Notes on Gender, Race and Punishment From a Decolonial Perspective to a Southern Criminology Agenda

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Abstract

The purpose of this article is to investigate how decolonial studies can contribute to an agenda of southern criminology and in particular, but not exclusively, to our research on gender and gender violence. To do so, the path chosen was to first present the common lines between these ways of theorising. Then, the entanglements of race and capitalism and of race and gender in the decolonial perspective are presented. With this done, it is possible to think about how decoloniality and punishment are related and to, from then on, think of a decolonial agenda for criminology that involves taking the colonial hypothesis seriously and always thinking and seeking to listen, read and research the ways of resistance from those dehumanised by the criminal justice system.

Keywords

Coloniality; Southern criminology; gender; race; punishment.

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Introduction

Where can decolonial studies and southern criminology meet? This was the first question I set to myself when thinking about writing for this Special Issue on Gender Violence and the Global South for the *International Journal for Crime, Justice and Social Democracy*. As the research progressed, the definition of the research question became clearer, and what I present is an advancement of some of my work on gender, decoloniality and criminology, previously written in Portuguese, as an attempt to contribute to a southern criminology agenda on gender and gender violence. The question here is how do gender and race intertwine with capitalism and punishment, as seen from a decolonial perspective, and what kind of challenge does that pose to southern criminology?

To answer this, I will first draw some ideas on decolonial studies and its differences and similarities to southern theory and also the meeting of a decolonial perspective and southern criminology. Following this, I will establish how decoloniality sees the entanglements of race and capitalism to bring that notion to criminology. I will also present the concept of gender as a decolonial category of analysis. I am hopeful that this will allow us to bring the triad of race, class and gender together.

After presenting this theoretical framework, I address the task of trying to present how we can see punishment with these decolonial lenses. By doing so, I propose to bring to us, criminologists, the commitment and the responsibility of seriously taking into account in our works, as Brazilian researchers have pointed out, the colonial hypothesis and, also, understanding the need for listening, reading and researching the practices of creative resistance and subversion to race and gender violence.

Where Do Southern Criminology and Decolonial Studies Meet?

Southern theory and decolonial theory have their similarities and differences. Both, for instance, focus on a task of promoting the knowledge done *by* the periphery and the subalterns instead of producing studies *about* the periphery and the subalterns, and this is also true about southern criminology and about criminology from a decolonial perspective. Southern and decolonial theory meet where both name modernity as having constitutive characteristics: 'The silencing, ignorance and inferiorization of the other' (Bernardino-Costa 2015: 41).

As the authors on southern criminology point out, 'patterns of expropriation, exploitation and forced migration have left enduring imprints on colonial settler societies, whether they happen to be in the North or the South and whether they are gross domestic production-rich or not' (Carrington et al. 2018: 5), and those patterns are exactly what we talk about when we say the word *coloniality*.

However, as well as the difference between postcolonial studies and decolonial studies, this last one can maybe be differentiated from southern theory by the fact that we recognise that there is no 'pure otherness' (Bernardino-Costa 2015: 42), which means, first, that we do not believe that knowledge produced by someone from Latin America, or the Global South, is unescapably knowledge with a subaltern or a decolonial perspective. This means that the opposite is also true; not all northern theories are necessarily 'metropolitan theory', to use Connell's words (Connell, 2007). With colonisation, 'no population was free from the theology, the philosophy and the science from Europe' (Bernardino-Costa 2015: 42), so what we claim as a decolonial thought is the *border thinking* that 'comes from the confrontation between modern/European knowledge and the knowledge produced from the perspectives of colonial modernities (Asia, Africa, Americas and the Caribbean)' (Bernardino-Costa 2015: 42). By border thinking we mean 'the subaltern reason struggling to bring to the fore the potential of subalternized knowledge, breaking the 'sacralization' of European global projects' (Bernardino-Costa 2015: 42).

On southern theory, Connell argues that:

> It is possible to reshape the circuits through which social-scientific knowledge moves, to modify—since we cannot quickly end—the metropolitan focus. The intellectuals of rich peripheral countries such as Australia, and of the privileged classes in countries like Mexico, Chile, India, South Africa and Brazil, have significant resources for intellectual work and circulation of knowledge. Because of their location in the post-colonial world, they have—or can have—perspectives which overlap with those of the subaltern majorities. (Connell 2007: 228)

This seems to be a risky assumption. For decolonial thinkers, it is central to 'bring the subaltern voices forward' and that means 'recognizing the existence of several decolonial projects, that are silenced or produced as inexistent by the hegemonic narrative of the nation' (Bernardino-Costa 2015: 19). So, what Connell calls metropolitan thought exists among periphery science and scientists, as she has shown with the examples presented in *Southern Theory* (2007). Trusting, therefore, that 'the intellectuals of rich peripheral countries such as Australia, and of the privileged classes will produce subaltern thinking does not seem to be enough for a decolonial perspective.[1] Discourses from people from the Global South can also resonate with what we call the *heterarchy* of coloniality.[2] That is the case, for instance, of the racist criminological ideas in Brazil's nineteenth century, as Evandro Duarte has shown us (2002). To explain this, we should discuss the meanings of coloniality.

