

### Go off on a tangent! #3

#### You can start from any passage in Foucault's *Discipline and Punish*

1. "What do children learn at school? They go varying distances in their studies, but at any rate they learn to read, to write and to add – i.e. a number of techniques, and a number of other things as well, including elements (which may be rudimentary or on the contrary thoroughgoing) of 'scientific' or 'literary culture', which are directly useful in the different jobs in production (one instruction for manual workers, another for technicians, a third for engineers, a final one for higher management, etc.). Thus they learn know-how.

But besides these techniques and knowledges, and in learning them, children at school also learn the 'rules' of good behaviour, i.e. the attitude that should be observed by every agent in the division of labour, according to the job he is 'destined' for: rules of morality, civic and professional conscience, which actually means rules of respect for the socio-technical division of labour and ultimately the rules of the order established by class domination. They also learn to 'speak proper French', to 'handle' the workers correctly, i.e. actually (for the future capitalists and their servants) to 'order them about' properly, i.e. (ideally) to 'speak to them' in the right way, etc.

To put this more scientifically, I shall say that the reproduction of labour power requires not only a reproduction of its skills, but also, at the same time, a reproduction of its submission to the rules of the established order, i.e. a reproduction of submission to the ruling ideology for the workers, and a reproduction of the ability to manipulate the ruling ideology correctly for the agents of exploitation and repression, so that they, too, will provide for the domination of the ruling class 'in words'. (Louis Althusser 1970 "Ideology and Ideological State Apparatuses")

<https://www.marxists.org/reference/archive/althusser/1970/ideology.ht>

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2. "El Sexto" is a short novel that narrates Arguedas's prison experience between 1937 and 1938 in one of the most well-known prisons in the capital. Gabriel Osborn, the author's alter ego, is a university student who was imprisoned for his activity as a student leader. Young and idealistic, prison will mean for him to get to know the criminal world up close. Forced to live with murderers, criminals and detainees of all kinds, Gabriel sees his life and his sensitivity threatened by coming into contact with the criminal scum of which he begins to be a part. In the

development of the story we find three constitutive axes that make this experience known to us: the various political registers of the prison, the debasement of the inmates and the ideals of the protagonist from a shared ethnic horizon. Those three nuances are what make up the horror of the eleven months that the author was imprisoned. Hence, in the work, everything is decadence and disappointment on the part of the young student, on the part of Arguedas himself.

<http://www.casadelaliteratura.gob.pe/sesto-jose-maria-arguedas-libro-la-semana/>



3.  
Annette Messenger, *Mes vœux*, 1988, black and white photos, thread, variable dimensions, © Annette Messenger  
<https://awarewomenartists.com/en/artiste/annette-messenger/>

4.

“Esa noche, la policía mató también a Víctor Manuel Lugo, el chofer del autobús donde viajaban Los Avispones, equipo de fútbol de Tercera División al que pertenecía El Zurdito; a Blanca Montiel Sánchez, una mujer que viajaba en un taxi, porque tenía una urgencia, hacia casa de su hermana; y a tres estudiantes de la Escuela Normal Rural Raúl Isidro Burgos de Ayotzinapa: Julio César Ramírez Nava, Daniel Solís Gallardo y Julio César Mondragón Fontes. Esa noche desaparecieron también 43 jóvenes, la mayoría en su primer año de estudios. No llevaban ni dos meses de clases.

“Fue el Estado”, “Fue el Estado”, gritan. Y el Informe Ayotzinapa realizado por **el Grupo Interdisciplinario de Expertos Independientes, GIEI**, lo confirma: *Antes de los hechos los normalistas tuvieron seguimiento tanto de la policía federal, como de la estatal y del ejército, que tenían conocimiento de que se trataba de estudiantes de Ayotzinapa en actividades de boteo y toma de autobuses.*

Las policías municipales de Iguala y Cocula acorralaron, persiguieron, torturaron, intentaron atropellar, dispararon a quemarropa y atacaron por casi tres horas a los estudiantes. La policía federal, estatal y el ejército lo permitieron. En Argentina no temen llamarlo, oficialmente: “Terrorismo de Estado”.

