

The rebirth of the prison in Latin America: determinants, regimes and social effects

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Abstract Throughout the last three decades, almost all Latin American countries witnessed a dramatic growth of their inmate population that is indicative of the rebirth of the prison in the region. This article contextualizes the rebirth of the prison in contemporary Latin America in empirical and theoretical terms. To this end, it offers a discussion of the expansion of Latin American imprisonment, changes in the region's prison regimes and their embeddedness within wider social and economic contexts, as well as of the impact of institutional histories, larger economic and political transformation processes and globally circulating penal ideas and institutional models, all of which contribute to the growing punitiveness of contemporary Latin America states and politics.

This special issue is sparked by the political and social salience of the prison in contemporary Latin America, and the opportunity the current “rebirth” of the prison in the region provides for engaging and contributing to ongoing academic efforts of mapping the origins, manifestations and transformations of prison expansion in our contemporary world. By now, a number of works have established the growing centrality of the prison within the institutional re-making of Latin American states and the region's political landscape [39, 47, 66]. However, despite a veritable prison-building boom in Latin America, where “democratic” penitentiary systems now house an unprecedented numbers of inmates, and the new political centrality of crime and insecurity on the political agenda of most states in the region, the literature on Latin American prisons mostly focuses on their history. Likewise, there is a lack of in-depth assessments of more recent transformations in and of the region's prison regimes.

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This special issue addresses these voids. It brings together a number of case studies —from Mexico to Venezuela, Colombia, Peru, Brazil, Argentina and Chile— that, from different disciplinary backgrounds, critically interrogate the rebirth of the prison in contemporary Latin America. The contributions reveal common patterns identifiable across cases—such as prison expansion, economic and political transformations, newly emerging regimes of social in- and exclusion and the connections between these developments—while at the same time pay close attention to the idiosyncratic features of the individual countries. Identifying and comparing common patterns allows us to engage the rich literature on prison expansion in the global North, while detailed case studies permit us to identify the particularities of prison regimes and prison-society relations in Latin America; particularities that are rarely addressed by dominant debates on contemporary prison transformations and that differ in important ways from patterns commonly identified by the literature on prison regimes in the global North.

In the remainder of this introduction, we seek to contextualize the rebirth of the prison in Latin America in empirical and theoretical terms. To this end, we offer a discussion of the expansion of Latin American imprisonment, changes in the region's prison regimes and their embeddedness within wider political and economic transformation processes.

We proceed in three steps. First, we discuss changes in imprisonment rates by engaging with Michael Tonry's important work on "Determinants of penal policies" [65] in which he addresses the extensive debate on "risk" and "protective" factors in explaining changes in punitiveness in the global North. Taking Tonry's factors (see below) as *conjunctural mechanisms* that may operate across cases [62], we briefly discuss the explanatory power of those mechanisms for capturing the realities of the cases presented in this special issue—and identify alternative causal mechanisms. Next, and by drawing on the discussion on state weakness and informality in Latin America [48, 71]; [2], we address the institutional ramifications of the rebirth of the prison in Latin America, a region where, historically, prison regimes have been marked by infrastructural deficits and a high degree of informality. Specifically, we relate changes in the region's prison regimes to emerging patterns of exclusion in the formal economy and transformations in the structure of criminal organizations inside prisons. In a third step, we link recent changes in Latin American prison regimes to the "social question." As the rise of the region's inmate population is mostly related to new forms of punishing the urban poor, we analyze the emerging relations between imprisonment, marginalization and the re-making of urban orders in the region. In conclusion, we summarize the main findings of this introduction and highlight their implications for a deeper understanding of the rebirth of the prison in Latin America.

Factors and mechanisms of imprisonment expansion: a political-institutional account

Throughout the last three decades, almost all Latin American countries witnessed a dramatic growth of their inmate population (see Iturralde Sanchez, in this issue, chart 3). This extraordinary expansion surpasses historical levels of imprisonment in the region in relative *and* absolute terms (see Rico, 1981 [1972]: 283). It therefore calls for efforts to account for it, in particular because it seems clear that Latin America's contemporary democracies are imprisoning more people than the dictatorships that haunted the region throughout much of the twentieth century. This empirically, theoretically and normatively

challenging observation has often been related to rising crime rates or a more general punitiveness of the region's "violent democracies" (Arias and Goldstein 2010). However, as [65] indicates in his assessment of punitive policies in the "consolidated" democracies of the global North, changing patterns and levels of punitiveness¹ cannot be explained solely by referring to "rising crime rates, harsher public attitudes, cynical politicians, ethnic tensions, rapid social and economic change, postmodernist angst" or "penal populism." He considers these aspects as "non-factors," necessary ones, but insufficient for explaining general transformations. Instead, Tonry identifies "risk factors" as stronger predictors for increasing levels of punitiveness. These include: conflictive (non-consensual) party systems, elected judges and prosecutors, sensationalist journalism, Anglo-saxon political cultures, and politicized views of criminal justice. He also points towards a strong positive correlation between high levels of inequality, weak welfare state institutions, and low levels of government legitimacy on the one hand, and increased punitiveness on the other ([65]: 18). Likewise, "consensus political cultures" ([65]: 34), professionalized judges and prosecutors as well as expert-informed policy practices predict lower degrees of punitiveness.

When looking at contemporary Latin America through the lens of Tonry's analysis, evidence, indeed, suggests that "crime and victimization rates increase," "increased inequality," "social movements," "rapid social and economic change," and "postmodernist angst" have taken place throughout the region. This can be seen in all contributions to this special issue (Argentina, Brazil, Chile, Colombia, Mexico, Peru, and Venezuela). Moreover, it is also evident that other "risk factors" are more important for explaining changing levels of punitiveness in Latin America. These include Tonry's but also "risk factors" that correspond to the region's recent political history: (i) transitions to democracy, (ii) related re-constitutions of party systems, (iii) the rolling-out of neoliberalism, (iv) the war on drugs and, most importantly, (v) penal-state building that contributed to an expansion of justice and police bureaucracies.² These processes interact in specific ways with the "protective," "risk" and "non-factors," factors identified by Tonry and give the rebirth of the prison in the region its Latin American "twist."

In Latin-America, as in the global North, rising homicide rates, increasing levels of inequality and rapid economic change, per se, are not directly related to increasing punitiveness.³ To understand the place-specific efficacy of these factors, we must relate them to mediating mechanisms that link these processes to imprisonment outcomes.

¹ For Tonry, changes toward greater punitiveness can be measured in policies, (capital punishment, mandatory minimums, juvenile waiver), practices (use of waivers and changes in adult and juvenile prison admissions) and outcomes (prison population and admission rates as well as sentences length), along with procedural protections (2007:14) We concentrate, for reasons of space, on incarceration rates.

² Penal state building and democratization need to be placed within the context of the militarization and later relative de-militarization of penal control that took place in most countries of the region in the last four decades. For a comparative study of Argentina and Chile, from this perspective, see [49].

³ In that respect, we observe imprisonment increasing in the last two decades in cases of increase in homicide rates (Chile, mildly, Venezuela, doubling), decreases (Mexico, Colombia) or stability (Argentina and Brazil) ([38]: 42–43). Similarly, imprisonment has increased both where inequality increased (Argentina during the 1990s) and where it decreased (Argentina, Brazil, Chile, and Venezuela, during the 2000s), while imprisonment rates vary dramatically across countries with similar levels of GINI coefficients ([38]:41) Moreover, all cases underwent rapid social and economic change with structural adjustments in the economy and the polarizing, flexibilization and impoverishment effects (Chile, since 1975, and Argentina, Brazil, Colombia, Mexico Peru and Venezuela, since the early or mid-1990s), followed by differently radical turns to the left in Argentina, Brazil, and Venezuela in the 2000s, all the while imprisonment rates continued growing.

If we turn to the political and institutional factors identified by Tonry—differences in political cultures, variations in political structures, degrees of political dependence of the judiciary and prosecutors, the prevalence of a culture of responsibility—the contributions to this special issue suggest that these factors are not strong predictors of the increase and variation in Latin American punitiveness. The conflictive-consensual political culture division appears not to be a decisive factor per se. Almost all cases discussed by the contributors have “conflictive political party systems,” while demonstrating huge differences in imprisonment rates, from those countries exceeding the media of the region in 2011 (Peru [159/100.000], Colombia [181/100.000], Chile [305]/100.000], Brazil [253/100.000] and Mexico [200/100.000]) to less punitive ones (Argentina [151/100.000] and Venezuela [149/100.000], in [72]. Regarding countries with a high concentration of power in the executive vis-à-vis the legislative branch, we also find great variation in imprisonment rates. High imprisonment rates can be observed, for instance, in the “presidential” party system of Colombia, where the president *centralizes* authority and controls the legislative through clientelistic relations ([17]: 204) as well as in more dispersed systems, like Chile, where the executive *shares power* with the legislative branch, and even in the more politically atomized and federal system of Brazil [40].

