**Practical and Epistemological Struggles for Abolitionism**

Loïc Wacquant (2000) draws the connection between prisons and the management of the growing levels of poverty and social exclusion, and how this turns penitentiaries into a priority for the neoliberal state. Nils Christie (2000) draws the connection between incarceration and the industry of pain delivery. Louk Hulsman (1993) is mainly concerned with the undeserved faith given to the idea that, generally, the judicial system functions legitimately.

Whether we look at the relevant political, economic or cultural contexts, any of these offer ready reasons to question the existence, persistence and expansion of penitentiary systems. Yet, we, those of us who are concerned with such matters, cannot seem get past the same disbelief about the inhumanity of the system expressed by Nazi death-camp survivors. No matter how terrible the accounts of what goes on in the prisons, people do not take such accounts seriously (Levi, 2008: 8; Levi, 2013: 61). Justice is understood as punishment, and real punishment begins with incarceration and goes up from there.

For abolitionism, it is imperative to understand how, in certain circumstances, human nature blocks solidarity between people. Only such an understanding can guide the transformation of the current state of human nature into something more empathic and/or end the circumstances that make inhumanity inevitable.

**Tackling the need for perversity and discrimination**

In the field of penal studies there is agreement as to the perversity of the penitentiary system. There is also agreement (with the exception of a few abolitionists) as to its irreplaceability and necessity. The cases of abuse of power and violation of prisoners’ rights are the price to pay to ensure that punishments are met. The integral suffering and perversity of society as a whole, reflected in penitentiary practices, are rarely studied. Perhaps not surprisingly, when much better known facts, such as the social and sexual discrimination in the selection of those who end up in prison, are also not the object of substantial inquiries.

There are rare attempts at integrating abolitionism in a project for a different kind of society. Angela Davis (2005) proposes an abolitionist political concept: a perspective centred on prisons, but with no illusions as to the cultural, social, economic and political structure erected *around* that institution. Her abolitionist democracy model aims to take away the power of current state machines to eliminate popular opposition through systems of repression. Such systems avail themselves of many tools, be they economic, through low pay, unemployment, or social exclusion; judicial, by legitimizing social discriminations, especially via the production of scapegoats (the “criminals”, broadly used for popular entertainment, in movies, TV series, novels, newspapers, news shows and the courts); or moral and cultural, through generalized discrimination, especially against Africans and their descendants, women, immigrants, and indigenous populations. *Generation Five* is a Californian association of activists against child sexual abuse that outlines a long term (five generations) political project, aiming to replace the justice system with a transformative justice model. This would mean justice being managed at local level, not punitively, but through the pursuit of political and cultural awareness based on the deconstruction of the nature of aggressions, abuser/victim relationships and the patriarchal state protections that permit the reproduction of abuses (AAVV, 2013).

As to the prisons, there are those who aspire to reform them. Typically advocated are: offering judges new penal options through the adoption of alternative sentences; transforming certain internal penal administrative processes into juridical processes, through the creation of specialized courts; promoting elaborate and international forms of audit and inspection; or developing good practices of social reintegration for ex-prisoners. So far, none of these approaches has managed to slow down the ever growing global prison population, especially in the Western world. But, of course, it is not the institution that has to be transformed. What must be understood and changed are the social conditions that make prisons desirable and permit their existence.

As a sociologist I have become aware of contemporary social sciences’ complicity in maintaining the penitentiary *status quo.* Social theory, as a consequence of its focus on power struggles (Therborn, 2006: 3), ignores the intrinsic necessity that each person has to identify with available social models (persons, institutions, morals, etc.). It fails to grasp how being a “good prisoner”, even while waiting to die in a concentration camp, can give pride to that prisoner (Levi, 2013: 180)). The critical epistemological analysis of social theory is blocked by a centripetal approach that treats any challenge to established theory as a specialization and singular characterization of an aspect of society. It is almost impossible to interpolate the dominant theory, institutionally controlled through validation mechanisms described by Lahire (2012: 319-356). There is a parallel between this epistemological barrier and the process that interprets any description, story or event coming out of prison as an isolated, exceptional case, and any insistence upon the issue as being ideologically motivated.

In the absence of a perspective capable of recognizing what it is in contemporary societies that compels the institutionalization of perversity in penal institutions, abolitionism can be no more than a point of encounter for disorganized practices and ideas disconnected from each other.

