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A photograph showing a person's hand reaching out and touching the vertical metal bars of a prison cell. The background is dark and out of focus, showing other parts of the cell and possibly other inmates.

Prisons, Inmates and Governance in Latin America

Edited by
Máximo Sozzo

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Introduction: Inmate Governance in Latin America. Context, Trends and Conditions

Máximo Sozzo

This collection addresses the specific issue of inmate governance in Latin American prisons, within the framework of the more general question of the power relations that structure life in the contexts of confinement in this region of the Global South today. These are governance schemes that have a strong level of variation, both in their forms and scope and with respect to the relationships they entail with state actors (authorities and guards), acquiring particular characteristics in different settings. In fact, in the recent literature in the social studies on the prison in the region—as well as in the contributions in this book—different ways of conceptualizing these governance roles of the prisoners have been produced, which in part reflect the different variants that have been

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emerging through time and space—such as the differentiation between “self-governance” and “co-governance”, to which we will return in the Epilogue of this book. Rescuing the notion raised by Darke (2013, this volume), we can initially define this diverse group of schemes as “inmate governance”, as a broad and basic notion that identifies mechanisms in which some prisoners assume governance roles of other prisoners, “conducting their conduct”, acting on the possibilities of their action and ordering their possible results (Foucault, 1982, 221, 1994, 125, 1998, 284). We could argue—amplifying the scope of an assertion in Darke’s pioneering text in this regard, referring to Brazil—that currently “inmate governance is as much a defining feature of Latin American prison life as is inhumane living conditions” (Darke, 2013, 278).¹

In this Introduction, we seek to draw a regional contextualization in which to inscribe the operation of these inmate governance schemes addressed by the authors of this book specifically in relation to some countries. In this panorama, we dwell on two fundamental components: on the one hand, the “punitive turn” experienced since the 1990s and, on the other, the resulting paroxysmal deterioration and precariousness of life in prison. Within this general framework, there has been a strong multiplication and expansion of inmate governance in Latin America’s prisons. Here also some keys to understanding this process are presented, pointing to factors that operate both “from inside” and “from outside”, both “from above” and “from below”. Finally, the structure and contents of the volume are briefly described.

Punitive Turn

Over the last 30 years there has been an impressive punitive turn in Latin America. In the early 1990s incarceration rates in the region were relatively low in comparison with other regions. Some of the countries covered in this book had incarcerated population levels similar to those

¹ Similar inmate governance schemes are also present in other regions of the Global South. There have been only incipient advances in comparative work across Southern contexts. Interesting indications in this regard can be seen in Garces, Martin and Darke (2013), Martin, Jefferson and Bandyopadhyay (2014) and Darke (2018, 294–296).

of the Scandinavian countries. For example, the incarceration rate in Argentina at that time was 62 prisoners per 100,000 inhabitants and 70/100,000 in Brazil, while in Finland and Denmark it was 69/100,000 and 67/100,000, respectively.² Certainly, this did not imply that the levels of pain or suffering produced by these institutions of legal punishment in Latin America at that time were equivalent to those experienced in the confinement contexts of that region of Northern Europe, if the respective living conditions and levels of violence experienced by inmates are taken into account (Sozzo, 2017a, 135–136, 2017c, 1–9).³ But this significantly marked difference in terms of “intensity” of the pain or suffering produced through imprisonment, does not mean that, in terms of its “extent”, the scope was similar. (Sozzo, 2018a, 49–50).⁴

² But within Latin America it was also possible to identify countries with much higher incarceration rates, such as Chile (171/100,000), the Dominican Republic (143/100,000) or Venezuela (133/100,000). In the early 1990s, incarceration levels varied widely across Latin American national borders.

³ It is also important to underline the extraordinary diffusion at that time—and also at present—in Latin American countries of other penal practices that generated—and continue to generate—high levels of pain or suffering, beyond incarceration, that did not seem—nor do they seem—to have an equivalent presence in those Northern European countries. In this sense, the use of force by police institutions stands out, which generates not only very high levels of harassment but also injuries and deaths among economically and socially marginalized groups. It is necessary to remember here that the pioneering comparative investigations produced by critical criminology in Latin America and developed from the beginning of the 1980s were dedicated to describing and explaining the massive nature of “human rights violations” and “announced deaths” generated by the penal systems of the region (Zaffaroni, 1984; Zaffaroni et al., 1993). These practices of police use of force had at that time—and also today—a strong degree of official concealment, which in most Latin American contexts prevents building reliable data in this regard that would allow observing its evolution over time through statistical indicators similar to the incarceration rate (Aimar, et al., 2005).

