



The “poverty of prison” and the “prison of poverty” in contemporary Brazil

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Abstract: The current scenario, marked by capitalist crisis, the rise of neoliberalism, and the deepening of social inequalities, demonstrates the hypertrophy of the penal state and the increase in the Brazilian prison population. Based on critical Marxist criminology and the analysis of data on the prison system in the country, we seek to question how this space has been configured, and the profile of its inmates. In addition to the precarious conditions of the prisons and the continuous violation of rights, there is a criminalisation of poverty, in view of the profile of the inmates, as well as the selective-racial character, with a majority of young blacks and blacks, reaffirming the structural racism to which this population is subjected. Alternatives are required in addition to prisons, and the construction of other forms of social organisation, which do not reproduce the inequalities that prison intends to control.

Keywords: Capitalism. Penal State. Prison System. Racism. Brazil.

Resumo: O cenário atual, demarcado pela crise capitalista, ascensão do neoliberalismo e aprofundamento das desigualdades sociais, demonstra a hipertrofia do Estado penal e o aumento da população prisional brasileira. A partir da criminologia crítica marxista e da análise de dados sobre o sistema prisional no país, buscamos problematizar como tem se configurado esse espaço e o perfil de seus internos. Além das precárias condições das prisões e da permanente violação de direitos, tem-se uma criminalização da miséria, tendo em vista o perfil dos internos, bem como se revela o caráter seletivo-racial, com uma maioria de jovens negras e negros, reafirmando o racismo estrutural ao qual é submetida essa população. Exigem-se, assim, alternativas para além das prisões, com a construção de outras formas de organização social que não reproduzam as desigualdades que a prisão pretende controlar.


Palavras-chave: Capitalismo. Estado Penal. Sistema Prisional. Racismo. Brasil.

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Introduction

“[...] the current era of confinement has converted prisons into social vacuum cleaner and grinding machines.” (ARANTES, 2012).

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With deepening social inequalities and increasing crime and violence, we are seeing ever more constant appeals for strict compliance with law and order. On this ideopolitical spectrum, it is not uncommon to hear assertions such, as *a good bandit is a dead bandit* and about the need for a *war on crime and drugs*, etc., functioning as mantras that, repeated *ad nauseam*, flood the contemporary social imagination as ways of expressing a cathartic enjoyment amid our *social misery*. This has increased demands for a further hardening of Brazilian criminal policy, for the expansion of incarceration, and the spread of militarisation into daily life, in constructing a “[...] neoliberal penal ‘common sense’ [...]” (DE GIORGI, 2017, p. 96) and a “[...] subjective adherence to barbarism” (BATISTA, 2010, p. 31).

Although this punitive logic is a constituent element of capitalist social relations, we understand that the current structural framework, seated in the systemic crisis of capital, has intensified such processes, with consequences that have further degraded the living conditions of the working class, including insecure employment relationships, increased underemployment and unemployment rates, informal working, etc. Given the size of the surplus mass of labour, in the cycle of the *general law of capitalist accumulation* (MARX, 2013), we are seeing some measures that are attempting to manage this scenario. These measures are within the remit of the rise of the neoliberal project, which has led, worldwide, from the 1980s, and from the 1990s in Brazil.

We start from the hypothesis that three major mechanisms are prevalent in today's socio-metabolic dynamics. These have been mobilised as forms of managing and controlling the capital over the surplus labour force, they are, a) poverty alleviation, through the *expansion of assistance mechanisms*¹; b) the *extermination* of a part of the population surplus to capital, as can be seen from the national data on violence and murders. This includes having the State apparatus as an important mechanism for its implementation; and c) finally, the permanent escalation of processes of *mass incarceration*. Ultimately, they are mutual and concomitant mechanisms for managing the effects of the capital crisis.

