

Jacques Lesage de La Haye, *The Abolition of Prison* (trans S Branson), Chico: AK Press, 2021. ISBN: 9781849354202 (paper); ISBN: 9781849354219 (ebook)

“Why bother with prisons?” This is the opening question to Jacques Lesage de la Haye’s short book exploring the struggle for prison abolition in France and worldwide, originally published in French in 2019 and recently translated into English by Scott Branson. This opening provocation to readers, inviting them to think about their own interests and motivations in taking up the problem of prisons, also allows Lesage de la Haye to situate his recent reflections on abolition within his own history of incarceration, anarchist struggle, and psychiatric research and practice. He explains concisely how he and his brother ended up in prison at a relatively young age and both served long sentences. It is his brother’s misdiagnosis and struggles with mental health that inspired Lesage de la Haye’s work as a psychologist both during and after completing his own sentence. He describes how he began his studies in prison and despite various difficulties obtained his high school diploma then bachelor’s degree and eventually undertook the necessary research required for a doctoral thesis. The chance arrival of a new prison director facilitated his progress, but Lesage de la Haye remains under no illusion that he is special or exceptional. Rather, his simply told biography sets the scene for his account of a decades-long struggle against the prison system in France.

Each chapter of *The Abolition of Prison* is short yet contains a wealth of information and reflection. Several of the chapters, especially those exploring alternatives to prison, would work really well as material for a reading group. While the writing is personal and accessible there is also a call to read further, to find out more and go deeper. This accompanies the powerful idea that in opposing prison as the end-point of long-term social inequality, alternatives do not simply involve better education and employment opportunities for those who have found themselves in prison. Rather, the book is a call for society, as a whole, to educate itself better and, moreover, to consider the types of employment, and labour more generally, that is required to make our communities spaces of care and support

rather than ones of surveillance and exclusion. There is also an awareness that not all arguments or examples will work in every situation – the work of abolition needs a variety of tools both practical and theoretical.

The 2004 interview with Lesage de la Haye and his partner Nicole included as an appendix offers an interesting contextualisation of abolition struggles in France since the early 1970s, focusing in particular on the work of the Comité d'action des prisonniers (CAP), which was established in the aftermath of the Groupe d'information sur les prisons (GIP) that was deemed by many to be too intellectual. Jacques laments somewhat the loss of the abolition movement and the failures that arose from too much infighting amongst activists, especially the autonomists, during the 1980s. He points out what was achieved by earlier abolitionist work in improving prison conditions compared to what is demanded today. Nicole points out briefly how the movement suffered due to being overly male – an important if small alert to issues around prison and gender which are also mentioned in the book's final chapter. Other things like carceral feminism are not explored at all beyond the more generic references to fear of rape by sex offenders and these are described as paternalistic arguments rather than feminist ones against incarceration. There is a sense of joy and also loss in the interview. Notably, such loss includes the acknowledgment that the university is no longer a space (in France as elsewhere) that lends itself to political organising for the left due to largely corporate interests of the institutions which filter down to academics and students regardless of their individual political affiliations.

The narrative arc the book follows is key in engaging the reader. While, as suggested above, each chapter works well in isolation as a starting point for further discussion, research and action, the development of Lesage de la Haye's argument across the chapters is worth exploring further. Taking a step back from the opening question, "Why bother with prisons?", the book's first main chapter asks a more basic question: "Why prisons?" The chapter opens as if Lesage de la Haye is going to provide a short history of the prison. What follows is exhilarating and destabilising. It is at once a history of the prison and a kind of anti-history. There is no neat chronology offered, and instead Lesage de la Haye closely links prison to its

precursor, the death penalty. Of course, the death penalty, as he points out, continues to be used around the world. But prison is at once a form of slow death penalty and a rendering invisible of those sentenced. He points out that suicide and recidivism rates are higher amongst the prison population thus dispelling the myths that prison is somehow reformative or even therapeutic. It is about disappearing people. Consequently, his anti-history brings together historical critics of the death penalty such as Cesare Beccaria and Victor Hugo, early anarchist critiques of prison such as Peter Kropotkin's *In Russian and French Prisons* (1887), and more recent theorists including Michel Foucault.

