

PENAL ABOLITIONISM AS ANTI-POLICIES

Acácio Augusto (University of Vila Velha, Brasil)

In the beginning of the year 1970 Michel Foucault formed part, together with other intellectuals, of the GIP (Group of Informations on Prisons), and at the same time realized his researches which led to the publication of his, today classic, *Discipline and Punish*. In one of his interviews he suggests a tendency of “disappearance” of prisons in favour of more subtle and sophisticated controls. At the beginning of the year 2000, Loïc Wacquant, makes a joke about this “hope of Foucault” in *The Prisons of Misery*, a research which shows the advance of the super-imprisonment from the United States of America and spreading over Europe supported by left wing and progressive governments: the workers in England and the socialists in France. Researches done in Brasil, Argentina, Chile, Mexico, etc., many of them inspired in Wacquant and Foucault, show the same tendency in Latin America at the beginning of this century. Hence, in our century the frenetic sucess of penal polcies which combine maximum security prisons and/or overcrowded prisons and hiper-policing the guarding of the roads, a governmental program widely operated based in the doctrine of law and order, known as Cero Tolerance. The analytical indication of Foucault failed? Yes and no.

A penal abolitionism emerges *in between*. The open space for inventive fights deriving from *May 68* and the production of a new form of relation between knowledge and power. Emerging *between* the analytic-militant incursions of Foucault and the sociological statements of Wacquant. In the meantiem, neither one nor the other calls himself penal abolitionist. Being penal abolitionist is not a *target*, an identity or belonging to an ideology or a set of more or less consistent political positionings. Penal abolitionism, as suggested by its inaugural propontent, Louk Huksmán, is a style of life. An attitude which covers the militant time and the researcher who attacks the regime of punishments and rewards, against the language of the criminal justice system, its walls and values, but also against the scholastisism of our culture of punishment and the precepts of Modern Law. And you cannot *enjoy, share, favour or re-twit* it. It is a direct action, an attitude. I already insisted, in other moments, in the relation between archisms and penal abolitionism, in the form to do it, and in manners to use it as *direct action*. Here I want to develop the dimension of its practices: a libertarian attitude of penal abolitionism as an *antipolitical* urgency.

Returning to the beginning. In reality, Wacquant's substantiation following the analysis of the program of tolerance cero, does not discredit Foucault's statement in relation to the disappearance of prison control. And today I believe that it is more about superposition and connection with what happens to the prisons, with the crisis of disciplines, indicated by Gilles Deleuze, as an emergency of the control societies. Foucault was right, prison was disappearing, and, in fact, is disappearing. For some time, I have insisted, in conversation with the analysis of Foucault of historical fights, that the great contribution of penal abolitionism is the perception of prison as terminal of an insistent technology of power. Meaning that the fight against prison should attack it as moral precept, as a policy that goes beyond a form of prison-penitentiary.

This glance beyond the prison-penitentiary allows and attitude that looks at open-air punishments, watching police controls, contemporary forms of coercion and the constitution of open-air concentration camps as spacial dispositions of nowadays cities. Seen from this perspective, Foucault is not mistaken in looking at the fights of the 1970's and preconizing more sophisticated and subtle controls which emerge from the relaxation of the confinement disciplines. In this sense, in fact, prison as a terminal of a disciplinary political anatomy of disappeared bodies as prison-penitentiaries continue existing. Hence, with the focus on prison more as a political technology and less as a social modus operandi social, his analyzes remain actual. Unlike analyzes based on stigma modeled in the body for total institutions that have lost correspondence with the present reality.

It happens that many of the penal abolitionist proposals were captured by reforms of the criminal justice system, leading to alternative derivations such as the Restoring Justice. This hardly guarantees continuity of prison as an administration of the crisis of disciplines, which prepared and introduced new forms of control. This is the limit of criticism!

In a more schematic way it is seen as the embodiment of a fight, transmuted into policies that promote capturing and suspension of resistences. One of the most striking features of modern politics is its capacity to rationalize confrontations, disagreements and oppositions into manageable and negotiable conflicts. Modern politics, recognizing the State as the only legitimate author of violence, become an ongoing effort to suppress the agonism of power relations and resistance in pacified form, with all the weight the word pacification has since Hobbes. In this sense, it is necessary to initiate an open confrontation with politics from the perspective of the abolition of punishment and the culture of penalty, in favour of the production of a *libertarian*

culture. I believe that today, to face the open-air controls criminal abolitionists should refuse the policy of reformers that produces, in the political game, alternative criminal negotiations which attack the principle sociability based on the punishment culture. In this sense, it is necessary to reject politics and focus the fight on anti-criminal and anti-political, as prisons, today, be electronically coupled to the ankle of a convict.

The libertarian criminal abolitionists, as we like to call ourselves in Nu-Sol, are not dedicated to politics and negotiations. As the anarchists and fourreistas of La Phalange, destacados by Foucault at the end of his book *Discipline and Punish*, we follow attentively the rumble of the battle.

Acácio Augusto: Actually working on a Post-Doctorate research "Politics and ecology: ecological fights and radical politics in the XXI century", with a CAPES doctorate scholarship at the University of Vila Velha (UVV). Doctor in Social Sciences (Politics), PUC-SP. Published in 2008, "Anarchisms and education" with the co-author Edson Passetti, Ed. Autêntica. In 2013 published "Politics and police: care, control and penalization of young people", Ed. Lamparina.