Obvious, Obscured, Restated
Abolition, State, and Structure

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Earlier this month, in her keynote at the Socialism 2022 conference, Ruth Wilson Gilmore said about abolition: "it's a framework, an analytical framework always open to being made better, stronger – which is to say more reliable as a guide to action." That was music to my ears, because what I'm going to do today is both praise and argue with an essay that she and Craig Gilmore wrote about fifteen years ago. It's a piece that to me both illuminates many things that are indispensable for abolitionist strategy and obscures some that I think are also very important.

So: "Restating the Obvious" was published in 2007. It's collected in *Abolition Geography*, and with a little work you can find it on its own on the internets.[1] Like pretty much anything worth reading about strategy, it's very clear about the interventions it's trying to make, in its specific moment – conjuncture, if you prefer. It's written against two different ways that the state was sliding out of conversations about the Prison Industrial Complex in the early years of this century.

One way is specific to abolition work: "the term 'prison industrial complex'... gained wide popularity... but almost as rapidly it lost its meaningful breadth" as "...the meaning of 'industrial' shrank to 'profit' and the state disappeared behind the specter of immoral gain", and so it "has not fulfilled its potential to help people theorize adequately how the PIC shapes political and social life for everyone." [220] That problem still resonates today, as we see NGOs and academics take up the word "abolition" but not any kind of coherent practice (I find Joy James' writing on this process to be crystal-clear and diamond-sharp, as well as work by Naomi Murakawa, Ruth Wilson Gilmore, and others[2]). One example of how that's playing out in New York City, where I live: certain NGOs with solid histories of organizing against police violence in the oughts and teens now like to describe their politics as abolitionist – while their electoral arms shower praise and endorsements on politicians who vote to increase police funding and headcounts, and for multi-billion-dollar jail expansion plans.

The other way has to do with a trend whose advocates are much less vocal now, having done their damage. In the 1990s and 2000s, prominent voices on the left and the right shared a fantasy that neoliberalism (or so-called 'globalization') was leading to states becoming less and less significant, with multinational corporations and international bodies like the World Bank and International Monetary Fund pushing them into irrelevance. That idea hasn't aged well, but it's part of why there's still a lot of reluctance to think directly about the state, and why a lot of the thinking that does happen is very mechanical, or just sloppy.[3]

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1 The page references here are to *Abolition Geography*, because it's probably the easiest version to find.

2 See the list of sources & references below.

3 Another reason the thinking tends to be so bad is the resurgence of leninism and neo-maoism in the 2010s, which are ideologically committed to the goal of becoming the state, and, in the u.s., is often strategically committed to electoralism (whether through NGOs that adherents staff and direct, or through the DSA and other socialist organizations) – both of which push hard against any critical examination of the state as a

"Restating the Obvious" isn't having any of this. It insists that we see the PIC as a broad system: at a bare minimum, Critical Resistance's triplet of surveillance, policing, and incarceration, in all their varied forms. And it tells us very clearly what the state has to do with it: "Each element in the PIC is either an aspect of the state (a rule or a government agent or agency) or derives its power (or powerlessness) in relation to the state and its capacities. ...the political economy of prison... is always fully connected to the state while not wholly defining or motivating the state." [222]

As it heads towards that summary, the essay lays out a first way that an analysis of the state can guide our action, our strategies. The white supremacist state policies and practices of the PIC "cannot be understood as simply the actions of a racist state or of a state acting in response to racist corporations or voters"; the state "employs or delegates violence to name and resolve distinctions – and imprisonment is a machine and a purpose for these outcomes, while racism is the consequence of this interplay of relationships rather than the reason for which they developed." [219] "The creation and enforcement of new laws and the reimagining of peoples are mutually reinforcing." [218]

