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**Informal dynamics of survival
in Latin American prisons**

From The Panopticon To The Anti-Panopticon: The 'Art Of Government' In The Prison Of San Pedro (La Paz, Bolivia)

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The submissive heirs or 'the disinherited of the colonial policies',¹ the indigenous people, the peasants, the labourers, the miners and the small traders are the part of the population that is most incarcerated in Bolivia. In the majority of cases, before committing a crime and before being detained, they live in precarious conditions, making clear the link, well demonstrated by other authors,² between prison and poverty.

In the prison of San Pedro, a facility designed to accommodate 300 convicts, now live around 2,300 inmates. More than half of them has a *per capita* income that does not surpass the threshold of mere survival, and can't afford a private lawyer, which puts them in the hands of public attorneys, whose huge workload does not allow them the possibility of offering an effective service.³

According to the data from The Organization of American States,⁴ in 2010 Bolivian penitentiaries were the second most overcrowded in all Latin America while, according to reports by the Inter-American Commission on Human Rights,⁵ 84% of Bolivian penitentiary population is in jail on pre-trial detention, the highest rate in all of South America,⁶ despite Bolivian law establishes that remand should be an exceptional injunction.

Supported by these data, I carried out an ethnographic research in the self-governed prison of San Pedro, shedding light on a number of other anomalies described in the following paragraphs.⁷

In the fringe of the law and the Political Constitution of the state, self government⁸ and informalities⁹ of prison dynamics are quite common in the Latin American penal state. They indeed mirror a huge divergence between practice and theory and also a widespread 'trend' in Latin America, where 'penal statecraft differs significantly with respect to related experience of the first world'.¹⁰ This 'difference' encourages a new theoretical approach to Latin American prison¹¹ that implies a change in our view point. Under such perspective and along with the data presented at the beginning of this article, I propose to understand self-government, the absence of surveillance, classification, schedules, work and all the experiences of the modern disciplinary apparatus, not so much as the loss of control of official authorities and state loss but as a demonstration of their power. A gov-ernmental strategy that shifts the focus from the concept of 'panopticon' to the concept of 'anti-panopticon' in order to represent an active, organised way of managing the inner space of the prison of San Pedro.

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2. Bourgois, P. (2003) *In search of respect. Selling crack in El Barrio*. Cambridge: Cambridge University Press; Wac-quant, L. (1999) *Les prisons de la misère*. Paris: Éditions Raisons d'agir.
3. Giacomani Aramayo, D. (2010, pp. 27–28) 'Política de drogas y situación carcelaria en Bolivia', in P. Metaal & C. Youngers (eds.) *Sistemas sobrecargados — Leyes de drogas y cárceles en América Latina*. Amsterdam/Washington: Washington Office on Latin America — Transnational Institute (WOLA-TNI), pp. 21–29.
4. OEA (Organización de los Estados Americanos) (2012, p.122) *Informe sobre seguridad ciudadana en las Américas, 2012: Estadísticas oficiales de seguridad ciudadana producidas por los Estados Miembros de la OEA*. Alertamerica.org. Washington DC: Observatorio Hemisférico de Seguridad de la OEA, OAS Official Records Series.
5. CIDH (Comisión Interamericana de Derechos Humanos) (2012, p.10) *Informe presentado en el 146° periodo de sesiones de la Comisión Interamericana de Derechos Humanos*. Washington, DC: OEA.
6. FUNDACIÓN CONSTRUIR (2012, pp.127–147) *Reforma Procesal Penal y Detención Preventiva en Bolivia*. On line document <http://www.fundacionconstruir.org/index.php/documento/online/id/62>
7. To gain a deeper knowledge of the circumstances, objectives and methodology of the investigation, see Cerbini, F. (2012) *La casa de jabón. Etnografía de una cárcel boliviana*. Barcelona: Edicions Bellaterra. The descriptions of the context presented in this article are a very brief reworking of the material published by Cerbini (ibidem, pp. 35–92).
8. Biondi, K. (2010) *Junto e mixturado. Uma etnografia do PCC*. Editora terceiro Nome, São Paulo; Antillano, A. (2015) Cuando los presos mandan. Control informal dentro de la cárcel venezolana. *Espacio Abierto. Cuaderno Venezolano de Sociología*, 24 (4):16–39; Darke, S. (2013) Inmate governance in Brazilian prisons. *Howard Journal of Criminal Justice*, 52(3):272–284.
9. Garcés, C. Martin, T. and Darke, S. (2013) Informal prison dynamics in Africa and Latin America. *Criminal Justice Matters*, 91(1):26–27.
10. Müller, M-M. (2012:58), The rise of the penal state in Latin America. *Contemporary Justice Review: Issues in Criminal, Social, and Restorative Justice*, 15(1): 57–76.
11. Darke, S. and Karam M.L. (2016:469) Latin American prisons, in Y. Jewkes, J. Bennett and B. Crewe (eds.) *Handbook on prisons*, Routledge, pp. 460–474.

