



Who are the prisoners?¹

António Pedro Dores

ISCTE – Instituto Universitário de Lisboa

ABSTRACT

Criminal proceedings are socially unequal. But are they discriminatory?

The impunity of some corresponds, in fact, to the ruthless condemnation of others, including due to miscarriages of justice or for minor offenses. Sociology, without being able to be definitive as to whether or not there is organized discrimination and how, presents sociographic data of the prison population. A population that is impoverished, young, male, poorly educated. Psychology contributes with likely causes of predisposition to fulfil the role of prisoner: family disruption, school failure, exclusionary cultures. Practitioners on the ground recognize pre-offenders before the age of criminal responsibility. The police demand convictions from an early age, from experience, recognizing in them the new generation of criminals who will soon commit crimes of their own.

Will the analytical model most used in social theory, separating the political, economic, social and cultural dimensions, be the most appropriate to explain what the social role of the prisoners might be? What happens to the people living in the negative side of these dimensions?

There is a consensus about the influence of the economic situation on the likelihood of someone being incarcerated. But there is no agreement as to how institutional processes with such symbolic and political importance as the criminal courts accept being part of a socially selective process so admittedly unjust: how do these organs of sovereignty offer themselves to fulfil a purpose so patently opposed to their doctrinal aims, and how do they gain political

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legitimacy by doing so? How is it that they sometimes are used to incarcerate the politically or merely socially inconvenient among us?

Given that we are in the presence of a global phenomenon (all states and all powers use sequestration as a form of social control) we ask ourselves whether the typical dimensions used by social theory serve the needs of understanding prisons.

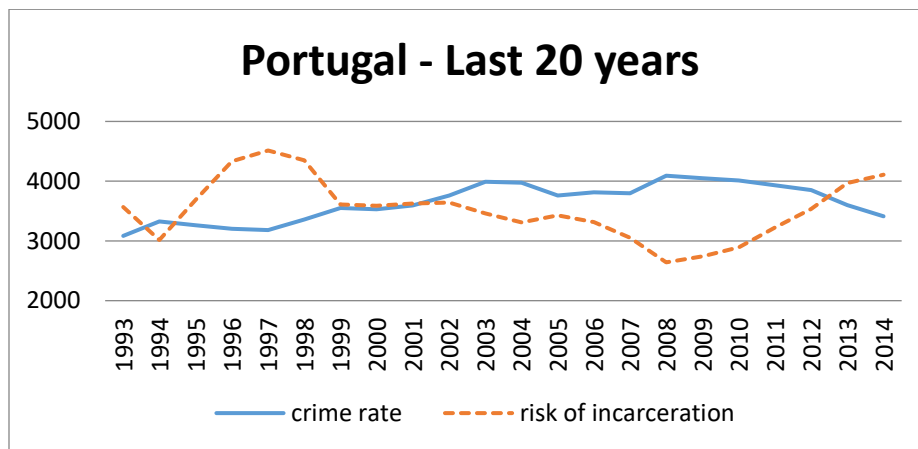
Is the social role of prisoners economic, political, cultural, of status? How does this explain the centrality of gender and stigma? How to, in practice, explain the normative inconsistencies and claims of the special dangerousness of young men? Why has torture in the prisons become an internationally recognized fact by the custodial states, to the point of they themselves recognizing their incompetence to abolish such prohibited and disgusting practices?

Around the hypothesis that the bulk of prisoners are modern scapegoats unconsciously created by states, according to a traditional formula for appeasing feelings of vindictiveness, we discuss the explanatory relevance of this anthropological hypothesis to the study of prisons.

Keywords: *stigma, sacrifices, heroes, social theory, prisons*

1. Introduction

Portugal is a country with 10 million inhabitants. It is characterized by a high risk of incarceration, in European terms, corresponding to an incarceration rate over the last decades of between 120 and 140 prisoners per hundred thousand inhabitants. In part, this rate is due to long periods of actual detention, three times higher than the European average.