On Coloniality, Race and Capitalism

Decolonial studies are a field of research on Latin America, which has, as its first authors, scholars such as Anibal Quijano, Enrique Dussel, Boaventura de Sousa Santos and Walter Mignolo. However, the field has grown over the last decades and gained other perspectives and authors. This is the case, for instance, for decolonial feminism, responsible for criticising the lack of a gender perspective on the work of the first authors. As writers of decolonial feminism we find, among others, Maria Lugones, Yuderkis Spinosa-Minoso, Breny Mendoza and Ochy Curiel.

As Breny Mendoza states, a major part of the references on decoloniality was produced by Latin American men ('blancos y mestizos, heterosexuales y de clase media' and cisgender, I may add) (Mendoza 2010: 20–21), and they rarely take gender into account in their work—or sex, patriarchy or women—or, in the few opportunities that they do, they end up using sex as a category to set apart the racial issue from the gender issue, with risky essentialist propositions. Following or not all of Mendoza's arguments, her criticisms lead me to say that it is not possible to talk about gender without thinking about coloniality, as it is not possible to talk about coloniality without including gender. I will definitely come back to that point later on in this article. Before that, I would like to emphasise that performing a decolonial study involves, first of all, privileging the knowledge of the frontier, 'starting from geopolitical and biographical/body-political epistemologies (its two pillars)', the knowledge that 'emerges from the externality structured by modernity/coloniality when the latter was constituted as interiority' (Lima Costa 2014: 929–930).

It is, then, important to differentiate decolonial studies from those postcolonial ones. As Anne McClintock stated, the *post* tells us something. It brings within itself a dichotomy: the one of time, of before and after. The *post* commits to the idea of linear time, the time of progress, the time of the empire; we then have a history taken from '"the precolonial", to the colonial to "the postcolonial"' (McClintock 1995: 10) times. We know postcolonial studies criticise that kind of thought, but as the author says, even having challenged the Western binarisms, the 'term postcolonialism nonetheless reorients the globe once more around a single, binary opposition: colonial/postcolonial' (McClintock 1995: 10). Within this kind of opposition, the culture and the history of the colonised people seem to only matter (or even exist) after colonisation has taken place (McClintock 1995: 10). In addition, postcolonial studies, in a way, assume the concepts and temporalisations of what would be modernity, in particular 'the self-definition of modernity in terms of its beginnings in the late 18th and the beginnings of the 19th century' (Maldonado-Torres 2004: 37) when, for decolonial studies, modernity is inaugurated with the colonisation of the Americas. And with this comes the idea that the senses, relationships, knowledge, forms of social and state organisation, forms of

subjection that we come to identify as *modern* were, at some level, a product of the invasion of what was later called America. Thus, the term is adopted against the European narrative that situates the beginning of the modern era at the end of the eighteenth century, considering that this operation serves to hide the colonial component in the formation of 'modernity' (Mignolo 2000) and carries out a colonisation of time and history by the Europeans. For decolonial scholars, therefore, the idea is that modernity was inaugurated not in the eighteenth century but with colonialism in the sixteenth century.

So, while the word colonialism is set to signify the processes and apparatus of 'political and military domination that are implemented to guarantee the exploitation of labor and wealth of the colonies for the benefit of the colonizer' (Restrepo and Rojas 2010: 15), as a political and economic liaison 'where the sovereignty of a nation or a people rests on the power of another nation, which makes such nation an empire' (Maldonado-Torres 2007: 243), coloniality is wider and much more complex and is within colonialism at the same time that it succeeds and survives it, and it means a pattern of power as a result of colonialism. With this concept, we intend to mean that there is no rupture or discontinuity as if a colonial era ended and a new one, different and apart from the previous one, had begun. After colonialism is over, coloniality remains and continues as a way of signifying and relating power, knowledge, being and gender (Lugones 2014). As, then, a 'standard of power that structures the modern world system', I take coloniality as the historical chain of meanings that organises, hierarchising within a matrix of racialisation, the modes of 'work, subjectivity, knowledge, places and human beings of the planet' (Restrepo and Rojas 2010: 16).

