

“Prison is an obsolete institution and should be abolished”

An interview with Johannes Feest and Sebastian Scheerer

Criticism of the reformist orientation of penal institutions and the discipline of criminology is one of the main concerns of critical criminology. Although the idea of prison abolition is much older, the 1970s saw a significant rise in interest on both sides of the Atlantic. In recent years, the European tradition of prison abolitionism has been somewhat overshadowed by developments in the United States, where the experience of mass incarceration has made imprisonment an important topic of public discourse, and penal abolitionism has been further energized by the “Defund the Police” agenda of the Black Lives Matter movement. In the Czech context, where this topic has long been on the fringes of social and academic interest, this current can be approached through the recently published translation of Angela Davis’s 2003 book *Are Prisons Obsolete?* (Davis, 2021).

This interview is primarily intended as an invitation to meet the European approach to prison abolitionism, which emerged from prison activism and the work of critical criminologists. It brings together two long-time collaborators Johannes Feest and Sebastian Scheerer who were directly involved in the development of critical criminology in Germany and continue to participate in the abolitionist movement. Their chapter “Against Penitentiaries”, included in the edited monograph *No Prison* edited by Massimo Pavarini and Livio Ferrari (2018), ranks among the best available critiques of the prison institution, and their other studies are equally interesting contributions to the topic (e.g., Scheerer, 2018; Feest, 2015). The interview consists of two main parts. First, the social history of critical criminology in (West) Germany is elucidated based on personal experience. Then, the fundamentals of prison abolitionism and some of possible reservations are discussed. Together, they offer

a range of thought-provoking information for Czech readers who, for example, consider possible solutions to overcrowding in domestic prisons.

The interview was conducted in two phases. The first took place in the welcoming environment of Sebastian's Hamburg home on 24 April 2023. In the second, I met Sebastian online on 26 September. His edited answers were then sent to Johannes for completion. The final version of the interview was ready on 20 March 2024.

Václav Walach: Can you introduce yourself to Czech readers and tell how you met?

Johannes Feest: I am a criminologist against my wishes. I wanted to do something about literature and theater. But my mother told me to do something sensible first. My father died in the war. So, I had to study law, and that is what I did. Later, I learnt from my sociology teacher Ralf Dahrendorf that this was normal. Law is a very good steppingstone on the way to being able to do whatever you want. And what I wanted then was to study sociology. I found the connection between law and sociology strangely through Hans Kelsen. During my sociology studies, I got to Berkeley, California because that was where Kelsen lived in the 1960s. The sociologists there were quite surprised by my interest because... well, Kelsen. Then, I introduced him at the Berkeley Center of Law and Society, giving a little speech about his work before I left. Nevertheless, it was there that I discovered a different way of looking at crime.

In Berkeley, I met Jeremy Skolnick who did research on the police at that time. And I was his research assistant for a while. I also met Fritz Sack maybe for the first time there. Just like him, I discovered labeling approach and participant observation and brought it back to Munich, where I was finishing my doctoral studies with a thesis on the police. I ran with the police cars. I was 24 years old; so, the policemen were not really intimidated by me. Still, it was a difficult time because it was 1969. Such research was unheard of and getting permission was difficult. But the Munich police president liked the idea, as he also wanted to know what the policemen were really doing outside.

After obtaining my doctorate, the situation was difficult. But, fortunately, the Max Planck Institute in Freiburg was looking for someone who does empirical studies to develop the Institute's research section at the time. There was, however, one problem. When I came there in the autumn of 1970, they greeted me literally with the words: "Oh, you're the new criminologist." I had no idea what they were talking about. I was a sociologist of law, not a criminologist. So, I decided to go to the next bookstore and buy a book on criminology. That was a wrong book, full of very old-fashioned ideas about criminology. Fortunately, the Working group of Young Criminologists (Arbeitskreis Junger Kriminologen, AJK) was already set up, and I was able to meet them in one conference in Saarbrücken.

