

AUTHORITARIANISM AND CONFINEMENT IN THE AMERICAS



EDITED BY KARINA BIONDI, JENNIFER CURTIS AND RANDI IRWIN

SPEAKING JUSTICE TO POWER III
APLA / POLAR ON AUTHORITARIANISM IN THE AMERICAS



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BPK60A “Prisoners in Courtyard Carandiru” Sony Pictures Year: 2003 Brazil / Argentina Director: Hector Babenko. Image shot 21 March 2003. Exact date unknown. “Carandiru” is a 2003 Brazilian drama film directed by Héctor Babenco. It tells stories of life in Carandiru Penitentiary, which was the biggest prison in Latin America, and culminates with the 1992 massacre of 111 prisoners, 102 by police. Part of a new kind of Brazilian realism inspired by Cinema Novo, the film relied on the memoir, *Estação Carandiru* by Dr. Drauzio Varella, a physician and AIDS specialist who worked on location, and the experiences of actual prisoners, who were cast in the on-location filming. As such, Carandiru can be viewed as a testimony from the prisoners themselves about the massacre, and prison conditions in Brazil more generally.

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Speaking Justice to Power III

Confinement, Cauterization, and Antipolitics in the Americas

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Incarceration and Transformation

Editorial Introduction I

Speaking Justice to Power III Confinement, Cauterization, and Antipolitics in the Americas

By Jennifer Curtis and Randi Irwin

October 3, 2018

URL: <https://wp.me/p1SS1c-1xU>

This Speaking Justice to Power installment focuses on the Americas, North and South, to foreground the divergent historical roots of the region's new authoritarianism, now being enacted through confinement practices in numerous states. A multi-part PoLAR conversation with Karina Biondi (2017 APLA Book Prize winner), Catherine Besteman (President Emeritus, APLA), and Orisanmi Burton, complements this Speaking Justice installment's focus on authoritarian practices of confinement and cauterization.

As states in both North and South America expand authoritarian practices of confinement, citizens balance responding to immediate crises, such as the Trump administration's family separation policy for immigrants and asylum seekers, and resisting the way confinement practices constrain and confine dissent over time, far beyond ostensible, immediate targets. Empathy is one force for mobilizing dissent and protest, from abolitionist campaigns against family separation in the 19th century to contemporary protests against carceral policies. Protests against detention and confinement practices are essential to withstanding creeping authoritarianism, often catalyzed by empathy. Understandably, when children are in cages and their relatives are undocumented, they cannot very well advocate for them-



"Code Pink Silent Protest" by Steve Rhodes. CC by 2.0. Image cropped for use on this website..

selves. In the U.S., more than 13,000 migrant children were being detained as of October 2018—a fivefold increase in one year, not due to any increase in child entries—and hundreds of migrant children in custody are being transported from across the U.S. to a Texan tent city. But

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over time, confinement practices sever connections just as much as they establish categories of Others, desensitizing possible allies, and even disabling dissent.

William Paul Simmons (2011) describes such practices as a process of legal and social cauterization, which marginalizes Others, “branded as beneath humanity, below those that deserve rights... Then, those that are deemed inferior or rightless are sealed off from the polis or the courtroom... Finally, those with rights, the full members of the polis, deaden their feelings toward the suffering of those who are branded as rightless” (10). The disciplining logics of confinement not only act upon the individuals whom they isolate. They also work to continuously establish categories of who is and is not worthy of liberation. When authoritarian regimes practice confinement tactics—against dissenters, immigrants, entire classes of people defined as criminal or subversive—they also attempt to steer “good” subjects into scarred numbness and immobility.

Within the broader body politic, confinement severs connections (family, community, nation, etc.) and then cauterizes those wounds. Beyond direct, immediate injuries to individuals and groups, confinement and cauterization can weaken the people’s capacity for dissent and opposition, confining the people’s ability to practice politics itself. The three essays here focus on transformative dimensions of authoritarian confinement. [Lindsey Raisa Feldman](#) ethnographically explores the capacity of captives to transform themselves through a prison wildfire program, directing our attention not just to confinement’s disciplining production of subjects, but also to possibilities for new political subjectivities and solidarities. [Julienne Weegels](#) considers the Sandinista movement’s transformation into an authoritarian regime, and its consequences for political dissent. [Sara R. Munhoz](#) considers how juvenile justice reforms in Brazil transform “freedom” into discipline—discipline that functions much like incarceration in disguise.



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Randi Irwin is a PhD Candidate in Anthropology at The New School for Social Research. Her doctoral research is focused on the struggle for Western Sahara’s decolonization, led by the Saharawi state-in-exile from a refugee camp in Algeria. Her research focuses specifically on the role of natural resources in mediating knowledge production, territorial rights, formations of citizenship, and legality. Randi’s dissertation research was funded by the National Science Foundation and The New School.

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Selfhood in Flames?

Imprisonment and Cauterization in Arizona's Prison Wildfire Program

By Lindsey Raisa Feldman

October 3, 2018

URL: <https://wp.me/p1SS1c-1wy>



Photo by Lindsey Raisa Feldman.

The United States, self-mythologized for centuries as a paragon of freedom and liberty, now serves as an ironic exemplar of detention in multiple dehumanizing forms. Although the U.S. has hardened its stance regarding refugee resettlement and immigration in lockstep with other western countries (particularly those in western Europe), it stands alone in its staggering rates of incarceration. America makes up four percent of the world's total population, but holds twenty-two percent of the world's incarcerated people behind its bars.^[1]

Detention practices in the U.S. have long reflected authoritarian ideologies centered on racialized

rightlessness and hyper-nationalistic insulation.^[2] The criminal justice system now serves as a vehicle for openly authoritarian American governance. Prisons operate both as physical spaces of confinement for actual bodies and also as symbolic spaces of Othering, of branding, by those who define the parameters of the regime's moral ontology. That is to say: when the ruling class calls to lock up the "bad guys," they are in fact claiming the power to define who is worthy or unworthy of humanity. Prisoners and detainees are thus prime examples of cauterization, a process that deadens society's feelings and actions towards particular groups of individuals, sealing them off from social and political life and agency.

Although scrutiny of mass incarceration has increased in recent years, what is less discussed are the daily implications of carceral trends for those behind bars.^[3] This is not accidental: the prison has become an institutional black box in which draconian policies are enacted without public knowledge or consent. Even less clear to the free is whether and how imprisoned people respond to and push back against such social and moral cauterization. What is important to remember is that institutions like the prison system are not monolithic; they hold cracks and fissures where light leaks into their shadowy spaces. Each day on the prison yard, incarcerated people find ways to make meaning in their lives and reject institutional processes of cauterization.



Photo by Lindsey Raisa Feldman.

My latest research project was to examine the meanings of work for incarcerated wildland firefighters in Arizona. I analyzed this particular labor program as a paradox of exploitation and transformation. On the one hand, the Inmate Wildfire Program (IWP) pays prisoners very little—\$1.50/hour—compared to the \$50/hour that non-prison crews are paid for the same work. Further, in similar programs like California's prison fire program, incarcerated people are branded by wearing orange and being cordoned off from non-prison crews, and are frequently placed on the most mundane work assignments. As such, participants are not garnering "on the line" experience that could help them find work upon release, and when they do get on the line and face risk or even death, death benefits afforded to them take years to reach their families—they ever. Thus, any analysis of the IWP must begin with the same critiques of slavery or exploitation leveled against all prison labor programs.

However, the Arizona program includes some remarkably progressive practices that differ from those listed above, which allow prison firefighters to dismantle some of the dehumanization of incarceration, even while the program exists firmly within the prison regime. The experiences of imprisoned people within this program are complex, and underscore the processual nature of

detention—both how it cauterizes, and the ways individuals attempt to reject cauterization. I sought to understand whether and how this latter process occurred. I became a certified wildland firefighter and spent fifteen months on the fireline with prison crews in Arizona. Using data from interviews and observations both on the line and on the yard, I found that the determining factor of whether individuals could reject the moral and social branding of imprisonment was if they could access complex formulations of selfhood.

Prison restricts peoples' identities in many insidiously mundane ways: each movement (or lack thereof), each interaction between guard and prisoner, each laborious activity, is designed to strip individuals of their former selves. When reflecting on the impact of prison on his identity, one incarcerated firefighter stated, "When I was in the courtroom I was a father, I was a [construction worker], I was a basketball player, I was a son. And then as soon as I got my charge, and then especially... when I got to the yard, all of that was gone. And I had to start over." Another said, "On my first day in jail, I didn't know that because I was from Mexico I had to be associated with la raza [a gang]. Some old [prisoner] came up to me and told me I had to join them.



Photo by Lindsey Raisa Feldman.

I didn't have a choice anymore, I learned right there. I had a role to play. I have played it for seven years."

All of the processes of detention exist to craft an identity stripped of prisoners' qualities beyond criminality. In essence, prison constructs the social category "prisoner," then continues to punish those that fit that bill. Within prison as well as in the public sphere, defining criminality has implications for incarcerated people's perceived morality and social value.^[4] By constructing definitions and social characteristics of who goes to prison, not only do individuals in broader society feel free to disavow any responsibility to help prisoners, but prisoners themselves begin to think they deserve treatment as a particular kind of person. This process of social categorization by the prison system results in cauterization, also known as a sort of "existential death" for those who serve time.^[5]

And yet, the cauterization of prisoners, and the social death within the prison system, is not

totalizing. It is important for the public to remember this fact as one way to reject the strategies of authoritarian detention: remembering that people are in prison, who are capable of finding hope, emotional connection, and other very human meanings in their lives. This goes a long way towards refusing the idea that certain groups or classes of people can be socially branded and excluded from society. This meaning-making, this staking a claim to dignity and complex selfhood, is exactly what I found when working with fire crews in the IWP.



Photo by Lindsey Raisa Feldman.

Individuals who participated in this program were well aware of their low pay and the barriers that faced them upon release. The 13th amendment rolled deftly off their tongues in moments of frustration. [6] Yet acute awareness of their situation did not prevent them from practicing a rather extraordinary reclamation of selfhood through the program. In my analysis, I isolated three ways that program participants intentionally crafted the IWP as a space of identity transformation: in the creation of a complex working identity, through the expression of an intimate form

masculinity relatively unheard of on the prison yard, and through the immersion into non-carceral spaces (both physically and symbolically). To draw on the last of these as an example, IWP crewmembers utilize immense amounts of critical thinking and analytical skills (diametrically opposed to the monotonous “labor” of most prison jobs), are enmeshed in anti-carceral landscapes through the daily work of wildland firefighting, work side-by-side with correctional officers (often usurping them in expertise, creating intricate working dynamics that defy normative prison/guard relationships), and wear no physical markers of incarceration (unlike in California). They thus might find themselves being applauded in restaurants, or chit-chatting with rural homeowners. One prison firefighter described his initial paranoia when he interacted with the public in his job, after spending many years behind bars. He recalled, “I didn’t want anyone to look at me ‘cause I was worried what they would think. But then I realized it wasn’t bad, when they wanted to make eye contact with me or talk to me. It was just that they were seeing me. I was being seen like a human being again.”

The impact of this public interaction goes beyond a simple “feel good” story. It is a fundamental re-inscription of social cauterization for both prisoners and the broader public. This differentiates the IWP from other labor programs, like service dog training, or even social programs like creative writing workshops, where prisoners conduct personally meaningful work still hidden in the con-

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fines of the prison yard. The IWP allows everyone involved to re-consider what being a prisoner

means. The lack of any identifying clothing or linguistic markers provides a symbolic fluidity for those who participate. This, in turn, provides emotional and psychological room for crewmembers to question who they are, or who they can choose to be, questions not often posed in the prison context. The cauterization of criminality is crafted through policies, language, and embodied procedures each day for people in prison. Therefore, the conscious refusal of this cauterization time and time again on the crew serves an important process in the opening of new senses of self and self-relation.

The IWP program is small, and it is exceptional in its practices and paradoxes. However, this unique view from inside the prison system contributes to debates on the increasingly dire national policies and politics surrounding detention more broadly. Specifically, it allows us insight into the daily meaning-making of incarcerated people, and as such, gives the public a more comprehensive set of parameters to frame our dissent. The public outcry against the current crisis of detention centers on the U.S./Mexico border has been swift and severe, and appropriately emphasizes the utter inhumanity of detaining those whom society deems most innocent: children. Yet, when considering the implications of detention in our society, there is a much longer moral spectrum. Should we advocate equally for families who seek asylum from decades of state violence lawfully and for those here without documentation? Should we approach discussions about the reunification of children with parents the same way as we do the single man seeking a new life on his own?

I believe that a deep consideration of imprisonment offers us two main ways to challenge authoritarian ideologies of detention and cauterization. First, those of us who are free must speak up for those who are detained, including those detainees who are more socially risky to advocate for. By steadfastly including those in prison in our definition of humanity, we openly defy the effects of anti-democratic, racially-biased, and violent state policies. Individuals who are already labeled “criminal” have a right to maintain their dignity, particularly in the face of authoritarian practices of detainment, exclusion, and cauterization in the modern U.S. prison system. The second way to challenge such ideologies is by acknowledging the transformative work of incarcerated people themselves. This can be seen through the daily meaning-making of IWP members, and can be seen especially clearly in the recent U.S. prison strike.^[7] My work has analyzed the connections between work and identity rather than offering an analysis of the political economy of prison labor, yet this is a clear and pressing point. By striking against the conditions of their carceral existence, imprisoned people participating in the strike define themselves as valued laborers as well as political agents. They re-define themselves not as cauterized “criminals” but as human beings with legitimate claims to dignity. Their fight must become ours, not only to improve the material conditions of their work, but also to reorient the symbolic implications of detention writ large: as the freedom of those behind bars emerges, so does ours.



Dr. Lindsey Raisa Feldman is an Assistant Professor of Applied Anthropology at the University of Memphis. In her latest research project, she offered a case study of Arizona's Inmate Wildfire Program to argue that prisons are spaces full of institutional contradiction and that incarcerated individuals are capable of finding cracks in the dehumanizing foundation of modern imprisonment. Dr. Feldman is in the preliminary stages of designing her next project, which will be a mixed-methods applied research project on prison re-entry, work, and mascu-

Notes

- [1] Walmsley, Roy. 2013. World Prison Population List. International Centre for Prison Studies, available: http://www.prisonstudies.org/sites/default/files/resources/downloads/world_prison_population_list_11th_edition_0.pdf
- [2] Cacho, Lisa Marie. 2012. *Social Death: Racialized Rightlessness and the Criminalization of the Unprotected*. New York: New York University Press.
- [3] Alexander, Michelle. 2010. *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*. New York: fte New Press.
- [4] Goffman, Erving. 1959. *The Presentation of Self in Everyday Life*. Garden City, NY: Doubleday.
- [5] Jose-Kampfner, Christina. 1990. "Coming to Terms with Existential Death: An Analysis of Women's Adaptation to Life in Prison." In *Social Justice* 17(2):110-125.
- [6] fte ftirteenth Amendment to the U.S. Constitution reads, "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction."
- [7] For a broad overview of the prison strike and its goals, this video offers a summary: <https://vimeo.com/283756482>

Inside Out: Confinement, Revolt and Repression in Nicaragua

By Julianne Weegels

October 3, 2018

URL: <https://wp.me/p1SS1c-1wD>



Photo by Voice of America. A woman stands near a burning barricade holding the national flag of Nicaragua. April 20, 2018. Public domain.

Since 18 April 2018, the force deployed by the Sandinista state against a surge of popular protest has left over 400 dead, over 2,000 injured, and hundreds extra-legally detained, beaten, and disappeared.^[1] This heavy-handed repression, the appearance of paramilitaries, and the rampant numbers of illegal detentions now resulting in convictions for “terrorism,” all point to the long, yet well-hidden, hybrid nature of this state. It also reveals an increasingly authoritarian politics of cauterization and confinement that has long flown under the radar of scholarly attention, especially when it comes to Nicaragua’s reputed citizen security model and regional “safety.” Drawing on my analysis of the devolving realities and governance relations that permeated prison life during my extensive field research with prisoners and former prisoners (2009-2016), I suggest that a politics

of cauterization long reserved for the “excludable” has now reached far beyond the prison system and into public view, criminalizing and attempting to confine political dissent. This process is contingent upon the defacement of the Sandinista state from within, largely by way of its (lethal) reaction to the student protests. The chain of events that this set in motion brought practices once veiled by public secrecy into the public eye, particularly the extralegal workings of the “Sistema.” It is here that the prison environment serves as a fruitful starting point for an exploration of what is happening in the country at present.

THE SANDINISTA STATE, EL SISTEMA, AND PUBLIC SECRECY

Within the Nicaraguan “belly of the beast” a system of governing powers operates through what prisoners colloquially refer to as “el Sistema.” This Sistema encompasses, concretely, the legal sistema penal (prison system) and sistema judicial (judiciary)—in other words, the criminal justice system—and, more abstractly, the relational system of state and non-state political actors that are able to (legitimately) exert power over and through the state apparatus, including its executive, legislative, and governing institutions. According to prisoners, it is by the rules of the Sistema “that this country works.”^[2] Through the Sistema, police and prison authorities systemically take discretionary decisions and deploy extralegal force against prisoners to establish “quién manda” (who is in charge). It is also by way of the Sistema



Photo by Jorge Mejía peralta. Massive peaceful demonstration in solidarity with the mothers of the murdered, disappeared, and detained by the Orteguista dicadura. The protest was attacked by police and paramilitary forces, leaving 11 dead and a hundred injured. May 30, 2018. CC BY 2.0.

that prison authorities collude with groups of powerful prisoners to run prison’s interior and its extralegal markets. In this way, the Sistema represents at once the (legal) criminal justice system and an extralegal system of state power melded with political and criminal power, where mutual entanglements of (para)state and (para)criminal governance manifest in different configurations of state and non-state power on the ground. Akin to the “criminal governance networks” Arias (2006) describes, the Sistema produces co-governance arrangements between prisoner hierarchies and authorities that are indicative of a hybrid state (Jaffe 2013).^[3]

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The criminal justice system and the Sistema, which exceeds it, provide a valuable entry point into

the workings of the Sandinista state. This hybrid state includes not only FSLN-militants, party (wo)men, and sympathizers, but also a hierarchy of state actors including congress(wo)men, police and military commanders, the electoral council, Supreme Court judges, mayors, lawyers and prosecutors. Within and through all of these actors, “ordinary” people stake claims, exercise civilian rights, and/or invest personal interests, establishing for themselves “conectes” (political connections) or “palancas” (spring boards) in case of need. Clearly, this implies a clientelist network of influence and affluence—and, perhaps obviously, such networks are prone to be arranged in an extralegal manner. Pivotal here is that the higher up one has connections, the further one stands from the regulations that the “normal” rule of law imposes. At the pinnacle of this hierarchy of (extralegal) powers and thus farthest away from the reach of the law, or rather replacing the law (as has occurred over the past years), stands president Ortega and the Sandinista state’s top tier. Without a doubt, and without his constituents challenging these logics, Ortega governs from a position beyond the law.

Still, even though this might appear obvious (or even obsolete), the Sandinista state as a revolutionary project depends on its self-presentation as law-abiding and civil for legitimation. Even with the politicization of state institutions and the creation of increasingly centralist and authoritarian governing structures, Ortega’s government (2007-present) has thus devoted much energy and attention to keeping the workings of its Sistema carefully hidden. In practice this has included the gradual closing-off of all public institutions from public scrutiny, as well as the consistent muzzling and ridicule of protest and dissent. These tactics have created a climate of public secrecy (Taussig 1999). However, the practices of concealment the state depended upon were stretched beyond a breaking point when one of its key revolutionary promises was broken.



PROTEST, REPRESSION, AND DEFACEMENT

The defacement of the Sandinista state occurred primarily upon a breach of its revolutionary promise to life, executed by its Sistema. This publicly revealed the most nefarious workings of the Sistema. It is pivotal here that it was not abuses of power or corruption scandals that galvanized street protests. The catalyst was the state’s first lethal repression of unarmed dissent. Sandinista practices of remembrance evoke the revolutionary insurrection alongside notions of honor and sacrifice, insisting that a human life will not be lost in vain, much less to an authoritarian state. A life cut short will always claim justice.

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Photo by Jorge Mejía peralta. We Are the Voice march, September 23, 2018. CC BY 2.0.