Although it is not possible to establish a *wall of China* between these three dimensions, given that they are forms that link and intertwine, the emphasis of this text is on the escalation of *mass incarceration* (WACQUANT, 2011; BORGES, 2019), in which the prison system assumes a centrality. In this context, questions arise, such as: *What relationship can be established between the material bases of the reproduction of the capital system and the legitimacy of State repression through the prison system? What are the trends taking shape in Brazil accompanying the intensification of the repressive force of the State, within the framework of the structural crisis of capital?* Answers to these questions may allow us to get closer to the reality of the Brazilian prison system.

¹ We refer here to the precarious expansion of a network of benefits and services, with an emphasis on the so-called Programas de Transferência de Renda (PTR) (Income Transfer Programmes) and the minimisation of other structuring social policies associated with new forms of philanthropy, through public-private partnerships, or by the direct action of civil society organisations inserted into a realigned bourgeois hegemony.

Based on these assumptions, this article discusses how the Brazilian prison system has been configured, in both the scope of its conditions and the profile of its inmates. We have carried out a bibliographic review, with emphasis on authors in the field of critical criminology and Marxist political economy critique of the penal system (MELOSSI; PAVARINI, 2017), establishing a relationship between economics and social control, as well as presenting data that allows us to understand the configuration of the current Brazilian prison system.

We have structured the debate into three parts. Firstly, we present, albeit synoptically, some elements for consideration regarding the connections between the social relations of production and the forms of punishment derived from them, relating capitalism, the *punitive State* and incarceration strategies, with an emphasis on the neoliberal period. Secondly, we highlight the *poverty of the prison*, accentuating the unstable conditions of prison institutions that, in a state of barbarism, function as *depositories for undesirables* (DAVIS, 2019; WACQUANT, 2011). We then reaffirm their function within the framework of capitalist development.

In the final part, we problematise the profile of the Brazilian prison population. We demonstrate how the escalation of the punitive measures that we have witnessed echoes the process of the criminalisation of poverty, with an emphasis on the control of the bodies of young men and women at the Brazilian periphery. This marks what we call the *prison of poverty* as an expression of structural racism in the country, conformed by a set of institutions and social practices within the criminal justice system.

It is important to emphasise that, more than simply a criticism of the alleged bankruptcy of the prison system, what we intend to problematise is the *modus operandi* of the punitive character on which the state's *raison d'être* is based. A *modus operandi* based on its legal, institutional, political, and ideological mechanisms, as an expression of the dominance of capital relations that is based, in the Brazilian case, on racial assumptions that structure, shape and deepen the complex of mediations of capitalist inequalities, particularised in the frameworks of a peripheral and dependent economy, and reinforced by the weight of the heritage of colonial slavery.

1 Capitalism, Neoliberalism and the “Penal State”

As Rusche and Kirchheimer (1999) demonstrate, when instituting a tradition of critical Marxist criminology, every mode of production seeks to establish certain forms of punishment². In analysing them, when expounding the socio-material basis of prisons, “[...] the foundations of the prison system are found in mercantilism; its promotion and development were tasks of the Enlightenment” (RUSCHE; KIRCHHEIMER, 1999, p.

² From this Marxist-critical perspective, De Giorgi affirms that, “[...] every mode of production tends to discover punitive forms that correspond to the relationships of production themselves. It is, therefore, necessary to analyse the origin and destination of penal systems, the adoptions and abandonment of certain penalties, the intensity of punitive practices, as well as how these phenomena were determined by social forces, and *in primis* by those economic and fiscal” (DE GIORGI, 2017, p. 56, author’s italics).

100). In this sense, the prison system, as we know it today, is a product of capitalist modernity, a particular form of penalising the dominated classes.

In understanding the capitalist mode of production, Marx’s 19th century analysis provides us with substantive elements for the establishment of a critique of the political economy of punishment. From critical contributions around labour value theory, we see how the different forms of labour are equivalent, as substantial market forms. Similarly, the idea of proportionality was solidified in legally recognised penalties, graduated according to the gravity of the crime (RUCHE; KIRCHHEIMER, 1999). In this way, the “[...] principle of exchange of equivalents makes the prison institution ideologically acceptable in the same way that it makes a labour contract ‘fair’ (DE GIORGI, 2017, p. 46).

