UNDERSTANDING NEOLIBERALISM THROUGH RACIAL DISCRIMINATION: AN APPROACH TO THE MASS INCARCERATION PROBLEM IN BRAZILIAN PRISON SYSTEM

ANALISANDO O NEOLIBERALISMO SOB O ENFOQUE DA DISCRMINAÇÃO RACIAL: UMA ABORDAGEM PARA O PROBLEMA DO ENCARCERAMENTO EM MASSA NO SISTEMA PRISIONAL BRASILEIRO

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ABSTRACT

Neoliberalism indirectly supports prison rates in Latin American economies. Brazil has the third largest prison population in the world. The precariousness of prisons is a direct consequence of policies and ideologies that imprison more and more maintaining a constant overflow of individuals and a chaotic state of Mass Incarceration. Within this perspective, the article is qualitative analyses based upon the hypothesis that in Brazil the combination of Neoliberalism and Racial Discrimination is determinant to understand the problem of Mass Incarceration of the prison system.

Keywords: Prison. Mass incarceration. Neoliberalism.

RESUMO

O neoliberalismo apoia indiretamente as taxas de prisão nas economias da America Latina. O Brasil tem a terceira maior população carcerária do mundo. A precariedade da prisão é uma conseqüência direta de políticas e ideologias que aprisionam cada vez mais individuo, mantendo um fluxo constante de prisões e um estado caótico de encarceramento em massa. O artigo é uma analisis qualitativa, sob a hipótese de que no Brasil a combinação entre Neoliberalismo e Discriminação racial é determinante para entender o problema do Encarceramento em Massa dentro do sistema prisional.

Palavras-chave: Prisão. Encarceramento em Massa. Neoliberalismo

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INTRODUCTION

The idea of modernity is closely associated with a theoretical flow that promotes ideals of economic progress, rational and scientific development, support for free markets, technological innovation and computerization of knowledge at global scale (BAUMAN, 1991, 1993; GIDDENS, 2000). Globalization is a multifaceted phenomenon of economic, social, political, cultural, religious and legal dimensions that are all interlinked in complex fashion (SANTOS, 2006).

Giddens understands that in contemporary times social institutions, and social networks are completely different from those established in past eras[3] (GIDDENS, 2000). In the Modern society we are guided by an *economic rationality* (LEFF, 2006), a *consumerist fetishism* and an overall sense of *apathy* (LIPOVETSKY, 1986) that reflects itself in all aspects of everyday life. Therefore, *punishment*, and the way that is conceived, is a gradual process that is based on ideologies that arouse from political, economic and historical perspective, changing according to time/space.

Neoliberal rationality is a compulsory machinery of profit-driven expansion and commodification that gradually devaluates of human life (BROWN, 2015). In the South Neoliberal[4] Economies, the Criminal Justice system is a mechanism, an instrument from which society monitors and subdues its offenders, its social enemies. This paradigm is based on racial inequalities that materialize through of *dominance* and the use of *violence*. Social Segregation, Racial Discrimination, Spatial Segregation (Imprisonment and Residential Segregation) are all instruments and manifestations of a racial ideologie that ultimately leads to the enforcement of a status quo.

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[3] Giddens (1990) understands that society monitors its member´s conducts in systematic ways, bringing scientific knowledge and expertise to bear on their decision-making and to the act of vigilance.

[4] South Economies, Global South, or even Southerners, are label that offer a few minimal analytical benefits and that are deceptive to categorize the reality of developing countries, such as Brazil, Argentina, and so forth (Srinivas, 2018). But in our article, it may help us better connect a few Latin American national contexts and make general assumptions on what occurs in the continent.

In Brazil, if we conceive Imprisonment and its origins, we can notice that *Racial Discrimination* served as the basis for a historical-social ideology that targeted criminal institutions against the *colored* and the *poor,* filling prison all across Brazil. Criminal Institutions of Brazil regimented violent repressive control over the blacks, indigenous and *mulattos* populations of the country. Today the country has the third largest prison population in the world[5]. Every day we testify to daily violations and atrocities, where inmates live in overcrowded, unhealthy and degenerated environments. Prison and its prisoners, aren´t significant elements to the Neoliberal agenda, they have no *value* to be weighed.

