

Punishment as a device of power and dominance within the geo-social building of Iberian America

A punição como um dispositivo de poder e dominação dentro da construção geosocial da América Ibérica

El castigo como un dispositivo de poder y dominio dentro de la construcción geo social de Iberoamérica

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Abstract

In the geo-social building of Iberian America, punishment must be deciphered and understood in retrospect, as a colonial institution within which rationality was subject to social, economic and political forces and forged through historical events. In other words, punishment contributed to the settlement of the colonial authority as guarantor of hierarchical and unequal social relations. Thus, decoloniality offers a historical account and intersubjective viewpoint from the perspective of the “other” on processes of power and dominance enacted upon the non-white population in the Americas through punishment as a racialised device. The colonial punishment regime might be seen as governance and institutional regulation over the population, in particular, the labour force. Colonial difference throughout state social restraint provisions enforced generalised forms of behaviour for territory and population. In general terms, colonial difference placed who and how to punish across social interactions between ruler and ruled.

Key-words

Punishment – coloniality – race – difference – other.

Resumo

Na construção geosocial da América Ibérica, a punição deve ser decifrada e entendida em retrospecto, como uma instituição colonial submetida a forças sociais, econômicas e políticas e forjada ao longo dos acontecimentos históricos. Em outras palavras, a punição contribuiu para o estabelecimento da autoridade colonial como fiadora de relações sociais hierárquicas e desiguais. Assim, a decolonialidade oferece um relato histórico, uma perspectiva e olhar intersubjetivo do “outro” acerca dos processos de

poder e dominação sobre a população não branca nas Américas por meio da punição como um dispositivo racializado. O regime de punição colonial pode ser visto como um modo de governança e regulação institucional sobre a população, em particular, a força de trabalho. A diferença colonial e suas disposições de restrição social impuseram formas generalizadas de comportamento para o território e a população. Em termos gerais, a diferença colonial definia quem e como punir, e refletia, ainda, sobre as interações sociais entre governante e governado.

Palavras-chave

Punição – colonialidade – raça – diferença – outro.

Resumen

En la construcción geo social de Iberoamérica, el castigo debe ser comprendido en retrospectiva: como una institución colonial que se ha forjado a través de hechos históricos, y dentro de la cual la racionalidad está sujeta a fuerzas sociales, económicas y políticas. En otras palabras, el castigo contribuyó para el asentamiento de la autoridad colonial como fiadora de relaciones sociales jerárquicas y desiguales. Por lo tanto, la decolonialidad ofrece una nueva perspectiva histórica y un punto de vista intersubjetivo desde la mirada del "otro" sobre los procesos de poder y dominio que se ejercen sobre la población no blanca en las Américas. O sea, entiende el castigo como un dispositivo que se constituye en términos raciales. El régimen de castigo colonial puede ser entendido como gobernanza y regulación institucional sobre la población y, en particular, sobre la fuerza laboral. La diferencia colonial en todas las disposiciones estatales de restricción social impusieron formas generalizadas de comportamiento para el territorio y la población. En términos generales, la diferencia colonial definió quién y cómo castigar. Reflejaba, aun, las interacciones sociales entre gobernantes y gobernados.

Palabras-clave

Castigo – colonialidad – raza – diferencia – otros.

Sumário

Introduction; Punishment and the geo-social building of Iberian America; Punishment and three colonialities: power, being and difference; Punishment and Colonial Difference

Introduction

Punishment itself supposedly imposes stable social relations, which meanings and purposes differ according to historical, socio-cultural, and political contexts. Therefore, it has a complex political function related to the establishment of power, authority, and hierarchised social life. In this perspective, punishment enforces and sustains social relations through structured political dispositions upon the punished and the punisher. For McBride (2007, p. 14), punishment is a political issue, an expression of the strength and administration of power. Those who are punished have no legitimate voice concerning punishment itself. Also, it is seen as a central component of

the socio-political order, since its consent, affirmation, perception and visualization play an important role in maintaining the social structure. To such a degree, punishment is administered to achieve an ideal construct of society, to ensure compliance with the laws and social norms of coexistence. Thus, the legal authority punishes when the ideals of a certain socio-political order are threatened, the purpose is to stop disorder and restore order. McBride takes punishment as an active relationship between the legal authority and power, a constant negotiation between the State and the population about the political ideals to be achieved and their practical administration. The punitive system constitutes the primary mechanism for the establishment and sustenance of hierarchical authority.