From the Marxist critique it is possible to see how the *birth* of capitalist society, far from having been formed by an idyllic and peaceful overpowering of feudalism, was forged by *iron and fire*. A *birth* in which the vilest practices and the most varied forms of expropriation represent, through the continuous use of violence and the adoption of *bloodthirsty legislation against the expropriated*, one of the structural and structuring characteristics of the new mode of production. Through this mode of production, “[...] the parents of the current working class were initially punished for their metamorphosis, which had been imposed on them, into vagabonds and *paupers* [...]” (MARX, 2013, p. 806), where that legislation treated them as “[...] voluntary” delinquents (MARX, 2013, p. 806).

This process of the expropriation of the peasantry made it possible for grotesque laws to be framed, which, with flogging, red-hot irons, and torture, led, “[...] to a discipline necessary to the wage labour system” (MARX, 2013, p. 806). As Melossi asserts, the, “[...] State of the nascent bourgeoisie, the absolute monarchy, creates both the *fact* of the crime - vagrancy - as well as the *crime* itself: vagrancy as a crime” (MELOSSI, 2004, p. 128, author italics). How several mechanisms were used to subjugate the then nascent working class to the dictates of capital has been demonstrated along this pathway, in which it resorted to punitive mechanisms ranging from direct violence to the legal criminalisation of various population segments, and in which prisons represented an effective instrument for controlling and disciplining bodies.

Several analyses in the field of the critique of the political economy of punishment have marked how the prison system functions as an institution of social control over those segments included in the, so-called, *dangerous classes*, as a way of dealing with the *social question* within the judicial-policing field. Prisons play an important role in shaping, disciplining, and controlling the worker’s body, and have historically formed themselves to become a functional element of the capital accumulation process, exercising determinations that link the *prison* and the *factory* (RUSCHE; KIRCHHEIMER, 1999; MELOSSI; PAVARINI, 2017). As we will see later, although this premise is true, it seems to us that the last bastions of capitalist dynamics and their results have further expanded these functions.

More recent evidence has shown a worsening of the crisis in the prison system. This may be due to the escalation of levels of incarceration, the overcrowding of prisons, or even the conditions of protection of these individuals, who are subjected to all kinds of rights violations. Although recourse to prison is not a recent phenomenon, there has been an exponential increase in State actions in the context of the mobilisation of various repressive forms as a bourgeois state. This has happened within its *criminal jurisdiction* framework (PACHUKANIS, 2017), and is to the detriment of increasing the viability of social policies. It is necessary, therefore, to understand which structural and conjunctural constraints have guided this process.

Since the end of the 1970s, there has been a profound process of change in capitalist sociability, resulting not only in changes in the organisation of production, but also in the relations between the State and society. During a profound societal crisis, within the scope of the capitalist system, which Mézáros (2009) called a *structural crisis*, we are witnessing the rise of the neoliberal project and the demand for new forms of State action. This new historical political block has marked the decline, in various parts of the world, of what was conventionally called the *Welfare State*, whose forms of intervention were based on the building of a network of services and public policies, linked in a broad social protection system.

Among the consequences that the neoliberal agenda has brought in reconfiguring the role of the State, it is worth highlighting the deepening of inequalities and the increase in relative and absolute poverty rates, which, in turn, is reflected in the worsening of expressions of the *social issue*, where unemployment is one of its largest facets, increasing the portion of “[...] lumpenproletariat [...]” (MARX, 2013, p.719) and the workforce surplus to the direct process of capital exploitation.

