
Volume 21

Issue 3 *Feminist Comforts and Considerations
amidst a Global Pandemic: New Writings in
Feminist and Women's Studies—Winning and
Short-listed Entries from the 2020 Feminist
Studies Association's (FSA) Annual Student
Essay Competition*

Article 6

May 2020

A Critique of Anti-Carceral Feminism

Amy Masson

Follow this and additional works at: <https://vc.bridgew.edu/jiws>



Part of the [Women's Studies Commons](#)

Recommended Citation

Masson, Amy (2020). A Critique of Anti-Carceral Feminism. *Journal of International Women's Studies*, 21(3), 64-76.

Available at: <https://vc.bridgew.edu/jiws/vol21/iss3/6>

This item is available as part of Virtual Commons, the open-access institutional repository of Bridgewater State University, Bridgewater, Massachusetts.

A Critique of Anti-Carceral Feminism

By Amy Masson¹

Abstract

In analysing carceral logics in the context of the 'unholy alliance' of neoliberal and neoconservative hegemony, this paper seeks to acknowledge the central place of a distinctly moralistic, authoritarian *neoconservative* philosophy implicated in the crime control agenda. Thus, it is contended that carceral politics are in fact produced by a fusion of neoliberal and neoconservative ideas. Anti-carceral feminists argue that 'carceral feminism' has been co-opted by neoliberalism but fails to recognise and name these neoconservative forces, collapsing them into a confused conceptualisation of neoliberalism, lacking in theoretical clarity. In doing so, they do not see the spaces where their own politics risk appropriation by neoliberal principles.

Dichotomies between neoliberalism and neoconservatism serve to produce a politics of backlash. Hence, by distancing themselves from the neoconservative forces of punitive state retribution embedded within carceral feminism, anti-carceral feminists unwittingly mobilise concepts central to neoliberal rationality. The anti-carceral position reflects a state-sceptical agenda, mirrored in the neoliberal turn to privatisation hastened in austerity, and reliant upon voluntarism in the community. This itself is dependent on a valorisation of the community, and a correspondent minimisation of its punitive drives. An erasure of nuance in the debate is indicative of the polarised backlash climate, whereby anti-carceral feminists are, understandably, keen not to give ground to the forces of the carceral state. Ironically, this approach may risk the very process anti-carceral feminists seek to avoid co-option by neoliberalism.

The dominance of austerity politics, particularly following the 2008 recession, provides fertile ground for the convergence of privatisation policies. Progressive movements are unlikely to win tangible gains unless they promote a broader set of political interests. As such anti-carceral feminism could be viewed as providing a timely opportunity for states looking to cut public spending whilst simultaneously answering bi-partisan calls for criminal justice reform. The discussion focuses primarily on literature from the USA - however due to similarities in their political contexts pertinent examples from the UK are used where relevant, specifically in relation to voluntarism and austerity.

Keywords: Neoliberalism, Neoconservatism, Anti-carceral Feminism, Privatisation, Literature Review

¹ Amy Masson completed a BA in Politics and Philosophy at the University of Sheffield in 2012, and then served as the elected sabbatical Women's Officer at Sheffield Students' Union. She has since undertaken a variety of frontline advocacy roles across the health and third sectors, supporting sex workers, young parents and criminally/sexually exploited young women. Most recently she completed an MA in Gender Studies at the University of Sussex and was awarded the Sociology Prize for her performance.

Introduction

It's time to switch our focus from being tough on crime to being smart on crime This bill is about how we can get the best bang for our public-safety dollars" - Mike Waller,

Republican Representative on his support for the Colorado House Bill 1352 (cited in Fan, 2012, pp. 635-636).

Feminism is not exempt from the neoliberal mission to transform 'our emancipatory hopes into capitalist friendly terms' (Johnson, 2018, p. 3). In regard to criminal justice a polarised debate has emerged, with anti-carceral feminists arguing that 'carceral' feminism has been 'appropriated' by neoliberalism, contributing to a climate of retributive state-violence (Bumiller, 2008, p. xv). Conversely, the above quote demonstrates the possibility of left-right convergence on the issue of mass incarceration in an era of austerity politics. Bill 1352 gained bipartisan support in its goal to reduce incarceration rates, in recognition of the high costs to society (Fan, 2012, p. 653). The 'rehabilitation pragmatism' proposed in this legislation marks a move away from purely punitive responses to criminal justice issues, towards a concern for fiscal constraint and efficiency (Fan, 2012, p. 634). Importantly, it indicates that when their case aligns with neoliberal cost-saving initiatives, proponents of decarceration can gain traction. It seems there is space for a convergence of anti-carceral and neoliberal politics, founded in a shared rejection of big-state solutions.

In this essay I will argue that carceral politics are produced by a fusion of neoliberal *and neoconservative* ideas. However, anti-carceral feminists, in their failure to acknowledge the influence of the latter, do not recognise the 'hegemony of the contemporary neoconservative/neoliberal political coalition' whereby 'attempts to distance from one of these rationalities often involves the mobilisation of the other' (Phipps, 2014, p. 137). So, in rejecting the retributive 'law and order crusade' (Gottschalk, 2013, p. 254) - which they falsely attribute to neoliberalism alone - anti-carceral feminists may, inadvertently, evoke neoliberal principles. Thus, I will explore how radical anti-carceral approaches *also* risk appropriation within the hegemonic neoliberal project due a convergence around privatisation and voluntarism, which are key within each of their philosophies. My aim is not to dismiss the very important contribution of anti-carceral feminism, rather to analyse its position in the political context of existing hegemonic paradigms. In doing so, I seek to highlight the risk of co-option by those with whom anti-carceralists should think carefully about sharing a platform: as demonstrated above, a climate of austerity poses the possibility of a political coalition between seemingly disparate positions.