Foucault (1977, p. 149) argues that punishment is not constituted exclusively by its repressive purpose, but also through the symbiotic relationship between social structure and its forms of political authority. In this fashion, punishment combines the exercise of sovereignty, hierarchy and constant and dispersed discipline, which operates control and domination of human lives. Besides, one of its functions is to emphasise the socially and culturally constructed characteristics of the individual who is punished. Punishment enlists each individual within a disciplinary regime that focuses not only on controlling the individual, but on producing integrated and useful subjects. Throughout this process, the one who is punished is constantly judged, compared, differentiated and classified. Garland states (1995, p. 187; 1996, p. 448), that the various forms of punishment through history are the demonstration and evidence of political authority—the sovereignty of the State—to impose law and order within a given territory. The laws aim to manage social, political and moral tensions, and punishment enacts the recognition and support of sovereignty. McBride (2007, p. 65), points out that punishment guarantees obedience not only from those being punished, but also from those “who accept the right of the authority to punish”. Garland (1990, p. 49) indicates that punitive practices and legal authority are “the result of historical struggles and a continuous process of negotiation and contestation.” In such a way, punishment works as a vehicle for socialising individuals, as social governance and management of political interests. Therefore, legal punishment can be taken as folding social relationship that enforces structured social relations and simultaneously discrimination

in society. Also, constituting itself as a political act of power, some are punished more than others.

Such sociological perspective helps to provide and develop the meaning of punishment as a cultural and historical artefact, since it mediates social conventions, economic and political dispositions. The act of punishing, historically and sociologically, is not exclusively guided by the needs of crime control. The work of Rusche and Kirchheimer (2003 [1939], p. 89–92) is an example of the historical analysis of punitive practices as a product and materialisation of specific political and social institutions. In general, the authors state that punishment is a mechanism of class domination, which guides the development of criminal policies to control the poor. Rusche and Kirchheimer argue that the rise of the free labour force and the labour market had an influence on the choice of penal methods and their usage patterns—in capitalist accumulation—in England between the 17th and 18th centuries. Likewise, Griffiths' points out (2004, p. 9–11) how the development of criminal law in Great Britain accompanied other political and social transformations, such as the expansion of state power and urban growth between the sixteenth and eighteenth centuries. In the Spanish and Portuguese Americas, the colonial legal authority functioned effectively as a symbolic and coercive force for imposing the sovereign's will and punishing those who refused to obey. It was rightful that indigenous peoples, without faith or laws, were dominated, watched and controlled (GARLAND, 1991; GRIFFITHS, 2004; GASKILL, 2007; MIETHE; LU, 2005; CARVALHO, 2004; CEBALLOS, 2009).

It is possible to identify two different perspectives on punishment in Europe and the Americas between the sixteenth century and the beginning of the twentieth century, one central and the other marginal. The former locates punishment in the formation of the modern city, industrial development, colonialism and modern western state. Such a perspective assumes punishment as a central mechanism for the inculcation of discipline and behavioural skills, and as a constitutive element of the liberal democracy. In this way, it is part of an epistemological project to create the conditions and configuration of the State as a political subject concerning liberal values and social and economic concerns. The latter refers to profiling and segregation of individuals and social groups. Punishment after disciplining the modern workforce and

eliminating threats to political authority becomes a mechanism for cleaning and purifying society.