This article is a qualitative approach using an analysis based upon the hypothesis that in Brazil the combination of Neoliberalism and Racial Discrimination contribute to worsen the problem of Mass Incarceration of the prison system.

2. METHODOLOGY

Key themes emerged from the literature in our article to analyze the complexities that surround the problem of Mass Incarceration in Brazil.

By employing data collected from Brazilian institutes such as IPEA (Instituto de Pesquisa Econômica Aplicada); SENASP (Secretaria Nacional de Segurança Pública) bound to the Brazilian Ministry of Justice; Violence Statisitics (Altas da Violência, 2018) published by the FEBSP (Fórum Brasileiro de Segurança Pública); INFOPEN (Departamento Nacional de Informações penitenciarias); DEPEN (Departamento Penitenciário Nacional) and IBGE (Instituto brasileiro de Estatística e Geografia). we were able to give a broader representation of the problem in Brazil and understanding behind this phenomenon. Key references were important to demonstrate an overall national view of the problem among major capitals and cities in Brazil.

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[5] According to 2015´s Report of the Special Rapporteur places Brazil as the fourth biggest incarcerated population in the world with a prospect of being first in the next couple of years. It´s prison population has almost multiplied in the past 50 years Available in: https://www.icj.org/wp-content/uploads/2016/05/Report-SRMinorities-Brazil-2016-eng.pdf. Accessed in 30/10/2019.

Through the interpretation of data and the extraction of social patterns we were able to review the presented theoretical themes that surround the problem and represent them in terms of their its overall symptoms. We also obtained access to various local papers, as well as media sources, that aid our work in understanding the problem.

3. NEOLIBERALISM OF THE SOUTH THROUGH RACIAL DISCRIMINATION IN BRAZIL

According to Bourdieu (1998) the neoliberal program tends to "globally work towards the rupture between all of economy and the other social realities, a methodical destruction of the collective and social norms" (p.2). He believes that all collective structures capable of interposing obstacles to the logic of the *pure market* lose their importance to the drive of profit and consumption (e.g.Nations; ONG´s, working groups; collective defense of workers' rights, unions, associations, cooperatives).

In the South Penal agenda[6], concerns regarding human rights are put aside by the rise of the *neoliberal ethos* (BROWN, 2015). Governments have become partial to certain groups, elements like sovereignty, law and basic rights have become items that can be weighed for the purpose of economic competition and social advantages. Law, and with it the Criminal Justice System, are instruments that also disseminate *neoliberal rationality* beyond the economic sphere (FOUCALT, 1979; BROWN, 2015). To rule under democratic order in Latin American societies means to be subjected to the *free market*.

The South Economies are driven by a Neoliberal *ethos* that promotes an unethical commercialization of things and activities considered inappropriate to be commercialized, things that could never be understood according economical standards[7] (for instance human

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[6] Factors such as, the deregulation of industries and capital flows; the radical reduction in welfare state provisions and protections for the vulnerable; privatized and outsourced public goods and the conversion of every human need or desire into a profitable enterprise. These crucial indicators are important when analyzing this type of scenario in Global South economies like Brazil.

[7] Brown (2015) understands that Neoliberal rationality eliminates what these thinkers termed "the good life" (Aristotle) or "the true realm of freedom" (Marx), by which they did not mean luxury, leisure, or indulgence, but

life). *Marketization* sets to establish a *value* for everything. An ideology that contributes to promote human exploitation and degradation for it enables something "intrinsically horrific or severely denigrating to grow within global society" (BROWN, 2015, p. 23).

