

## ALTERNATIVES TO RETALIATION

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“For Latin American workers to fulfill their role as hostages of the prosperity of others, prisoners must be kept - inside or outside the grids of the chains,” Eduardo Galeano, *As veias abertas da América Latina* (The Open Veins of Latin America). Lisbon: Antigone, 2017: 434.

“Now all cultured Europe knows that it is not the fault of official prisons but of all of us. We say that we have nothing to do with it ... No, I assure you, Sacalina is interesting and it is our duty to know everything that goes on there.” Chekhov quoted by Maria do Céu Guerra in the presentation of the play **À volta o mar, no meio o inferno** (Around the Sea, in the middle of Hell), theater company A Barraca, 2018

Alternatives to imprisonment have turned out to be practical ways of extending and expanding the criminal justice system. Resistance to

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the use of penalties to correct antisocial behavior has not proved sufficient to transform either these behaviors or the attitudes of states and societies to undesirable practices.

Political resistance to abuse of power inside prisons has not been met through prison reforms that include alternatives to imprisonment. An opposition to feelings of retaliation in politics and criminal justice requires the use of a cognitive horizon broader than criminal law. Changing states of mind mobilized in the face of crime requires a study of how criminal institutions are part of the evolution of modern relations between states and societies.

Instead of denying that the penalties use the spirit of retaliation as a form of social satisfaction and institutional legitimation, correctly claiming that in previous times the situation of abuse of the victims was more intense, we must understand what is the spirit of retaliation, and how it works. Without which a fruitful discussion on how to guide the opposition to abuse of the use of prison sentences is unproductively circumscribed.

One must denounce the hyperdisciplinarity in the social sciences that accepts that prison studies reinforce the idea of isolation of prisons in relation to societies and the state. The conceptualization of the social states of mind, in particular the spirit of retaliation, serves this purpose.

Table 1. Social values and states of mind

VALUES	PACIFIST STATES OF MIND	MARGINAL STATES OF MIND
Liberty	Confidence (cooperation)	Boycott
Equality	Legitimacy (representation)	Subversion
Fraternity	Solidarity (order)	Retaliation

Humanity is characterized by its recursive mind (Corballis, 2011): it cannot fail the imagination of a past and of a future and to construct identities and expectations with it, both articulated and autonomous, at different personal and social levels. There are social states of mind associated with such imaginations, peaceful, one time, and marginal, other times (Dores, 2010, 2012a, 2012b). The former are more common because they consume less energy and correspond better to the instincts of individual survival. However, uncritical routines and habits produce contradictions that accumulate emotionally as social resistance to the *status quo*. Under certain circumstances, these contradictions end up demanding the mobilization of marginal energies, activating instincts of social survival. They predispose people to make extraordinary, non-habitual sacrifices to reorganize social tensions and the habits that provoke them (Alberoni, 1989).

Recognizing the institutional ineffectiveness of prison sentences to achieve the legally envisaged goals, as well as the inability of alternatives to imprisonment to change the state of mindfulness of retaliation, both legal and social, which has persisted despite criminal reforms, one have to recognize also the impotence of the current institutional arrangement: they do not neutralize social feelings of retaliation (Dores, Pontes, & Loureiro, 2016). Therefore, the purpose of prison studies interested in alternatives to prisons must recognize the centrality of the discovery, still to be done, of ways in which the state and society can learn not to give institutional sequence to their retaliatory instincts.

This article begins by denouncing the cognitive stratagem in which prison studies are sucked. It claims for the imagination of a new centrality of the penal system related to the relationships between states and societies. It suggests the use of the concept of state of mind, presented in other works. This allows us to understand not only the

relationships between social work, inspired by social theories, and the institutional processes of stigmatization and criminalization, but also the relationship between different social classes, in a precarious unity.

### **The states of mind**

The scientific spirit typical of the social sciences, the revolutionary spirit typical of working peoples' sovereignty, the spirit of capitalism typical of the most modern explorers, the spirit of solidarity typical of corporations, the national spirit typical of the alliance between states and submitted populations, are examples of states of mind.