**Epistemological challenges**

It is necessary to denounce and overcome the respect social theory affords to a democracy predicated on prisons (by contrast to an abolitionist democracy). We do not have to accept that penal perversity is a necessity of containing social malignancy, when in practice the opposite is true: institutional perversity stimulates and legitimizes social inequities and all associated problems (Wilkinson and Pickett, 2009).

It is necessary to understand how modern society and social theory think of social discriminations as ineluctable, as *data*; even when expressly condemning them. We need to understand how people can support the death penalty (Levi, 2008: 54) while realising that they would not be able to mete it out themselves (Levi, 2008:137): the penal machine will effect justice for *us*, that is, the perverse actions *we* wish against *them*, to reinforce *our* social identity by contrast to *theirs*,but by which we do not want to be tainted.

Facts are epistemologically constructed, produced as much by institutions as by the knowledge and ignorance they represent. In reality, what exists are not static facts, but rather processes in flux. Facts are merely ideological constructs to represent the stability of, and the desire to perpetuate, any given successful conjugation of (ever-changing) processes. As noted by Max Weber, inequalities are, in practice, cumulative. Those who are advantaged or disadvantaged in one measure of inequality (economic, for example) tend to be advantaged or disadvantaged, respectively, in the other measures of inequality (cultural, political, status, etc.). The separation between judgements of value and of fact is nothing more than the attempt, very common in the social sciences, to establish ideal types: fictional snapshots of real life serving to perpetuate and dogmatize the values implicit in them.

In this way, social inequalities are generally accepted as ineluctable and eternal. Statements such as, “there has always been, and there will always be, poor people” are made with conviction. Without giving it any real thought, it is imagined that the poor were and will always be poor. Poverty is presumed a consequence of incompetence rather than a social phenomenon. The isolation between historical and social reflections, and between considering processes and situations, reinforced by the isolation between ideological contemplation and the practice of observation, to which Max Weber called axiological neutrality, established an imaginary static sociological landscape.

In modern societies, the epistemological process eternalizes the discrimination between the rich, seen as active, reasoning and competitive, and the poor, seen as inactive, ignorant and anomic, as if these were findings of fact. It is assumed that there have always been social inequalities, all we can do is objectively measure and compare them, country by country. Learning how those inequalities are constructed and deconstructed every day is a secondary concern. The dominant social theory contributes to maintaining this common understanding.

It not difficult to demonstrate how practice contradicts accepted social theory. Buesco (2004) is a mathematician who explains how the fact that most US presidents can be shown to be descendants of King John, brother of Richard the Lionheart (as recently reported) is not evidence of some grand conspiracy. Rather, that finding reflects the inevitable result of the nature of human reproduction: that is, our grandparents, twice as many as our parents, required twice their number to be conceived. If we allow 25 years per generation, over the past four generations, one century, it took 16 people to bring about each person alive today, which is rather reasonable and may explain why so many of us are convinced that lineage means something. But for 10 generations, 250 years, the number is 1,024 progenitors. By 20 generations, or 500 years, we are talking about 1,048,576 individuals for each one of us alive today. 750 years ago, or 30 generations, the number jumps up to 1,073,741,824. And if we go back the 34 generations to the time of the Lionheart (12th century), the number of progenitors that each one of us alive today required grows to 17,179,869,184, which is more than the sum of today’s Earth’s population and all the people who ever lived since the appearance of Homo sapiens. This means that as we go back in time, the odds of any one of us not being descended from any one person alive in that period grow smaller and smaller until that, even before we get to the Lionheart, the probability of any of us not being descended from everyone alive at that time are near zero (absolute zero, mathematically, is a difficult thing, therefore, theoretically, there is a small chance of any one of us not being a direct descendent of the Lionheart, or anyone else we may care to pick on. That chance is one in 103731, which is a one followed by 3,731 zeros). In conclusion, not only are all the presidents of the United States descendants of King John, but so are we all. Better yet, we (presidents included) are also all descendants of all the other nobles of that time, as well as of all the slaves and peasants who left descendants.

The desire to concentrate power and social privilege has given rise to many ideologies. Societies can permit themselves to be deceived by such ideologies even when they are obviously contradicted by social processes. Inequality is an ideological way of dismissing the fundamentally egalitarian nature of the human species. Inequalities are real if we stop time and isolate the species from all other animals and the rest of the planet, which is exactly what the social sciences do. An approach that, as long as it remains, will keep the social sciences from being like other sciences. Caught in their navel-gazing obsession with maintaining the appearance of inequalities that are politically and ideologically constructs, the social sciences condemn themselves to closed theories.