On 19 April 2018, student protests erupted following the violent beating of elderly protesters by groups of FSLN-militants in both Managua and León as they protested a presidential decree for pension cuts and social security “reform.” Consequently, the government deployed riot police to the cities.^[4] These forces brutally cracked down on protesters, shooting two students, including a 15-year-old high school boy. Yet instead of acknowledging the lives lost, President Ortega’s wife, Vice-President Rosario Murillo, ridiculed the dead and the protesters by calling them “miniscule”. The riot police remained on the streets and the students barricaded themselves into the universities. What followed was an unprecedented revolt as people poured into the streets to stand up for the fallen students against the “estado asesino” (assassin state). The police cracked down on them too, without mercy. Directly led by President Ortega, who is supreme chief of police, Ortega broke not only his promise to never again take up arms against the people, but also bloodied and betrayed the legacy of the Sandinista Popular Revolution. And I underline popular because it was at this point that the FSLN—for the first time in 40 years—lost control over the streets. Over the course of the next few weeks, public universities and city streets turned into battlegrounds where thousands of Nicaraguans claimed justice from behind erected roadblocks and barricades. During both the street protests and massive unarmed protest marches, the National Police shot to kill, leading to the assassination of dozens more young people.

Against this growing revolt and call for justice, one that saw people literally taking and standing their ground, Ortega began to successively cauterize the protesters by moving away from the initial “miniscule” label to accusing the protesters of being “right-wing vandals,” then “criminal groups,” then “*golpistas*” (coup-attempters), and, finally, “terrorists.” While the government initially agreed to participate in a National Dialogue with various opposition movements, mediated by the Catholic Church, in order to negotiate an end to the violence (and possibly Ortega’s retreat), they simultaneously continued to attack the expanding street protest. Tanking the Dialogue and disregarding numerous international agreements, pronouncements, and condemnations, the Ortega-Murillo government finally put down its fist. They called for a “clean-up operation.” With the country paralyzed by the protests, they arranged for armed paramilitary groups to work alongside police in the take-down of the barricades, leaving protesters massacred across the country—and pushing the death toll to well above 400. With this bloody “triumph” over the barricades, the persecution, criminalization, and judicialization of mushrooming protest movements and *autoconvocados* (self-convened protesters) began in earnest. As of mid-August, dozens of (largely illegally) detained protesters are being processed under a newly passed anti-terrorism law, including participants in the National Dialogue.

CONCLUSION: A STATE UNHINGED

With the mediated cauterization, execution, judicialization, and large-scale confinement of protesters, the government deployed every element of the Sistema. Previously, the Sandinista state’s politics of cauterization was directed at communitarian others: first and foremost those deemed “delinquent youth” (that is, mainly young boys and men from marginalized neighborhoods, held to be “destroying communities” by selling and using drugs). When the politics of cauterization

were limited to common “citizen security” paradigms, they were barely questioned (see Weegels 2018b). However, as the repressive and violent capacities of the Sistema reached outside of the Sistema to repress and threaten the innocent, the line between the “guilty” or the “criminal” and the “innocent” or “protester” was redrawn. While statements like “they were students, they weren’t delinquents” still emphasize a (supposed and continuing) moral distinction between the two, the successive labelling of protesters as “anti-communitarian delinquents” combined with the revelation of



Photo by Jorge Mejía peralta. We Are the Voice march, September 23, 2018. CC BY 2.0.

the most nefarious workings of the Sistema leaves many doubting whether those deemed “guilty” in the past have really been so guilty and whether the “innocent” were really so innocent. After all, the dehumanization and judicialization of dissidents (as “terrorists”) in a context of outright state terrorism powerfully demonstrates the ongoing biopolitical power of this hybrid state. By exerting this power over the life and death of its citizens, the Sandinista state seeks an absolute power over both its people and the “truth,” effectively reducing to an Agambian (2005) “bare life” anyone who dares to challenge it. Yet the protests and their repression have in effect unhinged the state from within. The protests and state backlash have severed almost all existing co-governance relations once built on the localized sharing of power, and secrets so carefully hidden in order not to blemish the “revolutionary project” have exploded into the public realm. With the Sandinista state largely delegitimized, protesters continue to exert their sovereignty, and their rights to life, even as the country remains in an undeclared state of siege. “*Patria libre para vivir!*” (a free fatherland to live), they call, alluding to but deliberately opposing the famous FSLN slogan “*Patria libre o morir!*” (a free fatherland or death). Whether that fatherland will be theirs for life and freedom, however, remains highly uncertain.

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practices of justice and sovereignty from below.

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[1] According to numbers issued by the *Asociación Nicaragüense Pro Derechos Humanos* (ANPDH, Nicaraguan Pro Human Rights Association) on 28 July 2018.

[2] Marlon (pseudonym), City Police Jail, 2016.

[3] I have written extensively about these co-governance arrangements in the Nicaraguan prison context (Weegels 2018a; forthcoming).

[4] FSLN-militants have been increasingly deployed by the government to intimidate and beat down (smaller, urban) protests over the past years, whereas riot police have been increasingly deployed to crack down on larger, rural protests (such as those against the planned interoceanic canal and those at the Mina Limón goldmine in 2015).

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"Assisted Freedom": Carceral Transmutation and Juvenile Offenders in Brazil

By Sara R. Munhoz

October 3, 2018

URL: <https://wp.me/p1SS1c-1wA>

Embed from Getty Images



Embed from Getty Images. The Prison Of Children In Brazil - The prison of children in Brazil. (Photo by Francois ANCELLET/ Gamma-Rapho via Getty Images)

In 2012, during my fieldwork in a semi-open socio-educational center on the outskirts of the city of São Paulo, I participated in a meeting with an adolescent offender who had been referred by the Brazilian juvenile court to serve a penalty described as “assisted freedom.” In this small, quiet, sparsely furnished room, a technician explained to the boy and his mother that she would be the “advisor” to the adolescent during this period. She said she was the “bridge” between them and the judge, responsible for applying the legal requirements and informing the court of everything that took place during the months he spent in the center. The offense that led to this “assisted freedom” was not a topic of great interest at the meeting. During my fieldwork I came to notice that the offense never seemed to be important during these visits. The teenager in this case was a first-time offender and had only spent a day incarcerated before the judge referred him to the

“assisted freedom” program.

While filling out the first reports for his visit, the technician asked for information about the teenager’s situation with regard to his school, family, and professional life. She asked if he already had his identification documents and his work booklet. When he responded that he was enrolled in school and had landed a job, she said, “Halfway there... this is what the judge will want to know.” The mother then asked the technician if the offense would remain on the boy’s criminal record after he completed his sentence. No, the technician replied, but she added that if they did not act in accordance with the rules and referrals they were given, the judge could incarcerate him for up to three years, or “add on” other educational measures over time. The reports produced by the technical team are intended to inform the judge about the teenager’s progress, as well as the problems faced during his time in the program. She emphasized that he had been lucky to stay only one day at the CASA Foundation, and even luckier that he was sentenced to only six months of “assisted freedom.”^[1] He consequently should work hard to avoid the risk of being imprisoned again.

In programs like “assisted freedom” for adolescent offenders, punishment is transformation: transforming adolescent offenders into citizens. Transforming them into students. Transforming them into formal workers. Transforming them into children who are monitorable, predictable and fixed in their homes. Their entire lives become oriented and driven through specific socialization pathways after police apprehension, and their pasts are exposed, recorded and analyzed. Consequently, knowledge



Foto: Adria de Souza / Pref. Olinda

Photo: Fórum comemora 20 anos do ECA. Taken by Adria de Souza / Prefeitura de Olinda. CC 2.0. This image is also cropped on this website's home page.

is produced about their pasts in order to apply powers upon their futures. Worldwide, increased incarceration along with legislative and penal rigor have emerged in a climate of growing conservatism. In this context, the young population (comprised mostly of people who are Black) emerges as a central target of state discourses and interventions. In Brazil, governmental statements and experiments are a jumble of both punitive and caring practices. The government tacks between the imperative that adolescent infractions be satisfactorily condemned, and a more sympathetic discourse that juvenile criminality is the product of state absence and socioeconomic precarity. State actions aim to maintain and/or transform adolescents into manageable and verifiable individuals.

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This essay considers the paradoxical role of the technical team responsible for working with

juvenile offenders: this team strives, through the reports it produces, to ameliorate the tendency among judges to incarcerate offenders. The reports are a component of the larger project of preventing the mass incarceration of this population. But at the same time, efforts by these technicians are essential to extending confinement beyond prison. The socio-educative measures used in Brazil permit an extremely specific type of conduct management, extrapolated from the offense committed, and not limited to simply serving a sentence.

In Brazil, since the promulgation of the Statute of the Child and Adolescent (ECA) in 1991, adolescents who commit infractions are sentenced by a special court to fulfill educational measures, preferably within an open regime.^[2] The ECA transformed children and adolescents from “objects of intervention” to “subjects of rights” and instituted an alternative configuration of punishment, distant from the toxic and contagious prison space. The statute modified institutional models of care, created innovative technical specialties, and explored questions and possibilities regarding the treatment of people considered to be “in development.”

“Assisted freedom” is one of the possible sentences in this new legislative model. Within this model, educational specialists, psychologists, and social workers (which are together called “technicians”) are responsible for offering young offenders and their families follow-up activities, guidance, and placement in social care services during the term imposed by the court (ECA, art.118). They work for non-governmental organizations that partner with the state to construct the service network. During my fieldwork, I followed a team that coordinated and implemented these measures, and produced reports to communicate “improvements” and difficulties faced in each case to the judiciary.

The multidisciplinary team responsible for implementing “assisted freedom” among this group of adolescents see their role as divided between two main tasks: referral and registration. Technicians follow up with each adolescent in both individual and collective meetings, and visit the homes and institutions

Embed from Getty Images



Embed from Getty Images. Prison pour enfants à Rio de Janeiro. Atelier de soudure dans une prison pour enfants à Rio de Janeiro, en novembre 1989, Brésil. (Photo by François ANCELLET/Gamma-Rapho via Getty Images)

in which they are placed. The service is carried out through several activities performed jointly by technicians, adolescents and their families. “Opportunities” are offered in a compulsory manner, focused on the insertion of adolescents and their families into public services for education, health and professionalization. Furthermore, the technicians receive and produce documents, tracing the circuits that adolescents and their families traverse. Therefore, technicians know the limits and possibilities of “assisted freedom.” Nonetheless, their knowledge ultimately supports judicial decisions through writing, which represents one of their unique legal instruments.

Sets of documents are produced by the team so adolescents can “enter the system,” start to be assisted, and their “progress” and “initiative” can be proven. Building reports, sending records, and interpreting documents are therefore routine tasks at the core of the technician’s practice. Technicians strive to build reports that have agency and that work as essential tools to communicate the knowledge produced in the center that monitors the adolescent; in doing so, these papers circulate between the center and the judiciary. The technicians try to clearly and convincingly present their perceptions of what they deem to be necessary and sufficient for an adolescent to be considered “resocialized” within the bounds of a narrow technical vocabulary. They briefly describe the adolescent’s school and family situation, and write technical opinions one or two paragraphs long which are intended to show the judges “improvements” made and “resistance” encountered in referrals. The considerable standardization of the terms used and the structure of the reports does not diminish the subtle efforts to insert details into the text that only the technicians have access to. The team seeks to “flag” their impressions about the specificities of each case, and believes that their descriptions may define the success or failure of the socio-educative measures, which are ultimately determined by the judge’s acceptance of the suggestion to close out the socio-educative measure at the end of the period stipulated.

“Assisted freedom” is stipulated by a special court; however, its application is beyond the reach of justice. The measurements by which these socio-educational markers are evaluated, including those which will ultimately index “resocialization,” are very rarely fully outlined in advance. In light of these generic judicial determinations, it becomes the work of the technicians to identify feasible strategies of assistance, achievable goals, and the process’ duration. Technicians examine each case and consider whether or not placement in the educational system is necessary and sufficient; they determine if referral to a labor market is desirable, whether narcotic use is either acceptable or intolerable, and if families need to be placed into further care circuits.

Meetings between technicians and judges to discuss the cases are rare and confrontations are usually confined to papers. Document circulation transforms “assisted freedom” into a game of rhetoric and argumentation. These reports are neither simple summarized versions nor narratives of interventions and the tasks completed with the adolescent. Instead, they are an essential part of what is understood by socio-educative measures. These are tools that record and build actions that will directly influence the adolescents and their families. In general, the courts only see these teenagers through the documents the team drafts. These documents have the power (even if inaccurate) to continue the resocialization process outside of prison, although for this to occur, proof that other circuits of surveillance and control have been activated is required from the team.

Embed from Getty Images



Embed from Getty Images. The Prison Of Children In Brazil - The prison of children in Brazil. (Photoby Francois ANCELLET/Gam-

judicial decisions. Every activity developed during the measure and all the necessary and sufficient indexes for a measure to be considered effective in its re-socializing purpose are collected or produced exclusively by the center's technicians.

I conclude with a warning that must be as explicit as possible today: carceral engineering is creative. It metamorphizes into practices that extend beyond prison walls. The court is not limited to its courtrooms. It extends to the most innocent of disciplines, "opportunities." Assistance for juvenile offenders routinely reveals controversies about this pedagogical-punitive system: incisive orthopedic mechanisms aim to create subjects that dispense them in the medium term, internaliz-

In reports prepared by the team and sent to the judiciary, standardized textual terms and strict structures can be activated in different ways, with the most distinct purposes. Writing technique (or technical writing) represents the main political weapon of technicians. Although informed by official guidelines and legislation, socio-educational care is not juridical. Writing works as an attempt to make explicit on a judicial scale that the center's activities, with respect to the specificity of each case, are acceptable when compared to laws and guidelines that govern assistance care.

However, uncertainties remain when technical reports arrive in the hands of the judges. There is no guarantee that a report's definitions and diagnoses will align with court expectations. From the technicians' point of view, concerns about what judges might consider appropriate for each case are intertwined with the certainty that the knowledge produced by the team is the most legitimate argument to endorse

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ing in their bodies and souls desirable attitudes and behaviors. This passes through targeted pop-

ulations as an effective marker of the social spaces each type of individual is authorized to occupy, limiting the rights they can claim and the dreams to which they may aspire.

Apprehended, judged, and assisted in freedom, offending adolescents in Brazil compose an extremely complex circuit of surveillance and control. In addition to the court, several other institutions, including schools, the labor market, health services, and professional training centers to which the court refers juveniles are capable of expanding knowledge, surveillance, visibility, and interventions. In these cases, it is through circulation, beyond prison walls and disciplinary institutions, through freedom, that this population management is enacted.



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NOTES

[1] Adolescents in the state of São Paulo were incarcerated at the State Foundation for the Well-being of Children (FEBEM), which in 2006 became the CASA Foundation (Center for Socio-Educational Assistance to Adolescents). The transformation is mainly marked by decentralized incarcerations and the construction of new units in the state.

[2] Brazilian legislation includes the following socio-educational measures: warning, damage repair, community service, “assisted freedom,” or incarceration. None of these should, in principle, exceed three years of application; all can (and often) cumulate other measures considered protective. What distinguishes the adolescent from traditional prison punishment is mainly the promise of a clean record at the end of the process.

Authority, Confinement, Solidarity, and Dissent Part I

SOLIDARITY AND THE CAPRICE OF EMPATHY

A Discussion with Catherine Besteman, Karina Biondi, and Orisanmi Burton

PoLAR EMERGENT CONVERSATIONS: PART 8

October 1, 2018

URL: <https://wp.me/p68wh0-24L>



P7BKC4 New York, United States. 04th July, 2018. Reflecting the sentiments of last week's nationwide End Family Separation protests, members of Rise and Resist planned and executed a non-violent banner drop and human banner action at the Statue of Liberty on Independence Day. An ABOLISH ICE banner was hung, and activists spelled out the same message on their shirts. Credit: Erik McGregor/Pacific Press/Alamy Live News

This summer, APLA President Emeritus Catherine Besteman, 2017 APLA Book Prize winner Karina Biondi, and Orisanmi Burton, American University Assistant Professor of Anthropology, took part in a virtual discussion. *PoLAR Emergent Conversation 8*. This discussion was moderated by *PoLAR* Associate Editor Jennifer Curtis and *PoLAR* Digital Editorial Fellow Nadja Eisenberg-Guyot. The discussion was published in three installments. It continues and complements

the *Speaking Justice to Power* series' focus on contemporary authoritarianism, and what it means for the political anthropology of authority, dissent, and freedom.

As scholars whose work has much to tell us about confinement and cauterization—practices that mark or “brand” groups excluded from equal citizenship (Simmons 2011)—in different places and times, and as people living through a period of rising authoritarianism in both North and South America, how does your research illuminate current practices of confinement, including incarceration, detention, and surveillance, as well as their broader cauterizing effects? What does your work tell us about these current conditions, and how they compare to authoritarian governance in the past or in other places?

Catherine Besteman: This summer, images of crying children in cages after being forcefully separated from their parents at the U.S. southern border effectively raised public outrage against something seen as a step too far, but nevertheless the U.S. is on a slippery slope toward fascist-aligned insurgent white nationalism. It is significant that the outrage was about children in cages, not about children facing violence in Central American countries, not about the terrible circumstances that led parents to choose a life-threatening overland trip to save their child-



[P48KBT](#) Teenage illegal migrants intercepted crossing the United States southern border are held in cages at the the Central Processing Center by the U.S. Border Patrol June 17, 2018 in McAllen, Texas. The children were separated from their families under the zero-tolerance enforcement policy of the Trump administration.

ren, not about the indefinite incarceration of families at the border, not about forced deportations of people that put their lives at risk, and not about the spectacularly profitable detention industry. Public opinion in the US is certainly divided on these practices, and there are robust immigrant-rights activist groups contesting these practices, yet the call for immigration control (detention, incarceration, deportation) continues to promise electoral victories. The only way to contest the carceralization of immigrants is to understand why so many Americans accept it as necessary, desirable, and even pleasurable to behold.

Immigration control in the US is a racial issue, and the majority of Americans are comfortable with the carceralization of black and brown people. At a workshop where I first met Ori several years ago, he asked how to make white people care about black people. I've been thinking about that question ever since. While individual white people may care very much about the individual black people in their lives, U.S. history is replete with examples that show that, categorically, white people don't actually care about black and brown people and are, on the whole, perfectly

happy to allow racially-based mass incarceration, the suppression of voting rights, residential and school segregation, the destruction of civil rights for felony convictions, police brutality, and great inequalities across all social indicators. This lack of care extends to black and brown immigrants whose lives are, to most Americans, simply not worth caring about very much.

The prompt to which we are invited to respond posits empathy as the bulwark against the cauterization of social connection and mutuality. I am not so sure about empathy's power and wonder instead if we are moving toward a post-empathy society. Fascism is, of course, a post-empathy political order, and the receding pull of empathy is much in evidence in a country where a presidential candidate can publicly mock the disabled, minorities, women, neighboring countries, and Muslims, and still win. We are facing a failure of empathy, and I am not sure it can be revived through political activism. Instead, I suspect the stronger resistance will come from a combination of moral accounting and massive amounts of local level common cause community organizing.

Embed from Getty Images



Embed from Getty Images. Activists Demonstrate Against Trump's Immigration Policies In The Rotunda Of The U.S. Capitol WASHINGTON, DC - JUNE 21: Children wrap themselves up with Mylar blankets to 'symbolically represent the thousands of children separated from families on the border, sleeping on floors and held in cages', during a protest at the rotunda of Russell Senate Office Building June 21, 2018 on Capitol Hill in Washington, DC. Activists staged a demonstration to protest the Trump Administration's policy to separate migrant families at the southern border. (Photo by Alex Wong/Getty Images)

I think, for example, about how arguments against the death penalty found greater power in the claim that state-sanctioned killing is wrong and that life is sacrosanct rather than in a call for empathy for those on death row. Protests against family separation and the encagement of children emerged most forcefully from people appalled by what such practices might suggest about their society: *what kind of people put children in cages?* In other words, I wonder if narcissism

(am I the sort of person who condones putting children in cages?) rather than empathy carried more power in turning people against the family separation policy.

If we are in fact a narcissistic, post-empathy society, then the political calculus of resistance must be grounded in appeals to moral and material self-interest rather than empathy. Locating and appealing to self-interest means sustained grassroots activism to target the most effective points of potential solidarity, which may be in places like faith communities, racially diverse class-aligned groups, professional associations, and so forth. Such targeting has two objectives: asking people to see themselves as moral actors in the eyes of others, and asking people to find common cause

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with others who share their material self-interests across race lines.