The jail space

Paying for 'admission' into the prison of San Pedro reveals to the inmates the difference against the prison system they could have imagined from the outside. The income from those 'admissions' is passed on to the *consejo de delegados* (council of delegates), formed of eight inmates, elected inside the penitentiary community to be in charge of the eight sections that constitute the jailhouse. These sections have a main gate, common areas, and cells where people live and perform their daily activities.

Cells are a property constituting some kind of real estate inmates may rent, build or reform, therefore they are not assigned automatically. The best cells, which have more room and are better equipped, have been bought by drug dealers who want to live with all the luxuries, while most of the prisoners need to use their scarce economic resources to handle legal issues. They must rent a cell or be hosted by someone who may employ the deprived guests for their daily chores; treating them as servants in exchange for the opportunity to live in his 'home'.

Many of those who enter the prison with no money and no relatives to pay for their stay at the penitentiary are forced to be *saloneros* for three months. This consists of being helpful to the section's needs, keeping the common areas clean, washing the bathrooms, taking care of the garbage and waking up earlier to have everything ready before the rest of the inmates get up.

The sections

Inmates can move around the whole facility with some exception: those sectors supposedly dedicated to drug abusers' rehabilitation and to punishment; the Álamos and Pinos, sections where inmates are locked in at night; and lastly, Posta, an elite sector structurally isolated from the rest of the penitentiary and interdicted to other inmates. Admission to this section is much more expensive than other cell blocks and may go up to 10,000 dollars. Within this area, many cells are like small apartments of one or two floors, with a view to a newly painted yard with chairs, tables and umbrellas sponsored by the Coca-Cola company in exchange for the monopoly of its products.

The underlying idea of this privileged segregation is that of offering a more comfortable, luxurious, safe and

calm imprisonment experience to wealthy people who can pay to live in Posta. Usually, the 'inhabitants' of this special area are politicians, drug dealers, executives and members of powerful families. They justify this treatment arguing that their lives would probably be at risk in any other section, otherwise dirty and chaotic, where they would be continuously extorted for their notorious and evident social backgrounds and economic resources.

Drugs, alcohol and other illicit trades

Drugs can be consumed, with discretion, anywhere in the penitentiary, even in Posta. The high command of the prison get rich and their subordinates complement their miserable salaries with allowing drug trafficking and controlling the sale of alcohol and everything licit or illicit entering the penitentiary through the main gate. For example, the price of cocaine is ridiculous when compared to the numbers handled in the international market, and a huge amount of 90° alcohol is consumed, being much cheaper and easier to get than mainstream alcoholic beverages and that it can be swallowed when mixed with soft drinks.

If we consider the huge profit these merchandises generate, the bribe money for police officers, judges, prosecutors and lawyers, the illicit trafficking of organised crime, we may get an estimate of the illegal profit that thrives within the penal institution. Actually, it seems that the purpose of watching the main access is less concerned with the security of the penitentiary and the prevention of break out. The main goal is to assure none of the businesses established inside the jail escape the control of the police and the *consejo de delegados*, who always demand their commissions.

Exceptions, irregularities and omissions of the law promote extremely profitable business between some of the inmates, the authorities and the police officers who grant unwritten permissions to break the official regulations in exchange of bribes, shares of the profits and direct or indirect control of the inmate population.

Family and women in prison

It's widely known that survival in San Pedro relies first of all on the generosity of relatives who, in the first period of imprisonment, visit the inmates and look after their material needs and the endless bureaucratic

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paperwork needed for the trial. Some women even choose to live in captivity, moving with their children to their husband's cell. This is an illegal practice,¹² but like other 'exceptions' it constitutes an important source of income for both authorities and police as well as for those prisoners in charge of collecting the fees requested to live inside the jail.