In Brazil the Neoliberal paradigm has a direct effect on the ideology of *disposability* that drives the federal government to overshadow certain social sectors due to the embargos generated by economy, recasting negative consequences in democratic, political, and social spheres. In this context, problems of crime, poverty and mass incarceration are no longer seen as having fundamental causes that can be fixed through policies and resources mobilized by the government but responds to an economic stimuli brought on by discourse of *cost, profit* and *disposability.*

Brazil testifies to the erosion of its institutions and the dismantling of the national state in favor of the free market. This paradigm translates into polices of exclusion, segregation gainst its social targets. Colored minorities, the homeless and prison inmate are all to be *neutralized*. The bodies that are not *profitable* are left to die (MBEMBE, 2017). Within this context, the concepts of *biopower/biopolitic*s[8] and *Necropolitics*[9] broaden our debate, from which we conceive life and death from colonial and neo-colonial perspective.

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rather the cultivation and expression of distinctly human capacities for ethical and political freedom, creativity, unbounded reflection, or invention (p.43). But Neoliberalization extinguishes something else. As economic parameters become the only parameters for all conduct and concern, with survival and wealth acquisition – this limited form and imaginary becomes ubiquitous and total across classes and all problems and issues presented in daily life.

[8] Foucalt (2008) understand that *Biopower* is "the set of mechanisms by which the human species constitute its fundamental biological characteristics, as you will be able to enter into a policy, a political strategy, a general strategy of power" (FOUCALT, 2008, p. 3). In referring it to a form of *racial exclusion* he elucidates that "extermination must be understood not only as the ultimate physical annihilation, but also political death, expulsion, rejection, etc." (FOUCALT, 1999, p. 306). "Thus for state racism, the death of the *other*, the death of the *bad race*, the *inferior race* (or the degenerate, or *the abnormal*) is what will make life in general healthier; healthier and purer" (FOUCAULT, 1999, p. 305). Nogueira and Camilo (2016) understand that Foucault´s concept of biopolitcs would be within the lines of ramification of *biopower*. Since it runs through "two lines of forces that are involved in the production of its subjectivities: The *totalizing power*, which creates state apparatuses capable of governing populations, leading to a process increasing massification and bureaucratization of society; and complementary to this power, are the *individualizing techniques*, consistent in knowledge and practicesdesigned to dominate subjects in a permanent manner" (p.08).

[9] Based on the foucaultian perspective Mbembe (2017) conceives Necropolitics as an adequate theoretical tool for understanding how to form power diagrams, how the processes of colonization, neocolonization, decolonization still prevails in African, Latin American, Caribbean and Brazilian contexts. Mbembe (2017) elucidates; "my concern is with those forms of sovereignty whose central project is not the struggle for autonomy, but the

The crisis of the Brazilian prison system is not a contingency of today but of parameters of social-historical continuity. A result of a long historical process originated from the birth of the institution in colonial times (D´URSO, 1996; CARVALHO, 2005) through which, *Racial Discrimination* was the basis of an historical process consolidated by the White/European/Catholic[10] elites guiding criminal institutions against the *colored* and the *poor*.

Brazil for long has been denounced for applying a process of criminal selectivity through government spheres like the police, judicial agencies, legislative in order to successfully manage a repressive control against the "undesirable group population" (CARVALHO, 2015; SCHECARIA, 2012).

In Brazil, if we update the concept of *coloniality* we can understand how important is to identify the traces of the socio-racial heritage of colonial times and how they influence the relations within modern society. Pointing to the influences of the traces in countries that have colonial[11] heritage, Mbembe (2017) states that:

> [...] t the democratic order, the plantation order and the colonial order maintained, for a long time twinned relationships. These relationships are far from accidental. Democracy, plantation and colonial empire are objectively part of the same historical matrix. This original and structuring fact is central to any historical understanding of contemporary world order violence. (p. 43)

In Brazil, the consolidation of Racial Discrimination[12] as a *meta rule* is responsible for configuring a complex interlocked system of prejudice, dominance, and social exclusion. The

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widespread instrumentalization of human existence and the material destruction of human bodies and populations […]. Instead of considering reason the truth of the subject, we can look at other less abstract and more palpable founding categories, such as life and death". (p. 11)

[10] Neo-colonialism involves the oppression of people, the exploitation of their labor and resources, and the acquisition of wealth and power by the colonizer, by rendering the colonized impoverished, powerless and dependent upon the colonizing forces (Jackson, 2009). Western nations, currently wields its superpower status through neo-colonial foreign political and economic policy – such as the promotion of free trade and the forcible exportation of democracy throughout the world.