I begin in Part I by laying out the terrain of both carceral and anti-carceral positions. In Part II, I move on to an exploration of neoliberalism and neoconservatism, as conceptualised by Wendy Brown, before discussing the role of the state in anti-carceral approaches (Part III). Finally, in Part IV, I consider the place of community in anti-carceral conceptions of justice. I conclude that anti-carceral thinkers mistakenly locate carceral feminists as in coalition with neoliberals alone, when they also share much in common with neoconservatives. As a result of this misrecognition, anti-carceral feminists fail to appreciate the dynamic by which, in their rejection of neoconservative and carceral feminist positions, they mirror neoliberal ideas and thus risk co-option themselves, particularly in austere times.

My discussion applies primarily to the carceral politics of the USA - where the influence of neoliberal and neoconservative ideology, and corresponding high rates of incarceration, are

most pronounced - and where a significant body of anti-carceral literature has been produced. Although compared with the US, there has been a lesser focus on the issue of de-carceration within British feminist movements, neoliberal/neoconservative hegemony has nonetheless had a significant impact in the UK, shaping discourse around crime and punishment. Notably, British imprisonment rates - albeit low by US standards of mass incarceration - remain the highest in Western Europe (Prison Reform Trust, 2019, p. 2). Therefore, where relevant, particularly in relation to austerity and privatisation, I draw on examples from the UK. The relative impact of neoliberalism in other western economies is contested (Flew, 2014, p. 55) and so whilst the debates explored in this paper may resonate more widely with anti-carceral movements across different western contexts, there is not space to explore this further here.

Part I: Carceral and Anti-Carceral Feminisms

'Carceral' feminism² is described as an approach which allies itself with 'law and order' narratives, conflating social and criminal justice (Bernstein, 2010, p. 59). Carceral feminists propose a politics of 'feminism as crime control' (Bernstein, 2010, p. 57), with a focus on the disparity between reports of and convictions for sexual violence, alongside concerns generally about lenient sentencing (Phillips and Chagnon, 2018). Critics argue that this approach is implicated in the reactionary politics of the carceral state, contributing to the further marginalisation of oppressed groups (Gotell, 2015, p. 53).

It is unclear why and how this alliance came about, given a history of feminist uncertainty about participation in the state project of criminal justice (Houston, 2014, p. 221). Feminist anti-violence work in the 1960's and 70's was founded on 'radical anti-statist' principles (Bumiller, 2008, p. 2). Grassroots feminist movements set up refuges separate from the masculinist state and worked together to raise consciousness of male violence against women. However, over time a more liberal reformism emerged, focused on calling for the state to take sexual and domestic violence seriously. Due to a need for funding and a turn to professionalisation in the sector (Bumiller, 2008, pp. 2-4), the radical roots of the women's movement were overshadowed by a new demand for the state to 'protect' women (Houston, 2014, p. 253). Anti-violence work came to be defined within a medical and therapeutic model whereby victims are treated, and perpetrators are incarcerated, centred around the neoliberal ethos of individual responsibility. This amounted to feminists colluding in the neoliberal goal of social control, coinciding with massive increases in incarceration rates, disproportionately affecting people of colour and the poor (Bumiller, 2008, pp. 5-15).

Anti-carceral feminists, particularly women of colour in the prison abolition movement, have drawn attention to the whiteness in carceral feminism, offering an intersectional analysis that highlights state-violence against communities of colour (Kim, 2018, p. 224). They highlight the racism evident in the 'prison-industrial complex' - with prisons driven by profit motives to exploit inmates (Bhattacharyya, 2008, pp. 79-80) - remarking that the prison system is the 'modern descendent of chattel slavery in the US' (Mac and Smith, 2018, p. 76). Punitive, retributive and carceral logics are rejected, including the idea that punishment logically follows from crime - even in cases of violent crimes against women (Davis, 2003, pp. 111-112). Posing that, 'kinder, gentler, cages are still cages', anti-carceralists propose a 'continuum of carceral alternatives' (Heiner and Tyson, 2017, p. 24). Groups such as 'INCITE! Women and Trans People of Color Against

² It should be noted that 'carceral' feminism is a term used by 'anti-carceral' critics and is not claimed by thinkers so labelled themselves (Gotell, 2015, p. 53).

Violence' advocate the use of restorative or 'transformative justice' (Kim, 2018, p. 225) and 'community accountability' approaches that seek to strengthen the community's ability to prevent violence (Heiner and Tyson, 2017, pp. 18-20).