In the geo-social building of Iberian America, punishment must be deciphered and understood in retrospect, as a colonial institution within which rationality was subject to social, economic and political forces and forged through historical events. In other words, punishment contributed to the settlement of the colonial authority as guarantor of hierarchical and unequal social relations. The power to punish played a fundamental role in efforts for the colonial conquest, the territorial expansion and legitimacy of the colonial authority on the recognition of sovereign to impose obedience. Therefore, colonial authority reflected colonial difference between those in power and their subordinates, creating social and political inequality in the distribution of punishment. As a mechanism of power and dominance punishment affected the lives of men and women, acted to eliminate political threats and created patterns of everyday social interactions. This paper assumes punishment as a device of power and dominance in the geo-social building of Iberian America during the sixteenth and seventeenth centuries. The coloniality of punishment engendered the development of the colonial authority to attend issues related to hierarchised relations, slave regime and agrarian conflicts. Colonial punishment encompassed and perpetuated values which formed the cognitive and emotional basis of perceptions about social life and its domains, such as stratifications and stigmas in terms of class, gender and race-ethnicity. An analysis of punishment in coloniality offers, therefore, unrivalled access to the raciality implicit in contemporary neocolonial formations, as well as being a valuable and timely way to potentially open up different perspectives for thinking about punishment as a form of regulation in everyday contemporary social life.

Punishment and the geo-social building of Iberian America

This bibliographic study is based on the relevant scholarship on the role of punishment in the geo-social building of Iberian America. The colonial system of punishment played a significant role in the conquest of the Americas precisely by constructing a racial binary between white and non-white. It served specific social and political agendas that were aimed at ensuring the effectiveness of control and discipline over indigenous, enslaved, and captive populations. The notion of geo-social building

draws from the work of Walter Mignolo (2000, p. 53), who argues that the Americas is a geo-social construct that was born in the long sixteenth century. Briefly, the geo-social building of the Americas traces an overarching authority that imposed and enforced certain socio-political order over a territory and populations through the settlement of racial, political, and economic structures of European rule over non-European others. The negative identity attributed to non-Europeans could not have existed without a system of punishment to support European political and territorial dominance over the native-born population of the Americas, and which sustained slavery for over a century (HARDT; NEGRI, 2000; QUIJANO; WALLERSTEIN, 1992; QUIJANO, 2000a, 2000b; LANDER, 2000).

Theoretical accounts of decoloniality consistently demonstrate that the administration of punishment was pivotal to the building of Iberian America. Gómez (2004, p. 11) argues that is imperative to study the biopolitical condition of the Spanish and Luso colonial governments to examine the ongoing legacies of colonial punishment through an examination of historical practices, as well as the functioning mechanisms of punishment in the light of the disciplinary and control perspective. As claimed by Araya (2006, p. 352, 365), the judicial system established by colonial authorities in the sixteenth and seventeenth centuries was the application of punishment as domestication of the barbarian. From this perspective, Hensel (2002, p. 142, 149–150) claims that punishment and pain inflicted on the native-born body played a central role in the conquest of the Americas. For Blair (2010, p. 44, 48–50), the war of conquest was advanced not only by imposing sovereignty over territories but also by targeting bodies to dominate individuals and populations. Lizarralde (2005, p. 385) states that the separation of wives from their husbands, and parents from their children, through practices of punishment, was part of territorial control. Punishment was used time and again as a means of colonial conquest and exploitation, indeed, as an initiative for greater centralisation of power to address economic demand.

For instance, in 1545, there was an Inca rebellion in what is today known as Peru, which was definitively defeated in 1572. This rebellion and defeat were a means by which colonial authorities established jurisdiction over the colonised territory and population, and through which the mining sector was economically strengthened by the use of the captive indigenous workforce. In Portuguese America one also finds

examples of indigenous slavery throughout the sixteenth and seventeenth centuries: after the war of Açú (1650–1720) in today's northeast of Brazil, the dynamic lasted more than half a century, which ensured the necessary workforce and lands for the sugarcane economy and the livestock for the support of the sugarcane society. The Portuguese conquest, likewise, had to handle fugitive African slave settlements to retain control and ensure stability of power over the territory. These examples signal the significance of the related construction of a judicial praxis and colonial statute law that developed particular codes to strengthen the cultural significance of law's role concerning the difference between oppositional identities. A decolonial theoretical approach enables a rich and revealing analysis of punishment as the medium of political and economic domination over a geographic unit—in this case, Iberian America — providing an account of punishment as a process of dominance that affected and became entrenched in, all social domains (MEDINA, 2005; BETHELL, 1985; BONILLA, 1977; DIAS, 2001; GRINBERG, 2005; MARÍN, 2011; MEDRANO; VALLE, 1998; MELLO, 2018; PRESCOTT, 2005; SCARDEVILLE, 2000; SCHWARTZ, 2011; AGUIRRE, 2009; BES, 2015; MONTEIRO, 1994; TAGLE, 2002; DU BOIS, 1994[1903]; DUARTE et al., 2016).