[11] Analyzing Racial Discrmination in within a Latin American scope, Zaffaroni believes that: The consolidation of racist-colonialist criminological knowledge, based on the idea of the racial inferiority of blacks and mestizos – is a situation that, at the political-criminal level, will produce "criminological apartheids". (ZAFFARONI, 2011 p.87)

[12] Bonilla-SNILLA-SILVA (2003) understands that Racial structures remain in place for the same reasons that other structures. A justification for intervention and domination stem from a belief that the colonizers are superior

selective racist practices that have ruled over the country allows us to establish a paradigm of a racially driven criminal system. That implements strategies and actions that guide the operators against a certain racial group or a certain ethnic background. Racial discrimination shaped various aspects of the criminal institution that we see operating today, whether it be related to its dogmatism, elaboration of policies or daily enforcement issues.

Racial discrimination has always been a part of the Brazilian institutional context and historically it operated in the benefit of the *rich*, the European oligarchies, the colonial landowners, and European traders.

> In countries with an African population, such as Brazil, science tried to demonstrate the moral inferiority of the *mulatto*. Concrete material conditions of power relations established in *colonialist policies* and in the processes of capitalist implementation. On the fringes of industrial capitalism, the reception of criminological theories reflected the need for social control aimed at repressing nonwhite populations, especially black ones. (CARVALHO, 2015, p. 627)

Criminal Institutions of Brazil created a sense of *otherness*[13] with the colored men of their nation. Having regimented violent repressive control over the blacks, indigenous and *mulattos* populations of the country.

In Brazil, poverty affects mainly the black population[14] (IBGE, 2018), Blacks in Brazil still live in disproportionate numbers in urban *favelas*, *mocambos* and *palafitas*[15] (NASCIMENTO et al., 2001) rooted traits of colonial times. The *favelas* are a historical result of social segregation and badly distributed wealth. In favor of the small white richer population,

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to the colonized, and that the colonizers are altruistically bringing civilization – or in the neo-colonial model, capitalism, and democracy-to the colonized

[13] According to Bauman, *otherness* is the representation of a different group within any given company in which there is a majority. He believes that the existence of the *other* is fundamental to how companies establish their identity categories. He argues that identities are configured as dichotomies, such as women and men, primitive and modern, humanity and animal, man and beast. Black and White. Bauman, Z. *Modernity and Ambivalence*. Ithaca, N.Y.: Cornell University Press. 1998.

[14] See for example, "Municipal Social Indicators: An analysis of the results of the demographic census universe 2010. Rio de Janeiro: IBGE, 2016. p.151.
Studies and research. Demographic and socioeconomic information, .28). Available: <http://www.ibge.gov.br/home/estatistica/populacao/censo2010/indicadores_sociais_municipais/indicadores_sociais_municipais.pdf>. Access in: feb. 2017.

[15] Shanty towns (our translation).

