Contents

Tables, Figures and Photos x
About the Cover Image xii

A Genealogical Sketch 1

Overture: On Punishment, the State and Citizenship 5
The criminal as anti-citizen 6
The many faces and functions of penality 15
1. Penality as core state capacity and negative sociodicy 15
2. Marginality, ethnicity, territory 17
3. Penal power incarnate: a day in the life of a prosecutor 19
A historicist-analytical approach 22

1. Penality as Core State Capacity and Negative Sociodicy 29
Punishment and social structure revisited 30
The puzzle of reciprocal ignorance 34
1. The absence of penality in theories of the state 34
2. The absence of the state in theories of penality 39
Durkheim, Rusche, and Foucault on penality: Passion, labor, disciplines 46
1. Durkheim on passion as "the soul of penality" 46
2. Rusche on labor and "the mode of punishment" 50
3. Foucault on the "disciplinary society" 55
Reformation versus retribution: Meshing philosophies of punishment 62

Weber, Mann, and Scott on the state: Force, penetration, legibility 76
1. Max Weber on "the monopoly of legitimate violence" *76*
2. Michael Mann on "infrastructural power" *80*
3. James Scott on "legibility" *83*
The three states of Pierre Bourdieu 87
1. Penality in the bureaucratic field *88*
2. The Right hand and Left hand *99*
3. Symbolic capital and negative sociodicy *106*
Three structural properties of the penal state 110

2. Marginality, Ethnicity, Territory **118**
The stunning return of the prison 121
Penalization as neoliberal statecraft 131
Lessons from social history: Marginality floods the city 142
Province of the precariat: Class and ethnicity behind bars 151
Managing marginality by targeting territory 161
Structural osmosis 176
Paper penality versus street penality 183
Historical excursus: Colonial penality and the urban badlands 190
1. The penal triad in the tropics *196*
2. Bringing unruly bodies to heel, or indigénat *at work* *208*
3. Special punishment in neighborhoods of relegation *215*

3. Penal Power Incarnate: A Day in the Life of a Prosecutor **226**
A structural ethnography of prosecutorial practice 227
Situating the pretrial prosecutor 232
"The Professor" comes to court 241
Anatomy of the local judicial field 249
A day in the life 260
"Down in the trenches" 276
1. Quantity, quality, and information asymmetry *288*
2. Judicial pedagogy *289*
3. "Setting the price of crime" *291*
4. Calibrating offers, the not-so-secret sauce *294*

5. Span and stakes of negotiation 297
6. The probation and parole violation route 301
7. The vertical prosecution grinder 302
8. Playing with time 304
9. The soft side of the criminal record 306
10. In the shadow of the PX 307
11. Playing cat and mouse with the sentencing judge 310
12. Building reputation and maintaining face 314
The splintering of punishment across class fractions 318
A cautionary note on race and prosecution 331
Judicial tagging and relational contracting 349
The human spear of the state 358

Coda: The Parable of Marx's Hangman and the Aporias of Abolitionism **365**
Urban marginality, penal policy, and social rights 368
Abolitionism as penal millenarism 376
1. Hyper- and hypo-penalization 379
2. "Community" fetishism 381
3. The demonic myth of the PIC 384
4. Contingent versus necessary institutions and the fictitious link to slavery 387
5. A political cul de sac 389
6. Waiting for Godot and the elusive substitute 390
The ten tenets of radical penal minimalism 395
Penal transformation and the "ethic of responsibility" 401

Acknowledgments 414
References 416
Index of Names 471
Index of Notions 475