Unstable, states of mind exist because many feelings are recurrent and reproduced both institutionally and socially. They become objectively recognizable. They are part of what the sociology of organizations calls informal organization or organizational culture. They are forms of relationship between the dynamics of sociability and the institutionalized practices.

States of mind are produced in the body of people, are embodied as powers that are mobilized in appropriate circumstances. Bourdieu wrote about dispositions as powers that serve states of mind: sometimes inert and sometimes active. They are produced as part of social identity, as in the examples given above, but also as clusters of disorganized dispositions in search of new ways of living, while at the same time recomposing themselves to respond to circumstances.

Autonomous and contradictory points of view among themselves coexist in the same body in a socially harmonious way, eventually without ever meeting each other, like the heteronyms of the poet Fernando Pessoa. A professional can, as we all know, separate the morals

s/he uses at work and the morals s/he uses in family life and the morals s/he uses in public life. Modern societies distinguish with unique radicality the economic life from the private life and the political life. Typical of modern life is the serial production of diversification skills of states of mind that each person can use, to the point that it has become a mundane psychological problem that people are looking for their own lost, disoriented self between exercises of detachment from oneself. The manipulation of states of mind depends on particular skills specific to the situations that each one promotes or inhibits.

Economic freedom is a class characteristic in modern societies. Deprivation of liberty, without being a class characteristic - since no one is free to be imprisoned - is a political spectrum that reinforces and manipulates social stigmas, stimulating feelings of retaliation as a moralistic (ineffective) way of solving social problems, at the same time problems legally reduced to their symptomatic expressions.

For detainees, deprivation of liberty imposes, biologically, inhibition of access to resources of sociability, ways of stabilizing states of mind that sustain viable social identities, making prisoners into criminals, inside the university of crime; people adopt strange behaviors because they live socially isolated for long periods of time (Stockholm syndrome like), whose strangeness is socially associated with victims and people with difficulties in understanding how to adapt to healthy conviviality. The risk of such behaviors to be contagious, as all social behaviors are, causes disgust and, when sufficiently elaborated, stigma. Although it may also cause philanthropic feelings (Goffman, 2004).

The penitentiary institution socially reproduces persons whose stigmatized behavior signaled by the police and social workers serve to politically point societies to the kind of negative behavior that should be avoided and, from the legal point of view, can only be avoided by

the state. The state thus appears as the defender of society, through its judicial pillar, theoretically capable of controlling the police and other actions of the state. In fact, the state is incapable of containing crime and illegalities. Some of them are politically esteemed, when it comes elite protection by political power. Others are condemned, when this is not the case. It is flouted that the systematic and professionalized pursuit of crime is limited by institutional structures, by judicial procedures and powers. State, as an all, and its juridical branch are designed to protect the problematic stability of elites in their relationship to the people, the absent sovereign.

The incompetence of states to fulfill their legal responsibilities and promises regarding abolition of crime accumulates marginal energies the people. It is criminal propaganda the moralistic light belief that the satisfaction of the feelings of retaliation against stigmatized persons is useful to stabilize intraclassist social solidarity. It do not favors long term practices of conciliation between the state, protector of elites, and populations submitted to the states. That is why revolutions, since the French Revolution, are equivalent to freeing prisoners.

To regulate retaliation feelings maybe one needs to consider no reformulate the rules and social institutions in crisis. Instead, it requires the reporting of illusions about the magical powers of revenge to satisfy feelings of retaliation.

Retaliation is a banal reaction in human experience. When a baby cries it causes anguish in those who are listening: feelings of responsibility and love are opposed to feelings of retaliation and hatred for the inconvenience caused. Generally, the former overlap with the latter, and people refuse to feel feelings of retaliation because they are shameful and repressed. In war, the existence of warlike action is sufficient justification for retaliation, until some peace agreement

ends the spiral of hatred and violence. At different levels of human experience, in a repressed or studiously elaborated way, retaliation is felt and eventually transformed into a spirit of retaliation.