Orisanmi Burton: I study prisons as sites of low-intensity counterinsurgency warfare, waged by and through the state in order to reproduce racial and gender hierarchies, manage political dissent, and facilitate the accumulation of capital in times of crisis. I am now working on a monograph in the form of a “historical ethnography” that analyzes the evolution of carceral war in men’s prisons from the 1960s to the present. On the one hand, it traces what the



By Orisanmi Burton. Shawanguk Prison exterior in 2014.

late Cedric Robinson called the Black Radical Tradition (BRT) – the reservoir of knowledges, tactics, strategies, subjectivities, and modes of relationality that have accumulated over centuries through the praxis of African-descendant people fighting for liberation. Through this line of inquiry I am attempting to unearth and analyze a whole body of subjugated knowledge which reveals incarcerated people as theorists of war. I am also exploring how captive Black men ensure the social reproduction of the Black Radical Tradition through gendered practices of social fatherhood and care. On the other hand, I examine the racist and patriarchal logics and technologies of the carceral state and how for the past 50 years, the need to contain and channel Black insurgency has been one of the primary drivers of prison reform and innovation.



By Shamila Chaudhary. Riot police at protests on Trump inauguration in Washington DC. CC0 1.0.

My work draws from that of Angela Davis, Joy James, Dylan Rodriguez, Ruth Wilson Gilmore and others who have shown that imprisoned Black dissidents have a long tradition of theorizing the United States through the analytic of fascism. And to be clear, when I say “imprisoned Black dissidents,” I am invoking a political Blackness that entails a formation of Black-led insurgency that is capacious in its recruitment and embrace of people with a diversity of raced and gendered bodies.

But anyway, this framework of insurgent theorization and praxis conceptualizes the prison as the kernel, the elemental feature, of U.S. democracy. From this perspective I would not necessarily

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say authoritarianism is “rising.”

Rather I think it is widening. It is becoming more extensive and visible. The most obvious example of this is the highly publicized mass caging of undocumented children. But examples abound. We can also cite the J-20 case in which 214 mostly-white protesters of Trump's inauguration were arrested using the "kettle" technique and charged with "felony riot," a federal statute that was conjured in the wake of the 1968 Black rebellion in Washington DC. Most of these cases collapsed but the fact that they were brought at all is instructive. We could also cite the fact that, for the past 15 years, the overall rate of Black incarceration in the U.S. has been in decline, while the overall rate of white incarceration is on the rise. A recent poll suggests that half of Americans are worried about the U.S. becoming authoritarian, but it has always been authoritarian for certain categories of people.^[1] What people are worried about is the likelihood that the matrix of authoritarian rule will extend to people they care about.

This relates to Catherine's point. I think she is exactly right to point out the limitations of empathy's power and the ways in which racism demands the policing of empathy's boundaries. There is a fascinating study suggesting that white Americans tend to support punitive policies more when they learn about how racist they are!^[2] But this post-empathy ethos is not simply a problem of white people, which is unfortunate because it would be much easier to confront if it were. The fact of the matter is that the labor of political education around the need for building solidarity and an abolitionist consciousness is desperately needed everywhere. In light of the widening scope of authoritarian rule, the mobilization of a politics of self-interest may indeed be the way to go. I always come back to the end of James Baldwin's open letter to Angela Davis, which he penned after her spurious arrest for kidnapping and murder, "If they take you in the morning, they will be coming for us that night."



By Partido dos Trabalhadores. "Democracy Camp," at the Pôr do Sol amphitheater in Porto Alegre, on the banks of the Guaíba River, and near the Federal Regional Court of the 4th Region (TRF4), where former President Luiz Inácio Lula da Silva was tried on January 24. The site received thousands of people. CC BY 2.0.

Karina Biondi: Catherine and Orisanmi's responses were very inspiring! We have in Brazil a very peculiar political and social situation. A former president has been incarcerated before the end of legal proceedings, due to a process that does not present consistent evidence. Former President Lula is in a situation in which he must prove that he is innocent (when the burden of proving the crime should be on prosecutors), while placed in solitary and prevented from receiving visits and granting interviews. We are one month away from the presidential elections, and former President Lula's support, despite his imprisonment, continues to grow in polls. The latest poll showed that Lula is the candidate chosen by most of voters.

People linked to the Workers Party, along with a group of jurists and intellectuals, denounce the abuses, arbitrariness and illegalities of the process that put Lula in prison. Some activists who have long dealt with incarceration issues, in turn, note that what has become so scandalously visible in the Lula case is extremely common for poor and peripheral peoples, mostly black. However, instead of holding a broad debate over the authority of the judiciary and the question of incarceration, people that criticize the Lula's imprisonment continue to celebrate the arrest of their political enemies. The legal forces with their punitive arm are summoned to deal with a growth number of questions in Brazil and its result is more and more imprisonment. This was the subject of controversy in a recent speech by Angela Davis in Brazil, in which she criticized incarceration as a solution to gender violence and was harshly denounced by feminists. Therefore prison is used as a weapon and political rhetoric across the entire political spectrum (left, right and also the identity movements). Hardly anyone escapes this legalistic discourse, the punitive appetite, and the desire to imprison. And the authoritarianism of the judiciary, an unrepresentative, and extremely elitist force in Brazil, only grows as a threat to democracy.

This punitive force is reaching the education and research institutions: currently university professors are being investigated and denounced for the books they wrote, for public talks, for technical reports they wrote, even for the content of their classes. Last year, the rector of a prestigious federal university, in the face of accusations that had never been proven, was prohibited to step in the university and few days after he committed suicide. Meanwhile, more laws are proposed to prohibit schools from promoting discussions about policy and gender issues.

But even with all these threats, the judiciary and incarceration continues to be mobilized, even by its victims, as a weapon against the Others. Empathy has limits, therefore. I agree with Catherine that there is a certain narcissism determining empathy's boundaries. As Orisanmi said, it's not so much about seeing yourself in the other's place, but knowing that the authoritarianism can reach people they care about. Lula's arrest

Embed from Getty Images



[Embed from Getty Images](#). Notorious Brazilian Prison Strives For Reform. SAO LUIS, BRAZIL - JANUARY 27 (Photo by Mario Tama/Getty Images)

produces some empathy from a certain class, from an academic and political class that expresses empathy with political prisoners (as in the period of the dictatorship in Brazil). But the suffering caused by the isolation of prisons produces something other than just empathy. It produces something more immediate, more punctual and specific: solidarity. And for this it is not necessary to be a political prisoner (in the most common sense of politics, since I fully agree with the

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formulation of some activists here, that every prisoner is a political prisoner).

Solidarity is a word that appeared during my research on the First Command of the Capital (PCC, in Portuguese), a collective born in 1992 within the prisons of the State of São Paulo (the richest and most populous Brazilian state). Today the PCC is a hegemonic force in crime and operates in almost all prisons and urban areas of São Paulo. In an unprecedented way, the PCC has succeeded in producing hegemony in crime (characteristically a fragmented and fragmentary force, what can be seen through the disputes of gangs and mafia organizations around the world). Solidarity is the source of both the birth and growth of the PCC. Solidarity is the force responsible for maintaining the hegemony of the PCC against attacks of public power. The more one arrests and isolates their supposed leaders, the more the PCC grows. This is because more imprisonments, more isolation and more prisons produce more solidarity.

But this is a weapon that goes beyond legalistic analyzes, based on conventional theoretical repertoires. At the base of these hegemonic analyzes is the belief in the effectiveness of incarceration, whether in its more traditional goal of combating violence, or in its more innovative functions, like controlling educational content, changing the course of an election, fighting for identity rights or for fair elections. Conventional analyses seem, therefore, insufficient to reflect on the unexpected effects of incarceration, such as the tactics of being together, of sharing this walk, of radical solidarity (albeit with some narcissistic content). These subjugated knowledges—it is important to say—can only be perceived through ethnographic research. At this point, I believe that anthropology can make a great contribution in seeking to learn from these daily resistances, with the theoretical elaborations made by people targeted by the practices and tactics of incarceration (directly or indirectly). I believe that the analytical repertoire of their minor knowledge can be great sources of inspiration for our struggles.



Catherine Besteman is the Francis F. Bartlett and Ruth K. Bartlett Professor of Anthropology at Colby College. A past President of APLA and 2012 Guggenheim Fellow, her books include *Making Refuge: Somali Bantu Refugees and Lewiston, Maine* (2016), *Transforming Cape Town* (2008), *Unraveling Somalia* (1999), and, with Hugh Gusterson, the edited volumes *The Insecure American* (2009) and *Why America's Top Pundits are Wrong* (2005).



Karina Biondi holds a bachelor's degree in social sciences from University of São Paulo (USP) and a master's and doctoral degree in Social Anthropology from Federal University of São Carlos (UFSCar). She is currently a professor at the State University of Maranhão (UEMA), where she coordinates the Laboratory of Studies in Political Anthropology—LEAP. Karina is currently researching the technologies of mapping crime through the perspective of science studies. She wrote *Junto e Misturado: uma etnografia do PCC*, which had its English version published by the University of North Carolina Press under the title *Sharing This Walk: An Ethnography of*



Orisanmi Burton is Assistant Professor of Anthropology at American University. His work has been published in *North American Dialog*, *Cultural Anthropology* online, and *The Black Scholar* (forthcoming). He is an active member of the Critical Prison Studies Caucus of the American Studies Association and the Abolition Collective and is hard at work on a book manuscript, tentatively entitled *The Tip of the Spear: Black Radicalism and Prison Struggle in the Empire State*, which analyzes the historical development of the radical movement in men's prisons throughout New York State from the 1960s to the present.

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[1] https://www.washingtonpost.com/news/powerpost/paloma/daily-202/2018/06/26/daily-202-a-poll-commissioned-by-bush-and-biden-shows-americans-losing-confidence-in-democracy/5b318a5030fb046c468e6f48/?utm_term=.638d9e5ed241

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Authority, Confinement, Solidarity, and Dissent Part II

DISSENT AND POLITICS AS STRUGGLE

A Discussion with Catherine Besteman, Karina Biondi, and Orisanmi Burton

PoLAR EMERGENT CONVERSATIONS: PART 8

October 12, 2018

URL: <https://wp.me/p68wh0-27U>



"#Ferguson Protest in Memphis" by Chris Wieland. CC BY-NC-2.0.

This summer, APLA President Emeritus Catherine Besteman, 2017 APLA Book Prize winner Karina Biondi, and Orisanmi Burton, American University Assistant Professor of Anthropology, took part in a virtual discussion, *PoLAR Emergent Conversation 8*. This discussion was moderated by *PoLAR* Associate Editor Jennifer Curtis and *PoLAR* Digital Editorial Fellow Nadja Eisenberg-Guyot. The discussion was published in three installments. It continues and complements the *Speaking Justice to Power* series' focus on contemporary authoritarianism, and what it means for the political anthropology of authority, dissent, and freedom.

Both Ori and Karina demonstrate that radical forms of solidarity can emerge from experiences of confinement and incarceration. However, Catherine points out that neither empathy nor solidarity are experienced by people who believe themselves safe from authoritarianism's brutal grip. Furthermore, the politics of empathy often center the subjectivities and experiences of those who identify with authority; for example, antebellum white abolitionists frequently appealed to narcissistic morality, foregrounding the degrading effects of enslavement on white, Christian "civilization" rather than the humanity of enslaved people (Hartman 1997).^[1]

This conversation directs us to new possibilities to build political movements from the basis of radical solidarity, paradoxically through appeals to narcissism and self-interest rather than empathy. Ori points out that the widening scope of authoritarian practices captures greater numbers of people, and Karina notes elites' identification with Lula's imprisonment. Can radical forms of solidarity become the basis for broader oppositional movements? Given the inefficacy of empathy, what liberatory strategies and movements can serve as examples for our political visions? For example, Catherine's insights regarding self-interest and narcissistic shame evoke Ida Wells-Barnett's anti-lynching research and writing (see Wells-Barnett 2012[1895]), Royster 2016, Wood 2009).^[2] Wells-Barnett made visible white terrorism across American South at the turn of the nineteenth century, shocking northern whites and catalyzing a new anti-lynching movement led by Black people. However, a federal anti-lynching law was never passed, and today, police violence against African Americans affirms Malcolm X's observation: "They've taken off the white sheet and put on police uniforms."^[3] Are such marginal victories the only ones available to us? Are there any possible strategies and tactics for expanding solidarity into liberatory politics that counter authoritarian rule? What are the limits to such strategies and tactics? Can a post-incarceration, liberated society be built from these subjugated knowledges of confinement?

THE SHAME OF AMERICA

Do you know that the United States is
the Only Land on Earth where human
beings are BURNED AT THE STAKE?

In Four Years, 1918-1921, Twenty-Eight People Were Publicly
BURNED BY AMERICAN MOBS

3436 People Lynched 1889 to 1922

For What Crimes Have Mobs Nullified Government and Inflicted the Death Penalty?

The Alleged Crime	The Victims	Why These Men Victims Died:
Murder.....	1286	Not having said a word for white boy to save
Rape.....	271	Being a relative of a person who was lynched
Crimes against the Person.....	513	Jumping a labor contract
Crimes against Property.....	330	Being a member of the Free-Porters League
Miscellaneous Crimes.....	440	"Telling back" to a white man
Allegation of Crime.....	175	"Insulting" white men.
	3436	

Is Rape the "Cause" of Lynching?

Of 3,436 people lynched by mobs in our country, only 271, or less than 17 per cent., were even accused of the crime of rape.

83 WOMEN HAVE BEEN LYNCHED IN THE UNITED STATES

(No teachers maintain that they were lynched for "the usual cause")

AND THE LYNCHERS GO UNPUNISHED

THE REMEDY

The Dyer Anti-Lynching Bill Is Now Before the United States Senate

The Dyer Anti-Lynching Bill was passed on January 26, 1922, by a vote of 220 to 178 in the House of Representatives	The Senate has been petitioned to pass the Dyer Bill by 39 Lawyers and Jurists, including two former Attorneys General of the United States
The Dyer Anti-Lynching Bill Provides: That suitable trial officers and juries shall be tried in Federal Courts on failure of State courts to act; and a reward in which a lynching occurs shall be fixed \$10,000, recoverable in a Federal Court.	18 State Supreme Court Justices 24 State Governors 2 Archbishops, 30 bishops and prominent clergymen 21 Members of large clubs, north and south
The Principal Objections Raised Against the Bill is upon the Ground of Constitutionality.	The American Bar Association at its meeting in San Francisco, August 9, 1922, adopted a resolution asking for further legislation by Congress to punish and prevent lynching and such violence.
The Constitutionality of the Dyer Bill Has Been Affirmed by: The Judiciary Committee of the House of Representatives The Judiciary Committee of the Senate The United States Attorney General, legal adviser of Congress Judge C. C. Coffey, of the Department of Justice	Fifteen State Commissions of 1922 (13 of these Democratic) have inserted in their party platforms a demand for national action to stamp out lynching.

"NAACP Anti-Lynching Advertisement in the New York Times: 1922" by Washington Area Spark. Creative Commons Attribution-NonCommercial 2.0 Generic (CC-BY-NC 2.0).

Orisanmi Burton: I generally agree with your point about the vexing monotony "marginal victories." However, I'd like to rearticulate the point in order to make room for a more dynamic conception of politics. It is true that Ida B. Well's anti-lynching campaign did not yield the federal intervention that was its objective. But as you suggest it successfully delegitimized the regime of white supremacist terrorism that prevailed in her time and galvanized a movement. This was a victory in and of itself, a victory that opened up a whole range of new possibilities only one of which was the increasing use of the police to enforce racial apartheid. Had Wells' campaign achieved federal interven-

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tion, that victory would

have opened up a different set of possibilities some of which could have made Black peoples' lives better and more dignified, others which could have made them worse than what we have now. So, it's not that marginal victories are all that are available to progressive or revolutionary movements. It's that "progress" is contingent upon ongoing analysis and struggle. It's that the victories or potential victories of progressive movements are constantly marginalized via subsequent struggles to reverse, contain, co-opt their transformative and radicalizing effects.

Before going any further, I should be clear about what it is that I do and how I understand my role as an intellectual. Through my investigation of past and present political conflicts I have developed a critical analysis of social movements and state repression. What I try to do is recuperate the subjugated and effaced histories of revolutionary struggle—the victories, errors, tendencies, and traps – in order to theorize and communicate knowledge that is useful for those who struggle today and who will struggle tomorrow. This is a crucial role. But it's a limited role. I participate in various movements, but I am not, at the present moment, on the leading edge of organizing people engaged in struggle. I am too preoccupied with being a good husband and a good dad, which is an underappreciated part of the overall struggle. I say all that to say that I am not the best person to answer questions about "what is to be done." As academics, we sometimes forget that the knowledge we produce trails behind and builds upon movement knowledge.

With that said, there are so many movements that I am inspired by at present, but I want to call attention to the radical prison movement in the United States which has been intensifying over the last decade. To list a few of the developments, we have seen simultaneous strikes in six Georgia prisons in 2010; hunger strikes involving nearly 30,000 captives in prisons across California in 2011 and 2013; a nationally coordinated Prison Strike in 2016; "laydown" prison strikes in Florida earlier this year; hunger strikes in immigrant prisons all over the country also this year; prison rebellions in Alabama, Missouri, Delaware, South Carolina, and elsewhere. And this movement is getting stronger and more sophisticated.



Call for solidarity with the 2018 prison strike.

In April 2018, Jailhouse Lawyers Speak, an organization of imprisoned activists, issued a call for national prison strike, scheduled to take place from August 21 to September 9 of this year. These are important dates in radical prison history. August 21, 2018 will mark the 47th anniversary of

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George Jackson's assassination; September 9 is the anniversary of the Attica rebellion.

Jailhouse Lawyers Speak has issued an expansive set of demands including: the extension of the minimum wage to imprisoned laborers, the reinstitution of Pell Grants, the elimination of the Prison Litigation Reform Act, the reinstitution of voting rights to incarcerated and formerly incarcerated people and more. Captives in at least 17 states have committed to participate through work strikes, sit-ins, boycotts, and hunger strikes. And this gets back to my earlier point about the nature of victory. The organizers are well aware that most of their demands can only be addressed through the passage of legislation and therefore won't be met as a direct outcome of this strike. They also know that repression from prison authorities will be swift and brutal and that many will pay a high price as a result of their participation. What they are trying to do is exploit and exacerbate one of the major contradictions of contemporary prisons: the fact that prison governance depends on the labor of the captives. Imprisoned people prepare and distribute food, do the laundry, clean the prison, etc.—they do the work that keeps the prisons going. The strike actions are designed to bring the routines of imprisonment to a grinding halt, to create a crisis of social reproduction from within, to shut the prisons down for a specific period of time. For a captive population to do this in multiple prisons would be to achieve a major victory that will heighten the political consciousness on both sides of prison walls.

Outside support for prison movements is the critical ingredient for solidifying victories. Imprisoned activists expect brutality to be the immediate response. The more we in the “free world” can establish meaningful connections with people on the inside, the more difficult it will be for prison authorities to use unsanctioned forms of violence against them. That's the short-term role for people on the outside. In the medium and long term, one of our roles is to pay attention to the criminal justice reform bills and initiatives that will inevitably be suggested to resolve the problems this movement brings to light. This is not our only role but it is important, because if captive populations develop the organizational capacity to shut prisons down at will, as it seems they are trying to do, then prisons themselves will have to change. Our role on the outside will be to organize and fight for changes that improve the material conditions of the people who are most affected and for changes that diminish the reach and the capacity of the carceral state.



Steve Biko speaking at the second General Students Council of the South African Students Organisation (SASO) at the University of Natal in July 1971, was taken on behalf of the International Defence and Aid Fund (IDAF).

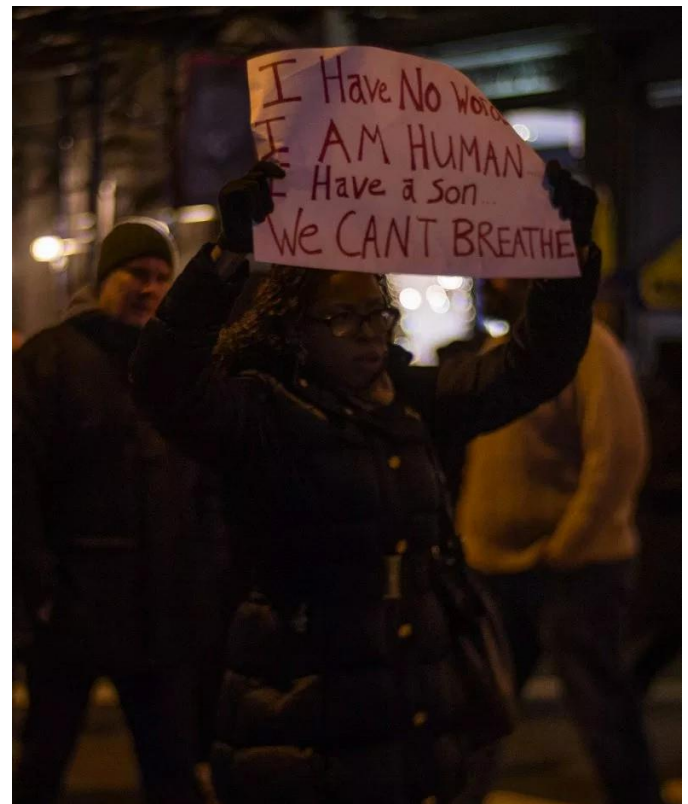
Catherine Besteman: Ori reminds us that politics is struggle and that the political issues over which people struggle are constantly shifting and rarely settled for good. Law and policy are always under contestation. Things that felt like victories in the past—the extension of voting rights, the legalization of abortion, the path to citizenship for legal immigrants and resettled refugees—no longer

seem assured or protected. The expectation that the outcome of triumphant struggle is the achievement of enduring victory does not hold.