Fontes: DGPI/MJ; Pordata; risk of incarceration = n° prisoners/n° crimes*resident pop. Crime rate = n° crimes/residente pop. (per 100 thou. Inhabitants).

The prisoners in Portugal were surveyed and the profile that emerged was of men with children, with less schooling than the general population and, although aging, of relatively young age groups (Torres, Maciel, Sousa, & Cruz, 2009). It was not determined how many have been incarcerated more than once, how many are the children of people who have been or are in incarcerated, nor how many had been considered children or young people at risk prior to incarceration. However, estimates circulating among people who know the Portuguese prison system point to rates well above 50% for each of these indicators.

A chief of the guards, questioned as to his assessment of the plausibility of these unofficial estimates, wondered aloud whether these same might not mean that prisoners are incarcerated for reasons other than any crimes they may have committed. We can formulate the hypothesis expressed by the chief of the guards by asking whether prisoners are above all be those who break the law or those whom society and institutions select to fulfil the social role of lawbreakers. If so, what is the function of the social role they play?

Are the prisoners above all the poor who have no resources to organize their defence before the courts, or are they individuals with a sacrificial profile, socially selected, for example, when they as children or young people are labelled as pre-delinquent? Is the role of the criminal-penal system mainly to prevent the spread of the world of crime, or rather to appease people's feelings of existential insecurity, sacrificing the lives of some people to feelings of social vindictiveness?

This article sets out arguments to explain the limitations of theories as to how crime is dealt with in explaining the profile of the prison population. The sources of these limitations should be sought in social theory. We must look for them in the tendency to overvalue power relations (Lahire, 2012: 125; Therborn, 2006: 3) and to naturalize the state, as if it were the source of society (Kuhn, 2016). We must look in the undervaluation, or even concealment, of the intense, constant and densely emotional work that produces the basic care that allows people to survive. A fundamental process that applies not only children, the sick and those who have no autonomy, but to all. We all need to produce emotional energies to live in society (Collins, 2005). And we all resort to dynamics of sacrifice. We all live and witness sacrificial and heroic states of mind, especially in rituals, generally included in systems of power, such as the judiciary.

To present the theme, we describe how the state produced the criminal milieu under its control, how society contributes to it through the stigma effect, and how this state-society alliance feeds the sacrificial spirit and makes the experience of the heroic spirit a rare thing. It seeks to show the cognitive advantage of recognizing the human need for sacrifice, also in modern societies. The source of the legitimacy of state power passes through the use of sacrifices, for the benefit of the elites. Therefore, obviously, it is the social practices that sustain the state and not the opposite. A fact which creates the need for the state of control of these social practices. Namely, by maintaining a criminal-penal system and a population of chronic prisoners that sustains it.

2. The specialized criminal reaction

The modern penitentiary system is the heir of the urban policies of the management of vagabonds, that is, of migrants without resources who bothered life in the cities. Management which was harnessed by employers or military recruiters, as by many providers of the services necessary to maintain life in the jails. Management paid by the states as a way to maintain their political legitimacy: in Portugal, each prisoner costs about three minimum wage salaries to a systematically underfunded system. Neither public nor business sectors complain against this waste of resources, even when they are informed that there are much cheaper and more effective processes of social reintegration. There is an emotional need that is only satisfied with the existence of prisons.

Business people, protective of their private property, by definition, disregard what lies outside the direct interests of speculators or merchants. If they assumed responsibility for the social care needs of the people, they would find it difficult to structure their business models. If industries had to pay for the lives and environmental resources they consume, the cost of goods would be unbearable, the profits of businesspeople would be lower, and their social responsibilities much greater (starting with the destruction of the traditional lives of millions of peasants and artisans).