From Freiburg, I went to the University of Bremen, which was the new university that accepted people like me without the normal pedigree of law persons. It was also in Bremen, where I met Sebastian who was still in Frankfurt working on his doctoral thesis. My revered colleague Stephan Quensel introduced me to his project on drugs and drug legislation in the Netherlands. I have never really forgotten, but there was a long interval when we did not meet. We met again only after he retired due to our common interest in prison abolitionism.

Sebastian Scheerer: My first study was in law. Then, I went to education and sociology. I entered criminology at the end of 1975, when I became an assistant of Hans-Joachim Schneider at the University of Münster. By that time, I already knew about and read Howard Becker's *Outsiders*, but I was 25 years old and had not written anything criminological. Schneider was a fanatic of the US criminology but not a friend of critical criminology and especially of critical criminologists in Germany. German critical criminologists sort of despised him, even though he was willing to receive the US ideas such as community treatment etc. He was not a radical criminologist, but he was tolerant, and all his assistants were critical criminologists. They were going to the conferences of the European Group for the Study of Deviance and Social Control, and I joined them soon.

Another meeting that I consider vital for my intellectual development was with Louk Hulsman. It was around 1980, when I was finishing my doctoral thesis on drug policies in the Netherlands and Germany. Hulsman was a true free thinker. A trained lawyer, he taught criminal law at the Rotterdam University and was the first law professor that I met who did not believe in law. Perhaps it had something to do with his broad experience with state politics, working with the Dutch Ministry of Defense and NATO. But we also spent much time discussing drug and alcohol policies, and these are pretty good training grounds to lose your faith in law and the rationality of legislation.

At that time, I thought I was a leftist, but probably I am just a liberal. I think that people should have the right to do whatever they want as long as they do not infringe or violate the rights of others. I got to know the Dutch heroin users from the Junkiebond: a group who were organizing against their marginalization with a newspaper, a radio show, and school visits. They were far from the general image of heroin users at that time at least. Their idea was that the state should not impose compulsory heroin abstinence and punish them with imprisonment. The state should respect their rights in consuming heroin as much as it respects the rights of people who prefer wine, beer, or cigarettes. Junkiebond's struggle for their human rights appealed very much to me, and certainly contributed to my becoming very critical of the German drug law and policies.

In addition to drug legislation, my research has been mostly focused on terrorism and prisons. Everyone was talking about terrorism in the 1970s. Marxist revolutionary terrorist groups like the Red Army Faction were completely new to most people. After I moved from Münster to Frankfurt, I wrote a postdoctoral thesis on the history of social-revolutionary terrorism. It was a theoretical work in the tradition of macro-sociological conflict theory. I also briefly revisited the issue of terrorism after 9/11. Prisons caught my attention through my research on isolation in prison. Amnesty International initiated the research because they were concerned about its use in Germany. Both of these topics made me even more concerned about human

rights violations. Fighting terrorism and crime can be detrimental to human rights to such an extent that they can damage freedom and democracy more than terrorists or offenders.

VW: German criminology is similar to Czech criminology in its legal grounding and its mostly administrative orientation. How did critical criminology establish itself within such parameters?

SS: Critical criminology grew out of the labeling approach formulated in the US and from the National Deviancy Conference in the United Kingdom in the late 1960s. Things that happened in the US sooner or later were likely to also appear in Germany. This applies to labeling, but reception is never just copying. You could notice it with Sack who, after returning from Berkeley, wrote “*Neue Perspektiven in der Kriminologie*” (Fritz, 1968). On one page, he said something like this: “Well, based on the things that I have learnt in the US you can think of crime as a negative good that is being distributed like positive goods. However, while positive goods like money everybody wants, it is the opposite with negative goods. This explains why the poor and vulnerable get all the crime, why they can be labeled as criminals.” Sack repeated these ideas, getting more and more radical every day. By 1972, it was already: “There is no criminal act, there is only criminalization, there is only ascription, everybody is similar in his behavior, but some people are being picked up and called criminals.” That of course was very difficult to digest, but a lot of people did.