(...) Cuesta hablar de El Zurdito, el único menor de edad que murió aquella noche, que había jugado su primer partido de la temporada y ganado 3 a 1. Cuesta escribir de estos crímenes en México. Los tenemos de frente, recién empezamos a reconocerlos, a ver las caras, a poner los nombres, pero cuesta. Cuando hice memoria y busqué ejemplos de publicaciones para un público infantil y juvenil que abordaran los crímenes que comete el Estado no encontré mucho en México (¿les viene alguno a la mente?), pero sí en Chile y en Argentina. ¿Comparar el terror y el arrebató de las dictaduras de Pinochet y Videla con la violencia en México? No la forma pero, quizá sí, las cifras: Del gobierno de Felipe Calderón Hinojosa al de Enrique Peña Nieto existen, hoy, 22 mil 322 personas en el estatus de “no localizadas”. “

#### [Terrorismo de Estado y libros para niños – Linternas y bosques](#)

5.

Source:

<https://www.bloomsburycollections.com/book/a-global-history-of-convicts-and-penal-colonies/ch-2-the-portuguese-empire-1100-1932>

“The other role played by convicts in this period was as cultural intermediaries. It was a common practice on the Portuguese voyages of exploration (1400–1500) for the captain to bring several convicts to leave ashore at selected points along the way. These were typically murderers but the details of their crimes did not make it into the documentation. These men were deliberately left ashore in west and southern Africa and Brazil. The objective was for them to make contact with the local people, (ideally) be accepted by them, and learn their language(s) and aspects of their culture. They could then act as intermediaries when the Portuguese returned on the next voyage. Note that the state had nothing to lose and everything to gain in this experiment. If the convict were accepted and learned about the local people, the next interactions would be

infinitely easier and more productive. On the other hand, if the convict were not accepted, killed or died due to disease, he could always be replaced.

...

There are a number of interesting cases of such early intermediaries in the first century of the European presence in Brazil. On the first Portuguese voyage to Brazil in 1500, the captain, Pedro Álvares Cabral, left two such convicts. One was Afonso Ribeiro, part of a group of convicts on board, destined to be left along the route to India, as had Vasco da Gama during his voyage three years earlier. Two young cabin boys also abandoned Cabral's fleet in Brazil.[22] The convicts were to learn the language and customs of the native peoples after which, it was said, 'no doubt they [the native peoples] will become Christians'.[23]

During this initial contact phase in Brazil, many convicts were left along the shore and they were joined by survivors from shipwrecks. The most famous of these figures would have to be Diogo Álvares, better known as Caramuru. Exile to Brazil, as Ronaldo Vainfas has argued in his *Dicionário do Brasil Colonial*, 'was the first method used by the Portuguese to learn about the land and peoples of Brazil. In addition to providing interpreters, the punishment of exile to Brazil was increased after 1530 and became one of the main methods of populating the colony'.[24] There were undoubtedly many other convict intermediaries such as these but by their very nature they remain at the fringe and frequently beyond any documentation.[25] Once the Portuguese arrived in India, the need for intermediaries such as these ended and thus sentencing patterns shifted accordingly to the third segment. These shifts are displayed on a global basis in Map 2.2.

**Figure Map 2.2. Convict transportation in the Portuguese Empire, 1415–1932**



# Habeas Corpus

## Primary tabs

### OVERVIEW:

Latin for "that you have the body." In the US system, federal courts can use the writ of habeas corpus to determine if a state's detention of a prisoner is valid. A [writ](#) of habeas corpus is used to bring a prisoner or other detainee (e.g. institutionalized mental patient) before the court to determine if the person's imprisonment or detention is lawful. A *habeas* petition proceeds as a civil action against the State agent (usually a warden) who holds the defendant in custody. It can also be used to examine any [extradition](#) processes used, the amount of [bail](#), and the [jurisdiction](#) of the court. See, e.g. *Knowles v. Mirzayance* 556 U.S.\_\_\_\_(2009), *Felker v. Turpin* 518 US 1051 (1996) and *McCleskey v. Zant* 499 US 467 (1991).