Hence, the coloniality of punishment played a significant role in the conquest of the Americas by constructing a racial binary between white and non-white. There is good reason, therefore, to assume that the fusion of colonialism, slavery, and punishment was crucial to the geo-social building of the Americas and raised the development of legal authority and the colonial and racial significance of law's role in giving form to the difference between oppositional identities. This is productively linked to decolonial theory, since it challenges existing historical narratives and analytical approaches by adding or (re) constructing analysis based on colonial punishment. As Bhabra (2014, p. 116) observes, decoloniality addresses a longer time frame — fifteenth century onwards— and “is more about re-inscribing ‘other’ cultural traditions into narratives of modernity and thus transforming those narratives—both in historical terms and theoretical ones—rather than simply renaming or re-evaluating the content of these other ‘inheritances’.”

Thus, decoloniality offers a historical account and intersubjective viewpoint from the perspective of the “other” on processes of power and dominance enacted

upon the non-white population in the Americas through punishment as a racialised device. Decoloniality emphasises how the colonial construction of difference has played a continuing role in the processes of social classification, de-classification and re-classification of a given population. Such a theoretical account also points to the colonial establishment and enforcement of a new mental category of race sustaining intersubjective relations and social practices of power. Colonial difference lies, for example, at the heart of the power relations whereby subaltern experiences and lives were constructed and defined concerning a dominant Eurocentric conception of the world—a world superimposed over multiple pre-existing pluriverses worlds. Decoloniality also provides valuable insights into the formation of territory and population as abstractions structured in the service of a new totality of power—the coloniality of power—founded on the imposition of a cultural and biological identity. The theory centrally highlights raciality and race as pivots for the coloniality of power, revealing how figures of alterity unfold a complex structure reflecting the negative construction of non-European others, and in what way the construction of colonial alterity worked first through a logic of segregation and then set up a series of binary oppositions (BHAMBRA, 2014a, 2014b; DUSSEL, 1992; MIGNOLO, 2000; QUIJANO, 1992, 2000).

The idea of coloniality of punishment emerges clearly as an authoritative relationship between punisher–punished, from the dynamics of power relations with regard to the non-white population and colonial authorities. Putting the matter bluntly, punishment granted direct political power and imposed legal authority on a non-white population, and furthermore defined identities and managed the imperative structures of dominance. In such a way slavery and punishment were brought into an intimate nexus as strategies supporting the colonial social structure, by deploying the non-white identity as a core requirement of the slave economy and social and political structures of coloniality of power. The colonial punishment regime was aimed at a strategic sector of the population—the (slave) labour force—and operated as a key institutional tool of colonial law to support global regulation of subjects. Therefore, the non-white population was defined and interpreted as a menace to the slave economy and socio-political order. The daily realities of subjection were normalised by the coloniality of

punishment, and the juridical enforcement of racialised relations turned the legal system itself into effective support for the reinforcement of negative social identities.

The coloniality of punishment integrates race and slavery as historical and sociocultural dimensions of the geo-social building of Iberian America. The working assumption is that the coloniality of punishment was and is an outcome of a structured process, and therefore, can be seen as articulated practices and ideas of social and political order, and thus as a sociocultural form of life. Such approach is supported by Mignolo's (2011, p. 80) claims, which help to ground the coloniality of punishment in terms of "geopolitical and bio-graphics politics (e.g., body-politics, not bio-politics)." Raciality is the point of articulation of the imaginary constructed in and from the commercial circuit of the Atlantic and became the cog in establishing patterns of colonial difference. The epistemic relations between punishment, the justice system and non-white bodies in the conquering of the Americas map out how punishment appears to assume this force through the repeated enactment of law's violence upon non-white bodies as a performative aspect of the colonial difference (BHAMBRA, 2016; COLE, 2007a, 2007b; GIDDENS, 1985; MAcDOWALL, 2009; TESTART, 2013; TILLY, 1990; DERRIDA, 1986, 1993; McINTURFF, 2000; PIERCE, 2001; RAO; PIERCE, 2001; SALDANHA, 2015).