Wacquant’s indignation, when he concludes that it is the poor who are being managed by the penitentiaries, does not escape this stereotype. It is not the poor: it is all of us who are being managed by penitentiary states. The poor are merely the image of the *generalised other* that permits the rest of us to unashamedly ignore our complicity in the abuses, penal and otherwise, imposed on the majority of the population. This management device works even with those who are victims of said abuses (many condemned believe in the justice that condemned them, even as they protest their innocence). Social discriminations are produced outside of the prison systems, which benefit from such discriminations, reinforcing them. This reinforcement is their public service.

It is not the poor who are incarcerated, in spite of all the sociologically constructed evidence. Rather, those in prison tend to be scapegoats, socially constructed for that purpose from among historically stigmatised social groups. In most cases these individuals are poor, but Bernard Madoff, found guilty of running a Ponzi scheme considered the largest financial fraud in US history, was not poor and served as scapegoat. His arrest did not contain the global financial crisis, and all the other high-finance thieves have continued to prosper. What lends individuals to scapegoating may vary and needs to be studied. In Portugal, half of all prisoners have at least one parent who was or is incarcerated, and 80% of them were committed to some form of institutional care for at risk children and youth. In the US the preferred scapegoats come from among the descendants of slaves and Hispanic immigrants. In Europe in general those selected for this purpose tend to come from the ranks of their respective ex-colonial populations, Roma, etc.

Institutions learn to tacitly construct, and conceal, the foundations of their legitimacy in their day-to-day interactions. The stability of the instituted power depends on conserving that legitimacy, and as such institutions defend it jealously. And it is upon this institutional legitimacy that the stability of the identity of the citizens is dependent – each of us understands him/herself within the institutional context we perceive as legitimate. The social function of sentencing is the same everywhere: that of exhibiting a store of scapegoats for public use; that is, to produce consensus as to social differences being natural facts rather than moral or political constructs.

By concentrating their investigations on institutional power struggles, social theorists make themselves experts in fixing the moment, in extracting ‘facts’ from the history of processes. To accomplish this they need to ensconce themselves in specialties, without contact with other social sciences or with the natural sciences (Latour, 2007).

Challenges of the habitual, like the presence of prisoners and penal institutions in society, are persecuted and shoved into a very small epistemic space. Penal studies must submit to the rules of the centripetal approach, becoming specialized in the form of criminology. It should happen the other way around: in the name of science, a reorganization of social theory should be demanded every time that it became necessary to explain a phenomenon not yet covered therein. Could criminalization and the need for prisons be part of the more general processes of social differentiation?

The scapegoat is not a sociological classification, but there should be some way to take notice of its existence in human societies. There not being one, Foucault’s idea of it being the very judicial-penal institution producing, in the name of society, the crimes that it condemns, becomes bizarrely implausible. For much sympathy that there may be for such an idea, the fact is that it does not fit with the current social theories and, therefore, it is always left out, as a marginal ideological declaration. A coherent and readily demonstrable judgement of fact, if a social theory capable of noting the perennial existence of social scapegoats since time immemorial were adopted (Girard, 1978), is thus condemned to remain marginal as long capable theories are stigmatised by the above mentioned centripetal process.

António José Saraiva presents the history of the Portuguese Inquisition denouncing how, in the particular case of that nearly 300 year tribunal, it invented crimes – constructed through denunciation and torture – presenting them, on the record, as actual practices in the lives of those it imposed sentence upon. The tribunal provided a way of life for hundreds or even thousands of operatives and collaborators, making its powerful agents very rich. Modern historians have used those records to illustrate aspects of Portuguese life in those times (Saraiva, 1994: 211-292). This happens even while the impeaching context behind the accounts contained in those records is readily available to those same historians: justifications for the despoliation of society by a body of jurists and their associates, through the manipulation of an ancestral social nature that craves scapegoating. Beyond all other historical evidence available upon which to weigh the validity of the Tribunal records, there is, as Saraiva noted, the rather telling fact that as soon as the Inquisition was over in Portugal, the “criminal” practices that it was no longer there to prosecute, were never heard of again. But the need for scapegoats continues.

There are those who argue that the legalization of currently illicit drugs would result in a great reduction in crime rates. In spite of obvious differences between the 18th and the 21st centuries, might there not be something similar going on between the drug war and the above described scenario? Might there not be lessons to learn from Prohibition in the United States (Woodiwiss, 1988)?

