

Who Protects Us from the Police in the Fight Against Gender Violence?

By: Marlihan López

Who protects us from the police? This question may seem controversial to many, as our governments and media often present the police as an institution designed to protect, prevent crime, and maintain order.

However, this narrative erases the colonial past of countries with a legacy of slavery (such as Cuba), where the police historically acted—and continue to act—as agents of repression and violence, particularly toward Afro-descendant communities. Police forces, prisons, and the broader carceral system function under colonial and white supremacist frameworks, rooted in the surveillance and control of Black and Indigenous bodies.

Black abolitionist feminists in the United States and Canada have extensively documented the origins of the police, demonstrating how this institution perpetuates patriarchal systems and white supremacy through surveillance, control, and sexual violence. Scholars and activists like Mariame Kaba (2021; 2022), Andrea Ritchie (2017), and Robyn Maynard (2017) draw connections between state violence and sexual and gender-based violence, arguing that solutions to gender violence cannot be found within the police, prisons, or carceral systems. Their research highlights the disproportionate violence faced by Black and racialized women and non-binary individuals in state responses to domestic and sexual violence.

Penal Abolitionism: A Consciousness Born from Survivors and Criminalized Communities

My own experiences as a survivor, community organizer, and activist have reinforced the understanding that the police cannot protect us, as they are complicit in reproducing gender violence and upholding a colonial, white supremacist system. Through my work with sexual violence centers in Quebec, Canada, and as a consultant for shelters for domestic violence

survivors, I have observed that many professionals in these sectors understand that the police fail to prevent gender violence.

This practice has led me to collaborate with marginalized groups facing heightened vulnerability to sexual violence, particularly in communities where reporting to the police is not seen as an option. Reasons for this include fear of criminalization, risks of state violence against their communities, and legacies of systemic racism, colonialism, ableism, homophobia, and transphobia.

These experiences have pushed me to explore alternatives and collective responses to gender violence outside the penal system. For some, this may seem unrealistic, but the abolitionist movement originated from the activism of survivors who have lived through multiple forms of violence. They realized that carceral systems not only fail to eliminate violence but also reproduce it, especially gender-based violence.

The Police Perpetuate Gender Violence

We cannot disentangle the colonial roots of institutions like the police and prisons from their current role in perpetuating violence. As Indigenous scholar Sarah Hunt (2015) argues, in Canada, sexual violence is fundamentally tied to the colonial project. Hunt points out that colonialism was facilitated by racist and sexist ideologies that dehumanized Indigenous peoples, thereby normalizing or even encouraging violence against Indigenous women and girls. In this context, sexual violence has functioned as a central tool in creating and maintaining racial and gender hierarchies.

This legacy of sexual violence extends beyond Indigenous communities and impacts a wide array of marginalized groups, including Black individuals, people experiencing homelessness, individuals with disabilities, queer and trans communities, sex workers, and migrants. These groups not only suffer from direct violence at the hands of the police but are also subject to systematic criminalization and social exclusion, perpetuating their vulnerability. The policing and carceral systems contribute to this marginalization by reinforcing social hierarchies and



sustaining mechanisms of control and punishment that disproportionately target racialized and marginalized populations.

Excessive Rates of Domestic Violence Among Police Officers

Numerous studies conducted in the United States have revealed that intimate partners of police officers experience domestic violence at significantly higher rates than the general population. According to some reports in *The Atlantic* (Friedersdorf, 2014), at least 40% of police families experience domestic violence, compared to just 10% of the general population. Another study reported by the *BBC* (2014) indicates that among older and more experienced police officers, the rate of domestic violence is 24%, suggesting that domestic violence occurs two to four times more frequently in police families than in American families overall.

In Puerto Rico, a U.S. territory, alarming figures emerge. According to the latest analysis by the organization Kilómetro 0, which monitors civil rights violations by the police, police officers exceed four times the number of femicides when comparing the number of femicides reported over the past six years both within and outside the agency.

Unfortunately, neither in Canada, from where I write, nor in Latin America have studies or investigations been conducted to determine victimization rates in these contexts. Despite the impunity enjoyed by police forces, there remains an expectation that they will address and protect victims of gender violence.

Criminalization of Survivors

Many survivors of gender violence, particularly Black and Indigenous women, LGBTQ+ individuals, migrants, and sex workers, face the additional threat of criminalization. This criminalization exacerbates their vulnerability to state violence, which can include imprisonment, loss of child custody, and barriers to housing, employment, and services. The increased reliance on criminalization as a response to gender violence has left these groups with fewer resources for safety and violence prevention.



Additionally, punitive responses to gender violence often prevent accountability and repair. Survivors typically seek acknowledgment, responsibility, and justice, yet without alternatives to the criminal justice system, many are left without avenues for healing.