### HISTORICAL BACKGROUND:

The Habeas corpus first originated back in 1215, through the 39th clause of the Magna Carta signed by King John, which provided "No man shall be arrested or imprisoned...except by the lawful judgment of his peers and by the law of the land,"

English courts began actively considering petitions for habeas corpus in 1600. While habeas corpus had initially originated as an instrument in opposition to the king's "divine right to incarcerate people," there were many other constables and other authorities during those times, who imprisoned people for various reasons. Accordingly, habeas corpus also developed as the king's role to demand account for his subject who is restrained of his liberty by other authorities.

Deeply rooted in the Anglo-American jurisprudence, the law of habeas corpus was adopted in the U.S. as well, by the early Founding Fathers. James Madison, in 1789, argued for the adoption of the Bill of Rights, including Habeas Corpus.



7.

### Les Quatre Cents Coups / Truffaut

Antoine Doinel is a young boy growing up in Paris. Misunderstood by his parents for playing truant from school and stealing, and tormented in school for discipline problems by his teacher (such as writing on the classroom wall, and later falsely explaining his absence as having been due to his mother's death), Antoine frequently runs away from both places. He finally quits school after his teacher accuses him of plagiarizing Balzac. (Antoine loves Balzac and in a school essay he describes "the death of my grandfather", in a close paraphrase of Balzac from memory.) He steals a Royal typewriter from his stepfather's workplace to finance his plans to leave home, but, having been unable to sell it, is apprehended while trying to return it.

The stepfather turns Antoine over to the police and Antoine spends the night in jail, sharing a cell with prostitutes and thieves. During an interview with the judge, Antoine's mother confesses that her husband is not Antoine's biological father. Antoine is placed in an observation center for troubled youths near the seashore (as his mother wished). A psychologist at the center probes reasons for Antoine's unhappiness, which the youth reveals in a fragmented series of monologues.

While playing football with the other boys one day, Antoine escapes under a fence and runs away to the ocean, which he has always wanted to see. He reaches the shoreline of the sea and runs into it.

[https://www.youtube.com/watch?v=y2\\_8kfFHgto](https://www.youtube.com/watch?v=y2_8kfFHgto)

[https://www.youtube.com/watch?v=a4jGNoag\\_1g](https://www.youtube.com/watch?v=a4jGNoag_1g)

### 8. [Investir em educação 'fecha' prisões, diz especialista francesa - BBC News Brasil](#)

Clara Grisot - Vemos que a sociedade tem uma real falta de empatia em relação às pessoas encarceradas. A passagem pela prisão aniquila o interesse que as pessoas podem ter pelo respeito de direitos fundamentais, pela manutenção de laços familiares e saúde dos detentos. A privação de liberdade parece não ser suficiente, é preciso acrescentar condições deploráveis de detenção, sofrimentos físicos, enquanto não é esse o objetivo da prisão. Ouvimos esse tipo de discurso, não é algo específico do Brasil. É uma visão comum no mundo. O tratamento dado aos presidiários não interessa a quase ninguém, mas constatamos que isso é ainda mais forte nos países com grandes desigualdades sociais.

Grisot - De maneira geral, e o Brasil não é uma exceção nisso, não observamos uma ligação direta entre o aumento do número de presos e a alta da criminalidade. Vemos que há delitos que passaram a ser passíveis de pena de prisão, o que não era o caso

antes. Constatamos, por exemplo, leis cada vez mais repressivas contra a posse e o uso de drogas, como no sudeste asiático, No Brasil, há um aumento real no número de mulheres presas, como também na América Latina, onde há leis mais duras sobre o transporte e uso de drogas, com impacto sobre as mulheres. Elas encontraram nesse mercado ilegal uma maneira de subsistência em meio a crises econômicas e são presas porque são pobres. Na França, no caso de pequenos delitos, aplicam-se às vezes penas curtas de prisão, que dessocializam e destroem a pessoa e, sobretudo, não a preparam para o retorno à vida real. A prisão acaba sendo um recurso cada vez mais utilizado e isso em todos os lugares.