**Human social nature**

The strategy of creating fear (for example, pertaining to the Jews, in the case of the Portuguese Inquisition, pertaining to drugs now), to then reap benefits through the offer of protection (known as Protection Rackets when the Mafia does it) by the Courts and their police forces, is a form of establishing power and moral hierarchies: the world of crime and the world of the powerful. Modernity has made abundant use of this mechanism. From the violent history of the Discoveries passing through the organization of the transatlantic commerce of slaves (Greaber, 2011: 163), to the establishment of urban policing, there are always convenient scapegoats to justify the businesses that is to be imposed. The infidels, the savages, the thieves and vagrants, the foreigners, the incapacity for auto-determination of the inferior races, were all justifications for the West to arm itself in pursuit of treasure, in the name of faith and empire. The problem is: how do modern societies, reflective and rational, continue to fall for the same discrimination- and stigma-con of yesteryear? And how might we one day come to live in societies free of ideologies that appeal to the worst in human nature, lending themselves to manipulation by venal interests, such as those that have lead the West to the wars of the 21st century?

Is there some social human nature that supplants reason and recurrently obliges us to subordinate ourselves to powers manipulating our liberties? For the pleasures of socializing among equals in cosmopolitan societies, will we be condemned to remain vulnerable to discriminatory and intimidating power strategies with criminalizing and bellicose objectives?

A superstitious fear causes most to shun the bearers of social stigmas. The criminal stigma is an ideal type (the fear of incurable diseases produces similar reactions in people), but there are others: ethnicity, gender, sexual orientation, religion, etc. The shame of abandoning the victims of these imputations to their fate and isolation is eased by delegating the responsibility of dealing with them to institutions designed specifically for the purpose (abused women, abandoned children, isolated elderly, people with disabilities, etc.). Societies give ample freedoms to and ask few explanations from institutions (children’s homes, old people’s homes, prisons) that express social morality. The fundamental thing is to ensure the distance between the normal (people and lives) and the situations that negate that normality. In this way, a reserve of scapegoats is established, of which some became examples of overcoming *one’s own* problems, but the majority, with no such opportunity, will live under permanent suspicion.

**Of Torture**

Torture is the result of the contradiction between the impartiality of reason and inquisitorial methods, by courts and societies, which make use of scapegoating mechanism to produce moral authority in dealing with problematic issues. The prevention of crime is the principal duty of the state. The agents of the state *pressure* the accused, witnesses and evidence to *confess* to the crimes. However, they must go only as far as necessary to find the truth, say those who defend such practices: as an instrument of knowledge, not as a means to manipulate society so as to maintain social differentiations, as well as confidence in the social contract and the promised would-be protection.

The recognition of the ambiguity of these processes of stigmatization with ‘magic’ protection powers is the basis of the juridical reasoning that created the crime of torture. Subscribed in international conventions by many states, the criminalization of torture is minimally employed. (The juridical concept of torture covers exclusively practices by agents of the state. Violence serving other interests, perpetrated by non-state agents is not, legally, considered torture. For example, in the secret CIA prisons, outside of territorial USA, as far as US justice is concerned, there is not, nor will there be any torture, as long as the connection between the torturers and the state cannot be demonstrated.)

It is important not to lose sight of the fact that most people think that institutional discriminations and manipulations are necessary and indispensable in society. This uncomfortable fact is what makes difficult any epistemic change. Even poor individuals, discriminated and defenceless, who resort to the police or the social services for help, also think that the *defects* of others are more loathsome than their own, and as such view themselves as having the right to be above them in the social scale, claiming a right to enjoy better conditions of existence. Might it be that they believe all the political, police, religious and social sciences propaganda about the inherent inequality of human beings? Perhaps, But it is also possible that the tendency to discriminate has a biological basis. Among other things, the human species distinguishes itself from other animals by its extreme plasticity and adaptability. The construction of social identities can, like software, be altered, especially from generation to generation. On the other hand, this process of change tends to have a powerful destabilizing impact on the older generations, who may no longer possess the malleability necessary to assume new social roles. Under this hypothesis, discrimination would then be a spontaneous social defence against other social identities which threaten those already constructed (be it by older generations or the dominant cultural group). Such a process produces alliances between “us” against “them”. These symbolic alliances can become aggressive at the slightest hint of perceived danger, such as in what was Yugoslavia or Ruanda, for example.

Humanity’s fundamental characteristic is, precisely, its extreme capacity for transformation; including its nature. As shown by Elias (1990), our emotions, feelings and even our endocrine secretions have demonstrably transformed in the last few centuries. This process will continue to take place as human societies transform.