Reimagining the Fight Against Gender Violence

There was a time when the movement against gender violence staunchly criticized state institutions—police, hospitals, courts—for not only failing to protect but also for reproducing the same violence they were meant to address. This movement once operated independently of institutional frameworks, resisting state authority and fostering social transformation through mutual aid. As political prisoner Susan Saxe powerfully stated: “My feminism does not push me into the arms of the state, but away from it” (in Kaba and Murakawa, 2021). This sentiment continues to resonate deeply within abolitionist feminist circles today.

Despite ongoing critiques of the judicial system, many organizations now deem it necessary to build partnerships with the police to advance feminist goals. However, these collaborations, often framed as progressive, can increase the vulnerability of survivors—especially those at the intersection of state and gender violence. We must critically assess how these alliances with law enforcement ultimately serve to expand the reach of the carceral system under the guise of combating gender violence.

As governments continue to inflate police budgets, minimal resources are allocated to support survivors outside the legal system. The disproportionate investment in law enforcement limits funding for essential services, leaving the real needs of survivors unmet. What do survivors need? Many express the urgency for safe and stable housing, financial support, alternative justice models such as restorative or transformative justice, comprehensive health care—including mental health services—childcare, and regularization of immigration status. These resources would provide survivors with the tools necessary to prevent, evade, and heal from violence.

What if we allowed ourselves to imagine a future where addressing violence meant healing our communities rather than relying on systems that perpetuate harm? Could we move

beyond police interventions to reframe how we respond to violence? Could we invest in resources that address the root causes, thereby preventing violence from arising in the first place? To effectively combat gender violence, our efforts must simultaneously challenge all systems of oppression, including white supremacy and colonialism, which continue to underpin our punitive institutions.

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A Brief Genealogy of Abolitionist Penal Thought in Brazil

By: Pedro Alexander Cubas Hernández

The most difficult and urgent challenge today is that of creatively exploring new terrains of justice, where the prison no longer serves as our major anchor.

—Angela Davis (2003)

Brazil is a country marked by profound social inequalities, multiple forms of oppression, and high levels of violence and corruption. These phenomena are deeply intertwined with its racial history, dating from the colonial period to the present. Racism is a fundamental lens through which we must understand Brazilian society, where whiteness symbolizes power, privilege, and social status. This dynamic is rooted in a hierarchical social structure that has persisted since Portuguese colonization, evolved during the imperial period, and solidified through the republics of the 20th and 21st centuries. Within this unequal framework, Afro-Brazilian bodies continue to be subjected to systemic violence, exclusion, stigmatization, and invisibility.

Modern societies are sustained by an economic, social, political, ideological, and legal order that disciplines human bodies. Brazil, as a federal republic, operates under a constitution (ratified in 1988 and amended multiple times) that establishes its governance structure, accompanied by legal mechanisms for implementation. While nominally functioning as a rule-of-law state, Brazil is often criticized for instances where judicial protection is weak, particularly for marginalized groups such as Black and Indigenous populations. The country's legal and penal systems appear to disproportionately serve the interests of the privileged classes while exercising excessive punitive force against vulnerable groups, especially the Afro-Brazilian population, which is heavily overrepresented in the prison system of this vast nation.

At the close of the 19th century, Nina Rodrigues, a physician, studied the condition of Black people in Brazil during a time when slavery had been abolished by the Golden Law (1888) and the republic had been established (1889), with its Constitution enacted two years later. In his work, *The Human Races and Criminal Responsibility in Brazil* (1894), Rodrigues questioned

whether Black individuals could be considered full citizens subject to the law. His racially biased perspective, rooted in criminal anthropology, marginalized Black people, viewing them as inherently inferior and undeserving of rights and respect.

Rodrigues' views aligned with the principles of positivist criminology, which, as Samuel Silva Borges explains on his YouTube channel [Cifra Oculta](#), sought to explain criminality through biological, psychological, and social factors. Italian criminologists Cesare Lombroso (*The Criminal Man*, 1876), Raffaele Garofalo (*Criminology: A Study of Crime and Its Repression*, 1885), and Enrico Ferri (*Criminal Sociology*, 1905) were key figures in this school of thought, emphasizing the environment and nature of the criminal rather than focusing solely on legal definitions of crime, as proposed by classical criminology.

In the latter half of the 20th century, after World War II, criminology underwent a critical shift, as Silva Borges notes, with an emphasis on the processes of criminalization and the role of the modern state in labeling and stigmatizing individuals through social control. This new criminological paradigm questioned the unequal nature of criminal law, focusing on how crime is defined and the power dynamics behind these definitions. Furthermore, it highlighted the penal system's structural selectivity based on race, gender, class, and national origin, thus exposing the discriminatory enforcement of law. This framework, which emerged in the 1960s and 1970s, critically analyzed law, crime, and justice, laying the groundwork for penal abolitionism.

