a fallacy and can easily be confronted by mentioning that a highly industrialised, complex, multicultural, and overpopulated urban soci

like the Netherlands is nearly achieving a de facto abolition of prisons (Haan, 1986 see also Tak
And all that happened through a policy of high tolerance and radical non-intervention; in esser
through a policy based on abolitionist principles and rationale. It is the critical criminology in t
Netherlands and the Scandinavian countries, the stronghold of Penal Abolitionism, who succeed
to uncover the fallacy and show the way;

«We all know this protection to be a fallacy, because it protects us only for the time being. The
convict might, under certain circumstances, be less well adapted to good social life than befo
There is a better reason, however, for taking the argument seriously. If the abolitionist does not
the authorities and the administrators of justice will most certainly do so, and use it to manipulat
public opinion and fear, most graciously helped by the media» (Bianchi, 1986: 153).

On the other hand, abolitionists should avoid the pitfall of the so-called need for humanisation
the prison system or for humane criminal justice administration. That is not a priority for abolitioni
is at least controversial to fight for the abolition of a system worth rejecting and in the same time
to reform it. Herman Bianchi's comparison was successful; «anti-militarists do not discuss a hum
war» (Bianchi, 1986: 154). Tout court, abolitionism means a *de facto* abolition of prison, of pena
and of criminal justice system. The reforms are likely to strengthen the institutions of «pain deliver
(Hudson, 1998). And this is of great importance; the abolitionists should avoid the pitfall of a n
bureaucracy by abolishing the bureaucracy of the criminal law system. There lies the great dept
critical criminology; the struggle must not be operated towards the creation of a skilled and effect
criminal justice system's agencies but what is needed is to reskill the community.

In the second place, lies the pitfall of the so-called «alternative» penal sanctions in the form
community service. Although at the very first sight the sanction of community service appears to
humane, edifying and «political correct», a close look shows that this penal sanction hides gre
dangers. The «alternative» penal sanction of community service is in clear contrast with t
abolitionist principles and the hermeneutical circle of the abolitionist thought. It is not only
abolitionists stood adamantly against imposed community work so early as in the end of the 18
century (Bianchi, 1986) and proposed prisons instead.

Community service as an alternative penal sanction continues to be penal labour as far as it
imposed. The scepticism of abolitionism towards the penal labour - even in the form of commur
service - and the sequential rejection of it must come across to terms of glorification of labour itse
The abolitionist rejection of labour does not mean rejection of the creative and productive ability
the individual; it means rejection of the imposed labour. It is rejection of the capitalist order
production and consumption. It is the rejection of the capitalist system whom relations of produc
prevent and distort these abilities (Banlieues, 1998). In essence, rejection of the penal labour (in
or outside prison) means rejection of the order as a form of expropriation of time, relations and
itself.

Labour is still a structural element of prison system. Nowadays, the prisoner - most of tim
convicted for minor offences - is encouraged or is forced to offer his work outside prison in the fo
community work. However, the semantic coincidence of prison/community service with labour do
not aim at the production of work because it is plain as day that this production is quantitatively a
many times qualitatively negligible.

Abolitionists must avoid the pitfall; the goal for community service is the prisoner's acceptance
the «employer-labourer», i.e. «master-servant» relationship. As Michel Foucault elegantly put
(1991: 242-243);

«Penal labour must be seen as the very machinery that transforms the violent, agitate
unreflective convict into a part that plays its role with perfect regularity and 'if in the final analysis
work of the prison has an economic effect, it is by producing individuals mechanised according t
general norms of an industrial society' the making of machine men, but also of proletarians ... Wh
then is the use of penal labour? Not profit; nor even the formation of a useful skill; but t
constitution of a power relation, an empty economic form, a schema of individual submission and
adjustment to production apparatus».

Moreover it was observed that these kind of imposed community work sanctions resulted in a «r
widening». In Herman Bianchi's words, «they have widened the impact of penal policy on societ
most community work sentences have been in those cases where prosecution would have be
suspended in recent decades» (Bianchi, 1986: 152).

Formulated in bold terms, we should say that abolitionism has to continue the harsh critique of
these «alternative» penal sanctions and to strongly demand sharp reduction of the incarcerati
rates (i.e. sentencing less people to shorter terms), moratorium in prison construction and promoti
of legal and social alternatives to the punitive system. And the latter means promotion of dispu
settlement, promotion of regulation and management of the conflict (Bianchi, 1986). Moreov
abolitionism as a real critical criminology, should continue nurturing a mistrust towards penologi
experts, and refusing to provide them with «new fodder for their penal obsession» (Haan, 1990: 5)

Furthermore, penal abolitionism should continue to harshly criticise the tend of criminal just
system in punishing minor offences with short-term imprisonment. In addition to the lack of a
usefulness of the short-term imprisonment, it brings disastrous results to the life and future of t
prisoners. The so-called *sharp-short shocks* of the British penologists breaks away prisoners fr
their family, professional and social environment. Sharp-short shocks are a recall from free life, a
prisoner's life and environment (family, work etc.), most of the times non divertible (Ancel, 199
Finally, equally destructive is the institution of detention under remand. A detention awaiting tria
not only a temporary deprivation of liberty but also and mainly a prisonization and stigmatisation
prisoner whom guiltiness have not been proved.

Another serious pitfall for penal abolitionism is the underestimation of the seriousness that
hiding behind the so-called «state organised crime». Although it is of great criminological intere
abolitionists did not take it seriously until now and escape from their criminological inquiry. Howev
the criminological paradigm in discussion has to confront this form of problematic situation in terr
state repression.

In essence, crime is not only an indirect - through criminalization procedure - product of the sta
It is also a direct one as we face it in the form of the state-organised crime. In his remarkable pap
under the title «State Organised Crime», William Chambliss offered a clear definition for it (198
184);

«Acts defined by law as criminal and committed by state officials in the pursuit of their job
representatives of the state. Examples include a state's complicity in piracy, smuggli
assassinations, criminal conspiracies, acting as an accessory before or after the fact, and violati
laws that limit their activities. In the latter category would be include the use of illegal methods
spying on citizens, diverting funds in ways prohibited by law».

For the localisation and analysis of this type of criminality, Chambliss went back to history a
discovered outstanding examples of state organised crime, in the forms of state supported pirac
helped «to equalise the balance and reduce the tendency towards the monopolisation of cap
accumulation» (Chambliss, 1989: 188), and state supported smuggling (France in Indochina, Un
States of America in Vietnam, Laos, Cambodia and Thailand). In William Chambliss' words (198
192);

«In violation of US laws, members of the National Security Council (NSC) the Department
Defence, and the CIA carried out a plan to sell millions of dollars worth arms to Iran and use t
profits from these sales to support the Contras in Nicaragua».