In the late 1980s and early 1990s, Sack would embrace radical constructivism in a way that would assert that there is no such thing as an objective reality, referring to Francisco Varela, Humberto Maturana and other radical constructivists. I thought that must be a misunderstanding and wrote a little piece called “*Beware of Radical Constructivism*” (Scheerer, 2001). Take genocide for example. If you argue that there is no reality, then there is no genocide and no one responsible for it, and there are neither perpetrators nor victims. And I thought that this was going a little too far. Sack then quoted some French guy whom he admired and who once said: “There are things

that are more important than truth.” (laughing) Now, coming to think of it, in personal relations, for example, solidarity and relationships may be much more important than complete truthfulness, but that is a different thing altogether. In science, if you give up the priority of truth, you betray the very essence of the whole endeavor. I was really (and still am) shocked when people are ready to do that.

JF: Sack was very radical but helpful. Sebastian was in sociology, but I stayed in law, where I had to defend my approach against lawyers. Most of my colleagues in the law department still believed that criminology was about explaining “crime” and the behavior of “criminals”, whereas I had been a student of David Matza and his wonderful book *Becoming Deviant*. So, I found Sack’s reception of labeling tradition very useful when telling them about the new criminology. But back to your question.

The beginning of critical criminology in Germany is relatively easy. I can tell it from my own experience in the early 1970s. When I came to the Freiburg Institute, we were supposed to build up its empirical section because that was fashionable at that time. I was the first empirical researcher that the then director Hans-Heinrich Jescheck hired. Our first project was about Betriebsjustiz, the social control that is not exercised by the state but other agencies, such as companies. We went to factories to interview people, which was very interesting. By chance, almost at the same time I went to East Germany and found out that they had all these conflict commissions in their factories. So, I wrote a letter to Hilde Benjamin, an early Justice Minister, that I am a student of law in West Germany who just came to your country and wants to know more about this, maybe do empirical research into this. But I have never gotten any answer of course. Just to let you know, she was a terrible person in the early 1950s, responsible for many cases of imprisonment and executions.

VW: How did traditional German criminologists receive critical criminology?

SS: Good question. As I said, Schneider polemicized against critical criminologists. He used to say: “so-called critical”, “so-called radical”, “so-called Marxist criminologists”

etc. He polemicized against Sack, Feest and others, while naming them directly. And critical criminologists polemicized against him, also very strongly, even offensively.

JF: I never was so offensive. Schneider later asked me to join one of his projects. I was slightly tempted but then politely declined. I have always found him to be an interesting guy. I did not have strong feelings against him because he was all over the place, he had all these crazy ideas. But it was not my way.

SS: Not mine either. But I saw his good intentions to modernize German criminology and to improve international relations. He was the first one to write extensively about victimology and some alternatives to imprisonment.

JF: But that was the extremes of course. In between, there were always some productive things going on. There was a competition, traditional criminologists felt under attack and became defensive. But it was not always so polemic as between Schneider and Sack. Sack contributed to polemics a lot. Many important criminologists on the traditional sides were open to new ideas and adapted or at least mentioned such things as labeling in their curricula and textbooks. Günter Kaiser wrote clever and diligent critiques of critical criminology, including abolitionism. That is interesting considering that he was an assistant of Hans Kuppinger who became the target of young critical criminologists as he was trying to explain every crime with arguments based on biology. And we felt that he was ignoring all this new labeling approach that we know that most of it is not happening naturally but is labeled as crime.

VW: Can you tell me more about the AJK? Do you count yourself as the founding figures?

JF: No, not really. Although I joined very early and found this circle very good for me and my work, AJK was founded by Stephan Quensel from the University of Bremen and Lieselotte Pongratz from the University of Hamburg in 1969. It was really built around the *Kriminologisches Journal* and had the most interesting rules such as editors having to change every two years in order to prevent oligarchic structures from occurring. This rule is still in practice. The journal has survived but unfortunately with

a decreasing number of readers. It used to have around 15,000 subscribers. Now, it is much less.