When we inspect the data for Brazil, we see that the impacts of neoliberalism are reflected in the deepening of a very unequal structure, showing the guts of social and racial inequality. In 2018, 64.6% of the unemployed were black or Pardo (of mixed ethnic ancestry). While the unemployment rate among whites was 9.2%, well below the general average of 11.6%. Unemployment among blacks and Pardo was 14.5% and 13.3% respectively, according to an Exame magazine survey (COM CRISE ..., 2020). In the field of informal work, blacks have suffered the most in recent years. In 2018, 47.3% of employed black or Pardo people were in informal jobs, while that percentage among whites was 34.6%, according to a study by the Brazilian Institute of Geography and Statistics (IBGE) (© 2019) which highlights this structural racism dimension within Brazilian inequalities. We have based our reflections on the formulation established by Almeida (2018), for whom racism is always structural while,

“[...] an element that integrates the economic and political organisation of society. In short, what we want to make explicit is that racism is the normal manifestation of a society, and not a pathological phenomenon or that it expresses some kind of abnormality. Racism provides the sense, logic, and technology for reproducing the forms of inequality and violence that shape contemporary social life.” (ALMEIDA, 2018, p. 15-16).

In view of this situation, and considering the Brazilian particularity, there has been an accentuation of the various forms of *social control* operating, especially within the most impoverished segments of the working class, considered in this process as a *dangerous class*, which puts at risk the capacity of the capitalist system to self-reproduce. It would then be necessary to expand the forms of control and discipline of these segments. Of the various forms mobilised through the state apparatus, *penal control*, along with poverty, stand out as continuing resources for intervention. For Wacquant (2018), this phenomenon denotes the transition from the *welfare state* to the large-scale emergence of the *penal state*. As Wacquant states,

“Penalisation serves here as a technique for making social ‘problems’ invisible that the State, as a bureaucratic lever of the collective will, cannot or does not care to deal with in a deeper way, and prison serves as a judicial garbage can in which the human waste of the market society is thrown.” (WACQUANT, 2018, p. 21).

It is true that there are several ways of describing the *Penal State*, an example would be measures to increase police actions, or to increase social surveillance strategies, which are usually targeted at specific segments (subjects). Furthermore, although we have used the trends formulated by the author, it is also necessary to highlight the required coexistence of *consensus* and *repression* that the Bourgeois State has always used. What seems most evident in the current scene is the *escalation* of the incarceration policy, which, given the particularities of the Brazilian prison system, is an important key to understanding the mechanism of *selective socio-criminal control* as being necessary and inseparable from the capitalist state.

2 A “machine that grinds people”: the poverty of the Brazilian prison system

We can state that, in the absence of original penal legislation, the proto-forms of the Brazilian prison system refer back to colonial times, starting from the adoption of the laws of the Philippine Ordinances, whose penalties ranged from loss and confiscation of property to exile, banishment, flogging, cruel execution (dismemberment) and natural death (gallows), among others. As Kallas points out,

“[...] prison was not seen as a punishment in the Ordinances, it was only intended as somewhere for the accused to await his trial, so that he would not hinder or run away from it, and it continued this way until 1830, when the Criminal Code of the Empire of Brazil was sanctioned, following the Constitution of the Empire of Brazil of 1824, and determined in article 179, paragraph 18, that ‘a civil and criminal code will be organised as soon as possible, founded on the solid bases of justice and equity’”(KALLAS, 2019, p. 66).

In a similar way to those removed from their land in the process of accumulation of capital, in which workers *en masse* became beggars, robbers, vagrants, etc. (MARX, 2013), followed by the formation of the Brazilian republic and the end of slavery, there was a mass of ex-slaves who, having no alternative, joined the ranks of beggars, vagrants, and petty criminals. For them, criminal law worked as the best possible *legal*

inclusion process because, until then, they had not been seen as subjects, but as things. Clearly, the current penal system has in its DNA the traits of structural racism, lubricated by our national particularities.

In this reading, one way of explaining structural racism is through the formation of a *Racial State* that, in the process of neoliberalisation, is sustained by the hypertrophy of the Penal State. According to Wacquant (2018), the State has increasingly used criminal policy and institutions to contain the disorder produced by mass unemployment, the imposition of labour and shrinking social protection. Although the trend pointed out by Wacquant results from an analysis of the American reality, it is possible to identify it in other countries, such as Brazil, where treatment by the State in the face of expressions of the *social issue* has never ceased being a *police case*.