In modern societies, the responsibility of making the economic and human costs of creative destruction socially tolerable has fallen to the State (Schumpeter, 1961). For businesspeople, state power must above all ensure corporate freedom and irresponsibility: as it relates to competitors, on the one hand, and to the lives that are in the way of natural resources to be mined or in the territories to be made profitable, on the other.

In Europe, for decades, the responsibilities of the state did not meet the reproductive needs of workers and populations. The use of women and children for miserable work, in exchange for meagre survival, was not morally condemned. The criminal-penal system developed as a state response to the dangers of populations reacting against the indifference of established powers to their basic survival needs. As in the famine revolts of 1848 (Whitehouse, 2014).

History has brought greater need for labour and, at the same time, states concerned with preventing popular uprisings. Eventually states concerned themselves with ensuring minimum conditions of existence so that populations have no obvious grounds for complaint. Stick and carrot policies, offering entrepreneurs protected markets and to the population modern social identities, such as those of national workers or professionals. With the same package came also the exclusion of the bad poor, the bad workers, those who do not collaborate with the social regime. Typically, these are bad because they do not want to work, because they are not professionals, because they lack training or commitment, or because they are not nationals, including those who have different, strange or foreign ideas. Social prisoners, and political prisoners, are one of the means of social control. A way to maintain

an atmosphere of political serenity as favourable as possible to the preservation of the status quo – in a society characterized by change.

Criminal law specialized in the treatment of cases considered to be aberrant to the collective conscience, with forensic psychology as an ally (Foucault, 1999). Its function is to distance society from its responsibility for the creation of conditions for the exercise of criminal activities, including Social injustices. Liberal criminal law demands that the defendant's conscious intention to do wrong be established with certainty. It promoted psychology as a profession as the latter's forensic specialization made itself available to offer scientific credibility to the pursuit of personal accountability for the creation of conditions conducive to the occurrence of crime. Crime, according to criminal law, is a socially isolated act whose origin cannot be foreseen. It is made inside someone, an intentionally evil agent. Wickedness that only the state can punish. In addition to the monopoly on violence, the state has a monopoly on criminal investigation. It is up to the state to deal with the world of crime because only state can discover it amid everyday life (Ruggiero, 2000).

Crime, so conceived, is the exclusive domain of the state. Only it knows where crime is. Power with which the state satisfies society, using and manipulating the stigmas society produces as a Pavlovian reaction. The state judiciously offers people in sacrifice. Society uses them to discharge its tensions in the form of revenge. The system feeds the bourgeois duality in relation to violence: it distinguishes good violence for economic growth from bad violence that may undermine its dominion (Hirschman, 1997; Wieviorka, 2005: 281).

3. Stigma

Goffman (2004) notes how stigma separates, through contempt, marginalized populations. Elias (1994) shows how social discrimination is, on the one hand, identity and, on the other, independent of wealth, education, legitimacy of social activities or ethnicity of the populations. Crime is only one form of stigmatization.

The discriminatory force of stigma is independent of social condition. It feeds on the exotic representations of others. Empathy is enough to overcome it. But it's a lot of work.

The police can work to change the value of certain neighbourhoods. Through information campaigns on the dangers of passing through certain parts of cities, accompanied by the media, police action has the effect of (de)valorising and stigmatizing urban areas. As it classifies the residential zones of safe or not, so follows the symbolic and real-estate (de)valorising. With consequences on the mobility and residential segregation of the populations. (De)valorisation that can be contradicted, of course, at the expense of advertising campaigns. Such as those available to real estate projects and municipalities, for it is good business to buy cheap and sell expensive.

Modern stigma is not a brand marked on the face or limbs of a malefactor. Nor is it just a bureaucratic stigma inscribed in criminal records – in Portugal, criminal records are compulsorily erased a few months after the end of the sentence. It is, fundamentally, an incorporated social stigma. Stigma that feeds empathy and willingness to communicate with strangers and, also, sacrificial desires for emotional definition of different social positions.