SS: Pongratz was very important: Not only was she the founding mother of AJK, but she also turned the little criminological newsletter into a real journal published by Juventa Verlag, the *Kriminologisches Journal*. Furthermore, she established two academic study courses in criminology that would lead to a certificate (after two years of study for professionals) and a diploma (after two years of full-time study for graduates from different fields). That started in 1984 as the *Aufbau- und Kontaktstudium Kriminologie*, and it was supposed to start an “Americanization” of criminology: to make it a social science and connect it to international discourse.

JF: The reason why you would not have found out very much about Pongratz is that she came from social work. Her long-term empirical project was to look at the children of prostitutes in Hamburg. She published at least two volumes about it: how they developed and whether it was better for the children to live in their families or foster families.

SS: She was so very personally kind and at the same time completely fearless. She even would call up the president of the university late in the evenings to have a discussion with him. And she was also able to get things done.

VW: How exactly was the AJK beneficial for you?

JF: The AJK was extremely beneficial. It put me in contact with young criminologists, some sociologists, some lawyers who were trying to make sense of the new developments with respect to crime and criminology. Although we came from different universities, we met regularly, and we produced a journal that defined the new criminology in West Germany.

SS: The AJK organized interesting discussions at the Center for Interdisciplinary Research at the University of Bielefeld. Shortly before Hans-Joachim Schneider kicked me out from the University of Münster, I had met Heinz Steinert from Vienna there. And when he went to the University of Frankfurt, he offered me an assistant job there.

That started a fantastic learning curve, since I got to know a lot of sociologists and philosophers personally, including such figures as Herbert Marcuse. One visitor among others in our shared apartment was Rudi Dutschke. All told, the AJK was a meeting place that helped me find the right sort of people, fascinating intellectual stimuli, and also an incredibly interesting job.

VW: How important was the social movement of the 1960s for developing critical criminology in Germany? Were they somehow connected?

SS: Without this movement, German critical criminology would never have come into being. There was an elective affinity between them. There was a modest part of the movement that was interested in reforming total institutions. But there was also a radical branch that wanted to free inmates from psychiatric institutions and turn psychological suffering into a revolutionary weapon against the system – like in the Sozialistisches Patienten-Kollektiv (SPK).

At any rate, the focus on prisons and foster homes and psychiatric institutions brought a lot of young students into the area of deviance and social control. Psychoanalysts like Tilmann Moser were doing their fieldwork in juvenile prisons, and since similar things had been happening in the US, everything that had been discussed there years earlier was now received in Germany with open arms and eyes and ears. Ulrike Meinhof would work with juveniles who had fled closed institutions before going underground with the Red Army Faction (RAF). More moderate people like Dorothee Peters would offer academic courses about Youth Control and what could be done to humanize or replace total institutions (“Menschen statt Mauern”, “People instead of Walls”). Even Jürgen Habermas, then in his Marxist phase, would give seminars on juvenile delinquency and total institutions in 1968 and 1969.

JF: The people I admire most came from the most radical wing for where they have moved. This includes Klaus Jünschke, an ex-terrorist associated with both the SPK and the RAF. He spent many years in prison, learnt a lot while there, and became a community organizer and a prison abolitionist after his release.

SS: 1969 was the same year when AJK was founded, and the social movement was splitting up. Some went on to become terrorists and other professors. Jünschke had been a student, but instead of joining the Habermas working group on juvenile delinquency, he joined a seminar that was more action oriented. At that time, there was a great tendency towards taking action. Just think of lawyers like Horst Mahler or journalists like Ulrike Meinhof.

JF: Or they became practicing lawyers, like Reinhard Wetter, after serving eight months in a youth prison for being a political activist. This should have disqualified him from studying law and becoming a lawyer. But he succeeded in overcoming all the obstacles and eventually got a doctorate in law at the University of Bremen. This shows you well the full confusion of the time.

VW: Were you interested in the so-called socialist criminology, which was practiced on the other side of the Iron Curtain?

JF: I was quite interested in what was going on in the socialist countries. I bought a book called *Sozialistische Kriminologie* (Buchholz et al., 1966) published in the German Democratic Republic. But I was disappointed with the style and content and by the fact that the authors did not refer to the discussions that we were involved in (labeling, selective enforcement etc.). Their “socialist criminology” was very much in the mold of the old criminology, which we were fighting against in West Germany.