I think of South Africa, where the anti-apartheid resistance brought the apartheid government to a stand-off, leading to a negotiated transition of power to democratic rule. There is no doubt that majority rule in South Africa is vastly better than a regime of white supremacy maintained by an apartheid legal order. And yet the presumption that victory for the resistance would mean equal opportunity for all and the end of racism has not come to fruition. While a small, wealthy black elite has achieved great economic and political success, the vast majority of South Africa's poor black citizens have remained poor and excluded from the benefits of citizenship. Apartheid's enduring legacies are formidable, and the context of neoliberal capitalism rapaciously bleeds the poor of their resources. The current struggle has shifted from the overthrow of white supremacy to a demand for workers' rights, access to basic services, housing, and good education, and the eradication of corruption.

Writing about South Africa in the 1970s, the anti-apartheid and Black Consciousness Movement activist Steve Biko insisted that the struggles in which his movements were engaged were context-bound. He wrote that his vision of black consciousness was related specifically to apartheid and that when apartheid fell, the movement would change to become something different, shaped within a new non-racialist political context. By refusing to lay out a template for the Black Consciousness Movement in a future democracy, he was insisting that the terrain of struggle within that future democracy would shift as new expressions of inequality, injustice, and hierarchy took shape.

Biko was warning his readers that democracy would demand ongoing struggle. Writing about xenophobia and hostility to foreigners, Bonnie Honig (2003) similarly reminds us that democracy is agonistic—democracy demands that people fight for things they believe in and want rather than assuming that political elites have their best interests in mind.^[4] Ongoing contestation is the price of entry and of belonging. The ferocious response to the administration's family separation border policy is just one example: the policy was rescinded but detention and deportation remain normal practice. The struggle against the carceral state achieved only modest victory in this regard, but did effectively catalyze an awareness of the state's carceral protocols against migrants that has now spawned new movements, such as ABOLISHICE.



"Black Lives Matter" by Ella. CC BY NC 2.0.

I cannot answer the question about which strategies and tactics would expand solidarity into a broader politics of anti-authoritarian liberation, but I do think we cannot overlook the very small victories and local solidarities forged within the agonistic practice of democracy. Much of my research in South Africa and in the U.S. has focused on these arenas of small-scale, grassroots, local activism and engagement, where change does seem within reach, where working relationships are forged across lines of difference, where those charged with carrying out the work of the carceral state engage in small acts of resistance and subversion, and where solidarities are individualized, personal, and contextual. Scaling up these intimate solidarities is probably a utopic hope, but utopic hope fuels the struggle at the heart of democracy.

Karina Biondi: The movements mentioned by Ori have left me with a little envy for the very possibility of their existence. In Brazil there are no conditions of possibility for prisoners to participate in organized movements with any status of legitimacy. This is because any organization of prisoners ends up being classified as a criminal organization. And “apology to crime” or “incitement to crime” are crimes in the Brazilian Penal Code. When I wrote *Sharing this Walk*, my greatest fear was being accused of “apology to

Embed from Getty Images



Embed from Getty Images. Riot police agents group and approach to negotiate with an inmate's delegate (R) during a rebellion at the Alcauz Penitentiary Center near Natal, Rio Grande do Norte state, northeastern Brazil on January 16, 2017. Similar violence at other jails in Brazil left around 100 inmates dead in early January. ANDRESSA ANHOLETE/AFP/Getty Images.

to crime” for describing the ways in which prisoners claim better conditions for serving their sentences. These were the reasons for the appearance of the PCC and these claims remain the heart of their struggle in chains. These include negotiations on water supply, food quality, ill-treatment of prisoners and visitors and even the right to work—very poorly paid but providing opportunities for sentence reduction—and education. At various times, prisoners attempted to bring those claims forward through the formally constituted bureaucratic paths. But from the outset, the people who animate this mobilization—arrested criminals—not only delegitimize the movement but also criminalize it.

And this all happens with the massive support of public opinion.

The mainstream media in Brazil produce a strong carceral discourse around the need for stricter laws, exemplary punishments, and more imprisonment. They regard these claims as stewardships. Sectors of the political opposition (on the right and on the left) complain about the omis-

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sion of government in the matter of public security. Most of the political class works for the

reduction of minimum age for penal responsibilities or for the extension of the penalties for juvenile offenders. If Lula's candidacy for the presidency is banned, the best-placed candidate in the polls is an shameless advocate for authoritarian regimes and torture, and has in his program for government a proposal to make the killings committed by the police forces irreproachable. Most experts in public security, in turn, denounce the "absence of State" as the main cause of the existence of prison gangs or violence inside prisons. Even the construction of more prisons comes to be seen as a measure for guaranteeing human rights. Underlying all these positions is the claim for greater State intervention, for more State. When the State is less a provider of social welfare, and more an instrument of control and punishment, asking for more State is asking for more prison, more punishment, more control.

But I ask: is it possible to imagine an environment where there is more State, where State power is more present than prison? The State defines the prisoners' circulation space, what they eat, what they drink, what they can read, who they can talk to, who they can see, where they sleep, and even where they defecate. If we consider the history of the emergence of the largest prison groups in Brazil (the First Command of the Capital and Red Command) we see that they are born as a reaction to this control, to the power of the State. It was precisely in severe situations of incarceration and

Embed from Getty Images



[Embed from Getty Images](#). Relatives wait for information following a riot that ended with at least four prisoners killed inside Desembargador Raimundo Vidal Pessoa Public Jail, on January 8, 2017, in Manaus, Amazonas, Brazil. At least four inmates were killed in a facility in Manaus, the capital of Amazonas state, sending the number of violent prison fatalities over 100 in just one week. Deadly prison riots have intensified in Brazil since a truce broke down in July between the First Capital Command (PCC) and the Red Command (CV). RAPHAEL ALVES/AFP/Getty Images.

and not in situations of State absence. One could argue that control and confinement was not punitive enough, but I ask: what type of control could encompass all existence of the prisoners? Allow me an analogy. The main character of the film "Johnny Got His Gun," based on the black-listed writer Dalton Trumbo's novel and screenplay, seems confined in his own body. But even without arms, without legs and without a face, he does not stop looking for the means of transposing this condition to, again and somehow, expand his existence out of his body. So I rephrase my question: Do they want a control that is even more oppressive and effective than the situation the "Johnny Got His Gun" protagonist endured? And what is expected of a young man who has been subjected to this control?

For this is exactly the image I have in mind when witnessing attempts by prisoners to make claims that are legalistic, only to have their voices unheeded. And I run the risk of, by amplifying these repressed voices, being criminalized as “apology to crime.”

At the same time, I know that these fights are not disassociated with others, whether it is the fights of women, blacks, natives, and homosexuals. They all relate to authoritarian forms that affect the bodies of these people. And at the heart of these clashes is the fight against silencing practices. Authoritarianism, it seems to me, in responding to a problem of normalization, is a practice of homogenization. In this sense, the target is the same. But things are not usually seen that way. Very easily a movement despises, de-legitimizes or turns against other fights, and thereby assumes the authoritarian forms against which it fights. Sometimes the modes of articulation become, themselves, State-like and therefore coercive and hierarchical. Authoritarianism is not always outside the opposing groups. The greatest difficulty is to prevent appearance of practices of authoritarianism inside the marginalized opponents.

In fact, authoritarianism is always lurking, and, as Catherine said, things that felt like victories in the past are no longer assured. That is why the fights must be continuous, against an external oppressor, but also against the growth of authoritarian practices in the very heart of its opponents. But the fights must, above all, be local. The contingencies from which the demands are created are in everyday life, and above all, it is in the domain of local and quotidian experiences where the fight against authoritarianism must persist.



Catherine Besteman is the Francis F. Bartlett and Ruth K. Bartlett Professor of Anthropology at Colby College. A past President of APLA and 2012 Guggenheim Fellow, her books include *Making Refuge: Somali Bantu Refugees and Lewiston, Maine* (2016), *Transforming Cape Town* (2008), *Unraveling Somalia* (1999), and, with Hugh Gusterson, the edited volumes *The Insecure American* (2009) and *Why America's Top Pundits are Wrong* (2005).



Karina Biondi holds a bachelor's degree in social sciences from University of Sao Paulo (USP) and a master's and doctoral degree in Social Anthropology from Federal University of Sao Carlos (UFSCar). She is currently a professor at the State University of Maranhão (UEMA), where she coordinates the Laboratory of Studies in Political Anthropology—LEAP. Karina is currently researching the technologies of mapping crime through the perspective of science studies. She wrote *Junto e Misturado: uma etnografia do PCC*, which had its English version published by the University of North Carolina Press under the title *Sharing This Walk: An Ethnography of*



Orisanmi Burton is Assistant Professor of Anthropology at American University. His work has been published in *North American Dialog*, *Cultural Anthropology online*, and *The Black Scholar* (forthcoming). He is an active member of the Critical Prison Studies Caucus of the American Studies Association and the Abolition Collective and is hard at work on a book manuscript, tentatively entitled *The Tip of the Spear: Black Radicalism and Prison Struggle in the Empire State*, which analyzes the historical development of the radical movement in men's prisons throughout New York State from the 1960s to the present.

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Authority, Confinement, Solidarity, and Dissent Part III

COLONIAL HISTORIES OF AUTHORITY, CAPTIVITY, AND WAR IN THE AMERICAS

A Discussion with Catherine Besteman, Karina Biondi, and Orisanmi Burton

PoLAR EMERGENT CONVERSATIONS: PART 8

October 18, 2018

URL: <https://wp.me/p68wh0-24L>

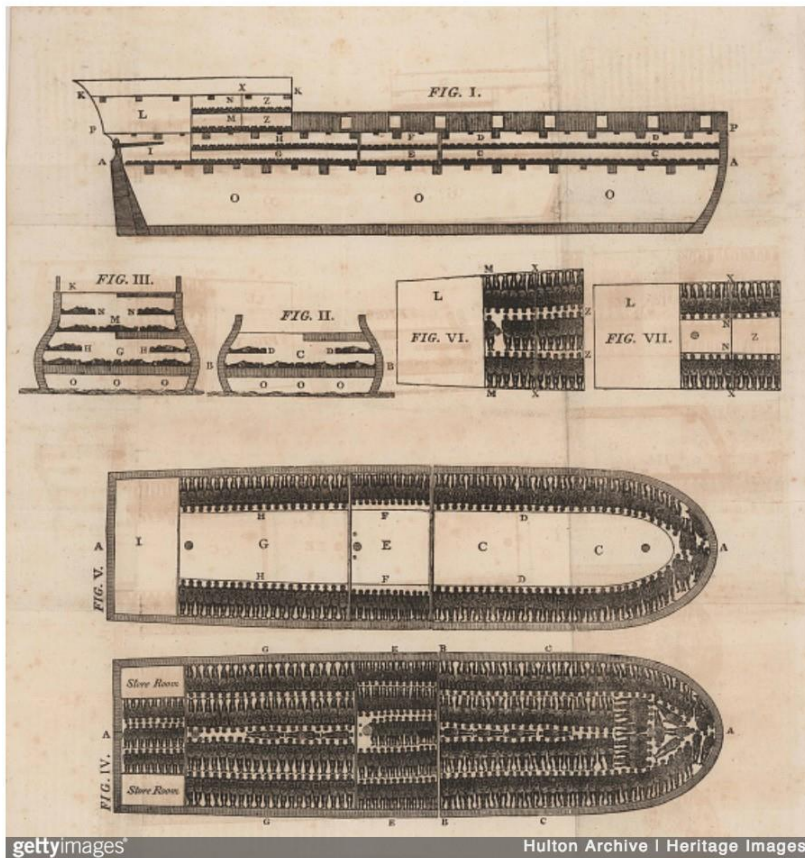


B7T2N0 Carandiru Year: 2003 Brazil/Argentina Director: Hector Babenco. Image shot 1962. Exact date unknown. *Carandiru* is a 2003 Brazilian drama film directed by Héctor Babenco. It tells stories of life in Carandiru Penitentiary, which was the biggest prison in Latin America, and culminates with the 1992 massacre of 111 prisoners, 102 by police. Part of a new kind of Brazilian realism inspired by Cinema Novo, the film relied on the memoir, *Estação Carandiru* by Dr. Drauzio Varella, a physician and AIDS specialist who worked on location, and the experiences of actual prisoners, who were cast in the on-location filming. As such, *Carandiru* can be viewed as a testimony from the prisoners themselves about the massacre, and prison conditions in Brazil more generally.

This summer, APLA President Emeritus Catherine Besteman, 2017 APLA Book Prize winner Karina Biondi, and Orisanmi Burton, American University Assistant Professor of Anthropology, took part in a virtual discussion, *PoLAR Emergent Conversation 8*. This discussion was moderated by *PoLAR* Associate Editor Jennifer Curtis and *PoLAR* Digital Editorial Fellow Nadja Eisenberg-Guyot. The discussion was published in three installments. It continues and complements the *Speaking Justice to Power* series' focus on contemporary authoritarianism, and what it means for the political anthropology of authority, dissent, and freedom.

Globally, the rise of authoritarian regimes has inspired public intellectuals and scholars to return to political theories of authoritarianism. A great deal of this theory was produced in response to the particular circumstances of World War II and European fascism, and as such is rooted in the histories and traditions of Europe. Nevertheless, some of this work remains profoundly relevant for thinking about the present, such as the Frankfurt School's emphasis on discursive practices and social psychology. However, more recently, political theorists such as Roberts (2015) have explored insights from subjugated peoples that may better explicate "big" concepts, like freedom, than prior European scholarship (e.g., Arendt 1961).^[1] Roberts' work elucidates a theory of freedom rooted in particular histories of enslavement and marronage in the Americas. Here, freedom is not a static condition achieved in a single victory, but an ongoing struggle of self-liberation. In addressing question two, all of you outline a similar recognition that struggle rather than victory animates political action. Your observations of struggles from your research remind us that subjugated knowledges from other sites and sources are urgently needed to understand and oppose authoritarianism today, and to develop better theories of its opposite and opposition, freedom. What can we learn from the Americas, past and present, that is different or congruent with conventional political theory? What new theoretical understandings can be generated from the specific histories of conquest, colony, and enslavement in the Americas? How can these subjugated knowledges and practices provide greater insights about both authoritarianism and liberation in other contexts?

Embed from Getty Images



Embed from Getty Images. Diagram of a Slave Ship, 1821. Private Collection. Artist Anonymous. (Photo by Fine Art Images/Heritage Images/Getty Images)

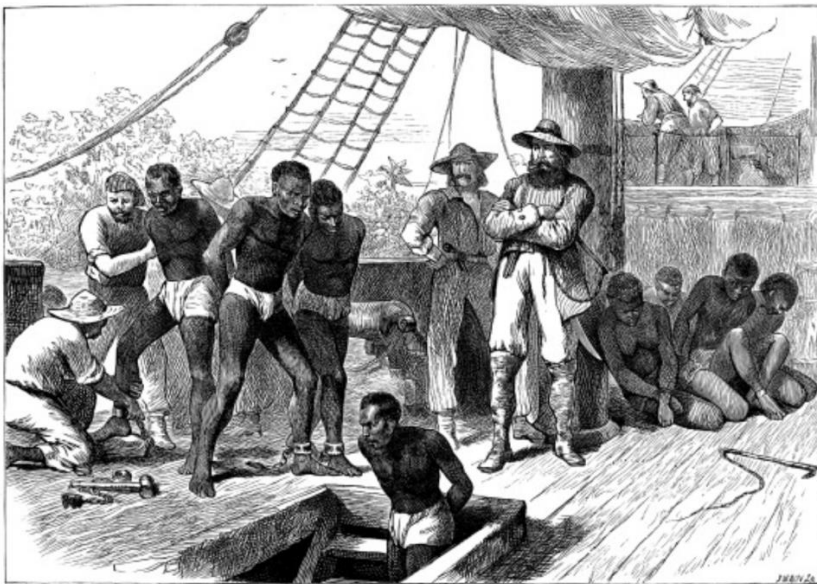
Orisanmi Burton: In 1820, the U.S. Coast Guard captured the *Antelope*, a Spanish slave ship containing 280 enslaved Africans as it sailed along the coast of Florida. Federal authorities transported the ship, the crew, and its human cargo to Savannah, Georgia, where John Smith, the ship's commander, was tried for piracy. (The crime of piracy was, among other things, legal jargon denoting participation in the international slave trade to the United States, which was outlawed in 1808). Smith was acquitted of piracy and launched his own legal action, suing the U.S. government for the value his forfeited property. Litigation ambled on for seven years, eventually reaching the Supreme Court. Meanwhile, the captive Africans, most of whom were below the age of 14 when they first arrived to the U.S., were

forced to pick cotton, dig ditches, and perform domestic labor throughout Savannah. Many of them were worked to death. Indeed, by the time the U.S. Supreme Court reached its first of three decisions in 1825, nearly half the captives were dead. The court decided to send 30 of them to Spanish Florida to live out the rest of their lives as slaves. It ordered the remaining 120 to Liberia.^[2]

This is an important historical episode for a number of reasons, one of which is that it established the superiority of property over the supposedly “natural right of liberty” in Supreme Court jurisprudence. However, I mention it here because I am fascinated by the majority opinion of the court. Authored by Chief Justice John Marshall, who owned “hundreds of slaves throughout his lifetime” and a number of profitable plantations, the opinion concedes that, “[slavery] is contrary to the law of nature.”^[3] However, it goes on to legitimize slavery based on the notion that captive Africans were prisoners of war:

From the earliest times war has existed, and war confers rights in which all have acquiesced. Among the most enlighten nations of antiquity, one of these was, that the victor might enslave the vanquished. . . slavery, then, has its origin in force; but as the world has agreed that it is a legitimate result of force, the state of things which is thus produced by general consent, cannot be pronounced unlawful.^[4]

Embed from Getty Images



gettyimages

ON BOARD A SLAVE-SHIP.

Hulton Archive | Print Collector

Embed from Getty Images. Captives being brought on board a slave ship on the West Coast of Africa (Slave Coast), c1880. Although Britain outlawed slavery in 1833 and it was abolished in the USA after the defeat of the Confederacy in the Civil War in 1865, the transatlantic trade in African slaves continued. The main market for the slaves was Brazil, where slavery was not abolished until 1888. (Photo by Ann Ronan Pictures/Print Collector/ Getty Images)

In essence, the court legitimized the admittedly immoral condition of slavery because it was a justifiable outcome of war, particularly in Africa, where, according to Marshall, “throughout the whole extent of that immense continent, so far as we know its history, it is still the law of nations that prisoners are slaves.”^[5]

This has been useful for my own thinking because it productively disrupts the established radical genealogy of contemporary prison slavery in the United States, which typically focuses on the exception in the Thirteenth

Amendment that allows for enslavement as punishment for a crime. It suggests that enslavability is produced by war rather than criminalization. Or perhaps that criminalization is an instrument of war. The same goes for the police and the courts—I interpret Justice Marshall’s facile appropriation of African custom as an instance of lawfare—the application of law as an instrument of war.

Carl von Clausewitz posited that “war is the continuation of politics by other means” in the early 19th century.^[6] This dictum was subsequently reformulated by Engels, Lenin, Mao, Huey P. Newton, and Michel Foucault, among others. More recently, a variety of interdisciplinary scholars have been writing about the deep genealogies of war in the U.S. homeland.^[7] What I am trying to do in my work is to pursue the implications of the prison-slavery-war nexus. There are,

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for instance, important methodological implications for interpreting the institutions of domestic

law enforcement as instruments of war. One of the first lines in Sun Tzu's *The Art of War*, is that "all warfare is based on deception."^[8] I think this is key. The U.S. criminal punishment system is premised upon a whole series of deceptions, or at the very least contradictions. That prisons promote public safety and rehabilitation are two obvious deceptions, but we could list so many others. Understanding the prison as a site of war means that to study the prison is to study an antagonistic political confrontation that is always attempting to hide itself as such. This is something that scholars of state repression and authoritarianism in the U.S. need to wrestle with.