The two other political risk factors, “elected judges and prosecutors” and “penal populism,” defined as a “displacement of professional and experts” ([65]: 32), have also limited explanatory efficacy for the cases discussed in this special issue. In general, there are no elected judicial authorities in Latin America and when it comes to experts’ displacement, in most cases those penal professionals did not hold strong positions of power within the penal-policy making process between the late 1970s and early 1990s, therefore they could hardly be displaced ([55], 304; [73]).

To understand the increasing punitiveness across the cases analyzed in this special issue, we argue that while the political and institutional factors discussed by Tonry matter, they must be related to region-specific factors in order to account for the path-dependent pattern of contemporary Latin American punitiveness. Moreover, we have to pay more attention to the evolving political and state structures of Latin American democracies and the impact of geopolitical factors. In fact, we argue that the most important explanatory factors for imprisonment expansion are not stable political and institutional features, but process of political and institutional *change*. The most important ones are (a) processes of democratization, (b) the reconstitution of party systems, (c) the militarization of the war on drugs, and finally, (d) processes of penal state building oriented towards the “legalization” or “judicialization” of penal repression, namely through police and new criminal procedure reforms [42]. The latter turns rule of law principles into mechanisms of a *rule through law*. With the latter term we designate a process that converts the neutral and impartial character of law and legal processes into political means that, by criminalizing certain practices most often associated with people at society’s margins, aim at enhancing the legitimacy of political actors through practices of legal-political exclusion. These practices are centered on arbitrary police targeting, judicial intervention (through pre-trial detention and/or fast-track punishment) and imprisonment of socially excluded and “dangerous” populations. To this end, these laws and legal reforms are presented as being essential for guaranteeing the safety and security of the population—and as evidence of the further advance of the rule of law—while at the same time dividing society up into an

antagonistic field populated by rights-deserving citizens and punishment-deserving criminals.

Against this background, we argue that changes in the political systems and institutional features of Latin American states mediated the impact of larger macro-structural social and economic transformations and explain both, the general increase of the region's prison population as well as country-specific trajectories of the rebirth of the prison.

While, since the 1990s, the Latin American transition to neoliberalism—a political project that “that proposes that human well-being can best be advanced by liberating individual entrepreneurial freedoms and skills within an institutional framework characterized by strong private property rights, free markets and free trade” ([34]: 2)—increased social inequality and crime rates throughout the region, neoliberalism's impact on the growth of the region's prison population was mediated by changes in the different political systems and the larger political-institutional landscape. Political systems throughout the region changed regarding the (re-)organization of party systems as well as with respect to the distribution of political power between the central state and local (provincial or federal states) authorities. In some cases we observe a dispersion of power to governors and subnational administrative/political actors, while other contexts witnessed a concentration of power in the executive branches.

The transition to democracy in Argentina (1983), Peru (1980), Brazil (1985) and Chile (1990) implied the (re)constitution of electoral political systems. The democratic transitions were combined with structural economic transformations, which, in turn, impacted the transformation of the party system and the distribution of power in the political system at large. In addition to these political changes, there has also been a massive process of penal state building, in the form of police and criminal justice reform initiatives, and the involvement in the “war on drugs.”

In the cases that witnessed transitions to democracy—Argentina, Brazil, Chile and Peru—the two federal systems, Argentina and Brazil, evolved toward a devolution of power to sub-national levels that created new political demands at the local level. In both cases, this facilitated the diffusion of the crime problem, as governors—and even majors—in their efforts to successfully secure/expand their political position at the state and/or national level, converted crime control issues into the main central topic on their political agenda. How this politicization of crime contributed to increased imprisonment rates depended on the party systems, and the (re)distribution of political power between national and subnational governments. In post-transition Argentina, the party system first became dual, and in the late 1990s, turned into a dominant party system dominated by the Peronist party, the *Partido Justicialista* [44]. With economic changes towards neoliberalism, Peronism increasingly distanced itself from its old constituency, labor unions, and began targeting middle classes and informalized segments of the working class. Here however, governors that acquired greater power under neoliberal devolution policies [16] could not pass tougher punitive legislation as the still powerful national executive prevented the passing of legislation that would increase prison overcrowding in order to avoid the political costs of prison riots. This only changed since the early 2000s when a weakened national executive allowed empowered governors to successfully pressure for the passing of punitive policies [37, 73]. Still, these new laws were not accompanied by an expansion and revamping of judiciaries as in Chile, Brazil or Colombia (see below). While prison rates, thus, increased mildly,

they remained low when compared to those other cases (147/100.000 in Argentina, compared to 266/100.000 in Chile, 274/100.000 in Brazil, and 245/100.000 in Colombia, in 2013) [73].

In post-transition Brazil, the reconstituted party system became highly fragmented [40], with even greater power in the hands of governors than in Argentina. Governors were initially dominant in determining penal policies, controlling police and prisons, but also in passing more punitive laws in a veritable penal populist fashion. Since the 1990s, this constellation contributed to the passing of legislation that excluded pardons and the reduction of prison time (*Lei dos crimes hediondos*) as well as to heavy investments in the expansion of police and judicial bureaucracies. These state policies were facilitated by the consolidation of national security plans by the federal governments of Fernando H. Cardoso (1995–2003) and Ignacio “Lula” da Silva (2003–2011), who also passed highly punitive policies [15]. The national security plans distributed national government resources amongst the federated states, often leading to an expansion of police powers. At the same time, however, this contributed to the modernization of the judiciary, in particular through the expansion of state-level and national prosecutors office [1]. As the expansion of the police and punitive legislation outpaced the processing capacities of Brazilian courts, the country’s prison population grew in absolute numbers with and the percentage of pretrial detainees increased from 18 % in 1990 to 43 % in 2010 [61].

The centralized political systems of Chile and Peru, in turn, indicate very different political avenues toward imprisonment expansion. Instead of a conflict-ridden party system and emerging penal populism, post-transition Chile has a dual party system [27] with a highly consensual political culture around the tenets of free market ideals and individual responsibility, which, in the name of democratizing justice reforms, produced a massive expansion of the investigative and preventive police as well as the revamping and expansion of the criminal courts and the creation of an all-powerful and autonomous prosecuting office [35]. If police expansion fueled imprisonment expansion during the 1990s, judicial hyper-activity intensified this path since the early 2000s (Hathazy, in this issue). In Peru, the transition to democracy in 1980 led to the emergence of a dual and conflictive party system in which the political Left was displaced. This system later on gave place to political newcomers who engaged in neo-populist politics, under Alberto Fujimori (1990–2000), Alejandro Toledo (2001–2006), and the “neo-developmentalists” Alan García (2006–2011). In this case, the *concentration of power* in the hands of the national executive came along with an “anti-politics” discourse where crime repression became a central tenet for political newcomers. This coincided with a counter-terrorism approach targeting radical social mobilization that, not only increased the prison population by 50 % ([66]: 912) but also strengthened the military and the police. With the de facto defeat of the insurgency threat posed by the Shining Path (*Sendero Luminoso*) in the 2000s, the state security apparatus increasingly turned to the fight against drugs and common crime [36]. The police were further strengthened during García’s tenure, which saw the doubling of the police budget between 2000 and [69] (Dammert & Salazar [21]: 30), followed by the implementation of a New Criminal Procedure since 2006 [45]. However, the comparatively limited expansion of judicial capacities prevented high levels of imprisonment increase as in other cases, namely Chile and Colombia.