One of the most relevant things we have to remember about colonialism is what Fanon (2008) and Césaire (1978) taught us: race is an invention of the colonisation process. By this, we do not mean that there was then a conscious and deliberate moment of 'creation' of the idea of different races, but that with the colonisation of the Americas—and here I emphasise the Iberian colonisation in Latin America—we observe processes of what I call *differential distribution of humanity,* which persists to this day, with the identification of non-European subjects. It is not a matter of the origin of race as a concept, but of identifying in this context relational processes that, invading and destroying other relationalities, began to replace them or to impose a new relationality centred on the figure of the coloniser and identifying others as *non-being*—as Fanon (2008) named it. So, different from how they may be perceived, race and racism are not a product of the scientific theories later established in the eighteenth and nineteenth centuries and the idea of biological races: 'Racism, before science, was constitutive of the perception of modern Western man. Its most likely origin is in the creation of practical relations established in the course of colonialism. It is a component of modern subjectivity, not a mere "deviation". It defines the human condition and humanity of Western humanism' (Duarte, Queiroz and Costa Pedro 2016: 24). Therefore, 'before being a scientific ideology, race was a praxis of everyday life; before being an enterprise of the Nation-State, it was an enterprise experimental and governed by market forces; before the word race was "invented" by science, it was an artifact of social life and the exercise of power' (Duarte, Queiroz and Costa Pedro 2016: 25).

And here, we can remember another set of differences from decolonial and postcolonial studies. Decolonial studies do not add up to a horizon of decolonisation as a belief in a non-colonial world, and also, it does not mean that. It also has a different emphasis than that of postcolonial studies, as Ramon Grosfoguel reminds us: while postcolonials 'emphasize colonial culture, the world-system approach emphasizes the endless accumulation of capital at a world-scale. While post-colonial critiques emphasize agency, the world-system approach emphasizes structures' (Grosfoguel 2011: 16). That obviously does not mean that these matters are not of interest to authors in both fields: 'Some scholars of the post-colonial theory such as Gayatri Spivak (1988) acknowledge the importance of the international division of labor as constitutive of the capitalist system, while some scholars of the world system approach, such as Immanuel Wallerstein, acknowledge the importance of cultural processes such as racism and sexism as inherent to historical capitalism' (Grosfoguel 2011: 16).

The classical division between 'culture vs. economy and agency vs. structure' (Grosfoguel 2011: 16), then, is something that decolonial thinkers see from a different angle. First, because of the binary way of thinking, the hierarchising dichotomies of thought are something to be questioned, a heritage of

modernity/coloniality (Magalhães Gomes 2019). Second, because writing and researching within a decolonial matrix means identifying that, with the colonisation of the Americas, race is moulded as a way of organising power and knowledge as a norm for the formation of the subjects and their relationships (Quijano 2005). As Anibal Quijano once wrote, modernity, capitalism and Latin America were born the same day and, consequentially, also race and Europe. This certainly does not mean that race was a concept or a word used at that moment, but that what we have come to understand as race, especially in the nineteenth century, has its roots in this particular moment in history or, as I wrote elsewhere, 'this racialization that creates another excluded, from which colonial modernity is constituted, is the glue that sustains what Butler called the evocation of previous actions that accumulate the aforementioned authority, but which she did not identify as coloniality' (Magalhães Gomes 2019: 25).

And this all means that there is no separation of *culture v. economy* and *agency v. structure*; after all, for us decolonial thinkers, the formation of capitalism is inaugurated with the colonisation of America. So, if race and capitalism were born on the same day, they are part of the same 'structure'. This means that race and racism are not only a matter of identity or simply cultural and that the 'old Marxist paradigm of infrastructure and superstructure is replaced by a historical-heterogeneous structure (Quijano 2000), or a "heterarchy" (Kontopoulos 1993)' (Grosfoguel 2011: 11). The term 'heterarchy' was first used by Quijano and means 'an entangled articulation of multiple hierarchies, in which subjectivity and the social imaginary is not derivative but constitutive of the structures of the world-system' (Grosfoguel 2011: 11). Therefore, race, being the 'first mental category of modernity' (Quijano 2009: 6), and racism 'are not superstructural or instrumental to an overarching logic of capitalist accumulation; they are constitutive of capitalist accumulation at a world-scale' (Grosfoguel 2011: 11) and create a pattern of power.