This insistence on racism as an outcome rather than a source of state action, in a mutually reinforcing process, is also a rebuttal to the general NGO view of racism as something that comes from individual attitudes and actions, sedimented into institutions' policies and practices.[4] So: a first thing that comes from making the state's role obvious: we don't have to go down that dead-end path. Just as abolition says the way to improve conditions in prisons is to close them, it says the way to fix racism on the police force is to disband it. And we can find possibilities for action, for building solidarity, for resisting carcerality, by looking carefully at the distinctions being made, the resolutions being offered, by the state's uses of the PIC (and other forms of legitimated violence). To me, and I think many folks recently, that's meant a lot of thinking about the history and current practice of eugenics, as a node where the PIC knits together illness, madness, and dis/ability; racialization; and sexual and gender deviance.

These may sound like very Abolition 101 strategy points, and they kinda are, because we've had this essay (and other similar thinking) for fifteen years now. But these strategic lessons have often, and increasingly, become detached from the analysis of the state that grounds them here in "Restating the Obvious". These ideas now get presented in very linear ways that reinstall racism, misogyny, and disability as pre-existing reasons for what the state does, feeding right back into that NGO-style approach (often under a rhetoric of watered-down or mechanical "intersectionality"[5]). What gets us off that conveyer belt and opens up space for action is following the Gilmores' analytic framework and thinking about motion through the state – cyclical, multi-stranded, dialectical, changing through time.

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structure. These tendencies' rhetorical fallback of 'seizing state power to wither it away' is essentially the same as the neoliberal rhetoric described in "Restating the Obvious" as "the state that grows on the promise of shrinking" (see below).

4 Fundamentally, an anti-political and demobilizing approach based on individual psychology, fed in many sectors of the u.s. left by acolytes of Re-evaluation Counseling (a/k/a "co-counseling"), a Scientology offshoot (complete with a sexually abusive charismatic founder whose son now runs the operation) with a strategy of infiltrating and influencing progressive organizing projects, directly or through the National Coalition-Building Institute, and other groups rooted in the 'human potential movement' .

5 Which typically (and tellingly) ignores everything Kimberlé Crenshaw drew on in coining the word to describe the creation of new harms through state processes: the lineage of black radical women from Claudia Jones through the Sojourners for Truth and Justice to the Combahee River Collective.

And that's the call that ends the essay: "We have to go deeply into the state in all its aspects – its legitimacy, the ideological apparatuses it wields to normalize the everyday horror of mass incarceration, its budget process, its inner contradictions, its intrastate antagonisms and frictions. All of these places are sites where activists can set their feet to fight the fight. And the sites are, as well, locations where we meet others struggling to piece together lives torn apart by poverty, illness, undereducation, war, long-distance migration, flight." [231-2]

To me, the directness and clarity of that conclusion are inspiring and exciting. It points to targets, to potential co-strugglers, to apertures for action. But it leaves implicit the essay's answer to a central question: what are our goals in relation to the state? Not to a particular policy, institution, or government, but to the state itself as an organizing structure for human life.

Restating the Obvious does offer an answer to the question, but it never quite states it directly, more or less letting it flow from its expansive analysis of the state as a form. For the Gilmores, "a state is a territorially-bounded set of relatively specialized institutions that develop and change over time", a set of "ideological and institutional capacities" that operates "through the exercise of centralized rule-making and redistribution" [212], "interact[ing] with individuals and other institutions... while at the same time seeking to maintain, through consent or coercion, supremacy over all other organizational forms in the social order." [212]

This "contradictory set of institutions able to act with some autonomy and some impunity" [214] is to be distinguished from any particular government ("policies plus personnel" [212]), but for the Gilmores the only overarching constraints on what it can do are a small set of "general imperatives that are the motivating force for any state...: defense, territorial pacification, infrastructural coordination, and communication" [217] and a dependence on legitimacy to authorize sustained action [214-5]. Everything else is "the residue of struggle" [214].[6]