The first major contributions to critical criminology and penal abolitionism emerged in Western Europe. Leading thinkers such as Norwegian sociologist Thomas Mathiesen (*The Politics of Abolition*, 1974), Dutch jurist Louk Hulsman (in collaboration with French researcher Jacqueline Bernal de Celis, *Lost Sentences: The Penal System in Question*, 1982), and French philosopher Michel Foucault (*Discipline and Punish: The Birth of the Prison*, 1975) began to challenge the foundations of the penal system. German criminologist Sebastian Scheerer and Italian jurist Alessandro Baratta further expanded these debates, and the works of Dutch criminologist Hermanus Thomas Bianchi (*Justice as Sanctuary: Towards a New Crime Control System*, 1992) and Norwegian criminologist Nils Christie (*The Crime Control Industry*, 1996) significantly influenced abolitionist thought. From 1983 to 2018, numerous International

Conferences on Penal Abolition (ICOPA) were held, where figures like Mathiesen presented pivotal research.

In Brazil, the abolitionist perspective began to gain traction in the 1980s, coinciding with the country's democratization process following two decades of civic-military dictatorship. Early works on this subject came from scholars such as Nilo Batista (*Critical Introduction to Brazilian Penal Law*, 1990), Maria Lúcia Karam (*On Crimes, Penalties, and Fantasies*, 1991), and Edson Passetti, who co-authored *Abolitionist Conversations: A Critique of the Penal System and Punitive Society* (1997). Passetti, who coordinates the Libertarian Sociability Nucleus at the Pontifical Catholic University of São Paulo (PUC-SP), has been a leading voice in advocating for libertarian penal abolitionism through initiatives such as the journal *Verve*, published since 2002.

Subsequently, notable contributions to the discourse have emerged, including volumes organized by Edson Passetti (*Free Course on Penal Abolitionism*, 2004), Avelino Augusto de Sá and Sérgio Salomão Shecaira (*Criminology and Current Problems*, 2008), and more recently, Guilherme Moreira Pires (*Abolitionisms: Antipunitivist Voices in Brazil and Libertarian Contributions*, 2020). Additionally, it is important to mention Claudio Alberto Gabriel Guimarães' doctoral thesis, *Functions of the Deprivation of Liberty Penalty in the Capitalist Penal System: From What Was Hidden to What Was Declared* (2006).

The proliferation of these and other works in the 21st century indicates that the subject has gained considerable momentum among Brazilian legal scholars, who are rigorously analyzing the proposals of critical criminology and penal abolitionism. Brazilian jurist Janaína Fernanda da Silva Pavan, in her essay (2020), identifies three European authors at the forefront of what she terms "penal schools": Christie, with a phenomenological-historicist approach (or, alternatively, a minimalist perspective); Mathiesen, with a Marxist variant; and Hulsman, from a phenomenological standpoint, to whom she devotes particular attention. Previously, Argentine lawyer Maximiliano Postay, in his essay "¿De qué hablamos cuando hablamos de abolicionismo penal? Reseña histórica. 1968-2012" (2012), underscored Hulsman's influence in Brazil. Indeed, Karam's translation of Hulsman and Bernal de Celis into Portuguese supports the positions articulated by both Pavan and Postay.



Further examinations reveal references to Foucault's work (structural-historicist approach), particularly his concept of biopolitics, which is actively debated in the social sciences. However, within criminology, his contributions appear to hold less relevance in discussions on penal abolitionism, as this was not the primary focus of Foucault's writing. Nonetheless, his work can be utilized to critically engage with the dysfunctionality of the prison system in postmodern contexts. Dutch philosopher Rolf S. de Folter, in his essay *Sobre la fundamentación metodológica del enfoque abolicionista del sistema de justicia penal. Una comparación de ideas de Hulsman, Mathiesen y Foucault* (1986), advocates for this interpretive framework.

In the Brazilian context, three reflective proposals rooted in criminology, the history of criminal law, legal sociology, and legal philosophy can be discerned, which I believe are interrelated.

Critical criminology, as previously mentioned, highlights essential aspects of labeling theory, where crime and the criminal are understood through the lens of institutionalized social control that selectively marginalizes individuals deviating from established social norms, thereby negatively impacting their identities and behaviors. Raquel dos Santos' Master's thesis *Sistema prisional brasileiro en el siglo XXI: segregación social y criminalización de la pobreza* (2020) indicates that Brazil ranks among the top three countries in mass incarceration, following only the United States and China, driven by selective and punitive criteria such as social class, race, and territory (particularly marginalized peripheries).