Social stigma is incorporated by its victims through shame. This emotion is central to the design of societies (Scheff & Retzinger, 2000). It is stimulated by incorporated guilt when, in schools, on the streets, in conviviality, one feels contempt from others. This builds a degraded social identity in the stigmatized.

Police and social services treat children and young people as pre-offenders. Municipal services discriminate cleaning and maintenance services according to the income they obtain from the different residential areas. Shame diminishes those who feel the socially transmitted guilt, the shame of being who they are. It reduces the person to the body (Reemtsma, 2011: 111-115). It makes her less capable of taking initiative or simply give testimony. It is as if he were indebted to society simply because he exists (Graeber, 2011: 163).

This happens as a process of socialization, and not as a criminal act (although perhaps a criminal law directed to addressing social problems should consider this issue).

In 2017, Lisbon, Portugal, a meeting on police violence was clandestinely organised, by initiative of social workers in charge of integrating young people into society. Organizers feared that advertising would get them fired. At this meeting, it was said that the Municipal Assembly addressed problems arising from the poverty of much of the inhabitants of that residential area. But giving witness to the daily and arbitrary police attacks on the people in the neighbourhood was out of the question. There was certainty that the reception in the Municipal Assembly would be of outrage and repudiation, with punitive consequences regarding the situation and credibility of whomever was spokesperson as well as to the whole community.

Portuguese democracy, the state, the media, the courts and society treat police violence against the poor as a secret. A secret that even when unveiled remains a secret (Dores & Preto, 2013), by sacrificing the messenger if necessary.

In low-income neighbourhoods, the police behave as if in a state of guerrilla. Unthinkable for anyone living in middle and upper class neighbourhoods. Any reference to such a state of affairs is automatically understood as a necessary reaction from the state and the police to the dangers of the lower segments of society.

The mechanics of the social-secret explain how even the stigmatized population is led to believe there is a problem with itself. The guilt/shame of being on the side of the stigmatized explains the silence of the witnesses. Silence whose violation will be harshly, sacrificially,

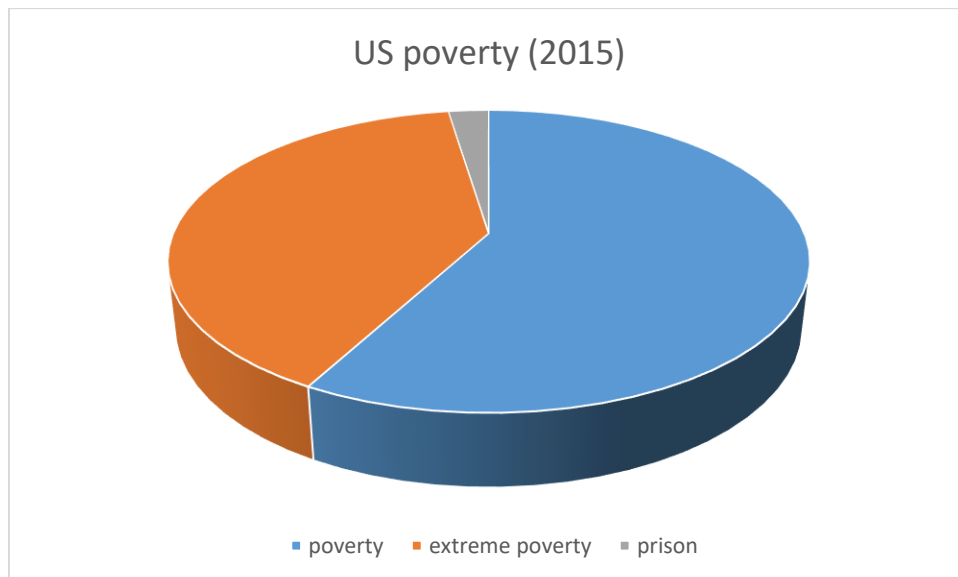
punished. Neither social workers nor victims have a chance to present police oppression publicly – not even with one another. If they do, when they do, they are classified as potential outlaws, in the same way that children and youths are pre-delinquents.