The utility of this analysis is clear – especially for understanding the specific flavor of neoliberal state that the u.s., u.k., and many others have become over the past half-century. Restating the Obvious directly addresses the voices from the right who frame their policy demands as cries for 'smaller government', 'lower taxes', and so on, describing their concrete practice as "a state that grows on the promise of shrinking." [223] Just as importantly, it addresses these pseudo-libertarians' liberal critics, pointing out that "it is a mistake to imagine that the state is simply withdrawing resources from the management of the poor... this is not less government but different government." [217] Going beyond funding to the level of practices, too, the game is to "discredit those programs that [they] want to change or destroy. Portray the rest as necessary and open only to the most technical discussion of means and methods". [223] As we know, one of the key things that is portrayed as necessary is the carceral apparatus in its myriad forms, and liberal politicians and progressive (allegedly 'left') NGOs are eagerly debating its means and methods, and legitimizing its existence and expansion (while, increasingly, using a terminology of 'abolition' or 'harm reduction'[7]).

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6 The essay seems to assume, but never quite explicitly argues, that such struggles do not or cannot include struggles against the state as a structure. I'll point to the work of James Scott as an entry-point into the substantial literature that details how the state as a structure developed (and how the particular forms of the modern state took shape) out of conflicts and cooperation with non-state peoples and polities.

7 A flagship for this is the current NGO effort, led by the Women's Community Justice Association, to re-open the former Lincoln Correctional Facility (closed since 2019) on Central Park North in Harlem as a jail for women and trans people. Their plan is an extension of the pro-jail-expansion push by NGOs like Freedom Agenda that opposed the grassroots No New Jails campaign to close Rikers Island.

A proposal for how to relate to the state starts to appear in the Gilmores' decision to name this form of statecraft "the anti-state state" – reinforcing, even endorsing, the rhetorical maneuver that they so accurately describe as deliberately misleading. [152] It's a confusing, even paradoxical, choice, but it becomes clearer if we take it as a way of defining the desired alternative as a "pro-state state." And that does seem to be the essay's intent. It presents the abolitionist project as one of "chang[ing] the state enough to make real changes in it" [231] – presumably, structural ones – or even as "state rebuilding" [217]. This, we're told, is what the neoliberal right has "mastered... changing the state to change politics and changing politics to change the state" [231], and our task is to follow suit and beat them at their Gramscian game. The horizon of abolition, here, lies within the walls of the state.

I'm going to argue against that strategic vision, and against the understanding of the state that it rests on. I'll put my cards on the table right away: I think the state as a way of organizing human life is not just a set of capacities, but a definite structure that imposes certain forms – and carcerality is one of them. States are "tricky, complicated", [211] "contradictory" [214], and far from univocal [212], but there is no such thing as a state that is not carceral, just as there is no such thing as a capitalism that is not racial.

I think we can say a few more things about what makes something a state rather than another kind of polity. States assert their supremacy over all other organizational forms in a given territory, with at least some degree of centralization. But that claim of supremacy is specific, and while it may be most visible as control, its heart is legitimation. In the Gilmores' words, it is "the sole determiner of legitimate violence" [213-4] The actions of the state's own violence workers are only a part of that role, alongside both well-organized and stochastic forms of social violence that the state decides can be carried out with impunity. Similarly, it is the sole determiner of legitimate distribution – the social wage that it **re**distributes is only a part of that role. A few examples of different ways that state legitimation and delegitimation plays out at different scales of resource distribution: police confiscating street vendors' merchandise; landlords evicting sex workers for fear of being targeted with "profiting from prostitution" charges; the emergence and careful shaping of a state-authorized segment of the marijuana industry; the creation of a market in carbon emissions.

Taking these defining elements of the state seriously as structuring its capabilities means understanding that while at any given moment "states are the residue of struggle" [214], that residue is within a container with a specific shape. An imperfect analogy: any capitalist enterprise is the result of market forces (and the effects of class struggle), but within the constraints of capitalism as a structure.

