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Book review

Vincenzo Ruggiero

Penal Abolitionism

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It might seem odd to write books on penal abolitionism these days (and maybe even more odd to devote reviews to such books): Isn't abolitionism for criminology what moonboots are for fashion, that is, one of the fads of the 1970s? Indeed, for some it might be tempting to think of abolitionism (or moonboots) in terms of a closed chapter, something that belongs to a bygone era when birds could talk and bats could sing. However, a considerable number of people would probably disagree. In recent years there has been a remarkable revival of interest in the old ideas of the abolitionist school. In 2008 the German journal *Kriminologisches Journal* devoted special attention to the question 'Can prison still be saved?' ('*Ist das Gefängnis noch zu retten?*') The thematic issue included an exchange of views amongst some of the founding and second-generation figures of the post-war abolitionist movement who reflect back upon the achievements and failures of abolitionism and speculate about its future (Feest and Paul 2008). A year later the Dutch Society of Criminology awarded its inaugural Willem Adriaan Bonger Lifetime Achievement Award posthumously to Louk Hulsman. More generally, as Ian Loader (2010: 350) suggested in a special issue of *Theoretical Criminology* devoted to 'reinventing penal parsimony', moderation seems to be in vogue. And if moderation indeed seems to be in vogue, then revisiting the ideas of the abolitionist school is not that exotic an enterprise as it may seem at first sight.

This seems to be a good moment, then, to publish a book on abolitionism. Towards the end of *Penal Abolitionism* Vincenzo Ruggiero explains the motives that led him to write the book: his first aim is 'to avoid abolitionism being "silently silenced" or "abolished" from the spectrum of concepts offered to criminology students' (p. 200); and, secondly, he attempts 'to link abolitionist "radicalism and utopianism" with views of crime and the law embedded in the Western cultural tradition and its concrete, reasonable, options aimed at the reduction of pain' (p. 201). Without explicitly stating it like this it seems as if Ruggiero strives towards 'normalizing' the abolitionist legacy: abolitionism should be part of the regular criminology curricula and the ideas and practices that find shelter under its flag are not products of unworldly minds or extraterrestrial creatures but have links to some of the great philosophical, social theoretical and political traditions in human history. Indeed, for Ruggiero the multifaceted nature of abolitionism is inclusive, 'allowing anyone endowed with a critical spirit to detect in it at least a minor aspect of their own thought' (pp. 1-2).

This open-ended character of the abolitionist enterprise also characterizes Ruggiero's approach throughout the book. Ruggiero concurs with Martha Nussbaum's suggestion that 'we have strong reasons to address difficult contemporary issues by engaging in conversation with important texts in the history of philosophy, and for each issue we are required to identify suitable conversation partners' (p. 14). The conversation partners whom Ruggiero identifies are therefore not restricted to the abolitionists themselves. For sure, the 'usual suspects' are ubiquitous in Ruggiero's book - in particular in chapters 6 to 8 which discuss life and work of three leading figures in the European post-war abolitionist movement, namely, Louk Hulsman, Thomas Mathiesen and Nils Christie. But in addition Ruggiero invites to his table a large number of interlocutors who are less frequently identified as potential participants in the dialogue on abolitionism. For example, in chapter 2 he discusses the abolitionist critique of definitions of crime (cf. Hulsman's statement that there is no 'ontological reality' of crime) as 'radical anti-Platonism' and argues that the abolitionist rejection of conventional distinctions between good and evil brings it closer to the ideas of illustrious figures such as Aristotle and Spinoza.

