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**Decolonising and De-patriarchalising Prison:  
Governance, Social Life and Gendered  
Subjectivities in a Women's Prison in Peru.**

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a Doctor of Philosophy Degree in Women and Gender  
Studies, Department of Sociology  
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## Contents

Acknowledgements .....	4
Abstract .....	5
Abbreviations .....	6
<b>Introduction</b> .....	7
Chapter 1. <u>Coloniality of Power and Coloniality of knowledge: Prisons in Peru as Post-colonial and Patriarchal Institutions</u> .....	18
1. A socio-historical review of Peruvian prisons .....	18
2. Coloniality of Knowledge and the hegemonic analysis of prisons at the Global South ..	36
Conclusions .....	38
Chapter 2. <u>Decolonising and De-patriarchalising Analyses of the Prison in the Global South</u> ..	39
1. Decolonising and de-patriarchalising prison studies on the Global South .....	40
2. An alternative thematic guideline to approaching imprisonment in the Global South ...	41
2.1. <i>Authority</i> .....	42
2.2. <i>Mobility/Control</i> .....	53
2.3. <i>Agency</i> .....	56
Conclusions .....	60
Chapter 3. <u>Learning to Navigate the Prison's Ambivalences: Methodological Reflections from an Ethnographic and Dialogical Encounter with Women in Santa Monica</u> .....	63
1. Research design .....	65
2. My positionality as researcher: justification of methods .....	74
3. Reflections on doing research in a women's Peruvian prison: overlapping of legal systems, and recognition of emotional flows .....	81
4. Limitations .....	91
Conclusions .....	94
Chapter 4. <u>The Macro-political Dimension of Santa Monica: Intertwined Co-governance, Interlegality and Prisoner-delegates</u> .....	95
1. Santa Monica's formal and informal orders .....	96
2. Electing and profiling the delegates of Santa Monica .....	109
3. The intertwining of orders and legal systems .....	111
4. Ambivalence in the recognition of delegates' roles .....	121
Conclusions .....	126
Chapter 5. <u>Santa Monica's Meso-social Dimension: Religious Performances, and Formal and Informal-legitimised Labour</u> .....	129
1. Religion: the moral narrative that connects Santa Monica's orders and legal systems? ..	131
2. Formal and informal-legitimised labour activities in Santa Monica .....	137
Conclusion .....	151
Chapter 6. <u>Santa Monica's Micro-intersubjective Dimension: Interpersonal Relationships and Gendered Subjectivities</u> .....	153

1. Prison's ambivalent social interactions and interpersonal relationships .....	154
2. Interpersonal relationships as collective spaces to discipline and subvert gender subjectivities.....	171
Conclusions .....	187
Conclusions .....	189
Appendix A .....	196
Bibliography.....	197

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## Abstract

This study is based on a six-month ethnography research project at Santa Monica prison, the largest women's prison in Lima, Peru. From a feminist and decolonial approach, the thesis investigates Santa Monica's governance system and its implications on A) how the prison operates and B) the lived experiences of women prisoners; it does so, from a Global South perspective. My research seeks to contribute to prison studies and feminist criminology by providing an analysis that intersects prison governance, imprisonment's social and subjective dynamics and gender in the Global South.

Broadly, I argue that the governance system politics is connected to and has implications for the social and subjective spheres of prisoners. Therefore, the macro-political dimension of the prison re-configures and impacts in its meso and micro dimensions. I propose that Santa Monica's macro-political dimension operates through co-governance where the formal-legal and the informal-legitimised orders intertwine, transforming the top-down power imprisonment dynamics, making prison an ambivalent site of negotiation and interlegality. Those prisoners identified as delegates perform as intermediaries or "interface brokers" between the formal-legal and informal-legitimised orders.