In her critique of carceral feminism, Kristin Bumiller describes the 'appropriation' of the feminist anti-violence movement as 'unavoidable' (2008, p. 2). Marie Gottschalk argues that, although feminists did not seek out this coalition with the state, they had limited options and, as such, are not culpable for the expansion of the carceral system (2013, p. 254). The success of feminist engagement with criminal justice to address sexual violence is disputed, with suggestions that law reforms have not 'borne much fruit' (McGlynn, 2011, p. 836). In the US at least, the 'war on drugs' has had the biggest effect on incarceration rates, but carceral feminist narratives nevertheless had a 'symbolic' impact (Bumiller, 2008, p. 7). I do not intend to take a position on the efficacy of carceral feminism here, although I will examine more closely the idea of neoliberal appropriation - exploring where anti-carceral feminism may too risk co-option.

Part II: Neoliberalism and Neoconservatism

Contested Definitions

Neoliberalism is an 'essentially contested concept' (Gallie, 1956); it has been theorised variously resulting in a range of inconsistent definitions. Marxists analyse neoliberalism as the class-driven 'dominant ideology of global capitalism' - a primarily 'economic doctrine' centred around laissez-faire policies, free-markets and privatisation (Flew, 2014, p. 56). Post-structuralist thinkers have built on this narrative of 'hegemony', employing a Foucauldian analysis to the diffuse nature of neoliberal power (Barnett, 2005, pp. 8-9). For example, Brown describes the influence of neoliberalism as reaching beyond the economic sphere, casting 'the political and social spheres both as appropriately dominated by market concerns. In doing so it produces itself as 'normal rather than adversarial', securing its historical permanence (2006, pp. 694-699). However, neoliberalism has also been cast as just 'the way things are' and a 'catch all denunciatory category' eliciting suggestions that the term 'functions as a rhetorical trope' (Flew, 2014, pp. 51-53).

Despite a lack of theoretical clarity around the nature of neoliberalism, anti-carceral feminists have contended that carceral feminist logic comes about through co-option by 'neoliberal' ideology (Bumiller, 2008; Bernstein, 2010; Kim, 2018). In the absence of a clear definition, however, this is a confused argument. For instance, Elizabeth Bernstein, in her exploration of contemporary anti-trafficking politics, oscillates between references to 'state anchored sexual moralism' and the 'tightening of borders' as the product of feminists 'joining forces with the neoliberal project of social control' (2010, pp. 53-57). This clashes with descriptions of neoliberalism as 'amoral at the level of both ends and means', envisioning a future where 'national borders are largely erased' (Brown, 2006, p. 692, p. 699). Therefore Bernstein, one of the earliest thinkers to employ the term 'carceral feminism' (Mac and Smith, 2018, p. 16), offers a critique premised on an incoherent portrayal of neoliberalism, prompting images of a 'conceptual trash can' (Flew, 2014, p. 67). Such images raise questions about the positionality of anti-carceral feminism within neoliberal hegemony.

Hegemonic Paradigm: A Coalition

Alison Phipps suggests that the contemporary hegemonic paradigm in the Western world is characterised by a ‘coalition between neoliberal and neoconservative rationalities’ (2014, p. 10). In her essay, *American Nightmare*, Brown explores the intersection between these two ‘distinct’ ideologies, describing their relationship as at once conflicting and ‘symbiotic’ (2006, p. 691). Neoconservatism is characterised by a ‘strong, state-led and -legislated moral political vision’, an alliance of various groups including right-wing Christians and conservative feminists, distanced from the ‘fiscal-tightness’ and scepticism about big government of older conservatism (Brown, 2006, pp. 696-697). It has come to be associated with an expansion of state military apparatus and the wars of the George W. Bush administration (Bernstein, 2010, p. 53), however this masculinist and interventionist approach is consistent with a desire to regulate the domestic sphere too with, for example, the promotion of traditional family values (Brown, 2006, p. 699).

Many aspects of this interventionist philosophy exist in direct opposition with neoliberal individualism and consumerism. However, its ‘moralism, statism and authoritarianism’ are facilitated through the erosion of democratic values, and promotion of social control, laid down by neoliberalism. The anti-democratic forces of neoliberalism produce ‘consumer-citizens’ who are disinterested in their own emancipation, thus lending uncritical support for anti-egalitarian governance (Brown, 2006, pp. 702-703). The resulting fusion of neoliberal and neoconservative projects is exemplified in the New Right era of Regan and Thatcher, where free-market policies were twinned with socially conservative, nationalistic values (Flew, 2014, p. 57). A more recent example from the UK which evidences the continuing influence of this approach on carceral logics, is the introduction of Anti-Social Behaviour Orders. ASBOs are often used against people judged undesirable including street sex-workers (Mac and Smith, 2018, pp. 98-99), enacting moralistic and punitive criminal sanctions through the free-market instrument of behavioural incentives.

