



## ***Presentation<sup>1</sup>***

1. It is with great satisfaction that we here introduce the num. 6 of our publication *Crítica Penal y Poder* (CPyP), in this occasion, with a nourished content of articles, studies, essays, results of investigations and reviews of works that we believe important and interesting to be divulged. All of this reveals that, despite the critical times we live in and despite some that foretold the end of history, the death of ideologies and passing away of critical thought, fortunately the last not only has not died but remains in conditions of offering rich analysis of the present as well as rigorous investigations. Let us do a brief presentation of content so that it may refer our readers to the works now summoned.

From different geographical corners, and starting with contributions that come from Latin America, this current number comprises an endowment by Keymer Ávila who carries out a revision around the other face of certain security campaigns in Venezuela. Also, Juan Iosa presents his work regarding control over territory as a requisite of political element in defining crimes against humanity, achieving an analysis focused on the legal qualification of acts done by the armed left in Argentina in the decades of the sixties and seventies. The essay of Karina Mouzo effects a glance into the alleged “new” penitentiary orientations of the resocialized discourse also in Argentina but in contemporary times. Finally, Ezequiel Kostenwein contributes with some interesting proposals for a “minor criminology” that deserves particular attention in regards to the constant conceptual problematic of such discipline.

The punitive landscape of british tradition (and north american) is studied by Leonidas Cheliotis in his essay titled *Gobernar a través del espejo*. Neoliberalism, gerencialism and psycho-policy of control deviation, with an interesting development that combines a psychoanalytical perspective in relation to contributions given by political economics of contemporary punishment.

From Spain, Antonio Madrid carries out a quantitative and qualitative investigation of reprieve conceded by the Spanish Government during 2012 remembering how the act of reprieve is characteristic of sovereign power, an expression of the right of grace, that is, of its withhold to exercise power over the lives of its subjects. Finally, from Italy, Luca Queirolo Palmas examines the “right hand” of the State (Spanish in this case) on treatment

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<sup>1</sup> Translation by Aura Roig

of so-called juvenile gangs that have promoted over the past decades policies, both assistencial and punitive, analyzed by the author.

The completion of this number is done throughout the section of Reviews with commentaries of important works such as *Cárceles en llamas. El movimiento de presos sociales en la transición*, by César Lorenzo Rubio (Editorial Virus, Barcelona 2013); *La economía del bien común*, by Christian Felber (Editorial Deusto, Barcelona 2012); *Crítica de la violencia*, by Walter Benjamin (Biblioteca Nueva, Madrid 2010) and from the Journal of periodic publication *Nova Criminis. Visiones Criminológicas de la Justicia Penal*, by the Department of Judicial and Social Sciences of the Central University of Chile.

With these materials we believe in being in conditions to offer eventual readers from CPyP a rich *corpus* faithful to the editorial line of our Journal. At this point, the memory of two grand intellectuals, both professors to some of us, who past away the previous months, deserve a very special mention. First the demise of Jock Young, and later that of Winfried Hassemer, no only supposes a great loss for the british and german culture, respectively, but for a whole generation of critical studies of the so-called “criminal question”. We offer the current number as an *In Memoriam* to both with firm commitment of maintaining healthy the imagination that was reclaimed by them and which we must continue nourishing in the present because of reasons that are expressed below.

2. It is obvious that winds are blowing bringing echoes of an authoritarianism once known (similarly, by the way, as much warned by Young and Hassemer). The great pillars of a democratic culture are being undermined, even in a hurry. If one looks at what is happening with the public policies in Spain, for example, it seems that prediction of hegemonic and restrictive reorganization of capital (v. Pilar Calveiro) which, in reality, is verified in a planetary scale, can although sometimes be for us only perceived by local images. The panorama, as we have described in another place, is truly alarming. State Crimes, corporative crimes, slaughters, natural disasters, forceful movement of people (displacements...), corruption, privatization of armed interventions, selective murders by elite troops, criminalization of original inhabitants and ethnicities, social movements, death of thousands of children daily from malnutrition, restricted access to medicine and expansion of curable illnesses, poverty, pauperization, declarations from politicians held responsible that generate economical panic, loss of housing, suicides due to measures of “adjustment”, depletion of labour rights, evictions, tortures, structural privation of access to goods and basic rights, legal or illegal weapons brokering, “preventive” wars, thousands dying while trying to cross borders towards Europe in the past two decades...