Furthermore, state organised crime includes tortures and assassinations with the help of sec
intelligence organisations, like for example the Iranian SAVAK or the Chilean DINA. There are a
illegal practices such as the opening and photographing of the mail of citizens, illegally entering
searching in people's homes, domestic surveillance through electronic devices, dangerous and
experiments on human subjects which violates civil rights and endanger their lives, disruption a
harassment of anti-regime groups.

And one of the recent examples is the COINTELPRO program. During the civil unrest of t
1960s and 1970s, the FBI created a program called COINTELPRO or Counter Intelligence Prog
This program was designed to destroy any organisation considered by the US Government, FBI,
CIA to be politically or socially dissident. FBI's secret program undermined the popular upsurge
1960's and eliminates the radical political opposition inside the United States by sabotagi
constitutionally protected political activity.

By using the techniques of infiltration, bad-jacketing, forgery and provoking violence with a
between groups and law enforcement, the FBI hoped to nullify their progress. Those target
included groups focused on antiwar demonstrations, Black civil rights (particularly the Black Panth
Party, Native civil rights and equal rights for women). According to Brian Glick, author of «War
Home», FBI disclosed official counterintelligence programs such as; the Communist Party of U
(1956-1971), «Groups Seeking Independence for Puerto-Rico» (1960-1971), the «Socialist Wor
Party» (1961-1971), the «New Left» (1968-1971) and others (Glick, 1999). In essence COINTEL
managed to

«distorted the public's view of radical groups in a way that helped to isolate them and to legitim
open political repression, reinforced and exacerbated the weakness of these groups, making
difficult for the inexperienced activists of the Sixties to learn from their mistakes and build so
durable organisations, helped to push some of the most committed and experienced groups
withdraw from grassroots organising and to substitute armed actions which isolated them a
deprived the movement of much of its leadership and by operating covertly weakened domes
political opposition without shaking the conviction of most US people that they live in a democra
with free speech and the rule of law» (Glick, 1999: 2-3).

However, these actions reached at the zenith point in the late 60's turmoil (Gitlin, 1998). On t
other hand, a few things are known about the connection of these secret agencies and the ma
media. Recently Todd Gitlin observed that this field is «terra incognita» although there are so
evidence for a possible co-operation FBI-CBS-New York Times, in areas like New York, Chicago
Angeles and Milwaukee for the period 1956-1971 (Gitlin, 1998).

Finally among the victims of state organised crime are the million of people who suffer terri
pains because of an *official validated* exposure of their body to pollution, poisons and chemica
These are the victims, or to use Vincenzo Ruggiero's term «the invisible victims» (1992) whom fa
the technological dream has broke down after the latest proofs (and headlines) of the existence
industrial vulnerability and sensitivity (Bhopal, Chernobyl, Three Mile Island, Love Channel, RC
Valdez) and the well-known - now - hole of ozone (Sale, 1998).

Abolitionism should also avoid the pitfall of selectivity; the criminological paradigm in discussi
should not only stand for the abolition of the prison sentence. It has to invariably provoke to ta
«crime» seriously, thus to deconstruct it and face the reality of the problematic situations, and to
for political resistance. The latter means that penal abolitionism should not isolate its struggle fo
abolition of criminal justice system from the struggle for justice in terms of power and prope
relationships, because criminologist's research and activity is not something abstract; it is a soc
political fact. Otherwise, penal abolitionism will remain another theoretical experiment, a «saf
caprice of some criminologists, and «will loose the material and ideological framework of its strug
and any prospect of success» (Baratta, 1989: 12). Penal abolitionists should always bear in mir
great power of absorption and neutralisation that is hidden in the process of selection. In aboliti
words, «this selective concentration on particular aspects and features is side-tracking a
neutralising in relation to the actual goals of the movement» (Mathiesen, 1983: 6).

Another pitfall of today that penal abolitionists should make every endeavour to avoid is t
underestimation of prostitution and the lost of a great chance to build a strong connection with t
growing movement of neo-feminism. Unfortunately, apart from the fact that penal abolitionists ma
times mentioned prostitution as a clear example of victimless crime that should be decriminalisec
far as I search, not much research has been made on this problematic situation. However, t
struggle of prostitutes for autonomy and self-regulation should be a high-priority for abolitionists.

Bearing in mind the basic abolitionist principles, we should say that, in an abolitionist point of vie

prostitution should be seen as a very serious and complex problematic situation. Its comple
originates mainly from the current class structured and sexist society. It is true that abolitionists h
already fight the phenomenon of prostitution in the past; historically, abolitionist have dedicat
themselves to rescuing women from prostitution, and training women to find alternative careers
security in marriage. But nowadays, although the goal must be the same, i.e. emancipation
prostitutes in order to bring about the essential abolition of prostitution itself, the approach shou
different.

Therefore, in countries where prostitution is considered as «crime», abolitionists have to fight
the decriminalisation (prostitution=victimless crime and no victim=no crime). On the other hand,
countries where prostitution is already decriminalised, things are more complex, therefore the fig
take place in many levels.

The abolitionist and neo-feminist movement are obligated to prevent the abuse and stigmatisati
of prostitutes (self employed and others), eradicate laws that deny freedom of association,
freedom to travel to prostitutes or laws that obligate prostitutes to pay extra taxes but no ex
benefits. And guarantee prostitutes all human rights and civil liberties (freedom of speech, trav
immigration, work, marriage, motherhood, unemployment insurance, health insurance and housin
Moreover, prostitutes should be educated to periodical health screening from sexually transmitt
diseases not in a way that will control and stigmatise them; thus mandatory checks only for pros
are unacceptable. Moreover, mass media must be harshly criticised for any attempt by their side
stigmatise prostitutes.

Tout court, prostitutes have the right to have their own private life and this is of high importan
for abolitionists.

The movement should make every endeavour to build committees and organisations in every le
that would help to insure the protection of the rights of the prostitutes and to whom prostitutes c
address their complaints. Simultaneously this organisation should confront phenomena of sex to
and international trafficking. And it was Christine Bergman, the social democrat minister for wom
subjects in Germany who holds a clear picture of the problem for her country and advocated rec
the necessity for building this kind of organisations of prostitutes. Organisation that will function
trade unions and strong pressure groups for the rights of prostitutes. Therefore, the abolitior
movement and penal abolitionism as its criminological part is obligated to show the hypocritical s
of the state. The left realist Roger Matthews, Advisor of the «All Party Group on Prostitution»
Britain (1995) elegantly described the hypocritical stance of the British state apparatus;

«The state itself says to woman in general that it approves prostitution and gives the “greenlig
to enter the prostitution... but for women who operate on the streets or outside of the brothels it
that it is illegal exercise and you will punished - so it is a hypocritical position... Police actions like
arrest of large number of prostitutes or to be more precise re-arrest the same prostitutes, obviou
not a satisfactory way to deal with the problem».

There is great need to support the struggle of women and men whom exploitation is coming fr
both the state and other people of the community. Because, and there lies the great dept
abolitionists, prostitution is inherently exploitative (violence per se) and what is needed is to figh
phenomenon not the victims of a phenomenon that created by its supposed moral enemies. T
ultimate aim is the abolition of prostitution, envisioning a world where no one sells sexual service
another person for any reason.