The meso-social dimension refers to the most important social institutions of a system: in the case of Santa Monica, this refers to Religion and Labour, which function as common and valued social institutions for the authorities, prison staff and prisoners. I suggest that they are used as disciplinary tools, and simultaneously as liberating forces inside prison. Religion and Labour activities introduce and reinforce patriarchal gendered norms and roles that seek to re-feminise prisoners. At the same time, both religion and work also enable prisoners to engage in semi-autonomous actions and to construct intersubjective, caring relationships that end up resisting imprisonment and enable women to re-affirm themselves.

The micro-intersubjective dimension of prison refers to social relationships and women's gendered subjectivities, and these, I argue, also connect with the prison's political structure. I propose that there is an ambivalent emotional climate inside prison, and prisoners flow between defensive mistrust and intimate trust. Despite the fact that prisoners are defensive, they engage in close interpersonal relationships of social reproduction and care, which I have identified centre around the notions of motherhood, sisterhood, homoerotic encounters and communities. Again, as in the meso-social dimension, the creation of intimate networks act as a disciplinary tool that seeks to transform women into "adequate feminine prisoners". But at the same time, these provide a platform to critically question preceding patriarchal social norms, which subvert and transform women's gendered subjectivities.

## Abbreviations

CCE	Code of Criminal Execution
CEAS	Comisión Episcopal de Acción Social/Episcopal Commission of Social Action
CVR	Comisión de la Verdad y Reconciliación/Truth and Reconciliation Commission
GIPFP	Grupo de Investigación en Psicología Forense y Penitenciaria/ Research Group of Forensic and Penitentiary Psychology
GRD	Group Reflective Discussion
HSSREC	Humanities & Social Sciences Research Ethics Sub-Committee
INPE	Instituto Nacional Penitenciario del Perú/National Peruvian Penitentiary Institute
IEATA	International Expressive Arts Therapy Association
IRD	Individual Reflective Discussion
MRTA	Movimiento Revolucionario Tupac Amaru/Tupac Amaru's Revolutionary Movement
N.I.	No Information
PCC	Primeiro Comando da Capital
PCP-SL	Partido Comunista Peruano Sendero-Luminoso/Peruvian Communist Party Shining Path
PNUD	Programa de las Naciones Unidas para el Desarrollo/United Nations Development Programme
PO	Participant Observation
PUCP	Pontificia Universidad Católica del Perú/Pontifical Catholic University of Peru
USA	United States of America
WOLA	Washington Office on Latin America

## Introduction

In the last thirty years, national governments in Latin America have engaged in a populist punitive turn towards crime (Sozzo, 2016a; 2016b). As a consequence, the region has become the “new mass carceral zone” (Darke & Garces, 2017; p.2),<sup>1</sup> propelling an exponential increase in the penitentiary population and the reproduction of “prisiones-depósito” (Sozzo, 2007a; p.88) (translates as deposit-prisons) in the region, and contributing towards overcrowded prisons with precarious and inhumane living conditions. Thus, the production of this thesis was motivated by a concern for the lived experiences of prisoners in Latin America, particularly women prisoners. By introducing a gender-aware epistemology, I also follow critical Latin American feminist scholars who over the last four decades have denounced the undignified imprisonment conditions of women prisoners, which include the hindering of their human rights and the invisibility and neglect of women prisoners’ needs in comparison to an overwhelming male penitentiary population (Aniyar de Castro, 1986; 2002; Antony; 2001; Azaola; 1995; 2002; Del Olmo, 1989; 1991; 1998; Lagarde, 1992). Recognising the necessity of this research while taking distance from a reductionist claim of women’s oppression in prison (Hannah-Moffat, 2001), in this thesis I centre my analysis on Chorrillos prison (colloquially referred to as Santa Monica),<sup>2</sup> the main women’s prison in Peru, with the aim to focus on the nuances, ambivalences, paradoxes and contradictions of women’s imprisonment dynamics in Lima, Peru.<sup>3</sup>

I acknowledge prison as a coercive post-colonial and patriarchal institution that formally seeks to discipline women prisoners. Simultaneously, I also give an account of the personal and collective actions and efforts (many times invisible, surreptitious or unrecognised) in which women prisoners engage in order to survive precarious imprisonment conditions and produce a better (physical, social and psychological) living space for themselves and their peers while imprisoned. These actions are only possible through daily and constant negotiations between the authorities, prison staff and prisoners which configure a governance system that is central to

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<sup>1</sup> The explanation for this includes multiple factors such as the rising levels of criminality, the rhetoric of punitive populism and drug prohibition policies (Darke & Garces, 2017; Sozzo, 2016a; 2016b).