Penal abolitionism, as elucidated by Argentine intellectual Eugenio Raúl Zaffaroni in his preface to Postay's book *El abolicionismo penal en América Latina* (2012), creates a tension within contemporary society, dominated by liberal criminal law, which, despite its strategies, is incapable of containing the irrational punitive power that has persisted for centuries. Sociologist Aline Passos de Jesús Santana (manager of the website *Leituras abolicionistas*), in her essay *Warfare State: el punitivismo de las clases populares y la centralidad del trabajo en la sociedad del desempeño* (2020), contextualizes penal abolitionism beyond the prison system, reflecting on the dynamics of Brazilian society enmeshed in violence and punishment.

She explores the interplay among four concepts: workfare (Wacquant, 2012), warfare state (Arantes, 2014), society of performance (Han, 2017), and subjective adherence to barbarism (Batista, 2012). Penal abolitionism counters the universal punishment model dictated by the Penal Code, offering various analytical dimensions related to models based on consensus among conflicting parties: educational, therapeutic, compensatory, conciliatory, and punitive, which aligns with the principles of restorative justice.

The so-called Critical Restorative Justice School (and community) features Daniel Silva Achutti as a pivotal figure. His doctoral thesis in criminal sciences, *Justicia restaurativa y abolicionismo penal: contribuciones para un nuevo modelo de administración de conflictos en Brasil* (2012), later published as a book in 2014, draws inspiration from the Belgian model. He proposes a new paradigm of justice that emphasizes victim support and mediation between victims and offenders, fostering peace and harmony through less violent conflict resolution approaches.

A specific and crucial aspect to highlight is antiracist penal abolitionism, which in Brazil appears influenced by the thoughts and actions of American intellectual Angela Davis. Her book *¿Son obsoletas las prisiones?* (2003) stands as a significant reference, though she is not the sole author addressing the plight of Black individuals in the U.S. prison system. Notable precedents include *Instead of Prisons: A Handbook for Abolitionists* (1976), edited by Mark Morris and featuring contributions from Jewish Quaker feminist activist Fay “Honey” Knopp and others (mostly women), and *Anarchism and the Black Revolution* (1993) by activist Lorenzo Kom’boa Ervin, both of which remain relatively unknown in Brazil.

A collective of researchers is generating knowledge within the interface of criminology and racial relations in Brazilian academic circles. Examples include Ana Luiza Pinheiro Flauzina’s Master’s thesis *Cuerpo negro caído en el piso: el sistema penal y el proyecto genocida del Estado brasileño* (2006), Luciano Góes’ *La “traducción” de Lombroso en la obra de Nina Rodrigues: el racismo como base estructurante de la criminología brasileña* (2016), Naila Ingrid Chaves Franklin’s *Raza, género y criminología: reflexiones sobre el control social de las mujeres a partir de la criminología positivista de Nina Rodrigues* (2017), and Jacqueline Sinhoretto’s essay *El filtro racial en la selección policial de sospechosos: seguridad pública y relaciones raciales* (2014) and her research team. Flauzina, from the perspective of critical

criminology, analyzes the existence of a genocidal state project aimed at exterminating the Black population. Góes emphasizes the scientific legitimization process facilitating the extreme and explicit violent discipline imposed on Black bodies deemed abnormal according to Nina Rodrigues' interpretation of Lombrosian paradigms. Franklin employs a Black feminist epistemology to explore intersections between race and gender in Rodrigues' works. Sinhoretto and her team investigate how racial filtering operates in police suspect selection, examining police perceptions, institutional policies, and societal attitudes concurrently.

Additionally, we observe strong positions taken by individuals such as Laura Coelho Palma (a law student), who articulated her views in the digital platform Nexa Políticas Públicas Jornal in *Abolicionismo penal antirracista: alternativas posibles al disfuncionalismo del sistema carcelario brasileño* (2023). She criticized the disproportionately high percentage of Black individuals in prisons (66.7%), asserting that antiracist penal abolitionism serves as both a political and theoretical alternative for achieving authentic democracy. Earlier, social scientist Acácio Augusto, in his article "El abolicionismo penal es una lucha urgente" (2019), condemned the criminal justice system for punitively sacrificing Black and impoverished youth from marginalized communities in an inhumane prison system. Aline Passos de Jesús Santana, in her piece *Racismo jurídico y religiones afrobrasileñas: del caso Evandro al caso Lázaro* (2021), analyzed the impact of penal selectivity on Black individuals practicing Afro-Brazilian religions, who have been accused of harming children in sacrificial rituals and, at other times, slandered for exterminating families. The author contends that these accusatory contexts contribute to a state of genocide characterized by extermination practices, torture, kidnapping, and the erasure of Afro-Brazilian cultural and religious traditions.

Undoubtedly, penal abolitionist thought in Brazil tackles pressing contemporary issues through a critique of the criminal justice system, which perpetuates barbarity through excessive punishments and sanctioned impunity. Simultaneously, it denounces the selective application of mass incarceration, primarily affecting impoverished individuals from marginalized communities, especially Black individuals. However, the tangible act of abolishing imprisonment as a form of deprivation of liberty remains a utopian goal to be pursued globally, not solely within Brazil.



