Reflections on Disability, Justice and Abolition

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Abstract

This piece offers reflections on Liat Ben-Moshe's recent book *Decarcerating Disability: Deinstitutionalization and Prison Abolition* and Linda Steele's recent book *Disability, Criminal Justice and Law: Reconsidering Court Diversion* and their contributions to abolitionist work, disability justice and decarceration.

I want to begin by saying thank you to both Liat Ben-Moshe and Linda Steele for their wonderful and much needed books. Their work has shaped my own thinking in important ways - particularly in deepening my analysis around the intersections of disability justice and prison abolition - and I've learnt so much from them both. In this short reflection, I want to say a few words about each of the books and connect them to wider discussions around current abolition politics.

Following the widely publicised deaths of George Floyd, Breonna Taylor, Tony McDade and others at the hands of police, the year 2020 brought campaigns for police and prison abolition struggles to greater focus in the USA, Britain and around the globe. Abolitionist ideas, previously seen by many as fringe politics on the one hand or obscure academic theory on the other, entered more mainstream discussions and platforms. Campaigns to Defund the Police, led by Black Lives Matter organisers, including queer, feminist and disability justice activists brought abolitionist demands into public view on a

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wide scale (Defund the Police 2021; BYP100 2019; Black Lives Matter UK 2021, Abolition and Disability Justice Coalition 2020).

Numerous articles were published in the mainstream press explicitly discussing abolition in sympathetic ways (eg. Duffy Rice 2020; Taylor 2021; Berlatsky 2021), and long-time abolitionist organisers like Mariame Kaba and Ruth Wilson Gilmore were profiled in places like the New York Times – with Kaba's writing published under the headline, 'Yes we mean literally abolish the police' (Kaba 2020; Kushner 2019). In Britain there were protests up and down the country to support Black Lives Matter and also subsequently to oppose the draconian 2021 Police, Crime, Sentencing and Courts Bill – with many of these demonstrations explicitly framed as abolitionist (Kemp & Duff 2020; Brown 2022).

Though seemingly new to much of the public, the growing prominence of abolitionist demands had been made possible because of decades of grassroots organising and strategising, particularly by black-led, queer, indigenous and disability justice groups, who have laid the groundwork for greater public engagement with abolitionist ideas and practices (Davis, Dent, Meiners and Richie 2022; Russell and Stewart 2001; Critical Resistance 2008; Abolitionist Futures 2019; The Red Nation 2021). Yet the histories of this organising – and the important legacies of abolitionist thought that have shaped the current moment – are often less well known.

Within this wider context, it is an apt time to be discussing Ben-Moshe and Steele's books as they both speak to important questions of resistance and strategy in challenging institutions of carceral control and violence. Both scholars urge us to consider how discipline and control of disability and madness, and their intersections with race, gender and colonialism, are central features of carceral institutions - whether prisons, psychiatric hospitals, forced residential institutions for people with intellectual disabilities, or court diversion programmes.

Both books confront the ways that carceral logics, knowledges and practices are bound up with processes of debilitation and disablement, and expose how deployments of carceral power extend well beyond the confines of the prison walls themselves. For example, as Steele demonstrates, even seemingly well-meaning efforts to create

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alternatives to prison, such as court diversion schemes for disabled people, can simply extend the power of the prison by bringing carceral controls into communities. In highlighting these connections, Ben-Moshe and Steele's books offer us vital insights for grappling with strategic questions around working towards more effective means of decarceration and disability justice.

Ben-Moshe's book, *Decarcarating Disability* (2020)*,* foregrounds lessons we can learn from historical campaigns around the deinstitutionalisation of disabled people as part of wider anti-carceral social movements and struggles for abolition. The book powerfully explores the tensions and challenges between reformist and abolition strategies – and the difficulty of navigating these tensions in practice. In doing so, Ben-Moshe's analysis invites us to reflect on contemporary struggles and pose critical questions about whether particular tactics and 'common sense' ideas around disability and imprisonment will move us towards a more abolitionist horizon or whether they are likely to fall prey to dead-end reformist traps. As her careful documentation of struggles for deinstitutionalisation reveals, the answers to such questions are rarely straightforward.

Ben-Moshe's book considers these strategic dilemmas with nuance, depth and care, but without sacrificing the radicality of her broader vision, something which is especially needed in the current moment as abolitionist ideas become more mainstream. For example, by using an abolitionist frame to trace the deinstitutionalisation movement of the 1960s and 70s – which fought to shut down horrifically abusive psychiatric hospitals and residential institutions for people with psychiatric and intellectual disabilities – Ben-Moshe interweaves careful analysis of the key gains of that movement alongside incisive evaluation of the fraughtness of those struggles and their ongoing challenges today. Here Ben-Moshe provides an important 'cautionary tale of success' (2020, p 4) which offers vital lessons for contemporary activists seeking to further decarceration goals. She also confronts the widespread myth that deinstitutionalisation subsequently led to the increased homelessness and incarceration of disabled people and redirects our attention to real underlying forces of racism and neoliberal policies (2020, Chapter 4).