<sup>2</sup> From now on I will refer to the prison as Santa Monica.

<sup>3</sup> The thesis is the concretisation of my path of working at Peruvian prisons, particularly my experience with women sentenced for terrorism imprisoned in a maximum-security prison. During that year I also came to notice the conjunction of the formal and the informal-legitimised orders, and how prison is a site of legal pluralism that intersects the patriarchal law and norms of the state with the ones of PCP-SL. The PCP-SL is an ambivalent space for their women members: it is where they are liberated from traditional gendered social norms imposed by their families and communities, while arguably they submit to becoming “heroic militants” (Pudal, 2011; p.19), a disciplined and selfless militant incapable of acknowledging the mistakes or contradictions of their social movement. Therefore, PCP-SL is also a symbolic prison for women that requires an heroic submission to masculine values to accomplish social justice. Thus, both dimensions or legal systems fluctuate in the imprisonment dynamics in the maximum-security prison, also establishing a site of legal pluralism and intertwined governance that seek to discipline women.



understanding the prison's functioning and the lived experiences of women prisoners in Santa Monica.

Therefore, I aim to contribute to the field of prison studies and feminist criminology from a Global South perspective. Through feminist and decolonial approaches, I question the homogenisation of imprisonment power relationships in order to discuss how concepts of co-governance, interlegality, social reproduction and care may provide other lenses through which to understand the political, social and subjective processes inside Latin American prisons.

In line with the concept of “coloniality of knowledge” (Dussel, 2000) introduced by decolonial authors, Southern Criminologists problematise the Global North/Global South power dynamics in the construction of academic knowledge. The academic hegemony of the Global North has generated significant contributions to criminology, but has tended to universalise criminological phenomena around the globe (Carrington, Hogg, Scott, Sozzo & Walters, 2019; Carrington, Hogg & Sozzo, 2016; Martin, Jefferson & Bandyopadhyay, 2014). As a consequence, in mainstream criminology, prisons of the Global South have been analysed using as the standpoint carceral institutions within the Global North (Martin, Jefferson & Bandyopadhyay, 2014). Emphasising the precariousness of the Global South prisons compared to those of the Global North, prisons are simplistically defined by their deprivations, characterised as informal, overcrowded, understaffed and under-budgeted spaces of violence and conflict (Darke, 2013; Hazathy & Muller, 2016; Martin, Jefferson & Bandyopadhyay, 2014).

Seeking distance from this conceptualisation, and through an engagement with an Epistemology of the South (De Sousa Santos, 2016; Carrington et al., 2016; Carrington et al., 2019), recent studies have also recognised penitentiary institutions in Latin America as negotiatory spaces. Recent research on Latin American prisons has critically analysed the top-down power relationships between prison staff and prisoners, to acknowledge the flexible negotiations that are required for the daily functioning of these prisons. In fact, scholars have identified self- and co-governance dynamics in these Latin American contexts and established that the management of these prisons requires the active participation of prisoners and largely relies on their collective organisation into an informal order (Antillano, 2017; Birbeck, 2011; Carter, 2014; Cerbini, 2017; Darke & Karam, 2016; Darke, 2013; 2019; Veeken, 2000). Previous research is largely informed by ethnographic studies in prisons in Latin America, demonstrating the re-configuration of traditional imprisonment power dynamics and the possibility for prisoners to perform more autonomy within prison (than that often observed in Anglo-American and Global North prisons). The degree and intensity of this autonomy may vary from prison to prison, but, in any case, prisoners become active subjects and participate in prison governance. Specifically, they work collectively to support the managerial functioning of the prison, assure conviviality and actively maintain their well-being while imprisoned.