Finally, in Colombia and Mexico neoliberal structural adjustments coexisted with different transformations of the party systems and the distribution of power between the central government and subnational political entities. In Colombia, the neoliberal adjustment policies of the 1990s contributed to both, increased criminality as well as splits within the traditional party system that facilitated the rise of political outsiders. A case in point is Alvaro Uribe (2002–2010) and his follower Juan Manuel Santos Calderón (since 2010), who further enhanced neoliberal policies while at the same time furthering the militarization of the security apparatuses that increasingly engaged in the repression of political opposition movements and narco-trafficking. Since [33], Colombia has passed highly punitive legislation that increased minimum sentences and facilitated preventive detention. The increase of police power after its heavy involvement in domestic counterterrorism and counterinsurgency operations targeting the *Fuerzas Armadas Revolucionarias de Colombia* (FARC), became coupled with the enhanced powers of the prosecutors officer and criminal courts. In sum, in the Colombian case, the concentration of power in the hands of powerful Executive that present themselves as political outsiders (even if governing through coalitions with the traditional parties), in addition to ongoing institution building in the area of police and judicial reform as well as a growing turn towards penal populism explains the sudden increase of the country's prison population in the new millennium (Iturralde Sanchez, this issue).

A similar path can be observed in Mexico. Here, the end of the 71-years of one-party rule by the Revolutionary Institutional Party (PRI) and the election of Vicente Fox Quesada from the conservative National Action Party (PAN) in 2000 triggered a path of penal state expansion that was driven first, by federal institutional innovations to combat organized crime by centralizing and militarizing law enforcement as well as by the toughening of federal laws targeting activities associated with organized crime, in particular within the context of the escalation of the “war on drugs” after 2006 (Müller, this issue). In addition to this, the decentralization of the Mexican political system that accompanied the local democratization process gave Mexican governors substantial power in terms of reforming state-level (and municipal) police forces and penal codes. As both, federal as well as state-level reform initiatives were driven by a penal populism (see [6]), these developments led to a contingent convergence of local/state-level and federal experiments with penal-state building despite existing ideological differences of the involved actors (Müller, this issue).

Finally, in Venezuela, we can observe, rising crime rates along with the emergence of a new political force in the wake of the political crisis of the 1990s, which, under the presidency of the leftist-populist government of Hugo Rafael Chávez Frías (1999–2013) moved the country away from neoliberalism towards the so-called Socialism of the 21st century. Here the concentration of power in the executive branch and the highly conflictive political system lead to an initial decline in the inmate population, even while crime rates were rising in the wake of the implementation of so-called socialist social policies. However, once the socialist movement became consolidated along with its clientelistic and redistributive networks, the socialist government increasingly criminalized those excluded from the formal economy and many of the clientelistic networks that facilitated its rise to power, thereby increasing punishment under a surprisingly “de-socialized discourse” (Antillano et al. in this issue). This growing punitiveness, as in the cases of Chile, Colombia, Brazil and Mexico, is to a

large extent fuelled by penal state-making processes, centered on the reinforcement of (militarized) policing [3] and the expansion of the criminal justice apparatus. As in the other cases, the progressive reforms of the criminal justice sector—where mainly Argentina, Chilean and US-American legal scholars and experts diffused their knowledge and techniques to the whole continent [35, 42] to assure legal protections of citizens and increased efficiency to reduce pretrial detainees—turned into a highly selective but massively penetrating device to *rule through law*.

In sum, in a region where the impartial legal dimension of the exercise of state power, including court practices and those of the prosecuting offices, has been historically weak [48, 55, 70], the expansion of police powers and judicial capacities along with the passing of more punitive legislation, unsurprisingly led to an increase in the region's prison population. These institutional developments took place within, and were mediated by, profound transformations of the political systems triggered by both, processes of neoliberal restructuring and transitions to democracy. As demonstrated above, the reconfiguration of party systems in a context of changing social and economic structures operates in different ways. It provides incentives for political newcomers to exploit crime and insecurity for building up their political capital; it allows governors to perform as tough-on-crime politicians on the national arena (as in Argentina and Mexico); and it helps to preserve political power in a situation of political crisis, as in the case of Venezuela. While it is true that ideological orientations matter in terms of explaining imprisonment expansion in Latin America—as demonstrated by the lower inmate numbers in Nicaragua, Venezuela, Bolivia and Ecuador, under periods of Leftist governments—the analysis of the contribution governments' ideological orientations make to this process must be combined with an analysis of the political system that is sensitive to the repercussions of institutional developments on rising levels of punitiveness, as the cases of Brazil, Venezuela and Argentina attest. In these cases, even under center-left administrations, imprisonment rates kept on rising in the 2000s. Conversely, even within countries governed by rightist administrations, (Chile, Colombia and Peru), the increase in inmate numbers does not so much follow from governments' ideological preferences but rather from the ways the latter were linked to the strengthening and expansion of the police and the processing capacities of courts. To put it in other terms, the concrete extent of *penal state institution building* is a greater predictor for the likelihood and patterns of imprisonment expansion than the ideological orientation of the government. In addition to these institutional factors, some of what Tonry refers to as “non-factors” need to be taken into account in order to understand the place-specific expansion of imprisonment in Latin America. These “non-factors” include the failure of policies to increase the defense of inmates; the marginalization of alternative prison policies in the face of societal pressures for tough-on crime policies; as well as the bureaucratic opposition to policies that would reduce inmate numbers and bureaucrats' administrative power [66].

In light of the above, the centrality of new institutional developments makes us question the alternative between “populist positivism” and experts' leadership in penal policy-making that Tonry posits. Actually, the institutional development was fueled by the incorporation of new experts—economists and liberal legal scholars, including former human rights activists and many critical criminologists. As a result of this, experts in penal policy making, instead of becoming “protective factors,” became,

paradoxically, “risk factors” by legitimizing—through their expertise—penal institutional building that increases imprisonment.

Along similar lines, the expansion of the penal state [70] in Latin America, even if it correlates with the introduction of neoliberalism, is a relatively autonomous process. It unfolded under left- and right-wing governments, in centralized and de-centralized political systems. In this regard, penal state expansion in Latin America is more directly related to the transitions to democracy and changes in the national penal fields—in particular the convergence of rule of law discourses, liberal experts pressuring for reforms, and North American and international institutions eager to expand their clientele by investing in penal state building in the region [73]; see also [50].

As the common trend toward imprisonment expansion was not paralleled by an equal expansion of the basic infrastructures of the region’s prison systems, it often resulted in a chronic overpopulation of the region’s penitentiaries that “are filled overwhelmingly by minor offenders, overcrowded, and allow torture, corruption and abuse” ([9]: 19). Prison overcrowding, the marginality of the inmate population, along the consolidation of organized crime networks inside the prisons, are all symptoms, as well as causes, of increasing informality, extralegality and violence in the region’s prison regimes. This leads us to the next section, where we go through the gates and into the corridors of the Latin American prisons and analyze the particularities and changes of the regional prison regimes from “inside.”

Changes in prison regimes: overcrowding, internment-imprisonment variations and (new) prison orders

Some of the studies included in this issue confirm previous characterizations of prison life “beyond the north” ([22]: 205), while a number of them question the extent of such generalizations. In lieu of a general common trend we find instead a variety of different paths of the rebirth of the prison in Latin America, with diverging implications for prison life. In this section we offer a brief overview of these divergences, and discuss the pertinence of core sociological concepts derived from accounts of prison life in the “West” for understanding and explaining prison conditions in the global South.

The growing historical [2]; [12, 58], criminological [55, 56], [56] anthropological [30], and political science [47, 48] literature on prison regimes in Latin American has pointed out that prisons in the region have been shaped by overpopulation, understaffing and limited public service provision as well as the correlative centrality of informality and inmates’ self-organization. The related “numerical imbalance” between guards and inmates has produced a form of prison governance in which public officials systematically enlist prisoners as auxiliaries to perform basic prison functions [26]. Thus, the reproduction of the internal social order is left to prisoners’ organizations that govern cell-blocks, cells and/or dormitories ([22]:10). Therefore, it is not so much the state that is in control of the de-facto governance of Latin American prisons, but the prisoners themselves, in particular “the most powerful inmates” ([9]:13).

The studies of Colombia, Mexico, Peru, and Brazil clearly illustrate these findings. They indicate that informalization grew in tandem with overcrowding (and relative) understaffing. Still, as [22] point out, “prisoners life goes on with some degree of everyday normality” where the life of inmates is not as chaotic and unpredictable as

common sense predict. Instead a certain social order prevails, based on negotiations rather than conflict.

These features, indicative of negotiation-based forms of order-making inside Latin America's spaces of confinement, have been summarized by Birkbeck under the notion of "internment." As he points out, custody in Latin American prisons rarely qualifies as "imprisonment," a concept designating "spatially concentrated disciplinary technologies" ([10]: 318). According to him, "internment" is a better description of confinement realities in Latin America (and other parts of the global South). He sums up the differences between imprisonment in the global North and internment in Latin America as follows:

In the North, inmates are more regimented, more isolated and subject to greater surveillance; they are also less involved in the running of the institution. North American penal facilities are more open to external scrutiny and their bureaucracies are more formalized. In Latin America, inmates are less regimented, less isolated and subject to less surveillance; they are also more involved in the running of the institution. Latin American penal facilities are less open to external scrutiny and their bureaucracies are less formalized. ([10]: 319).