⁴ Also, the reasons for these relatively contained levels of the incarceration rate were very different in these two regions of the world at that time. It would be difficult to interpret these levels as the product of similar penal policies, related to a horizon of penal moderation (see in this regard on the Scandinavian countries, Lappi-Seppala, 2007; Pratt, 2008a; 2008b; Pratt and Ericson, 2013). However, it should be noted that in the 1980s, hand in hand with the processes of transition to democracy in some Latin American contexts, this orientation in penal policy had a certain presence, generating in some cases effects on the levels of punitiveness. For an exploration of Argentina, see Sozzo (2011; 2013; 2016). On the Brazilian case, see Salla (2007); Teixeira (2009); Paiva (2009; 2014); Barros (2012); Alvarez, Salla & Dias (2013); Higa (2017) and Dias, Salla & Alvarez (in this volume). In any case, for Latin America, the levels of incarceration that were registered before the 1990s continues to be a topic to be explored in depth. A great difficulty is the absence in many contexts of reliable official data in this regard. To what extent were the relatively contained levels of the incarceration rate in many Latin American settings at the beginning of the 1990s the product of a decrease that had been

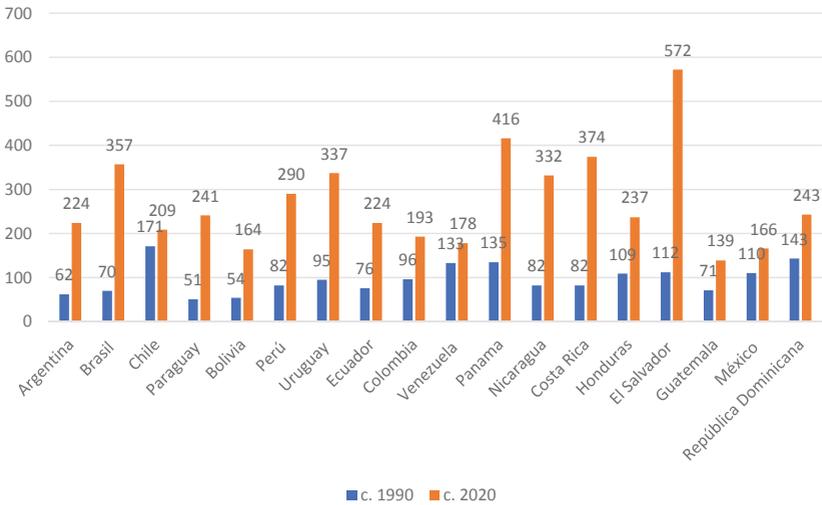


Fig. 1 Evolution of incarceration rates per 100,000 inhabitants—Latin America—1990/2020 (Source World Prison Brief, International Center for Prison Studies, Birbeck University of London. Data are for 1990 and 2020 or the nearest year available)

This has radically changed in three decades. Currently, all Latin American countries⁵ have an incarceration rate of more than 150 prisoners per 100,000 inhabitants, with the sole exception of Guatemala. And there are six jurisdictions that exceeded the 300/100,000 threshold—among those addressed in this book, Brazil and Nicaragua. The Scandinavian countries, on the other hand, maintain their relatively low levels, even experiencing a decrease in the incarceration rate in some cases like Finland, which currently has 50 prisoners per 100,000 inhabitants, almost a third of Guatemala, the Latin American country with the lowest level (Fig. 1).

The growth in incarceration rates in the region over this period has been truly extraordinary. Within the countries specifically explored in this book, in only three decades, Brazil has had a growth greater

operating in previous years (for example, the result of democratization)? Or was it instead, a continuity with the past?

⁵ There are no official data on incarceration in this period about Cuba and Haiti.

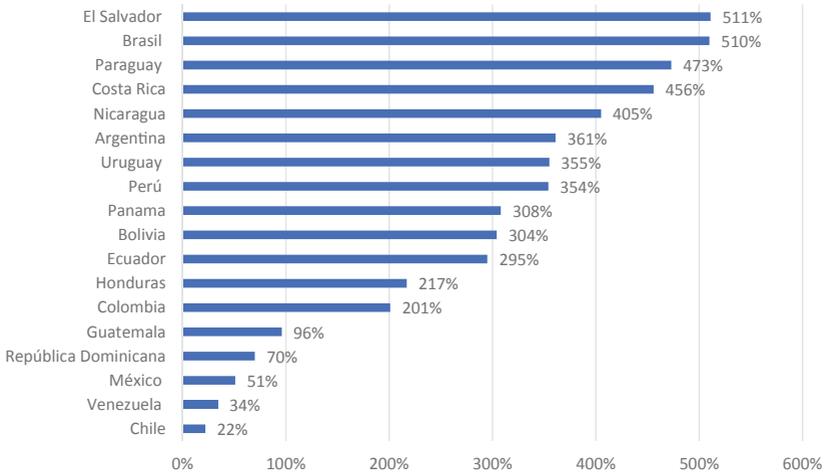


Fig. 2 Percentage of growth of incarceration rates—Latin America—1990/2020

than 500%, Nicaragua greater than 400%, Argentina, Uruguay and Perú greater than 300% and Colombia greater than 200%. Only the Dominican Republic and Venezuela⁶ register a level of growth below 100%, but in the second case it is linked to the fact that the extraordinary volume of prisoners in police headquarters is not currently counted in the official incarceration data. Apparently now in Venezuela this number is equivalent to that housed in prisons and if included it would take the incarceration rate to much higher levels and, therefore, to a much higher level of increase in the last 30 years (Antillano, 2016; Antillano, in this volume) (Fig. 2).