All this said, extant research about governance and the participation of prisoners has been conducted mostly in men's prisons in Latin America (see for example, Antillano, 2017; Birkbeck, 2011; Carter, 2014; Cerbini, 2017; Darke, 2013; Nunes & Salla, 2017; Veeken, 2000; Weegels, 2017), homogenising prison experiences by neglecting women's perspectives. Therefore, with the aim to engender prison studies in Latin America, and contribute to feminist criminology in general, this thesis focuses on a women's prison, and follows the perspectives of feminist scholars and their conceptualisations of contemporary prisons as patriarchal institutions (Bex, 2016; Carlen, 1983; Kurshan, 1995). My contribution to feminist criminology is to provide an understanding of women prisoners as active subjects (as their male counterparts have previously been understood) and examine how a female prison is governed, introducing the idea that governance is always gendered (Hannah-Moffat, 2001). Moreover, from a materialist feminist perspective in dialogue with an approach to ethics of care, I draw out issues of care relationships within prison. I offer a wide framework about care and argue that women prisoners engage in processes and practices of social reproduction, and prison may also be regarded as a site of ambivalent care relationships.

Under these premises, this thesis aims to answer the following research questions:

1. How do governance dynamics operate in a Peruvian women's prison?
2. How do such dynamics connect with broader economic and social imprisonment dynamics and the processes of women's identity-making and maintenance?
3. How do imprisonment dynamics in Santa Monica enable a gender-aware understanding of Latin American prison experiences?

In order to address these issues, I conducted a six-month ethnographic study at Santa Monica prison. I attended the prison four days a week and engaged in a systematic participatory observation of prisoners' daily activities. In addition, I organised Group and Individual Reflective Discussions (Montero, 2012) with art-based/visual methods techniques, which allowed the creation of an open dialogue with women prisoners about the intersections of punishment, imprisonment and gender.

After mentioning the thesis's main purpose, I would like also to acknowledge my positionality as a South American woman who is conducting a PhD in the Global North. In a broader perspective, I would like to define my contribution to prison studies as a (roundtrip) "cultural travel" (Sozzo, 2011; p.85),<sup>4</sup> *un viaje cultural de ida y vuelta*. It goes one way because

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<sup>4</sup> Sozzo (2011) proposes the concept of "cultural travel" (p.85) to reflect on how Latin American criminologists have constructed knowledge about the "criminal question" (2011; p.85) importing rationalities from other cultural contexts, especially from Europe and the USA. Notwithstanding that Sozzo (2011) agrees with the statements made by critical criminologists of the 1980s (such as Aniyar de Castro, 1981; Bergalli, 1982; Del Olmo, 1981), acknowledging the fact that criminologists have to construct localised knowledge, he also problematises their postulates. For the author, in these "cultural travels", the imported rationalities are not identically reproduced, but go through a process of "metamorphosis" (2007; p.7). In other words, criminologists of the Global South are not neutral and passive subjects, but the

it gave me the possibility to analyse the “imported rationalities” from Europe and the USA that have passed a process of “metamorphosis” (Sozzo, 2007b; p.7) and have been creatively translated in order to understand aspects of Latin American societies, in this case punishment, prison and imprisonment (Sozzo, 2002; 2007b). In addition to this, my hope is that the travelling also goes the other way; in other words, that the production of knowledge locally constructed in research conducted in Latin American prisons also opens an avenue to understand imprisonment dynamics in the Global North, and provides a theoretical perspective that sheds light on how to transform criminal justice systems globally, and consider more just penal solutions. As Sozzo (2011) suggests, this is a task involving enquiry into the complexities of global-local dynamics, but it ought to be done with contributions thought through the experiences of a Global South perspective.