Racial Profiling and the Criminalization of Black Men

By: Ana Carolina Amara¹ and Helena Cordero²

Racial profiling is a discriminatory practice where individuals are singled out and treated differently by authorities or institutions based on stereotypes associated with their race, ethnicity, or nationality. This practice, often observed in contexts like law enforcement, border security, and other public services, reinforces prejudices and perpetuates systemic racism. It bolsters negative stereotypes about certain racial and ethnic communities and, beyond violating human rights, undermines trust between these communities and the institutions meant to protect them.

In their respective works, *Chokehold: Policing Black Men* (2018) and *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (2018), Paul Butler and Michelle Alexander explore how the U.S. criminal justice system serves as a mechanism of social control and racial oppression, particularly against African Americans. Butler (2018) highlights the systematic criminalization of Black men, describing how police policies act as a “chokehold” that restricts their freedoms and perpetuates institutional racism. Alexander (2018) argues that mass incarceration functions as a modern form of racial segregation, depriving millions of African Americans of basic civil rights and challenging the idea of a post-racial society. Both authors call for a racial justice movement to dismantle these oppressive structures and advocate for deep reforms in the justice system.

García-Añón et al. (2013) conducted a study indicating that in Spain, between 2008 and 2015, over 61 million police identification procedures were carried out without specifying the reasons, disproportionately affecting racialized and subordinate ethnic groups, such as Romani, Maghrebian, and Afro-Latin American individuals. Similarly, findings from Ziati et al. (2022) reveal that in England and Wales, racialized individuals are twice as likely to be stopped and questioned by the police compared to white individuals, with Black individuals being four times more likely to experience such encounters.



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Using “race” as a criterion in police decision-making reflects a way of addressing criminality that bypasses impartial and thorough investigations into the circumstances of specific cases. This results in disproportionate penalties, unjust detentions, searches, and arrests of Black and Indigenous individuals. Proponents of racial profiling claim it is an effective crime prevention tool, but in reality, it reflects biases that stigmatize entire communities, perpetuate stereotypes, legitimize racism, and lead to the overrepresentation of racialized individuals in the criminal justice system.

Some examples that illustrate the tragic consequences of this phenomenon include the cases of Trayvon Martin, killed in 2012 by a neighborhood watchman who deemed him suspicious based on his appearance, despite there being no connection to any criminal activity (Botello, 2012); Kalief Browder, who at 16 was arrested for allegedly stealing a backpack and spent nearly three years incarcerated, later committing suicide, with no evidence of his guilt ever being presented (James, 2015); and Emmett Till, a 14-year-old who was lynched in 1955 after a white woman accused him of harassing her (Tyson, 2017).

Though these cases occurred in the United States, the Latin American context is not so different, as colonial racism continues to persist. In Chile, Kilombo Negrocentricxs has created spaces for denouncing racial profiling and offering solidarity to Afro-descendant men who have been victims of violence. In 2022, we supported the case of “F,” an informal street vendor from Haiti, who was shot twice in the abdomen by a Chilean Carabineros officer during a crackdown on street vendors. Local residents described “F” as a calm and friendly man, yet Carabineros treated him as a dangerous suspect from the outset. As a result of these excessive police actions, “F” endured months of recovery, surgeries, and post-traumatic stress, leaving him unable to work and impoverished.

Another prominent case is that of Louis Gentil, a 42-year-old Black man from Haiti, killed by a Carabineros officer in 2021. Police claimed Gentil was a threat to his neighbors, allegedly wielding a machete, but officers shot him without attempting de-escalation. Later, the police report showed that Gentil was not holding a machete, yet the officer responsible faced only a warrant for simple homicide.



These cases demonstrate the violent consequences of racial profiling against Black men in Chile, where armed law enforcement agents claim to act in “self-defense” against unarmed individuals. This perpetuates the image of Black men as inherently violent, aggressive, and uncontrollable.

A more recent example occurred in June of this year when a “purple alert”³ was issued in the Yungay neighborhood of Santiago, Chile, following reports of a minor allegedly being kidnapped and assaulted in broad daylight. This neighborhood, which has a significant migrant and racialized population, has faced considerable stigmatization by the media, which sought to further criminalize immigrants and justify racist policies. In response to the purple alert, a feminist organization released a statement referring to the assailants as “four Afro-descendant men.” This characterization was subsequently exploited by media outlets and right-wing commentators to legitimize their racist narratives.