For Birkbeck and others [57, 22] internment has, historically, been a constant feature of Latin American prisons, and it continues to be a defining feature of the regions' contemporary prison regimes that are undergoing processes of hyper-incarceration.

The studies assembled in this special issue, however, show that, although such generalizations about Latin America confinement need to be qualified, the concept of *internment* can be usefully exploited if considered as an ideal type that allows for comparative assessments of empirical cases. Moreover, in our view, the analytical value of the distinction between imprisonment and internment can be enhanced. Rather than juxtaposing both patterns of confinement, we argue that they should *first* be grasped as two ends of a continuum of imprisonment practices. *Second*, rather than portraying them as static categories, internment and imprisonment, understood as processes, also capture the evolutionary dynamics operative inside given prison regimes.

In fact, what the empirical evidence of the case studies in this issue reveals is that we can productively speak of an imprisonment-internment continuum. *Contra* the general characterization of the "intensification of informality" in contemporary Latin America prisons, we observe in Argentina and Chile veritable transitions from internment to (weak) imprisonment, which implies a move towards less informality. In the Argentine case, in particular in the Federal Prison system, described by Hathazy (this issue), we observe that following a massive prison building process and the enacting of new regulatory procedures in the 1990s, the country's contemporary prison system is marked by greater formal regimentation, increased surveillance and forced isolation. Inmate groups lost their power since the 1990s, the system demonstrates higher levels of accountability—through the active control of the Prison Ombudsman—and it witnessed a formalization of internal social relations through the legal empowerment of inmates. Moreover, in contemporary Argentinian Federal prisons we also observe the public provision of food and clothing as well as very low degrees of overcrowding (see also [8]). Another case that illustrates the development from internment to

imprisonment is Chile, where the construction and increasing privatization of prisons, between 1990 and 2010, led to similar outcomes as those observed for the case of Argentina. The other cases discussed in this special issue (Brazil, Venezuela, Peru and Mexico), however, can clearly be classified as prison systems dominated by internment, as they have already been described by Rico's pioneering research in the early 1980s (Rico, 1981: 279–281).

Still, these interment-centered prison regimes have evolved in different ways during the last decades. They demonstrate variations with regards to the modes of inmate organization that are related to both, the pressure to satisfy the needs of a permanently growing prison population, and by changes in the composition of the latter and, in some cases, the re-organization and re-composition of organized crime groups. These features have led to an strengthening of inmates' organization. The latter developed from more atomized groups controlling cell-blocks, while maintaining horizontal and highly competitive relations among them, to more centralized organizations with stable hierarchical relations. These, in turn, are marked by a greater division of labor and "jurisdiction" over prison life—including the control of violence—and they vary in the related patterns of territorial-control, ranging from exclusively prison-based groups to those exercising nearly state wide control as in the case of São Paulo studied by Nunes Dias (see [52]; Darke and Nunes Días, this issue).

In fact, it is difficult to explain these processes with the rather rigid interment-imprisonment typology proposed by Birkbeck. Therefore, we suggest to bring the latter into a dialogue with other concepts from the sociology and anthropology of prison life to understand and explain the observable changes in the region's prison regimes. However, when looking at other conceptual tools from the sociology and anthropology of prison life, we are confronted with critical voices that question the applicability of concepts developed against the background of research on the global North to other world regions. In this respect, [26], in their discussion of prison life "beyond global north," pose the question regarding "the extent to which the dominant theoretical models in the sociology of prison life literature (prisonization, pains of imprisonment, latent culture and prisons as organizations) are applicable beyond the global North?" ([26]: 9).

The contributions to this special issue nicely illustrate that theoretical models developed by research on the global North can, indeed, be productively applied to the analysis of Latin American prison worlds if they are modified and adapted them to Latin American empirical realities. Moreover, we will argue that the cases at hand illuminate aspects of those theories that have not yet been fully exploited. For instance, authors like Darke and Karam claim that changes in inmates' organization in Latin America, cannot be adequately explained by theories of "panopticism" [29] "pains of imprisonment" [63], and "total institutions" [31]" ([22]: 9). The authors' claim is based on sensitivity towards the different history of the region's prison regimes when compared to the related developments in the global North. However, instead of discarding concepts and theories because of different "places of origin," we argue *first*, that the above-mentioned concepts and theories should be applied to those cases in the global South that clearly resemble developments in the global North. In fact, simply assuming that empirical developments in Latin America are so different from related processes in the global North that theories and categories applied to the analysis of the latter are ontologically incapable of "traveling South" not only reproduces

unintentionally an exoticizing perspective that contributes to an “othering” of Latin American realities. Moreover, it also fails to account for the fact that despite existing differences, Latin American prison systems, in many ways, followed the developments of prison systems in the global North—a fact that is hardly surprising when considering the *longue durée* of the transnational circulation of penal knowledge and prison models [57] and their impact on Latin America see [2]—and can therefore also be analyzed by applying concepts and theories that have a different “intellectual place of origin.”

Second, and more important, these concepts and theories can be adapted and extended to explain the variations and changes in the region’s prison regimes. As the contributions to this special issue indicate, the cases at hand invite us to re-read those works from a different empirical vantage point that allows for discovering their potentialities for explaining prison realities that differ from the empirical reference points in relation to which these concepts and theories were originally developed.

Without entering into an extensive theoretical discussion, it should nonetheless be recognized, that panopticism and adisciplinary prison regime—in the Foucauldian sense—were an institutional reality in Argentina in the late 1960s and early 1970s that can still be observed today. Moreover, if we remember that for Foucault discipline is a modality of power, we can adapt this concept to analyze its operation within power-based ordering practices exercised by inmates’ themselves, thereby recognizing the latter as active agents of carceral order-making. Indeed, Darke and Nunes Dias (this issue) show that the centralization of power in the hands of inmates’ organization(s) produces powerful disciplinary effects in the guise of enhanced self-control and a turn “toward more gentler ways of punishment.” Therefore, instead of questioning the usefulness of a Foucauldian perspective on disciplinary power altogether, we should rather seek to move beyond the dominant assumption that disciplinary power inside prisons is exclusively exercised and controlled by state officials.

Similar arguments can be made with regards to Sykes’ classic study *The Society of Captives* and his concept of “an inmate social system” emanating from deprivations that produce what he refers to as “the pains of imprisonment” [63]. Again, [22] question the utility of his study for understanding and explaining the constitution and transformation of prison life in Latin America. The cases at hand, however, invite us to (re-)read Sykes’ classic contribution from a more historical and structural perspective that allows for identifying a number of crucial analytical starting points to explain the differences and commonalities—both in terms of trajectories and outcomes—of Latin American regimes of confinement.

Most of all, Sykes’ approach allows us to understand that the social system inside the prison is, indeed, a “prison’s system of power” ([63]: 61). This system of power is produced by the intersection of internal and external institutions as well as power relations. In this way, the prison social system that Sykes analyzed for the case of New Jersey’s maximum security prisons in the 1950s, emerged from the need to deal with the “pains of imprisonment” at the level of the prison floor but within a specific institutional context. The latter was marked by a bureaucratic tradition concerned with the “task which the prison seeks to perform,” professional bureaucrats in charge of executing and implementing this task, and a political concern regarding the definition of this task that derived its inspiration and legitimacy from an underlying “matrix of a democratic community” ([63]: xv).

Moreover, the social system described by Sykes, resulted from a specific prisoners' "mode of adaptation." As Sykes put it: "The pains of imprisonment generate enormous pressure which is translated into behavior with all the greater vigor because, like a body of steam under heavy compression with only a few outlets, the body of the prisoner is limited in modes of adaptation" ([63]: 70). But different modes of adaptation, as Sykes' model implies, will produce different inmate social systems derived from prisoners' responses to the "pains of imprisonment": the other alternatives being retreatism, conformity, and/or "rebellion." Rebellion, the attempt to forcefully "change the custodial regime to ease the frustrations and deprivation," according to Sykes, was the most likely mode of adaptation under conditions in which (i) inmates faced a "desperate situation" and had the possibility of achieving a "victory" in open confrontations with prison guards; (ii) when few "ethnic and social cleavages reduce the possibilities of continued mass action"; and (iii) when "ideological commitment transcending individual differences" as well as (vi) inmates' "degree(s) of organization" are high ([63]: 81).