Spirit of retaliation is fixed by social circumstances, as, for example, when a political dispute generalizes and becomes civil war. The states keep the memory of how previous hectic times have taken place. They have the ability to decide when and how to repress the spirit of retaliation and / or to stimulate it, with greater or lesser success, for their own proposes. This is one of its main functions: to preserve the order of domination, internal and external threats, and social cohesion.

## **The state and the prison**

Tocqueville wrote one of the classic references to liberalism, *Democracy in America* (Tocqueville, 2005), following the work of his report on US prisons (Tocqueville & Beaumont, 2005),

To understand what a benign modern political regime has to do with penitentiaries, one will go back until the seventeenth century, to the reign of Louis XIV, creator of Versailles, European cultural and architectural reference for centuries. *L'État c'est moi*, was the catch phrase which, in the author's own words, defined his creation: the unification of France as a model nation-state was made by the imposition of a culture of court (Elias, 2001) to the aristocracy. This ceded to the king and his state all sovereignty in the future national territories and the only power to maintain armies. The king, through a ritual of radical personal transparency, turned his vassals into subjects of an administration of the king's life, engaging them voluntarily and by interest into state affairs – tax collection, war, overseas exploration.

The ritual consisted of a game of daily hierarchical competition among the aristocrats to manifest among themselves the state of closeness and intimacy to the king and his favours. Just as in a penitentiary, Versailles reconciled self-organization and voluntarism and centralized control, through intrigues and secrets at the same time virtually indispensable and functionally irrelevant. Philosophically and politically, he went on to refer to this state of things as the right to equal objective evaluation of individual behaviour, depending on the results for the system, on the one hand, and individual freedom of accountability, on the other hand. The motto of the French revolution, which was to establish the republican state: freedom and equality, claimed the revolutionaries, who added the fraternity.

It is not by chance that fraternity is the less-quoted modernizing slogan. It was quoted by Durkheim, meant solidarity, civil society, separated from the state and economy, rational and cold sectors of modern life thus dispensed from solidarity or fraternity hot emotions. This mental and practical isolation of society from the other dimensions of modernity has consequences of moral and political denial of human basic needs, the subject fraternity is about. As chosen by Roi-Soleil, to modern people at work life as well as at public life, private life is irrelevant (although it can and it is staged). What counts is the practical functionality of corporate results and state policies. Society happens to be there and, thus, to submit to economic and political goals.

The modern political alienation of the fraternity is also reflected in the choice our states made to apply and measure penalties. Taken as individuals (persons functionally not entitled to empathy, fraternity), the accused are judged by the functionality of their acts and, when condemned, they lose the right to freedom. They lose the right to economic and political participation - which society gener-



ally responds with a reinforcement of the alienation of the fraternity regarding the condemned, as manifestation of fidelity to the state, as the legitimated representation of the social unity.

In short, Versailles welcomed and produced the first prototype of modern society and prison. The king has become the centre of a panopticon that observes everything. Exposed, as a panopticon prisoner, the king trained his courtesans to gently exposed to him what he should and should not do and how one can serve, at what cost. What is only structurally different from a penitentiary by the relative social status of its inmates relative to the rest of society and by the rules of etiquette: in Versailles, as in penitentiaries, the centre is the state. At the court, education requires learning from the salama-leks who distinguish courtiers from other people and serve as haute couture fashion, spectacular and exhibitionist. In penitentiaries, re-education admit torture, such as imposed social isolation, for no internal practical propose, except doing time.

Elite palace intrigue compares working class shame when it is the case of experiencing imprisonment: they are internal affairs that only concern closed worlds: the life of the high business and the life of the so called problematic neighbourhoods.

Modern social life is historically characterized by the evolution of the growing influence of the state in the pacification of a certain territory under its sovereignty. Centralized administrative procedures become able to command the economic and armed activities, according to the political program of Versailles (Elias, 1990). Since the 17<sup>th</sup> century, the aristocratic etiquette did democratized. It became a worldly fashion as modern culture, for the purposes of social hierarchization (Bourdieu, 1979). Penitentiaries, for their part, are guardians of counterculture, state-run retaliatory practices not allowed outside state control (Weber's principle of the monopoly of

legitimate violence that characterizes modern states). Penitentiaries deal with the change feelings of insecurity that the state needs to manage by fear feelings regarding stigmatized groups.