One inextricable aspect of the state as a structure is carcerality. In one form or another, surveillance, confinement (and other mobility restrictions), and armed enforcement are necessary as soon as a centralized territorial structure needs to practically assert its power to establish, through practice, the legitimacy or illegitimacy of different forms of distribution and of violence.

History bears this out, for states from long before the supposed birth of the prison. Matthew Larsen and Mark Letteney's research has shown that in the Roman Empire, by the 300s of the christian era, prisons were pervasive public institutions with "many of the central features... that were supposed to have been invented in the modern period... economic extraction, penal incarceration, limited term sentencing, solitary confinement, and tactics of prisoner resistance." [BCRW 53:15] And if that's not recognizable enough, in the late 300s there are prison reformers, trying to end long delays before trials,

to get adequate food for prisoners, and so on. [BCRW 1:12:06] (Parenthetically: imagine being a prison reformer, and clinging to a project that's been failing for 1700 years!)[8]

Sadly, we also know that when liberation movements have seized or established state power, their rule has without exception retained carceral systems, and often expanded them[9]. And that's structural, as well as taking on shapes contingent on particular circumstances. "Thinking about state violence, and especially racist state violence, as an aberration to be reformed away misses the way that states work and the work that states do." [231] And what is carcerality but a facet of state violence?

While there are many things that "state rebuilding" and working to change the operation of a state can accomplish, abolition isn't one of them. It's no more possible to save the state from the state than it is to "save capitalism from capitalism" [S22], popular as both ideas are at the moment. We don't have carceral states because that's how past struggles have shaken out – there is no other kind of state. Changing everything means going beyond the walls of the state.

Where does that leave us, strategically? One place to start is simple: taking the same approach to engagement with the state as we do to engagement with prison administrations. We don't refuse to fight for better conditions inside, but we don't imagine that we can 'change a prison enough to make real, structural, changes in it'. So we work to dismantle and weaken prisons wherever we can, naming that they cannot be reformed, as we build autonomous structures to meet people's needs. We can do the same with the state: choose tactics that do not strengthen or maintain it, point out its unreformability, and build structures that do not place people at its mercy.

This isn't exactly novel. My thinking comes partly from various frameworks for "sin el estado" work that have emerged in the latin american left in the years since the Zapatista uprising of 1994.[10] But I also see it in Restating the Obvious, where the Gilmores talk about the potential in organizing

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8 There are also many differences, as well, which Larsen and Letteney discuss. For the period between then and now, it's important to think broadly about the different forms carcerality can take, and their different functions as solutions for social problems (as defined by the state). A sampling, grouped by general types: (directly labor-related) serfdom, indenture, apprenticeship, chattel slavery; (mobility restriction) internal exile, expulsion, internal passports, reservations/bantustans/pales of settlement/etc., kolkhozy/sovkhozy/ujamaa villages/etc.; (gender- and ability-based) nunneries, military conscription, pesthouses, leper colonies, madhouses; (surveillance by deputized informants) collective kitchens, concierges, confession/personal ministry/etc.

9 In thinking about these expansions of carcerality, it's important to look at mobility restrictions like internal passports, forced sendentarization, forced relocation, and agricultural projects that bind workers to the land, which have been a large part of centralized economic planning in post-revolutionary states (the USSR, Romania, Tanzania, China, etc.) as well as counter-revolutionary ones (South Africa, Turkey, South Viet Nam, etc.). These are carceral institutions in their own right, as forms of confinement, and also feed other parts of the carceral system by making mobility a crime punishable by conventional imprisonment and available as an excuse for surveillance and policing. They have often also been projects of racialization, with the details varying according to the local social and cultural landscape: the USSR is a useful reference point, since different groups of inarodtsy (non-russian or/and non-orthodox-christian groups) were targeted with different approaches (e.g. crimean tatars forcibly relocated; ukrainians bound to the land; kazakhs forcibly sendentarized).