The insignia of punishment as colonial authority settled—as was noted above—on non-white bodies constructed as threatening and hostile. On that account, the social and cultural distinction between who punishes and who, is punished forges social structures in which the non-white body's attributes predicts punishment more than any putative wrongdoing. In this way, punishment worked in order to reestablish the non-European body's place in the social life. Thus, punishment modulated and reinforced cooperative behaviors, to ensure stable or at least predictable social relationships. Hence, coloniality of punishment is a cultural-social mechanism by which the bodies of Amerindians and Africans must be controlled by law.

Punishment and three colonialities: power, being and difference

Punishment in colonial times operated as a device to enforce social cohesion and for affirming colonial authority over populations based on race. The racialisation of the colonial system of punishment, in short, is the fulcrum that stabilised meanings

around being “Amerindian” and “black” in the colonial conquest. Punishment embodied racial relations to remind non-white individuals and peoples of their position within the spatial and social structure of coloniality, enforcing binary material relations such as the prohibition against indigenous inhabiting urban space and their confinement to peripheral areas. Therefore, coloniality of power and being one way or another drew the colonial experience of the peoples of the Americas from the very beginning. More precisely, the coloniality of difference lies at the heart of the power relations whereby subaltern experiences and lives were constructed and defined concerning a dominant Eurocentric conception of the world. The colonial construction of difference played a role in the enforcement of intersubjective relations based on race which sustained social practices of power. Race provided structured abstractions in the service of a new totality of power founded on the imposition of a cultural and biological identity. Raciality was central pivot and ways in which figures of alterity unfold a complex structure reflecting the negative portrait of non-European others. Colonial alterity worked first through segregation and then—in tandem with the trope of modern sovereignty—set up a series of binary oppositions. These oppositions include the binary white and non-white, but also other oppositions, such as inside and outside, ruler and ruled, punisher and punished. Punishment emerged as a way of determining alterity and reinforcing an authoritative delineation of duality, and racially asymmetrical identities were the result of heterogeneous and conflicting processes of a pattern of power in space and time. In particular, punishment can be read as a way of shoring up the non-white identity as a core requirement of the broader social and political structures of coloniality (MIGNOLO, 2000; QUIJANO; WALLERSTEIN, 1992; QUIJANO, 2000a, 2000b; DUSSEL, 1992; HARDT; NEGRI, 2000; LANDER, 2000).

The hierarchisation of colonial differences through the modulation of racial subordination attended economic and political purposes, and established oppositional social identities as potential conflicts. Colonial difference was a way to enforce power relations. Thus, colonial law developed particular codes that pushed forward processes of dominance through a central authority. The distribution of social identities as white and non-white populations addressed the needs of power relations and continuous reproduction of these asymmetrical identities. Distinctly, the identity as non-white served a two-fold purpose: maintaining the slave economy, and the social and political

structures of coloniality. Colonial difference was constitutive of the colonial world, and race became the gearing of the coloniality of power, founded on a cultural, biological and integrating identity. The geo-social building of the Americas was both; system and hierarchy, sustained through norms and far-reaching production of legitimacy and governance over territory and population (MIGNOLO, 2000; QUIJANO; WALLERSTEIN, 1992; QUIJANO, 2000a; WALLERSTEIN, 1974; DUSSEL, 1992).

The colonised other turned out to be a target of the coloniality of power, and the segregation of identity shifted to a mode of dominance which integrated or punished the other. In this context, race was the constitutive cornerstone and specific element of the coloniality of power, based on the imposition of racial classification. Race as the cornerstone of this pattern of power operated in all dimensions of social life, in material and subjective terms. The Eurocentric perspective defined colonial life in terms of exploitation, domination and conflict, which constituted power and social structures of the new world. Therefore, in the geo-social building of the Americas, the punishment of the "other" was developed and formalised in a way to give account to the subordination of peoples. Punishment implied consistent relationships between the heterogeneity of colonial relations and the distribution of power among the peoples classified socially and racially. Hence, it was a way to determine their reciprocal relations and generate their social differences, since their differentiable characteristics were the result, sign and trace of power relations (HARDT; NEGRI, 2000; DUSSEL, 1992; QUIJANO, 2000a, 2000b).