Away from business and the state, society can revolt any time without bosses and chiefs to notice. To avoid elite destruction, the states historically developed various institutions and intervention techniques in social life (Habermas, 1987). The main function of the police is to identify the areas of greater social tension, which may jeopardize the sovereignty of the state. One of the police techniques is the organization of counter fogs, that is, to anticipate violence against the state in the aftermath of a scandal, with selective violence against (selected parts of) society, using so called problematic neighborhoods and the criminal system to disperse public attention. Politics turn into cases of police.

The creation of a social-police-criminal-criminal system is relatively recent in the construction of the state (AAVV, 1996). Versailles did not realize the importance of people existence until the late eighteenth century, when Marie Antoinette, queen of Louis XVI, allegedly asked why the hungry would not eat croissants to satisfy their need. The separation between the modern society and the rest of the people, till the 18<sup>th</sup> century reduced by the state to self-sufficiency, willing contributors to the public purse and suppliers of military and labor force, gave great uproar: the French Revolution. From then on, with the Republic, jurists came to regard the people, the nation, as the sovereign in title.

The people, from then on, began to appear in the list of payments of the states, in the perspective of avoiding new revolutions; new races to prisons, such as that of the Bastille.

A situation has gradually been created in which the challenge to the

elites implies at the same time a rescue of current injustices, that is, a capacity of the rebels and their supporters to manifest an ethical-political, ideological program of a new social justice, as was socialism in the nineteenth and twentieth centuries.

The national peoples created by modern states have repeatedly rebelled against exploitation and, at the same time, have been tempted by the states to participate in this exploitation, particularly through colonization.

At the beginning of the nineteenth century, in the time of Tocqueville, it was clear to the French state the need to find institutional ways of keeping the sovereign, post-revolutionary people, available to continue to be exploited. Prisons and democracy, negative and positive modern poles, were, and continue to be, two of the ways of organizing relations between the state and the newly revealed sovereign.

## **Democracy and penitentiary**

People confronted absolutism, which created the modern state as a prison for the aristocrats, as a way of producing a unified elite: people complained against hard lives. In the French Revolution, the unified people become the sovereign of the state-administration, for a while. Legal equality among all citizens is an ongoing battle for two hundred years. Such equality is incompatible with an indispensable social hierarchy to maintain the conditions of a state economy link. Society, therefore, try to offer equal opportunities, counter to the state's efforts of maintaining social stratification centered on individuals utility to economy (Burawoy, 2004).

The Tocqueville Liberal arguing takes economic liberty as freedom

and democratic equality promoted by revolutionaries as a risk of despotic power. Freedom of economic initiative remains the most precious value, but only elite can enjoy it. Who among others remembers to innovate, should be aware that a state protection is needed. The judicial system can and do avoid non authorized uses of freedom. It makes clear to low classes, including salaried, they are up to submission.

The moral of equality, the democratic passion, as Tocqueville called it, created the juridical concept of people. It maintains a spiritual and institutional conflict with liberal liberties, exclusive to the capitalists. The equality principle, because it is not politically effective most of the time, do accumulate social tensions that, sooner or later, history shows, result in marginal states of mind and corresponding social actions.

Those actions can have two very different orientations: the moralist maintenance of the social order, based on the idea that it does not matter the quality of the rules or the current institutional practices. What matters is the willingness of the people to collaborate with each other. The other orientation, on the contrary, presupposes the impossibility of different result to emerge from the same institutional arrangements.

Typically, moralism uses expiatory arguments. They call for sacrifices for the guilty ones, and for everyone. Notoriously, national identity can claim life sacrifices at war or at economic fields. Subversion, on the other hand, turns to elite as a sacrificial target for transformation processes. In practice, real dynamics are mixed, even if analytically and a posteriori, one can discuss which one is dominant at the time.