Embed from Getty Images



Embed from Getty Images. Increased Numbers Of Migrants Held At Serbian Hungarian Border HORGOS, SERBIA—JULY 16: A Hungarian soldier looks down on migrants queuing for food being distributed from a doorway in the border fence close to the E75 Horgos border crossing between Serbia and Hungary on July 16, 2016 in Horgos, Serbia. Serbia has announced that it will start joint army and police patrols on its borders with Bulgaria and Macedonia to curb the illegal entry of migrants and people smuggling. The decision comes days after EU member Hungary began sending back to Serbia all illegal migrants caught within five miles of the border fence that was constructed last year. The new rules have led to hundreds of migrants being stranded along the Serbia-Hungary border. (Photo by Matt Cardy/Getty Images)

Catherine Besteman: Ori's response knocked the breath out of me! Carceral regimes are war machines in which criminalization is a technology wielded by the powerful and victorious to not only vanquish but delegitimize the incarcerated. The parallels here with border crossers are obvious. Those who attempt to cross the borders of the U.S. without the approval of the state are now met with militarized technologies to capture and subdue them, political rhetoric that insists on their a priori criminality, and a legal system created to brand them as criminals, incarcerate them, and banish them.

I have been writing about the emergent system of border management across the global north as a loosely coordinated and iterative system of militarized apartheid, and am now prompted to think about naming this system as a war on people who dare to cross borders without state authorization. Can we argue that the global north is engaged in a war on unauthorized migrants, in which authoritarian tools are used to criminalize, incarcerate, and degrade the mobile?

A war against the unauthorized—those whose very presence challenges state authority and must be eliminated—demands that states create categories of people who can be identified as illegitimate presences against whom states have the right to wield their authority. A society based on white settler colonialism like the U.S. has a rich history of laws and carceral practices to unearth or refashion to meet current political and economic desires, and a long experience of normative comfort with the vilification and dehumanization of those identified by the state as punishable or incarcerable. In other words, it is easy for political and economic elites to tap into the long history of rhetoric that identifies internal threats against whom citizens must trust their government to act. Seeing incarceration as war allows us to understand how authoritarian desires feed off the drive to imprison ("Lock Her Up!" "Build A Wall!") by defining the world in increasingly Manichean terms.

Karina Biondi: Yes, perfect, Ori: this is about war! This makes me think about a lot of things.

It seems to me that the very discourse of state sovereignty, present on issues of migration, on crime, or the fight against terror, is rooted in war relations. It leads me to question whether we could separate the ideas of state, sovereignty, frontier, capitalism, justice system, hierarchy, domination, and capitalism.

This is what Pierre Clastres identifies in the refusal of

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Embed from Getty Images, BRAZIL-SAO PAULO-VIOLENCE-CARANDIRU-TRIAL Crosses are seen in front of the School of Law of the University of Sao Paulo (USP) in homage to the inmates dead at the Carandiru Penitentiary massacre in Sao Paulo, Brazil on April 8, 2013. Twenty-six military police officers were to go on trial here Monday for the alleged execution-style killing of inmates during Brazil's deadliest prison uprising, which claimed the lives of 111 prisoners. AFP PHOTO / Nelson ALMEIDA (Photo credit should read NELSON ALMEIDA/AFP/Getty Images)

of the Amerindians to the emergence of the State within their social organizations.^[9] For the Amerindians, it would be a path of no return, an evil against which they fought unceasingly. What Clastres called societies against the state, then Deleuze and Guattari carried on and transformed into the concept of counter-state.^[10] They are not new theories, but I believe they are great tools. They are also tactics and, at the same time and above all, weapons. They are weapons because they can be used not to deal with what is consolidated, but with the battles of everyday life, always partial, local and provisional.

The same operation carried out by Deleuze and Guattari to transform the fights against the state in the concept of counter-state can be utilized to turn fights against colonialism into the actual decolonization of social relations. This proposal can be seen in Carole McGranahan's and John F. Collins's new book, which approaches imperialism as something that acts on multiple levels, both inside and outside the U.S.^[11] In fact, colonialist power relations replicate themselves on other scales: in academia, in education, in government, in family relations...

The central challenge in this context is to decolonize thoughts and postures. The question becomes: in the name of whom do we speak / write? For whom and for what purposes? Whom do we serve?

In 1958, Lévi-Strauss differentiated anthropology and sociology by saying that while the latter was concerned with making the social science of the observer, the former sought to make the social science of the observed.^[12] I think that the disciplinary distinctions are not so rigid and it is possible to find allies and enemies in all disciplines. There are those who write in the name

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of the state, in its service and for it, in anthropology, sociology, history, and philosophy. And I

think that fighting this stance is a constant goal for our own work. It is not easy to decolonize thought or to fight authoritarian vectors in our own writings. I keep fighting, in every text, in every line, in every word. Writing is also war.

Without having this in mind, we end up dressing the state discourse in academic clothes to talk about how to deal with crime and with prison and migration, or to tell the story of the successes and failures of migratory (or anti-migratory) politics, security politics and prison politics. Although it dons humanistic clothes—Let’s humanize the prisons! Let’s guarantee the human rights of the prisoners!—the grammar is that of power, language searching for the best way to contain a specific population, while concealing the war behind the words. Humanist discourse, as well as state and colonialist discourse, is saturated by power relations and also conceals the insurgent knowledge that lies on the other side of the battle—precisely because they cover up this war.

The American prison strike shows that we are not in the field of citizenship and justice, but of war and politics (the continuation of the war by other means, as Foucault said in reversing Clausewitz’s proposition). In a recently published book about the PCC, the authors—a sociologist and political scientist—question, right at the beginning, why the main leaders of the PCC are the only leaders of prison groups in Brazil not sent to federal prisons of maximum security (Manso and Dias 2018).^[13] They argue that the state government of São Paulo

Embed from Getty Images



Embed from Getty Images. TOPSHOT-BRAZIL-PRISON-RIOT-ALCACUZ TOPSHOT – Prisoners atop the roof of the compound celebrate the transfer of their leaders after a negotiation with the police at the Alcacuz Penitentiary, near Natal, Rio Grande do Norte, on January 16, 2017. Authorities thought inmates at the Alcacuz jail near the northeastern city of Natal were under control following the quelling of a deadly riot that broke out Saturday, until some climbed to the roof on Monday. On Sunday, police had stormed the prison and ended a night-long riot. They found 26 prisoners dead, most of them beheaded, officials said. / AFP / ANDRESSA ANHOLETE (Photo credit should read ANDRESSA ANHOLETE/AFP/Getty Images)

must have made an agreement with the PCC. What the authors underline is the link between government and organized crime, drawing attention, on one hand, to the power of the PCC and, on other hand, to the problem of state sovereignty that this implies. It is a problem of the state and for the state. Yet it as if the authors are advocating for more authoritarianism. But what I see, from ethnographic research with the PCC for more than a decade, is the result of a daily war waged by the prisoners against the prison system of the State of São Paulo. If for “social science of the observer” (Lévi-Strauss 1958) this indicates a lack of sovereignty or the dangerous power of a prison group, for a social science of the observed this shows a political victory of the prisoners, which prevented the transfer of their companions to prisons with more rigid regimes. From the perspective of the prisoners, to avoid the transfer of a companion is to fight against the

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possibility of their own transfer. And this victory is not consolidated because it is not official—so

they are absolutely aware of the instability of political victories and the necessity to continue fighting.

On the other side (the side of the victims of the authoritarianism), it's always clear that this about war. Today, I watched the video of the statement by Julius Malema, EFF leader in South Africa.^[14] He says clearly that it is war. The prisoners in Brazil also say that it is war. The language of war is only hidden in the discourse of the powerful. So I insist: listening to what people have to say, the ways they have decided to fight, is also a way to expose and unravel this war. To amplify their voices by means of our writings is to undermine the edifice erected by the official grammar to silence the sounds of the battles and the voices of the war's targets.



Catherine Besteman is the Francis F. Bartlett and Ruth K. Bartlett Professor of Anthropology at Colby College. A past President of APLA and 2012 Guggenheim Fellow, her books include *Making Refuge: Somali Bantu Refugees and Lewiston, Maine* (2016), *Transforming Cape Town* (2008), *Unraveling Somalia* (1999), and, with Hugh Gusterson, the edited volumes *The Insecure American* (2009) and *Why America's Top Pundits are Wrong* (2005).



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Orisanmi Burton is Assistant Professor of Anthropology at American University. His work has been published in *North American Dialog*, *Cultural Anthropology* online, and *The Black Scholar* (forthcoming). He is an active member of the Critical Prison Studies Caucus of the American Studies Association and the Abolition Collective and is hard at work on a book manuscript, tentatively entitled *The Tip of the Spear: Black Radicalism and Prison Struggle in the Empire State*, which analyzes the historical development of the radical movement in men's prisons throughout New York State from the 1960s to the present.

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[8] Sun Tzu. 2007: *The Art of War*. Las Vegas, NV: Filiquarian.

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[10] Deleuze, Gilles; Guattari, Felix. 1980. *Mille Plateaux: Capitalisme et schizophrénie*. Paris: Minuit.

[11] McGranahan, Carole; Collins, John (ed.). 2018. *Ethnographies of U.S. Empire*. Durham & London: Duke University Press.

[12] Lévi-Strauss, Claude. 1958. *Anthropologie structurale*. Paris: Plon.

[13] Manso, Bruno Paes; Dias, Camila Nunes. 2018. *A Guerra: A Ascensão do PCC e o Mundo do Crime no Brasil*. São Paulo: Todavia.

[14] <https://www.youtube.com/watch?v=LQQIneyKFU>

From Structural to Stochastic Violence

Editorial Introduction Part 2

By Karina Biondi and Jennifer Curtis

November 12, 2018

URL: <https://wp.me/p1SS1c-1A7>



Last spring, Karina Biondi, 2017 APLA Book Prize winner, approached us to develop a Speaking Justice to Power series on incarceration and confinement in the Americas, their role in authoritarian political movements and government, and how contemporary authoritarianisms in the Americas emerge from shared histories of conquest and captivity. Conceived in the early days of the summer, as the Trump administration was separating immigrant families and detaining children, and political violence in Brazil was increasing, the series focused on authoritarian state practices of confinement and cauterization, while exploring strategies for dissent. However, as autumn elections neared in both Brazil and the United States, escalating vio-

Close-up of homemade decals on van of Cesar Sayoc, alleged MAGA bomber. Freelance journalist tweeted a full photo of Sayoc's van when her husband noticed it on November 1, 2017. Full image: <https://twitter.com/lesleyabravanel/status/1055851424129736705?lang=en>.

lence in support of authoritarian politicians became another shared crisis, stemming not only from state actors directly, but from authoritarian political movements and individual citizens. Non-state actors and lone wolf terrorists are tactically useful for authoritarian movements, and working in synergy with politicians and political parties, their violent actions extend the repression of authoritarianism beyond the prison and border to the quotidian spaces of synagogues and supermarkets.



Former U.K. Independence Party leader Nigel Farage posing in front of the anti-EU "Breaking Point" ad during Brexit campaigning. Philip Toscano/PA Wire.

Often, anthropologists approach the dynamic between political violence and political rhetoric from a legal frame of incitement; for example, in the wake of the [October 27, 2018 lone wolf attack on the Tree of Life synagogue in Pittsburgh, Pennsylvania](#), our colleague [Richard Ashby Wilson](#) analyzed the relationship of political rhetoric, particularly that of Trump, and violence in legal terms for the *Washington Post*.

However, for political theorists, historians of authoritarianism, and scholars of political violence, from non-state actors to formal wars, the legal dimensions of incitement are merely one part of this situation; and for the targets of such violence, whether or not incitement creates legal culpability is painfully irrelevant.

In the weeks before the 2018 midterm elections, it is a fact that Donald J. Trump intensified his anti-immigrant rhetoric, [repeatedly invoking the danger of a caravan of Central American migrants attempting to reach the U.S. border](#)—despite the caravan’s distance of hundreds of miles from the U.S. Trump’s caravan rhetoric contained no recognition of the despair driving these refugees, the U.S.’ active role in Latin America’s political economic crises, or the sharp rise in the validity of Central American asylum claims. Trump’s dishonest and dehumanizing characterizations of desperate people struggling to make a dangerous journey evoke other rhetorical invocations of national purity and anti-immigrant threat, such as the U.K. Independence Party’s pro-Brexit campaign messages, which themselves

echoed earlier Nazi propaganda films.

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Still image from Nazi propaganda film. Tweeted by Anthony Oliveira in comparison of White House tweets with Nazi propaganda. This image was also cited in criminal complaints of the UKIP "Break- ing Point" poster. <https://twitter.com/meakoopa/status/94403877558839296>

Recognizing the relationship between political rhetoric and violence leads us to another dimension of how authoritarian politics work—the role of non-state actors, ie, our fellow citizens—in confining and repressing not just abstract Others, but concretely vulnerable people whose number is ever-expanding. In the U.S., the role of political rhetoric in the strategies of white nationalists has been well-known for decades. U.S. domestic terrorists have long embraced a conscious strategy of “stochastic” violence—a strategy refined as “leaderless resistance” by white nationalists like Louis Beam, helping bridge differences between traditional white supremacists like the KKK, militia movements, neo-Nazis, and Christian Identity groups.[1] Stochastic violence emphasizes rhetoric that inspires small cells or individuals (“lone wolves”) to commit acts of violence, while retaining deniability for “respectable” leaders and groups (Southern Poverty Law Center 2015).

STOCHASTIC VIOLENCE AND POLITICAL RHETORIC IN THE U.S.

During 2015 and 2016, the Southern Poverty Law Center documented significant rises in hate crimes and the formation of hate groups in the U.S., correlated with Donald Trump’s legitimization of white nationalist rhetoric, as well as the far right’s infiltration of mainstream politics.[2] Despite the greater threat posed by domestic right-wing violence in the United States, with the election of Donald Trump, intelligence agencies were directed to focus attention on Muslim radicals (Kurzman



Tree of Life Synagogue – Memorials to Victims. A memorial outside the Tree of Life Congregation Synagogue in Pittsburgh is seen during the visit of President Donald J. Trump and First Lady Melania Trump Tuesday, Oct. 30, 2018, to remember the victims of Saturday’s mass shooting. (Official White House Photo by Andrea Hanks).

2017), and [are now ill-prepared for dealing with white nationalist terrorism](#). [3] More recently, in both the United States and Brazil, Trump, Bolsonaro, and their online armies of supporters (and bots) have intensified dehumanizing and provocative rhetoric, and their supporters have mobilized to commit ever more grotesque acts of violence. These actions follow the U.S. model of stochastic terrorism and Brazil’s longer history of both military and paramilitary repression. [4]

[As Trump embraced the label of “nationalism,”](#) despite its association with white nationalism in the U.S., [a white man from Florida named Cesar Sayoc allegedly mailed more than a dozen pipe bombs to multiple political figures attacked verbally by Trump](#), including former President Obama, Hillary Clinton, George Soros, and former U.S. Attorney General Eric Holder. Sayoc, it is reported by the Washington Post, was allegedly inspired by Trump; [Sayoc’s former attorney reports](#), “Along came the presidential campaign of Donald Trump, who welcomed all extremists,

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all outsiders, all outliers, and he felt that somebody was finally talking to him.” October 12th, a

week before the pipe bomb plot was discovered, a far-right group calling itself [the Proud Boys](#) marauded and attacked their fellow citizens on Manhattan's East Side. Before Sayoc was even arrested, on October 25, [a lone white gunman murdered two black senior citizens at a Kroger supermarket in Louisville, Kentucky](#). The alleged perpetrator, Gregory Bush, had initially attempted to enter an African American church—but parishioners had wisely locked the doors. And on October 27, after a week of pipe bomb news, [a new atrocity took place in Pittsburgh, Pennsylvania](#) when a white gunman named Robert Bowers fatally shot 11 people in a synagogue, in the worst attack on American Jews to date. [Bowers posted on social media about the caravan](#) Trump fixated upon in the last weeks of the midterm campaign, calling the refugees “invaders;” Bowers was also apparently fixated on the [Hebrew Immigrant Aid Society](#), which supports refugees fleeing persecution.



Robert Bowers @onedingo

2 hours ago

HIAS likes to bring invaders in that kill our people.
I can't sit by and watch my people get slaughtered.
Screw your optics, I'm going in.



Comments



Repost



Quote

Now-deleted post on the Gab social network platform by Robert Bowers, the alleged perpetrator of the Tree of Life massacre in Pittsburgh, Pennsylvania. HIAS is the Hebrew Immigrant Aid Society, an organization that supports refugee resettlement and frequent target of right-wing demagoguery.

In addition to the administration's increasingly draconian immigration policies, ongoing mass incarceration, and vile political rhetoric, hate crimes in Trump's America continue to rise; according to the [Anti-Defamation League's latest reports, anti-Semitic incidents rose by 57% in 2017](#). A recent survey by ABC news found [17 ongoing cases](#) in which white defendants invoked Trump's rhetoric as mitigation of

their violent acts. Recently, [three Kansas militia men convicted for a conspiracy to bomb Somali refugees in Garden City, Kansas](#) asked a federal judge to consider Trump's rhetoric as the context for their actions—and as a reason to impose a more lenient sentence.

Tactics of confinement and cauterization are state tools, but not exclusively; authoritarian movements rely on nonstate partisans to extend violence well beyond the state, into every facet of everyday life. Jim Crow was not just a legal system, but an order in which non-state actors could report African Americans for registering to vote—or organize a mob to murder African American activists. A range of actions by ordinary citizens privileged under an authoritarian order (or desperate to hold their places within it), including violence and intimidation, are part of how authoritarian movements advance and maintain their power. Today, from [purges of voter rolls in Georgia](#) to citizens reporting voters who “don't look right,” authoritarian practices may emanate from the state and politicians, through both rhetoric and policy, but authority does not stop there. From [Permit Patty](#) to [South Park Susan](#), pipe bomber to synagogue shooter, ordinary citizens feel authorized to harass, report, and even murder their fellow citizens. From 1920's Germany to contemporary Brazil, we must remain conscious that a nexus of structural and stochastic

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violence is central to the rise of authoritarian political movements.

"BRAZIL ABOVE ALL; GOD ABOVE EVERYBODY"

In Brazil, Bolsonaro campaigned for president with the motto "Brazil above all; God above everybody," defending the traditional family, Christian values, facilitating the sale of arms and an ultraliberal economic policy. Refusing to go to debates with his adversary, he established social media as the predominant way of communicating with his supporters. Through them he made intense criticisms of communism, cultural Marxism, activism, and "[gender ideology](#)" that, according to him, were ruining Brazil. He promised to ban them from all schools and carry out a project called "School without Party".^[5]

Embed from Getty Images



Embed from Getty Images. Second Amendment and pro-life ephemera hang on display inside the congressional office of Eduardo Bolsonaro in Brasilia, Brazil, on Tuesday, Oct. 23, 2018. The office of Brazilian presidential candidate Jair Bolsonaro's son reveals what issues really matter most to the family: law and order, gun rights and fighting abortion, all tinged with a big dollop of Trumpism. Photographer: Sergio Lima/Bloomberg via Getty Images.

This project aims to remove any so-called ideological bias in teaching. For example, the project seeks to end discussions of racial and sexual diversity while also banishing authors considered leftists from the curriculum. Under this project, schools must approach the military government in Brazil not as dictatorship, but as a revolution.

In one of the rallies, Bolsonaro simulated machine gun shots when he said he was going to shoot Workers' Party supporters. The machine gun gesture became a symbol of his campaign. In another rally, he reaffirmed: "[This group, if they want to stay here, will have to put itself under the law of all of us. Leave or go to jail. These red marginals will be banished from our homeland](#)"; "You, *petralhada* [a derogatory term for Workers' Party supporters] will see a civilian and military police with a judicial rearguard to enforce the law on your backs."

The aggressiveness of Bolsonaro's speech extends especially against women, gays and blacks, and seems to stimulate the actions of his followers. It is significant that David Duke, a former Ku Klux Klan leader, endorsed Bolsonaro. Swastikas and words of hate were inscribed in public places, mainly in universities that participate in affirmative actions. Journalists were verbally threatened and physically assaulted. A well-known capoeira master was assassinated by a Bolsonaro supporter. Shots were fired against a rally supporting the opposing candidate, killing a young man. Two gay men were also murdered; according to witnesses, the killers shouted "Now it's Bolsonaro!" Dozens of people were beaten. Many were threatened.