Brazil segregated the poor and black (ZALUAR, 2005). The criminal machine targets the poor, blacks and other ethnic minorities[16] such as indigenous, and *nordestinos*[17] and this selectivity[18] also operates through parameters of exclusion. According to the Brazil (2010) in the Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment:

> Afro-descendants in Brazil are at a significantly greater risk of mass incarceration, police abuse, torture and disease, treatment, medical malpractice, being killed by the police, receiving higher sentences than their white counterparts for same crime and suffering discrimination in prison – suggesting a high degree of institutional racism in Brazil. (p. 54)

Terms such as *Colonization* and *Neocolonization* can be understood as processes and assume analytical importance as we testify how discrimination operates, especially, against the black and poor population in Brazil. Thinking today about the incarceration of the black

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[16] According to Kubrin (2000), "Race is more than just biology, it is a social construct or invention that changes as political, economic, and historical social events. [...] In this sense race is vital to the understanding the organization and consequences of social relationships" (p. 679). "Ethnicity refers nor to physical characteristics but social traits that are shared by a human population. These social traits include things life nationality, tribe, religious Faith, shared language, shared culture and shared traditions. The term Ethnicity focus´s more upon a group´s connection to a perceived shared past and culture" (idem). The definition of race imposed by administrative and political structures is an important subject of study in its own right, but it should not be a significant source of error when making cross-group comparisons. The interpretation of ethnic differences (much less available in the data) requires more caution. See, Kubrin, C. (2003) Retaliatory homicide: *Concentrated disadvantage and neighborhood culture*. Social problems 50 (2), 157-180.

[17] *Nordestinos* are people from northeast region of Brazil. Northeastern migration was primarily effective in major cities like São Paulo, Rio de Janeiro, and most recently Brasilia. Although many of their descendants are socially integrated in these societies most of them live in poverty side-by-side with descendants of African slaves in the stigmatized favelas of the large cities of Brazil's Southeast. In spite of their light skin color, majority of *nordestinos* experience, discrimination, poverty, and restricted social mobility. They are the clearest example of how social inequality is boiled down to class in Brazilian society. In: *The Color of Modernity*, Barbara Weinstein (2015) makes the argument I have long wanted to make, though this is not the topic of my research: *nordestinos aren't considered (racially) white.* See Weinstein, B. (2015). The Color of Modernity: São Paulo and the Making of Race and Nation in Brazil. And Roth-gordon, J. (2016) "Brazil's Comfortable Racial in Race and the Brazilian Body". University of California Press.

[18] According to Schecaria (2002), the existence of practices of police approach, imprisonment, conduct, punishment trial (police, judicial and penitentiary) are racial characteristics that place blacks as "potential suspects", such as skin color, type of hair and texture, loose clothing (wide pants and shirts), walking mode, religious identity of the African matrix, tattoos (drawings of elements of African identity) (p. 141-153). According to the Atlas of Violence 2018 (Brazilian Public Security Forum, 2018) published by the Institute of Applied Economic Research (Ipea), the number of homicides in 2016 was 65,517. Taking into account the racial cut, the homicide rate of blacks is 40.2% and that of non-blacks is 16.0%, that is, the homicide rate of blacks is 2.5 times that of non-blacks, making visible and urgent need to confront the fight against genocide of the black population in Brazil.

population in Brazil is to see racial discrimination materialized through the subjectivity operating against their *bodies* and their *freedom.*

4. THE PRISON SCENARIO ACROSS BRAZIL

Brazil´s prisons are institutions that produce social violence, they are places where oppression and ruthlessness are key to survive.   Below we detail some of the general characteristics of several prisons within the Brazilian federation.

4.1 Overcrowded Spaces

According to The Brazilian 2016 *Prison Policy Management Model* the profile of Brazilian population that overwhelms the prisons: it is mostly "young men, black men, with low schooling and income, held in flagrante delicto for property crimes or drug trafficking" (BRAZIL, 2015).

In 2018 there were approximately 229,330 people imprisoned, including 10,000 women, housed in 859 custody facilities, of which 485 are public jails and 315 are penitentiaries; There are still thirty houses of lodging; Five observation centers, both provided for in the Criminal Enforcement Law; We have only 21 agricultural colonies and 29 custodial hospitals[19].

It's worthwhile to mention, that one-third of the prison population is composed of provisional prisoners and is in police stations or public prisons. The largest deficit occurs in the police area, in custody facilities[20]. The absolute number of vacancies leads to permanent overcrowding and is the result of the absence of responsible policies aimed at crime in the country. This scenery has lasted for several decades. The situation is so critical that you even see prisoners awaiting trial in police cars instead of the station[21]. This would certainly be comic

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[19] Iinforpen, p. 38.