The scapegoats are complex social constructs, ancestral but updated. If societies change, the uses of scapegoats also change. Achieving equality requires that the effects of discriminations, whether biological or social in origin, be overcome. This, in turn, requires heightened consciousness as to the nefarious consequences of social identity defence mechanisms, when these become aggressive – hence discriminatory. This process of awareness raising is something to which abolitionism can and should contribute.

Foucault noted how, in modern times, we prefer not to see the scapegoats (they are kept behind prison walls) while previously the preference was for making their suffering a public spectacle. Symbolically, however, through the social communication and entertainment industries, there is a constant cacophony of spectacles serving whatever brand of scapegoat suffering, hard-luck, or triumph fits our particular taste. Even so, society cannot dispense with its prisoners; it needs to know they are there to feel secure.

Social theory justifies crime, *a priori*, as a desperate form of ascending the social ladder, as in Merton (1970). The poorest among us are in prison because they aspire to rise socially, as we all do. Crime is the consequence of the poor aspiring to consume above their means. This tumultuous anxiety of the poor, as Wacquant (2000) says, needs to be managed by the state. In this way the penal state serves to save financial resources so as to accumulate them at the top of the social pyramid.

Social theory does not discuss the very profound and lasting social mechanisms of the creation and use of social discriminations for the construction of identities and powers. I discovered this omission by taking seriously the information that 80% of Portuguese prisoners have a previous life of commitment in institutions for at-risk children and youths. Many of these children are then transferred to adult prisons when they reach statutory adulthood. The world of crime, therefore, seems to emerge from that of abandoned children, who in Portugal are not left on the streets – as they are in Brazil, for example. In this way the abandoned children of today are the scapegoats of tomorrow, without the state or society caring to acknowledge it, or sociology finding a way to highlight such biographies.

What might motivate these children: ascending the social ladder or finding a (any) place in society?

**The global dynamic of establishing abolitionism**

The prisoners’ liberation struggle is real, serious, and it deserves to be supported. However, abolitionism cannot permit itself to be limited by its solidarity with that struggle. It is imperative that abolitionism comprehend and invest itself in, first of all, liberating abolitionists and society. Namely, the challenging liberation of social theory. The prior liberation of which is essential for the development of useful contributions to a more general freeing from the snarls of social discriminations and the manipulation by the state and institutions of perverse social tendencies inherent in the current state of human nature.

Abolitionism is the work of transcending the currently dominant punitive social nature, in both its modern (prisons) and ancestral (production of scapegoats) dimensions. It can assume as its objective the creation of *a social nature that encourages exercises of liberation from processes of social discrimination*; a social nature that penalizes the covering up and legitimization of abusive, stigmatizing and discriminatory processes.

Today the practice is to create, reproduce and use social discriminations as a way to construct the impunity for abuses of power, in the prisons, as well as other institutions and in society in general. What is necessary is to find paths to a civilization capable of repressing and punishing the production of social discriminations and abuses of power without resorting to discriminations and abuses of power.

Unfortunately, the current global struggle against the globalized empire does not include an abolitionist strand. But one can be developed. To think through and organize the resurgence of penal abolitionism – at the centre of abolitionist politics – requires identification of powerful reasons to justify bringing it out of its present dead-end.

Since the 1980s, when the deinstitutionalization process seemed unstoppable, securitism has crushed abolitionism in the competition to capture the collective consciousness. The euphoria for liberty and human rights, promoted in the West and then employed for state propaganda against the Soviet Union and its *gulags*, morphed into horror. Guantanamo, Abu Grahib, the secret CIA prisons, the international agreements against immigrants, the criminalization of migrants, the imperial wars, are only symptoms of a more general problem. Something that began to rear its ugly head even before the fall of the Soviet Union (when the USA found itself the only superpower) dating back to the organization of the Western gulags, in the 1980s, as a response to the crisis of capitalism in California (Gilmore, 2007). The industrial-military-penal complex expanded in the shadow of the exchange of freedom for security. Disrespect for the law by its very agents, alleging security reasons, and the tolerance of abuses and torture became evident and unchecked. This dynamic was applied not only to foreigners but also to internal order, especially in the prisons (Perkinson, 2004). The vast array of “control” and “management” techniques developed in this vast enterprise would then be exported to Iraq and many other countries, including some of our own.

The victorious struggles against slavery, the recognition of equal civil rights for all, and the abolition of the death penalty are far from having passed to history. Discrimination of foreigners (especially those of a darker hue), institutional racism, the criminalization of immigrants, the prosecution of the Roma, human traffic, summary executions by police forces, homicides (deliberate or as a consequence of corporal punishments run amok) in police stations and prisons, the lack of healthcare with completely avoidable yet irreversible consequences, and a whole other list of malfeasances that tend to occur wherever authorities are at work, are very far from being preoccupations of the past to abolitionists.