Several universities have risen up against the growing hatred. Some have written documents in defense of democracy. Others preferred to promote activities to discuss authoritarianism and fascism. Many students have mobilized and some of them erected a banner with the words “anti-fascist”. However, the Brazilian justice system prohibited these demonstrations and threatened with arrest those who did not obey. The argument is that anti-fascist demonstrations were references



Protest after the assassination of Black and gay Rio de Janeiro city council representation Marielle Franco on March 15, 2018. Photo by Romerito Pontes. CC-BY 2.0.

to the Bolsonaro candidate and that it is forbidden to campaign politically within public institutions. Although the Supreme Court repealed these orders, the same judicial system sanctioned a criminal investigation into Roger Waters (formerly of Pink Floyd). A judge even forbade Waters, who was touring Brazil, to speak out against fascism in his shows. On the same night that the results of the election were announced, a school and a health post located in an indigenous village were set on fire. Many environmental protectors and indigenous rights activists had already been threatened by farmers who, with the support of Bolsonaro, intend to expand their plantations in areas that are now environmental and indigenous reserves. In the same week, Bolsonaro invited the judge who sentenced Lula to prison, Sergio Moro, to serve as something of a super-minister in his administration, putting him in charge of issues related to justice and public safety.

In fact, both Brazilian justice and conservative voters seem already to be in tune with one of Bolsonaro’s promises: not to allow any form of activism.

CONCLUSIONS

Many of our anthropological colleagues have insight into the deep contemporary and historical connections among authoritarian movements in the Americas, including U.S. military, intelligence, and economic policies toward Latin America, and [earlier practices of colonialism and enslavement](#). In this installment of the series, [Jorge Mattar Villela](#) examines how Brazil’s recent coup worked in tandem with the intensification of carceral policies—and lobbying by U.S. companies and prison privatization advocates. [Brie Gettleson](#) considers the Disappeared in Guatemala, concluding with the poignant reminder that this theft of children by the state is even now being reenacted against Central American migrants by the U.S. state. [Alessandro Angelini](#) con-

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siders the roles of billionaire benefactors in militarized policing and surveillance, in both Balti-

more, Maryland, and Rio de Janeiro. Finally, [Nicole M. Guidotti-Hernández](#) extends our analysis of confinement and repression, considering how gender and race intersect in the biopolitics and necropolitics of U.S. immigration and asylum.

Incitement is not a legally actionable crime in the U.S., but it is an essential component of authoritarianism. Provocative rhetoric and stochastic violence devolve some of the work of violence and repression to the citizenry, while state institutions and actors perpetuate and intensify structural violence. Although liberatory struggles depend upon solidarity, authoritarianism complicates the terrain of solidarity, enlisting our fellow citizens as combatants against liberation. To advocate for liberation under conditions of creeping authoritarianism, we must honestly acknowledge dire threats not just from state actors, but from our fellow humans and citizens—no matter how painful this recognition is.



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Jennifer Curtis is Honorary Fellow in Social Anthropology at the University of Edinburgh and Associate Editor of *PoLAR: Political and Legal Anthropology Review*. She is the author of *Human Rights As War By Other Means: Peace Politics in Northern Ireland*, published by the University of Pennsylvania Press. Her work focuses on grassroots social movements and human and civil rights politics and law. She is currently completing an ethnographic monograph on race, sexuality, and rights advocacy in red state America, based on fieldwork in Missouri. This book, *Strange Fruit of Liberty: Race, Sexuality, and Rights in Red State America* is under contract with University of Pennsylvania Press.

NOTES

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[2] Mark Potok, “fte Year in Hate and Extremism,” *The Intelligence Report*, February 15, 2017. Southern Poverty Law Center, “Active Hate Groups 2016,” and “For the Record,” *The Intelligence Report*, February 15, 2017. For critical analysis of the discursive, categorical, and political origins and outcomes of hate crime legislation and enforcement see: ftomas Brudholm and Birgitte Schepelern Johansen (eds.), 2018, *Hate, Politics, Law: Critical Perspectives on Combating Hate*, Oxford University Press. For history of hate crimes reporting and enforcement in the U.S., see Maxwell Leung, 2018, “Points of departure: re-examining the discursive formation of the Hate Crime Statistics Act of 1990,” *Patterns of Prejudice*, 52(1): 39-57.

[3] Kurt Eichenwald, “Right-Wing Extremists Are a Bigger ftreat to ftan ISIS,” *Newsweek*, February 4, 2016.

[4] Forexample, ISIS, after losing a great deal territory, is now almost exclusively focused on motivating individual actors to violence through online communications and propaganda. See:

Mark S. Hamm and Ramón Spaaij, 2017, *The Age of Lone Wolf Terrorism*. New York: Columbia University Press;

Cao, Zhenfeng and Zheng, Minzhang and Vorobyeva, Yulia and Song, Chaoming and Johnson, Neil, “Dynamical Patterns in Individual Trajectories Toward Extremism” (June 2, 2017). Available at SSRN: <https://ssrn.com/abstract=2979345> or <http://dx.doi.org/10.2139/ssrn.2979345>;

F.Johnson et al. 2016. “New online ecology of adversarial aggregates: ISIS and beyond” *Science* 17 Jun 2016: Vol. 352, Issue 6292, pp. 1459-1463 DOI: 10.1126/science.aaf0675 Link: <http://science.sciencemag.org/content/352/6292/1459/tab-pdf>

[5] <http://blogs.lse.ac.uk/impactofsocialsciences/2016/05/12/what-are-the-most-cited-publications-in-the-social-sciences-according-to-google-scholar/>

Prison and Coup d'État

By Jorge Mattar Villela

November 12, 2018

URL: <https://wp.me/p1SS1c-1zA>

The Walk

About ten years ago I was strolling along Avenida Paulista, Brazil's most well-known commercial thoroughfare when a person handed me a pamphlet. Without breaking stride, I started to read: "come learn more about this new type of investment." It was an invitation to an event featuring international experts from countries that had privatized their prisons, from Chile to the United States, discussing the advantages of privatization. This was in 2009. I was alarmed to read about the event, since at that time I had advised a number of master's dissertations on prison and peri-carceral life



"Nao vamos desistir" by Babak Fakhamzadeh. CC BY-SA 2.0.

in Brazil.^[1] I was well aware of the size of the prison population and the precarious conditions in which they lived. Today, nearly 800,000 people are imprisoned in Brazil. When this number is multiplied by four (the average number of direct family members related to each prisoner), we

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estimate that more than 1% of Brazil's population has direct contact with some type of carceral

institution. If we consider employees of these penal institutions, we see that a significant portion of the country's population lives under the care of a correctional institution, in its surrounding area, or depends on it for a living.

The expanding threat of living under the judicial authority of a prison institution is the thread that connects (perhaps precariously and without causal determination) the 2016 coup, immediate intentions to make new connections with the energy sources available in the country, and the recent conservative political shift. The new regime which has emerged in Brazil, as in other parts of the world, requires a scheme of containment (Marques 2018) that combines arbitrary actions of justice and its agents with the expansion of prisons in Brazil (Marques 2018). The topic is nothing new (Wacquant 1999 and 2009), but the scale and scope of this action is (e.g., Wacquant 1999, 2009). Until the 2000s, arrests were high in the US as well as Brazil, and in both countries the targets of the containment were poor and often Black. This scheme remains the same, but the target has expanded. Regardless of class or ethnicity, depending on their political position, anyone can be vulnerable to the prison system.

The Coup

Both domestic and global factors drove the 2016 coup in Brazil, described as a “legal-media-political coup” by opponents and as “impeachment” by supporters. The wider global situation involved the creation of a new geopolitical center during president Luiz Inácio Lula da Silva's two terms, which consolidated south-south relations through Mercosur, the transfer of technology to African countries, the strengthening of the BRICS nations (Brazil, Russia, India, China, and South Africa), and the imminent creation of a new international currency. The total reformulation of the Ministry of External Relations immediately after the coup is clear evidence



[“Stop Coup in Brazil”](#) by Babak Fakhmzadeh. Image cropped, CC BY-SA 2.0.

of the backlash to this new south-south alliance (Leirner 2016). The coup also involved interests linked to recently-discovered energy sources in deep water oil fields (the national media's assault on the state oil company Petrobras clarifies this dimension of the coup), international security concerns stirred by the building of a Brazilian nuclear submarine (the company responsible for its development was the target of an unprecedented judicial attack on a company of this size in Brazil), and in increasing the autonomy of the Central Bank.

On the domestic level, support for the coup resulted from many factors, but for the sake of brevity, I will address just one, also related to energy. The supporters of the coup sought to legalize cheaper ways of extracting energy from men, women, and animal and plant species. To this end, shortly after the coup, legislators voted to change labor laws and to relativize the concept of slave labor. In 2017, new laws soothed the concepts of forced labor, extinguished workers' legal protections granted by the *Consolidação das Leis Trabalhistas* (CLT), and degraded labour conditions. Meanwhile, the agribusiness sector invested heavily against efforts to demarcate indigenous and quilombola lands (pertaining to descendants of enslaved Africans). Agribusiness aimed to transform the entire non-urban region into immense pastures and plantations of soybeans, sugar cane, and eucalyptus. Interventions at the National Indian Foundation (FUNAI) and the National Institute of Agrarian Reform (INCRA) make this point clear, along with the legal persecution of dozens of anthropologists and legal anthropology consultants by large landowners. A Parliamentary Commission of Inquiry (CPI) under the leadership of agribusiness representatives, was created in order to prosecute among others the Brazilian Anthropological Association. Discrediting or criminalizing the Indian population's allies is a way of interrupting their fight to demarcate ethnic territories and to challenge agribusiness. More recently, laws have been approved permitting freer use of pesticides banned in many countries.

These changes would not have been possible without three indispensable factors: the performance of the judiciary and those who operate this system, strict control of the means of communication, and the trend towards mass incarceration. This final factor, mass incarceration, is a foundational condition that enables both judicial fiat and conservative control of communications.

The Coup and Prison

In 2015, the federal deputy Erica Kokay used the term “BBB” to describe trans-party alliances meant to legislate the country with a conservative (in terms of behavior) and repressive (in terms of political action) slant.^[2] These legislators pooled their votes and regulatory policies on issues such as the fight against legalized abortion, eliminating the rights of minorities (women, LGBT, Black, and indigenous people) while benefiting corporate policies.

The official name of the “Bullet Alliance” is the Parliamentary Front for Public Security, which was founded in 2015. Out of a total of 513 deputies in the chamber, 299 are part of this front. They are evangelical pastors, former military and police officers, and lawyers. But one activity unites them all: they are all businessmen. This alliance fights to reduce the age of criminal responsibility from 18 to 16, to permit civilians to carry weapons, and to privatize prisons.

The Bullet Alliance was responsible for coordinating and reporting the Parliamentary Commission of Inquiry (CPI) on the Prison System (2017), which was strongly encouraged by the former president of the Chamber of Deputies who was a major supporter of the 2016 coup. Of the document's 377 pages, 15 are dedicated to the privatization of the penitentiary system by co-man-

o

agement, a public-private partnership, and by outsourcing. The alternatives were highly praised

by the sub-rapporteur dedicated to the topic, who also happens to be a member of the same parliamentary alliance.

Several of these deputies receive funds from companies that already manage penitentiaries in Brazil. Whether these are companies that construct facilities through the Brazilian Prison Construction System (Sun 2008 and Las Heras 2015) or companies that intend to manage them, these ventures have significant interest in expanding “this new type of investment.” For this reason, the advantages of privatization are defended triumphantly by parliamentarians, even though some of the more recent and bloody prison rebellions have taken place in privatized prisons.

Since one of the stated objectives of these companies is to generate profit, many contracts require the facilities to always maintain their capacity above 90%, which explains the fight to reduce the age of criminal responsibility. These facts reveal the economic aspects of mass incarceration, but also complement and are linked to the political aspect, with which I will conclude this text.

Prison and the Generalized Coup: Confiscating Lives

Brazil utilizes the old strategy of criminalizing emancipatory struggles and quashing them with deadly brutality. When these struggles are organized into social movements, such as Brazil’s Landless Workers’ Movement (MST) or the urban housing movement (MTST), the targets paradoxically become more easily criminalized. MST is a pioneer in occupation tactics, struggling for and encouraging family farming. These occupations are a major obstacle to agribusiness’ energy extraction strategies, which involve abusive field labor and the use of agrochemicals. Coup proponents discursively transform MST’s occupation tactics into “invasions” punishable by violent action in surprise police raids, an old framework in which “armed justice” indicts, judges, and imprisons activists and militants. Mass incarceration provides the material and structural support for this scheme and fulfills two functions: it contributes to the profits of companies in the sector while also repressing the voices that oppose these developments. Recently, twenty-three activists protesting the damage caused by the World Cup in Brazil were sentenced to prison for “criminal association and corruption of minors.” Ironically, it was the government of ex-president Dilma, the victim of impeachment, who signed the terrorism act, justified by the sports megaevents that took place in the country between 2014 and 2016. These “archaisms with current functions” are joined by the process of criminalizing leftist political parties (Deleuze and Guattari 1972; Guattari 1989).

Through meta-communicative messages of accusation, criminal images were created of former presidents linked to the Workers’ Party (Ansell 2017). Chains of images were also created that freely tie crime to the left: even Nazi-fascism in World War II has been connected to leftists, and the speech for the APLA book of the year award (Biondi 2016) was treated as a connection between the left and crime in the discourse of the extreme right. The instantaneous nature of the social networks and the sheer volume of images and messages that are transmitted allow these false connections to circulate, outside the reach of conscience.

The illegal detention of the ex-president reflects how justice currently functions in Brazil. It guarantees his exclusion from the electoral process, consequently ensuring that the unprecedented seizure of energy derived from labor, from land, and from beneath the ground continues—while demands from minority groups struggling to break free are silenced. His imprisonment advantages conservative forces, in both economic and political arenas as well as in their practices.



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NOTES

[1] Biondi 2009 and 2014; Munhoz 2013; Lima 2013.

[2] Bibles, referring to neo-Pentecostal evangelicals, Bulls, for agribusiness, and Bullets, referring to police officers and entrepreneurs in the private security sector.

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Monitored Confinement and Rule by Philanthropy in Rio de Janeiro and Baltimore

By Alessandro Angelini

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A 2009 classified cable from the U.S. Consulate in Rio de Janeiro, later declassified by the whistleblowing platform WikiLeaks, outlined the scope and ambitions of the public security cum development program known as favela “pacification.” A year prior, the state had launched an initiative aimed at reclaiming territories controlled by drug gangs. Pacification represented a strategic overhaul in law enforcement: intermittent, violent police raids were



The Military Police Special Operations Battalion (BOPE) raises the national flag over Rocinha, Rio's largest favela, as a flatbed truck loaded with confiscated motorcycles rolls by, on November 13, 2011. The police operation was indeed celebrated as the "reconquest" of territory by the Brazilian state. Source: [O Estado de S. Paulo](#).

replaced by premeditated campaigns to occupy informal settlements with community police units, a model drawn from similar experiments in Medellín and New York City.

While drawing comparisons with U.S. geopolitical strategy in Iraq and Afghanistan, the leaked official document cited estimates that integrating squatter settlements into mainstream markets and society would contribute 38 billion Brazilian Reals (U.S. \$21 billion) to the city's economy through new commerce and jobs. The principal challenge of the project, the report claimed, would be “to convince favela populations that the benefits of submitting to state authority (security, legitimate land ownership, access to education) outweigh the costs (taxes, utility fees, civil

obedience)” (U.S. Consulate 2009). As soon as pacification police units, or UPPs, were installed in pilot communities, with hardly any gunfire exchanged during the takeovers, the electric company, cable TV providers, and other private utilities arrived to formalize illicit urban services. Brazil’s then richest man, Eike Batista, enthusiastically sponsored the UPP program, donating millions to outfitting new units. The extended presence of the UPPs served to surveil residents under this new political and economic regime, particularly through control over their movement in and out of the favela. What had been branded as a campaign of liberation from the tyranny of armed gangs had revealed itself to be an instrument to contain and discipline Rio’s working poor.

It is impossible to miss the parallels between the Rio pacification experiment and policing in Baltimore, where I now live and work. Both cities are riven by deep racial and class divides, yet the geography of segregation is a patchwork of rich and poor neighborhoods. Policing, both state-run and privatized, enforces these urban boundaries and the lived sense of two worlds conditioned by patrols and checkpoints. Lester Spence, political scientist at Johns Hopkins, outlines two modes of neoliberal urban policing: smaller towns and suburban districts disinclined to tax wealthy residents or businesses deploy their police forces to accumulate revenue in the form of fees and tickets. In cities like Baltimore, which spends almost \$500 million per year on law enforcement, the police act as a “a tool of social control—a blunt instrument to contain “surplus” populations so they don’t threaten elite-driven economic development... In effect, the city is producing and reproducing a population that has no functional purpose other than to be policed.” (Spence 2016). Police are conditioned in training and socialization to perceive urban working-class neighborhoods as wild frontiers and confront their inhabitants as unruly savages (Fassin 2013).

The repressive role of the Baltimore police reached its apotheosis when a secret program to fly a specially-outfitted surveillance aircraft over the “murder capital of America” was revealed in an investigative exposé (Reel 2016). Persistent Surveillance Systems, a private security firm, had flown a Cessna at 8,000 feet over the city for hundreds of hours in 2016, beaming images in real-time of criminal activity to police without the knowledge of the mayor, city officials, or the public. The plane mounted with imaging cameras had been adapted from its original deployment in the Iraq counter-insurgency war. A municipal



[“Black Lives Matter Protest”](#) by Bruce Emmerling. Public Domain.

hearing determined that the “eye in the sky” was developed through direct aid from billionaire donors Laura and John Arnold. The latter had amassed a fortune as a natural gas trader and hedge fund manager before retiring at age 38 and turning to philanthropy.

Financial backing from elite funders of policing programs reflects the concerns of the ultra-rich not merely toward undesirables but more specifically toward the state's capacity to reproduce the marginalized as such. Carceral power—"the techniques and technologies... of policing, containment, surveillance and the establishment of territory, the creation of frontiers—[is] not only a way to contain Black people; it [is] also a process for producing masculinity," argues Rashad Shabazz (2015:2). The political power of so-called humanitarian donors functions in effect as a kind of shadow authoritarianism, managing state power from a technocratic and moral position outside the democratic process.

In 2014, Batista went spectacularly bankrupt as \$40 billion of speculative value in his offshore oil venture evaporated. His downfall presaged the economic collapse of Brazil at large as commodity prices plummeted. Public security budgets were drastically cut immediately following the 2016 Olympics hosted in Rio. The drug gangs have eroded and supplanted UPPs' control as young men return to brandish automatic rifles on favela passageways. Meanwhile, after public outcry grounded the secret plane program in Baltimore, and after a Justice Department investigation found widespread corruption among city police officers and issued the department a reform decree, a coalition of community groups called for the plane to fly again—only this time to track the police. "Why not have the cameras turned around on them?" asked a community organizer (Broadwater 2018). Such civic mobilizations represent a claim to the city and imaginatively seek to turn carceral power in on itself.



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A Pregnant Kid in a Cage: Jane Doe's Fight for Reproductive Rights

By Nicole M. Guidotti-Hernández

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The Obama administration's carefully calibrated immigration revisions increased penalties against undocumented border crossers and returned people immediately to their countries of origin. In FY 2016, DHS carried out 530,250 apprehensions and 344,354 removals, compared to 462,388 apprehensions and 333,341 removals a year earlier. Despite the increase, these numbers were far lower than the peak of enforcement operations at the beginning of the Obama years, after he inherited a robust enforcement regime from his predecessors.

[1] Add to this, the surge of Central American unaccompanied migrant children that

began in 2014, and you have a serious confrontation between what constitutes immigration enforcement priority and the politics of sympathy. "In 2016, the number of Central American migrant children travelling through Mexico remained high (the number of children detected in 2015 was 35,000 and in the first 10 months of 2016, it reached almost 31,000). Children are migrating for family reunification purposes, are in search of new social and economic opportunities or are running away from increasing violence in their country of origin." [2] With this surge of child migrants, there's been a ramp up of enforcement priorities, especially at the



Texas-Mexico border, where the crisis has been felt exponentially. Children have fled since 2014 to avoid climbing levels of gang violence, extortion and drug trafficking or to find their parents. With the asylum-seeking caravan making its way through Mexico at the time of writing this, I cannot help but reflect on how this moment of international humanitarian crisis is linked to reproductive politics.