### ***A brief introduction to Santa Monica’s population***

Santa Monica opened on 24 July 1952 with capacity for 250 women.<sup>5</sup> It was imagined in accordance with so-called modern principles, focused on rehabilitative values including re-education and re-adaptation to society (Boutron & Constant, 2013). As President Odría (1952) explains:

*“The establishment has been built over a total area of 19,000 square metres, in an area that enjoys a splendid climate, located near the district of Chorrillos. It consists of surveillance, prevention, administration, technical services, classrooms, libraries, auditorium, chapel, nursing, medical and dental services; various workshops endowed with all kinds of elements; three pavilions of bedrooms of three floors each, with capacity for three hundred prisoners; dining rooms, fields for gymnastics and recreation; gardens and a wide recreation for farm crops.” (p.10)*

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rationalities are translated by different Latin American actors (such as politicians, scholars and/or prison authorities) with the aim to adapt them to our contexts and local technologies.

<sup>5</sup> In 1948, General Manuel Odría organised a military coup to occupy Peru, positioning himself as a developer of a modern nationalist government. It was within this political context that he announced, in 1951, the construction of the first prison for women in Peru (Odría, 1951).



Santa Monica is located in the Chorrillos district, in front of the busy Huaylas Avenue. Nowadays, Chorrillos is mainly a residential district with growing formal and informal commerce areas. The high concrete green wall that surrounds Santa Monica for

security purposes, divides the “inside” from the “outside”: it divides the women prisoners from the residential centre and commerce in Chorrillos, which includes small shops, supermarkets, restaurants, internet spots, and a variety of stores.

The imagery presented above by President Odría contrasts starkly with the reality of the prison today. The first time I visited Santa Monica prison was in October 2007,<sup>6</sup> and I remember I first associated the image of the main patio with a *Mercado*, a market. There was active movement and social interaction between the prisoners: women walking, talking on the phone, or forming long queues to get to the phone, prisoners with trays selling food, others shouting to announce phone calls or the initiation of activities such as mass, dance, theatre classes or therapeutic treatment activities. There were also women in groups who accompanied each other. Small groups of prisoners were on the patio, laughing, talking, playing cards, and taking care of each other by braiding hair, giving manicures or plucking eyebrows. At first glance and superficially, this first image of the prison gave me the impression of a disordered social collective, but in reality, and as the thesis seeks to illustrate, every prisoner had a role in the prison’s inner organisation.

#### *Who are the women of Santa Monica?*

There is not too much information about the female penitentiary population in Peru in general or in Santa Monica in particular. Institutional documents like the ones created by the *Defensoría del Pueblo* (functioning in Peru since 1993) or state statistics from the *Instituto Nacional Penitenciario* (INPE) show the increment in women’s imprisonment in the last 20

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<sup>6</sup> Between August 2006 and September 2007, I had the opportunity to work in another women’s prison located next to Santa Monica, called Chorrillos II (or at the time Chorrillos Máxima or Chorrillos Anexo). After that experience, I was invited to participate in a workshop about women’s needs in prison in Santa Monica. Although the prisons are located next to each other, they functioned differently, resembling how carceral dynamics are unique and vary from prison to prison (Jewkes 2013). In Chorrillos Anexo, mobility outside the pavilions and the use of public phones was limited. The staff controlled the pavilion gates. During the daytime, many women were in the labour workshops and spent their afternoons in the pavilion’s inner patios. Most of the time it was a calm and quiet prison.

years.<sup>7</sup> To understand the huge increase in Latin American imprisonment in general and that in Peru in particular, scholars have insisted that it is necessary to look at the impacts of the American “War on Drugs” (Ariza & Iturralde, 2015; Diaz-Cotto, 2005; Norton-Hawk, 2010; Nuñoovero 2010; Reynolds, 2008), which I discuss in Chapter 1. As such, there is a high percentage of women imprisoned for drug-related crimes.<sup>8</sup> In Peru, 55% of women are imprisoned for drug-related crimes and are over-represented in this offence category in comparison to men (17%) (INPE, 2018).