Abolitionism and the Victim

The trial in a criminal court is fundamentally non-communicative; what we observe are just para monologues between the judge-lawyers and the offender; the victim is absent. Criminal justice s ignores the victim. It is the party that stands behind the veil during the procedure in a criminal cou As Nils Christie has already concluded, «victims of crime have lost their rights to participate conflicts» (1977: 1). The State speaks for the victim. However, «one of the reciprocal chang abolitionism presents is the way in which problems are defined». That is to say that «no omnipre organisation will tell us what is right and what is wrong, but the disputants determine that themselves» (Swaaningen, 1986: 17). In the respect, penal abolitionism «snapshots» the on absent victim and calls for the necessity of its participation.

«Above all she/he has lost participation in her/his own case. It is the Crown that comes into t spotlight, not the victim. It is the Crown that describes the losses, not the victim. It is the Crown th appears in the newspaper, very seldom the victim. It is the Crown that gets a chance to talk to t offender, and neither the Crown nor the offender is particularly interested in carrying on th conservation. The prosecutor is fed-up long since. The victim would not have been. He might ha been scared to death, panic-stricken, or furious. But he would have been uninvolved. It would ha been one of the important days in his life. Something that belonged to him has been taken aw from that victim» (Christie, 1977: 8).

On the other side, penal abolitionism does care about the real needs of the victims as it adopts radical approach of defusing his/her feeling about being victimised. The policy suggested by pen abolitionism is a policy that can address the needs for restoration of the victim's property and t need for emotional closure. It is not only the conflicts that has been taken away from the vict criminal justice system and state invariably steal fines and do not let victims to receive the mone compensation (Christie, 1977). The symbolic language of penal law would never offer satisfactio the victim.

The model of justice of penal abolitionism is restorative than retributive and «envisage decisi making by some sort of neighbourhood tribunal, rather than by a judge or magistrate, and wish see the parties speaking for themselves, rather than being spoken about by a meeting of exper (Hudson, 1998). The restorative justice of penal abolitionists ('redress') will bring not an abstract through dichotomic penal procedures but rather «restoration or even creation of good relationsh between the offender, the victim and the community ... so that the undesirable event is less likely be repeated» (Hudson, 1998: 145). The restorative model of justice is based upon the followi assumptions and principles:

1. There is not such a thing as «crime». What we have are just «troubles» or «problema events» that violates relationships, and not abstract legislative constructions (laws).

2. The procedure that should be followed in order to bring about conflict resolution should not focus in abstract, metaphysical and arbitrary notions as guilty, dangerousness etc., but must be on the real needs and responsibilities of the victim, the culprit and the community. Moreover, t process is not an adversarial one but it would be built by dialogue in order to bring the essen agreement.

3. In the abolitionist restorative model of justice, the culprit, the victim and the community has t central position in the process of conflict resolution. The state has a rather aiding position in t process. And in this very process, it is not the rules but the assumption of responsibility that will p the key-role.

4. The result of such a procedure would not apply punishment but it should endeavour to ma things right. Reconciliation, not punishment is the right reaction to problematic events. Therefo there is no place for the dichotomic and manichaist logic of the penal law; there are no win or lo outcomes but healing on both sides (victim and culprit) while meeting the actual needs of comm (safety).

5. The abolitionist restorative model of justice is focusing on the future, not on the past. T model points at the neutralisation of the social harms created by the problematic event, therefore must show care of the physical and psychological needs of victims and reduce of the likelihood offenders reoffending.

In this respect, abolitionism is obligated to work hard for the creation of reconciliation progra
that will meet the real needs of the victims. Programs that will operate in a strictly voluntary way, b
with the participation of both the victims and the culprits. Programs that would really satisfy the v
and would have «pedagogical possibilities» (Christie, 1977: 8). Moreover, penal abolitionists a
obligated to spread with indomitable spirit their theoretical achievements in the social web and n
these programs work with good results.

On the other hand, it seems that there is place to operate these reconciliatory prograr
Community has the potential to deal in an informal way with its own conflicts without the particip
of experts. The high rates of dark figure of criminality implies that most of the conflicts a
problematic events have been dealt without criminal justice system's intervention but throu
«informal self-regulatory mechanisms of social control» (Swaaningen, 1995: 127).

As an example of how the abolitionist restorative justice model can be applied is the «Lee
Mediation and Reparation Service». It is a pioneering project that founded by the West Yorksh
Probation. Although it is rather in an experimental stage, the project makes contacts between vic
and offender indirectly through letter or directly if both sides are willing through a face to fa
meeting. The program gives victims a chance to speak their minds and offenders a chance to try
put things right and to change. Moreover, it follows a more realistic approach to the «crimi
phenomenon».

The «Leeds Mediation and Reparation Service» is a nice example of how mediation can bri
understanding and reconciliation; «the stereotype of the taught offender and the weak victim do
not always fit» they concluded («Confronting Crime» videotape).

Finally, in an abolitionist point of view, the demand of the penal system to secure and protect r
only the rights of the victims but to secure more general and abstract values like for example «t
common sense of justice» is totally arbitrary.

On the other hand, if the restorative model of justice adopted we would have not only victim
satisfaction but also a great reduction in the social cost of punishment (Baratta, 1989).

The International Conference on Penal Abolition

*«During my service I found nothing in the prison system to interest me, except as a gigar
irrelevance - a social curiosity. If the system had a good effect on any prisoner I failed to mark i
have no shadow of doubt of its power to demoralise, or of its cruelty. It appears to me not to be
to this time or civilisation at all.»*

Mary Gordon (1922), the first woman doctor and inspector of prisons

The International Conference on Penal Abolition, also known with the initials ICOPA, is the offic
forum for abolitionists. It was back in 1981 when the «Canadian Quaker Committee on Jails a
Justice» planted the seed that grew to become ICOPA, and joined its forces with other abolitior
organisations and groups on prison abolition. The Committee recognised and stated that prisor
clearly an archaic, barbaric and inhumane response to the social differences and problems. As I
Morris recently asserted (1997)

«The prison system is both a cause and a result of violence and social injustice. Throughc
history, the majority of prisoners have been the powerless and the oppressed. We are increasin
clear that the imprisonment of human beings like their enslavement, is inherently immoral, and is
destructive to the cagers as to the caged».