Drawing from Brown’s conceptualisation of neoliberalism and neoconservatism, I suggest that neoliberalism cannot, and does not, fully explain the rise of the ‘crime control agenda’ (Bumiller, 2008, p. 8) and the move to mass incarceration. The neoliberal turn to privatisation, market rationalities and individual responsibility is profoundly implicated in the expansion of the prison-industrial complex. This is evident in the ‘privatisation and outsourcing’ of prison facilities and police powers (Brown, 2006, p. 694). I contend, however, that there are other forces at play - namely neoconservatism - reflected in the ‘moral crusade’ manifest in ‘punitive’ statist approaches (Bernstein, 2010, p. 51), stark in their application through the ‘war on drugs’ as well as anti-trafficking legislation. In carceral anti-sex work campaigns, conservative feminists are described as aligning themselves with right-wing Christian moralists (Bernstein, 2010, p. 53) whose sexual politics, although also influenced by neoliberal hegemony, are indicative of neoconservatism. Anti-carceral critiques make a category mistake in collapsing the neoliberal and neoconservative philosophies together, resulting in an attribution of carceral logic to neoliberalism alone. It seems that references to ‘neoliberalism’ within anti-carceral literature are, in fact, references to the ‘unholy alliance’ (Phipps, 2014, p. 8) of neoliberalism and neoconservatism. This confusion contributes to a theoretical and political gap, whereby anti-carceral feminists may overlook the convergence between their own approach and neoliberal ideology.

This oversight is significant within the context of a hegemonic coalition between neoconservatism and neoliberalism. Such is the dominance of these ideologies that feminists find themselves caught up in a ‘politics of reaction’ (Brown, 2006, p. 710), forced into stark disagreement in line with the dichotomies between them - such as oppression and freedom. In attempts to disassociate from neoconservatism - for example from the moralistic stance of anti-

prostitution laws - some feminists evoke the rationalities of neoliberalism, emphasising the individualistic free-choice and empowerment of sex workers (Phipps, 2014, pp. 82-84). My contention here is that, when anti-carceralists reject the (albeit unacknowledged) influence of neoconservative thought evident in the morally punitive nature of carceral logic, the result can be a corresponding recourse to the neoliberal approach of privatisation. I will explore this further now with closer examination of the role of the state.

Part III: The State

The 'Neoliberal' State

Within theorisations of neoliberalism there is a tendency on the left to see the state as an 'empty shell' consciously controlled by the ruling-classes (Flew, 2014, p. 58). Brown, however, argues that rather than being a coherent monolith, state power is exercised through a combination of complex, unsystematic and often subtle processes (1995, p. 174). Contemporary configurations of the state are shaped by the conflicting demands of neoliberal and neoconservative ideology filtered through various actors and interests - which do not come together in a consistent form (Brown, 2006). Accordingly, I suggest references to the 'neoliberal state' are often evocations of the state's relationship with a coalition of neoliberal and neoconservative forces - despite the latter being invisibilised in discourse around neoliberalism. For example, Kim's description of the 'small non-regulatory government' of neoliberalism appears not to fully explain her account of massively increased investment in the carceral apparatus of the state (2018, p. 222).

Neoliberalism is distinguished from the more straightforward anti-statism of classical liberal and libertarian positions, through vision of the state configured in the image of the market (Flew, 2014, p. 63). This is achieved through the instrumental use of law, for example the use of incentive-based policies such as workfare, and the privatisation of many state-run functions (Brown, 2006, p. 700, p. 704). Such an approach reflects the means-ends ethic of neoliberalism, which describes the state in the language of business efficacy and profitability, rather than democratic accountability. Central to this is the production of individualised citizens within a consumer culture, judged by their ability to 'self-care' (Brown, 2006, p. 694). In the UK this is evidenced in NHS reforms, where the introduction of free-market forces via Private Finance Initiatives and outsourcing has seen patients framed as consumers (Sturgeon, 2014, p. 406).

However, neoliberalism does not exist in a political vacuum and operates in relationship with neoconservative forces - which it comes into conflict with, including over the role of the state. Where neoliberals favour lower government spending - seen in the hollowing out of the welfare state - neoconservatives have demonstrated a preference for high military spending and state expansion (Brown, 2006, p. 698). Consequently, the state has been shaped by a fusion of conflicting neoliberal and neoconservative interests: grossly reduced welfare provision and a hugely expanded punitive arm of the state (Heiner and Tyson, 2017, p. 9). So, whilst neoliberals are not anti-statist, they share little enthusiasm for the expansion of state on non-market terms, or outside of its goal to secure a market-friendly environment in all spheres. In contrast, neoconservatives view the state as instrumental in securing moral subjects (Brown, 2006, p. 699). Despite this conflict, both can be described as mutually supportive in the production of a distinctly anti-democratic statism (Brown, 2006, pp. 702-703). Where then do anti-carceral critiques of the state fit within this complex picture?

Anti-Carceral Feminism and the State

Bumiller argues that feminist calls for the state to take responsibility around securing justice for sexual violence victims amidst ‘moral panics’ about violent crime, collided with the neoliberal ethos of individualised self-care. Consequently, this conflict was resolved through the appropriation of feminist anti-violence narratives into state systems of regulation. State funded, yet still recognisably ‘feminist’, organisations existed alongside statutory agencies such as police, social services, health and welfare to identify and regulate victims and meter out punitive punishment of perpetrators (Bumiller, 2008, pp. 4-8). As such, feminists are deeply implicated in the production of the therapeutic and carceral model of social control that defines the modern state response to sexual violence (Bumiller, 2008, p. 166). I have argued that this state response is forged through a fusion of neoliberal and neoconservative rationalities, though anti-carceral literature refers to neoliberalism only.