Data from the National Penitentiary Department (Depen) until December 2019, showed 755,274 people deprived of liberty in Brazil, of which 748,009 (99.04%) were within the prison system (BRAZIL, 2019a). These figures put Brazil in a *dishonourable* 3rd place in absolute numbers of incarcerated, behind only the USA and China. In another report, Depen had pointed out that, if the rate of incarceration that has prevailed in Brazil was maintained, then by 2022 the country's prison population would exceed one million individuals. By 2075, one in ten people would be deprived of their freedom (BRASIL, 2019b).

The incarceration rate in Brazil is such that it has not been possible for criminal policy, delivered by prisons, to follow large scale *Fordist production* regarding the number of prisoners. This has resulted in overcrowding, with rates already at 67.8% (VELASCO; CAESAR; REIS, 2019). Given these conditions, the constitution of these spaces is truly as a *depository of human waste* (WACQUANT, 2018).

In December 2019, Brazil already had an imprisonment rate of 359.4%, which serves to emphasises the trend for expansion and reveals the State's enthusiasm for punitive measures. Of the total prison population, 48.47% were in closed prisons, and 17.84% were in semi-open prisons. This draws attention to the fact that 29.75% of inmates - 222,558 individuals - were in provisional detention, having not received a definitive sentence. Even considering the fall of 4.63%, registered in the second half of 2019 in relation to the first half, this is an extremely high number (BRASIL, 2019a).

The *poverty of prison* is also revealed by the conditions in which prisoners live. The discursive rhetoric is around public opinion that wishes to see the *re-socialising of prisoners*, where the evidence demonstrates that this is a difficult objective. The degraded and degrading character of the Brazilian prison system is also shown through continuous violations of inmates rights. In this space, commitment to the protection of human rights seems to be merely legal rhetoric, because a complex of *illegalities* persists as a mechanism for the *normal functioning* of the legal order.

Regarding the structural condition of Brazilian prisons, the evidence of unsafe and unhealthy buildings is no secret. There are also deficits in several professional areas - doctors, psychologists, educators, social workers, etc. - and even prison officers, whose

services, in many cases, are being outsourced to the prisoners themselves to deliver the function of policing within prisons. Also noteworthy is the absence of adequate standards to guide the management of prisons, including difficulties in monitoring the controlling institutional bodies; a lack of transparency in prison administration and in the management of prison units; and the absence of material assistance and health services (BRASIL, 2018).

In respect of the basic living conditions of prisoners, reports of problems are common³, such as the use of isolation cells as a sanction, spaces without lighting, with poor air circulation and with the presence of a strong odours. There is also a lack of material and health care and difficulty in accessing basic services such as drinking water and regular food, and, if basic hygiene has been taken care of, access to sunlight, mobility, regular healthcare visits etc. Often, the State has transferred to families the responsibility for accessing some services. This has exacerbated the difficulties for those inmates who, for various reasons, do not receive regular family visits.

If this were not enough, we also have the issue of overcrowding. In December 2019, the prison deficit of 312,925 individuals equated to almost half the total number of prisoners, that is, there were 442,349 spaces for a population of 755,277 (BRASIL, 2019a). This contributes to these environments becoming *time-bombs*, which continuously explode in revolts. These have resulted in deaths and cases of forced *disappearance*, as occurred in the Alcaçuz Penitentiary, in Rio Grande do Norte, in 2017. According to the Report of the National Mechanism for Preventing and Combating Torture (MNPCT),

“[...] [the] January 2017 rebellion in Alcaçuz [resulted in the death of 26 people [...]. However, as mentioned, there are 71 people who are said to be in Alcaçuz, but who are not. [...] The initial reports dealt with more than 100 deaths within Alcaçuz, but only 26 deaths were officially confirmed within the prison. That number may be higher, because there is no official number of missing persons. [...] it is possible that the number of deaths comes close to the initial estimate, that is, 90 deaths, of which 64 disappeared plus 26 confirmed dead. The MNPCT team obtained information that [...] inside the penitentiary there was a football factory where bodies may have been incinerated, as well as bodies buried in improvised ditches and even in septic tanks.” (BRASIL, 2018, p. 51).