The First International Conference on Prison Abolition took place in Toronto in 1983 and attract

400 people from 15 different countries in North America, Europe and Australia. But, as it w
mentioned above, ICOPA is first and foremost the forum of abolitionists. Therefore, it was agree
the Conferences on Prison Abolition should provide the opportunity to the voice of Abolitionism
heard and offer strategies for the future. It was intended not to provide a platform for governmer
people to defend the system by asking or recommending «alternatives», that is to say add-o
within the system. The International Conference on Prison Abolition established in order to spre
the address of Abolitionism; an «amateurish» address which has not any intention to be impose
to compete. More to the point, a new criminological paradigm was collectively under constructi
therefore it was urgent to be protected. There was always the danger that the expansive charac
the abolitionist movement could be «encircled» by forces outside itself and thereby made to shr
and wither (Mathiesen, 1983). As the abolitionist Nils Christie nicely has asserted, in relation w
occasions like the above (1997: 17)

«If one happens to find something, a good idea, something that is not trivial and known
everybody, the task is to protect that idea, that new perspective, from fast destruction by t
surroundings. A new idea, eventually a new finding is vulnerable. Scientific findings - also in the
of new perspectives - are transgressions of what up to now has been the established truth. Su
findings might sound strange...»

In this respect, penal abolitionism as early as in its first international conference succeeded
avoid the neutralisation and absorption by the criminal justice systems and conventional criminolo
through the well known pitfall of the so-called process of reformation (Mathiesen, 1983). T
inevitable suggestions for reforms, that means minor scale reforms for criminal law and criminal ju
system had been avoided.

The Third Conference in Montreal (1987) brought a major change as it moved from prison to pe
abolition. It was not - of course - an unimportant change because since 1987, ICOPA a
abolitionists worldwide advocated penal abolition and rejected the punitive and retributive policy
criminal law and criminal justice system. Ruth Morris, a founding member of ICOPA explained t
reason for this change (Morris, 1997);

«The seriousness and the correctness of this change have become increasingly clear. A co
and policing system based on revenge would need something just like prisons or even worse, if
go rid of prisons. So it was logical to move to penal abolition: getting rid of revenge as the purpo
the whole system».

During the Sixth International Conference on Penal Abolition, abolitionists decided to establ
the *International Foundation for a Prisonless Society*, a small foundation dedicated to supportin
conferences of abolitionists. And finally, the Eight and latest Conference on Penal Abolition was
in Auckland, New Zealand in February 1997, and produced 18 resolutions (see appendix), imme
steps towards penal abolition by people sharing the same dream. There were officials, ager
workers, lawyers, community workers, former prisoners and victims of crime.

Thus, since 1982, eight international conferences have been held in all regions of the world a
with the participation of many leading criminologists. The Department of Criminology will host the
International Conference on Penal Abolition, the ninth in a growing movement, in the University
Ottawa, Canada (May 10-13, 2000).

Conclusion

«Authority is never without hate.
And those who have ability for power

But wisely keep their silence, are not eager
For public life, will mock my folly, blindly
Deserting peace for Athens' crowded Fears.»

Ion: 597-601, Euripides

The abolitionist perspective was criticised and characterised as unrealistic (Cohen, 1986) a utopian even by critical criminologists and rejected. However, there is no doubt that pe abolitionism is utopian. But what means «utopia»? In a recent article for *Corriere della Sera* t Italian writer Claudio Magris (1999: 43) offer a nice definition for utopia;

«Utopia means not to submit ourselves in the current state of affairs. Utopia means to fight for t change of this state. in order to bring the state of affairs it should be. Utopia means that we sho recognise the necessity, as Bertolt Brecht asserted, to change and rescue the whole world».

Penal abolitionism is and in fact is obligated to be utopian. In order to understand and to proce to the necessary changes, penal abolitionism and the abolitionist movement in general should utopian, that it is to say, to be materialist and dialectical. It is not the abstract system of a knowl that would lead us to a radical change in criminology but rather the study and understanding of t real changes in life and the continuous interactionism (Cornforth, 1975). As professor Jock You observed (1997: 26) «what is argued by abolitionists is that what is needed is an ideal, some ut position in order to orientate our long-term aims». Therefore, «there is a need for more utopi construction» (Haan, 1990: 2). On the other hand, utopian is not something that is impossible become reality. This point of view for utopia is obviously misleading. In Sebastian Scheerer's wo (1986: 7):

«there has never been a major social transformation in the history of mankind that had not be looked upon as unrealistic, idiotic or utopian by the large majority of experts even a few years b the unthinkable became reality ... and as in the case with other legal institutions, too, slavery h succeeded to look extremely stable almost until the day it collapsed».

It is true that intense political struggle can bring about radical changes in the field of penal a criminal policy, if only it has a bottom-up approach rather an attempt from the «top» (Mathies 1981). The latter is extremely vulnerable without mass support.

But I should say that there is no need to wait for radical political reform in order to see that pe abolitionism offers viable solutions. A process of a de iure decriminalization of certain offences l drug-use or prostitution for example is possible to bring about considerable and radical changes great importance in the criminal justice system. On the other hand mass settlements of offences administrative or financial means are also possible and positive.

Rene van Swaaningen said that the abolitionist critiques are stimulating, powerful and convinci I feel the need not only to agree but also to add that the abolitionist answers are also convincin viable. For the abolitionist rationale and reasoning a clear sense has protagonistic role; the sen the need for radical diversion, or to use Mathiesen's terminology, need for revolutionary approac what is been used to call criminal phenomenon.

It is a lively time for abolitionism; it is time to start groping the criminological field without abstr and general segregation and manichaen dualities. Critical theorists were right, the starting point liberation can be found in resistance (Marcuse, 1970).

It seems that nothing has changed from the time that the Second International Conference Prison Abolition held in Amsterdam. Herman Bianchi's observation during his opening address ICOPA 1985 has its value even now (Bianchi, 1986: 156).

«It is a lively time for abolitionism; we have to fight the spirit of a neo-classicist ideas on crime, b

the opportunities we have in doing this are good, for the legal and social sciences can work on c behalf, and I am sure they *are* willing to do so».

Analysing and evaluating at the same time the overall image and concept of the penal abolitior theory the conclusion I came with is that the theory in question raised serious topics in t criminological agenda. But the most interesting part on this is that the answers given are convin applicable and viable. The abolitionist answer to «crime» is the most promising answer and soluti given by a «down-to-earth» critical criminology.

Penal abolitionism is a criminological perspective that invariably and inevitably provokes (Ruggie 1999). And the paradigm is obligated to do so, the more the confrontation of social problems th engender deviation from law and rules would be based on the same punitive and coercive pena state repression, the more there will be daily proved that this approach is ineffective and dangerc and the more the voice of abolitionism will be stronger, demanding and multiply helpful.

It is under the abolitionist perspective where the future is confronted as an action of today.

«Seize the Time».

Appendix

The closing session of the International Conference on Penal Abolition VIII produced resolutions. These resolutions are declarations that represent immediate steps towards per abolition. As a postgraduate student of Criminology and secondly as a lawyer I come around abolitionist principles and ideas. Therefore, I feel in with the abolitionist struggle to distribute the resolutions and to spread the address of abolitionism. The following resolutions are the declarat all those participated in the Eighth ICOPA and among them were leading critical criminologists a sociologists such as Hal Pepinsky (Indiana University, USA), Monika Platek (Law, Warsaw Univer Poland), Gerry Ferguson (Law, University of Victoria, Vancouver, Canada), Allison Morris (Institu Criminology, Victoria, Wellingthon, New Zealand), Thomas Mathiesen (University of Oslo, Norway many others. The resolutions are:

«While standing clearly for complete penal abolition, ICOPA supports these immediate steps as means of achieving the goal»

1. ICOPA VIII urges the government of Aotearoa/New Zealand to encourage and supp community-control community group conferences as an official response to adult crime. We urge victims and offenders and officials who have experienced youth justice family group conferences consulted as to methods of implementing such conferencing with a view to achieving restorati transformative justice outcomes.