Children, from pre-school age, as young as 4, feel the presence of police in the neighbourhood as a threat. Teachers in those neighbourhoods' schools report that they are forced to change their activity plans in such a way as to calm the children down and reassure them due to the state of anxiety they fall into when the police are in the area. From an early age, thousands of children and young people learn to be intimately humiliated, in secrete, with psychological and social consequences that have yet to be studied. The symptoms of post-traumatic stress were for decades simply denied by the military, despite the evidence in veterans' lives. Similar symptoms continue to not be studied in populations subject to daily police oppression/repression.

4. The delinquents

Pre-offenders are children and young people abandoned to their fate. Observed by the social and police services until they commit a crime and, from there, subject to penal treatment. Most of the poor benefit from the care of their familiars. This does not stop them from being subject to stigma, but care protects them from falling into the social or police net of the state. Might it be that prisoners tend to be socially isolated individuals who, therefore, present themselves in such fragile situations before the criminal courts that these can see no other solution than to incarcerate them?

Picture 2. Largest prison population in the world integrated in poverty statistics in the world's richest country



Source: <https://talkpoverty.org/poverty/>

Social workers can calm children, young people and adults. They may even try to open paths of social integration for them, rehabilitating the image of stigmatized neighbourhoods or by reorienting the circumstances of some people whom they know can escape their urban sequestration. On condition that they never call into question the banal, stigmatizing policy of sequestering populations in urban networks exploited by speculators. Speculative freedom is the imprisonment of populations (Cunha, 2002).

In the time of the 'Bandeirantes', explorers of the Brazilian mines, the disrespect for the native populations was not possibly reflected in judicial condemnations. The formal condemnation of such practices was simply a dead letter. The state did not have the strength to impose social behaviours on its exploratory allies. It concentrated on taxing them as best it could. A dynamic which corresponds to the attitude of the today's municipalities. For example, when they differentiate urban cleaning and maintenance services according to the amount of taxes paid by each residential area.

As explained by a Portuguese mayor, the bad appearance of the streets of low-income neighbourhoods, due to lack of maintenance, stems from the little or scarce tax revenue received by the autarchy from those areas. Maintaining the bad appearance of poverty seems acceptable to some mayors - and their constituencies. They are not ashamed to reproduce stigmata. They think that is normal.

There is a reduction of the poor to their respective bodies (Reemtsma's definition of what violence is). Their words, such as the denunciation of the violence to which they are subjected, are not only devalued, but also strongly repudiated, and eventually retaliated by intensification of the same type of repression denounced. To show who's in charge.

In practice, the social action of the poor is reduced to the action of their bodies. The violence of the poorest is, in fact, mostly physical (Almeida, André, & Almeida, 1999: 117). Direct violence used in the face of the inoperative conflict-management mechanisms available to other social classes. Violence that is also systematically provoked. Provoked, pre-emptively, to bring out those who might lead rebellious movements against the status quo.

The more educated, in addition to not being subject to such provocations, and having a relationship of mutual protection with the police, learn to sublimate violence into symbolic words and acts. Doing so to the extent that they know how to use and value the virtual worlds – professional, activist, politic and others – and give priority to what can get negotiated results, without violating social secrets, politicians' lies. These latter, in turn, need to maintain a social reserve where they can create and seek scapegoats whenever it is needed.

At the meeting on police violence referred to above, the only youth in the neighbourhood who spoke asked what hope he could have of seeing the situation reversed if the speeches of the activists present referred, on the one hand, to the impunity of the police in violating the law existing with the complicity of their leaders, judiciary and political institutions, and, on the other hand, they proposed to combat this by sending complaints about concrete cases of abuse of authority to those same authorities?