Crowded into *concentration camps for the poor* (WACQUANT, 2018), the prison population has had the exercise of its citizenship suspended - even within the meagre limits of the bourgeois order - in which the most revealing facet of their living conditions is the trivialisation of life or, more commonly, in the continuous exercise of, “[...] necropolitics [...]” in, “[...] worlds of death [...]” (MBEMBE, 2018, p. 71) which, by

³ It is possible to list several ‘complaints’ about the precarious conditions of Brazilian prisons, we could highlight the Reports of the National Mechanism for the Prevention and Combat of Torture (MNPCT), or of the Prison Pastoral Commission, or of the Bar Association of Brazil (OAB) at both the national level and in its sections, as well as the establishment of Parliamentary Commissions of Inquiry (CPIs), within the scope of the National Congress. Despite the volume of information, the alternatives proposed still seem to be very weak, which makes it imperative that visibility is given to the degrading situation that these ‘socially invisible individuals’ live with.

“[...] managing death [...]”, operates a “[...] material destruction of bodies and populations [...]” (MBEMBE, 2018, p. 11), of a “[...] life without value [...]”, or “[...] unworthy to be lived [...]” (AGAMBEN, 2007, p. 145), a kind of, “[...] naked life [...]” “[...] in which human life is included in the order only through the form of its exclusion” (that is, its absolute killability) (AGAMBEN, 2007, p. 16). Here, differently from the management of poverty through the charitable-care actions of social policies, the, “[...] strong hand [...]” (PACHUKANIS, 2017, p. 173) of the State comes to prevail, in which, “[...] the humanism of the bourgeoisie gives way to the appeals for severity.” (PACHUKANIS, 2017, p. 173).

This situation demonstrates how prisons function as a space where a *state of permanent exception* exists. The levels of degradation within the Brazilian prison system have proved to be so *deep* and *intertwined* that the Brazilian Supreme Court declared, albeit in an understated way, that the conditions experienced in these establishments constitute an “unconstitutional state of affairs [...]” (BRASIL, 2015, p. 3), which is a tacit recognition, by the country's highest judicial authority and *Guardian of the Constitution*, of a state of complete barbarisation of social life. An assessment of its magistrates is illustrative, as can be seen in part of the motion proposed by Minister Marco Aurélio de Melo, in the light of the assessment of *Arguição de Descumprimento de Preceito Fundamental 347 (ADPF 347) (Fundamental Precept Non-compliance Statement)*⁴:

“In the Brazilian prison system, there is widespread violation of the fundamental rights of prisoners regarding dignity, physical health, policing and prison facilities. Rather than State non-observance of the legal order, they constitute degrading, outrageous and unworthy treatment for people in custody. The custodial sentences imposed become cruel and inhuman penalties. The prisoners become ‘trash, worthy of the worst possible treatment’, being denied any and all rights to a minimally safe and wholesome existence. Hence the Minister of Justice, José Eduardo Cardozo, is correct in his comparison with the ‘medieval dungeons.’” (BRASIL, 2015, p. 6-7).

When referring to these conditions, it is worth mentioning that any alternative to this situation cannot be sustained solely by improving these conditions, by making prison an environment with a *better quality of life*. Prison already possesses an element of the degradation of human life, of limiting freedom, while taking the mechanisms of capitalist control to their limit. What seems incontrovertible to us is that these precarious conditions further aggravate the situation, demonstrating that, “[...] the current era of confinement has turned prison into a social vacuum cleaner and a grinding machine [...]” (ARANTES, 2012, p. 229), a situation that becomes even more revealing when we look at the profile of today's overcrowded Brazilian prison population.

⁴ Refers to *Arguição de Descumprimento de Preceito Fundamental (ADPF) 347 (Fundamental Precept Non-compliance Statement)*, which aims to prevent or repair damage to a fundamental precept resulting from the Constitution, resulting from any act (or omission) of the Public Power. In this request, the Partido Socialismo e Liberdade (PSOL) (Socialism and Freedom Party) asked for the violation of the fundamental rights of the prison population to be recognised and for the adoption of several measures to deal with the country's prison issue.