In Santa Monica, in 1998 there were 660 women incarcerated (Defensoría del Pueblo, 1998), 919 in 2005 (Defensoría del Pueblo, 2005), and in 2009, its population increased to 1059 (INPE, 2009). The year I conducted my fieldwork, there were 707 prisoners (INPE, 2018).<sup>9</sup> According to the INPE’s statistics report (2018), the majority of women in Santa Monica are young prisoners, 558 aged between 20-49 years old, and 137 aged 50 or more. Moreover, a significant proportion of the prisoners are mothers,<sup>10</sup> and 45 children were living inside the prison – according to Peruvian regulations children can live there with their mothers until they are three years old. Of the 707 prisoners, 411 have been sentenced while 296 are on remand, 145 have been sentenced to between 1 and 5 years and 159 between 5 and 15 years. Finally, the statistics show that 358 were imprisoned for drug-trafficking, 142 for robbery, 22 for extortion, 12 for kidnapping, 34 for homicide, 4 for weapons possession, 6 for sexually related crimes, and 129 for ‘other crimes’.

Furthermore, the first national census of the penitentiary population nationwide (INEI, 2016) also offers some interesting demographic data about women in prison. More than half, (59%) are single, but the majority (88.3%) are mothers. Most women prisoners (around 58%) have not completed elementary or secondary school. In terms of employment status, 86% were dedicated to be a houseworker prior to imprisonment. In terms of ethnicity, 16% self-identify as

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<sup>7</sup> According to the national census, in 1993, Peru had 22 639 443 inhabitants, and by 2017, there were 31 237 385 Peruvian citizens. According to INEI (2017), the average annual growth rate of the Peruvian population in the last 24 years has been 1.5%. Between 2000 and 2018, the penitentiary population increased by 228% (Nuñoovero, 2019). By 2018, the rate acknowledges that by every 100 000 citizens, 278 are in prison (Nuñoovero, 2019)

<sup>8</sup> This is a regional phenomenon, and countries like Mexico (44%), Colombia (48%), and Brazil (60.6%), also show high percentages of women imprisoned for drug-related crimes (Boiteux, 2015; Institute for Criminal Policy Research, 2016; WOLA, 2016).

<sup>9</sup> Although there is an increase in the female penitentiary population, the decrease in the number of women in Santa Monica in the last years has been produced by the opening of two new women’s prisons in Lima: Virgen de Fatima prison inaugurated in 2009 for first-time offenders with short sentences, and Ancon II which started functioning in 2010 also for first-time offenders and foreigners. Most of the foreign women have been relocated to Ancon II, most convicted for crimes related to drug-trafficking.

<sup>10</sup> Although I do not have the specific number of prisoners at Santa Monica who were mothers, in research on four female prisons in Lima (including Santa Monica) and with the participation of 1929 prisoners, Baca-Neglia et al. (2015) describe that 86.5% had children, and 52.2% of them were under-age.

Quechua or Aymara, and 7.7% as Afro-Peruvian.<sup>11</sup> The majority of women (68.5%) are in prison for the first time, while 95.3% did not use a weapon, and 90% had not consumed any drugs at the time of their conviction. In summary, women prisoners are a group comprised of mostly young and middle-aged women, who are predominantly poor, unemployed or underemployed, single and likely to be caring for young children, and who were engaged in mostly non-violent crimes, particularly associated with drug-trafficking offences.

### ***Santa Monica's macro, meso and micro dynamics: The thesis' main arguments***

In Chapter 1, my intention is to give account on how in Peru (as an example of the Global South) prison is mould by colonialism and patriarchy, creating a fixed imaginary of “the” prison. Hence, I offer a genealogy of the constitution of prison, with an emphasis on women's imprisonment in Peru. The chapter does not provide an extensive historical account, but I analyse specific historical periods through decolonial and feminist approaches, to demonstrate that prison in Peru is a post-colonial and patriarchal institution, and that imprisonment dynamics throughout history were and are gendered. Moreover, I turn to decolonial authors and Southern Criminology to acknowledge how prisons in the Global South have been analysed through standards of prisons in the Global North, focusing on the deprivations and “lackness” of the institutions, making invisible complex political and social dynamics within Latin American prisons.