Grisot - A associação Prison Insider se dedica à questão das prisões no mundo. Efetivamente, nós poderíamos nos interessar pela reinserção social após a saída da prisão e pela prevenção. Mas há inúmeras outras organizações que se dedicam ao que ocorre antes e depois de alguém ser preso. Como disse, os direitos humanos são indivisíveis e não deixamos de defender isso quando uma pessoa entra na prisão. Há inúmeras outras coisas que podem ser feitas em relação à prevenção, ajudar as pessoas a sair da pobreza, cuidar das crianças nas ruas, preparar a ressocialização de detentos que saem da prisão. Os combates são múltiplos e a ideia é como podemos trabalhar juntos.

Grisot - A partir do momento em que temos um discurso repressivo, punitivo, voltado para o endurecimento das condições de encarceramento e o aumento das prisões, não vejo como a situação pode melhorar para os presidiários brasileiros.

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11 - ( Pages 24,) Rusche and Kirchheimer's great work, Punishment and Social Structures, provides a number of essential reference points. We must first rid ourselves of the illusion that penalty is above all (if not exclusively) a means of reducing crime and that, in this role, according to the social forms, the political systems or beliefs, it may be severe or lenient, tend towards expiation of obtaining redress, towards the pursuit of individuals or the attribution of collective responsibility. We must analyse rather the 'concrete systems of punishment', study them as social phenomena that cannot be accounted for by the juridical structure of society alone, nor by its fundamental ethical choices; we must situate them in their field of operation, in which the punishment of crime is not the sole element; we must show that punitive measures are not simply 'negative' mechanisms that make it possible to repress, to prevent, to exclude, to eliminate; but that they are linked to a whole series of positive and useful effects which it is their task to support (and, in this sense,



although legal punishment is carried out in order to punish offences, one might say that the definition of offences and their prosecution are carried out in turn in order to maintain the punitive mechanisms and their functions). From this point of view, Rusche and Kirchheimer relate the different systems of punishment with the systems of production within which they operate: thus, in a slave economy,)

9. She (Julia Kristeva) writes: "It is thus not lack of cleanliness or health that causes abjection but what disturbs identity, system, order. What does not respect borders, positions, rules. The in between, the ambiguous, the composite [...] the killer who claims he is a savior....Any crime, because it draws attention to the fragility of law, is abject." There are different ways an individual living within a modern state expunges knowledge of paradoxes that are "never fully obliterated." For instance, individuals might negate anything in themselves that reminds them that their identity does not conform to the dominant order and/or participate in marginalizing anyone who exposes contradictions that threaten their power within the social order. McClintock goes further than Kristeva to analyze the modern capitalist-imperialist context exploiting processes of abjection.

McClintock documents cases in Victorian England in which middle-class sexual partners mimicked in role-play what was more widely occurring in colonial Europe, and, I would add, in Musil's German world: the violent expulsion of and concomitant desire for the lower classes because of their so-called primitive, immoral bodies. McClintock defines these classes as "abject peoples." She explains that "abject peoples are those whom industrial imperialism rejects but cannot do without: slaves, prostitutes, the colonized, domestic workers, the insane, the unemployed, and so on." In Musil's time, these groups of people lived on the edges of society, in "threshold zones," such as the Vorstadt of Vienna, the ghetto, the mental asylum, and the prison. Comparatively, white, middle-class males signified the moral norm at the center of civilization. As McClintock argues, the norm's tenuous self control and perpetual social crises made laws supporting bourgeois dominance fragile and in constant need of reinforcement. The bourgeoisie reinforced their power by marginalizing people representing the cause of crisis. Through ownership of cultural technologies such as the radio, newspaper, and film, they then had the power to appeal to the rest of society to do so as well.

But what is the relationship between abject people and industrial capitalism?