With this new wave of migrants in the fall of 2018, and especially for the children traveling with or born to families on the migrant trail, the politics of empathy have been mobilized away from the potential salvation narrated for DACA recipients. The figure of the refugee, in Trumpian rhetoric, is criminal. The child of the refugee is even more precarious, for his/her salvation depends upon whether or not childhood is decriminalized within the visible logic of whiteness and privilege. If decriminalized, the figure of the refugee-migrant child might mobilize empathy and salvation, yoking them through sentimentality and potential inclusion in the nation. The double move—to evoke family values and salvation—uses the moral ground of humanitarianism and sentimentality to make the Dreamers worthy of protections and unaccompanied Central American migrants and their parents unworthy because they are a security threat. The administration's deployment of 5,200 active duty military troops to the U.S.-Mexico Border was justified to prevent “an invasion of our country.”[3]

With this administration, there's been a tightening of border security and the rhetoric of security. The April 6, 2018 DHS memo to the White House cites the end of the “catch and release policy” where “whereby aliens are released in the United States shortly after their capture and apprehension for violations of U.S. immigration laws.”[4] Since September of 2017, the administration drafted policy to quickly deport more than 150,000 child migrants from Central America who arrived alone in the U.S. illegally, creating a new class of undocumented migrants.[5] They also rolled back what is known as parole for asylum seekers once they cross into the U.S. Those children would not be allowed to plead their cases for asylum and/or family reunification in front of a judge before deportation. And even though this policy makes parole an option, not a right, the shockwaves the administration intended to send through undocumented communities have worked in continuing the prevention through deterrence strategy, except where children are concerned. They continue to seek reunification with their families and escape persecution.

For this post, I think it best to provide an account from the field regarding the state which seems to be ground zero for some of the most pressing biopolitical issues of the current conjuncture in need of radical critique. As we all know, biopower demarcates the will to have power over bodies; it is, according to Foucault, “an explosion of numerous and diverse techniques for achieving the subjugation of bodies and the control of populations.”[6] Biopolitics and borders could not be a more pressing political theme today. Recently, we've seen an even greater shift towards total border enforcement against “illegal” bodies at the national level, and a clamp down on women's bodies in the state of Texas with new technological fervor. But these drastic policy changes, while intensified with the 2016 election, were brewing long before and have come to a head in some of the most contradictory ways.



["Reproductive Justice for All"](#) by Charlotte Cooper. CC BY-2.0.

One such case is that of Jane Doe, a minor from Central America, detained in a Brownsville, Texas facility, who sought an abortion while in custody of immigration officials. The 17 year old was made an example by the Trump administration, that tried to secure an injunction to block the teen's abortion request. This marks the difference in the biopolitics of being pro-life and anti-immigrant

at the same time. While these two categories might seem antithetical, in this time and place and where Jane Doe was concerned, they are not. The dissonance and convergence of pro-life and anti-immigrant positions are most striking for their elasticity and overlap in Jane Doe's case. Drawing attention to the Jane Doe abortion case marks a newly emerging link between anti-reproductive rights and anti-immigration politics at the current conjuncture.

Jane Doe crossed the border at age 17, with the dream of becoming a nurse who could someday care for senior citizens. But when she was detained at the U.S.-Mexico border and had a medical examination, she was told she was pregnant. A rite of passage on the migrant trail, we can speculate that she was most likely raped while in transit, like so many women who enter the North American migration corridor. When she tried to schedule an abortion, the Trump administration blocked her, prompting a lawsuit in federal court. The ACLU represented the teenage unaccompanied minor and claimed victory when the Federal court provided an injunction so that she could leave the detention facility to receive an abortion. The Trump administration's prenatal politics put a priority on the unborn child, not on the pregnant youth in detention. Jane Doe's body, while deportable, was not worthy of salvation, only her unborn child was. Raising an ethical question about the incommensurate nature of the politics of pro-life that are anti-immigrant, Jane Doe's case signals how both issues are driven by economies of value. Further, the relationship between punitive immigrant laws and the health of Latinas in the United States cannot go overlooked in the invisible sites of detention camps, where the lack of care is only magnified by the penal nature of such institutions.

Since she was already in detention, Jane Doe's legal status as a minor was used as a deterrent by the federal government and DHS serving as her "guardian." Despite the original injunction, Judge Tanya S. Chutkan reissued the order that the teen have an abortion "promptly and without delay."^[7] Jane Doe was sponsored by a volunteer guardian and taken to a clinic for the procedure on October 25, 2017.

Judges of the dissenting position wrote that the decision “Rewards lawlessness and erases the fundamental difference between citizenship and illegal presence in our country.”^[8] Under the current regime that has retrenched itself in the rhetoric of nativism, the war on women’s bodies and the war on immigrants have intersected in and through the body of the unaccompanied Central American teen migrant who sought an abortion. DHS officials have been instructed to “promote childbirth and fetal life” for teens in custody.^[9] This is endemic of what Mark Tooley has called the confused politics of the pro-life movement, where Evangelicals and Catholics have “traditionally opposed abortion as uniquely pernicious because it destroys a completely innocent and vulnerable life, in most cases only for convenience. Yet some try to stretch ‘pro-life’ to include their own political preferences in ways that dilute focused opposition to abortion.”^[10] This elasticizing of the prolife position ultimately allows for the rhetoric of anti-immigrant to be compatible with particular Christian ethics of saving the child but not the immigrant mother. But what happens when the immigrant mother is a “child” herself? In this instance, saving the child to save a child does not work in the logic. Instead, pro-life only includes unborn life, not immigrant life. These biopolitics, according to Foucault, are part of an intelligible mechanism of the current state formation.^[11] They are instructive of how confinement politics determine reproductive politics. While the state and churches are heterogeneous, in these cases, the two positions make illegal immigration and abortion morally wrong. But how to rectify the pro-life position for the unborn child with the lack of value described to the undocumented immigrant mother’s life? There is a particular strand of the right that is actually doing this right now. There is an eerie convergence between necropolitics, biopolitics, and the pro-life anti-immigrant position in that programs like Prevention Through Deterrence funnel border crossers to their deaths but attempt to preserve the lives of unborn children, not actual undocumented children. Here there is a sleight of hand in the discourse, for what makes a person a person should determine human rights in all three cases—but they are not equivalent in the current discourse. This empty humanism calls for human rights without humanity. Such dehumanization of immigrant life works to bolster the process of claiming the rights of the unborn, making them even more human as the state’s expectation is that they would be incorporated into the body politic, unlike their undocumented immigrant mothers. The other side would argue that “no human being is illegal” and unworthy of protections. Such forms of governmentality extend to privatized, for profit spaces of immigrant detention facilities in that they show the convergence of public law and private markets, making the pro-life anti-immigrant position an economic one. The potentially U.S. born citizen-child of Jane Doe had more rights than her detained, minor, immigrant mother. Here, government interferes with the right to choose what to do with one’s body in favor of protecting the potential child-citizen fetus. Jane Doe did not want to have nor intend to have an “anchor baby;” rather, she intended to maintain her sovereignty as an undocumented migrant in detention by seeking an abortion. This judicial concept of freedom, Foucault would argue, as did the judge who ruled in Doe’s favor, is “the possession [of] a certain freedom, which [s]he will or will not cede.”^[12] This idea of the willful, desiring undocumented subject comes through most in Jane Doe’s public statement after the abortion, most likely crafted with the help of her lawyers:

I'm a 17-year-old girl that came to this country to make a better life for myself. My journey wasn't easy, but I came here with hope in my heart to build a life I can be proud of. When I was detained, I was placed in a shelter for children. It was there that I was told I was pregnant. I knew immediately what was best for me then, as I do now—that I'm not ready to be a parent. Thanks to my lawyers, Rochelle Garza and Christine Cortez, and with the help of Jane's Due Process, I went before a judge and was given permission to end my pregnancy without my parents' consent. I was nervous about appearing in court, but I was treated very kindly. I am grateful that the judge agreed with my decision and granted the bypass.



["Minneapolis protest against Arizona immigrant law SB 1070" by Fibonacci Blue. CC BY 2.0.](#)

While the government provides for most of my needs at the shelter, they have not allowed me to leave to get an abortion. Instead, they made me see a doctor that tried to convince me not to abort ... People I don't even know are trying to make me change my mind. I made my decision and that is between me and God. Through all of this, I have never changed my mind No one should be shamed for making the right decision for themselves. I would not tell any other girl in my situation what they should do. That decision is hers and hers alone This is my life, my decision. I want a better future. I want justice." [\[13\]](#)

In articulating choice as justice, Jane Doe's sophisticated dissent taps into one of the core values of human rights: a rejection of public shame for being who you are and making the choices that you make. Moreover, as a self-possessed child-subject, Doe's decision contests the power relations of immigrant detention and the pro-life movement by stating that she herself has made a pact with God about the decision. Deploying a human rights frame as a reproductive rights issue, Jane Doe ultimately uses the same rhetoric that the pro-life camp does in demarcating choice as her final decision alone without capitulating to public pressures of pre-procedure counseling or religious organizations. In arbitrating her own decision, she too focuses on human rights and moral responsibility, just in a different direction than the pro-life anti-immigrant camp.

Contemporary Texas and national biopolitics then are in favor of protecting the unborn child over the criminal minor immigrant, especially when that immigrant is an undocumented mother. To paraphrase Spivak, "saving brown and poor women" from themselves at the cost of not protecting the most vulnerable. We are not only in a moment of structural violence where the

intersections of race, class, and gender impact the policing of our bodies in their reproductive capacities, but moreover, the speed of technology in communicating this information has only intensified the violence against vulnerable populations, especially on the other major biopolitical front, that of the U.S.-Mexico border. The bodies of asylum seekers, the bodies of women, bodies of color, and bodies close to the U.S.-Mexico border signify the other call for an intersectional feminist critique of the most urgent sort. Jane Doe was a kid in a cage, like all the other unaccompanied migrant children who crossed the border in the summers of 2017-2018. But her caging was different in that the confinement practices became a battle ground for the intersections of pro-life and anti-immigrant legal precedents. With a materialist critique that centers on the intersectional practices of human caging, we elucidate not just the politics of reproduction, but the politics of how we move in the world, what undocumented minor women-children do with their bodies, how asylum seekers and migrant caravans decide to move across borders, seek medical care, participate in communities and simply live. Citizenship, migration, and statelessness, have become the default categories of how boundaries are drawn these days with biometrics, antiterrorist units, a war on women's bodies, and a public war on non-whiteness. When coupled with the fate of embodiment that further abjects the non-normative, structures of gender and race make possible new emerging forms biopolitical violence. Based on Jane Doe's case as a pregnant kid in a cage, we can no longer separate anti-immigration politics from pro-life reproductive politics. The elasticity of the pro-life movement does indeed posit the life of the undocumented immigrant child-mother worthy of deportation and unworthy of salvation.



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[1] <https://www.ice.gov/news/releases/dhs-releases-end-fiscal-year-2016-statistics>.

[2] <https://www.unicefusa.org/mission/emergencies/child-refugees/central-american-child-migrants>

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"Donde lo tienen?"

Working in an Archive of the Disappeared in Guatemala

By Brie Gettleson

November 12, 2018

URL: <https://wp.me/p1SS1c-1zj>



Guatemala City street in 2012. Photo supplied by author.

"Pero señores, la gente no se esfuma,. ¿Será posible que se lo haya tragado la tierra?, o como se rumorea la existencia de cárceles secretas, ¿Estará mi querido hijito en algún lugar particular convertido en prisión, en alguno de los Polos de Desarrollo o destacamento militar?"

Translation: But sirs, people do not vanish, ¿Would it be possible that the Earth had swallowed him?, or as the rumors about secret prisons go ¿Is my dear son in some particular place converted into a prison, in one of the Development Zones or military detachment?

Farina Sandoval de Girón wrote these words about her son in 1985, in a letter addressed to the Guatemalan Human Rights Commission (*Comisión de Derechos Humanos de Guatemala*). Farina wrote letters of appeal to organizations and heads of state, including Ronald Reagan, hoping to find out something about her son, a university student in Guatemala City. Jorge Mario Alberto Girón Sandoval was taken on May 3, 1985, one of the 45,000 disappeared during the 36-year

long internal conflict between the Guatemalan state and a small number of guerrilla groups. The history and processes of reckoning with detention, disappearance, and genocide continue to define political possibilities in Guatemala today.

Farina's letters are a part of Jorge Sandoval's case file, located in the *archivo de los desaparecidos* (archive of the disappeared) at the offices of the *Grupo de Apoyo Mutuo* (Mutual Support Group or GAM) in Guatemala City. Tania Ortega, a Haverford College undergraduate studying anthropology, brought the letters to my attention. She and two other students—Mariana Ramirez and Natalia Mora—spent the summer of 2018 transcribing, describing, and studying digitized case files from the GAM archive of forced disappearance under the guidance of the GAM Digital Archive Project team. The project is structured on a post-custodial model, in which ownership of the documents remains in Guatemala, in the GAM's custody, while the digital archive is hosted and maintained by Haverford College Libraries.

The archive of disappearance includes about 4,000 cases, a number that seems large until we consider the estimated 45,000 disappeared and the estimated 200,000 dead during the 1960-1996 armed conflict (CEH 1999). Together, we spent the summer engaged in the technical and intellectual processes of bringing digital life to an archive of the (presumed) dead. While the fates of some of the 4000 in the archive are known—revealed by the work of the *Fundación de Antropología Forense de Guatemala* (Guatemalan Forensic Anthropology Foundation)—many families are left without answers.



A section of the archive in the GAM offices (Photo courtesy of Alex Galarza)

. The faces of the disappeared appear on posters in the GAM offices, accompanied by the words “*Donde lo tienen?*” or “Where do they have him?” Out in the Guatemala City streets, youth organization H.I.J.O.S. (Sons and Daughters of the Disappeared) have papered popular corridors with the faces of disappeared university students, asking “*Donde están?*” or “Where are they?” Though they have been missing for over 30 years, organizations and family members politicize the names and faces of the disappeared and keep their memories alive.

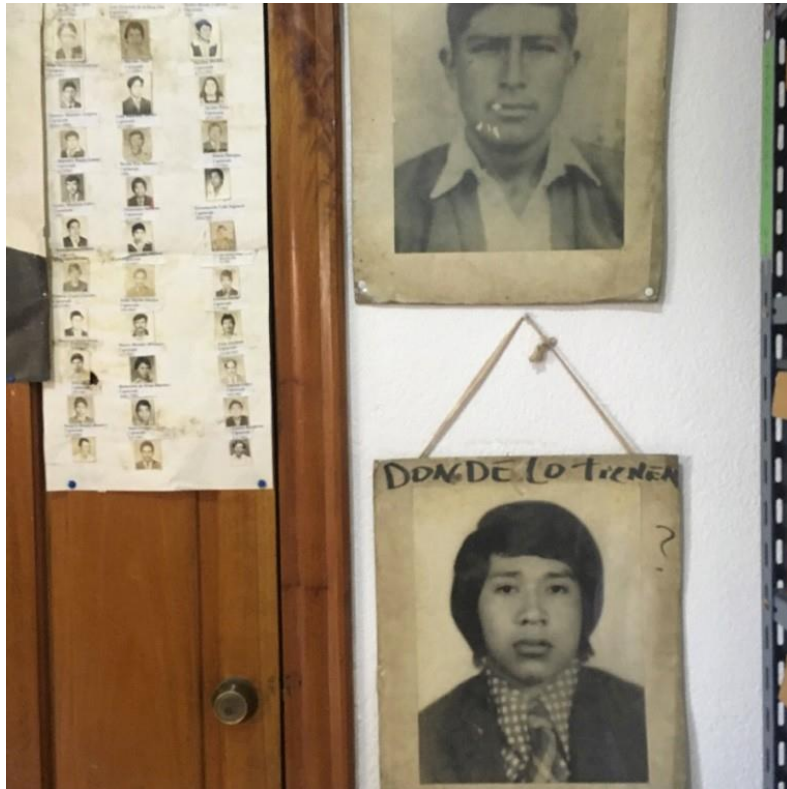
While Haverford project lead Alex Galarza and I were in Guatemala this summer, we were honored to be invited to accompany the GAM to the Guatemalan Congress for the *Día Nacional contra la Desaparición Forzada* (National Day against Forced Disappearance). There, the GAM and other human rights and victims' organizations presented demands for a state commitment to investigate the 45,000 cases of disappearance, so that families might know what happened to their

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missing loved ones. Like Farina Sandoval de Girón, they can speculate about secret prisons,

but the bodies of many of the missing are likely in clandestine mass graves. The Guatemalan state has yet to fulfill its obligation to investigate these disappearances.

According to the international conventions on enforced disappearance, disappearance is broadly defined as involving actions of state officials, the deprivation of liberty, and the denial of state responsibility for the act of disappearance. Disappearance is a particularly cruel act, leaving family members wondering for years, even decades, about the fate of loved ones, unsure if they were living or dead. During the conflict, disappearances were paired with appearances of the anonymous dead. Bodies were rendered unrecognizable by use of mass graves and severe bodily mutilation.



GAM Offices 2018. Photo supplied by author.

Working in the GAM archive of disappearances, I noticed another, smaller collection within the archive: a box labeled “*niñez desaparecidos*” or “disappeared children.” During the conflict, hundreds of children, especially indigenous Maya children, were targeted for kidnapping for the international adoption market by the Guatemalan military. This was done in the name of “rescuing” them from “subversives,” who were often only guilty of being Maya under a genocidal regime. During the 1982-1983 reign of Efraín Ríos Montt, the Guatemalan state committed genocide against the Ixil Maya. Thousands of civilians were brutally massacred by the Guatemalan army. Villages were burned to the ground. Women were raped and the

bodies of their children destroyed before their eyes. It is impossible to overstate the horror of this period of Guatemalan history, but justice remains partial.

During the same week in which I was viewing the box of records of disappeared children, news from the United States was flooded with stories of the separations of migrant children from their families. Not only were they physically separated, but the children were also in a sense disappeared by either bureaucratic ineptitude or intent. Those familiar with histories of separating children as a tool of settler colonialism rightly feared that these “lost” children would become available for adoption by white families. In Guatemala, “irregularities” in the legal adoption of Guatemalan children continued beyond the conflict. Thousands of children were adopted by families in the U.S. and Europe under questionable circumstances, until a change to Guatemalan law shut down international adoptions in 2008. Scholars of First Nations and aboriginal communities recognize removal of indigenous children as a form of cultural genocide. The ongoing

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ing removal of (often indigenous) children for international adoption in Guatemala can be read

a continuation of the genocide during the conflict.

There is not space in this forum to provide a detailed account of the violence that left 200,000 dead in Guatemala, but by the mid-1980s, disappearances, displacements, and genocidal massacres created a nation in which political activity seemed impossible. The united guerrilla forces, now known as the *Unidad Revolucionaria Nacional Guatemalteca* (URNG), had little chance of military victory. Trade unions in the cities and countryside were violently crushed. In 1980, a representative of the Guatemalan NGO *Frente Democrático Contra la Represión* testified before the first meeting of the UN Working Group on Enforced or Involuntary Disappearances, declaring that, “Guatemala has no political prisoners, only dead people” (WGEID 1981). However, miraculously, Guatemalans, including those most personally affected, continued to organize even when it seemed impossible.

The *Grupo de Apoyo Mutuo* was formed on June 4, 1984 by a group of women whose loved ones had been taken from them by the Guatemalan security forces. They organized public demonstrations in Guatemala City, carrying the names and photographs of those who had been disappeared. Members of the GAM petitioned the government for answers, gathering denuncias (legal complaints), testimonies, photographs, and news clipping related to disappeared persons, even as their own membership was targeted and killed. In the late 1980s, organizations like the GAM filed thousands of habeas corpus petitions on behalf of families of disappeared persons—like Fariña Sandoval de Girón and her son, Jorge—petitions which went unanswered.

Despite continued targeting by the state and clandestine powers, the GAM and organizations like them have continued to hold the Guatemalan government accountable for the atrocities of the conflict and their legacies in the present. Guatemalan politics continue to be dominated by former military men or friends of the traditional oligarchy who back land seizures and campesino evictions for palm oil enterprises or turn a blind eye to the murder of labor organizers. Guatemala is still a dangerous place in which to make demands or speak out. And yet, following the 2015 arrest of President Otto Perez Molina—a former intelligence officer implicated in a wide-reaching corruption ring known as *La Linea*—anti-corruption and impunity protests in Guatemala have continued to grow to sizes unmatched since the 1954 U.S.-backed coup that ended democracy in Guatemala for decades.

The legal work of the GAM continues, as they use documents to build cases against members of the Guatemalan military and police from the conflict. The whole of the archive of disappearances remains endangered, both by predictable forces of moisture and decay and changing political winds. Once again, analysts are using the word coup to describe a situation in the making in present-day Guatemala, as sitting President Jimmy Morales uses a military show of force to back his illegal attempts to oust the anti-corruption investigative body International Commission against Impunity in Guatemala (CICIG) that is looking into his own illegal campaign financing. However, thousands of Guatemalans have taken to the streets to protest. Given Guatemala’s decades of swift and violent repression, such protests seem impossible, but, yet...