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In linking deinstitutionalisation and abolition, *Decarcerating Disability* also does important work in challenging the silo-ing of struggles and moving away from narrow visions of 'alternatives' to imprisonment, e.g., discrete measures that replace one institutional model or carceral regime for another. Instead, the book repeatedly emphasises the importance of a much broader vision – one that confronts the complex systemic and structural dynamics that produce carcerality and disablement – and the need for a deeper epistemology of abolitionist 'knowing and unknowing' (2020, Chapter 3). Here Ben-Moshe invites us to consider abolition as much more than a political framework or agenda for action, but as counter-hegemonic knowledge that can open up new and radical ways of organising society as a whole. Abolitionist epistemologies are forms of knowing that challenge the status quo, question take-for-granted assumptions and enable the "letting go of attachment to certain ways of knowing" (2020, p. 126). These practices of knowing and unknowing not only enable a critique of carceral logics and reformist traps, but also open up "possibilities of other life worlds that cannot be imagined now" (2020, p. 130).

Ben-Moshe's book is also a model of how to do scholarly work in dialogue and engagement with on-the-ground organising work. Too often there are tendencies in the academy to collaborate with activist knowledge in superficial or token ways, and yet in *Decarcerating Disability*, the engagement with activism is deeply embedded and infused throughout the book in powerful and compelling ways. The book also helps to connect analysis of past struggles, current organising and future movements for change.

Steele's book, *Disability, Criminal Justice and Law* (2020) also offers vital lessons around the nexus of disability and carceral control, particularly in drawing attention to the ways that seemingly benign alternatives – such as court diversion programmes – can be deeply embedded in carceral logics and practices. The book deftly overturns the widespread assumption that court diversion programmes for disabled people are a 'progressive' or non-carceral approach, and demonstrates the harm and violence that is done to disabled people through these schemes.

Steele's book exposes not just the limits of court diversion for disabled people, but also identifies the ways in which the exercise of carceral power through diversion schemes

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actively works to debilitate and harm disabled people. The book meticulously documents how court diversion schemes function as coercive interventions that reinforce racist and colonial modes of power, further entrench socioeconomic inequalities, and entangle 'social support' with punitive control.

While Steele's book isn't explicitly framed in terms of the debates around 'reformist reforms' versus 'abolitionist reforms' (Berger, Kaba and Stein 2017), the analysis lends itself helpfully to those discussions. The book clearly illustrates how well-meaning reforms end up extending carceral powers – largely because such reforms operate within the existing punitive frameworks, logics and knowledge-regimes of the criminal justice system.

Reading Ben-Moshe and Steele's books together offers readers a cautionary tale – both about the limits of analysis that does not consider the connections between carcerality and disablement but also the necessity for more radical visions that confront the structural underpinnings of harm and violence and move in more abolitionist and decarceral directions.

Both books also highlight the importance of building opportunities for coalitional politics. For example, drawing on Abram J Lewis' work, Ben-Moshe references a point in the 1970s when campaigners in the US were calling to end psychiatry and psychiatric detention full stop, and gays and lesbians were invited to join that call. But rather than supporting that broad movement, many gay liberation organisers opted instead to take the narrower position of declassifying homosexuality as a mental illness. In doing so, they carved out a space for gays and lesbians to be positioned outside that pathologizing framework, but without questioning the framework itself (Ben-Moshe 2020; p.97; Lewis 2016; see also Kunzel 2017). It was a missed opportunity to expose the wider harms of psychiatry's constructions of normal/abnormal, sane/mad and its rationales for carceral controls of disabled and mad people more broadly.

The resonances with wider patterns in mainstream LGBTQ+ politics are striking. Although early gay liberation work centred campaigns against criminalisation and imprisonment, once homosexuality was formally decriminalised in many Anglo and

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European countries, later generations of LGBTQ+ organisations, particularly the more class and race-privileged ones, have largely abandoned prisoner solidarity and anticarceral work. Arguably, this was due to a narrow analytical framework that saw queer criminalisation as a 'flaw in the system' rather than symptomatic of the fundamental harms of prisons and carceral power more widely (Lamble 2013).

Steele's book likewise speaks to these concerns by drawing attention to the dangers of organisations and advocates getting pulled into calls to support seemingly benign but ultimately harmful reforms like 'diversion programmes'– and how these projects become a missed opportunity for pushing a more systemic challenge of carceral powers.

In prompting discussions about opportunities for coalition, both books also implicitly raise broader questions about the crossover of academic and activist work. Despite a long tradition of activist-scholarship which bridges academic and community organising work, the relationship between academia and activism remains fraught; tensions, divisions and challenges routinely arise, particularly when navigating power differentials among academic and community organiser positions, as well as institutional pressures (Joseph-Salisbury and Connelly 2021). How best to engage in activist-scholar work – and how to do so ethically, pragmatically and impactfully – remains an open and ongoing point of discussion, particularly in educational, research and community contexts dominated by neoliberal frameworks. A simple yet key guiding question is offered at the outset of Ben-Moshe's book: "Is this going to aid in liberating people?" (2020, p x). This is indeed "a core question at the heart of abolitionist praxis"(2020, p. x) and one that we all benefit from continually posing.

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