Tocqueville referred to the Napoleonic empire, to the that republican democracy, in an contradictory way. He notice the risk of

democracy develop in despotism; the risk of the subversive spirit becoming authoritarian. Is it the case with globalization era democratic regimes, turning into retaliating nationalisms with popular support against mainstream politics?

Today, a peoples' action is organized against the globalized elites and against the immigrants, in the name of the alliance between the national elites and their citizens. To get rid of the performance of the elites, people often return to the elites and, more rarely, claim the sovereignty of the people. A democracy allows you to claim the sovereignty of the people through universal voting. For the moment, this is working in favor of nationalisms, and of those in favor of despotism. However, nationalisms and despots face labyrinthine national and international laws and administrations designed to sustain democracy, as well as social inequalities.

The defense of the elites against the peoples has evolved historically parallel to the construction of democratic systems. These keep the elites and the marginals with the least violent relations possible within society, stimulating the common need of control over the people. Marcuse (1991) noted how post-war democracy was effective in concentrating attention on production, economy, reconstruction, technologies as an expectation of a better future, while at the same time canceling out the possibilities for opposition. The historical analysis of the use of prisons shows how, following the 1973 oil crisis, with the end of the thirty years of continuous economic growth in Europe and the US made possible by the reconstruction of the damages of war, what was a containment politics of the use of prison sentences has become an expansion, especially evident in the US. The policy of raising global levels of decision-making to international fora is also a policy of alienating and rendering useless the powers of democratic intervention of peoples, blocked at national

level. This presupposes the predictability of the less efficacy of democracy in containing the marginal, egalitarian impetus of people.

Rather than political management of growing poverty in the neoliberal period (Wacquant, 2000), abuse of the penal system is a moralistic way for elites to divide societies, so that they can better develop their global policies out of democratic control, and, at the same time, benefiting from national democracies retrain, diversion and dispersion of the social movements energies accumulated by sacrificing habits. Elites, of course, prefer to welcome new marginal groups to share social superiority than to confront the active sovereign, the people, who intervene to reformulate social morality and dominant states of mind. Elites are accustomed to competition, free from the people.

The prisons is used to condition the people, in a democracy, in a legally subversive way: equality regarding the law was and is systematically violated, as all social analyzes about the prison population profile show; prohibition has reversed the burden of proof: the law presumes that possession of illicit drugs is evidence of trade intent (Jakobs & Meliá, 2003, Maia and Costa, 2003).

It can not be argued that the economic needs are related to the abuse of criminal law and prison overcrowding; or related to the use of alternative penalties and other coercive measures. As Castells (2004) pointed out, the Nordic countries, such as Finland, compete in discovering new technological frontiers for the society of the future, the networked society, with the United States. However, Finland has adhered to the Nordic criminal culture in recent decades and has significantly reduced the use of prisons, unlike in the USA.

The social movements for human rights of prisoners in the Nordic countries created a regional culture that resisted post-abolitionist

policies in the West (Mathiesen, 2016). In the United States, globalization and prohibitionist policies replaced explicit segregationist policies, rendered inoperative by the civil rights movements of the 1960s (Alexander, 2010; Blackmon, 2009; Lachmann, 2018). Institutional racism imposed on the US criminal justice system is comparable to what is happening in Europe (Palidda & Garcia, 2010). What served and continues to serve to divide the workers, according to ethnic differences associated with moral prejudices created and spread by the media and politics.

In Europe, at the time there was a harmonization in the education of the elites, through the homogenization of the curricula offered globally (Amaral, Branco, Mendonça, Pimenta, & Reis, 2008) reinforced by the internationalization of university activities, for example through the Erasmus program, prison systems resisted the policies of harmonization (Maculan, Ronco, & Vianello, 2014). Prison collaboration between states was organized shamefully and clandestinely, as in the case the secret prisons of the CIA.