These cases demonstrate that not only do law enforcement officers, but also members of civil society, unleash excessive violence on Black individuals, often without evidence of their involvement in criminal activities. They underscore the importance of addressing how Black bodies, especially Black men, are viewed through the lenses of criminalization and hypersexualization—where their very presence is perceived as a threat. The hypersexualization of Black bodies, both male and female, has deep historical roots dating back to colonialism and European enslavement, which constructed a narrative portraying Black men as inherently dangerous and hypersexual, justifying their subjugation and control (Fanon, 1973). Black women, similarly, were subjected to brutal sexual exploitation, with their reproductive capacities exploited for European gain. These historical stereotypes persist today, shaping societal perceptions and affecting the treatment of Black individuals across various domains, including the criminal justice system.

Hypersexualization is closely linked to the dehumanization of Black people, reinforcing the belief that they are inherently aggressive and dangerous, requiring heightened surveillance and punishment. In police interactions, these stereotypes can lead officers to overreact,



³ A “purple alert” refers to a call from feminist collectives in response to incidents of gender-based violence.

interpreting any movement as a threat. This distorted perception not only fuels police violence but also impacts Black individuals' social experiences in employment, education, and public spaces. The criminalization of Black bodies, particularly men, has consequences that range from social stigma and racial profiling to tragic cases like Emmett Till's.

Within institutions such as prisons and psychiatric facilities, racism leads to the disproportionate persecution of Black men, often resulting in lifelong incarceration or long-term institutionalization. The prison system, which predominantly confines Indigenous, Black, and racialized migrants (Davis, 2011), both mirrors and amplifies the racial biases present in broader society. Research indicates that Black and Indigenous men are more frequently arrested, convicted, and sentenced to harsher punishments than their white counterparts for comparable offenses (Ramírez, 2015; Ziati et al., 2022). This disparity arises from factors such as racial profiling, explicit and implicit biases among judges and prosecutors, and sentencing policies that disproportionately affect racialized communities.

Using racial categories as tools for identifying suspected criminals, as previously mentioned, is not effective for making justified arrests. Instead, it merely criminalizes entire racialized populations, delegitimizing their presence in public spaces (Ziati et al., 2022). This racialized suspicion can escalate into violent and unjustified acts committed under the pretext of public safety, further eroding social trust and cohesion.

Another complex issue is the conversation around punitive justice and the vision of a society that moves beyond prisons. This would entail developing alternative forms of rehabilitation for individuals who harm others, focusing on reparative justice for victims. Most incarcerated individuals are not violent offenders but are often involved in property crimes or caught in cycles of substance abuse.

Advocating for racial, social, and economic justice requires intervention strategies centered on equity. This could involve strengthening community support networks and addressing substance addiction as a health issue rather than a criminal one. Ultimately, this would promote a care-based approach rather than punitive measures. As Davis (2011) and Foucault



(1983) observe, the penal system and punitive institutions are deeply embedded in society, requiring compassion and creativity to reimagine alternatives.

In conclusion, racial profiling and biases within the penal system are systemic issues that necessitate comprehensive and multifaceted solutions. Addressing these injustices requires the implementation of reforms that promote accountability in policing and judicial practices. This includes training law enforcement personnel in racial sensitivity and cultural competence, as well as revising sentencing policies that contribute to racial disparities. Additionally, establishing oversight mechanisms to investigate cases of abuse, excessive use of force, and discrimination by these agents is essential.

Moreover, it is imperative to foster a cultural shift that challenges and dismantles racial stereotypes, hypersexualization, and the criminalization of Black bodies. Achieving this requires a concerted effort from media outlets, educational institutions, governmental bodies, workplaces, and communities to promote fair and respectful representation of all individuals. The struggle against discrimination in the penal system is fundamentally a matter of human rights and social justice.

The rise of far-right and conservative movements, even within purportedly progressive circles, often relies on creating scapegoats through overt or subtle discriminatory narratives. The aforementioned statement, despite originating from a feminist organization, inadvertently aligns with conservative racism and xenophobia, thus legitimizing racial discrimination under the guise of progressivism. This is not to suggest that sexual assault should be legitimized, but rather to rethink how such incidents are communicated to avoid further criminalizing Afro-descendants. Conversely, from an anti-racist and intersectional feminist perspective, it is vital to engage in discussions regarding justice in cases of sexual abuse that emphasize repairing harm to victims and reforming offenders. This approach must extend beyond the purely punitive logic that often permits impunity for rapists, pedophiles, and feminicides, particularly when the perpetrators are white or belong to higher socioeconomic strata.



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The Racist Background of Prisons

By: Catalina Buzú

The prison system in Western societies has been the subject of extensive criticism and debate over the years. These discussions largely stem from its racist foundations, a reality that society has yet to confront adequately. This debate is not new; it is deeply rooted in the historical, socio-political, and cultural context of America. This context perpetuates racial discrimination in various forms—such as education, healthcare access, and media representation (United Nations, 2020). Furthermore, it has intensified as research continues to uncover persistent patterns of racial discrimination within the criminal justice system (Withaekx, 2016). Thus, it is crucial to explain the racist underpinnings of prisons across the American continent. To achieve this, we must embark on a historical exploration encompassing both colonial and postcolonial structures that have shaped these societies.