Women’s engagement with the masculinist state, although often the only place they have had to turn for protection from men, has had problematic results - deepening divisions between the privileged and marginalised, and forcing dependence on and compliance with state systems of control (Brown, 1995, pp. 169-71). As such, within the anti-carceral analysis of co-option by the ‘neoliberal’ state exists a deep scepticism towards the contemporary state. This is echoed in critiques of carceral or ‘governance feminism’ which parallel libertarian analyses of the ‘nanny state’ (McCluskey, 2009, p. 133 cited in Gotell, 2015, p. 66). Anti-carceral feminists have repeatedly drawn attention to the structural violence explicit within state power - instead imagining a transformed conception of justice outside of the confines of the state. Qualifications, and perhaps contradictions, are expressed here; working within the frame of the carceral system is a necessary step in the long and complex journey to alternative conceptions of justice, yet reform normalises and reproduces carceral logics (Brown and Schept, 2017).

Anti-carceral orientations to the state can sometimes appear conflicted. Mimi Kim juxtaposes the modern carceral state with an idealised historical welfare state (2018, p. 220) indicating an ‘anachronistic welfare statism’ (Brown, 2006, p. 710). Similarly, although the anti-carceral critique is often expressly anti-statist, within the literature various limitations are placed on this, with brief references to the idea that prison abolition may not always be appropriate (Davis, 2003, p. 103; Bumiller, 2008 p. 2). Different positions along a continuum have been taken here. For example, Clare McGlynn advocates the use of restorative justice for sexual, but not domestic, violence (2011, p. 823), whilst ‘new abolitionists’ propose a radical reimagining of justice without the prison (Brown and Schept, 2017, p. 443). The binary between anti- and carceral feminists is then perhaps not always so clear cut in relation to state delivery of justice.

Privatisation: A Convergence of Neoliberalism and Anti-Carceral Feminism

Notwithstanding these differences amongst anti-carceral feminists, common amongst their approaches is a distrust of the carceral state and a related desire to conceptualise alternative systems of justice. For some, a reformed state, with much less emphasis on punitive control - including in partnership with community groups - can play a part in delivering restorative justice (McGlynn, 2011, pp. 830-832). For other, more radical, anti-carceralists these alternative systems must exist outside of the limits of state control, which is necessarily punitive (Heiner and Tyson, 2017, p. 14). This range of proposals for the provision of the justice by non-state actors, or through a moderated carceral state, has prompted critiques of a ‘re-privatisation’ of justice (Gotell, 2015, p. 67). This can be described as a reversal of the carceral feminist project to ‘substitute public for private forms of patriarchal dependency’ (Card, 2009, p. 206).

I suggest that whilst the neoliberal orientation to the state as an instrument for expanding market-forces into all spheres contrasts starkly with the state-sceptical philosophy of radical anti-carceral feminists, they both share a preference for services previously delivered by the state to be provided by non-state actors. The term 'privatisation' here describes, literally, this turn to service provision through non-state agencies. The type of privatisation favoured by these groups differs: neoliberals preferring for-profit enterprise, anti-carceralists choosing grassroots not-for-profit organisations. Anti-carceral feminists may want to suggest that the provision of alternative justice can still take place in the 'public' sphere, albeit separate from the state. However, under neoliberal influence there has been a disruption of the public/private divide with non-state actors performing the role of the state and the growth of 'social enterprises' delivering community-based solutions (Ishkanian, 2014, pp. 337-339).

The resultant blending of voluntary and private provision of previously state-run services highlights common values, such as efficiency and 'flexibility' between the profit and not-for-profit sectors (Scott, Charlesworth, Serwotka and Durance, 2006, p. 23). Crucially, it is their retained 'independence' from the state, alongside a shared commitment to cost efficiency, which produces both of these sectors as attractive alternatives to state-owned services within neoliberal governance (Moseley, McIvor, Knight, and Adebowale, 2004, p. 15). Indeed, an increased reliance on cheaper and more cost-efficient services provided by the voluntary sector - a sector generally held in high-regard by the public - can be framed as forms of 'soft privatisation' (Little, 2004, p. 4) and 'disguised market activity' (Lynn, 2002, p. 66). Thus, the contemporary public/private 'blurring of boundaries' co-opts the 'community-led' approach of the third sector to further the interests of neoliberal rationality (Myers, 2017, p. 97). As such, I contend that - although the non-state provision of alternative justice envisaged by anti-carceral feminists is not profit-driven - in the contemporary context, it falls within the confines of the neoliberal turn to privatisation.

Bernstein notes that progressive movements are only likely to win tangible gains when they promote a broader set of political ideas and interests (2010, p. 67). The dominance of austerity politics, particularly following the 2008 recession, provides fertile ground for the convergence of privatisation policies. Thus, anti-carceral feminism could be viewed as providing a timely opportunity for states looking to cut public spending whilst simultaneously answering bi-partisan calls for criminal justice reform, including the scaling back of prisons (Aviram, 2015, pp. 1-4). In both the USA and the UK, legislators have made commitments to reducing incarceration rates and ensuring efficient public spending in a climate of reduced budgets. This is evidenced in the growth of 'rehabilitation pragmatism' - a tentative step away from the default of warehousing criminals in favour of more cost-efficient alternatives (Fan, 2012, p. 585). The prison, and its associated systems of regulation, changes rationale over time, with earlier historical paradigms of rehabilitation, exemplified through the 'correctional institution', abandoned in the 1970s in favour of a more punitive configuration (Pollock, 2014, pp. 11-12). For governments and policy makers at this particular juncture, support for anti-carceral restorative justice approaches - aside from being cheaper than strong state apparatus - has the added benefit of appealing to human-rights concerns. This trend for the marriage of fiscal constraint and non-punitive politics has been termed 'humanitarianism' (Aviram, 2015, p. 4). For example, the 'Right on Crime' initiative, through which a coalition of Texan conservatives endorsed progressive reforms citing concerns about both the human impact and the financial cost of the carceral system (Green, 2015, p. 272, p. 282).