People and societies comfortably accept the exchange of liberties for security; be it in airports, on the streets, in schools, neighbourhoods or businesses. A significant part of the population desires and asks for that exchange to be made. As Sonnet confesses in the first page of the introduction to his *The New Culture of Capitalism* (2006), when the New Left of the ‘60s broke with Sovietism, positioning itself against bureaucracy and the state, in favour of liberty, it was not expected that the result would be the lack of freedom that we see today. In fact, in the name of corporate freedom, of speculation, the exploitation of the planet, and of a global oligarchy, humanity remains divided between us and them, those at the top and on those at the bottom. A dynamic which in turn renders it extremely susceptible to political manipulation, when what is necessary is to find a path to overcoming the perverse aspects of human nature.

The momentum created by the struggle of Soviet political prisoners against the use of mental clinics to institutionalize dissidents was employed, in the West, to stigmatize the authorities involved in those activities. The result was a dramatic reduction of political trials[[1]](#footnote-1) and the wholesale closing of asylums in the 1980s. However, imprisonment for allegedly economic and social reasons remained intact in its political legitimacy – with its numbers rising ever since. Unlike what Ruggiero argues (2010: 4), a strategy of shaming securitist politics does not seem to be enough to halt the rise of such numbers. Almost everyone seems to recognise the inhumanity of incarceration while at the same time seeing it as indispensable. The production of social differentiation is not only accepted but popular, even among the most disadvantaged.

One of the lessons drawn from activism and social research in the area of prisons is that sincere agreement with abolitionism does not result in practical collaboration. Even human rights organizations, unless directly geared toward abolitionism, avoid contact with any such ideologies, fearing they might (as likely will) embarrass them with their supporters, sponsors and the state. As a result, the tendency is to rationalise abuses inflicted in the prisons as mere collateral damage, and inhuman sentences as well deserved.

Getting back to Ruggiero, this time to agree with what he writes on the same page, it is desirable not to reduce abolitionism to the dismantling of the penal system. It is necessary to understand what crime means for current societies and conceptualize distinct methods for society to confront the problems which the anti-crime forces claims to stand up to.

The hoped for contribution of this essay is to affirm the necessity of bringing the principles of equality, defeated with the implosion of the Soviet Union, from their profound coma. The argument does certainly not intended to negate the value of freedom – as the Soviets did – which would be absurd in a discussion about how to abolish prisons. Rather, the point is to define a strategy to focus society’s attention on the value of the principles of equality, so that real freedom may be achieved – not the freedom of corporations, of markets, of governments, but the freedom of the person; of all persons; of any person.

The task at hand is not just freeing prisoners, but recognizing, in an emphatic rather than merely rhetorical manner, the equal humanity of those in prison as well as of those who sentence them. Starting, for example, with penalizing every judge who violates, or permits the violation of, the human rights of defendants or witnesses, in the courts or in prison. The question is not how to put the corrupt in prison, but how to develop anti-corruption strategies, including and starting with the administration of justice and of prisons (Preto, 2010).

**Social freedom will not be the work of the victims of the penal system**

Workers have not been able to free themselves from wage labour. There is even less hope that prisoners will liberate themselves. They are much like slaves, who, to the degree that they were freed, did not do it alone. There are not separate worlds of workers, prisoners/criminals, and slaves. What exists is a society that constructs stigmas which are then forced on people, not as labels, but as identities that are assimilated – by the victims, the tormentors, and all of us, sociologists too. This assimilation limits the freedom and dignity of every person. The work of abolishing discrimination, affirming the equality and dignity of each and every one is the key to the triumph of abolitionism. Long term work, no doubt, but work that has already been started and needs to be pursued.

In Portugal, legislation was recently passed ensuring that it is possible for a prisoner to make a complaint, as a legally protected right. However, in practice, the making of a complaint by a prisoner continues to be an act of courage, likely to attract formal and informal retaliatory punishment. A reality that is completely ignored by penal administrative authorities, the justice department and judges – annoyed with the work that said complaints bring.

Were it not like this, the Association Against Exclusion for Development (Associação Contra a Exclusão pelo Desenvolvimento, ACED) would not have anything to do. ACED limits itself to receive the prisoner complaints that manage to reach its offices and redirect them to the competent investigative authorities. In light of retaliatory practices, prisoners only call on ACED as a last resort. Even so, ACED receives and submits many complaints each year. The authorities’ response is usually to treat each case as an aberration.