The studies of Antillano et al., and Dias & Darke in this issue offer a political analysis of changes in Latin American prison regimes that is compatible with Sykes' model. In the cases of internment discussed by the authors, deprivation is *not only* imposed by the prison authorities acting under a public mandate, but also by gangs operating inside the prisons; an observation that reflects the high levels of informality in many of the region's prison systems mentioned above. For the Venezuelan case, for instance, Antillano et al. describe the evolution of a new role system that emerged since the 1990s (see [24]). This system satisfies prisoners' economic and security needs in the face of the sudden expansion of the inmate population, deficient basic infrastructure, and the prison guards' de facto loss of the monopoly of violence inside the prison. In fact, far from being monopolistic coercion wielders, guards are now confronted with a situation marked by a coercive oligopoly where the exercise of violence and coercion—and the related (re-)production of prison order—is to a substantial degree controlled and regulated by inmate gangs.

The authors, moreover, describe the recent emergence of a centralized political power structure in Venezuelan prisons that replaces the more horizontal and atomized system of dispersed and fragmented inmate power relations of the early 1990s. Most significantly, this new system also imposed new social roles and norms on inmate leaders who not only extract rents but also seek to regulate violence, prisoners' access to goods and who offer protection from violence exercised by the guards.

The contribution by Antillano et al. furthermore highlights the consequences of what Sykes referred to as the "desperate situation" ([63]: 81). The latter, in the Venezuelan case, manifests itself in a reconfiguration of the relations of (coercive) power between inmates and guards in favor of the former. This reflects a reduced state capacity to impose social cleavages; increased inmate organization triggered by greater rent extraction and episodes of state extreme, frequently lethal, state repression during the early 1990s; and changes in the political "matrix" and the militarization of the prison staff—all elements that according to Sykes facilitate a "rebellion- mode of adaptation." Thereby, their article clearly demonstrates that Venezuela's new prison social system is, in fact, produced and structured in line with the new balances of power and institutional conditions of the prison and following a rebellious mode of adaptation that changed the "prison's system of power."

Nunes Dias and Darke's contribution offers similar findings for the case of São Paulo. By drawing upon Nunes Dias' previous research [52], their contribution

productively applies another classic “Western” concept to the analysis of prison power relations: Norbert Elias’ concept of figurations defined as “a structure of mutually orientated and dependent people” that constitute a “network of interdependencies formed by individuals” ([28]: 482). Through the lens of Eliasian figurational analysis, their case study assesses the trend toward the formation of a monopolistic inmates’ organization and related subjectivation effects. They explain the transition from a “loose network of independencies and simple functional relations, without a center around which opportunities for power could gravitate,” to a contemporary prison context defined by the “monopolization of those opportunities for power.” Each figuration, in turn, produces different inmates’ habituses marked by figuration-dependent attitudes towards the exercise of physical violence and forms of affective self-control. In de-centered figurations with unstable equilibria, inmates more rapidly resort to physical aggression and demonstrate lower levels of affective self-control. In contrast to this, in monopolistic figurations, the development of a centralized regulatory instance—a power center—reduces the likelihood of sudden outbursts of violence while increasing affective self-control.

Their study also shows similar findings as those presented for the case Venezuela with regards to the emergence of a *rebellious* “mode of adaptation.” São Paulo’s prison regime clearly reflects increased centralized organizational inmates’ capacity, driven by an external reorganization of the local drug economy that “allows inmates organization to sustain their demands,” and, most importantly, to foster an “ideological commitment” ([63]: 81) under the banners of “peace, justice and liberty,” and an ideology of collective injustice. This case study, therefore, not only dissects the dynamics of a rebellious “mode of adaptation,” but, in turn, solves the crucial conundrum of Sykes work, namely to understand why frustrated inmates, develop “collectivistic orientations” where each fellow “binds himself to his fellow captive with ties of mutual aid, loyalty, affection and respect, firmly standing in opposition to the official,” or, by contrast, to explain why they develop more “individualist” orientations where “fellow prisoners are persons to be exploited” ([63]: 82–83)—a situation which is closer to what can be observed in the Venezuelan prisons, despite the protection offered by inmates’ leaders.

When it comes to the applicability of “Western” concepts, the contributions to this special issue also show that Goffman’s [31] notion of “total institutions,” while certainly not useful for capturing guard-inmate relations in Latin America, in which we agree with [22], can usefully be applied to the analysis of intra-inmate relations. Antillano et al.’s contribution showcases that the prison-based hierarchical social system of inmate relations constitutes what they refer to as “a kind of production from the bottom-up, from the prisoners themselves, of a *total institution*, as identified by [31] with all its gradient of mistreatment, humiliation, rigorous control and violence among inmates.”

In light of the above, the contributions to this special issue expand the use of some of the core “Western” theories of prison life by moving beyond their implicit and explicit state-centrism while paying close attention to the empirical realities, historical legacies and idiosyncratic features of the realities of prison life in Latin America. As the latter is marked by high levels of informality and low levels of bureaucratic control, the development of the prison in Latin America prevented the emergence of a veritable “imprisonment” regime [10]. This finding reminds us of the fact that the prison as an

institution of punishment is socially determined. But it is also socially determining and productive. In fact, prison systems produce not only material effects of incarceration and incapacitation by putting people “behind bars.” They also produce material and symbolic effects in society at large. It is to these effects and the socio-symbolic productivity of confinement beyond the prison walls that we now turn to.

The impact of prison expansion on the social fabric and state-society relations in Latin America

In this last section we turn to the effects of imprisonment expansion on the social fabric and state-society relations in Latin America. In particular, we address the effects of imprisonment expansion on inmates and their families and the more general symbolic effects of the rebirth of the prison in terms of enhancing the legitimacy of Latin American states. In order to understand these processes, it is important to turn to the main targets of Latin American imprisonment expansion, which are, as [68, 69] puts it, the “dispossessed and the dishonored” segments of Latin American society. In this regard, one important difference between the processes of “punishing the poor” [70] in the global North and Latin America consists in the fact that in the latter case, the target population of the region’s prison expansion are those segments of the population that work in the informal economy. The latter, in turn, is proportionately much bigger than the informal sector in the economies of countries in the global North. Currently, informal and non-regulated forms of employment account for 65 % of all jobs in Peru, 50 % in Mexico, 52 % in Colombia and Venezuela, 46 % in Argentina and “only” 36 % in Brazil ([53]: 99). This economic informality expands into the larger social domain of Latin American societies, where “[o]ne in four Latin Americans lives in an underserved, poor, legally precarious neighborhood, part of what has come to be known as the informal city” [11].

It is the population of the region’s informal cities, and their economies, which has become the main target of prison expansion in Latin America—in particular young marginalized and uneducated men with low levels of education. This can be seen, for instance, in Iturralde’s contribution to this special issue, which shows that 96 % of Colombian inmates are high-school dropouts. The targeting of marginalized young men is no surprise in a region where youth unemployment rates are two- to three times as high as average countrywide unemployment rates and where one third of the age cohort of young people between 15 to 29 years are economically “inactive for unspecified reasons” ([53]: 24). With the more recent expansion of criminal economies and illegalized economic activities—from drug trafficking to the re-sale of stolen goods, to the engagement in product piracy—as a form of “forced entrepreneurialism” in neoliberal Latin America [54], the informal economy has also increasingly been integrated into the illegal economy, a process that further contributes to and explains the social composition of the region’s expanding prison systems.

This process is further exacerbated by the prevailing informality and corruption inside Latin American police forces as those at society’s margins, having neither the economic nor political capital to negotiate over the non-enforcement of punitive legislation in their favor, are the ones who suffer most from the toughening and growing punitiveness of the rule through law in contemporary Latin America (see also

[49]: 455–456). In this regards, one could even argue that imprisonment expansion and penal state crafting do not primarily contribute to the reproduction of the boundaries separating a legal from an illegal economy by forcing individuals to accept low wages and increasingly flexibilized jobs [70]. More than that, imprisonment expansion—in addition to and accompanied by punitive policing—serves to manage and regulate the most unruly sectors of the informal-criminal economy while reproducing the social hierarchies that emanate from the triangulation of formal, informal and criminal economic structures.