(Robert Musil and the (De)Colonization of "This True Inner Africa", Dissertation by Karen Dawn Stuart, page 19-20)

[https://escholarship.org/content/qt5012d14x/qt5012d14x\\_noSplash\\_4331ea18f96396a1dcab53263adbd224.pdf](https://escholarship.org/content/qt5012d14x/qt5012d14x_noSplash_4331ea18f96396a1dcab53263adbd224.pdf)

10. Objects, Knowledge and Experience:

. . . Museums may be better at provoking curiosity than satisfying it. And reveling in wonder may be more pleasurable . . . than vanquishing wonder with knowledge . . . Objects can be inauthentic, i.e. not what they are alleged to be; but there are no inauthentic experiences . . . Thus, I can believe I am seeing a snake in the road and therefore be terrified. If it turns out to

be only a stick, I was mistaken in believing it to be a snake, but my experience of fear is no less real . . .

Hilde Hein, *The Matter of Museums*, 185-187

11. [https://en.wikipedia.org/wiki/Trolley\\_problem](https://en.wikipedia.org/wiki/Trolley_problem)

The trolley problem is a series of thought experiments in ethics and psychology, involving stylized ethical dilemmas of whether to sacrifice one person to save a larger number. The series usually begins with a scenario in which a runaway tram or trolley is on course to collide with and kill a number of people (traditionally five) down the track, but a driver or bystander can intervene and divert the vehicle to kill just one person on a different track. Then other variations of the runaway vehicle, and analogous life-and-death dilemmas (medical, legal etc.) are posed, each containing the choice to either do nothing, in which case several people will be killed, or intervene and sacrifice one initially "safe" person to save them.

12.

“The conscious and intelligent manipulation of the organized habits and opinions of the masses is an important element in democratic society. Those who manipulate this unseen mechanism of society constitute an invisible government which is the true ruling power of our country.”

— **Requiem for the American Dream: The 10 Principles of Concentration of Wealth & Power**

Preview of excerpts of the text available

[https://books.google.com.sg/books/about/Requiem\\_for\\_the\\_American\\_Dream.html?id=i8TqDAAQBAJ&printsec=frontcover&source=kp\\_read\\_button&hl=en&redir\\_esc=y#v=onepage&q&f=false](https://books.google.com.sg/books/about/Requiem_for_the_American_Dream.html?id=i8TqDAAQBAJ&printsec=frontcover&source=kp_read_button&hl=en&redir_esc=y#v=onepage&q&f=false)

Documentary transcript:

<https://www.mediaed.org/transcripts/Requiem-for-the-American-Dream-Transcript.pdf>

13. Chalice (Chico Buarque)

Father, take that chalice away from me  
Father, take that chalice away from me  
Father, take that chalice away from me  
Blood red wine  
Father, take that chalice away from me  
Father, take that chalice away from me

Father, take that chalice away from me  
Blood red wine

How to drink this bitter drink  
Swallow the pain, swallow the toil  
Even with the mouth shut, the chest remains  
Silence in the city is not heard  
What good is it for me to be a son of a saint  
It would be better to be another's child  
Another less dead reality  
So much lies, so much brute force

Father, take that chalice away from me  
Father, take that chalice away from me  
Father, take that chalice away from me  
Blood red wine  
Father, take that chalice away from me  
Father, take that chalice away from me  
Father, take that chalice away from me  
Blood red wine

How hard it is to wake up in silence  
If in the dead of night I hurt myself  
I want to launch an inhuman cry  
Which is a way to be heard  
This silence all stuns me  
Stunned, I remain attentive  
In the bleachers for any time  
Watch the monster emerge from the pond

Father, take that chalice away from me  
Father, take that chalice away from me  
Father, take that chalice away from me  
Blood red wine  
Father, take that chalice away from me  
Father, take that chalice away from me  
Father, take that chalice away from me  
Blood red wine

The pig is too fat, it can no longer walk (Shut up!)  
The knife is not used much anymore  
How hard it is, father, to open the door (Shut up!)  
That word stuck in the throat  
This homerous pileque in the world

What's the use of goodwill?  
Even if the chest is silent, the head remains  
Of drunks in the city center

Father, take that chalice away from me  
Father, take that chalice away from me  
Father, take that chalice away from me  
Blood red wine

Maybe the world is not small (Shut up!)  
Nor is life a fait accompli (Shut up!)  
I want to invent my own sin (Shut up!)  
I want to die of my own poison (Dad! Shut up!)  
I want to lose your head for good (Shut up!)  
My head is losing your mind (Shut up!)  
I want to smell diesel smoke (Shut up!)  
Get drunk until someone forgets me

#### 14. Foucault (140) "Little Things"

The importance for training/discipline to realize the "little things," the little acts to heighten the soul.