The USA, the archetypal example of a national context that experienced an impressive punitive turn used in studies on punishment and society, had between 1970 and 2000—the period in which said dynamics was most marked—a growth of 424% in its rate of incarceration, which went from 161/100,000 to 683/100,000. In comparison with the last

⁶ In addition to Mexico, Guatemala and Chile, which are not addressed in this volume. Except for the case of Guatemala, in all the other cases these are countries that had the highest incarceration rates in the region at the beginning of the 1990s, above 100/100,000. However, that did not prevent others, such as Honduras, El Salvador and Panama, which had the same starting point, from experiencing much more important growth levels.

available year (2019 against 2000), there has been, on the other hand, a decrease of 8%. If we use the same period that we are analyzing for Latin America, 1990/2020, the growth in the incarceration rate in the USA was 38% in the last three decades—only Chile (if we discard Venezuela for the reason indicated above) had a lower level of growth in Latin America.⁷

In any case, it is necessary to recognize that this common trend toward the growth of incarceration in Latin America over these last three decades has had a high level of variation: from 22% in Chile to 511% in El Salvador. And, as was the case in the early 1990s, the resulting incarceration levels in the region are also very different: from the rate of 572/100,000 in El Salvador to that of 139/100,000 in Guatemala.⁸

Paroxysmal Deterioration and Precarization of Prison Life

In general terms, in this context of strong growth in incarceration, certain long-term problematic features of life in prisons in Latin America underwent a process of accentuation, reaching paroxysmal levels in some scenarios—for descriptions in this regard, at a regional level, see Darke & Karam (2016, 464–465), Darke & Garces (2017, 3–4); Ariza & Tamayo Arboleda (2020, 90–91); Macaulay (2019, 253); Skarbek (2020, 23–28); Bergman & Fondevilla (2021, 140–142). As with the increase in incarceration itself, there is also a high level of variation with respect to the magnification of these problematic traits across jurisdictions and within jurisdictions—among regions and even, among prisons. In any

⁷ If we take the same period (1990–2020) for other English-speaking countries, the picture is similar (44% growth in England and Wales, 49% in Scotland and 25% in Ireland). In Australia (90%) and New Zealand (62%), the growth is more significant, but it is still lower than that experienced by most Latin American countries. In turn, some English-speaking countries have experienced a decrease in the last three decades such as Canada (–14%), South Africa (–21%) and Northern Ireland (–35%). Source: World Prison Brief, International Center for Prison Studies, Birbeck University of London.

⁸ On the punitive turn in Latin America there are a handful of studies that have tried to advance explanatory keys. See: Chevigny (2003); Beckett & Godoy (2008); Dammert & Salazar (2009); Iurrealde (2010; 2019; 2021); Muller (2011); Hathazy & Muller (2016); Sozzo (2017a, 2017b, 2018b, 2021); Bergman & Fondevilla (2021, 28–86).

case, these features have been repeatedly evidenced by critical voices in the academic field, as well as from activism and human rights organizations and from state and international bodies that control detention conditions.⁹

First, the increase in overcrowding. The statistical indicators in this regard have many problems, as they are based on the officially determined accommodation capacity for the different prisons, which is usually much higher than what international standards would advise in this matter, and open to various manipulation exercises. Even in this way—only taking into account the countries addressed in this book—Peru recognizes officially an occupancy level of 212.2% (2021), the Dominican Republic of 183.2% (2018), Nicaragua of 177.6% (2018), Brazil of 146.8% (2020) and Venezuela of 143% (2020)—always without counting prisoners in police headquarters—Uruguay of 130.9% (2021), Argentina of 122.9% (2019) and Colombia of 118.6% (2021). Second, this has frequently resulted in the intensification of state abandonment and the deepening of unworthy and precarious living conditions for inmates. This implies, in many cases, difficulties in accessing drinking water and hot water, living environments that are not even minimally hygienic (for example, lack of bathrooms, poor functioning of the sewers, etc.), scarce food and of poor quality, little and inadequate health care and spread of different types of diseases (tuberculosis, HIV, etc.).

It has also been repeatedly pointed out as a problematic feature of Latin American prisons that has experienced an intensification in the recent period, the widespread violence by state agents against prisoners, as well as violence among prisoners—for a recent example of this type of assertion, at the regional level, see Macaulay (2019, 253). However, it seems necessary to be cautious about the production of generalizations in this regard, among other things, due to the lack of reliable statistical data relevant to this matter, such as deaths and injuries in

⁹ For example, in the case of Argentina, see: Daroqui et al. (2006), Sozzo (2007, 2009), Daroqui, Lopez & Cipriano (2012), Daroqui (2014); Gual (2015); Rodríguez & Viegas (2015); Ferreccio (2017); Guala (2021); annual reports of the Centro de Estudios Legales y Sociales since 1995, of the Comisión Provincial por la Memoria de la Provincia de Buenos Aires since 2004 and the Procuración Penitenciaria de la Nación since 2006.