2. ICOPA VIII opposes all for-profit privatisation of incarceration and detention. In particul ICOPA VIII opposes restrictions on access to information and research on such privatisation.

3. ICOPA VIII condemns the gross over-representation of indigenous and minority peoples in t penal systems of the world and supports the call of these peoples for self-determination.

4. ICOPA VIII calls the United Nations to put restorative/transformative justice on the main agen of the next Congress on Crime in the year 2000.

5. ICOPA VIII supports the protection of youth and children. Accordingly, as an urgent prior ICOPA VIII calls for the immediate release of women prisoners who are pregnant or who are mo

6. ICOPA VIII condemns the imprisonment of young people and calls for the implementation restorative/transformative justice to deal with youth offending.

7. ICOPA VIII further supports and promotes restorative/transformative justice for all people.

8. ICOPA VIII supports the decriminalisation of illicit substances.

9. ICOPA VIII condemns the actions of the Canadian government in constructing more prisc units for women, including the recent decision to house women in maximum security units in me prisons, a decision which takes» imprisonment back to the turn of the century.

10. ICOPA VIII condemns all moves everywhere, which increase the size of and the profit mot in the prison industry.

11. As a concrete expression of our commitment to penal abolition, ICOPA VIII membe undertake to organise action(s) in support of penal abolition on August 10th, Prisoners» Justice

12. ICOPA VIII supports the decriminalisation of offences by people who are mentally ill a intellectually challenged; such acts should be dealt with as health and welfare rather than crimi issues.

13. ICOPA VIII calls on the government of Aotearoa/New Zealand to: (a) place a moratorium the construction of any more prisons in this country; (b) release all minimum security prisone currently held in this country's prisons; (c) use the resources allocated for the building a maintenance of these institutions for resourcing existing successful community-based options; provide for a public accounting for the spending of this money in a manner which is freely availal for public scrutiny.

14. ICOPA VIII condemns the United States of America for being the first country in history openly admit that it holds over 1 million people in custody and over 5 million people under the co of its criminal justice systems. ICOPA VIII expresses grave concern that the majority of USA prise is Native-Americans, Latinos, and African-Americans, and asserts that the only way to develop equitable society is to completely dismantle the penal system of the USA. ICOPA VIII condemns USA for promoting private, for-profit prisons in other countries.

15. ICOPA VIII condemns the death penalty as an appropriate penalty in any criminal just system.

16. ICOPA VIII demands an end to the killing of people in and by prisons.

17. ICOPA VIII acknowledges that people, who die soon after leaving prison, having died as result of being in prison, should be recognised as deaths resulting from imprisonment and shoul condemned.

18. ICOPA VII demands an end to the killing of people by police forces.

Eighth International Conference on Penal Abolition - 18-21 February 1997 - Auckland N Zealand - Aotearoa

Prison Suicides in England and Wales - 1998

Prison

Deaths

Altcourse

Belmarsh

Birmingham	1
Blundeston	3
Bristol	1
Brockhill	3
Caldiff	1
Chelmsford	4
Dartmoor	2
Doncaster	1
Durham	5
Elmley	2

Exeter		2
Glen	Parva	1
Hindley		2
Holloway		1
Hull		1
Kingston		2
Leeds		1
Lewes		4
Lincoln		2

Littehey	2
Liverpool	1
Low Newton	1
Maidstone	1
New Hall	1
Northallerton	1
Norwich	1
Nottingham	5
Parc	2
Preston	3

Reading	2
Shrewsbury	3
Stafford	1
Stocken	1
Wakefield	1
Wandsworth	1
Whitemoor	2
Winchester	1
Woodhill	5
	2

Total

83

Source: HM Prison Service Awareness and Support Group 1998

Howarad League's research findings:

- 42 (31%) prisons and Wales were affected by the suicide of a prisoner;
- Three commercially managed prisons were affected by the self inflicted death of a prisoner - w
5 at Doncaster, 3 at parc and 2 at Altcourse;
- Two-thirds of prisoners taking their own lives were unsentenced;
- Nine youngsters aged 18 or under, including one 16 year old, took their life in prison, as
three women; and
- 11% of the daths were prisoners from Black or Asian communities

Source: The Howard League for Penal Newsletter, o4 January 1999, http://web.ukonline.co.
howard.league

Table and Graphs

Table 1
Prisoners per 100.000 inhabitants in selected industrialized countries

USSR

660

USA

330
Poland

300

DDR	
Bulgaria	222
Czechoslovaki	150
Austria	142
Yugoslavia	118
BDR	101
Finland	100
England	99
Denmark	86
Sweden	68

Norway	49
The Netherlands	44
	23

Nils Christie «Punishment» in A. Kuper and J. Kuper (eds.). *The Social Science Encyclopaed* London: Routledge & Kegan Paul.

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1 Needless to say that the term abolitionism stands for a social movement, a theoretical criminologi perspective (penal abolitionism) and a political strategy (Haan, 1990).

2 What can we expect from a criminology that dedicates itself to surveys like «who are the m influential criminologist?» and so on? Isn't this a clear proof for the existence of conformity and stat of decadence for criminology? Cohn and Faringthon (1990 and 1994) made a survey by usi citation in four journals and produced rankings of the most cited criminologists (!). But what mea influence? Is a citation a valid and reliable measure of influence? And of course what's the point such a survey? For a nice critique, see Heidensohn and Silvestri, 1998.

3 According to Vincenzo Ruggiero (1999), Professor of Sociology in Middlesex University, abolitioni have themselves a background that varies from religious to anarchist approaches. Thus Lo Hulsman has more religious and theological approaches, Thomas Mathiesen is rather a materia with an active Marxist point of view and finally Nils Christie is libertarian with an anarch communitarian point of departure. I will strongly agree with this opinion although I noticed so religious sperms of thinking in Nils Christie's work (e.g. «Limits to Pain»). Moreover it must be notice that during the interview with Jacqueline Bernat de Celis, Louk Hulsman, the Dutch abolitionist law and criminologist, harshly criticized the catholic church.

4 See however Sebastian Scheerer's critique (1986: 9-l0).

5 Therefore, I will strongly disagree with Willem de Haan who notes that «neither Left Realism r abolitionism is consistent paradigms, let alone coherent theories. They are merely approach entailing certain attitudes and points of view. Whereas the former deals particularly with the issue crime, the latter concentrates on the issue of punishment» (Haan, 1990: 6).