As Elias (1990) explained, the history of the last centuries, Western civilization, favoured the incorporated feelings of repugnance of civilized people in the face of violence; Physical violence. In the Middle Ages, the life of the peasantry was irrelevant to the ruling classes. There were different social orders. No knight or courtesan would be disturbed at seeing or even picturing on the walls of his castle the sacrifice of anyone condemned to the gallows or of those abandoned to their fate on the byways. No responsibility connected the seigniorial society to the lot of the bourgeoisie, and especially to that of the peasants or the workers. Modernity has brought us to other social configurations. Today, all adults are formally equal before the law, except foreigners. Rights of survival and civic participation are recognized for everyone. However, in practice these rights are disrespected. Or, in other words, these rights are stated without modern societies wanting, or having to comply with their legal requirements.

The growing repugnance for exposure to violence has not been sufficient to abolish violence. This repugnance is socially directed by the stigmata against the disqualified classes, assumed symbolically as the causes of violence. Merton (1970), for example, explains what he claims to be an increased tendency of the poor to commit crime due to lack of resources to meet the needs stemming from widespread establishment of consumption patterns. Thereby reinforcing with scientific credibility the modern stigma, particularly vigorous in the USA: poverty would be criminogenic. Merton ignored that the greatest thieves in history, capable of causing the deaths of thousands of people and affecting the lives of millions, were filthy rich, and it was power, not consumption, that enraptured them.

The social sciences have recused themselves from treating violence in the current order (Malešević, 2010: 17; Wiewiorka, 2005: 68). When they do treat it, they avoid dealing with state violence (Dores, 2014). Violence is, on the one hand, circumscribed by states and, on the other, state violence is ideologically denied, except as a reaction.

Perhaps that is why it continues to be so difficult to cognitively resolve the question of the Holocaust. How was it possible for the powers of a developed country to use the capacity for modern organization, state and society mutually supportive, to realize eugenics? Was it Hitler and the Nazi party who were responsible, or was it the modernization of societies, their organization, which has provided historical phenomena of genocide in Africa and the Americas (Robben, 2008), and may do so again? A question equally presented by the official denial of the policy of apartheid by the state of Israel, the official denial by Saudi Arabia as to its involvement in pro-terrorist activities, the denial of xenophobia and racism promoted for decades by the European Union (Palidda & Garcia, 2010), the European Union's refusal

to respect international asylum law regarding Syrians and others afflicted following the Middle Eastern wars.

The increasing popularity of denialist ideologies in the West, with electoral impact, shows societies and states in the process of closing themselves to the world, as China was when the Portuguese arrived there in the 16th century.

For example, the scandals of Guantanamo, of the secret CIA prisons and of Abu Grahیب did not halt US torture practices (Butterfield, 2004). Despite the evidence, it is enough for Westerners to deny it for everything to be able to continue as before. Xenophobic and racist policies continue to assert themselves; In criminal-penal systems and at the international level.

5. Sacrificial spirit and heroic spirit

Ideally, in the systemic utopia (Darhendorf, 1958), we are all equal, by law. Even if life is unkind for those who cannot find a decent job. Economics, it is said, distorts what would otherwise be spontaneous equality. Society's purpose would be to take care of the leisure and rest of the workers.

The analysis of systems resorts to counting people and taking note of their political, economic and social characteristics to characterize each subsystem or institution. Prisoners, in this perspective, are poor boys, with no power and no schooling. Incarcerated people are treated as if they had had the same opportunities in life as everyone else. The hypothesis of their being, in modern societies, structures set up to produce people for use in sacrificial rituals is set aside.

If one uses the symbolic interactionist perspective of society, the society constituted by shared selves (Mead, 1930) fed by emotional energies produced in linked rituals (Collins, 2005), one can admit that the doctrinal will to build a society of equals encourages people to hide social practices that create inequalities.