Punishment in the colonial world reflected the social classification of peoples of the Americas by the coloniality of power: work, gender and race. The act of punishing oneself exposed the power relations and the social classification, and processes of the subjectivation of a population in cultural and "biological" terms. The geo-social building of the Americas included the differential phenotyping attribute as a social category, which operated in material and subjective dimensions of everyday life. The non-European was perceived as "pre-modern." Thus, the coloniality of cultural relations objectified and imposed patterns of subjectivity that pervaded the social existence and historical experience of peoples of the Americas. This curbed the identity of non-European subjects and the whole history of the Americas, and constituted patterns of domination between settlers and "others." Such a hierarchical relationship between

identities enhanced cultural and political domination through designed institutions of societal control intended for the preservation of that distribution of social identities (QUIJANO; 2000a, 2000b; LANDER; 2000).

The coloniality of punishment also highlights the imbalance in social relationships regarding the African diaspora within the Americas, which served a two-fold purpose: maintaining the slave economy and the social structures of whiteness. Hence, in an account from the perspective of coloniality, the interplay between slavery and punishment seems to reflect a pattern of dominance upon bodies and identities. Slavery and punishment interact, setting up a strict hierarchical authority throughout the colonial social structure, whereby people turn into “goods” and are denied proper identities. In other words, punishment granted direct political power and imposed legal authority acted to define identities and control the displaced Africans within the Americas, as some sort of institutional management of the imperative structures. Therefore, it is reasonable to say that the conflation of slavery and punishment supported the geo-social building of the Americas, which raises questions about the spatial and temporal organisation of legal authority towards non-Europeans. The role and operation of law in colonial America reflects the ideological, social and political needs of the power relations of this European and Non-European society. Rather than representing social cohesion, the judicial practice emphasised the difference between white and non-white, firstly with the Native Americans and afterwards with the Africans (LABAUNE-DEMEULE, 2015).

Punishment also might be seen as a political response to threats to the slavery society, represented by slaves’ violence or slave rebellions. On that account, it is fair to say that punishment was inseparable from the primary dynamics of power relations between Non-European and state authorities. Remarkably, the slaves constituted a group for whom almost any “action” might be defined and interpreted as treachery to the social order of slavery. As a result, the colonial statute law developed to feature actions by slaves in particular codes, which made explicit the sovereignty of the state overall. In addition, such slave codes further strengthened the cultural significance of law relating the difference between European and Non-European identities (PATON, 2001).

Punishment and Colonial Difference

A focus on punishment, as a long-term historical process concerning the geo-social building of the Americas, enables an exploration of the outcomes of social-cultural arrangements of the authority and control upon non-Europeans. Punishment worked in conjunction with forms of racism based on colonial difference. Within colonialism, a person was defined primarily in dialectical relation to the other, whereby the coloniality of punishment established colonial difference as a system of control. Hence, the coloniality of punishment forged social structures in which non-white bodily attributes were predicted as putative wrongdoing. It emphasises how colonial punishment based on bodily biographics played a role in the processes of social classification of the population of the Americas. Western societies constituted and reconstituted the negative identity of race through punitive racialisation, and the penal system represents the point of gravity that stabilises meanings about the Amerindian and black being in the colonial project of Modernity. Such penal system cannot be understood without colonial racial relations. In other words, the racialisation of colonial punitive systems is not a one-off event, but the constituting process of colonial difference, spatial segregation and enslavement grounded on race. Thus, colonial penal control affected the creation of historical and social identities in terms of race as unitary and subjective characteristic.

The colonial punishment regime might be seen as governance and institutional regulation over the population, in particular, the labour force. Colonial difference throughout state social restraint provisions enforced generalised forms of behaviour for territory and population. In general terms, colonial difference placed who and how to punish across social interactions between ruler and ruled. Colonial punishment was settled on cultural differences and social and political dominance. However, it did not destroy the native powers, and on the contrary, included them in the network. Punishment itself as a resource of power and dominance exposes racial relationships as an emerging scheme and cultural trait of colonial punishment. Therefore, colonial punishment gained character, substance, purpose and motivational force, in cognitive and heritage terms, as an evolving construct to attend culturally organised social life and historical patterns of the Americas (COLE, 2007a, 2007b; MaCDOWALL, 2009; TESTART, 2013).