10 One u.s. example is the version adopted by Mijente, which articulates it as part of a three-pronged approach of working "contra, sin, y desde el estado" (but neglects to discuss the failures of its examples of how work desde el estado can support the other paths, in particular the electoral experiment in Jackson, MS, which Kali Akuno and Bruce Dixon have addressed). See the sources list below.

partnerships with public employee unions – including non-guard unions whose members work in prisons – to shrink the California prison system. Despite the title of the section talking about it, this is not an example of "the State-as-Ally". No state institution or agency is part of the coalition it describes, which set out specifically to weaken the state by reducing its power to punish. Similarly, although their victory came in part through a 2011 Supreme Court ruling, the phenomenal organizers who blocked new prison construction in California in a three decade push were, in Ruth Wilson Gilmore's words, "aware of what the lawyers were doing, but not necessarily working hand in hand" [Socialism 2022 keynote speech]. Even when the state is the site of struggle, what wins is actions and alliances outside the state, and against the state.

Thinking in those terms, and not through the myth of somehow getting the state on our side, can help direct the suggestion in Restating the Obvious that we follow Fanon and Du Bois in asking "what the possibility might be for cooptation, on one hand, and differential alignment, on the other." [230] The outreach and organizing that it proposes focusing on "organized public-sector health, welfare, and education workers" [230] is a perfect example. Many of these folks, especially in the more professionalized jobs with "frontline experience working with people vulnerable to criminalization" [230], have enthusiastically embraced deputization by the state, whether as police agents through mandatory reporting laws or as resource gatekeepers. That is part of what makes them attractive partners for NGOs seeking to use liberatory rhetoric while maintaining carceral footholds in schools, healthcare facilities, and emergency response structures.[11]

To work against these forms of cooptation is to seek a new alignment that rejects a basic premise of these jobs: that a relationship with the state – certification and employment – makes these workers separate from and superior to their neighbors that sit on the other side of the desk or exam table. We can't get at that without explicitly working outside the state, and against it. Yes, more of the social wage going to healthcare and education would be great, but not if the triage nurse's priority is saving the public hospital money instead of ordering an MRI for someone who comes in shackled, and not if the "care not cops" school social worker helps Child Protective Services steal the children of incarcerated parents.

We don't need to guess at how these dynamics play out when the state is seen as a potential partner rather than a structural adversary. We've seen it, in the capture and dismantling of the intertwined autonomous women's health movement and anti-domestic-violence movement in the u.s.[12] The nationwide constellations of clinics, safehouses, and other infrastructure those movements built over the 1970s were constructed outside and against the state. They directly met women's needs through locally-grounded, collective models that depended as little as possible on state-certified 'expertise' and rejected cooperation with cops and courts (while not refusing support to women who chose to seek assistance from the state). In the 1980s, accelerating into the 1990s, almost all of those projects chose to become state-certified (and, generally, state-funded) NGOs, with staffs of state-certified professionals, acting in active cooperation with police, prosecutors, 'child welfare' departments, and

11 The most obvious of these is the "counselors not cops" approach to getting police out of schools, which merely shifts the carceral functions onto already-deputized social workers, who themselves will be the targets of surveillance and criminalization alongside students if they seek to avoid the "mandatory" part of their state-enforcable obligations as "mandatory reporters". Removing police in this way can be a genuine incremental improvement that also expands the state's carceral reach into schools, rather than reducing it.

12 This is a quick summary of the overall pattern in a landscape with a lot of regional variation. Emily Thuma's *All Our Trials* gives an interesting window into it, by focusing on the abolition feminists who opposed the carceral feminism that took shape through these shifts.

other state violence workers.[13] Few of the health-centered projects survived. The domestic violence NGOs were soon among the main moving forces behind the mandatory arrest laws used to criminalize survivors, and also key backers of expanded pre-trial imprisonment, diversion courts that drive criminalization and set up future incarceration, and all manner of other pro-carceral "reforms". At present, they are vigorous supporters of the maintenance and expansion of the PIC, even when that goes directly against their supposed mission of supporting survivors of domestic violence, who are routinely criminalized.