ACED’s activities are oriented toward elevating prisoners’ complaints from the penitentiary framework to a higher social and administrative level, outside of the penal system. It is in this outer world that the incapacity and lack of will to address prison issues in any kind of systematic way is discovered, be it in the social media, human rights organizations, or the state’s own investigative bodies. The reasons are many: the professionals and activists involved are weighed down with too much work; hampered by lack of cooperation; beset by political pressures (from the government, the party system, the judicial system, law enforcement agencies and the penal system itself). They are also impeded by the previously mentioned epistemic problems – that is, a repugnance, automatic and visceral, that invalidates the problems of those they (whether or not consciously) see as beneath themselves.

Among these entities each complaint is treated, at best, as an opportunity for philanthropy, without ever bothering to ask how it is possible to subject human beings to the sort of torments that prisoners regularly denounce in the name of the state.

Looking for allies, ACED was present at the World Social Forum (WSF) in 2002, on the eve of Lula da Silva (the charismatic leader of the Workers’ Party and the WSF) becoming president of Brazil. In the only initiative pertaining to prisons that we found – at a discussion concerning the criminalization (orchestrated by the Brazilian Federal Police) of social movements – ACED had the opportunity to ask if the new society being projected for Brazil would be able to do without prisons. No, was the unanimous answer. A lawyer for the Landless Workers’ Movement, himself tortured and forced underground to escape more torture at the hands of the police and the prison services, answered with a question: “Where would we put those who persecute us now?”

More than a decade on since the coming to power of the Workers’ Party, that same lawyer continues to wait for his torturers to be held accountable. But in the same period tens of thousands of people abandoned by Brazilian society have added to the incarceration problem that already existed in 2002: from 240,000 in 2002 to 500,000 in 2010, thus maintaining a growth trend that adds up to 400% over the past 20 years.[[2]](#footnote-2)

Prisoners may fight for justice or against injustice. Nevertheless, they are far from thinking of, or even being able to think of, demanding equal treatment for all. The same was true for Frederick Douglas,[[3]](#footnote-3) one of North America’s best known abolitionists, who while enslaved could focus only on his own escape. After freeing himself, then he could take on the struggle of those whose full humanity was not recognised by society. Abolitionism refers to the eradication of any and all forms of inequality, an end to all discriminatory dichotomies, be they based on sexual orientation, gender, age, class or ethnic origin, form of expression, culture, health condition and/or mobility, place of residence, etc. How can prisoners incorporate abolitionist feelings? How can slaves, foreigners without any kind of formally or tacitly recognized rights, refugees, socially isolated persons, be expected to invest mental, emotional and physical energy into struggling for the equality of human dignity when they themselves are at risk of living a life devoid of any such sense of dignity? For many prisoners social integration means being able to incorporate a minor but recognized social role, even if it is that of bandit or inmate, like the “good prisoner” of the concentration camps mentioned by Primo Levi (2013: 180).

The Stanford experiment (Zimbardo, 2007), in the 1970s, demonstrated showed how university students, recruited from among activists against the Vietnam War to participate in an experiment simulating the conditions of penal incarceration for a few days, can becaome so alienated as to require mental health treatment. One of the students so internalized the role play that he appealed to a lawyer for help.

Liberation efforts require awareness of the necessity and the right to stand against unwarranted and illegal detention. The struggle for liberty will only be successful if we do not forget the struggles of those who came before us. Struggles that are reflected in today’s laws and judicial processes as a result of both personal and social efforts. These were and must continue to be efforts of liberating activism centred on the promotion of social equality and solidarity, undertaken in the name of transforming the currently prevailing social nature.

**Final notes**

In remaking itself, prison abolitionism must learn to assume and understand its defeat and current inertia. While it is true that abolitionism’s first objective cannot be to end the penal institution, the error of the ‘70s was not that it had that ambition as objective. Rather, the mistake was thinking that some historical determinism would dispense society from having to transform itself and construct anti-discriminatory social and institutional forms of punishment.

The penal state, as used by Wacquant (2000), is supported by a penal society and individuals anxious to resolve their own existential insecurities through scapegoats. These individuals and scapegoats are in turn manipulated by specialized, modern institutions and professions: law enforcement and social institutions and professions with great epistemic influence in the construction of the current social ideologies and theories. It is true, as Hulsman (1993) noted, that there are those who regularly belie the necessity to take revenge for one’s own weaknesses on others, a fact which shows that it is possible for people to live without discriminating, stigmatising or scapegoating. But for now, as pointed out by Goffman (2004), individuals with social status who associate with pariahs continue to be few and are merely tolerated – and not many of these are abolitionists.