For the disciplined man, as for the true believer, no detail is unimportant, but not so much for the meaning that it conceals within it as for the hold it provides for the power that wishes to seize it. ... Little things; yet it is they that in the end have made great saints! (La Salle, *Traité*, 2.38-9).

Tangent: Aimee Nezhukumatathil, "Octopus. Octopus Vulgaris." (An alternative view of "little things").

The horizontal slit of an octopus's eye is a door that judges us. I am certain it knows we humans are messing up entirely, that in just a matter of decades the oceans will become unswimmable to any of us animals. The octopus pupil stays parallel, steady as a raft in calm waters—even if it cartwheels away in a dance—never becoming vertical like a cat's. And the skin around this wondrous eye is marvelous, with the ability to form “lashes” or whiskers spontaneously for protection if it feels threatened. But even if you make an octopus grow lashes, you can be sure its eye will remain fixed on you—you, a creature whose arms have no neural intelligence or taste sensors, not a single one of the *three hundred* suckers that run down the length of each octopus arm. These suckers contains about ten thousand sensory neurons that detect texture, shape, and, most of all, taste. How wild to even have just

one sucker on the inside cup of our hands. Just one! For a moment you think the octopus must have something almost like pity for you for your lack.

Nezhukumatathil, Aimee. *World of Wonders : In Praise of Whale Sharks, Fireflies, and Other Astonishments*. First edition., First ed., Milkweed Editions, 2020, pp. 104-103.

15.

In my younger and more vulnerable years my father gave me some advice that I've been turning over in my mind ever since.

“Whenever you feel like criticizing any one,” he told me, “just remember that all the people in this world haven't had the advantages that you've had.”

He didn't say any more, but we've always been unusually communicative in a reserved way, and I understood that he meant a great deal more than that. In consequence, I'm inclined to reserve all judgments, a habit that has opened up many curious natures to me and also made me the victim of not a few veteran bores. The abnormal mind is quick to detect and attach itself to this quality when it appears in a normal person, and so it came about that in college I was unjustly accused of being a politician, because I was privy to the secret griefs of wild, unknown men. Most of the confidences were unsought — frequently I have feigned sleep, preoccupation, or a hostile levity when I realized by some unmistakable sign that an intimate revelation was

quivering on the horizon; for the intimate revelations of young men, or at least the terms in which they express them, are usually plagiaristic and marred by obvious suppressions. Reserving judgments is a matter of infinite hope. I am still a little afraid of missing something if I forget that, as my father snobbishly suggested, and I snobbishly repeat, a sense of the fundamental decencies is parcelled out unequally at birth.

And, after boasting this way of my tolerance, I come to the admission that it has a limit. Conduct may be founded on the hard rock or the wet marshes, but after a certain point I don't care what it's founded on. When I came back from the East last autumn I felt that I wanted the world to be in uniform and at a sort of moral attention forever; I wanted no more riotous excursions with privileged glimpses into the human heart. Only Gatsby, the man who gives his name to this book, was exempt from my reaction — Gatsby, who represented everything for which I have an unaffected scorn. If personality is an unbroken series of successful gestures, then there was something gorgeous about him, some heightened sensitivity to the promises of life, as if he were related to one of those intricate machines that register earthquakes ten thousand miles away. This responsiveness had nothing to do with that flabby impressionability which is dignified under the name of the "creative temperament." — it was an extraordinary gift for hope, a romantic readiness such as I have never found in any other person and which it is not likely I shall ever find again. No — Gatsby turned out all right at the end; it is what preyed on Gatsby, what foul dust floated in the wake of his dreams that temporarily closed out my interest in the abortive sorrows and short-winded elations of men.

The Great Gatsby, pag 4-5.

16.

17.

18.