Prisons as Actuality: Epistemologies of Incarceration across Critical Perspectives

Sylvia Wynter, in a 1995 contribution on the legacy of colonialism in Haiti (Wynter, 1995), illuminates how the history of European countries, and more broadly the understanding of their actions, is generally perceived a-culturally and, as such, as universally legitimate and legitimated – through her words: "a universally applicable understanding on man's humanity and its mode of truth" (1995: 25). The hegemony that the "civic humanist reasons of state" (1995: 19) has enforced over the rest of the world has brought with it the ontological and epistemological grounds for the diffusion of prison systems on a global scale, reaching the point where "the prison is considered an inevitable and permanent feature of our social lives" (Davis, 2003: 9).

What are, then, these (ontological and epistemological) bases? In other words, what are the rationales that have led prisons today to be considered not only possible, but "so 'natural' that it is extremely hard to imagine life without it?" (*ibid*). In this essay, I will outline and review some of the main critical answers to this question. In particular, I will look at four different perspectives on prisons and what are, from their respective angles, the epistemologies that justify the existence and maintenance of the institution of prisons. These perspectives are: the critical criminological and sociological reading; the philosophical perspective via a Foucauldian lens; the political understanding through an abolitionist analysis; and the anthropological perspective.

Critical criminology builds on criminal laws and codes, which generally grant prisons a rehabilitative function, in order to (re-)educate convicts for social reintegration. From the viewpoint of critical criminology, there is an overwhelming gap between the functioning of prisons and its declared purposes – a dyscrasia proven, for example, by high rates of recidivism despite the increase in penality (Mosconi, 2001; 2006). In addition to the practical enforcement of legal norms, critical criminologists' object of attention is the process of criminalization, meaning how such norms are formulated, questioning the social and economic relationships on which the law, presenting an image of impartial justice, is founded. Along these lines, sociologists such as Loïc Wacquant have argued that prisons cannot be understood as a neutral instrument of crime control, but must instead be situated – within the context of an expansive capitalist society – as a response to the retrenchment of the welfare state and the rise of neoliberal governance (2009). While observing mass incarceration, Wacquant contends that prisons work as an instrument of social regulation and exclusion, more specifically for managing marginalized populations, like the 'urban poor', and other groups which have become a surplus. As the welfare system rolls back, punitive mechanisms expand, producing what he terms the 'centaur state': liberal at the top and authoritarian at the bottom, with the deliberate political strategy to maintain inequality and sustain the neoliberal order.

Foundational for the critical thinking on the incongruity between declared and manifest function of prisons and the carceral system is the work of French philosopher Michael Foucault – both within the academia and among movements fighting against interning institutions, from prisons to asylums, in in the 1970s' Europe. According to Foucault, the carceral apparatus is a fundamental tool of the modern state and the novel modalities to exercise power that came with it. As he writes: "To punish with an attenuated severity perhaps, but in order to punish with more universality and necessity; to insert the power to punish more deeply into the social body" (1977: 82). Therefore, due to the adoption of a form of contractualistic theory, hence the shift in power relations from the free will of the sovereign to the rationality of the social contract, prisons become the predominant tool to protect society both from the danger that the criminal represents, and from the vengeful ritual of *supplice*. Because of this, it is in the interest of all to protect each other from the criminal subject, and to do so

through the instrument of prisons. The punitive function becomes generalized, dispersing towards increasingly peripheral places of social control. Prisons, therefore, control and surveil subjects in the exercise of the 'negative' power of repression on the one hand, but also shape them through a positive, disciplinary power on the other (Foucault, 1977). Rescaled beyond individual subjects toward the level of the population, on a collective level, this take the form of what has come to be known as biopolitics: the politics of making life the primary object of government (Foucault, 1976). The prison is thus ingrained within a network, or an *archipelago*, that aims at generating and perpetuating order in society at large through the normalization of apparatuses of control – such as prisons – that sustain and foster collective life *outside*, as optimal modalities of life preservation.

In North America, the question among a number of scholars working on the prison (and police) system became who the above-mentioned social contract included and, most importantly, who was left out. Such focus led to consider prisons within a continuum of slavery and racial discrimination, given the specific history of slave trade in the United States, and the extensive data demonstrating structural racial inequality in incarceration practices (Blumstein, 1982). Thus, the formally abolished institution of slavery and the Jim Crow laws continue to exist, although reframed, as relocated within prisons. Ultimately, all serve the surveillance, confinement, and control of Black (and other marginalized) people for the perpetuation of the life of some (Davis, 2003, 2005; Alexander, 2010; Davis et al., 2022). Building on this argument and on the seminal work of Black Marxist thinkers such as W.E.B. Du Bois (1935) and Cedric Robinson (1983), contemporary abolitionist scholarship has brought about a radical militant critique of the prison system, defined as the Prison-Industrial Complex, which aims to break with the continuum of violence that defines the modern biopolitical project in its imperial, racist, sexist, classist expressions (Davis et al. 2022). More specifically, the idea of the Prison-Industrial Complex highlights the structural connection between infliction of pain along a racial line and the generation of a surplus value, through the lens of racial capitalism (Du Bois, 1935; Davis, 2005; Gilmore 2022). Where Foucault visualized and questioned biopolitics as fundamental logic of coexistence, abolitionists move beyond the 'mere' problematization by envisioning alternatives to the systems of oppression (Kaba, 2021). Overcoming prisons requires a paradigm shift from securitization and criminalization approaches to collective responsibility and care, but such shift is dependent upon the commitment to an active and conscious deconstruction process of the existing colonial system, towards the reconstruction of transformative horizons of possibility.