SS: I found that this kind of socialist criminology lacked reflexivity. There was nothing about social structure and crime, about the contribution of society in the making of criminals and criminal careers, about crimes of the powerful. There was nothing interesting.

VW: How do you see critical criminology in Germany now?

SS: I think that Johannes and I agree that it is in decline. Just as the sentiment of reform has been in decline. In 1969, change was in the air, not only in criminology, but everywhere. Today, the climate is different. On the other hand, we as critical

criminologists may have contributed to our failure to build a stronger presence in academia and the public in general. If I, for example, had not opted for moving the criminology courses from the Faculty of Law to that of the Social Sciences, they probably would have had a better chance of survival. And there are probably some more aspects like that which contributed to the downfall of critical criminology.

JF: There was an abyss between critical criminology and mainstream criminology. Mainstream Germany criminology – taught at law schools in both West and East Germany – developed in its own way, but integrated what they could use in their programs and curricula. And in this process of integration, it became less and less critical. The downfall of German critical criminology was first and foremost due to a change in hiring practices. During my tenure at the University of Bremen, there were always three well-known critical criminologists in the law faculty and two more in the sociology department. Today there is not a single criminologist, let alone a critical one, among the professors at the law faculty.

VW: You both identify as prison abolitionists. What is wrong with prison?

JF: First, prisons are inhuman ways to punish people. In addition to deprivation of liberty, imprisonment violates a number of basic human rights. To name just a few: Although forced labor is prohibited by the Universal Declaration of Human rights, the German constitution explicitly allows forced labor of convicts. In the prison laws, it is not called “Zwangsarbeit” (forced labor) but “Pflichtarbeit” (labor duty). There is also imposed poverty (by not paying fair wages), repressed sexuality (which I consider a kind of torture), and co-punishment of third parties (relatives and friends also have to suffer, especially spouses and children).

Second, this kind of punishment does not fulfill its official goals. Research shows that the existence of prisons does not deter people from misbehavior (this demonstrated by their recidivism); to put people in prisons de-socializes rather than re-socializes them. Convicts lose some of their social competencies, they become

weaker psychologically and economically, finding it harder to return to the labor market. Therefore, the prison institution is obsolete and should be abolished.

SS: The prison system is bad for inmates and staff alike. It needs not only downsizing to maybe ten percent. It needs not only a transformation of the remaining ten percent into small detention houses that are integrated into the living quarters of the general population. What the prison system is waiting for is a turnaround of the criminal justice system itself, including legislation, the judiciary and the academic discourse about crime and punishment. There are so many alternatives to criminal law and not only to prison as a punishment, but also to the idea of punishment itself.

It is a shame how things are going exactly the opposite way. There is an inflation of criminal legislation, and ever more communication and protest are being securitized – that is, defined as a danger to the public order – and criminalized. The recent legislation against “incitement” (*Volksverhetzung*) and its implementation would be hilarious if it were not so harmful and serious. Around me, there is more talk of people about changing countries than ever before. Strange as it may appear, but more and more people do not feel at home here anymore.

VW: We will come to the issue of punishment later. Now, can you explain how you came to see prison as an obsolete and unnecessary instrument to deal with crime and criminals?

JF: I got interested in penal abolitionism through personal contact with some of the leading European abolitionists such as Nils Christie, Hulsman, and Thomas Mathiesen. Equally important was my involvement in the “clinical” program that we started in Bremen, offering legal advice to prisoners. This brought me every week in direct contact with prisoners and their problems.

Over the years, I became more and more convinced that prison was a counterproductive institution. At best, prisoners adapt to prison conditions, knowing that this will not help them in their life outside. I remember one prisoner who was working in the prison laundry but knew that he would never get a similar job

outside, so he planned to open a kiosk after release. But he had to keep this secret because it was not the kind of work the authorities would like and promote.