6 Crime pays: In Britain two out of three households are insured compared with just one in five 1970 (BBC News, October 13, 1998). Are «fear of crime» policies on the side of insuran companies? On the other hand, in the United States of America, the government is now renovati military basis into prisons, so that former military communities will continue to have an indus (Muntaquin, 1995).

7 For a comprehensive study on the anarchist movement see Joll, 1964.

8 However, according to Rene Van Swaaningen «in general anarchists do not point their arro greatly at criminal law» (1997: 132). I will disagree; anarchists' philosophers point their arrows to sta law in general, let alone at criminal law. See Chris McDonald (1997) «The Revolutionary Undercla of Bakunin and Marcuse» *Anarchist Studies*, 5, pp. 3-21.

9 According to Dimopoulos (1989) abolitionism as a movement (abolitionsbewegung) inspired by th radical writings of Saint-Simon, Fourier, Proudhon, Burke and Lassalle.

10 The critical criminology's vocabulary in general is full of alternatives for concepts like «crime» a «punishment», (see Haan, 1990: 157).

11 In this respect, penal abolitionism does not rely on the court system. According to Thom Mathiesen «political work should not be left to the lawyers in court, and non-lawyers should not r

on a transformation of politics into law» (1983: 11).
12 As Richard Quinney recently concluded (1994), «all human perception is subjects to the liv
experience of everyday life».
13 This was exactly the answer of -although not abolitionist- the critical criminologist Richard Quinn
(Northern Illinois University) to the critique Taylor, Walton and Young in their influential book «T
New Criminology». The latter wrote as a critique to Quinney's book «The Social Reality of Crim
that: «Many of Quinney's statements about a theoretical orientation to the social reality of crime se
to be the product more of the author's own existential Angst than they are the result of a cle
headed theoretical analysis».
14 In this respect, many of the abolitionist texts I utilised in order to get the basic concept
information on Abolitionism were texts like «Limits to Pain», «The Politics of Abolition», «The Unwis
Sentences», «Prison on Trial»; part text-books and part personal accounts.
15 Needless to say that Karl Marx did not engage with the concept of crime in a pure criminologi
point of view. See however, F. Engels (1974) «The situation of the working class in England» A
Athens: Byron.
16 See also the note no. 11 in the introduction by Eric Hobsbawm (page 14); «it is not t
consciousness of men that determines their existence, but, on the contrary, it is their social existen
that determines their consciousness» (Preface to «The Critique of Political Economy»).
17 According to Quinney (1975: 182), the scientific objectivity is assumed possible because of t
belief that an order exists independent of the observer.
18 As an introduction for the understanding of the power of the «unfinished» of abolitionism, I wou
suggest the study of Hermann Hesse's (1954) «Pictors Verwandlungen», Suhrkamp Verlag, Frankf
am Main.; not a criminological text exactly, but for sure an essential reading.
19 In an abolitionist point of view, the study of the concept of crime and the demonstration of t
non- existence of such thing is a priority, a primary truth. And the reason for naming it as a prim
truth is exactly the fact that it was discovered ultimately. The disclaimer of the concept of crime is th
brightest achievement for critical criminology.
20 However, the need to discard concepts as «crime», «punishment» and 'guilt» is not so new
criminology. It was «at the Hamburg Congress of Criminologists in 1905, (when) van Hamel,
reputable representative of the sociological school, declared that the main obstacles to mode
criminology were the three concepts of guilt, crime and punishment. If we freed ourselves of the
concepts, he added, everything would be better» (Pashukanis, E. as quoted in Lea, J., 1999)
21 Penal abolitionism suggests to adopt an anascopic view, i.e. a bottom-up approach, instead of
catascopic, i.e. a top- down, approach from the life world (Swaaningen, 1995: 128).
22 However, see Left Realist critique in Matthews, R. and Young, J. (1992). «Reflections on Realis
in *Rethinking Criminology - The Realist Debate.* London: Sage Publications, p. 8 (in fine).
23 An opinion that finds the left realist Professor John Lea in agreement (oral communication for th
needs of this dissertation, June 1999).
24 The paper presented by abolitionist Catherine Baker (France) has been published only in Greec
[Discordia Publications, Athens (in Greek)]. However, a copy is obtainable from: Rene V
Swaaningen, Criminologisch Instituut der Vrije Universiteit P.O. Box 7161, 1007 MC Amsterdam. th
Netherlands.
25 According to Professor loannis Manoledakis (University of Thessaloniki, Greece), «t
punishment, i.e. the way that an organised community reacts to crime, ideologically define a
culturally characterise the community itself' (1989:7).
26 Foucault wonders «is the court a form of secular justice or is it more a distigurement of it?» and
easily concludes that «whenever, the bourgeois-class wanted to repress an uprising act, a court wa
raised» (Foucault, 1987: 11-22).
27 It is also true that prison functions in a positive way for some non-political prisoners; in the cours
of their imprisonment, and due to the social conditions they experience, begin to develop a politi
class consciousness.
28 Mark Poster made an interesting observation on Foucault's remarkable work on the birth of pris
«the texture of his history of prisons is choppy, disconnected, even arbitrary. But there is a reason
this peculiar approach. Foucault takes his topic, prison systems, and in Nietzschean fashion goes i

time until he finds a point where the prevailing penal practice looks to modern eyes ridiculous, witho sense, irrational. The degree of intellectual discomfort is a measure of the difference of that from ou own» (Poster, 1984: 95-96).

29 For a historical overview by graphs of the growth in United States' correctional population, t profile of the penal population by race, and the New York City's correctional population, see t graphs in the end of this dissertation (Jacobson, 1998).

30 Jalil Muntaquin (aka Anthony Bottom), a political prisoner of war and former member of the Bla Panther/Black Liberation Army and imprisoned for nearly 24 years, wrote that «The criminal just system in USA imprisons African men 9 times more than European-Americans, and 4 times more th did apartheid South Africa. While Blacks comprise 48% of the US prison population, they are o 12.5% of the entire population» (Muntaquin, 1995).

31 The most recent example refers to France. In 28.7.1999 France was unanimously condemned b the European Court for infringing articles 3 and 6 of the European Treaty for Human Rights, i.e. us of tortures and delay in administration of justice. The case of Ahmed Sarnonie is in fact the very firs case where the European Court of Human Rights condemns a European country for torturing prisoner (Elephtherotypia, 1.8.1999, page 34).