With this perspective, race is constitutive of the division of labour for capitalism on a global scale. The exclusion of the racial issue from this definition of structure and its allocation to a place of culture or identity is, therefore, a mistake. The pattern of power created by colonialism and coloniality involves the division of labour and race (or a division of labour within race) so, for 'the "coloniality of power" approach, what comes first, "culture or the economy", is a false dilemma, a chicken-egg dilemma that obscures the complexity of the capitalist world-system' (Grosfoguel 2011: 11):

> To call the present world-system 'capitalist' is, to say the least, misleading. Given the hegemonic Eurocentric 'common sense', the moment we use the word 'capitalism', people immediately think that we are talking about the 'economy'. However, 'capitalism' is only one of the multiple entangled constellations of [the] colonial power matrix of what I called, at the risk of sounding ridiculous, 'Capitalist/Patriarchal Western-centric/Christian-centric Modern/Colonial World-System'. Capitalism is an important constellation of power, but not the sole one. Given its entanglement with other power relations, destroying the capitalist aspects of the world-system would not be enough to destroy the present world system. To transform this world-system it is crucial to destroy the historical structural heterogenous totality called the 'colonial power matrix' of the 'world system' with its multiple forms of power hierarchies. Above, I outlined a total of 15 global power hierarchies, but I am sure there are more that escaped my conceptualization. (Grosfoguel 2011: 12)

So, with colonisation and the constitution of the world system 'America began to perform a fundamental role, once it was the first place in which the coloniality of power was materialized' and from that moment on, race and labour became 'fundamental axes of the new standard of power' (Bernardino-Costa 2015: 43) and, as it hierarchised human beings as humans and non-humans—or beings and non-beings—it also divided labour between that of the coloniser and that of the colonised. We see then a 'codification of the differences between conquerors and conquered in the idea of "race", a supposedly different biological structure that placed some in a natural situation of inferiority to the others' (Quijano 2005: 117) and this pattern of power or codification classified people and lands—or what we now call countries—and, alongside, constituted 'a structure of control of labor and its resources and products' (Quijano 2005: 118). While Spanish and Portuguese working people would have wages in retribution to their work, the colonised — participating in the division of labor as a slave or servant—was not worthy of wages' and,

therefore, 'race and work were articulated in a way that presented themselves as naturally associated, which, so far, has been exceptionally successful (Cf. Quijano 2005: 106)' (Bernardino-Costa 2015: 43).

Coloniality of power, then, stands for a pattern of hierarchical power that did not end with the independencies of the colonies (Bernardino-Costa 2015: 27), 'a global racial/ethnic hierarchy that privileges European people over non-European people' (Grosfoguel: 8) or, even more than that, not only privileges one versus the other but allocates each group into different places of the dichotomy of humans and non-humans, a dichotomy that is crucial and foundational to coloniality (Lugones 2014; Magalhães Gomes 2018b).

If the reader remembers how we started this topic, I mentioned the criticism that the first authors in this field have received from feminist scholars. This is because race and capitalism are not the only categories to form modernity/coloniality. Let us focus on that for the next section.

Gender as a Decolonial Category of Analysis[3]

Performing a decolonial study, therefore, means, a way of thinking and doing research using race, gender and class, taking these categories within an approach on how subjects and their living under different types of oppression are a snapshot and a consequence of a historical and structural process left by colonisation. This means that colonisation ends, but it leaves behind a way of organising power, knowledge, humanity and gender, which we call coloniality. It means thinking about how these structures of power are performed dependently, as if the theory turned its eyes to a previous moment, not only the one in which people are being oppressed, but what has led into that—not trying to find an origin for these structures, but trying to show that they constitute themselves in an interdependent manner. It is also a way of looking at history from the perspective of the colonised and taking that into account when narrating it. In the previous section, I wrote about how race and capitalism have shaped each other. The point now, though, is that race has always also been gendered, or, we can also say, 'race has been sexualized or differentiated in terms of sexual categories' (Duarte, Queiroz and Costa Pedro 2016: 25) or that 'sexuality and gender are components of colonial power. After all, a pillar of colonial regimes and the maintenance of settler colonialism into the present has been the imposition of sexual and gender binaries and hierarchies from the global' (Ball and Dwyer 2018: 124). Here, I would like to draw some lines on what I call taking gender as a decolonial category of analysis so that we can come to this articulation of class, race and gender for a criminological agenda.