We know of sacrificial practices in ancient societies that attract crowds, such as the Aztecs or the Maya; or the Roman circus that used barbarians as gladiators; or the 'autos-da-fé' (acts of faith) in the main square of Lisbon during the Inquisition. Organized at the highest social level, these rituals were religiously attended by the populations, that is, as the communion of feelings of retribution among all, regardless of social condition.

Today we have mass spectator sports. But we also have judicial theatres, where crimes are judged, and the whole criminal-penal system that processes the accused and convicted, with the propriety proper to our era (Elias, 1990; Hirschman, 1997). The utopian ideal would be to be able to enjoy the complete abolition of violence. While this is not accomplished, the

criminal-penal system replaces social morality in a homeopathic way. Theoretically it condemns only those cases where it is possible to have no doubt that the crime being judged has been deliberately committed, therefore, without the possibility of any responsibility being attributed to society or the state for having created the social conditions conducive to the commission of the act.

Anomie theory denounced societal responsibilities in the creation of situations propitious to crime, such as income inequality. But we have seen how the poor, in general, are only marginally affected by the criminal-penal system. That is, if instead of a system of closed subsystems, society is understood as a field of fluxing representations of us shared ritually, the circulation of discriminatory and divisive symbols acquires a gigantic amplitude: the problematic neighbourhoods used by the police for field practice, the assistencialist moral of the good and bad poor, the labour moral of the good and bad workers, the moral of class struggle, affect all people. We all recognize ourselves in this, and we prefer to be on the side of the good. History does not praise the bad. Stigma is the social repugnance in each and every one to being confused with the dark side of society. Who wants to be or stay there?

(Actually, there are many people who want to be and stay on the dark side of life, but with the indispensable access to bohemian activities, stigmatized sexual practices, vices of various kinds, preferably with the possibility of continuing to share broader social life).

The network of the criminal-penal system, police, public prosecutor's office, courts, prisons, links with equal intimacy to social support networks in schools, shelters, therapeutic communities, street teams, equally authoritarian and fearsome. Those who live isolated prefer not to trust in such networks – which in turn dispute their confidence – because the state, in the words of Wacquant (Martin & Wilcox, 2013), citing Bourdieu, maintains a right hand (securitarian) and a left hand (of social support to the underprivileged). Hands that combine into violence (Felgueiras, 2017a, Leal, 2016). They differentiate themselves by giving priority to isolated men, the right hand, and isolated women, the left hand.

Abandoned children typically follow different paths according to sex. To pre-delinquent boys it is proposed that they voluntarily commit themselves to boys' homes, with stigmatizing environments. They are accompanied until they commit crimes. If the courts condemn them to compulsory treatment, they are no longer free to escape from the commitment facilities. They become prisoners.

The criminal-penal system is a specialized response, allegedly rational, protecting the rights of the defendants and minimizing the volume and social damage of crime in society. It functions as a safety valve for waves of vengefulness that regularly plague societies. It is a modern compromise between the state and society. It serves to legitimate of the first, presented as a pondered and proven defender of the people and the defendants. And it serves as a pacifier of society, representing itself as civilized, that is, extremely sensitive to violence – except when it is perpetrated by the state itself, be it in self-defence, or to respond to popular feelings of insecurity (Ferreira, 1997).

The modern social configuration, in these terms, conditions freedom of expression (Dores, 2013). It disqualifies and subordinates the work and voice of caregivers and prison professionals. It prevents them from arguing in the halls of power, except as representatives of beggars, vagabonds, and the needy (Palma, 2015).

In prisons, everything is falsehood. In Portugal, at the highest level it is enough to deny the evidence (Felgueiras, 2017, see from 30'). Rarely, as when a government minister affirmed that there is no hunger in the prisons, the authorities recognize that they are poorly informed (Faria, 2016). Surveys on prisons are produced as if it were legally legitimate to abuse prisoners, provided it is not done intentionally.