32 The humanitarian confrontation of penal law violators had a focal point in the ancient Helle thought and civilisation where we can find the «altar of mercy». The germs of rehabilitation and incorporation of law violator can be found in the Writings of Ancient Greek Philosophers because th social re-incorporation of perpetrators was the principle and constant solicitude (Farsedakis, 199 For the rehabilitation and re-insertion value as the principal and constant solicitude in the Ancie Hellenic thought see among others; **Plato** a) «The laws of Plato», Harmondsworth: Penguin, 19 (631c, 643a, 859A-957E and 870a), b) «Gorgias-A revisited text with introduction and comment by E.R. Dodds», Oxford: Clarendon Press, 1959 (477A, SOSB, 525B and 479-480), c) «Protagora Translated from the Greek with notes by C.C.W. Taylor», Oxford: Clarendon Press, 1976 (324 325A), d) «Meno» edited with introduction and commentary by R.S. Bluck, Cambridge: Cambrid University Press, 1961 and «Laches; Protagoras; *Meno*; Eutydemos», London: Heinemann; N York: Putnams, 1924 (88c). **Aristotle** a) «The rhetoric of Aristotle - An expanded translation w supplementary examples for students of composition and public speaking» by Lane Cooper, N York; London: Prentice-Hall, 1960 (1369b), b) «Athenian Constitution and Related Texts» translate with an introduction and notes by Kurt Von Fritz and Ernst Kapp, New York: London: Hafner, 19 (8, 4), c) «Aristotle's Politics and Athenian Constitution» edited and translated by John Warringto London: Dent, 1959 (1322b39). See also Plato's «Kritias» (106B) and Xenophon's «Kyr Education», 1, 3, 16. Later on we localise germs of the rehabilitation theory in the texts of t Fathers of Christian Church. Saint Augustine condemned tortures and advised his Prince to sh leniency, mercy and forgiveness (La Cité de Dieu). Accordingly, punishment must lead to the refo of the perpetrator and not to his extermination, i.e. «omnis poena, si justa, peccati poena» (Anc 1995: 453)

33 On the other hand experiments on prisoners violate their civil and human rights. Despite the fa that these experiments are taken place after their consent, there is a serious doubt as to what exte a captive population can give its consent freely.

34 Prison is the proper place for the spread of HIV disease, a real breeding ground for AIDS. Pe Wayne, a prisoner in Wandsworth prison chronicled (Wayne, 1999) «Wardsworth prison is a mo enlightened place today. They issue inmates with AIDS information pacts, and «mission statements are posted all over the place, speaking of religious, racial and sexual equality. But the queers in th system still have a hard time of it. The prison service steadfastly refuses to provide condoms (despi statements to the contrary) on the basis that there is «no legitimate use» for them in prison. Becau they say that a prison cell is not a private cell, any homosexual act can be construed as a crimi offence».

35 The Howard League for Penal Reform, 708 Holloway Rd, London N19 3BR. Fax. 01712815506

36 Moreover, under the current prison conditions worldwide, any effort towards the rehabilitation prisoners is condemned to fail. The global increase in penal population has converted prisons in warehouses (Matthews, 1997) and the reformatory running of prison simply does not exist. Prisor just a confined place, packed with living bodies of every shape, colour and size. On the other hanc

the great strain of the state budget, which mainstream criminologists many times takes into accoun caused by the increase of the penal population, escapes from any interest for the abolitior rationale and prospect. In Thomas Mathiesen's words, «I would be willing to institute even mc costly measures if they were humane and represented acceptable values» (Mathiesen, 1986: 88).

37 The justice model was also criticised by Gray Gavender (1984, especially 211-212).

38 See however Lowman's critique in a left realist point of view in Lowman, 1992: 158.

39 United for Freedom, Unis Pour la Liberté, Mehr Freiheit durch Gemeinsamkeit and Uniti per Libertà (Alexiadis, 1989).

40 Does it require deep intuition to realise that penal and prison reforms like «family visits privileges are in fact tools of degradation, humiliation and mainipulation? In an abolitionist point of view «sexu gratification is now being offered as a reward for compliance and submission» (Bourque, 1994: 6). a system that is outrageously immoral and inhumane. See also Christie (1981: 15) about the Danis «conjugal visits» in prisons. However, the abolitionist Herman Bianchi has in the 1950's advocat sexual contacts of convicts with their partners (Swaaningen, 1995: 121).

41 The major drug problem in prison was localised and extensively analysed by professor Roc Matthews in his lecture in Middlesex University (week three, Is semester 1998).

42 In this respect, the strange thing is not why prisoners riot against prisons but why prisoners a not rioting more often against the «flayers of their dreams' (Petropoulos, 1989).

43 «Prison is painful, prison in itself is painful to deal with your pains in that painful setting. I think it inappropriate and could never work» said Chris Tchaikovsky, the Director of «Women in Prison» *Crime and Punishment*, 1993 (videotape).

44 Under Jack Straw's (Home Secretary) plan, psychopaths, may be locked up for life before th have done any crime. According to the Mental Health Act, psychopaths cannot be detained hospital because there is no known cure. As Andy Mc Smith and Martin Bright (News3, I9 observed «the move will create a whole new category of detainees who are neither prisoners r psychiatric patients and the most controversial aspect of Straw's proposals is that they will apply r just to people convicted of violent offences, but those who *might* become violent». See also Christi N. (1986b: 99), «the extreme case is when people are given preventive treatment because they ar seen as a in danger of *becoming* (his italics) criminals».

45 Electronic monitoring is not new also because it has been already used to deal with politi opposition to the state in times of political unrest (see Matthews, R. and Berry, B., 1989)

46 And the funny side of the problem; «In Nottingham one man successfully pleaded to return prison, telling the judge that the hostel where he was curfewed was disgusting, flea-ridden and full alcoholics» (The Guardian, 4.4.1990 as quoted in Jones, 1992).

47 For the methodically neutralisation of every formed address and the imposition of the stereotypi and politically inactive «public opinion» of the mass media see Pierre Bourdieu «Sur la Televisi suivi de L'Emprise du Journalisme» (Paris: Liber). Moreover, for the mass media as a part of soc construction (along with family, education etc.) and about its powerful function see Hall et al. (19 «Culture, the Media and Ideological Effect» in J. Curran et al. (eds). *Mass Communication a Society.* Amold Publications. Morever, harsh critics of mass media -or to use Hans Enzenberge terminology «the consciousness industry» were among others Umberto Eco, Aldous Huxley (Brave New World», 1993), Guy Debord («The Society of the Spectacle», 1967), Noam Chomsky, th Greek philosopher Cornelius Castoriadis, the Critical Theory of Frankfurt School (Adorno, Marcus Horkheimer, Habermas) the Situationists like Raoul Vaneigem («The Revolution of Everyday Life Bertolt Brecht («Radio as a Mechanism of Communication»), and Marshall MacLuhan («The Mediur is the Message») and of course Martin Heidegger («The Question concerning technology and oth essays», Harper and Row, New York, 1962).

48 According to Pat Carlen (1984) «traditionally, the protection of women has usually seen as family matter, a matter for fathers, or brothers and husbands Women are vulnerable and pass creatures».

49 In police review of 1975 we read that (Carlen, 1984) «If a woman walks into a police station a complains of rape will no signs of violence she must be closely interrogated. Allow her to make h statement to a police woman and then drive a horse and cart through it... It is advisable if there any doubt of the truthfulness of her allegations to call her an outright liar. It is very difficult for

person to put on genuine indignation who has been called a liar to her face...Watch out for the who is pregnant or late getting home at night: such persons are notorious for alleging rape indecent assault. Do not give her sympathy!».