At the very root of capitalism, or borrowing again from North American scholars, racial capitalism, lies what anthropologist Ghassan Hage has called 'generalized domestication' (2017). Generalized domestication, defined as "a mode of inhabiting the world through dominating it for the purpose of making it yield value" (*ibid*: 87), is what allows to understand internment and exploitation beyond the macro-level, and sense how domination happens in micro, everyday, and affective experiences. This is because, while being a modality of control and extraction, domestication is also an attempt to create a comfortable environment around oneself and a community – to feel "at home in the world" (Ducos, 1989: 24). Hence, domestication aims at ensuring that extractive and dominating practices take place in a 'homely way' (Hage, 2017). Prisons, therefore, have developed into the homeliest mechanism for dealing with what is considered, or labelled as, dangerous. In this sense, in fact, prisons serve a double function. Firstly, they separate the incarcerated population from the rest of the community, and secondly, they hide from the community the violence of the domesticating, dominating, and exploitative reality of incarceration. Therefore, as Wynter writes that the long term

purpose of the US occupation of Haiti was to impose the ideal political stability for private foreign investment to prosper, prisons – and domestication more broadly – allow for the creation of a secure environment in which a dominant group can comfortably flourish.

Indigenous scholar Lianne Betasamosake Simpson, when reflecting about how the policing and carceral systems superimposed themselves over indigenous communities across the world, writes that colonialism "is the short answer" (2022: 199). An accurate explanation requires in-depth analyses of the circuits of violence (direct, threatened and symbolic) in different places, and their specific rooting process in-the-contexts. This means that, despite the aforementioned rationales that can be found at the core of the now-dominant practice of incarceration, we must not neglect that carceral systems unfold differently depending on the context, and this implies grounding carceral systems in their own spaces and places, thus holding geographic specificity in tension with parallels and commonalities elsewhere. Such a meticulous and comprehensive study is well beyond the scope of this essay. However, the call for complex approaches that stress the specificities of carcerali*ties* and their grounded genealogies, circumventing flawed, monolithic and generalized understandings of the phenomenon, points to the urgency to stimulate further research on the topic, encouraging a plurality of voices focusing on various carceral contexts and dynamics, most importantly those that have been largely overshadowed in the debate.

Bibliography

Alexander, M. (2010). *The New Jim Crow.* The New Press.

Blumstein, A. (1982). "On the Racial Disproportionality of United States' Prison Populations". *Journal of Criminal Law and Criminology*, 73(3): 1259-1281.

Davis, A.Y. (2003). *Are Prisons Obsolete?*. Seven Stories Press.

- (2005). *Abolition Democracy: Beyond Empire, Prisons, and Torture*. Seven Stories Press.

Davis, A. Y., Dent, G., Meiners, E., & Richie, B. (2022). *Abolition. Feminism. Now*. Penguin UK.

Du Bois, W. E. B. (2014, originally published in 1935). *Black Reconstruction in America: An Essay Toward a History of the Part Which Black Folk Played in the Attempt to Reconstruct Democracy in America, 1860-1880*. Oxford University Press.

Ducos, P. (1989). Defining Domestication: A Clarification, in Clutton-Brock, J. (Ed), *The Walking Larder: Patterns of Domestication, Pastoralism and Predation* (28-30). Routledge.

Foucault, M. (1977). *Discipline and Punish: The Birth of the Prison*. Allen Lane.

- (1976). La volonté de savoir. Gallimard.

Gilmore, R. W. (2022). *Abolition geography: Essays Towards Liberation*. Verso Books.

Hage, G. (2017). *Is Racism an Environmental Threat?* Polity Press.

Kaba, M. (2021). *We Do This 'Til We Free Us: Abolitionist Organizing and Transforming Justice*. Haymarket Books.

Maynard, R. and Betasamosake Simpson, L. (2022). *Rehearsals for Living*. Penguin/Vintage Canada.

Mosconi, G. (2001). “La crisi postmoderna del diritto penale e i suoi effetti sull’istituzione penitenziaria”, *Rassegna Penitenziaria e Criminologica*, 1(3): 3-35.

Mosconi, G. (2006). “Carcere e controllo sociale. Alla ricerca di un modello interpretativo”, *Antigone: Quadrimestrale di critica del sistema penale e penitenziario*, 1: 97-112.

Robinson, C. (1983). *Black Marxism. The Making of the Black Radical Tradition*. Zed Books.

Wacquant, L. (2009). *Punishing the Poor: The Neoliberal Government of Social Insecurity*. Duke University Press.

Winter, S. (1995). The Pope Must Have Been Drunk, the King of Castile a Madman: Culture as Actuality, and the Caribbean Rethinking Modernity, in Ruprecht, A. (Ed), *The Reordering of Culture: Latin America, the Caribbean and Canada in the Hood* (17-41). Carleton University Press.