Family cohabitation also brings certain economic advantages to the inmates: husband and wife can save money and start some kind of business inside the facility. Also the women, as free citizens, become a bridge with the outside world and can bring in all allowed products. Like so, many couples make a living selling processed foods, setting up fast food kiosks or real restaurants where the woman is the cook and supplier.

Actually, most of the inmates live by themselves. Generally, prisoners who must pay too much jail time become an unbearable economic burden and many women form a new family with another man.

Work: owners and employees

We must distinguish four big categories between the inmates: those who get money from their relatives, who are usually wealthy (residents of the *Posta* or *Pinos* sections) and don't need to generate any income inside the prison, simply waiting for handouts from their families; those who, keeping in touch with their families, get some intermittent help from the outside and aren't 'rich' but enjoy some comfort; and, in the other side of the spectrum, inmates who live with their families and represent a minority, and those who have no contact with their families, who are the majority. The last category desperately need money to live, but due to structural and logistic deficiencies, San Pedro is not equipped to give inmates jobs. Available paid activities are the result of entrepreneurship and private capitals which, in turn, only generate profit for the investors. Therefore, in this jail there are few owners and many employees, who are willing to work under any circumstances just to cover the expenses of living in jail.

The interviewed inmates agree that the best investment in jail, within the limits of the legality, is the production of *autitos*, faithful miniature tin reproductions of familiar cars, taxis, wagons, buses and trucks that can be sold in many street markets in Bolivia and Peru. The owners of the *autitos* workshops enjoy the advantages of extremely low wages and the availability of free water and electricity for their business. They normally set their shops

in the poorer and most crowded areas because cells there are cheaper making the cost of installing their shops lower. Also, most of the more deprived individuals, the best candidates for the job, live in these sections. The hired workers don't earn a salary until they have completed the 'test period' when they learn the job. During this training period, between three and six months, they only get to live in the cells of the owner, where they also work. In principle, the inmates regard this occupation as a task like any other within the limited possibilities of making a living inside the penitentiary. Besides, being very hard to get into the group of the *auteros*, the ones who get the job end up feeling very lucky. But behind the privilege, await harmful work conditions. Most of the auxiliaries weld the parts of the automobiles with tin and muriatic acid which, once mixed

to put together the pieces of tinfoil, emanate dense fumes that the workers inhale continuously since they don't wear any protection and work inside the closed environment of the cell. Even when they understand that such substances may damage their health in the long run, many keep welding because they must use their earnings to pay their rent and the eventual debts they may contract when they enter the jailhouse, buy some extra food,

and afford the expenses of legal procedures.

Just like any other sensitive issues like violence or the presence of women and children inside the penal facility, the business of the *autitos* constitutes a taboo that most of the inmates hardly mention because they fear being criticised and losing their jobs.

Inside the San Pedro penitentiary there's no attempt at rehabilitating and forming 'productive' citizens. The role of the inmate is to peacefully occupy his place in the intricate gear of powers that, in a more or less coercive fashion, administrate the jail space. Profiting of the indigent and deprived majority, that constitutes the engine of an informal economy, such system enriches the administrative staff, penitentiary authorities and inmates placed in the helm, reproducing hence the same dynamics of solidarity and submission lived and accepted in the outside society.

Conclusions: from the panopticon to the anti-panopticon

The presence of many women and children and the absence of prison staff are probably the most

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12. During my ethnographic fieldwork the presence of families living in prison was a sort of taboo. The inmates were worried their women and children could be expelled, so none of them wanted to talk about their permanence to outsiders. For this reason, it has not been possible to find available data on the starting date and existence of such practice in San Pedro, as in other Bolivian penitentiaries.