Ruggiero's book prompts two comments from my side. First, prospective readers should bear in mind that *Penal Abolitionism* is not a textbook that introduces students or the novice from A to Z to the key ideas of the abolitionist school. Ruggiero is a learned intellectual who has drawn extensively upon his broad knowledge of philosophy, social science and literature for writing this book. His approach is often enriching and fascinating but I have to admit that it was not always clear to me whether we are presented with the ideas of Christie, Hulsman and Mathiesen or whether these ideas are already significantly reworked and expanded by Ruggiero himself. At other times I was not sure whether Ruggiero's idiosyncratic reading of the abolitionists was always accurate or, at least, I got the impression that he was sometimes straying a bit too far from the original sources. For example, I was surprised to observe how Ruggiero devotes a full chapter to locating Hulsman's abolitionism within the Christian tradition. This seems strange to me because, from the early beginning of his academic career, Hulsman has always been a very rational and functional thinker (Blad 1996). His countryman Herman Bianchi, who has always been very open about the impact of his faith on his academic work, would probably have been a better candidate to discuss the theological underpinnings of some forms of abolitionism (in that respect I found it equally odd to note that even though Ruggiero refers to Bianchi as 'one of the most representative figures of this multifaceted school of thought' (p. 2), and even though his name is explicitly mentioned on the cover of the book as one of the four 'leading proponents', that Ruggiero does not devote a separate chapter to Bianchi). At times there are also some other unfortunate omissions. For example, in the chapter on Christie, Ruggiero discusses at length anarchistic writings on law and authority but there is no mention at all of one of Christie's major sources of inspiration, that is, the work of Ivan Illich. The same applies to Hulsman: concepts such as system, life-world and colonization are frequently used by Hulsman in his abolitionist writings yet Jürgen Habermas is completely absent in Ruggiero's book.

Second, Ruggiero establishes links which go back to antiquity and the great traditions of Western thought but what about the immediate context, reasons and motives which made *these* people decide to restyle themselves as abolitionists? It would have

been interesting to explore more in-depth *why* they chose to adopt an abolitionist position and *how* this affected their earlier thinking and practice. Or as a life-course criminologist might wonder: how are we to explain those turning-points in their professional lives? Adding such a developmental perspective would also have helped to avoid (or at least qualify) certain statements such as, for example, that Hulsman ‘would always prefer to talk rather than write’ (p. 106). This surely applies to the old ‘abolitionist’ Hulsman but not to the young ‘functional’ Hulsman who was, in fact, a prolific writer (otherwise John Blad (1996) could never have written his 519 page Ph.D. dissertation devoted to Hulsman’s views on criminal law and abolitionism). Indeed, Hulsman grew to become an icon for the abolitionist movement after his retirement as the chair of criminal law and criminology in Rotterdam. Unfortunately most criminologists are only familiar with his later, post-retirement work on abolitionism, not with what Hulsman wrote during those many years between the mid-1960s and the early 1980s, when he was still active in teaching and research in Rotterdam. This is unfortunate because his attempts to develop rational criteria for criminalization, sentencing, and the like, as well as his views on decriminalization (*inter alia* expressed in a famous Council of Europe report (Comité européen pour les problèmes criminels, 1980) that is not mentioned in Ruggiero’s book), are still highly interesting and make his later move to an abolitionist position more intelligible. Such a developmental perspective, moreover, would have opened the door for a more direct confrontation of the abolitionist ideas with what happened in practice after the ‘golden years’ when western societies entered the ‘crisis decades’. Feest and Paul (2008) note for example that many of the abolitionists of the early days are now ‘reductionists’, ‘minimalists’ or ‘moderate abolitionists’. How did this exactly happen? And what does this imply for the original diagnoses and remedies of the abolitionists?

These comments, however, do not detract from Ruggiero’s remarkable achievement in demonstrating the richness – or potential richness - of abolitionism as a ‘way of seeing’ (p. 1). Indeed, Ruggiero not only *exposes* this richness (in his discussion of the writings of the abolitionists) but also (and in my view more convincingly) *expands* it through entering intellectual territory and identifying and establishing potential links with sources that the abolitionists may not have detected or explored for themselves (and maybe they would not agree with everything that Ruggiero has to say on this). *Penal Abolitionism* might therefore offer clues to answering a critique that is sometimes directed at the abolitionist literature, that is, that its theoretical basis has not developed significantly since the mid-1970s (Feest and Paul 2008). Because of the book’s orientation readers are warned that Ruggiero has not written a page-turner (maybe he should have listened more carefully to Nils Christie’s advice that you should always keep your favourite aunt in mind when writing?) However, working through *Penal Abolitionism* pays off: even readers who are most critical of abolitionism will have to acknowledge that its legacy cannot easily be set aside as a mere fad of a bygone era of critique and social activism. In demonstrating the multiple (potential) roots of abolitionism, Ruggiero accomplishes at least one of his two objectives. Whether lecturers will (re)introduce their students to the richness of the abolitionist legacy, on the other hand, is obviously beyond his reach.

References

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