50 As a typical pattern of mass process of depenalisation we can mention the German institution «Ordnungswidrigkeiten». According to this institution minor offences are stripped from a criminalisable aspects (decriminalisation) and are been submitted to civil or administrative l procedures (Ancel, 1995: 284).

51 For example, in 1977 the syndicate has massively protested over the extradition to the Fede Republic of Germany of a lawyer who defended members of RAF in the Baader-Meinhoff trial (Haa W. et al. 1989).

52 In this respect, probation officers must act as social workers. Probation service must away from t concept of punishment (see «No Soft Option» videotape).

53 A police oriented at social welfare than crime control (Swaaningen, 1995).

54 Professor Jock Young, the director of Islington Crime Survey mentioned that «we found substantial decline in confidence, a 30% of the population are less confidence in the police than th had been before, and only 7% have increase confidence» («Police: In for Questioning», 199 videotape).

55 See also «agent provocateur» actions by the British Police in Nicoll (1992).

56 On the other hand, mass media use to portray as heroes and patterns of behaviour people w commit acts of «DIY justice». Recently, when a citizen was obligated to pay a fine of 4.000 poun for killing a thief, the newspaper SUN gathered through collection 8.000 and offered the amount him («DIY Justice», 1996 - video).

57 Let's imagine for example a massive demonstration of a political movement. The demonstrat simply reclaiming the streets, converting the roads into «public arena» and demanding so improvements for their life. More likely, mass media will try to underestimate the reasons for t demonstration. They will rather try to focus on the «highlights» of the event, e.g. the police reactio or the existence of some celebrities among the people and ignore the mass.

58 The Swedish Minister of Justice Karl Schlyter who said «'let's empty the prisons» is of course very rare exception (Ancel, 199s: 58 and 295).

59 In other European countries it seems that things are not different; Dr Anika Snare (Kriminali Institute of the University of Copenhagen) portrayed the situation in the Danish society. The creatio of «folk devils and moral panic» is a global phenomenon (Snare, 1996).

60 For a quick review of the situation of foreign detainees in the Greek Prisons, see Spinellis et (1996).

61 See among others Pierre Bourdieu's «Sur la television» (1996) and «Contre-feux» (1997).

62 For the responsibility of a great part of the so-called dogmatic Left in building the opinion th activism has died, see Noam Chomsky (1995). «Some Thoughts on the Mass Media» Athens: Libe Culture.

63 Abolitionist critique towards forced labour is justified even in a more general level; in a soci where our creative energy is been used for the creation of anti-social and worthless products, t only creative act is exactly the continuous refusal to offer our energy and the blocking of t mechanisms of repression.

64 The Russian anarchist philosopher, Peter Kropotkin wrote about the convict labour (1927: 3) tha «everyone knows the evil influence of laziness. But there is work and work. There is the work of t free individual, which makes him feel a part of the immense whole. And there is that of the sla which degrades. Convict labour is unwillingly done, done only through fear of worse punishment. T work, which has no attraction in itself because it does not exercise any of the mental faculties of th worker, is so badly paid that is looked upon as a punishment».

65 Oral communication with Professor John Lea for the needs of this dissertation.

66 In an anarchist point of view crime is the necessary condition of the very existence of the sta (see Bakunin, 1998); «all the history of ancient and modem states is nothing more than a series revolting crimes. For there is no terror, cruelty. sacrilege, perjury, imposture, infamous transacti cynical theft, brazen robbery or foul treason which has not been committed and all are still bei committed daily by representatives of the State, with no other excuse than this elastic, at times

convenient and terrible phrase Reason of State».
67 In Chambliss words «this program (COINTELPRO) was designed to disrupt, harass and discre groups that FBI. decided were in somewhere «un-American» (1989: 201).
68 For example, the years 1973-1975 were always considered the «reign of terror» on the Pi Ridge Indian Reservation (South Dakota). And it was in these years when the infamo COINTELPRO program «neutralised» many members of the American Indian Movement (AIM) as fo example Leonard Peltier, the native American activist who has been imprisoned since 197 (communication with Leonard Peltier Defence Committee, July 1999).
69 For more information on FBI COINTELPRO operations see a) Ward Churchill and Jim Vano «Agents of Repression: The FBI's Secret Wars Against the Black Panther and the American Indi Movement», 1990, Boston: South End Press, b) Jim Fletcher, Tanaquil Jones and Sylvere Lotringe «Still Black, Still Strong: Survivors of the War Against Black Revolutionanes, 1993, New Yo Semiotext(e), and Brian Glick «War At Home: Covert Action Against US Activists and What We C Do About It», 1989, Boston: South End Press. Also see Frank Snepp's «Irreparable Harm - Firsthand Account of How One Agent Took On the CIA in an Epic Battle Over Secrecy and Fr Speech», 1999, Random House.
70 For a general survey of FBI's COINTELPRO program in relation with mass media actions see Ch Berlet «COINTELPRO: What the (deleted) was it? Media op», *The Public Eye*, 1, April 1978, p. 38.
71 It is true that abolitionism as a movement helped feminism during the past; the female abolitionis take the kind of activist experience they needed. It was after the achievement of slavery aboliti when British and American women started to organise their own struggle for emancipation.
72 In fact, it was the abolitionists («die Abolitionisten») who «liberated prostitutes from the grip criminal prosecution in Germany in 1927» in order to bring their emancipation (Scheerer, 1986: 8).
73 Despite the fact that prostitutes are working class people and pay taxes, the state invariably avo to recognise and to supply the same privileges that every worker use to have (e.g. pensio insurance, unemployment insurance etc.).
74 For example, when Yorkshire Ripper chose a non prostitute for victim, the British newspaper only then - starts to speak about «innocent victim». And in his opening address the general attorne concluded that «some were prostitutes but perhaps the saddest part of this case is that some we not. The last six attacks for instance, were on totally respectable women» («Battered Britain» videotape).
75 As an example, I will mention the International Committee for Prostitutes' Rights in the Stat (http://www.bayswan.org/ICPRChart.html).
76 There are 400.000 (women and men) prostitutes in Germany and the annual income of t activity is not less than 12,5% billion marks (Valasopoulos P. «Privileges for Prostitutes», *Free Pres* August 14-15, 1999, page 16).
77 In an abolitionist point of view, «she or he (the victim) is pushed completely out of the arena being a 'double loser' both by the offender and the penal system, being in essence a nonentit (Christie, 1977: 3).
78 See however the critique of abolitionism's utopia from a left realist point of view (Young, 199 26).
79 As Noel Ignatief concluded «it is fortunate that in the nineteenth century we had abolitionis instead of diversity consultants; if not, slavery would still exist, and representatives of slaves a slaveholders would be meeting together - to promote mutual understanding and good feelin (Ignatief, 1998).