confinement contexts over time (Skarbek, 2020, 25). In some jurisdictions, the increase in incarceration seems to have been plausibly accompanied initially by growth of these different types of violence—for the Argentine context, see Sozzo (2007, 107–108). But in certain cases, despite the continuity of the growth of incarceration over time, a reverse process of decrease in violence in prisons has subsequently been registered. This seems to have happened in the important case of São Paulo—accounting for a third of the prison population in Brazil—which in the 1990s and early 2000s experienced remarkable degrees of violence inside prisons—with its maximum expression in the 2006 revolt. After the consolidation of the *Primeiro Comando da Capital* as the dominant organization in the world of São Paulo prisoners—and different types of informal negotiations and agreements with state authorities—there seems to have been, in recent times, a significant reduction in the levels of violence of different types, despite the continuity of the growing trend of incarceration (Adorno & Salla, 2014; Alvarez, 2013; Biondi, 2010, 2018; Darke, 2018, 161–162; Dias, 2013; Dias & Darke, 2016; Dias & Manso, 2017; Dias & Salla, 2013, 2017; Macaulay, 2019, 254–255; Salla, 2006).¹⁰ Of course, this does not imply questioning that, beyond the potential upward or downward trends in the recent period, prisons in Latin America present a very high level and frequency of different forms of violence (Ariza & Tamayo Arboleda, 2020; Ariza & Iturralde, this volume; Bergman & Fondevilla, 2021, 163).

¹⁰ Recently, using responses to surveys by inmates in different Latin American countries (including the state of Sao Paulo), Bergman and Fondevilla have found that there is no correlation between levels of overpopulation—although as it is recognized by state authorities—and the self-reported levels of violence, perceived and suffered, by prisoners—although the questions in these surveys do not include those forms exercised by state agents (Bergman & Fondevilla, 2021, 162). This evidence would seem to suggest that there is no automatic and direct relationship between the growth of the incarcerated population—and, therefore, a frequent worsening of overcrowding—and violence in prisons in the region.

Multiplication and Expansion of Inmate Governance

Within this general context, over the last decades there has been a process of multiplication and expansion of schemes for inmates' participation in prison governance tasks in Latin American prisons (Dake & Garces, 2017, 3; Darke & Karam, 2016, 465; Hathazy & Muller, 2016, 121; Macaulay, 2017, 51; 2019, 253; Skarbek, 2020, 27–28).

Like the other aforementioned features of the contemporary landscape of prisons in Latin America, these forms of inmate governance do not necessarily constitute a radical innovation of our present.¹¹ It is possible to find descriptions of the existence of some of these schemes at various times in the past in different national contexts—at different times in the history of the prison in Brazil since the late nineteenth century (Darke, 2014, 57; 2018, 140, 144–145; this volume; Macaulay, 2017, 55); in the 1960s in Argentina (Navarro and Sozzo, this volume); in the 1970s in Venezuela and Colombia (Birkbeck, 2011, 315) or in the 1980s in Peru (Perez Guadalupe, 2000, 173). However, this is still a theme that has not been specifically explored by the history of the prison in Latin America and, therefore, there is a whole series of questions about its forms and scope in the past that still need to be adequately addressed.¹²

Despite this, it is plausible that in recent decades these schemes of inmate governance have multiplied in their forms and have expanded in scope in the region, becoming “endemic” (Skarbek, 2020, 28). A forceful piece of evidence has been the consolidation of organizations of prisoners—many times defined, importing the term used in the prison studies of the Global North, as “prison gangs”—that have acquired an

¹¹ On the continuities in relation to overcrowding, state abandonment and the unworthy and precarious living conditions of inmates and the different forms of violence, during the period 1800–1940 in Latin American prisons, see the important essay by Aguirre (2007), based on a detailed review of the historiographic production in the last decades on these contexts of confinement in the region. See also, the preceding compilations by Salvatore and Aguirre (1996) and Salvatore, Aguirre and Gilbert (2001).

¹² Aguirre, in his review of the historical literature on prisons in the region, does not make specific reference to this type of schemes, although when referring to the “prisoner’s agency” he points out that in some circumstances they “negotiated” with “weak prison administrations”, seeking higher levels of “autonomy” (Aguirre, 2007, 36, 40).

extraordinary power, not only within a sector of a prison or a prison as a whole but through different prisons of the same jurisdiction or even across different jurisdictions. In turn, some of these inmate organizations have a great impact outside prison walls, particularly in economically and socially marginalized urban areas, through their dominant positions in certain illegal markets and activities. The examples in this regard that have attracted more attention from social researchers working on prisons in the region have been those developed in the Brazilian context such as the *Comando Vermelho* and, especially, the *Primerio Comando da Capital* (Adorno & Salla, 2014; Alvarez, Salla & Dias, 2013; Biondi, 2010, 2018; Castro e Silva, 2008; Darke, 2018, 101–137, 235–277; this volume; Denyer Willis, 2009; Dias, 2013; Dias & Darke, 2016; Dias & Manso, 2017; Dias & Salla, 2013, 2017; Dias, this volume; Lessing & Denyer Willis, 2019; Salla, 2006; Siqueira & Paiva, 2019; Setegemann Dieter, this volume). Now, beyond these extreme examples due to their scope, there is also in Latin America a vast variety of forms of governance of the imprisoned population that have inmates as agents, many of which have also arisen in the last decades—from those deployed in the “evangelical wings” of the Argentine provincial prisons (Navarro and Sozzo, this volume) to the “community-run prisons” organized and developed in Brazil by various non-state and state actors (Macaulay, 2013, 376–377, 384–385, 2015; Darke, 2015; this volume).