The history of America is marked by colonization and slavery. Although some may be skeptical of this assertion, both phenomena established the foundations of an oppressive system based on racial differentiation that endures today. During the colonial era, European settlers imposed regimes of exploitation and control over Indigenous peoples and enslaved Africans. This analysis focuses on these two communities due to their significant roles and numbers in American history. Additionally, it considers the enduring transgenerational impacts of slavery and the genocide of Black and Brown communities on the continent's socioeconomic configuration.⁴ The transatlantic slave trade constituted one of the largest and most inhumane processes of uprooting and exploitation of human beings, resulting in the capture, torture, transport, and sale of millions of Africans as *slaves*⁵ in the Americas.

Consequently, slavery evolved into an economic institution and a systematic mechanism of social control that justified the torture and dehumanization of enslaved Africans and their



⁴ While other racialized communities, such as Chinese and other Asian groups, have also experienced discrimination and exploitation, their unique circumstances and the extent of their impact necessitate a detailed analysis that extends beyond the primary focus of this paper.

⁵ The term “slaves” is italicized to underscore that these individuals were human beings possessing identity and dignity, yet reduced to mere property through systematic dehumanization. Italics serve as a reminder that “slave” is a label imposed by the oppressor and does not represent an inherent identity of those subjected to these brutalities.

descendants. The “slave codes”⁶ established severe and disproportionate punishments for enslaved individuals, creating direct precursors to modern punitive practices that continue to affect Black populations. In the United States, the post-abolition era saw the implementation of Jim Crow laws,⁷ which institutionalized racial segregation and criminalized African Americans for minor offenses, thereby maintaining control and exploitation.

In Latin America and the Caribbean, the legacy of slavery and discriminatory policies similarly manifests in various practices that perpetuate racial oppression, akin to the slave codes and Jim Crow laws in the United States. Although the specific forms these laws took varied by historical and territorial context, the oppressive and exclusionary structures shared fundamental principles. During the colonial period, slavery laws in Latin America and the Caribbean significantly impacted the lives of Africans and their descendants, as they were designed to control and exploit *slaves*, ensuring their subordination to the European and Creole elite.

Noteworthy examples include the “*códigos de las partidas*,”⁸ which, although primarily applicable in Spain, influenced Spanish colonies in Latin America. These codes contained provisions that regulated the treatment and conditions of enslaved individuals, imposing severe and inhumane punishments while restricting their mobility and rights. Similarly, the Code Noir of France,⁹ applied in French colonies in the Caribbean, such as Saint-Domingue



⁶ The “slave codes” encompassed a series of norms and regulations implemented in European colonies throughout the Americas to regulate every aspect of the lives of enslaved people. These laws sanctioned brutality and dehumanization within slavery practices, instituting severe punishments for minor infractions and imposing stringent restrictions on the movements, activities, and rights of enslaved individuals. Their primary purpose was to maintain absolute dominion of owners over the enslaved, thereby ensuring the perpetuation of the slavery-based economic system.

⁷ The Jim Crow laws constituted a set of state and local statutes in the United States, predominantly in the southern states, from the late 19th century until the mid-20th century. These laws enforced strict racial segregation in public and private domains, including schools, transportation, and recreational areas. Additionally, Jim Crow laws incorporated legal measures that disproportionately criminalized African Americans, effectively establishing a system of mass incarceration for Black individuals.

⁸ These were a body of laws codified in the 13th century during the reign of Alfonso X of Castile in Spain. Although primarily concerned with regulating life and property in the Iberian Peninsula, these laws also exerted influence over Spanish colonies in Latin America. Regarding slavery, the codes included various provisions governing the living conditions and treatment of enslaved people, thereby contributing to the oppressive framework of the slavery system in the colonies.

⁹ The Code Noir was enacted in 1685 by King Louis XIV of France to regulate the lives of enslaved individuals in French colonies. Although it was framed as legislation guaranteeing certain protections, such as medical care and prohibitions against family separation, its provisions primarily served to sustain the institution of slavery.

(now Haiti), theoretically offered certain protections but ultimately reinforced control and exploitation.

After the abolition of slavery in Latin America and the Caribbean, various legislations and dynamics continued to sustain racial discrimination. For instance, in Brazil, although there were no formal segregation laws as seen in the southern United States, racial segregation practices were prevalent. In the early 20th century, policies excluded Afro-descendants from specific occupations and urban areas, perpetuating socioeconomic disparities that impacted individuals and their descendants across generations.

These examples illustrate that, in many Latin American and Caribbean nations, racism persists as a direct consequence of their violent colonial past. Although formal segregation laws may have disappeared, the effects of these regulations and historical factors remain palpable today. The enduring impact of racism is linked to its ability to adapt and reinvent itself.