SS: I think that it was an emotional experience before a cognitive decision. When you see old photographs with “Whites Only” signs in apartheid South Africa, you just cringe, and I have similar feelings about prisons. It is also a kind of apartheid: you separate the world of inmates from the world of the rest of society for reasons of punishment. I just cannot normalize this. I am convinced that segregation for pain infliction is unnecessary and irrational.

There are other reasons for restraining people. One is the prevention of dangerous behavior in the context of life-threatening infections or aggressions. But that is a matter of public security, not of criminal punishment. To be an abolitionist you do not have to defend the impossible position that nobody should ever be restrained. That would be absurd. And it would be a negation of reality if one had to deny the existence of serial killers, for example. My wife is working with some of them, and everybody (including herself) is happy about their confinement, knowing what the alternative would be if they were not.

VW: **Some of the former prisoners I recently spoke to said that although their time in prison was very difficult, it probably saved their lives. Whether it was because of their daily drug use or their inability to leave their partners, they viewed prison as a temporary refuge (Bucerius et al., 2021). What do you say to this?**

SS: Our contemporary societies are such that we need a time-out every now and then. Things are getting too dense, too heated up, too frustrating, too stressful. Or we have lost our orientation and need a time to focus again instead of banging our head against the wall or drowning in a vicious circle of personal, financial, and professional downward spirals. In such circumstances, a break can lift us from the negative dynamics of our life-world and maybe even save our lives. A retreat, a spa, a trip to Greece, or some type of clinic or monastery. Even a prison can be helpful in such

a situation. Thomas Bianchi wrote about “Binnenasytle” places where you are safe and can calm down.

But in some cases, it can be justified to take people out of their environment against their will. That can only be done very respectfully and carefully. And above all, it should not be done in order to inflict pain, but in order to prevent the realization of a grave risk to self or others. In my opinion, confinement that is not perceived as a punishment but is legitimized, for example, by saving human lives has nothing to do with prison and abolitionism. I am less a prison abolitionist than a penal abolitionist, that is, a “punishment abolitionist”. If we could get over that silly notion that we can say, “This is worth six months in prison and this is worth ten years in prison,” that would be a big step forward. I say no to prison as a form of punishment. Confinement for other reasons such as the dangerousness of a serial killer is absolutely fine with me. But again, it has to be done under humane conditions. If you just lock him up in a cell, you are not much better than him.

JF: I agree with Sebastian that imprisonment can serve as a break in a stressful life, it can even make people regain a modicum of health (e.g., after a career as a drug addict). But such positive effects are achieved by happenstance, not by design. Most prisoners are kept much for long to benefit from the experience, many people develop serious mental and physical illnesses while in prison.

VW: Speaking of living conditions in prisons, why should we not simply seek to improve them instead of trying to abolish prisons?

JF: I am all for improving living conditions in prisons. But I do not believe that this will ever outweigh the negative effects. We should better spend the money on improving living conditions outside prisons.

SS: Ever since the invention of the prison great men and women have dedicated their lives to prison reform. And see what we have today, the same old story. It is high time to leave prison reform and to turn towards prison abolition. It is long overdue.

VW: Today, some people associate abolitionism with the Black Lives Matter protests and the campaign to defund the police. But prison abolitionism has a much longer history, and even shortly before the protests, a book edited by Massimo Pavarini and Livio Ferrari was published, to which you contributed a chapter called “Against Penitentiaries” (Feest & Scheerer, 2018). How did this happen?

SS: When Giuseppe Mosconi invited me to teach in Italy, he presented me to Livio Ferrari who had just begun to propagate the “No Prison” manifesto (Ferrari & Pavarini, n.d.), and that inspired me a lot. Of course, I had read about the anti-psychiatry movement of Franco Basaglia and the critical prison studies by Dario Melossi and Massimo Pavarini and others. I just loved the prison abolition conferences there, where I met David Scott, among other great people, and so I told Johannes about it and the two of us decided to offer a course on the prison question at a summer school in France, and to write something together.

JF: And this led to the idea of using the chapter as the basis for a manifesto that would reflect German conditions and serve as a tool to organize prison critics in the country. The manifesto, entitled “Abolitionis-muss: Manifest zur Abschaffung von Strafanstalten und anderen Gefängnissen” (Manifesto for the Abolition of Penitentiaries and Other Prisons), was published in German in November 2021. It is also available in English.