This multiplication and expansion of various forms of inmate governance have clearly taken place hand in hand with the growth of incarceration and its various effects. It has also been associated with a consequent marked decline in the state’s capacity to effectively control incarcerated life, preferentially evidenced in the decline in the proportion of prison officers in relation to the number of prisoners over the last 30 years—in the framework of a broader limitation of state resources dedicated to confinement contexts—as has been repeatedly pointed out by social researchers who have addressed this phenomenon (Antillano, 2015, 32–34; 2017, 29–30, this volume; Antillano et al., 2016, 209; Bergman & Fondevilla, 2021, 141–143; Birkbeck, 2011, 312; Darke, 2013, 274–275, 2014, 56–57, 2018, 140–149; Dias & Darke, 2016, 214–215; Darke & Garces, 2017, 3; Darke & Karam, 2016, 465–466; Dias, Salla & Alvarez, this volume; Hathazy & Muller, 2016, 121; Macaulay,

2017, 51, 2019, 243–245; Skarbek, 2020, 25–27). Surely this is a factor that plays a crucial role in a large part of Latin American scenarios. In some countries the ratio of prisoners to prison officers is extremely high, such as—according to official data from 2015—in Ecuador (17.3) or El Salvador (14.7) (Skarbek, 2020, 24), in comparison with ratios of Global North prisons assumed as ideal (Birkbeck, 2011, 312; Bergman & Fondevilla, 2021, 141–143; Darke, 2018, 140–141).¹³ But this does not necessarily happen in all contexts, since the ratio of prisoners to prison officers has an enormous level of variation in the region. Thus, in Uruguay in 2015 it was 3.8 or in Argentina it was 1.6 (Skarbek, 2020, 24), levels similar to those in many contexts in the Global North. However, also in these scenarios with lower ratios, it is possible to observe the emergence of various forms of inmate governance in recent years (Avila and Sozzo, this volume; Navarro and Sozzo, this volume).¹⁴

From my perspective, there are other conditions that have also played a role in the emergence and diffusion of these mechanisms of inmate governance. A significant element, which is in turn a long-lasting trait, is the wide level of “informality” that characterizes incarcerated life in Latin America and strongly marks the relationships between prison officers and prisoners, in turn connected with precariousness and the poverty of living and working conditions within these institutions of legal punishment.

¹³ It should also be emphasized that this ratio is built on the total number of existing prison staff in each jurisdiction, including those in charge of different administrative tasks who do not have direct contact with inmates, which in many Latin American contexts is usually an important proportion. It should also be noted that prison work in the region tends to have high levels of absenteeism and sick leaves, which also affects the volume of prison officers who are actually in a given prison on any given day. And to this is added that those who actually work in direct contact with prisoners usually do so in shifts. In other words, considering what actually happens in contexts of confinement, the ratio is usually much higher (Darke, 2018, 141–143; Skarbek, 2020, 26–27; Bergman & Fondevilla, 2021, 143). Added to this, it is necessary to consider the poor working conditions of prison officers and their scarce and inadequate training for the development of their work (Darke & Karam, 2016, 465; Bergman & Fondevilla, 2021, 143–144).

¹⁴ Always underlining the level of variation in the situation of prisons in the region and being careful to recognize the existence of significant differences, it should be noted that in the case of the Dominican Republic it can be argued that, by opposition, the state’s capacity to control incarcerated life intensified during the last decades, despite the growth of the prison population, as a consequence of the reform promoted since the beginning of the 2000s, encompassing not only the “new model” prisons but also those of the “old model” in which state presence was intensified and a scheme of “representatives” was structured (Peirce, 2021; this volume).

The formal rules—legal and administrative—are applied in an extremely flexible way by prison officers, who are themselves endowed with wide levels of discretion. However, these state agents, in any case, constantly cross the borders of those same formal rules, within the framework of relations with prisoners strongly marked by irregularity and personalism, reciprocity and mutual dependence, dialogue but also violence. In this scenario with a high level of informality, the accommodations that are built in incarcerated life generate a certain amount of autonomy for inmates in exchange for a series of benefits for the authorities and guards—both material and immaterial. Within the framework of this autonomy—greater or lesser, depending on the case—the way can be opened to the development of schemes and practices of governance of other prisoners (Antillano, 2015; 2017; Antillano et al., 2016; Birkbeck, 2011, 318; Darke, 2018, 19, 149; Darke & Garces, 2017, 5–6; Darke & Karam, 2016, 467–468; Garces, Martin & Darke, 2013).¹⁵

Another significant condition, which is also a long-lasting feature in Latin American prisons—although deepened as a consequence of the growth of overcrowding—and which is a condition of possibility for the inmate governance, is the high dose of “collectivism” that structures the lives of prisoners (Avila & Sozzo, 2020, this volume; Darke, 2018, 8, 149–168, 284–285, this volume). The fact that individual cell accommodation is an extremely rare situation in these penal institutions in the region makes the experience of living with others a constant, both in the past and in the present. This occurs both in cells designed as individual that have become collective as a consequence of overcrowding and in cells directly designed as collective, whose occupation may also be found beyond the limits initially planned as a consequence of growth of imprisoned population. To this is added that, in general, Latin American prisoners spend a lot of time of their days in collective spaces such as the “patios” or the “corridors” of the wings, since the cells tend to have long opening hours—to which can be added, in certain cases, other collective spaces such as schools or workshops in which some inmates spend

¹⁵ Lucia Bracco (2020, this volume) interestingly proposes—from her exploration of a women’s prison in Peru—that the “formal” and the “informal” interpenetrate in incarcerated life, building a “hybrid” regime, a “multilayered normative order”, which she interprets using the notion of “interlegality”.

a certain number of hours per week. This collective, forced and intense coexistence also contributes to the fact that, within the framework of the relationships between prisoners, many times marked by mutual aid and protection in pursuit of survival—although not for that reason free of conflicts and violence¹⁶—, schemes and practices of inmate governance emerge, more or less distant—depending on the case—from the gaze and intervention of prison agents.