A notable consequence of slavery is the pervasive suspicion of individuals based on skin color or ethnicity, manifesting as racial profiling, a term we use today. This persistent issue contributes to racial disparities in the prison system, which predominantly consists of Black and Brown individuals. This situation primarily arises from the historical fact that, since the colonial era, those at the bottom of the social hierarchy have been Black and Indigenous people. This historical reality translates into a lack of access to basic needs and limited opportunities for social mobility. This cycle perpetuates across generations, with the “solution” often proposed as the whitening of the population through reproduction. However, this notion represents little more than an empty promise, taking at least three generations to manifest due to inherent genetic variability. The whitening process is slow and contingent upon the phenotypic expression of genes, which can vary considerably from generation to generation. The outcome of this process is inherently uncertain, as it remains subject to random genetic factors. Therefore, population whitening not only proves inadequate in addressing significant racial inequality but is also fraught with uncertainties and biological variations.



Law enforcement disproportionately detains and searches Black individuals compared to their white counterparts (Davis, 2003), often relying on racial stereotypes designed to homogenize and control the Afro population rather than on actual suspicious behavior. This profiling leads to higher arrest rates, consequently increasing incarceration rates among racialized communities. The practice of “stop-and-frisk”¹⁰ in New York exemplifies this trend, with data showing that African Americans and Latinos are disproportionately stopped and searched compared to white individuals.

Statistics indicate that Black individuals face excessive rates of arrest, prosecution, and sentencing to longer prison terms compared to their white counterparts for similar offenses. Research has demonstrated the presence of implicit bias within the judicial system, affecting decision-making at every stage of the process—from arrest to sentencing (Eddo-Lodge, 2021). For example, Afro-descendants are more likely to be convicted of drug offenses despite similar rates of drug use among white individuals. While drug use and trafficking occur at comparable levels across different demographics, punitive laws concerning drug-related offenses have disproportionately impacted Black individuals. Additionally, Black individuals who are convicted face harsher treatment and sentences than their white counterparts for comparable offenses. This trend contributes to the mass incarceration of Black individuals, which devastates entire communities and families, perpetuating cycles of poverty and criminality.

Moreover, economic disparities play a critical role in the racist foundations of the prison system. Black communities often lack access to adequate legal resources, increasing the likelihood of receiving more severe sentences. Furthermore, poverty and limited economic opportunities heighten the probability of engaging in illegal activities for survival, leading to increased incarceration rates within these populations.



¹⁰ This term refers to the practice of detaining and searching individuals by police without a judicial warrant. Data from the American Civil Liberties Union (ACLU) and various reports indicate that these practices have resulted in a significant level of racial discrimination and heightened tensions between communities and law enforcement.

The absence of educational and employment opportunities makes Black individuals more *vulnerable*,¹¹ making them more susceptible to involvement in the criminal justice system. The privatization of the prison system has exacerbated these racial inequalities. Private prisons have a financial incentive to maintain high incarceration rates, which generally translates into more aggressive policies. Conditions within these facilities are often worse and disproportionately affect racialized inmates. The profit motive of corporations managing these prisons results in cuts to rehabilitation, education, and reintegration programs, perpetuating cycles of recidivism and incarceration. Doesn't this echo the legacy of slavery?

The history of torture and inhumane treatment of Black individuals in prisons is deeply rooted in social norms. From the forced labor of plantations to the practices of solitary confinement and violence within prisons, methods of torture and racism have remained constant. These practices aim to punish, dehumanize, and break the will of individuals, reinforcing a traumatic and violent cycle that affects Black communities across generations. Overcrowded conditions, inadequate medical care, and abuse by prison staff reflect the legacy of colonial and slavery eras.

Incarceration yields long-term devastating consequences for Black individuals, including the loss of voting rights, difficulty in securing employment, and social stigmatization. These repercussions extend to future generations. A criminal record significantly hinders many former convicts from accessing employment, housing, and other essential resources necessary for successful reintegration into society.

The contemporary prison system is a direct legacy of the racist structures established during the colonial and slavery periods. The relationship between historical racism and current criminal justice practices reveals a troubling pattern: the penal system has been implicitly designed to perpetuate racial inequality and exclusion. Continued discrimination via racial profiling, disparities in prosecution and sentencing, and the inherent exploitation associated with the privatization model of prisons reinforce a systematic cycle of oppression that dates



¹¹ The word “vulnerable” is italicized to emphasize that it does not imply an inherent vulnerability of racialized individuals due to their “race” or ethnicity; rather, it signifies the vulnerability that emerges from external factors that subject them to adverse conditions.

back centuries. This issue is not merely a relic of the past; it is a pressing reality with ties to historical injustices and demands urgent reform. Transforming the criminal justice system necessitates a thorough examination of its practices and structures, compelling us to question assumptions that have long gone unchallenged.

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