The situation in the US is different. The rise of a new type of abolitionism there has a lot to do with linking prison abolition to slavery abolition. In Germany no comparable history exists, since we had colonies, but no slaves. Therefore, there is no direct link to the American discussion. But the large influx of immigrants and refugees from African and Arab and other Muslim countries is leading to new sorts of racism and selective criminal justice.

VW: In your chapter, you present arguments about the inevitable failure of the prison as an institution. But if we are to abolish prisons, what will replace them?

SS: Who are we to tell future generations how to organize their societies? We should point out what we find intolerable today. We should point our fingers to the needless and unjust sufferings around us, and try to find the reasons for this suffering, and do everything to stop it. If you think that the death penalty is barbaric, you should say so and give your reasons. You do not have to present a concrete alternative like “life-long imprisonment” or “40 years of hard labor”. If you can convincingly argue against the death penalty, people all around you will be happy to develop alternatives. Some may be better than others. But you do not have to be the judge when your job is to show the barbaric nature of the death penalty. You can call that the most important job for an intellectual: negative critique. And there are people like Theodor Adorno who argued that the social sciences should do exactly that: focus on the bad things in society, not on the invention of positive recipes for a perfect society.

There has been a renaissance of torture lately in the reaction to 9/11. That was gruesome and terrible, and it breached many international conventions. The job for criminologists and other people would have been to denounce that. Not to scratch their heads trying to say what should be done instead. Isn't there something deeply wrong about asking what one should do instead of torturing? Maybe just not torture.

JF: There are strategies to abolish prisons, but these are slow incremental processes. And I follow Mathiesen in thinking that it is not the task of academics to suggest alternatives to prisons. I agree with him that we should not concentrate on positive but on negative criminal policy, on abolishing institutions that are clearly harmful.

VW: So, what are the strategies?

SS: Abolish unnecessary legislation, abolish unnecessary prisons, and train and employ humans and humanoid robots to do comprehensive and diligently individualized case work; learn from Hans Claus in Belgium and his “De Huizen” project. Look at the largely untapped potential of mediation, non-violent communication and restorative justice; take Quakers and Mennonites seriously, Buddhists and even shamanism. There are more alternatives than we can even

perceive with our limited knowledge and lifespan. In many cases that we have criminalized today, Roman Law provided civil alternatives such as punitive damages, that is, the offender had to reimburse the damage, but for punitive reasons two or three times the value.

JF: Hans Claus's detention houses are certainly positive developments as far as prison conditions are concerned, but prisons they continue to be.

VW: Don't you think most of these alternatives will only work if we keep prisons as a last resort? If prison does not work as a threat, will offenders be sufficiently motivated to participate in these programs?

SS: Earlier times were convinced that the death penalty was needed as a last resort, and many countries still believe in it. What one needs is hard to say and is relative to what people believe they need. If people believe in the reality of their need of a prison as a last resort, the consequences of their belief will be real. So, it is also a matter of the lens through which we see our reality. And it may be time to change lenses, as Howard Zehr suggested.

JF: There will probably always be a need to keep some sort of confinement as a last resort for people that are acutely dangerous to themselves or to others. But for this purpose, we do not need large bureaucratic institutions in which people are kept for long periods of time.

VW: Your chapter recognizes "fraudulent labeling" as a particular danger to prison abolitionism. This notion assumes that there is a difference between changing the name of an institution and its actual operation. In Czechia, we are seeing an increase in the number of people placed in so-called security detention (Blatníková & Zeman, 2019). It is not legally considered criminal punishment, and so people can be held there indefinitely. In other words, it is a greater interference with human rights than ordinary imprisonment. What do you think of it?

SS: Fraudulent labeling is one of the biggest risks and perhaps the biggest of all. In Germany, too, the number of so-called Sicherungsverwahrung is on the rise. It is a punitive trend disguised as a treatment. If it were a treatment, the clients would not be put in prison-like cells and prison-like buildings with prison-like living conditions. They would be housed in hospitals or spas.