3 “Every Black Maria has a little of the slave ship”: structural racism and the prison of poverty

The punitive vigour of the Brazilian penal system is achieved through a sophisticated selective mechanism. One only needs to observe the profile of prisoners, who are, on the whole, young, poor, and black, and who, deprived of their fundamental rights, become the main *targets* of the system. They occupy this space as another expression of the *social ghetto*, as a kind of *judicial ghetto*, where dimensions of ethno-racial control and obstruction are in force (WACQUANT, 2018).

When we look at the Depen data regarding the profile of the prison population, we find that 67% are black or Pardo (BRASIL, 2019a). Within the demographic profile data for the whole population, as certified by PNAD/IBGE (YOUNES, 2020), 56.10% are black. This demonstrates, in our view, the disproportionality of the number of these individuals in the prison system. Wacquant (2011; 2018) identified what he called an *affirmative prison action* policy, which is attested to in the Brazilian scenario by the *blackness of its prison system*.

In this process, we view racism as a determinant in the profile of the prison system. In other words, it is impossible to understand the mechanisms for structuring this space without referring to the determinations of the *racial issue* as an amalgamating element in Brazilian social formation. We need only think of the weight that the slavery and colonial heritage bequeathed to us in establishing deep socio-racial inequalities. For this reason, as Batista (2010) points out, “[...] the ethno-racial issue cannot be overlooked in Brazil: our social and criminal statistics attest to the structural violence of our society against Afro-descendants” (BATISTA, 2010, p. 32).

In inspections carried out by bodies monitoring the prison system, racism has been identified as a structuring element in Brazilian prison policy. This is marked by the absence of services and public policies aimed at delivering the rights provided for by law, as well as by repressive, violent, degrading, and humiliating practices against the black population (BRASIL, 2018). It is worth reiterating, that the forms of structural racism to which the black population is subjected reveal themselves in the most varied inequalities and manifest in a particular form in prisons. We restate that the forms in which the *prison of poverty* is increased contribute to making the ethno-racial issue invisible and establishes a State endorsed domination (WACQUANT, 2011).

In addition to a largely young population, we observe that the profile indicates low indices of schooling. Of all prisoners, 49.5% have incomplete primary education (BRASIL, 2019a), which is an important indication that a large portion of inmates are from the most impoverished sectors of the population. In general, within the penitentiary system, more than half of the people in custody have low levels of education, while in the Brazilian population there is a greater distribution across all educational levels.

When we look at the percentage distribution by gender, we find that most inmates are male, representing 95.06% compared to 4.94% for female (BRASIL, 2019a). However, it

is worth mentioning that “[...] between 2006 and 2014, the female prison population increased by 567.4%, while the average increase in the male population was 220% for the same period” (BORGES, 2019, p. 20). This concern is accentuated when we observe the criminal classification attributed to them, and that there is an increasing trend for this phenomenon, as we will see below.

Regarding the type of offences that justify imprisonment, the data allows us to map the prison population. Most are crimes against property (50.96%), followed by drugs (20.28%) and crimes against the person (17.36%). When we look at gender distribution, crimes against property have a higher incidence among men with 51.84%, while among women it is the drug-related crimes that are highest with 50.94% (BRASIL, 2019a). An outcome of this situation is that the, supposed, *war on drugs* contributes to legitimising the State's genocidal actions (BORGES, 2019).

Brazil has seen consistent growth in the involvement of women in drug trafficking. Some reasons cited by scholars include personal relationships with people involved in trafficking, female unemployment and low wages, and the relatively easy money to be made from crime. It is also necessary to emphasise that women are often subject to the authority of criminals and the hierarchical inequality in the trafficking structure, where women play the roles of “[...] *loofah* (a person arrested for being present at the scene where other arrests take place), or *user*, or *mule* (drug carrier), or *steam* (one who sells small quantities) or of accomplice or *assistant/rocket* [...]” (MUSUMECI, 2001, p. 34), making them *easy targets* for police action and imprisonment, which attests to the racist and sexist character of the prison system (DAVIS, 2019).