These three conditions of possibility of the inmate governance operate essentially “from within”, they are dynamics that are linked to what happens inside the Latin American prison walls, even when they have different connections with external processes. Now, at least in relation to certain forms of inmate governance, there are also various conditions that operate more directly “from outside” prisons. For example, to understand the emergence of governance schemes related to evangelical wings in Argentine provincial prisons, it is essential to take into consideration the social diffusion of evangelism, especially in the economically and socially disadvantaged populations, and the initiative of various pastors to enter contexts of confinement and develop their religious activities with inmates (Navarro & Sozzo, this volume). In the same way, to understand the type of governance that the figure of the “narco” embodies in Colombian prisons, the emergence of that position outside the prison and its economic and political capacity linked to a dominant role in the illegal drugs market is essential. (Ariza & Iturralde, this volume). Or to understand the governance schemes of the prisoners associated with the “maras” in various Central American countries, it is essential to understand the preceding and parallel trajectories of these organizations outside the prison walls and the multiple effects they generate (Bergman & Fondevilla, 2021, 172–176; Carter, 2014, 2017; Gutierrez Rivera, 2012).

¹⁶ In Darke’s important work on Brazilian prisons in this regard, reference is made to these “collectives” emphasizing their “homogeneity” (Darke, 2018, 297). This “homogeneity” cannot be taken for granted, at least in prisons in other contexts of Latin America, where there is a higher level of fragmentation between various “collectives” that may have conflicting relationships with each other and where there are also many examples of volatility and fragility of them through time. In any case, this seems to be a very important issue that also requires more in-depth and comparative analysis in the future.

These various examples of conditions that operate “from outside” the prison walls, generate reactions on the part of the state authorities, which contribute to a greater or lesser extent to the fact that this type of governance schemes on the part of the prisoners are installed and work, in some cases with some official reluctance, in other cases without it. Therefore, finally, it is also necessary to incorporate as another condition of possibility that plays a significant role in the installation of some of these forms of inmate governance, the production of prison policy decisions that tolerate or try to generate these schemes, justifying these governmental roles of prisoners themselves in various ways and to a greater or lesser extent. In certain cases, these governance schemes even go through formalization processes that may be more or less important and rescue pre-existing practices or not. This clearly happens in the “community-run” prisons in Brazil (Darke, 2015, this volume; Macaulay, 2013, 376–377, 384–385, 2015), in the “solidarity committees” of the São Paulo prisons of the 1980s (Dias, this volume), in the Nicaraguan “prisoner councils” (Weegels, 2017, 2019, this volume) and in other experiences in the region (Postema et al., 2017).

Recently David Skarbek has ambitiously sought to generate an explanation of the existence of the diverse variants of prison governance at a global level, including forms of “inmate governance”—differentiating between “co-governance” and “self-governance” (Skarbek, 2020, 9–10). For this author, the emergence of these forms of inmate governance is the result of the nonexistence or insufficiency and “low quality” of “official governance”, which he associates exclusively to the governance practices of state actors. In his perspective, prisoners have needs of order maintenance and since in some cases this is not satisfied by state actors, they themselves construct ways to do it (Skarbek, 2020, 10–18, 42–43).

Certainly, weakness in the state’s control capacity is a central variable to explain the birth of various of these forms of inmate governance, as we have already indicated. But it is necessary not to lose sight of the fact that many times it is state actors themselves that promote these schemes, whether they generate their formal recognition or not. This usually happens within the framework of processes of reciprocal accommodation with certain prisoners, crossed not only by agreements but also

by tensions and conflicts, which give rise to transactions and compromises. But in any case, the schemes of inmate governance are not the product solely of the inventiveness and agency of the prisoners. In fact, this is somehow recognized by Skarbek himself when he argues that in the forms of “co-governance” —using the previously mentioned case study by Darke () on a Brazilian jail—the tasks of some prisoners are assigned “from above” and these actors are presented as collaborators of state agents (Skarbek, 2020, 28–32, 43). It may even happen, although rather exceptionally, that some of these schemes are born directly and immediately as a consequence of a government strategy generated by prison authorities, as shown by the case explored in Avila & Sozzo (2020; this volume) and in the “community-run prisons” in Brazil explored by Darke (2015, this volume). In these cases, from my perspective, it is more difficult to speak of a weakness in the capacity to govern of the prison authorities. In any case, I consider that it is not enough to focus on this single element—although its importance is undoubtedly crucial—when considering the emergence, multiplication and diffusion of the schemes of inmate governance in Latin America.