Locating this point within the broader argument of this essay, I contend that rejecting the punitive, neoconservative apparatus of the strong carceral state, anti-carceralists mobilise narratives that endorse the neoliberal turn to privatisation. This is, however, hidden by the anti-

carceral feminist analysis which fails to recognise the distinctly neoconservative aspects of the carceral state - viewing them as neoliberal only. Although carceral logics are undoubtedly bolstered by neoliberalism, I contend that the anti-statist claims of anti-carceral feminists place them in opposition to the authoritarianism of neoconservatism. Thus, in the context of a 'politics of reaction' under a coalition of neoconservative and neoliberal hegemony (Brown, 2006, p. 710) - anti-carceral feminists, unwittingly, mobilise concepts central to neoliberal rationality, specifically freedom from an oppressive state through privatisation. In arguing this I do not suggest that anti-carceralists are culpable for, or even complicit in, neoliberal policies around privatisation. However, anti-carceral feminists should follow their own advice about appropriation - as warned by Bumiller who, at the close of *In an Abusive State*, urges feminists to reflect on 'lessons learned' (2008, p. 166).

Part IV: The Community

I want to develop this argument here, with a closer look at the place of community in anti-carceral conceptions of justice. Anti-carceral feminists are alert to the realities of community as well as state violence. Ultimately, however, their analysis is premised on an assumption that the community is - or at least can be - willing to participate in the process of forging an alternative vision of justice that turns away from punitive and retributive approaches. In doing so, they stress the skills and capacities within the community to respond to violence in ways that address its root causes. This is juxtaposed with the trauma of state-violence on marginalised communities, which serves to feed into a cycle of violence (Heiner and Tyson, 2017, pp. 18-20). It is certainly legitimate to highlight these expressions of state-violence, however the corresponding valorisation of 'the community' which accompanies anti-statism can be problematic. All communities have the propensity to be violent and punitive. This is demonstrated by the non-carceral, although certainly retributive, instances of community violence such as vigilantism and so-called 'honour' based violence. Even those who describe themselves as anti-carceral can offer harsh and punishing responses. For example, in the #metoo movement, where self-proclaimed anti-carceral feminists have suggested incapacitation through house-arrest and dismissal from employment as alternative responses to abusers outside of the carceral frame (Froio, 2018).

Brown argues that the hegemonic coalition of neoliberalism and neoconservatism has disturbed the democratic foundations of society, producing subjects who are deeply anti-egalitarian (2006, p. 703). The election of President Trump - whose white nationalist, anti-democratic rhetoric shows little respect for human rights discourse (Human Rights Watch, 2018) - is perhaps evidence of this. 'Penal populism' abounds, with the widespread belief that offenders, depicted as monstrous, are afforded too many rights (Phillips and Chagnon, 2018, p. 5). This was seen in the UK where policy efforts to offer more humane, less stigmatising responses to sex offenders have been decried as 'soft on rapists' (McGlynn, 2011, p. 840). Such examples suggest that attempts to abolish carceral systems will face significant challenge, including from the community. This is mirrored by Foucault who, although not foreclosing the abolition of the prison, points to its resistance to transformation. He argues that carceral logic is deeply enmeshed within societal consciousness, fixed in its disciplinary function and operating through a continuum of methods, not limited to the prison, including psychology and social work (Foucault, 1977, pp. 304-306).

In stressing community capacity to resist violence (Kim, 2018, p. 230), anti-carceral feminists can appear to downplay the punitive desires of communities, including discussions

around the need for protection from dangerous offenders and those who refuse to acknowledge their crimes. I suggest that this too is symptomatic of a backlash culture whereby feminists of different political persuasions minimise evidence that may bolster their opponents (Phipps, 2016, p. 313). This is seen in debates around the sex industry, whereby some sex-worker rights activists avoid speaking about the oppressive or ambivalent aspects of sex work as not to cede ground to anti-prostitution feminists (Phipps, 2016, p. 10). The omission to speak about the nuances in such a context is understandable, though this silence does not remove the reality of these aspects of sex work (Mac and Smith, 2018, p. 4). Likewise, anti-carceral feminists extol the forgiving, patient and non-punitive capacities of the community in the face of evidence of penal populism and vengefulness. Mapping this on to the ideological forces of contemporary hegemony, in minimising the punitive aspects of community, preyed on so effectively in the moral discourse of neoconservatism, anti-carceral feminists reiterate the neoliberal idea that non-state solutions prosper in the absence of state funded structures (Ishkanian, 2014, p. 338). I will briefly unpack this by looking now at the voluntarism present within anti-carceral feminism.