The globalization separation of the scope of labour activity from highly skilled employment opportunities, on one hand, and routine economic activities or less skilled services, on the other hand (Reich, 1991), did make the difference between voters against and in favor of Brexit, a profound divide in the UK and Europe. The nationalists are revivalists and imagine that they defend the democracy to re-establish the conditions of exclusive sovereignty of the respective states. Of course, they are wrong. If they knew the experience of countries such as those in Latin America (Galeano, 2017) they would understand that globalization did not invent new forms of oppression: it just direct tactics previously used by the national empires to peoples who have, till now, been beneficiaries of the more developed national democracies, as they are illusively called.

One of such tactics, of course, is the (ab)use of the criminal system for the purpose of dividing working populations (Chaves, 1999) based on prohibitionist legislation (Woodiwiss, 1988). The purpose of this political abuse of the penal systems is not a mere act of management: it is a moralistic way of conditioning the states of mind of the people, leading them through the less energetically costly ways of internal conciliation between elites and subjected peoples, at the expense of the creation of imaginary and external enemies, inside and outside societies. Legitimate arrest of socially stigmatized people is a way of announcing the willingness of states to serve morally purified peoples. On the one hand, states invite people to collaborate, denouncing the “external” dangers that they can detect on a day-to-day basis, such as foreign competitors to jobs. Denouncing also human rights activism that recognize the right or freedom of movement to all human beings.

### **Social-police-criminal-penal system**

Foucault left clues for prison studies to broaden their horizons. He discovered the modern process of incorporating disciplines (biopolitics) that uses people’s libido by politically and cognitively legitimized means that lead them into processes of adaptation to endure state, class and gendered violence.

Proletarian is a terrible expression. It recalls the slavery and bondage inheritance of free laborers. In post-medieval Europe, it was entrusted to them with the task of controlling their women, who were prevented from working in a socially recognized way, as a means of holding them to the role of dependent and slave like housekeepers and reproducers, instead of continuing to participate in the opposition to the expansion of capitalism (Federici, 2017). It seemed



better than using women and children as miners during the months in which they served, before they are not useful anymore. Better also the situation of employers and workers than lord slaves of slaves. The former pay less than the lord of slaves and in a more disposable way for the labor power rented freely than it costs to maintain a slave, at the same time a commodity to be valued and used. Later, the social state was charged with paying a significant part of the maintenance costs of free workers, including in cases of non-employment. These costs are now used politically to distinguish the most direct descendants of slaves, ethnic immigrants used for this purpose until the nineteenth and twentieth centuries, and workers who deny their people's affiliation to slavery and servitude by mobilizing work ethic of winning national rights.

All these inherited cultural fractures are used, updated and reproduced institutionally and socially, also in prisons: the public recognition of the torture in Guantanamo and Abu Ghraib, legitimized by the allegations of terrorism, is interrupted when national prisons are at stake, where the same tortures are practiced (Butterfield, 2004). The Stockholm syndrome (when one are intimate with the kidnapers, the victim becomes theirs's ideological ally, regardless the evidence of the opposition) also works in other aspects of prison life. Women's prisons are thought to be less torturing than men's, police prisons more torturers than penitentiaries, prisons for children like schools, detention centers as better than penitentiaries, prisons of the International Criminal Court better than the CIA's secret prisons.

These imaginations are reproduced explicitly, but mainly implicitly, by the media and other knowledge, such as judicial cultures, penitentiaries, police and social workers without opposition from social theories. The sexist, racist and elitist paternalism typical of the worlds of incarceration results not from the security genes of the

workers and leaders who live in these worlds but from the very functioning of the institutions to which they give their bodies and lives.

It is the primacy of prison security that makes human rights secondary. But why should securitism have to be misogynist, elitist, and secretive to the point of attracting and keeping torturers in its bosom, being a justification for the existence of international mechanisms for the prevention of torture? The answer cannot be found within prisons, but in society itself.

The mass domestication of workers began with the slave trade that compensated for the Amerindian genocides, crushed by the fevers of enrichment that characterize the colonization of the Americas (Galeano, 2017). The modernization expulsions of European peasants from the lands from which they were withdrawing their self-subsistence give life the urban prisons where the vagabonds were sent, the most isolated and lost people in the world, abandoned by the destruction of traditional modes of production. The freedom to find work and to sell your working skills is no better than the old freedom to pay taxes or services to land lords. It is different: instead of being sought by the tax collectors in the service of the aristocrats, the present wage earners are expropriated of the right of access to resources of survival and, at the same time, exposed to the marketing of the society of the abundance.