Another aspect of abolitionist strategy that looking past the state's walls makes possible is much simpler. Lurking behind every checklist and article on how to decide whether to support or oppose specific policies or kinds of policies – very much including the one I helped write with Survived & Punished NY – is the question of our goals in relation to the state. The term "non-reformist reform" is an attempt to paper over that question by restricting our analysis to the PIC as such, rather than understanding the PIC as a structurally inseparable part of the state. Once we bring that understanding to our work, assessing proposed policies and changes becomes much clearer. Either a plan is a reform, which may change a lot or a little, but maintains, strengthens, or expands the power and reach of the state, or it's not. Tactically, we may want or need to support a reform because of its immediate effects or the apertures it opens for future organizing, but we can do that without a distracting oxymoron that exists to maintain the pretense that doing so is a step towards abolition. That's the kind of telling lies and claiming easy victories that undermines all of our work by making us less able to understand what we're doing.

Our abolition work is the work of dismantling and building, so that we can depend on each other, without first depending on the state. [227] That doesn't just apply to dealing with harm, where the state's protection racket [225] presents itself as the only legitimate collective mechanism. It's equally relevant to the similar slight of hand that portrays the state's authority to redistribute the social wage it extracts as the only legitimate collective distribution of resources. The state doesn't socialize wealth or power, it centralizes power, in part to maintain control over the distribution of resources and accumulation of wealth.[14] Yes, let's take the money and run whenever we can – especially when it comes from defunding carceral institutions – but we need to remember that anything funded by taxation depends directly on the state's ability to enforce payment: cops. courts. cages.

"We have to go deeply into the state in all its aspects" – to find sites of struggle, to meet new comrades and build new coalitions, to understand the terrain we move through. But we have to go in knowing that our work is outside the state and against the state. That is where, and how, we can try the million

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13 This also coincided with increasing restriction of which women would be allowed access to these spaces, targeting trans women in particular. I'd argue that it can be seen as the first phase of the use of the state by supposed feminists to target trans women, in a direct line leading to the wave of anti-trans legislation in the u.s. and elsewhere, backed by many of the same nominal feminists using many of the same arguments.

14 In an uncharacteristically sectarian passage in *Golden Gulag*, Ruth Wilson Gilmore does an odd sleight-of-hand move around this, conflating anarchists' categorical rejection of the state as a structure with a rejection of any kind of "socialized wealth and power" [GG 260]. As well as illustrating the success of the state at portraying itself as the only possible legitimate means of distribution of resources, it's a decidedly odd and disingenuous interpretation of a political tradition that believes that all resources should be collectively controlled for the benefit of all, and that all decisions should be made directly by those they affect. The anarchist rejection of the state is, in part, precisely **because** the state does not and cannot meaningfully socialize either wealth or power, based as it is on centralization.

experiments we need to change everything. Some will fail, some won't. But to see which is which, we need to be able to look past the walls of the state to the horizon of abolition.

As Ruth Wilson Gilmore has said, abolition, to be real, must be Green, and it must be Red. I want to add to that: it must also be Black. Black because of how central racialization is to carceral systems. And Black like the flag, because there is no path to abolition through the state.

This couldn't've been written without the conversations, arguments, and hours in meetings I've had with comrades and friends in Survived & Punished NY and other abolitionist formations, including (among many others) Mendé, Nathan, Sojourner, Red, Adelaide, Diana, Nabil, Mon, Rachel, Jennifer, Dean, Nat, and Mariame. It also couldn't've been written without decades of thinking with family, friends, and comrades outside those projects, including Emma, Amy, Julie, Laleña, Meredith, John, Katie, Lenny, Sol, Majesty, and many more. And, finally, it couldn't've taken the form it has without the thoughtful ears and eyes (and opinions) of Mal and Milo. No one writes alone, truly.

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