As Latin American prisons, due to their material shortcomings, cannot “warehouse the precarious and de-proletarianized fractions of the [...] working class” ([70]: 208), prison expansion, in material terms, only allows for controlling, punishing and regulating a minor segment, the most marginalized one, of the region’s informal and criminal economies. More than its quantitative material contribution to the governing of marginality in neoliberal Latin America, prison expansion, in qualitative terms, becomes a veritable symbolic engine that projects its stigmatizing and punitive power over the entire population of those at urban society’s margins while providing more and more cultural elements to the penalizing experience and institutional landscape of the urban peripheries.

As argued above, police, court and prison corruption as well as informality allow those with access to economic and/or political capital to secure more convenient police, judicial and prison treatment (for a general overview, see [48]). With police detentions mostly based on flagrance and a judiciary embodying “different intensities” according to the social power and capital of those judged [60], the limited economic power of those subordinated in the informal and illegal economies also means harsher treatment by law enforcement agencies, from the police to the courts. In this special issue, for instance, Campos shows the chronic corruption of police officers in Peruvian cities who negotiate detention by extracting exorbitant bribes that those in the lower ends of the drug economy, in particular women, are unable to meet. People in higher positions in the illegal economy, in contrast, like members of organized gangs, such as those studied by [25], are able to mobilize their contacts and wealth to ensure impunity, freedom and limited punishment.

While this clearly reflects the double marginalization of those at urban society’s margins, in Latin America’s “punitive cities” [51], in a contradictory way, the main targets of the highly selective *rule through law* themselves also contribute to the growing punitiveness in the region. As pointed out by authors like Caldeira [14] or [32], “[d]espite the many problems with the formal justice system, many poor urban residents nevertheless advocate for a stronger and more aggressive police presence in their neighborhoods, contending that crime would be reduced and security enhanced were the authorities to take a heavy-handed approach (*la mano dura*) to crime in the streets” ([32]: 21).

The overall consequences of this ambivalent convergence of top-down and bottom-up punitivism in urban Latin America lead to an increasing circulation of a “floating” population of (ex-)convicts circulating back and forth between the urban peripheries and the prison. This circulation, in turn, produces different socio-political effects in urban society at large depending upon the concrete ways in which prisons and urban spaces are connected. When, for instance, inmates organizations do not exercise control beyond the prison walls, we find what Comfort [18] has called “secondary

prisonization.” The latter mainly affects inmates’ relatives through the normalization of imprisonment as a social experience, in particular for the young marginalized men. Under these circumstances, prison cultures are exported into marginalized communities once inmates, who have incorporated what [67] calls the “cell block habitus” (*habitus de pabellon*), return to their neighborhoods. As the “cell block habitus” produces dispositions that prevent the involvement of released convicts into the (formal and informal) economy and everyday family relations, because these disposition also include an acquired “culture of mistrust of others and defiance of authority it fosters” [68], the cell block habitus expands and prolongs prison life with its subjectivization effects in both, time and space.

In the periphery of Buenos Aires, for instance, the prison thus has become “an everyday life institution” ([7]: 88–89). However, while the “punishment beyond the prison” where “legally innocent people are made to alter their behavior, changes their expectations, suffer health issues, and suffer social and economic repercussions of punitive surveillance, confinement or control” ([18]: 272) is clearly observable in this case too, the prison, from the perspective of those living at urban society’s margins, also becomes a shelter for marginalized youth from the peril of urban and criminal violence. This indicates once more the often ambivalent and contradictory consequences of the growing punitiveness of urban governance in Latin America when seen from the vantage point of the principal targets of penalizing politics.

The overall impact of the prison on marginalized urban spaces is different in settings where the prison bureaucracies and the police coexist and collude with criminal organizations that control the prison and have territorial control over marginalized urban spaces, exercising a veritable form of “criminal sovereignty” ([20]). With this notion, Cribb describes a form of political authority that depends upon illicit activities and establishes control over a certain space “which is then used for criminal purposes” ([20]: 8; see also [43]).

Under these conditions, the effects of the extension of prison life beyond prison walls vary in relation to the stability and organization of prison gangs. When prison gangs are unstable, exercising mainly circumscribed and highly localized urban control, as in Rio de Janeiro, released convicts find themselves ill-suited for finding employment in the informal economy *and* within local criminal organizations. This forces them to engage in even more informalized activities, often forcing them into homelessness and to engage in petty criminal activities as the last means of economic survival [46].

In cases where prison gangs are more stable and expand their criminal sovereignty across larger parts of the city, or even across the state, as in the case of the *Primeiro Comando da Capital* (PCC) prison gng in São Paulo, the prison not only allows for the wider regulation of illegal activities outside the prison (see below). In addition to this, the prison becomes a normal part of the biographies of marginalized urban youth residing in areas under criminal sovereignty, where strong and cohesive prison gangs regulate order, violence and, often neighborhood politics (see [4]). In the case of São Paulo, these “regulatory activities” also include forced payments from ex-convicts for the support inmates, in order to compensate for the limited service provision inside the prison [74].

Even if relatives are not forced to make payments, the economic effects of imprisonment are very high for families who lose the income from the incarcerated member

of the family. In most cases, given the infrastructural deficits of Latin American prisons mentioned above, confinement implies that families have to provide sustenance, including undertaking long trips to prison facilities located far away from the urban centers. In this regard, the rebirth of the prison in Latin America converts imprisonment into a form of semi-formalized family tax.

In more general terms, the rebirth of the prison in Latin America has even deeper effects on the urban and moral landscape of cities. The increase in prison building and the new salience prison-related service provision—from housing to services for visitors—become economic engines in many medium-sized and small Latin American cities that witnessed the construction of new prison facilities (see [59]; this issue). The new penal topography emanating from the region's boom in prison building followed a path of "interiorization," with new prisons being mostly built in areas with limited economic value, and away from places that are important for attracting international investment in real estate development as part and parcel of the "urbanization of neoliberalism" in the region. The latter, thus, not only represents another powerful factor behind the growing punitiveness of urban governance and the criminalization of poverty in the region (e.g. [23, 47]; forthcoming; [64]). It also had an impact on the geography of confinement in Latin America, in particular in the regions where the "interiorization process" unfolds and on inmates' families. As spatial distance between families and inmates increases due to the "interiorization process," travel time and costs rise accordingly, thereby aggravating the social costs of imprisonment by disrupting the daily routines of inmate families. In addition to this, visiting family members are often received with deep suspicion and ambivalence by the local residents of the areas designated for the expansion of the carceral archipelago. As [59] shows in her analysis of a city in the hinterland of the state of São Paulo that witnessed the construction of two prison facilities in the late 1970s and the 2000s, local residents, while accepting the economic benefits of the prison economy, decry the visitors and complain about the new prison itself out of suspicion and fear.

In addition to the material effects of the rebirth of the prison in urban Latin America, the consequences of this process also produce symbolic outcomes. The most visible symbolic consequence of these processes is an intensification of the historical stigmatization of marginalized urban neighborhoods "as dirty and unhealthy places, dangerous, disorganized, and threatening to the established order of the greater urban area. [...] Residence in such a place, regardless of one's occupation or social standing, is sufficient to label one a criminal" ([33]: 12).

In fact, the legal-judicial stigma imposed by the *rule through law* not only affects a growing number of "infamous men" [46], who incorporate this stigma and suffer from the discrimination derived from this prejudice in their everyday life ([19], 488; [46]). Those most affected by the stigmatization that accompanies the rule through law in urban Latin America are marginalized youth who are often portrayed as dangerous drug addicts and criminals ([19]: 489). What is more important is that this stigma, that portrays marginalized youth as the dangerous "urban other" is not primarily produced by direct experiences and encounters with marginalized urban youth. It mostly stems from general negative views espoused by the media, bureaucrats, politicians and "experts" about criminals and inmates; a process that Caldeira called "talk of crime" (13). In this respect the work of [59] reveals how the most general representations about crime and criminals, brought into public circulation, and that depict "criminals" and

inmates as a dangerous and intrinsically evil “urban other,” are incorporated and accepted by the local citizens, even if they often contradict their direct own personal experiences.

The symbolic productivity of the prison that goes beyond its material targets is also related to the capacity of the prison to enhance the legitimacy of politicians and bureaucrats by demonstrating that they are taking citizen’s concerns regarding crime and (in)security serious. In this regard, Wacquant has argued that “expanding the penal state [...] allows elected officials to shore up the deficit of political legitimacy by reasserting state authority in the restricted realm of action they henceforth assign to it” ([69]: 58). However, under the conditions of weak state capacity, such efforts can easily backfire, as penal bureaucracies and political authorities expose themselves to enormous risks that can jeopardize their image as punitive order-producers. These risks are related to the highly volatile situations inside the prisons and from the (possible) loss of power in the hands of inmates organizations, within prisons and in marginalized urban areas under the control of prison-based “criminal sovereigns.”