The second main chapter, "The Revolt of the Abolitionists", gets to the heart of potential criticisms that might be addressed to those taking up the task of abolition. First, it challenges the idea that the case for abolition can be stated once and for all when in fact it requires ongoing work and multiple perspectives and alternatives. Second, that it can be decoupled from other abolitions including the death penalty which Lesage de la Haye continues to discuss here. Third, that the work of abolitionists has waned. Despite the current "carceral turn", as it is often described, there is still a strong and growing drive towards abolition. As ever, Lesage de la Haye presents a variety of references, from the historical example of the Quakers to more recent activism. Of note is the legacy of the GIP and CAP and how their work underpins contemporary activism and prisoner demands even if the connection is not direct. He cites in particular Catherine Baker and also emphasises work by Alain Brossat which is more philosophical than practical in its approach to abolition. This chapter is key in setting up a critique of prisons based on Lesage de la Haye's own particular experiences and approaches (i.e. psychology, fostering, etc.) but also makes the really important point that the abolition of prisons is a collective endeavour which requires different approaches in order to convince different actors and groups.

The next part of the book is focused on the lived experience of prison not only for those inside, but also for their families. Lesage de la Haye begins by affirming how the public are offered very little insight into the everyday and especially long-term conditions of prison. He suggests, as others have done, that media focus on the sensational which limits any deeper

understanding of prison. Lesage de la Haye's 1978 work *La guillotine du sexe*, based on his doctoral thesis partly conducted during his own sentence, is well-known in discussions around the impact of prison on the overall mental and physical health of prisoners. He does not dwell on this work beyond emphasising how his research took into account the experiences of those usually ignored – homosexuals and sex offenders. Here, however, his focus is on the establishment of family units, conjugal visits, and the right to conditional leave to visit family. He charts the rocky development and setbacks faced by programmes like the UVFs (*unités de visites familiales* / family visit units) created in certain French prisons, but also warns against a tendency to point to these as evidence of the progress that has been made. For example, only a small percentage of prisoners are ever eligible to use such programmes with a yet smaller percentage actually granted permission to do so. Thus, in certain situations, initiatives originally designed to alleviate the suffering and alienation of prisoners and their families can be instrumentalised within a divisive system that emphasises hierarchy and privilege within the prison.

Chapter 5 is a kind of pivotal point during which Lesage de la Haye sets out the failure of prison to rehabilitate or reintegrate prisoners into society. He has cited this argument against prison earlier but here he does something very important and interesting. Not only does he make it clear that prison unduly punishes the poor, the disenfranchised, the mentally ill, and basically those who had never been fully integrated or supported in society, but also – and this is central to any abolition project – what is needed is to shift focus from the concept of rehabilitating individuals through prison to rehabilitating (although he does not use this word) society. What changes are necessary to society's infrastructure, institutions, and economy that would ensure everyone received the care and support they need within their communities?

The penultimate part of the book is focused on exploring alternatives to prison. Lesage de la Haye poses the question: "Who will take responsibility?" In a sense it is reminiscent of the question in Alain Resnais' *Night and Fog* (1956) – "Who is responsible?" – yet it is directed at a future of care and community rather than placing blame. Lesage de la

Haye emphasises that alternatives to prison both in theory and practice are nothing new, once again turning to theorists such as Brossat and more activist scholars like Angela Davis for inspiration. This idea of inspiration is important since it emphasises that there are multiple points of access to this problem and how it might be explored and deconstructed by different people, both individual and collective, and in different situations, with different means.

He also offers some interesting if tantalisingly brief reflections on Indigenous communities in Mexico, Nicaragua, and Barbuda which eschew the use of state forms of punishment. He also mentions the case of New Caledonia which is still an overseas territory of France today (although there have been referendums concerning its independence), describing the struggle of the Kanak population to negotiate between tribal and state forms of justice and the danger of being punished twice. He mentions New Caledonia's main prison Camp-Est, located on Île Nou. The prison uses former buildings from the penal colony and was condemned in 2012 by the Observatoire international des prisons (OIP) for its appalling conditions resulting in its nickname of the "bagne post colonial".¹ The skewing of the prison population which contains (similar to what occurs in Australian prisons) a disproportionate number of prisoners from the Indigenous Kanak population is symptomatic of the ongoing connection between colonialism and the carceral.

Lesage de la Haye uses these examples which expose tensions between the state and communities to preface his own small but nevertheless powerful contribution to seeking community-based alternatives. He recounts how together with his partner, he opened his home to a number of recently released individuals, many of whom were also diagnosed with serious mental illnesses including schizophrenia. This was a courageous undertaking as the couple had an eight-year-old son at the time. Yet, Lesage de la Haye does not describe it as brave, but rather proudly describes how his son contributed to the sense of family experienced by his lodgers. He insists on the fact this was not a foster home – he was not remunerated by the state, and considered it a form of militancy. He also emphasises that

¹ See <https://oip.org/analyse/nouvelle-caledonie-camp-est-bagne-post-colonial/> (last accessed 12 October 2021). "Bagne" is the French colloquial term for penal colony.

despite the regular debates amongst members of the household around looking after oneself vs. a wider responsibility to fight and care for the wider community, many of those who stayed with him ended up focusing on the former. Lesage de la Haye takes this as evidence that what they were working towards was not indoctrination but rather seeking to offer those who stayed with them their own sense of worth, agency, and the self-care needed to survive out in the world.