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The Politics of Spite: Confinement and the Return of Political Terror to Southern Chile

By Magnus Course and Fabian Painemilla Ancan

April 14, 2019

URL: <https://wp.me/p68wh0-2gt>



Embed from Getty Images. Chilean artists pay tribute to 24-year-old Mapuche leader Camilo Catrillanca who was shot dead in a police operation in Araucania region last November 14, during a performance in front of La Moneda presidential palace in Santiago, on November 22, 2018. (Photo by MARTIN BERNETTI/AFP/Getty Images)

The first time I met Sergio Painemilla Huarapil he looked like he was about to blow away. A slight, slim man, his shirt and trousers whipped around him in the fierce southern wind. His shoes were polished, but he wore no socks, and his pale eyes danced with light and laughter. He had a surprisingly red moustache, the source of his nickname Kelüpayun, “Redbeard” in the Mapuche language, Mapudungun. Sergio was, at that time, president of the Mapuche community of Konoko Budi in southern Chile, and also one of the leaders of the indigenous association Pür Lafken Leufu which sought to bring together various Mapuche communities in the Lago Budi area.

I ended up living with Sergio and his family in their homestead for the next couple of years. He often talked of politics, of racism, and of the discrimination he'd faced while living in Santiago during his time as a union organizer, an activity which led to his rapid return to the south following General Pinochet's 1973 military coup and the years of repression that followed. I have to admit that, to my shame, I never paid much attention to Sergio's political tribulations. My interest was always in his deep knowledge of Mapuche culture and history, and in particular, the natural world; we'd go off on long walks or on horseback recording the names of every plant and every bird we came across. I was absorbed in the minutiae of Mapuche cosmology, and his endless political diatribes seemed something else entirely. Indeed, in those days, the communities around Lago Budi seemed awfully remote, both from Santiago and from the full reach of the Chilean state. All of the people living here were Mapuche, and all of the neighbouring communities for miles around were likewise Mapuche. The occasional news reports of Mapuche communities in conflict with ranching or forestry operations that had usurped their lands, seemed a long, long way away.



Embed from Getty Images. Chilean Police Watch Mapuche Communities. Cunco, Chile. 11 February 2019. Members of the GOPE (special operations group of the Chilean police) take care of the work done by the MOP (Ministry of Public Works) and monitor the Mapuche community Juan Paillalef of Lonko Juana Kalfunao who opposes the construction of a road that crosses the community lands on a cemetery and a sacred site in Cunco, Araucania region, Chile. (Photo by Fernando Lavoiz/NurPhoto via Getty Images)

Now, twenty years later, I see how naïve I was. For Sergio, the land and one's knowledge of it and rootedness in it were inextricable from one's political commitment to it. This was brought home to me one morning in April, 2017 when I received an email informing me that the previous day Sergio had been arrested. Over thirty heavily armed police had turned up at his farm before dawn, and burst into his house. Sergio is now in his seventies and had been hospitalized for several weeks with a heart attack a few months earlier in 2016. Upon ransacking the house, the police uncovered an antique single-bore shotgun, made in the 1930s, that had previously belonged to Sergio's father, Esteban, who had served the Chilean government as a soldier and had died sev-

eral decades previously. This old shotgun – the kind of which can be found in pretty much every farming homestead in the Americas – was reason enough for the police to take Sergio away. The public prosecutor decided to pursue a charge of possession of an unlicensed weapon, and Sergio was confined under strict house arrest, a condition under which he remains to this day.

Below, Sergio tells his own account of that day, in an interview carried out by his son, Fabian Painemilla Ancan:

“I still remember that day! It was April 01, 2017 and they arrived around 6:00am. It was still dark, I just heard the sounds of cars arriving. I thought it was my son, Pablo, so without hesitation, I opened the door only to realise then that something else was going on. As I opened the door, I was confronted with a large group of people wearing dark uniforms and who were heavily armed with guns pointed at me. They asked for my son Hernan Painemilla. I explained to them that he lives with us but that he was not home. They told me that they needed to search the house. They entered abruptly and began to turn the house upside down destroying things along the way. They went through every room in our house and under every bed, looking inside my books and again destroying everything. For the most part, I remained calm but internally was scared. I was concerned for my wife more than anything. The situation brought me back to 1973 during the Pinochet regime when I was detained and taken to the National Stadium in Santiago without clear cause and I wasn’t sure if I would see my family ever again. Luckily, I was set free but this forced me to move back to my family lands in Piedra Alta. This abrupt entry into my home by what I would come to find out were Chilean special forces brought all of that fear and uncertainty back. I was concerned for my wife and myself and my son, who is active in the Mapuche cause. I am 71 years old and it is still hard for me to believe that many things have not changed in my country since Pinochet. After searching the whole house and property, they found an old shotgun that belong[ed] to my father, Esteban Painemilla, who ironically served this country as a member of the military when he was young. In short, it was a relic. They took me into custody and the shotgun as well. It was the only item I had from my father as he died when I was a young boy. I felt that my rights were violated and at my age I was made to feel like a delinquent. They sentenced me as a “peligro para la sociedad” (danger to society) because I had an old shotgun in my possession that was not officially registered. By charging a Mapuche elder, such as myself on a minor technicality, it seems that the Chilean government is trying to find any motive to threaten the Mapuche they consider to be terrorist. This coming year, 2019, will mark two years since Chilean special forces entered my home. I have been in domiciliary arrest, then in partial arrest that required me to be at my home at night. And, while I have legal representation, my situation had not been resolved. I am still considered a danger to society as an old man.”



Embed from Getty Images. Students and Mapuche activists protest in front of riot police during a demonstration demanding the resignation of Chile's Interior Minister Andres Chadwick following the death of a young Mapuche man in a police operation, in Santiago, on November 19, 2018. Last week, the president of Chile pledged an investigation into the police killing that sparked protests and firebomb attacks and revived allegations of state persecution of indigenous people. According to a Mapuche community lawyer, Camilo Catrillanca was driving a tractor to work accompanied by a young boy when he was shot dead during a police operation in the Araucania region (south), epicentre of the Mapuche conflict. (Photo by Martin BERNETTI / AFP/Getty Images)

Once the dust had settled, it emerged that Sergio's imprisonment was above all else, an act of spite. The notorious investigative police had been pursuing various charges against one of his sons, a Mapuche activist in the regional capital, Temuco, but a complete absence of evidence (or even crime!) made this fruitless. So the next best thing was to harass his family and in particular his elderly parents. As I write, the repercussions of the assassination of a young Mapuche leader, Camilo Catrillanca, by Chilean special forces continue to reverberate through Chile and beyond. The Chilean State's continued attempts to portray Mapuche activists as 'terrorists' – despite no clear acts of terrorism ever being committed – seems to have backfired and many have united in condemnation of the increasing militarization of the Mapuche heartland. It might seem that the house arrest of an old man in one remote corner of the rural south, pales in comparison to the assassinations, hunger strikes, secret police, and surveillance which are taking many Chileans back to memories of the Dictatorship that they thought were long gone. Yet it is in these banal and everyday processes of confinement, confinement which rarely results in successful prosecution, that a certain kind of psychological warfare is waged; that the state compels Mapuche people to keep a low profile, to stay quiet, to keep their heads down or be labelled 'terrorists,' to give up their claims for justice. Visiting Sergio last year, however, I recognized the fire in his eyes that told me that this would not be an option. His land is who he is and his life without it would not be much of a life at all. It is this understanding which brings Mapuche together in new and diverse ways, ways which cannot be confined.



Magnus Course *teaches social anthropology at the University of Edinburgh. His research is concerned with kinship, personhood, and power in both South America and Europe. He is the author of *Becoming Mapuche: Person and Ritual in Indigenous Chile* (U Illinois Press, 2011), the Spanish translation of which was published by Editores Pehuen in 2017. He has recently completed a project on the intersection of fishing and Gaelic culture in the Outer Hebrides and is now working on a new project on death in Naples.*



Fabian Painemilla *is an indigenous Mapuche, from Chile. He possesses a Bachelor's degree in Cultural Anthropology and Latin American Studies from the University of Maryland. At the moment Fabian is obtaining his master's in education and leadership from Notre Dame University of Maryland. Fabian has many years of experience working in Chile and the US in diverse environments.*

Afterword

Hidden in Plain Sight: A Journey into Repressive States

By Didier Fassin

February 27, 2019

URL: <https://wp.me/p68wh0-2fl>



Credit: Frank Prével, Anti-squad team, Cité des Tarterets, Corbeil-Essonne, France.

“The severity of punishments is fitter for despotic governments, whose principle is terror, than for a monarchy or a republic, whose spring is honor and virtue,” wrote Montesquieu in *The Spirit of Laws*, adding to this logical observation what he deemed an historical fact, namely that “penalties have increased or diminished in proportion as governments favored or discouraged liberty.” Were he to interpret today the evolution of the prison population in the Americas over the past decades as a sign of the severity of punishments, the French philosopher would undoubtedly conclude that the continent has regressed into despotism with its principle of terror. However, what would particularly puzzle him is that this punitive turn has occurred under regimes known as liberal democracies, a contemporary equivalent to what he called republics. Indeed, in the United States, the beginning in the 1970s of the phenomenon now called mass incarceration corresponds to the supposed end of legal racial discrimination as a result of the civil rights movement. In the following four decades,

the U.S. incarceration rate, which had remained stable for more than half a century, multiplied by five, in a steady increase independent of the political changes in the White House and the Congress. Even more troubling, in Brazil, whereas the prison population had hardly expanded under the twenty-one-year military dictatorship, it paradoxically started skyrocketing immediately after the return of free elections in 1985: the number of prisoners quadrupled in only twenty years, the curve being unaffected by the replacement of center-right coalitions by a left-wing party in the government. Similar tendencies have been observed in other countries, notably in the Southern Cone, where carceral demographics rose rapidly at the end of the dictatorships.

This disturbing conjunction between the advent of liberal democracies and the surge of repressive policies would definitely shake the certitudes of the Enlightenment's herald. He would probably think that either the logical and historical connection he established between liberty and leniency, between virtue and moderation, is erroneous; or that what we now name liberal democracy is in fact a mask for a disguised form of despotism. In the fascinating series of essays and debates gathered in this "Speaking Justice to Power" volume, the authors have opted for the second interpretation. Liberal democracies are not what they claim to be. The way in which they use their police to repress protests, deprive prisoners of their rights and detain people seeking



Credit: Adrien Fournier, Police badge showing the crosshairs of a gun targeting a housing project.

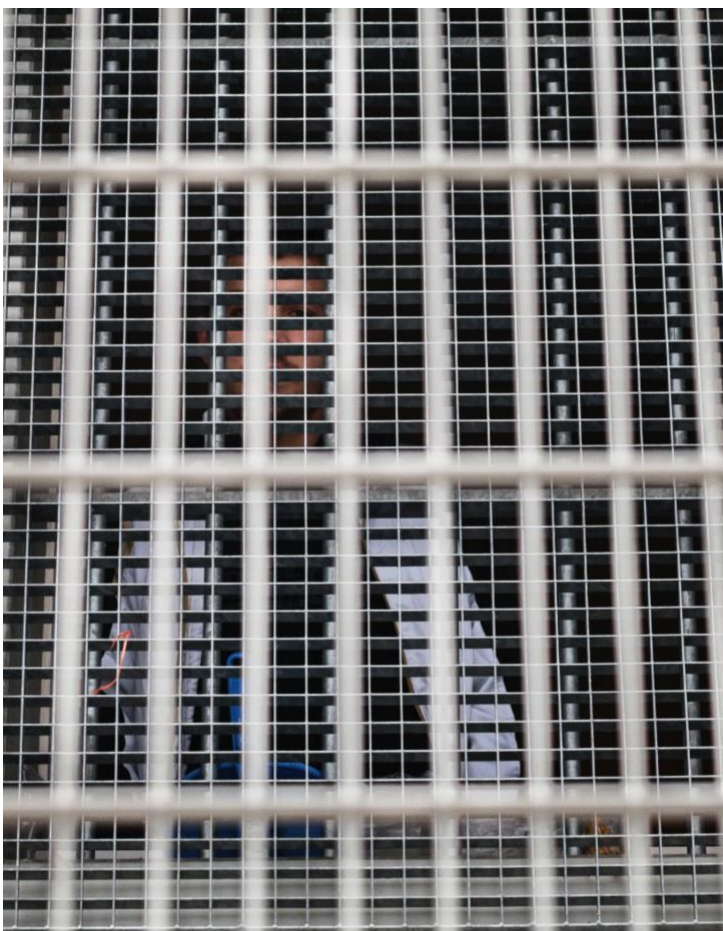
asylum, separating them from their children, signals their renouncing their purportedly foundational values. This analysis is, I believe, what underlies the three-part discussion between [Catherine Besteman](#), [Karina Biondi](#) and [Orisanmi Burton](#): a profound suspicion toward the polity of their respective countries that is more than a mere anxiety about present circumstances.

Indeed, one question that immediately comes to mind is whether this deceit is a recent perversion of the regime or whether it is intrinsic to it. The simple fact of the spectacular increase in the prison population shows that there is an aggravation of the situation, but a deeper inquiry suggests that the worm was already in the fruit. Indeed, in the past three decades more or less, inequalities have deepened, welfare has shrunk, capitalism has hardened, authoritarianism has intensified, confidence in liberal principles has declined, and trust in representative democracy has waned. Yet, the system itself offered structural conditions that were favorable for these devel-

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opments.

The election of Donald Trump, which is in the background of Besteman's evocation of the current situation of refugees and prisoners, and of Jair Bolsonaro, who was still an outsider when Biondi spoke about the presidential campaign in her country, represent a climax in this evolution, but they also reveal a preexisting crisis. After all, Ronald Reagan with his neoliberal shock, Bill Clinton with his tough on crime policy and George W. Bush with his bellicose program paved the way to the present situation. And in Latin America, the dictatorships of the 1970s and 1980s, supported by the United States, remained in power not only by the force of arms but also thanks to the endorsement of the middle and upper classes, which largely explains why these transitions to liberal democracies have been so smooth, with such a remarkable leniency toward former dictators and their agents. For example, the Brazilian justice system has been much more severe toward Luiz Inácio Lula da Silva for having used corporate money to improve a house that he was suspected to later acquire than toward the generals whose repression caused thousands of deaths and disappearances. In the case of the United States, Burton goes even further back in time as he examines nineteenth-century slavery and twentieth-century lynchings. He thus demonstrates that the source of current problems is much deeper than generally admitted, and that in reality the country never lived up to its pretense to be the first, largest and greatest democracy in the world. But he also reminds us that what seems to have been recently discovered by mainstream media and the majority of the population about the functioning of society, particularly police abuses and discrimination in the penal system, had long been known by African Americans, who were victims of them and simply not listened to—no false consciousness, there.



Credit: Grégoire Korganow, Man at his window, French prison.

When analyzing the connection between liberal democracies and repressive policies, it is therefore crucial to avoid thinking in terms of a linear race to the bottom as well as in terms of a perpetually immobile state of affairs. Both continuities and discontinuities must be acknowledged. Engagement with politics entails precisely the recognition of this fine line distinguishing and connecting structural facts (the simultaneous birth of democracy and prison, for instance) and significant variations (the present substitution of the penal state for the social state, especially). This recognition is all the more necessary when we try to understand the meaning of a configuration in which the repressive state puts on democratic attire, rendering the habitual political lexicon of fascism or illiberalism insufficient to fully account for what is at stake. Indeed, police violence against protesters and attacks against the rule of law exist in Nicaragua under the leftist Sandinista government analyzed by



Credit: Mélanie Veuillet, Weapon made by a prisoner and confiscated by the administration.

[Julienne Weegels](#) as well as in Brazil after the right-wing institutional coup of the so-called Bullet Alliance discussed by [Jorge Mattar Villela](#). But the challenge is not so much to invent new words or concepts as to finely describe these practices in their diversity. Thus, the Brazilian program of assisted freedom for delinquent adolescents presented by [Sarah Munhoz](#), which seems a remote sister institution of French nineteenth-century penal colonies, with a similar ambivalent combination of retribution and atonement, has a moral project opposite to that of the overcrowded gruesome prisons while being part of the same repressive state apparatus.

The ethnographies presented here, albeit just drafted, suggest a multiplicity of modes of punishment. Thus, in the United states, the most cruel forms of instrumentalization of law to prevent a migrant adolescent from terminating an unwanted pregnancy, as recounted by [Nicole Guidotti-Hernández](#), coexist with experimental programs designed to facilitate the self-reconstruction of prisoners in the destigmatized environment of firefighting squads, on which [Lindsey Raisa Feldman](#) has conducted her observation. In that respect, the series' transnational comparisons can be illuminating, as that outlined by [Karina Biondi and Jennifer Curtis](#) between the unexpected coming to power in Brazil and the United States of two nationalist and populist leaders who immediately acknowledge their affinities and resemblances, or that sketched out by [Alessandro Angelini](#) between law enforcement practices in Rio de Janeiro and Baltimore, which in both cases involve grave abuses and ordinary discipline as modes of social control of the poor at the margins of the city. But as is well known, ethnographers rarely have a direct access to violence, especially in its most appalling manifestations, both because such scenes would expose them to personal risk and because perpetrators do not want witnesses. As an alternative, archival material can provide precious testimonies, as [Brie Gettleston](#) shows in her work based on the documents gathered by the Guatemalan Grupo de Apoyo Mutuo, which renders possible the account of what happened to those who disappeared during the terrible repression against the Maya, as adults were massacred and children kidnapped to be handed over to the military for adoption.

These studies across the continent have the merit to make visible what is too often hidden in plain sight: the work of the repressive state in liberal democracies. Certainly, we have some occasional insights into it, in particular when children are involved and compassion is mobilized. However, the most serious issues and abuses remain obfuscated, as Besteman argues. Prisons often remain closed not only to researchers or journalists but also to lawyers and human rights activists. What happens inside is unknown territory for the majority of the population, who seems to delegate to the darkest part of the state the power to discipline and punish with little external control. The indifference of the public toward the way in which repression is carried out is in large part due to the fact that this repression is mostly targeted against the most disadvantaged segments of society, that is, the poor, the minorities, the immigrants, while giving the middle and upper classes the impression that it protects them. When we think of this repressive turn, we therefore need to remember that it almost exclusively affects a specific part of the population, those whose life is definitely deemed of little value. Hence the tolerance toward, and disregard for, what happens in prisons. It is therefore all the more crucial to have the voices of those trapped in the punitive apparatus heard since, as [Jennifer Curtis and Randi Irwin](#) argue, repression is precisely an attempt to muzzle them while numbing the majority.

This is the meaning the radical prison movements developed in the United States through hunger strikes, sit-ins and boycotts, which often refer to the memory of previous events such as the Attica rebellion or past figures such as Nat Turner, as mentioned by [Burton](#), and in Brazil through the action of the Primeiro Comando da Capital, on which [Biondi](#) has worked. In breaking the silence and unveiling the punitive order, ethnography is a modest but important instrument to do justice to these initiatives and produce a shared critique of the repressive state.



Didier Fassin is the James D. Wolfensohn Professor of Social Science at the Institute for Advanced Study in Princeton and a Director of Studies at the École des Hautes Études en Sciences Sociales in Paris. Anthropologist, sociologist and physician, he has carried out extensive research in Senegal, Congo, South Africa, Ecuador, and France. Having conducted a four-year ethnography of a correctional facility, he became a member of the Scientific Council of the Controller General of Prisons, a French independent body. Former vice-president of Médecins Sans Frontières, he is currently President of the French Medical Committee for Exiles. He recently authored [Humanitarian Reason. A Moral History of the Present](#) (University of California Press, 2011), [Enforcing Order. An Ethnography of Urban Policing](#) (Polity, 2013), [Prison Worlds. An Ethnography of the Carceral Condition](#) (Polity, 2016), [Life. A Critical User's Manual](#) (Polity, 2018) and [The Will to Punish](#) (Oxford University Press, 2018).

This Speaking Justice to Power installment focuses on the Americas, North and South, to foreground the divergent historical roots of the region's new authoritarianism, now being enacted through confinement practices in numerous states.

A multi-part PoLAR conversation with Karina Biondi (APLA Book Prize winner 2017), Catherine Besteman (President Emeritus, APLA) and Orisanmi Burton, complements this Speaking Justice installment's focus on authoritarian practices of confinement and cauterization.

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