From all the data that we have presented, it is necessary to highlight the interwoven relationship between the criminal justice system - through its institutions and the profile of its professional bodies⁵ - and racism, which shapes, organises, and ratifies systemic inequality based on social hierarchy (BORGES, 2019) and continuously promotes a *racialised and sexualised system of social control* (ALEXANDER, 2017). In our opinion, it is impossible to talk about a fight against the criminalisation of poverty, the exponential escalation of incarceration in the country, and the extermination of black youth, without bringing together an anti-racist and anti-patriarchal struggle founded on a deep criticism of a form of social organisation that can only develop by permanently subjugating the bodies of individuals, especially black women, and elevating the reification of social relations to the maximum.

Final Considerations

The structure of the prison system has an intrinsic relationship with forms of social control demanded in the process of shaping capitalist sociability. With the

⁵ Borges (2019) presents data that attest to this finding, by describing how racial and sexual inequality is expressed in the very structure of the Brazilian criminal justice system. According to her, based on data from the National Council of Justice, 84.5% of the judges and ministers of the Judiciary are white, 15.4% black and 0.1% indigenous; 64% of magistrates are men, 36% of magistrates are women; 82% of seats in the higher courts are occupied by men; 30.2% of women have already suffered a negative reaction because they are female; 69.1% of Judiciary employees are white, 28.8% are black and 1.9% Asian.

advancement of the neoliberal agenda and a framework for deepening social and racial inequalities, the hypertrophy of the Penal State becomes an increasingly permanent resource in which the strategy of *mass incarceration* is revealed as one of the most efficient mechanisms for criminalising poverty and managing the surplus labour force. So, incarceration, “[...] serves, above all, to regulate, if not perpetuate, poverty and to store the human waste of the market” (WACQUANT, 2018, p. 127).

It is worth noting that this scenario has tended to worsen with the implementation of the so-called *anti-crime package*⁶ in Brazil, which, given the profile of the prison population that currently overcrowds Brazilian prisons, could be also considered as *anti-poor* and *anti-black packages*. In the name of an alleged *war on crime and drugs*, a legal-penal system of social and racial segregation is being created, with increasing criminalisation of poverty.

We must warn that the alleged *collapse of the prison system* is nothing more than a combination of the limits of control established by prisons themselves and the exhaustion of an expansionist cycle of the capital accumulation process, which lays bare the failure of capitalism's *civilizing promises*. When we observe the ineffectiveness of increased incarceration, which, far from reducing rates of violence and crime, have only served to spectacularise prisons, then it is necessary to bring the need for the adoption of *non-incarceration measures*⁷ to the centre of the debate. We highlight the *penal abolitionism* movement (DAVIS, 2019) as a way of creating viable alternatives for confronting the increase in racism, which has a sophisticated form of effectiveness in institutional imprisonment, so that we can solidify, at a strategic level, the struggle against the socio-punitive structure in which individuals are subjugated to the violent process of capital accumulation. In this sense, it is a question of linking penal abolitionism and the anti-racist/anti-patriarchal/anti-capitalist struggle to construct a sociability where full freedom prevails within a framework of human emancipation.

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⁶ This is a set of measures approved by the National Congress of Brazil, which came into force on January 23, 2020, promoting changes to the Penal Code, the Code of Criminal Procedure, and the Law on Criminal Executions. Among the main measures, that reiterate the upsurge in punitive measures in Brazil, we highlight the increase in the maximum prison sentence to 40 years, the prohibition of temporary release for heinous crimes, and the broadening of the classification of heinous crimes.

⁷ Given the limits of this text, it is not possible for us to further develop the theme, but, in general, it is a set of measures that seek to reduce the trend for incarceration in Brazilian criminal policy, based on the adoption of a series of normative provisions. For a better appreciation on the theme, check out Pastoral Carcerária (2015).

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