Modern reflexivity is the existential necessity of each one to predispose himself and herself to collaborate with the system of production of the abundance by conditioned access to the markets. Which requires the use, from very early in life, of special capacities of connection to the idealized world as the best world possible. Capabilities taught in schools, increasingly used to produce bio-politically educated bodies, namely on the prescience that specialized analysis of different aspects of life should be watertight. Family, school,

sport, laser, professional, political, etc., everything must be systematically isolated from each other, as individuals themselves should be individualized. This is what is called modern liberties and modern cognitive abilities.

Toward the end of history and the end of ideologies, as Fukuyama (1999) noted, each person should be responsible for his own destiny, as God (Harari, 2018). The greater freedom that is known has been reached, according to this dominant ideology. The persisting social problems can only be explained by individual faults, by deviations that are probably of traditional origin or of excessive ambition (Merton, 1970). This is consistent with the typical sociographic profile of the penitentiary population: men, direct descendants of former slaves, nomads or immigrants, socially isolated and stigmatized people.

The history of the twenty-first century has not yet been two decades and has already denied Fukuyama's and Novak (2001) thesis, both enthusiasts of capitalist globalization. But individual accountability for the destiny of each one, and the production of indifference against the destiny of others, remains firm and active. How one reproduce that? Through hard work institutionally organized, such as the social-police-criminal-criminal. This institutional link line is a way of preventing people from practicing what comes from the spirit of solidarity and mutual help. The institutional organization of the welfare state, allied with philanthropy, target politically determined population: abandoned children, people with incomes insufficient for survival, easily stigmatizable people used by police controls, segregated residential areas. They are precisely the most controlled populations that provide the largest number of prisoners. It reveals the ineffectiveness of social and police programs to avoid crimes and the will to pursue social profiles, over which the media and society systematically and persistently wrath prejudices, with-

out much political opposition. Actually, what we can observe today is, on the contrary, the global victory of political movements built around security and stigmatizing prejudices.

There are delinquency careers organized by collaborative work between society and state. Children abandoned by the former are collected and institutionalized by the latter. Many of them are flagged by social and police professionals as pre-offenders. Young people likely to commit crimes, possibly criminal ones, without social and police services being able to prevent them from following such life paths (Dores, 2018). This situation promotes institutionalized practices of indifference to the torture of stigmatized people as if they deserved their own fate, as if they had been built freely. Such practices produce ideologies that, in turn, stimulate discriminatory social and political ideologies mobilized in certain historical circumstances at the highest level. The states of mind of retaliation are the vehicles of diffusion and contamination of these ideologies. Such states of mind are historically and institutionally nourished by social, police, criminal and penal institutions. In favorable conjunctures, systematic retaliation is used by the elites to maintain their power by force, with the approval of the peoples.

### **Security in freedom, democracy without exclusions**

Incorporated modern discipline serves to educate, willingly and forcefully, every member of society and to integrate each one in a useful way for the sovereign (normally the state representing the people), irrespective of the natural processes of socialization (which include historically produced identities, socially produced expectations, and competitive, retaliation, solidarity and empathy states of mind).

Modern institutions work systematically to maintain individual and

societal discipline, in the name of the people and, indeed, also of the elites of the moment. They transform each person into an individual, equal to all others in submission to the sovereign, and free to configure states of mind that each one best understand, from the moment that is objective and practical in the fulfillment of each one social functions. For the state promoted social order, it is indispensable to suppress forms of socialization capable of destabilizing the precarious modern balances between the people and elites; free individuals, in families and labor times, and workers equal to others, at the working markets; the spirit of competition and the spirit of retaliation (anti-sporty spirit). One way to do this is what firefighters call counter-fire. Firefighters become pyromaniacs with the intention to prevent the flames from passing certain limits through a scorched earth policy.