These varied mechanisms are the result of a complex web of conditions of possibility, which operate both “from outside” and “from within” the walls of these institutions of legal punishment but also both “from below”—from prisoners themselves—as “from above”—from state authorities and agents.

Contents of the Book

This collection identifies and analyzes inmate governance in Latin America, in an attempt to make this phenomenon as relevant to the academic field as it already is in practical terms in the region, placing it as a central theme of social studies on Latin American prisons. The volume rescues and dialogues with a whole series of previous contributions that have been made in this regard, especially in the last decade—an

important part of which has been generated by the authors of its various chapters—on various national contexts.¹⁷

The chapters of this book carry out a detailed exploration of some of the main forms of inmate governance, in different countries of the region—Argentina, Uruguay, Peru, Brazil, Colombia, Venezuela, Nicaragua and the Dominican Republic—, based on empirical inquiries conducted by social researchers who have diverse disciplinary roots as well as theoretical and methodological perspectives. It is precisely this diversity that I consider to be one of the fundamental sources of the richness of its contribution as a collective exercise.

The volume is structured in three sections. **Part I. Emergence and Transformations** gathers a series of works that rescue a diachronic vision and analyze the emergence and transformations of these schemes of inmate governance in different national contexts of the region. Thus, the Chapter 1 by Camila Dias Nunes, Fernando Salla and Marcos Cesar Alvarez, “Governance and Legitimacy in Brazilian Prisons: From Solidarity Committees to the *Primeiro Comando da Capital* (PCC) in São Paulo” proposes an analysis of these schemes in the Brazilian case through the study of two political and institutional contexts in different periods, each of which is characterized by the existence of groups of prisoners claiming to represent the prison population through different discursive, normative and ideological frameworks. On the one hand, prisoners being recognized by the authorities as legitimate interlocutors in the handling of prison matters. On the other hand, groups of prisoners whose authority is founded on the codes and logic of the criminal world, without the support of or explicit recognition by institutional authorities. To a large extent, the latter groups are founded on a discourse of opposition to the State. In both cases, what is at play is prison governance in its

¹⁷ Some books have previously been published that have worked on this issue, but on a specific national case, Brazil, such as Dias Nunes (2013); Biondi (2010, 2018); Darke (2018) and Dias Nunes & Paes Manso (2017). A very interesting collection has also recently been published that centrally addresses this issue in many of its contributions and refers to various countries in the region (Darke et al., 2021). And several special issues of scientific journals on prisons in Latin America included articles that address the issue of inmate governance (see *Crime, Law and Social Change*, 65, 3, 2016, *The Prison Service Journal*, 229, 2017 and *International Criminal Justice Review*, 30, 1, 2020). However, there have been practically no comparative efforts on this topic. The only attempt that has been done so far has been the book by Perez Guadalupe (2000).

verticality—that is, the relationship between custodians and prisoners—as well as in its horizontality, in the relationships established among the prisoners themselves. The two “cases” refer to the prison system of the state of São Paulo. The first case was observed in the 1980s, when the formation of Solidarity Committees among prisoners was encouraged and supported by state authorities within the context of a “prison humanization policy”. Despite its brief formal existence, this case was very significant as it provided an unprecedented experience in Brazilian prisons by creating formal and legitimate forms of representation for the prison population, who could communicate directly with the Department of Justice, the upper echelon of São Paulo’s prison administration. The second case refers to the emergence of the group of prisoners who called themselves the *First Command of the Capital* (Primeiro Comando da Capital, or PCC), and which expanded during the 1990s and consolidated itself in São Paulo prisons during the 2000s. Unlike the Solidarity Committees, the PCC explicitly defined itself as the “party of crime” and promoted the struggle for prisoner rights based on a discourse of confrontation with the State. The chapter concludes with some general reflections on these different forms of prison governance .

Chapter 2 by Manuel Iturralde and Libardo Ariza is “Tales from *La Catedral*: the *Narco* and the Reconfiguration of Prison Social Order in Colombia”. The chapter departs from acknowledging that, recently, anthropological, sociological and socio-legal studies on Latin American prisons have opened a promising line of research, which focuses on the effect of the punitive turn and the war on drugs on social order and governance in prisons. However, the chapter highlights that little has been said of the instrumental and symbolic role of the *Narco* in Latin American prisons social order, as the archetypical figure that embodies the immense power of drug barons and the cartels they lead. Through the case study of Pablo Escobar and *La Catedral* (the prison where he was held for a brief period), the chapter shows how, in many instances, the *Narco* plays similar roles to those performed by prison groups and gangs regarding social order in prisons, also replacing the State in their government and the provision of goods and services. Nevertheless, due to his immense power and number of resources, the *Narco* takes some of the features of social order in Latin American prisons, as well as its

relationship to state authority to a different level. Also, the *Narco* has fostered new dynamics, which have reconfigured prison spaces, markets and power relations. The chapter finally presents an interpretation of the transformation of Latin American prison spaces and social order during the last decades based on the description of what may be regarded as the foundational episode of a new prison era in Latin America: the construction of *La Catedral* as a symbol of the emergence of a particular prison culture characteristic of the *Narco* era.