However, cases where prison gangs are in control of prisons and able to project their power beyond prison walls, their “criminal sovereignty” also allow politicians to “capitalize” on their own lack of sovereign control over these areas by simply avoiding to directly engage with “problem places” and “problem populations” under the control by prison-based gangs, while depicting them as “dangerous” areas “out of control.” Thereby “the state[tends] to distance itself from the politically unpopular and problematic demographics—the poor—and problematic areas—the periphery” ([25]: 179), and the prisons themselves. However, these strategies also include risks. They can easily discredit state authorities because the public knowledge about forms of prison-gang criminal governance inside and outside the prisons is often enough to damage the image of the state as a guardian of public order and morality (see for example, [30, 41]).

In sum, under the conditions of institutional weakness and informality, the incapacity to orderly enforce its punitive promises—and much less to control prisoners and criminal gangs inside the prison—may undermine the legitimacy of the state as a guarantor of law and order. However, even under these circumstances the state preserves the power to impose stigmatizing moral categories to continue creating scapegoats and social enemies. In this respect, the representations of riots as resulting not from terrible prison conditions, but from the seemingly ontologically violent inmates, can still be exploited in symbolical and political terms. Bureaucrats and politicians can use such images for justifying more punitive measures as the most adequate response to an ontologically violent “prison other.” Such portrayals are facilitated by the increased geographical distance between prisons and urban society, facilitated by the new geography of Latin American imprisonment and the maximum security design of many prison facilities in the region that reduces public control and avoids public scrutiny.

Conclusion

In this introduction we have offered an empirical and analytical contextualization of the rebirth of the prison in Latin America. We have stressed the varieties of Latin American prison expansion, the mutations in the region’s prison regimes, and pointed towards the specific material and symbolic effects of penal state making in contemporary Latin

America. This contextualization, in addition to pointing towards the usefulness of classic sociological and anthropological concepts to capture prison life beyond the global North, also demonstrated that prison expansion is at the center of political processes of democratization and rule of law reform in the region. At the same time, we have demonstrated that an analysis of penal state making in Latin America must go beyond the simplistic and simplifying assumptions regarding the importance of ideological factors or political orientations. More than these factors, we have demonstrated that the recent developments in Latin American prison regimes are traversed and conditioned by the institutional histories and legacies, larger economic and political changes as well as globally circulating punitive ideas and models. In other words, they remind us that the Latin American prisons are affected and produced by a multiplicity of forces, including political ones, which the contributions to this special issue will illuminate in their context-dependent unfolding, thereby, hopefully, contributing to their civic control.

References

1. Aguilar, A., & A. America. (2012). Reforms to the public prosecutor office in Brazil, Chile and Mexico: The role of justice interest groups. Rochester, NY: Social Science Research Network. <http://papers.ssrn.com/abstract=2106321>.
2. Aguirre, C. (2009). *Carcel y sociedad en América Latina: 1800–1940. Historia social Urbana. Espacios y flujos*, edited by Eduardo Kingman garces. Quito: FLACSO Ecuador.
3. Antillano, A. (2013). *La reforma policial. Luces y sombras*. Caracas: Universidad Central de Venezuela Departamento de Derecho Penal y Criminología.
4. Arias, D. (2006). "The dynamics of criminal governance: Networks and social order in Rio de Janeiro" *Journal of Latin American Studies*, 38(2): 293–325
5. Arias, D. E. & Goldstein, D. M. (2010) (eds.). *Violent Democracies in Latin America*. Durham, NC and London: Duke University Press
6. Arteaga Botello, N. (2005). Seguridad privada y populismo punitivo en México. *Quivera*, 1, 339–355.
7. Auyero, J., & Berti, M. F. (2013). *La violencia en los márgenes*. Katz: Una maestra y un sociólogo en el Conurbano Bonaerense. Buenos Aires.
8. Bergman, M. (2014). *Delito, marginalidad y desempeño institucional e n Argentina: Resultado de la encuesta de presos condenados*. Buenos Aires: Centro de Estudios Latinoamericano sobre Inseguridad y violencia.
9. Bergman, M., & Whitehead, L. (2009). *Criminality, public security, and the challenge to democracy in Latin America*. Notre Dame: University of Notre Dame Press.
10. Birkbeck, C. (2011). Imprisonment and internment: comparing penal institutions north and south. *Punishment and Society*, 13(3), 307–332. doi:10.1177/1462474511404320.
11. Brodwyn, F. (2014). "Introduction" in Brodwyn, F., B. McCann, and J. Auyero (eds.) *Cities From Scratch: Poverty and informality in urban Latin America*. Durham: Duke University Press
12. Caimari, L. (2004). *Apenas un delincuente: Crimen, castigo y cultura en la Argentina, 1880–1955* (1. ed.,). Buenos Aires: Siglo XXI Editores Argentina.
13. Caldeira, T. (2001). *City of walls: Crime, segregation, and citizenship in São Paulo*. Berkeley: University of California Press.
14. Caldeira, T. (2006). "I came to sabotage your reasoning. Violence and resignification of justice in Brazil" in J. Commaroff and J. Commaroff. (eds) *Law and disorder in the postcolony*. Chicago, Ill.: Chicago University Press
15. da Silveira Campos, M. (2014). Crime e congresso nacional: Uma análise da política criminal aprovada De 1989 a 2006. *Revista Brasileira De Ciência Política*, 15, 315–347. doi:10.1590/0103-3352201415011.
16. Cavarozzi, M. (2006). *Autoritarismo y democracia : (1955–2006)*. Buenos Aires: Ariel.
17. Cepeda Ulloa, F. (2008). Colombia: democratic security and political reform. In J. Dominguez, & M. Shifter (Eds.), *Constructing democratic governance in Latin America* (pp. 209–241). Baltimore: Johns Hopkins University Press.