Voluntarism

Wary of co-option, many anti-carceral projects adopt a position of ‘resolutely refusing any involvement by state bodies or finances’ (McGlynn, 2011, p. 840). However, Bernstein notes that neoliberal governance is enacted through a combination of state and non-state agencies (Bernstein, 2010, p. 67). In this climate, I suggest that the anti-statism of anti-carceral feminism expressed in preference for justice delivered through privatised, non-state organisations amounts to voluntarism. This approach coheres with the ‘Big Society’ vision described by British Prime Minister David Cameron. His flagship policy exhorted the enterprising work of civil society in the context of largescale cuts to public services. The idea was that the community would expand to fill the gap left by a retrenched welfare state (Ishkanian, 2014, p. 334). The ongoing influence of this narrative is demonstrated by conservative politicians’ enthusiastic visits to charity foodbanks amidst growing levels of poverty linked with austerity policies (Cosslett, 2018). There is evidence of this philosophy in the carceral sphere too, with large cuts to police budgets heralding the introduction and increased reliance on voluntary police roles (Strudwick, Jameson, and Rowe 2017, pp. 1-2), and instances of communities commissioning private security firms to police their local area (Harris, 2018). Against such a backdrop, it is clear that attempts to evade co-option by avoiding state funding alone will fail, in that they align with the priorities of the neoliberal state. Anti-carceral notions of transformative justice - although radically removed from the current carceral model - mobilise the neoliberal principles of privatisation through the voluntarism of their anti-statist position.

Conclusion

Neoliberalism is fundamental to the prison-industrial complex; however, this ideology alone does not explain its proliferation. I propose that a distinctly moralistic and authoritarian neoconservative philosophy is also central to these expansive structures of crime control. Anti-carceral feminists fail to recognise and name these neoconservative forces, collapsing them into a confused conceptualisation of neoliberalism, lacking in theoretical clarity. In doing so, they do not see the spaces where their politics risk appropriation by neoliberal principles - embodying the paradox that feminism often supports the very forces it seeks to destabilise (Mardorossian, 2002, p. 766). Dichotomies between neoliberalism and neoconservatism serve to produce a politics of

backlash. Thus, by distancing themselves from the neoconservative forces of punitive state retribution embedded within carceral feminism, anti-carceral feminists evoke neoliberal principles. The anti-carceral position reflects a state-sceptical agenda, mirrored in the neoliberal turn to privatisation hastened in austerity, and reliant upon voluntarism in the community. This itself is dependent on a valorisation of the community, and a correspondent minimisation of its punitive drives. An erasure of nuance in the debate here is indicative of the polarised backlash climate, whereby anti-carceral feminists are, understandably, keen not to give ground to the forces of the carceral state. Ironically though, this approach may fail to avoid the very process anti-carceral feminists seek to avoid co-option by neoliberalism.

Feminist engagement with the state has been fraught with contradictions, however it is only through 'deeply comprehending' it that feminists can 'exploit and subvert' the forces of state power (Brown, 1995, p. 196). It remains to be seen if tentative cross-party calls for alternatives to the mass incarceration model will weather the populist storm of the Trump and Brexit era, yet anti-carceralists are alert to the 'possibility and peril' (Gottschalk, 2013, p. 254) of bi-partisan campaigns in the carceral sphere. For anti-carceral feminists, adopting a clearer definition of neoliberalism, viewed in symbiosis with neoconservatism, would provide a greater appreciation of their location within this context. This would go some way towards heeding the 'lessons learned' (Bumiller, 2008, p. 166) from the co-option of carceral feminism.

References

- Aviram, H. (2015) *Cheap on Crime: Recession-Era Politics and the Transformation of American Punishment*. Oakland: University of California Press.
- Barnett, C. (2005) The Consolidations of Neoliberalism. *Geoforum*, 36(1), pp. 7-12.
- Bernstein, E. (2010) Militarised Humanitarianism Meets Carceral Feminism: The Politics of Sex, Rights and Freedom in Contemporary Antitrafficking Campaigns. *Signs*, 36(1) pp. 45-71.
- Bhattacharyya, G. (2008) *Dangerous Brown Men: Exploiting Sex, Violence and Feminism in the 'War on Terror'*. London: Zed Books.
- Brown, M. and Schept, J. (2017) New Abolition, Criminology and a Critical Carceral Studies. *Punishment & Society*, 19(4), pp. 440-462.
- Brown, W. (1995) *States of Injury: Power and Freedom in Late Modernity*. New Jersey: Princeton University Press.
- Brown, W. (2006) American Nightmare: Neoliberalism, Neoconservatism and De-Democratisation. *Political Theory*, 34(6), pp. 690-714.
- Bumiller, K. (2008) *In an Abusive State: How Neoliberalism Appropriated the Feminist Movement against Sexual Violence*. Durham, NC: Duke University Press.
- Card, C. (2009) Review of *In an Abusive State: How Neoliberalism Appropriated the Feminist Movement against Sexual Violence* by Kristin Bumiller. *Hypatia*, 24(2), pp. 205-208.
- Cosslett, R. L. (2018, December 3rd) How dare these Conservative MPs make festive visits to foodbanks? *The Guardian*. Retrieved from: <https://bit.ly/2Fhy9Zt>
- Davis, A. Y. (2003) *Are Prisons Obsolete?* New York: Seven Stories Press.
- Fan, M. D. (2012) Beyond Budget-Cut Criminal Justice: The Future of Penal Law. *North Carolina Law Review*, 90, pp. 581-654.
- Flew, T. (2014) Six Theories of Neoliberalism. *Thesis 11*, 122(1), pp. 49-71.
- Foucault, M. (1977) *Discipline and Punish: The Birth of the Prison*. Translated by A. Lane. London: Penguin.
- Froio, N. (2018, September 5th) Non carceral Approaches to #metoo [Blog post]. *Academica Feminista*. Retrieved from: <https://bit.ly/2AAWFkh>
- Gallie, W. B. (1956) Contested Concepts. *Proceedings of the Aristotelian Society*, 56, pp. 167-198.
- Gotell, L. (2015) Reassessing the Place of Criminal Law Reform in the Struggle Against Sexual Violence: A Critique of the Critique of Carceral Feminism. In Powell, A., Henry, N. and Flynn, A. (Eds.) *Rape Justice: Beyond the Criminal Law* (pp. 53-71). Basingstoke: Palgrave Macmillan.
- Gottschalk, M. (2013) The Politics of the Carceral State: Yesterday, Today and Tomorrow. In Scott, D. (Ed.) *Why Prison?* (pp. 233-258). Cambridge: Cambridge University Press.
- Green, D. A. (2015) US Penal Reform Catalysts, Drivers and Prospects. *Punishment & Society*, 17(3), pp. 271-298.
- Harris, J. (2018, September 10th) The growth in private policing is eroding justice for all. *The Guardian*. Retrieved from: <https://bit.ly/2Mihsw1>
- Heiner, B. and Tyson, S. (2017) Feminism and the Carceral State: Gender-Responsive Justice, Community Accountability and the Epistemology of AntiViolence. *Feminist Philosophy Quarterly*, 3(1), pp. 1-36. Retrieved from: <https://bit.ly/2ADhCLg>