The rights of criminal defence are used, in prisons, to allow the impunity of the arbitrary multiplication of punishments: it is the so-called penitentiary secret. Neither the professionals nor the victims (usually prisoners) are able to denounce what is happening. They are subject to immediate reprisals and, even if the denunciations are considered in a judicial process, the general impunity is not affected. Not even in cases of death is there adequate judicial attention. It is assumed that the risks inherent to the prison environment explain the individual irresponsibility of agents of the state in the most secure institutions there are. A radical reversal of what is the common presumption in the courts, where social conditions do not reduce the responsibility of the delinquents.

In the eyes of the public, the idea of impunity of crimes remains well established. Impunity, of course, above all taken advantage of by the most powerful, who calculate the value of this impunity in function of the profits to which they dedicate their lives at the margins of the law. But, of course, this impunity must sometimes be denied to avoid losing the functionality of the legislative-penal and judicial systems. Someone must be condemned. But who, the poor? Statistics do not support this. Unfortunately, there are far more poor people than prisoners.

Whoever the prisoners may be –and they may well be individuals chosen early in life to fulfil sacrificial functions – they are institutionally processed under special legal regimes. First, like those selected for sacrifice in times past, theoretically, they are granted a privileged status: the right of defence. Then, when it is deemed opportune by the instituted powers, they will be ritually sacrificed: released (subject to the social stigma of having been tried or detained) or sentenced to live in prisons. Whatever the outcome, no right to proclaim their truth is granted to defendants, or victims: it was confiscated from them, in the name of the official truth inscribed in the judicial decision.

A post-sacrificial society requires a criminal culture focused on identifying and overcoming the social dynamics that create the conditions conducive to the commitment of crimes (AAVV, 2013; Dores, Pontes, & Loureiro, 2016). A society whose justice systems are focused on policies aiming to bring the perpetrators of crimes to assume responsibility for

their actions, as well as their commitment to engage in crime prevention efforts. Instead of swapping those responsibilities for jail time, as if it were a papal bull of pardon.

Heroes are, in the way of the Greek tradition, the marginals who manage to translate for everyone a human quality in such a way that all can evaluate it and recognize it. To serve as an example.

The Greek hero's freedom of expression, against society and repression, can be joined to the freedom of the Roman patrician to take care of himself (Foucault, 2004), also independent of the society and the consensus of the majority. Freedom of expression and human rights are, still today, legal principles against oppression that societies and states promote. But they are often contradicted by (lack of) knowledge (of rights) and by a (lack of) willingness to have respect for people (Honneth, 2007).

6. Final Notes

Graeber (2011: 94) distinguishes human economies from the market economy. Among the former is the hierarchical economy: people give goods to someone socially superior without receiving anything in return. This economy does not serve to care, like the domestic economy, nor to establish relationships with strangers, like the market. It serves to stimulate social relations of protection, constituting centres of power, created by the very economy of the hierarchical gift.

The fact that modern social theory is obsessed by markets does not mean that human economies have ceased to function or are expendable. The hierarchy, obviously, is still alive. Because societies organize their gifts, in the form of taxes, but also as abandoned children who are left in the care of states. And what use do these children have for the state?

In Brazil there are death squads that clean the cities of the children, killing them as if they were a plague. In Pakistan they accumulate by the hundreds of thousands in the capital, and they survive abused. To Greece, at the EU's border, were mainly minors from Afghanistan who arrived wanting to live in Europe (Dores, 2009). In Europe there are adoption businesses.

Of all these abandoned children, some will grow and be used as prisoners. So that states have the possibility to display them, when societies feel insecure. To be sure there is no impunity. Just containment and rationality.

System analysis, unable to give adequate attention to the flux of life, namely abandoned children, is not able to account for either the different fate of children according to their gender nor the way in which state and society come together to construct stigmas which facilitate the life of both sides, ignoring major social problems – in particular, how to ensure equal opportunities for all children.

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