Chapter 3 by Jennifer Peirce is “Tigres, Representantes, Agentes: The Evolution of Prison Governance Arrangements in the Dominican Republic’s Prison Reform Process”. This chapter explores the evolution and variety of social order and governance arrangements in prisons in the Dominican Republic. The Dominican Republic provides a unique case study for prison research because it is a high-crime, and low-resource context, but has made a major investment in reforming prisons to align with international human rights standards. Half of its prisons are “new” and reformed—with new buildings, staff and programs—and half remain in the “old” conditions, with deteriorated infrastructure and police/military authority. In the “old” prisons, governance arrangements have shifted over the past decade, from a “provó” system where individual powerful prisoners ran facilities with near-total control, to a form of negotiated authority in which both prisoner “representatives” and prison staff share power. In contrast, in the new prisons, the new corrections professionals have dismantled all forms of prisoner-led governance and have imposed formal authority on every aspect of daily life. These contrasting governance arrangements stem from material and social circumstances and from deliberate policy decisions by government officials. In each setting, prisoners expressed appreciation for certain aspects of daily life under a given regime, and express frustration with other aspects. Based on surveys and interviews with prisoners and interviews with staff and other actors, this chapter describes the history, key components and mechanisms of the current governance arrangements in old and new prisons. It also explores the reasons for prisoners’ mixed perceptions. The chapter argues that the Dominican examples show the need to integrate key insights from the principal theoretical

frameworks of prison governance. Specifically, the Dominican case illustrates the salience of blending two frameworks: Skarbek's emphasis on the provision of material goods and safety and of Pérez Guadalupe and Nuñovero's emphasis on the nature of dialogue between prisoners and formal authorities.

Part II. Dynamics and variations bring together a series of works on various national contexts that explore in detail the dynamics of diverse schemes of inmate governance, pointing to different crucial dimensions of its ways of functioning. Chapter 4 by Andres Antillano is "The carceral reproduction of neoliberal order: Power, ideology and economy in Venezuelan prison". This chapter tries to account for the similarities between social relations and political devices within a prison controlled by the prisoners themselves, and practices and discourses typical of the neoliberal creed (privatization of prison management, exhaustive control and supervision, rigorous and labor-intensive disciplinary regime), or even of its more general premises (conservative values, commodification, individualistic ethic, hierarchization and inequality, overexploitation and dispossession). This is made through the results of an empirical research of one prison in Venezuela. These similarities, where a group of socially excluded prisoners duplicates and reproduces the same devices that lead to their exclusion, are an even greater paradox if they are considered to occur within the framework of a political project seeking to overcome the neoliberal legacy and dignify the poor, including those locked up in prison. The chapter understands neoliberalism not only as a doctrine, a set of policies or a rationality but above all as a social arrangement, in this case, constituted by the effect of the continuity of the use of prison as mechanism of segregation and control of the surplus population (key to neoliberal governance, as Wacquant pointed out) and the emergence, within the prison, of an economy based on dispossession (Harvey), as a result of double exclusion (social and institutional) that prison implies for this surplus segment of the population.

Chapter 5 by Julienne Weegels is "Enduring lock-up. Co-governance and exception in Nicaraguan's hybrid carceral systems". Publicly, the Nicaraguan police and prisons system are prided for their humanistic and communitarian stance. While they project the moral high ground in the fight against "the corruption of our youth", they nonetheless appear to

have a highly ambiguous relationship with both violence against criminalized youth and illegal markets inside prison. In effect, Nicaragua's prisons are characterized by overcrowding and extra-legal governance techniques in which corruption and the use of violence (both among prisoners and between prisoners and authorities) produce precarious, yet systemic co-governance arrangements. As such, this chapter seeks to grasp the intimate relationship between governance, violence and collusion in the Nicaraguan prison system—a relationship managed and guarded as a public secret as it is revelatory of the *shared* nature of power within the system. While prison is publicly projected to be governed solely by the authorities through the privilege system, the facilities are neither exclusively governed through this system nor by the authorities alone. Prisoners effectively participate in prison governance as they order and govern their cells according to their own norms. Prisoners and authorities, moreover, collude to make particular prohibited and illegal goods available inside prison (such as cellphones and drugs), both reaping the economic benefits of such collusions. Violence, in turn, appears to be deployed by both authorities and prisoners as an ordering mechanism that establishes the limits of their collusion. Drawing from an extensive ethnographic engagement with prisoners and former prisoners, this chapter explores the joint (dis)organization of “prison as usual” through the violent exchanges that authorities and prisoners engage in to balance prison governance by effectively, yet secretly, sharing power.

Chapter 6 by Vitor Stegemann Dieter is “Co-governance of ‘Dialogue’: hegemony and governance in a Brazilian maximum-security unit”. Classic prison studies have emphasized the importance of prisoner-staff relationship for the maintenance of prison social order, yet the rise of an administrative criminology in prison changed that orientation to seek “good management” increasingly from the perspective of governors and staff practices. Subsequent prison studies in the Anglo-sphere have followed that top-down line of inquiry pointing to the importance of criminal justice legitimacy, prison architecture, penal philosophies or administrative styles. However, recent literature from a “Southern criminology” perspective has found that “Southern prisons” rely more on the participation of inmates for prison governance due to its precariousness, overcrowding, staff-shortage and the presence of