Once again, the category of “structural violence” becomes necessary in the present. All the more perceivable in how we are passing from the ancient category of the “reason of State” to the latter-modernity of the “reason of market”. In this situation, the previous “state coups” no longer seem necessary when today “market coups” can happen that appoint and change political authorities, dictate economical measures and, therefore, affect the concrete and daily lives of million of human beings. And who are those “markets”, what face do they have? Despite the fact that by definition this concept is wrapped by shadow and lack

of transparency for capital acts sheltered in its concealment, there are important financial services firms that each day “qualify” countries, their public and private debt, their regions and autonomies, their banking and financial system... Some are called Lehman Brothers, Goldman Sachs, Merrill Lynch, Fitch, Moody's and Standard & Poor's, which are the ones that mark the diktat of this insatiable late modernity.

It is advisable to remember with Madrid that “if historically the ‘reason of State’ served to justify exceptional conducts in the name of a superior being represented by the State, nowadays extends a ‘systemic reason’ that forms part of the transnational corporations. This systemic reason would express itself, as if it was an oracle of some sort, through value markets that would be officiated by international organisms and qualification agencies” (v. *El libro de los derechos* 2013: 202). It turns out to be evident that winding down obligations, in duties that these corporations should accomplish not to vacuum content of their opposite face (citizens rights), has notably accentuated with all the processes of deregulation that have been contemporary in the last process of the mentioned void.

In such a manner it has produced what Estévez Araújo, amongst others (and in the same work that we just quoted), refers to as the process of “privatization of rights”, that is, transferring power that determines the content of each to private companies. It becomes even more evident that many categories of rights that until not long ago should have been “claimable” to the State (right to public health, public education, retirements...). Time ago they have been transferred as “products” (in private medicine, private education, private banking retirements...) that will be only compared (no longer “applied”) by those that have capital for it. Also perceivable, even the same language has been modified since, in effect, as Ferrajoli indicates, the lexicon employed by economy is absolutely strange and different from the one that we would want to continue using, for example, from a legal orbit. Few doubts seem to fit in regards of being governed by some powers that, combined with public and private sphere, and all the spectrum of greys between both extremes that fit under the shelter of economical globalization, carry out equations truly *criminal*. The perverse symbiosis that, for example in Spain, supposes trade of state money to “rescue” a Bank investing ever more in the business of arms production and trade, at the same time has carried out an eviction policy of dwellings from hundreds of thousands families, implies only one example of governed economy above the language and practice of politics, rights and needs. Until when and where will this economical-political-military rhetoric advance?

Nevertheless, popular mobilizations also grow, social protests from diverse sectors of a population tired of systematic plunder. In such sense, there is no place for ingenuity at these grave moments that we live in and those that draw nearer. We know that the penal system (and if so believed is required, also the economical and labour agents or even military units) will be willing to repress manifestations of rejection (spanish authorities are already preparing an entire authentic “arsenal” of sanctioned measures against unstoppable discontent). But if, in truthfulness, there is a want of revaluation of the democratic system based on authentic popular sovereignty, and seriously assume the *adornian* categorical imperative that ignites the trigger of memory –also for the present “guiding our thought and action to avoid the repetition of barbarity”–, before or after the resistance will be opposite (it already is) in front of the atrocities of State and Market Crimes. Such politics, authentically criminal, will end by crashing irreversibly against entire populations. In this

sense, we also announce the recent appearance of a collective work done by the Observatory of Penal System and Human Rights has just been published by Editorial Anthropos of Barcelona, precisely, titled *Los delitos de los Estados, de los Mercados y el Daño social. Debates en Criminología Crítica y Sociología jurídico penal. (State crimes, crimes of the markets and social harm. Debates on critical criminology and sociology of criminal law)*

3. I want to express my gratitude especially to the task achieved by our Editor, Alejandro Forero, for fulfilling the edition of this current number, as well as the whole team of the Observatory of Penal System and Human Rights of the University of Barcelona for their dedication in producing the current number of CPyP. The duty of translating different texts constitutes a chore that requires constant attention in this publication, which aims to incorporate in our cultural sphere works and investigations that come from other fields, therefore contributing to the necessary enrichment of reflections and visions of those problems that afflict us.

We hope to continue with the same decision and energy that we began with. The next number, whose *call for papers* has already been announced, in attention to the monographical thematic of *Social harm: its causes and its victims*, already configures a new horizon of work. The contributions from readers and eventual authors will confer body to it all.

Because of everything mentioned previously, despite the actual times and tendencies, or precisely as a consequence of them also, thought and critical *praxis* in the field of restrictive and punitive policies, constitutes a reclaim that remains inalterable. For this, so as to avoid any sort of temptation of paralysis in such sense, we insist in convening a cultural and political resistance reclaimed by Critical Theory and whose calling remains absolutely valid.

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