As we remember Joan Scott's works, gender is a way of asking questions, asking historical questions, especially questions of what it means to be a woman in a given period of time or in a given culture, history or space, for instance. Taking gender as a category of historical analysis means that gender is an invitation to critically think about how sexual bodies are produced, implanted, modified and also how they survive (Scott 2010: 9). In that sense, using gender as a category of analysis means understanding that it works as a destabilisation of concepts such as women, men, sex and even the body. The use of this category implies that 'men' and 'women' are socially, bodily and historically inscribed concepts as well as 'gender'. We are here, however, within a second limit: none of this will be enough if, speaking of historically inscribed concepts, we do not articulate race and, therefore, the argument here is that gender is a category of analysis capable of destabilising what it means to be a man or a woman only when perceived not as a primary category, making race secondary, but as a category produced with it. For decolonial authors, gender and race walk alongside each other and came to existence—if we can use these words, with the risk of sounding as advocating a form of origin, which is not the case—at the same time. I use here authors such as Ana Flauzina, Lélia Gonzales, Maria Lugones, Rita Segato, Sueli Carneiro, Yuderkis Spinosa-Minoso and others who wrote and have been writing on the articulations between gender and race.

There is no doubt that the decolonial perspective—especially its look at race and the creation of race as a product of European coloniality in Latin America—is fundamental to understanding the hierarchical binary of the system created then and that has organised us until today. Betting, however, as did Anibal Quijano, that race is *the category* that forms the world system of coloniality is insufficient and even

'totalizing' when it makes gender invisible (Mendoza 2010: 24), in addition to being essentialist and naturalising, as it takes sex as a reality of nature, organised and always organising the relationships between subjects in the same way. It is in this context—to summarise some of the criticisms made—that a feminist analysis of coloniality, or decolonial feminism, starts to be carried out to grasp how gender norms are part of the coloniality of power, knowledge and being. This line of feminism starts to mention the coloniality of gender, how gender is informed by race and race is informed by gender. Hence, we understand that it is not possible to talk about gender without thinking about coloniality, nor to talk about coloniality without including gender. This means, therefore, that there is also no way to start from perspectives in which gender becomes the central and main explanatory category and race something that creates nuances or particularities within a supposed primary system of oppression organised by gender (Espinosa-Miñoso 2014: 11–12) or the other way around.

What I want to argue is that a decolonial analysis presupposes that one thinks of how race (and class) and gender (re)produce each other. This is why using gender as a category of analysis in our criminology work needs to be transformed into using gender as a category of decolonial analysis; in addition to talking about the intersectionality of race, class and gender, and analysing how these categories of oppression work by creating different experiences, it is about analysing how these categories, together, are at the same time a cause and effect of and on the creation of one another's concepts. This is to say that how we understand gender depends on how we understand race and class and vice versa. It starts by thinking about how 'categories of whiteness and blackness, masculinity and femininity, labor and class came to exist historically into being in the first place' (McClintock 1995: 16); it is not to analyse how race affects a specific group of women, but to carry out analyses that take seriously 'coloniality and racism—no longer as a phenomenon, but as an intrinsic episteme of modernity and its liberating projects—and its relationship with gender coloniality', abandoning the universal woman seen under a single system of oppression (Espinosa-Miñoso 2014: 12).

As I have stated before, organised around the production of the 'other' as inferior, colonial, euro and anthropocentric thinking works through hierarchical relations that create and hide this creation with attributions of nature or essence, sustained by its main dichotomy, as Lugones points out: that of humans and non-humans. The author speaks of a constitutive dehumanisation of the coloniality of being, a process that is not only a classification of 'peoples in terms of power and gender, but also the process of active reduction of people, the dehumanization that makes them suitable for classification, the process of subjectification and the onslaught of making the colonized people less than human beings' (Lugones 2014: 939). So, both categories of gender and race form the modern binary hierarchisation that attributes (or not) humanity to the subjects and constitutes others less or non-human, categorisable, excludable or exploitable, and are used to establish and maintain this hierarchy at the same time—being that *heterarchy* mentioned before.

What I argue here is that these categories do not exist independently as 'distinct realms of experience', nor can they be the object of a summation analysis or fittings as 'simply yoked together retrospectively like armatures of Lego', in the line of McClintock, for whom they exist 'in relation to each other and through that relationship—albeit in contradictory and conflicting ways' (1995: 5). My argument is that gender and race constitute languages that give meaning to the human, languages that give meaning to bodies. But, more than that, languages of binary modernity that categorise the other, based on the main human/non-human dichotomy, the sex and gender dichotomy—or the sex/gender system—are constructed under the sign of race and vice versa, combining to legitimise the main dichotomy (Lugones 2014: 937–938).