18. Comfort, M. (2007). Punishment beyond the legal offender. *Annual Review of Law and Social Sciences*, 3, 271–296. doi:10.1146/annurev.lawsocsci.3.081806.112829.
19. Corral, D. (2010). Los miedos y el alma inquieta del barrio. Representaciones sociales sobre la inseguridad y lógicas de acción en sectores populares del gran Buenos Aires. In G. Kessler, M. Svampa, & I. Gonzales (Eds.), *Reconfiguraciones del mundo popular: En conurbano bonaerense en la postconvertibilidad* (pp. 457–504). Buenos Aires: Prometeo Libros-Universidad Nacional de General Sarmiento.
20. Cribb, R. (2009). Introduction: Parapolitics, shadow governance and criminal sovereignty. In E. Wilson (Ed.), *Government of the shadows: Parapolitics and criminal sovereignty* (pp. 1–9). London: Pluto Press.
21. Dammert, L., & Salazar, F. (2009). *¿Duros con el delito? Populismo e inseguridad en América Latina*. FLACSO:Santiago.
22. Darke, S., & Karam, M. L. (2015). Latin American prisons. In Y. Jewkes (Ed.), *Handbook of prisons*. London: Routledge.
23. Davis, D., E. (2013). Zero-tolerance policing, stealth real estate development, and the transformation of public space: evidence from Mexico City. *Latin American Perspectives* 40(2), 53–76.
24. Delgado Rosales, F. (1995). El caso Sabeneta: Un modelo de investigación-acción. *Capítulo Criminológico*, 23(2), 151–203.
25. Denyer Willis, G. (2009). Deadly symbiosis? The PCC, the state and the institutionalization of violence in São Paulo. In D. Rodgers & G., A. Jones (Eds.), *Youth violence in Latin America* (pp. 167–182). York: Palgrave.
26. Drake, D., S., Darke, & R. Earle. (forthcoming). Sociology of prison life. In J. Wright (Ed.), *International encyclopedia of social and behavioral sciences*. Oxford: Elsevier.
27. Drake, P., & Jaksic, I. (1999). El 'modelo' Chileno. Democracia y desarrollo en los noventa. In P. Drake, & I. Jaksic (Eds.), *El modelo Chileno: Democracia y desarrollo en los noventa*. Santiago de Chile: LOM Ediciones.
28. Elias, N. (2000). *The civilizing process: Sociogenetic and psychogenetic investigations*. Oxford:Blackwell Publishers.
29. Foucault, M. (1996). *Discipline and punish: the birth of the prison*. New York: Random House.
30. Garces, C. (2014). Denuding surveillance at the carceral boundary. *South Atlantic Quarterly*, 113(3), 447–473. doi:10.1215/00382876-2692146.
31. Goffman, E. (1961). *Asylums: Essays on the social situation of mental patients and other inmates*. Garden City: Anchor Books.
32. Goldestein, D. (2012). *Outlawed: Between security and rights in a Bolivian City*. Durham:Duke University Press.
33. Goldestein, D. (2004). *The spectacular city: Violence and performance in urban Bolivia*. Durham:Duke University Press.
34. Harvey, D. (2005). *A brief history of neoliberalism*. Oxford: Oxford University Press.
35. Hathazy, P. (2012). Por una nueva justicia penal: Expertos, burócratas y política en la reforma procesal penal Chilena (con referencia obligada al caso argentino). In G. Albuquerque, & G. Feitosa (Eds.), *Direito e justica na integracao do américa do Sul* (pp. 153–187). Fortaleza: Editorial Universidad do Ceará.
36. Hathazy, P. (2013a). (Re)Shaping the neoliberal leviathans: the politics of penalty and welfare in Argentina, Chile and Peru. *European Review of Latin American and Caribbean Studies*, 95, 1–25.
37. Hathazy, P. (2013b). Democratizing Leviathan: politics, experts and bureaucrats in the transformation of the penal state in Argentina and Chile. PhD Dissertation, Berkeley: Department of Sociology, University of California Berkeley.
38. Iturralde Sanchez, M. (2010). *Castigo, liberalismo autoritario y justicia penal de excepción*. Bogota:Siglo del hombre – Universidad de los Andes.
39. Iturralde Sanchez, M. (2012). O governo neoliberal da insegurança social na américa Latina: Semelhanças e diferenças com o Norte global. In V. Malaguti Batista (Ed.), *Loic waquant e a questão penal no capitalismo neoliberal* (pp. 167–195). Rio de Janeiro: Editora Revan.
40. Lamounier, B. (2003). Brazil: An assessment of the Cardoso administration. In J. Dominguez, & M. Shifter (Eds.), *Constructing democratic governance in Latin America* (pp. 269–291). Baltimore: Johns Hopkins University Press.
41. La Nación. (2015). Desde la carcel los monos siguen activos y manejan la venta de droga. March 1st. Section A, Page 14, Column 2.
42. Langer, M. (2007). Revolution in Latin American criminal procedure: diffusion of legal ideas from the periphery. *American Journal of Comparative Law*, 55, 617–676.
43. Lessing, B. (2010). The danger of dungeons. Prison Gangs and Incarcerated Militant Groups. *Small Arms Survey*, 6, 157–183.

44. Levitsky A (2003). Argentina: From crisis to consolidation (and back). J. Dominguez and M. Shifter (Eds.), *Constructing democratic governance in Latin America* (pp. 244–268). Johns Hopkins University Press.
45. Ministerio de Justicia de Perú (2013). *Evaluación del proceso de implementación del código procesal penal*. Lima:Ministerio de Justicia.
46. Madeira, L. M. (2012). *Trajetórias de homens infames. Políticas públicas penais e programas de apoio a agressos do sistema penitenciário no Brasil*. Curitiba: Appris.
47. Müller, M.-M. (2012a). The rise of the penal state in Latin America. *Contemporary Justice Review*, 15(1), 57–76. doi:10.1080/10282580.2011.590282.
48. Müller, M.-M. (2012b). The universal and the particular in Latin American penal state formation. In P. Squires, & J. Lea (Eds.), *Criminalisation and advanced marginality: Critically exploring the work of loïc wacquant* (pp. 195–216). Bristol: The Policy Press.
49. Müller, M.-M. (2013). Penal statecraft in the Latin American city: assessing Mexico city's punitive urban democracy. *Social & Legal Studies*, 22(4), 441–463. doi:10.1177/0964663913482932.
50. Müller, M.-M. (2014). De-monopolizing the bureaucratic field: internationalization strategies and the transnationalization of security governance in Mexico city. *Alternatives: Global, Local, Political*, 39(1), 37–54. doi:10.1177/0304375414560467.
51. Müller, M.-M. (forthcoming). *The punitive city: privatised policing, informal politics and protection in Neoliberal Mexico*. London: Zed Books.
52. Nunes Dias, C. C. (2011). Da pulverização ao monopólio da violência: Expansão e consolidação do primeiro comando da capital (PCC) no sistema carcerário paulista. PhD dissertation in sociology, Sao Paulo: Universidade de Sao Paulo.
53. Organización Internacional del Trabajo. (2013). *Panorama laboral 2013. América Latina y El Caribe*. Lima: ILO
54. Portes, A., & Roberts, B. (2005). The free-market city: Latin American urbanization in the years of the neoliberal experiment. *Studies in Comparative International Development*, 40(1), 43–82. doi:10.1007/BF02686288.
55. Rico, J. M. (1981). *Crimen y justicia en América Latina*. Siglo XXI.
56. Rico, J. M. (1998). *Justicia y transición democrática*. México:Siglo XXI.
57. Salvatore, R., & C. Aguirre. (1996) (Eds). *The birth of the penitentiary in Latin America: essays on criminology, prison reform, and social control, 1830–1940*. Austin: University of Texas Press.
58. Salvatore, R., & Aguirre, C. (2001). In G. M. Joseph (Ed.), *Crime and punishment in Latin America: Law and society since late Colonial Times*. Durham: : Duke University Press.
59. Silvestre, G. (2012). *Dias de Visita*. Sao Paulo:Alameda.
60. Sinhoretto, J. (2012). Campo estatal de administração de conflitos: múltiplas intensidades da justiça. *Anuário Antropológico*, 2, 109–123.
61. De Souza Costa, R., & Japiassú, C. (2010). Las prisiones cautelares en Brasil. In M. Duce (Ed.), *Prisión preventiva y reforma procesal penal en América Latina* (pp. 121–208). Santiago: CEJA.
62. Steinmetz, G. (1998). Critical realism and historical sociology. A review article. *Comparative Studies in Society and History*, 40(01), 170–186. doi:10.1017/S0010417598980069.
63. Sykes, G. M. (1958). *The society of captives; a study of a maximum security prison*. Princeton:Princeton University Press.
64. Swanson, K. (2013). Zero tolerance in Latin America: punitive paradox in urban policy mobilities. *Urban Geography*, 34(7), 972–988. doi:10.1080/02723638.2013.799369.
65. Tonry, M. (2007). Determinants of penal policies. *Crime and Justice* 36(1), 1–48. doi:10.1111/j.1747-4469.2009.01152.x
66. Ungar, M. (2003). Prisons and politics in contemporary Latin America. *Human Rights Quarterly*, 25(4), 909–934. doi:10.1353/hrq.2003.0053.
67. Viegas Barriga, F. (2012). Desencajados. Remanencias de Pabellón en Liberados de Cárceles Bonaerenses. In O. Barreneche, & A. Oyhandy (Eds.), *Leyes, Justicias e Instituciones De Seguridad En La Provincia De Buenos Aires (Siglox XIX a XXI)* (pp. 321–351). La Plata: Universidad Nacional de la Plata.
68. Wacquant, L. (2003). Toward a dictatorship over the poor? *Punishment & Society*, 5(2), 197–205. doi:10.1177/146247450352004.
69. Wacquant, L. (2008). The militarization of urban marginality: lessons from the Brazilian metropolis. *International Political Sociology*, 2(1), 56–74. doi:10.1111/j.1749-5687.2008.00037.x.
70. Wacquant, L. (2009). *Punishing the poor: The neoliberal government of social insecurity*. Durham, NC: Duke University Press.

71. Waldmann, P. (2003). Protección o extorsión? Aproximación al perfil real de la policía en Latino América. In P. Waldmann (Ed.), *El estado anómico. Derecho, seguridad pública y vida cotidiana en América Latina* (pp.). Caracas: Nueva Sociedad.
72. Walmsley, R. (2011). *World prison population list* (tenth ed.). Essex: International Centre for Prison Studies.
73. Walmsley, R. (2013). *World prison population list* (eleventh ed.). Essex: International Centre for Prison Studies.
74. Willis, G. D. (2009). "Deadly Symbiosis? The PCC, the State and the Institutionalization of Violence in São Paulo" in D. Rogers (2009) *Youth Violence in Latin America*. New York: Palgrave