[20] Ibidem. Infopen, p. 43.

[21] See http://g1.globo.com/rs/rio-grande-do-sul/noticia/mais-de-180-presos-aguardam-em-delegacias-ou-carros-da-policia-na-regiao-metropolitana-de-porto-alegre.ghtml, accessed in 12/07/2017.

if not tragic. The accumulated deficit of vacancies in prisons in the country already reaches 63,000 (INFOPEN, 2018).

The gravity of the problem can be also demonstrated highlighting the State of São Paulo, which holds 42.36% of the prisoners in the country, each month, an average of 1,000 new inmates enter the prison system[22]. This type of situation leads to innumerous problems, for instances, insufficient space puts small-time offenders in with big-time gang leaders, notorious gang rivalries mixed in the same cell.

Prison Environments must ensure the preservation of life and dignity of the incarcerated population, as well as all the professional services of all categories (criminal service officers, health technicians, educators, lawyers, etc.) that work in them, for most certain this is not the case.

4.2   Sickness and Diseases filled Environments

Violence is responsible for less than half of the deaths within the prison system in Brazil, the other main causes, according to the latest data from the Ministry of Justice, is that 62% of deaths are caused by diseases such as HIV, syphilis and tuberculosis[23]. These three diseases are common in the Penitentiary Complex of Salvador, for example. It is the largest prison in the state of Salvador, with 1,000 prisoners.

Bahia has one of the largest prison populations in the country, with about 14,000 prisoners. In the state, for every 1,000 prisoners, 60 have some contagious disease[24]. Leal (1998) reveals the alarming conditions in which most of the prison institutions are located, showing the disrespect for human dignity, which is practiced there:

> […] how do we speak in respect of physical and moral integrity in prisons where people live unhealthy and sick; Where rubbish and debris accumulate in the open air, in the streets and galleries, exude an unbearable odor, where individual cells are sometimes deprived of sanitary facilities, where collective lodgings can house 30 men, where the

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[22] OP.Cit. Schecaria (2002), p. 12.

[23] http://g1.globo.com/profissao-reporter/noticia/2017/06/ratos-baratas-e-doencas-como-sarna-hiv-tuberculose-e-sifilis-sao-comuns-em-presidios-brasileiros.html

[24] Idem. p. 1.

> cells Dark, those of security in which prisoners are collected for long periods, without sunbathing, without right of visit, where food and medical and dental treatment are very precarious and sexual violence reaches desiccating levels? How to speak, we insist, in physical and moral integrity in prisons where the labor supply is not or is absolutely insufficient, where the prisoners are obliged to assume the paternity of crimes that, sometimes, did not commit, by imposition, where directors determine the recollection in the same cell of defiance under false pretenses to offer them a chance to become friends, in an attitude of public and blatantly irresponsible and criminal. (p. 98)

There, they coexist with cockroaches in the water box, sewage inside the cells and dozens of rats in the corridors. In these contexts, family and relatives are forced to provide all sort of informal medical assistance, bringing whatever they can in visits.

4.3 Unstoppable Inmate violence

In ten years, the prison population of the State of Rio Grande do Norte, for example, rose from 2,145 to 8,242, a growth of 260%. In the same period, the homicide rate rose from 13.5 to 48.6 per 100,000 inhabitants, an increase of 285%[25].

The IML (Medical Legal Institute) of Natal, the main in the state, hasn´t ever had this many dead people and for this reason several bodies are left in the courtyard of the IML under the sun and a heat of more than 30 degrees. The situation in the prison of *Licorice*, also in Natal, is not much better. At least 27 prisoners died during a rebellion in January 2017, a rebellion provoked by rivalry between two factions, one in Rio Grande do Norte and another in São Paulo. This gave in to a mutinying of six days after overtook the prisoners.