The point that deserves to be made here is: in this race–sex–gender articulation, black and indigenous women and men are commonly identified not only as pure bodies and non-humans, but as hypersexualised bodies. Therefore, in line with what I have been arguing, I want to emphasise that, within the framework of the coloniality of gender, we have more than the construction of *gender stereotypes*, but a process in which the constructed, cultural, rational and relational components are denied to certain bodies. They are just bodies, endowed not with gender, desire and sexuality, but with sex, instinct and impulse. Hypersexualised, these men and women are the targets of racist representations and practices that use

sex and gender representations at the same time, creating new and other hierarchies that are not just that of male or female and that transform black people (and, thus, also indigenous people) in a kind of pattern of negativity (Souza 1983).

Notions of femininity and masculinity, consequentially, are produced in a racialised way (McClintock 1995: 16). Hence this means that gender images, discriminations and stereotypes also used against white women are racialised images, but these images are not the same. Race is used as an instrument for the construction of an unwanted model of being gendered, and the imagery of white women, such as that of frailty, domesticity and motherhood, is shaped in opposition to imagery about indigenous and black men and women, and this is done by denying gender to the latter. Therefore, this can be viewed in the sense that the idea of the 'female gender' is constituted as a white ideal, opposed to that of black and indigenous women as having only sex, and as what one does not want to be and also in the sense that this ideal is constructed alongside the composition of a 'male gender' that, denied to black and indigenous men, identifies them as hypersexualised, aggressive and dangerous predators. The idea of a white woman who is supposably pure, fragile and vulnerable, without a racialised opposition, would implode the very ideal of a heteronormative matrix. After all, if her fragility is measured in opposition to 'man', the white man would be a predator or a threat to this unprotected woman. The meanings of gender in coloniality keep this external realm deprived of gender: the black man who supposedly threatens the white woman and justifies the 'protective' characterisation of men.

The imagination about black masculinity reveals this attribution of genderless sex, of a mindless body, of uncontrolled desire in the attribution of violent and criminal sexuality that makes them victims of physical and sexual violence as well. Angela Harris says that feminist analysis that does not consider race makes rape seem like something that 'only happens to white women' and that 'what happens to black women is simply life' (Harris 1990: 599). This is also the case with physical and sexual violence that affects black men; as 'non-gender subjects', like black women, they are not seen as victims, but even more, they are only perceived as aggressors. By (hyper)sexualising indigenous and black women and men, denying them gender, they are perceived as just bodies devoid of subjectivity, an operation that becomes central to coloniality so that black and indigenous genocide—and all the violence that composes it—is not accounted as such: the one eliminated is not a victim, is not human.

Gender, Race and Punishment—Notes for a Decolonial Critical Criminology[4]

We know that capitalism and the division of labour are concepts very central to critical criminology, and we also know that it is not often that we see this way of looking into capitalism reflected in criminological writings. Race and racism are currently used as categories to describe the ones that are selected by the criminal justice system and even used to theorise about selectivity and vulnerability. In Latin America, for instance, the tradition of our critical criminology has, as Thula Pires said, failed to understand and describe how the category of class 'operates in a racialized manner', which also is true for gender. Also, when it did mention race, it was from a European theory or perspective, having a 'stereotyped and homogenized vision of black people'. Most importantly, and what matters for the line of thought of this article, 'institutional racism was not understood in structural terms, but as a rhetorical enunciation that the racism of intersubjective relations goes beyond personal relations' (Pires 2017: 547).

But when we read race as being an invention of colonialism, an everyday life praxis, 'an enterprise experimental and governed by market forces' (Duarte, Queiroz and Costa Pedro 2016: 25) and a constitutive of the pattern of power in coloniality, what we also come to understand is that punishment and its formation and meanings on the colonised countries were also intertwined with race and racism. As Duarte, Queiroz and Costa Pedro (2016) have argued, instead of that restrictive and descriptive take on the racialisation of the criminal system that was mentioned above, which only considers race to describe the 'preferred selectivity of the criminal system on people that belong to determined racial groups on which the stigma of inferiority weighs', understanding it as a form of discrimination, a wider and, therefore, comprehensive perspective understands that 'racialization presents a way of being of a group of Western criminal systems, that is, it indicates the way in which criminal systems were historically conceived as

"regulators" and constituents of "racial differences" formed by practices, institutions and tactics'. Coming to this understanding depends on taking the colonial hypothesis as part of our research and, I add here, as part of a southern criminology agenda (Duarte, Queiroz and Costa Pedro 2016: 26).