He also discusses the oft-cited example of the open prison farms found in Scandinavia. I think these are interesting examples due to the frequency with which they are used as counter-arguments in comparison to the hyper-carcerality of the United States and elsewhere. However, there is also scope for a more nuanced interrogation of these and their effectiveness as well as the way they are often invoked as a means of whitewashing other problems especially racism and racial exclusion within Scandinavian society. The discussion of open prison farms might also be situated within wider histories and contexts of the use of convict labour in agricultural development, especially the French use of convict labour in its overseas penal colonies in French Guiana and New Caledonia. During the mid-18th century France established “colonies agricoles” (prison farms) for young offenders. Mettray is perhaps the best example where the writer Jean Genet was sent as an adolescent. There is a danger in over-selling the therapeutic aspects of working in agriculture in contemporary examples without attending to how similar myths have been used historically to justify forced labour both within and beyond France.

In this respect, however, Lesage de la Haye does make the very important point that such alternatives constitute “transitional” practices rather than direct paths towards abolition since, he argues, society is not ready to abolish prisons completely. Something else that he does not explore in detail is the use of punishment as political ideology – a way of punching down, of crushing those beneath you who are presented as a threat to your own safety and well-being either because they want to replace you or because they want to steal from you. Nevertheless, the analysis of this politics of fear is omnipresent in the work of others cited throughout the book, notably the sociologist Loïc Wacquant who has studied in both French

and US contexts. Suggestions of alternatives will only work, it seems to me, when this ideology of punishing the weak, vulnerable, and disenfranchised is contested in a sustained and effective way.

Indeed, in Chapter 8 the narrative shifts towards the question of community, care, and how to repair harms caused, which is focused on the dual practices of mediation and reparation. Lesage de la Haye suggests that ideas of justice have shifted from what actual justice is towards notions of vengeance. These are predicated on Judeo-Christian ideas of guilt and sin, which, he argues, have impacted both the West and those countries marred by European colonialism. To put someone in prison cuts short the possibility of reparation, simply continuing or displacing a cycle of suffering. He suggests France is behind other countries despite the long-standing French association for criminal mediation. He points to different examples including the Netherlands and South Africa and the different structural forms mediation and reparation can take. Again, there is not a single approach and he recognises the difficulty in trying to implement these practices alongside prison and punishment. This leads to the reflection made by others as to whether the notion of justice can be reclaimed within existing wider social structures or whether abolitionists need to contest these structures directly. Again, the question of what to do when someone harms another is a key part of understanding the complex work of abolition. The work of abolition identifies the unnecessary and sustained punishment of poor, lower class, and minority members of society, proposing that the majority of crime is a result of social exclusion and need. But this does not suggest that wrongdoing will cease to exist but, rather, that when it does occur, there are better mechanisms in place to address why it happened and what needs to be done to restore an individual's relationship with society, his or her community, and the person (or their family) who has been harmed.

The book's concluding chapters pick up the more general question of abolition once more, asking how abolition might be achieved and why it is to be desired. The response, perhaps unsurprisingly, is that there needs to be a shift in how we think about these questions. People often ask what will replace prison as if there needs to be a direct substitute which, as

Davis and others point out, does not deal with the structural inequalities which result in wrongdoing and/or the criminalisation of certain activities. Lesage de la Haye points out that enhanced surveillance is not the appropriate response since this simply perpetuates notions of fear and security rather than community and care. Similarly, he proposes that the problem of illegal residents would be solved only with the abolition of state borders. This claim is significant, if not explored in much detail here, since it reminds and alerts us of the fact that abolition is never focused on a single institution or practice. Moreover, one form of abolition opens up the work of future abolition – for example, abolitions of slavery and the death penalty both led to the need to abolish what replaced them, the prison. Which is why the abolition of the border is bound up with that of the prison.

The book's final lines evoke an idea which is not explored at all elsewhere but which opens things up further. Lesage de la Haye offers us an image of the planet not as something anyone can possess or control via laws and rules but as something which continues to function or exist beyond human society and its institutions. While his point is more about the historical contingency of practices like incarceration, it also reminds us that we find ourselves at a dangerous moment in history where accelerated climate change can no longer be ignored. The challenges of dealing with the impact of climate change are related to the challenge of prison abolition. Failure to deal with one is intertwined with the other. We will face more prisons, more confinement both institutional and individual, if we do not address the causes of climate change and the social inequalities produced by resource hoarding and squandering.

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