4.4 Gang Wars

In 2019 a war between the PCC (Primeiro Comando da Capital) and the Comando Vermelho (Comando Vermelho) carring the territorial dispute across many prisons in Brazil left a death toll of 135 death in the states of Amazonas, Roraima and Rio Grande do Norte, combined, in the first 2(two).

On October 16 of that same year, at Monte Cristo prison in Boa Vista (State of Roraima), 12 prisoners from a rival gang were killed by criminals from the *Primeiro Comando da Capital*

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[25]Ibidem, p. 2.

(First Command of the Capital) with atrocious brutality: beheadings, quartering of a living prisoner.

This is considered the first practical movement of the São Paulo faction to carry out its plan: directly opposing rival groups to conquer the dominion of all the prisons in the country and thus form what they call internally the "PCC Republic".

4.5 Brazilian Prisons are a "Parallel state"

In the State prison of Pernambuco, guards pointed out in the report that they found a "kind of self-management of prisoners in the prison system". The document cites that inmates are out of the cells and have absolute control of actions within the units. This community is so well organized that they have everything from, commerce to a mediator´s court.

The lack of physical structure, of legal, medical support, overcrowding and violence tend to lead to self-management of prisoners in such surroundings. The term "*parallel state*" is now being used with ever greater frequency to describe the existence of a clandestine nexus between formal political leadership and the self-serving factions within the state apparatus, organized crime and/or experts in violence (Briscoe, 2008).

Breakdowns in governance along with organized criminal networks and unruly violence can be basic motives for this type of eruption (Briscoe, 2008). The inability of the Brazilian State in providing basic healthcare and assistance to and overall order, coerce these men in search of services needed. These men have organized themselves to survive their time behind bars, that their role in shaping public debate and striking deals with political leaders becomes essential to understanding the conditions of governance.

The very formation of this type of *State* emanates from a social agreement, a consensual agreement presented in this political community. In this case, it can mean consense through fear and legitimized on violence. It is disbelief that leads these men to rise against the current imposed system of norms. These "forgotten men" praise other norms and behave by another set of codes. A subculture that recognizes another judicial system, uphold other values.

4.6 Recidivism

Brazil has one of the highest rates if recidivism[26] in the world[27], one in every four individuals returns to prison (IPEA, 2018). We believe that the vicious cycle that these men enter is almost socially unbreakable. An individual and family misery, that almost works as a social curse; further, we understand that the delinquent's family is thrown into the same scenario as him. The devastating effects[28] of the prison extend well beyond the prison walls destabilizing whole families and society as a whole.

5. CONCLUSION

We testify to a societal apathy that reflects itself in all aspects of everyday life. *Neoliberalization* has brought its postmodernism and deep antihumanism surrendering society to a condition of impotence, unknowingness, failure, and irresponsibility (Brown, 2015).

In Brazil, the historical association between favelas and prisons has consolidated the use of the *penal machine* against the colored and the poor imprisoning more and more individuals each day. And it seems now that the task is *managerial* not *transformative*.

Society´s goal is not to eliminate crime but to make it tolerable, less visible, so that the "real members" of society are protected. Prison is used to segregate and forget, denying the offenders their significance as human beings.

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[26] Foucalt (1989) believes that recidivism occurs due to the intensity in which of the networks of surveillance extending its social bonds. In such a way that his future *endevenours* are all socially compromised, to the end of his days leading to a strong probability for criminal activity, thus future incarceration. If the delinquent does not succumb to recidivism, he is faced with the material insufficiencies, as well as social obstacles that do not allow him to change his status quo. "In the disciplinary society, the delinquent can only secure any means to subsistence through crime" (p. 79).

[27] Ibs Idem Op. Cit 1.

[28] Goffman (1989) understands that when dealing with the deformation of the *Self* people degenerate certain aspects of their identity due to the influence that the institution deploys on their subject; personal psychological disfigurement, permanent mutilation to the body, traumas, among others.

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