Race and racism, in this sense, are not an externality to the criminal justice system, or the other way around, the criminal justice system is not an externality to race and racism, but in fact 'integrates a set of phenomena linked to Modernity in which race and the criminal system are constituted, or even, of phenomena arranged in a continuum of social construction' (Duarte, Queiroz and Costa Pedro 2016: 22). What we argue, then, is that when punishment and the effects it produces are seen under this lens of coloniality and the gender/race articulation, prison and the criminal justice system, being a part of that matrix, is set to produce dehumanisation or, as has been said by those authors 'in punitive slavery, in penal practices, in enslavement and in punitive racialization, one always seeks to constitute "the subjects", as naked life or as living beings [in Agamben's sense]' (Duarte, Queiroz and Costa Pedro 2016: 26). So, 'race and punishment constitute the same "network" of practices and meanings. Instead of separating two categories (race and punishment), it is suggested, therefore, that they exist in a continuum of "mechanisms" and "power games"' (Duarte, Queiroz and Costa Pedro 2016: 26). On critical criminology, Foucauldian (Foucault 2009) ideas were taken to contribute to describing how the criminal justice system helps to produce docile bodies for the division of labour. But here, we have already said that race and capitalism are not apart from each other and that race and punishment on coloniality stand together. On that note, we can come to understand now how racism is not just the 'unexpected effect of these practices, but the main effect pursued by these institutions' (Duarte, Queiroz and Costa Pedro 2016: 27). The purpose and the effect of prison is dehumanisation; it is to treat, to produce and to maintain certain groups of individuals as pure bodies, living beings, naked lives or non-humans. The human/non-human articulation, as we have seen, is at the core of coloniality and is filled, mostly, by gender and race, attributing to some people only corporeality, identifying them only as bodies—object, target or instrument. To continuously produce this 'non-human' against which the system acts, and this can be done without saying it to be violent,[5] the ideal of punishment does not exist as a reference to which one wants to bring every 'deviant' in punishment as a discipline (Foucault, 2009), nor does it want to punish the deviant as a correction to fulfil the ideal (Butler, 1997): punishment serves to keep its recipients at that place of a pure body devoid of humanity or:

> In other words, the racialization of punitive systems is not a punctual event, but the process of constitution of the race category. The negative construction of the race could not have existed without a penal system, and the penal system cannot be understood without the construction of racial relations. The idea and practice of 'race' (in the sense of racism) has always depended on the spatial segregation provided by punitive systems … Western societies, in which the problem of racism is persistent, constituted and reconstituted the negative identity of the races through punishment. That is, they forged social values whose core is to identify without allowing an identity.[6] (Duarte, Queiroz and Costa Pedro 2016: 25–26)

A body deprived of its humanity would be a body anyone can have access to, can manage, instrumentalise, destroy or violate. The violence against a pure body is not violence, is not seen as being so. So, different than a docile body, produced by discipline, we have a body seen and made and maintained—thinking here of Walter Benjamin's ideas of law-making and law-preserving violence—as a pure body. And as a consequence, maybe, this can be seen as a reason why, for instance, Brazilian prisons do not work on a basis of discipline or, at least, discipline does not seem to be at its core, and I repeat, it acts more as dehumanisation (Flauzina 2008) than as a discipline. At least, this could be a clue to follow in our southern criminology agenda to grasp the functioning of our criminal justice system and how it sees, manages and treats the 'bodies' against which it works.

In *Becoming Black*, Neusa Santos Souza shows that 'a whole device of attributing negative qualities to blacks is elaborated with the objective of maintaining the space for black social participation within the narrow limits of the old social order' (Souza 1983: 20) and that produces a history of 'ideological

submission of a racial stock in the presence of another that makes it hegemonic … the history of a renounced identity' (Souza 1983: 23) and that creates an ideal of white ego (Souza 1983: 34) that leads to a 'persecuting relationship' with the body as a desire for its own extinction (Souza 1983: 5–6). Foucault says that in this economy of punishment, 'the body only becomes a useful force if it is at the same time a productive body and a submissive body' (Foucault 2009: 29). In the context of the production of subjectivities through punishment in the Brazilian criminal justice system, this no longer seems to me to be an adequate reading. If it is—and I understand it to be—part of this matrix of coloniality that uses gender and race as keys to the production of inhumanities by reading some as bodies without subjectivity—in the (re)production of a white, heterosexual and cisgender ideal of humanity - its maintenance and existence need not the body submitted to discipline, but precisely the image of a mindless body, the body dominated by the mind (Magalhães Gomes 2019)—by discipline, we might ask—which authorises access to bodies and dehumanises them.