I do not really know why, suddenly, Václav Havel comes to my mind. Maybe because he seems to have represented a type of person who was able to see what was going on and to say what was going on without fear and with some degree of success. Well, I do not know enough about him. Maybe it is just an image in my mind. At any rate, what is needed is honesty and humanity. And in the so-called criminal justice system, this need is even greater.

JF: “Security detention” is certainly an example of fraudulent labeling. But quantitatively much more important and still increasing in Germany are Forensic Clinics (i.e., separate parts of psychiatric hospitals), which are also real prison fraudulently labeled as hospitals.

VW: **I would like to conclude with the merits of the abolitionist perspective. What do you think is lost if we do not consider prison abolitionism as a perspective?**

SS: Abolitionism opens a window. We look outside our little world that we tend to take as natural. Suddenly we recognize that institutions are man-made and can be changed. That not all “necessary evils” are necessarily necessary, so to speak. Could the witch-hunts be abolished? Yes, even though people thought that there would always be witches and that hunting witches was absolutely necessary. Could slavery be abolished, even though it was one of the oldest and most “natural” institutions of human societies? Yes, it could. And could South African Apartheid be abolished? And the criminalization of homosexuality and medical and recreational cannabis use? The answer is yes. And there is much more to come in the process of civilization. Much more to be thought – and to be done.

JF: Abolitionism is primarily a moral stance, which invigorates a multifaceted movement that develops tools to eliminate prisons, prison-like institutions and other inhumane practices. For most people, this still sound like an illusion, and it will take some time to convince more people of the necessity and feasibility of such an undertaking. But as a long-term strategy and concrete humane utopia, it merits to be taken very seriously.

The interview was conducted by Václav Walach from the Department of Social Work, Faculty of Social Studies, University of Ostrava. The text has not been proofread.

References

- Blatníková, Š., & Zeman, P. (2019). *Evidence dat o ochranném léčení a zabezpečovací detenci v ČR (nedostatky a možná řešení)*. Praha: Institut pro kriminologii a sociální prevenci.
- Bucerius, S., Haggerty, K. D., & Dunford, D. T. (2021). Prison as temporary refuge: Amplifying the voices of women detained in prison. *The British Journal of Criminology*, 61(2), 519–537.
- Buchholz, E., Lekschas, J., & Hartmann, R. (1966). *Sozialistische Kriminologie. Versuch einer theoretischen Grundlegung*. Berlin: Staatsverlag der Deutschen Demokratischen Republik.
- Davis, A. Y. (2021). *Jsou vězňice překonané?*. Praha: Utopia Libri.
- Feest, J. (2015). Abolitionism. Some answers to frequently asked questions. *Sortuz: Onati Journal of Emergent Socio-Legal Studies*, 7(2), 141–152.
- Feest, J., & Scheerer, S. (2018). Against penitentiaries. In: M. Pavarini, L. Ferrari (Eds.), *No Prison* (pp. 13–54). London: EG Press.
- Ferrari, L., & Pavarini, M. (n.d.). Manifesto. Available at: http://noprison.eu/homepage_eng.html.
- Pavarini, M., & Ferrari, L. (Eds.) (2018). *No Prison*. London: EG Press.

- Sack, F. (1968). Neue Perspektiven in der Kriminologie. In: F. Sack, R. König (Eds.), *Kriminalsoziologie* (pp. 431-475). Frankfurt/Main: Akademische Verlagsgesellschaft.
- Scheerer, S. (2001). Vorsicht vor dem „radikalen Konstruktivismus“. In: M. Althoff, H. Cremer-Schafer, G. Löschper, H. Reinke, G. Smaus (Eds.), *Integration und Ausschließung. Kriminalpolitik und Kriminalität in Zeiten gesellschaftlicher Transformation* (pp. 243-254). Baden-Baden: Nomos-Verlagsgesellschaft.
- Scheerer, S. (2018). Abschaffung der Gefängnisse. *Kriminologisches Journal*, 50(3), 167-177.