Abolitionism requires the organization of an activism with broad epistemic and political ambitions. Activism that does not yet exist, in spite of there being good ideas to build upon.

References:

AAVV. (2013). Transformative justice. S. Francisco, <http://www.generationfive.org>, ??/??/20??

Buesco, J. (2004). Somos todos nobres … e servos! Ingenium (pp. 72–74). Lisbon.

Christie, N. (2000). Crime Control as Industry - Towards Gulags, Western Style (3rd ed.). London: Routledge.

Davis, A. Y. (2005). Abolition Democracy - beyond Empire, Prisons, and Torture. NY: Seven Stories Press.

Elias, N. (1990). O Processo Civilizacional (Vol I and II) (1st ed.). Lisbon: D. Quixote.

Gilmore, R. W. (2007). Golden Gulag – prisons, surplus, crisis and opposition in globalizing California. Berkeley: University of California Press.

Girard, R. (1978). Des Choses Cachées Depuis la Fondation du Monde. Paris: Éditions Grasser et Fasquelle.

Goffman, E. (2004). Estigma - Notas sobre a Manipulação da Identidade Deteriorada (1st ed. 1963 ed.). Sabotagem.

Greaber, D. (2011). Debt – the First 5000 Years. NY: Melville House Publishing.

Hulsman, L. (1993). El enfoque abolicionista: Políticas criminales alternativas. El Poder punitivo del Estado. Criminologia critica y controlo social. NeoPanopticum - Derecho, Criminologia Y Ciencias Sociales, 75–104, hppt://neopanopticum.worldpress.com, ??/??/20??

Lahire, B. (2012). Monde pluriel. Penser l’unité des sciences sociales (Couleur de.). Paris: Seuil.

Latour, B. (2007). Changer de société, refaire de la sociologie. Paris: La Découverte.

Levi, P. (2008). Os que sucumbem e os que se salvam. Lisbon: Teorema.

Levi, P. (2013). Se isto é um homem (10a ed.). Lisbon: Teorema.

Merton, R. K. (1970). Estrutura social e Anomia. In Sociologia - Teoria e Estrutura (pp. 203–233). S. Paulo: Mestre Jou.

Perkinson, R. (2004). Some US prisons as bad as Abu Ghraib. Straits Times Interactive, http://straitstimes.asia1.com.sg by [perk@hawaii.edu](mailto:perk@hawaii.edu)., ??/??/20??

Preto, J. (2010). Estado Contra Direito - flagrantes do assédio Liberdade de Expressão. Lisbon: Argusnauta.

Ruggiero, V. (2010). Penal Abolitionism. Oxford: Clarendon Studies in Criminology.

Saraiva, A. J. (1994). Inquisição e Cristãos Novos (1a ed. 196.). Lisbon: Estampa.

Sennett, R. (2006). The New Culture of Capitalism. Yale University Press.

Therborn, G. (2006). Meaning, Mechanisms, Patterns and Forces: an Introduction. In G. Therborn & (ed.) (Eds.), Inequalities of the World – New Theoretical Frameworks, Multiple empirical approaches (pp. 1– 58).

Wacquant, L. (2000). As Prisões da Miséria. Oeiras: Celta.

Wilkinson, R., & Pickett, K. (2009). The Spirit Level – why more equal societies almost always do better. London: Penguin Books.

Woodiwiss, M. (1988). Crime, Crusades and Corruption - Prohibitions in the United States, 1900-1987. London: Piter Publisher.

Zimbardo, P. (2007). The Lucifer Effect: understanding how good people turn evil. Random House.

and work perspectives available, such as the work of Angela Davis (2005) or GENERATION FIVE (AAVV, 2013).

1. Which does not mean that political prisoners no longer exist, as the well-known cases of Mumia Abu-Jamal and Leonard Peltier, or the criminalization of Chelsea Manning, Julian Assange and Edward Snowden in the USA demonstrate [↑](#footnote-ref-1)
2. <http://exame.abril.com.br/brasil/noticias/numero-de-presos-do-brasil-aumentou-mais-de-400-em-20-anos>, consulted on 2014-09-19. [↑](#footnote-ref-2)
3. <http://www.biography.com/people/frederick-douglass-9278324#synopsis>, consulted on 2014-09-19. [↑](#footnote-ref-3)