shocking and surprising element during a visit to the San Pedro penitentiary, in particular if we keep in mind the prisons in the northern hemisphere. In the XIX century these penitentiaries were the architectonic models which embodied the theories and ideologies that gave place to the construction of San Pedro, called the 'National Panopticon'.¹³ But looking at this reality nowadays, a central question may arise. Did illuminist ideals of the prison, conceived as a system of devices 'reforming' the human spirit,¹⁴ really reach Latin America in Postcolonial times? Probably there was no space for such ideals. For this reason, the most influential sociological and criminological theories,¹⁵ oriented towards the profound critic of the ideologies and mechanisms of the penitentiary institution, can now hardly explain the functioning of many Latin American prisons. One example above all: the foucaultian 'regard' on the use of time, space and body of the inmates describes a 'panoptism' which is not reflected in the prison of San Pedro. Here, on the contrary, official authorities rely on their power to apparently ignore what happens inside the facility, a space into which they prefer not to look,¹⁶ as if San Pedro were a sort of non-panopticon, or anti-panopticon.¹⁷ It does not mean that the authorities 'lack attention' or are not in control, but that an alternative governmentality acts in the prison space and shapes:

*An art of governing as least as possible, such art of governing between a maximum and a minimum, and the better when it's closer to the minimum than the maximum, must be considered a kind of [...] internal refinement of the reason of State; is a principle for its upkeep, for its most comprehensive development, for its perfection.*¹⁸

In many Latin American prisons, this 'art' takes the form of the pre-trial imprisonment, of massive incarceration, of overcrowding and, ultimately, of self-

government as an extreme and paradigmatic example of the least possible government by the official authorities.

Bolivia presents one of the highest rates of overcrowding and pre-trial detention. In such conditions — shown by the internal scenario of the prison of San Pedro — despair, indigence and the preponderant feeling of injustice become constitutive elements of 'the art of governing the least'; structuring as devices of internal coercion;¹⁹ basic instruments of the power that, from the inside, allow the functioning of the prison, creating some kind of 'grey zone'²⁰ which fosters specific 'tactics and strategies' of resistance and subjugation.²¹

Overcrowding, a phenomenon that in recent years has become typical in northern and southern prisons, represents, on the one side, a means to unload the responsibilities of state 'criminal' policies which produce it, and, on the other, a way to delegate power to the high ranked inmates, provoking, as a result, disorders, discomfort and human drama. The advantage of an informal management of the inner space consists in keeping everything as an internal phenomenon not reaching the outer world, getting the best result with the least effort, from the point of view of the 'reason of the state'.²² Therefore, while we are accustomed to perceiving 'abandonment' as a lack of action, San Pedro proves that abandonment plays an active and constitutive part in this state's 'art of government'.

In the end, the case presented shows how 'not seeing' more than 'seeing' is a fundamental feature of the concrete and real workings of the prison. A special 'attitude' of the government in the management of San Pedro and probably many other jails in Latin America. Considering many of them as anti-panopticons contributes to the rescue of local peculiarities, derived of specific historical, political and social configurations that restore a non-homologue, mutant image of prison. Furthermore, it helps to unmask, once again, the merely rhetorical discourse of the humanisation of the prison institution and its pretended objectives of rehabilitation in Latin America.

13. Ydiaguz, E. (1889) *Cárcel de La Paz. Refutación al folleto del señor Bernal titulado «Cárcel de La Paz»*. La Paz.

14. Foucault M. (1975) *Surveiller et punir. Naissance de la prison*. Paris: Éditions Gallimard.

15. Goffman, E. (1961) *Asylums. Essays on the Social situation of mental patients and others Inmates*. New York: Doubleday; Melossi, D. & Pavarini, M. (1977) *Carcere e fabbrica. Alle origini del sistema penitenziario (XIV–XIX secolo)*. Bologna: Il Mulino.

16. Ibidem.

17. Alford, F. (2000, p.131) What would it matter if everything Foucault said about prison were wrong? *Discipline and punish* after twenty years. *Theory and Society*, 29 (1):125–146.

18. Foucault, M. (2007) [2004], p.44 — *Nacimiento de la biopolítica: Curso en el Collège de France 1978–1979*. Buenos Aires: Fondo de Cultura Económica.

19. Cerbini, F. (2012) *La casa de jabón. Etnografía de una cárcel boliviana*. Barcelona: Edicions Bellaterra.

20. Levi, P. (2003) [1986] *I sommersi e i salvati*. Torino: Einaudi.

21. De Certeau, M. (1990) [1980] *L'Invention du quotidien, 1: Arts de faire*. Paris: Gallimard.

22. See footnote 18, pp. 32–34.