Society develops, of course, well-defined class practices, separated from each other by indifference. In the elites, the posture taught for their survival is to face any eventuality with haughty security, projecting images of competence and responsibility, trust and predestination. Such capacity is long-trained, in the face of violence or public or private attention. Only strong social identities are capable of sustaining such ambitious expectations, that includes dominating the Earth. It contrasts with the unstable, erratic disorientation of the convict, the prisoner, usually a person previously, from a child, socially stigmatized, abandoned and isolated. Without identity inheritance, of minimalist expectations, oriented to grasping satisfaction of the immediate needs, without trust in humanity, his or others, this is the social profile of the populations where the state recruits its prisoners. Profile that the social-police-criminal-criminal system, with the interest of the media, fills freely and imaginative to justify, through the instigation of fear, the ineffective institutional and professional apparatus. At the elites social level, the imaginary of the world of immaculate

politics and economy, separated from the dirty sub-world, develops. All of them separated from the everyday world, from the life of ordinary people able to survive by their work (Osborne, 2008). Of course we all know the risks we face, whether we are taking responsibility in organizations, and we will be accomplices in practices we would not approve freely, whether we refuse to assume those responsibilities and become targets of retaliation. There is, therefore, a social organization that justifies the privileges of those who assumes responsibilities and justifies retaliation against those who do not assume their place in orderly society.

The criminal-penal system organizes these contradictions between responsibility and retaliation, presenting them as justice; ethnic, gender, class justice, before which we are all equal. But some more equal than others, Orwell said. Those responsible, the elites, are practically exempt from retaliation by the state, and the counter-elites, where prisoners are selected, are the preferred targets (Jakobs & Meliá, 2003).

The institutional production of alternatives to imprisonment, as experience shows, cannot be done in the context of penitentiary reform. It could be done in the context of social reforms that could denounce and overcome the political uses of feelings of retaliation.

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## **Alternatives to retaliation**

Prisons are endpoint institutions on a line fed by state predatory actions.

Endpoint in a double sense: as a last stage after which the only option is to go back. Social reintegration, when the individual survives, means to go back; in another sense, endpoint means the naked power of the state, legitimate violence in all its ineluctable cruelty.

The expression predatory actions also has a double meaning: the responsibility of the state for the living wreckage of social life, which it sweeps up or is delivered to it; and the state's interest in making the social selection of who should be condemned to prison and who should not.

Alternatives to prison have, in practice, been mere extensions of prison reform; that is, a way to reinforce the legitimacy of the prison, responding to the overproduction of prisoners which has characterised past four decades.

Without making the critique of the disposition for retaliation which inspires the predatory column of the state that ends in the prisons, alternatives to prison will never be anything more than an overflow space for the social and institutional pressure for which the prisons are the final phase.

Prisons are neither a keystone of the combat on crime nor institutions which respect the law. Rather, they are a method the state employs to manage societies' insecurities. Societies submitted to the security of the state which prioritizes the security of the elites. The main criticism of alternative sentences is their supposedly being too easy on the condemned and, therefore, not being capable of satisfying social retaliatory needs.

The loss of freedom, in modern times, means the suspension of the individual right to private initiative. Yet, generally, it is applied to those whom, for not having access to means of production, are not in a position to make use of such a right. This is, therefore, a rhetorical way to remind everyone, incarcerated and free, that it is only their voluntary collaboration with the order imposed by the state which allows for its goodwill. Society, under threat of brutal retaliation, must behave as if the equality of the citizens written into the law were a reality.

The social sciences could allow themselves to analyse the state sectors responsible for the control of insecurities and fears through the manipulation of the disposition for retaliation. The proposals for alternatives to prison should be accompanied by studies about life alternatives for the victims of crime, including those which are committed in the prisons. Alternatives to the social polarisation of criminal impunity, for the businessmen, and of the punitive harshness for the populations for whom incarceration is commonplace. The social sciences could seek to understand how the social relation between those who possess the means of production and the workers devoid of such means depends upon the bitter social medicine for the retaliatory feelings caused by the insecurity and fear which characterises modern societies.