The colonial punishment machinery was ascribed as a way of governance, structural and functional, of non-European bodies living social relationships of coloniality. Sociologically, the interaction between punishment and structured features and practices emerging from coloniality relies on the social identity-building processes and sociocultural outcomes. In behavioural and social matters the colonial difference designated non-European bodies as hostile threats. Thus, punishment amounted to a kind of socialisation of subaltern subjects and social groups, by way of cooperative behaviours, to ensure stable or at least predictable social relationships. Culturally, coloniality forged social structures in which the attributes of non-European bodies predicted punishment rather than wrongdoing. Punishment, as a core of power and dominance, was embedded in all sorts of morality and prejudices of law (TILLY, 1990; GIDDENS, 1985; RICO, 1998; SALVATORE, 1998; SMITH, 2008).

Coloniality was a cultural-social and normative process which shaped the new world struggles, and commanded state dominance over a hierarchical and unequal social life through punishment. Punishing meant dealing with power relations, social structures and arranged regimes of status hierarchies, cultural identity and sexuality. Thus punishment, as well as coloniality, embraced cultural forms, since it integrated different purposes of the larger-scale state authority: political, economic, aesthetic or otherwise. Therefore, the processes of technification of punishment as a control device in the Americas relates to social history, race, gender, culture, violence and law as the increasing and strengthening of the “watch” over natives, blacks, women, and political dissidents. In other words, the punishment meant to regulate subaltern actions and assign expected consequences to unacceptable behaviour (SPIERENBURG, 2013; LeGRAND, 1994; SALVATORE, 1998).

Such sociological approaches capture and reflect upon the dilemma of subjectivities created by—and circling—colonial difference. Du Bois (1994[1903], p. 18–22) and Frantz Fanon (2008, p. 86–88, 90), give racism a decisive role in understanding colonialism as political and economic domination over an external geographic political unit, usually inhabited by people of different races and cultures. Colonialism and slavery established an extremely asynchronous dominance system by combining punishment as the means and ends towards control and subordination of the colonised “race.” Therefore, the intercrossing of punishment and race in the struggle for colonial

economic and political interests was a process of violence that affected and became entrenched in all corners of life. Such a perspective enhances insightful observations about the ongoing and expanding icons of punishment: whom, why and how to punish. At both macro and micro levels, the understanding of punishment in the geo-social building of the Americas allows for an exploration of the relational process of cultural and historical racialisation of punishment. In this way, punitive patterns of both continuity and change disclose the sociological dynamic of punishment as a symbolic struggle about “racial” dominance over subalternised groups, enslaved and original peoples. Race forged colonial identities and biopolitics differences, population control and social cohesion, affirmation of legal authorities to punish inhabitants for their “hostilities.” Thus, punishment assumed a disciplinary character among subalternised groups, and was an affirmation of segregation between white and non-white. There is an amount of agreement to interpret racial meanings and racial structure that came into being throughout the intercrossing of colonial difference and punishment. This helps to understand why the passage from the colony to nation did not mean abolition of corporal punishment. Non-white individuals knew at all times which side of the boundary they were on, as well as their institutionalised life chances. Yet, provincial rulers and local elites enforced and legitimated state monopoly on violence through the right to punish “lower quality” individuals in the legal system. Also, the intensive use of captive labour was encouraged so that imprisoned slaves could be used in public interventions and commercial enterprises.

In short, the coloniality of punishment might be understood through several correspondences between colonial difference and race, indeed, as the racialisation of punishment. Contemporary hierarchical-racial relations were established within specific social practices of punishing, which marked the trajectory of people and certain social groups. Punishment in one way or another affected intersubjectivity and personal ambiguities. Further, it reveals social and cultural problems concerning the non-white subject who is summoned as hostile and immersed in a network of prejudiced attitudes.

Notas

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