- Houston, C. (2014) How Feminist Theory Became (Criminal) Law: Tracing the Path to Mandatory Criminal Intervention in Domestic Violence Cases. *Michigan Journal of Gender and Law*, 21(2), pp. 217-272.
- Human Rights Watch (2018) *United States: Events of 2017*. Retrieved from: <https://bit.ly/2Drveg8>
- Ishkanian, A. (2014) Neoliberalism and violence: The Big Society and the changing politics of domestic violence in England. *Critical Social Policy*, 34(3), pp. 333-353.
- Johnson, P. (2018) Feminism as Critique in a Neoliberal Age: Debating Nancy Fraser. *Critical Horizons*, 19(1), pp. 1-17.
- Kim, M. E. (2018) From Carceral Feminism to Transformative Justice: Women-of-Color Feminism and Alternatives to Incarceration. *Journal of Ethnic & Cultural Diversity in Social Work*, 27(3), pp. 219-233.
- Little, M. (2004) Outsourcing public services may be a 'soft form of privatisation', delegates are warned. *Third Sector*, 350, p. 4.
- Lynn, L. E. (2002) Social Services and the State: The Public Appropriation of Private Charity. *Social Service Review*, 76(1), pp. 58- 82.
- Mac, J. and Smith, M. (2018) *Revolted Prostitutes: The Fight for Sex Workers' Rights*. London: Verso.
- Mardorossian, C. M. (2002) Toward a New Feminist Theory of Rape. *Signs*, 27(3), pp. 743-755.
- McGlynn, C. (2011) Feminism, Rape and the Search for Justice. *Oxford Journal of Legal Studies*, 31(4), pp. 825-842.
- Moseley, J., McIvor, M., Knight, B. and Adebawale, V. (2004) Is service delivery by charities privatisation by another name? *Third Sector*, 351, p. 15.
- Myers, J. (2017) To austerity and beyond! Third sector innovation or creeping privatization of public sector services? *Public Money & Management*, 37(2), pp. 97-104.
- Phillips, N. D. and Chagnon, N. (2018) "Six Months is a Joke" Carceral Feminism and Penal Populism in the Wake of the Stanford Sexual Assault Case. *Feminist Criminology*. pp. 1-23. Retrieved from: <https://bit.ly/2VEzSwK>
- Phipps, A. (2014) *The Politics of the Body*. Cambridge: Polity.
- Phipps, A. (2016) Whose personal is more political? Experience in contemporary feminist politics. *Feminist Theory*, 17(3), pp. 303-321.
- Pollock, J. M. (2014) The Rationale for Imprisonment. In Blackburn, A. G., Fowler, S. K., and Pollock, J. M. (Eds.) *Prisons Today and Tomorrow* (pp. 3-20). Third Edition. Burlington, MA: Jones & Bartlett.
- Prison Reform Trust (2019) *Prison: The Facts*. London: Prison Reform Trust.
- Scott, D., Charlesworth, I., Serwotka, M. and Durance, C. (2006) Are charities being used for 'soft privatisation'? *Third Sector*, 435, p. 23.
- Strudwick, K., Jameson, J. and Rowe, J. (2017) Developing Volunteers in Policing: Assessing the Potential Volunteer Police Community Police Officer. *Policing: A Journal of Policy and Practice*, pax056, pp. 1-14. Retrieved from: <https://bit.ly/2QuJDtG>
- Sturgeon, D. (2014) The business of the NHS: The rise of consumer culture and commodification in the provision of healthcare services. *Critical Social Policy*, 34(3), pp. 405-416.