Conclusion

And what can and should we, as criminologists, do with these concepts in mind? We should follow what Thula Pires teaches us: to avoid the narcissistic pacts of whiteness—and of masculinity and *cisterhood*—and know that 'becoming aware of the reproduced silences and codes by which whiteness operated in this field of studies is essential for us to produce powerful alternatives to the brutal and perverse model of dehumanization of bodies that anchors criminology and its contemporary critique' (Pires 2017: 557), and finally:

> Exercising listening, putting oneself in context, assuming the hidden provinciality in the defense of one's universal condition, learning from the one who was considered alienated, offers a unique opportunity to deal with the objectives of critical criminology as closely as possible to its assumptions. The abstract individual is of the order of whiteness, as an unnamed raciality. The black subject is denied this individuality, because it is seen in collective terms, historically related to pejorative stereotypes produced by violent processes of subalternization and vulnerability that marked the colonial-slavery roots and reproduced through unthreatened coloniality by the narcissistic pacts assumed in the most diverse spheres of personal and institutional life. (Pires 2017: 557)

We can, and should, say that criminological work has to endeavour to this task: as criminologists, we have to join our voices to those who rewrite the narratives of the bodies in and of the criminal justice system as something other than naked life. We must listen and read those narratives; comprehend and incorporate in our work those practices of subversion, resistance and humanisation not of prison as reformists do, but of people made non-human by a system designed for that; and creative resistance in modernity, a 'positivity of the subaltern', as said by Duarte, Queiroz and Costa Pedro, is what we have to look for, is what has to be part of our criminological agenda, once 'control strategies respond, above all, to these effects' (Duarte, Queiroz and Costa Pedro 2016: 27).

Southern criminology and decolonial criminology meet when we want criminology to take on the issues of social control that are specifically from the Global South, but mainly when the theories and tools we use to understand it are also from the Global South. Decolonial criminology would mean that there is no possibility of doing critical criminology without taking into account the relations between race, class and gender, recognising that they are all formed being intertwined with each other, but that cannot mean that we can collapse one into another. Feminist criminology or anti-racism criminology cannot be, any longer, a derived part of criminology or something that is considered only when we are examining issues of gender violence or racist violence. There is no criminal justice system that is not built over this tripod, at least when we talk about southern systems of punishment and crime.

Our southern criminology agenda, therefore, can and should take into account a decolonial agenda, or, if we do not want to use that title or any other new titles, critical criminology has to take the entanglements between class, race and gender seriously, understanding that the latter two are as much a matter of

'infrastructure' as the first, given the pattern of power of coloniality. Also, it has to seriously consider the entanglements of these two categories with the constitution of the ideas of punishment on our southern countries.

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[1] And one of the risks here is that a simple trust in 'intellectuals' reproduces what Brazilian black intellectuals call the 'narcissistic pact of whiteness' (Pires 2017).

[2] The concept of *heterarchy* and of coloniality will be explained further ahead in this paper.

[3] The ideas presented on this topic were previously published in Brazil in an article entitled *Gênero como categoria de análise decolonial* (Magalhães Gomes 2018b).

[4] In this section, I will use some ideas previously published in an article entitled *Entre Vera Cruz e Agrado: questões sobre corpo e castigo para a criminologia crítica* (Magalhães Gomes 2018a).

[5] On how race and racism shape the notions on what is violence and what is to be a victim, Cf FLAUZINA, Ana Luiza Pinheiro; FREITAS, Felipe. Do paradoxal privilégio de ser vítima: terror de Estado e negação do sofrimento negro no Brasil. *Revista Brasileira de Ciências Criminais*, São Paulo, v.135, ano 25, p. 49-71, set, 2017.

[6] The authors also remind us that 'the justification for slavery referred to the existence of a moral failure resulting from a natural sin. The blacks carried the marks of Cam against them. The slave was a slave because his group of origin had sinned. Slavery itself, in Father Antônio Vieira's version, was a way of purging this stain. When Frantz Fanon wrote "*Les Damnes de la Terre*", quickly translated into "*Os Condenados da Terra*" [in Portuguese, which would be something like "The Convicted of the Earth"] something was lost in translation, which referred to that first sense of the intrinsic damnation of those who were born black. They were never "convicted" by a court, but they were "damned" for being black, for their biology, and, because of that, taken to court' (Duarte, Queiroz and Costa Pedro 2016: 27).

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