In Chapter 2, I introduce the concepts of decolonisation and depatriarchalisation as the epistemological-political approaches I have as a researcher, and how both could contribute to the analysis of prisons in the Global South. Then, beyond the analysis of Latin American prisons as precarious spaces, I propose an interdisciplinary guideline to analyse prison and imprisonment in the Global South in a more holistic way. My proposal was inspired by the ideas of Armstrong and Jefferson (2017) who propose three core themes of contemporary prison analysis: Authority, Mobility/Control and Agency. Taking into account their proposal, I put together five topics which I believe connect to those core themes. In relation to Authority, I discuss: a. Formal control and surveillance in prisons in the Global South, b. The role and participation of prisoners in the prison's functioning and conviviality, and c. The presence of multiple legal systems and interlegality. Regarding Mobility/Control, I introduce: d. The prison's porosity and fluidity; and, in reference to Agency, I propose: e. the embodied aspects of imprisoned subjectivities and social relationships.

In Chapter 3, I describe the research process of the six-month ethnographic study that I conducted in Santa Monica, which followed decolonial and feminist guidelines. In doing so, I

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<sup>11</sup> According to the Peruvian national census of 2017, 25% of the population self-identify as members of an Indigenous community (which includes Quechua and Aymara, among other ethnicities) and 3.6% as Afro-Peruvian (INEI, 2017).

reflect how as a researcher I also moved between the complex co-governance system with the aim to “*have a sense of the feel of the prison*” (Crewe, 2018; p.87). The objective was to draw upon the prison’s complexity and ambivalences, getting to know its nuances and struggles, rather than flattering and creating a coherent discourse of the institution. (Crewe, 2018.) As already mentioned, I conducted Participatory Observation, Group Reflective Discussions and Individual Reflective Discussions, introducing art-based/visual methods techniques. However, I reflect on how research is an emotional process, and more importantly than the methodological techniques, the production of knowledge is only possible through the construction of trustful relationships with participants, engaging with conscious feelings such as empathy and vulnerability.

In Chapters 4, 5 and 6, I focus on the analysis of empirical data from the research produced in Santa Monica. To understand the links between these chapters, I propose that there is a dialectic relationship between the macro, meso and micro dimensions of prison. In Chapter 4, I explore the macro-political dimension and the power relationships between the authorities, prison staff and prisoners. Santa Monica operates through co-governance, and through examples of everyday life in prison, I demonstrate the existence of a formal-legal order which converges, intertwines and overlaps with an informal-legitimised order (Antillano, 2017; Birbeck, 2011; Biondi, 2016; 2017; Darke, 2013; 2019; Darke & Karam, 2016).<sup>12</sup> I analyse the semi-autonomous (Moore, 1973) role of prisoner-delegates who are actively involved in administration and the organisation of social reproduction at a macro-political dimension in order to maintain order and conviviality and cover prisoners’ basic needs.<sup>13</sup> Moreover, in dialogue with a legal pluralism perspective (Griffiths, 1986), the prison is also a site of interlegality (De Sousa Santos, 2002) where a hybrid legal system (which converges nation-state and customary law) operates (Darke, 2019; Nunes & Sallas, 2017).

In Chapter 5, I analyse how the meso-social dimension, which refers to the most important institutions of a social system (Bakker & Gill, 2003), connects with the macro-political one. In the case of Santa Monica, I focus on Religion<sup>14</sup> and Labour as valuable and privileged social

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<sup>12</sup> I want to clarify that in the thesis I make use of this formal-informal orders dualism of imprisonment dynamics, but it is important to keep in mind that the orders and legal systems of the prison work together, in both the social and subjective spheres.

<sup>13</sup> I use the concept of semi-autonomy following Sally Falk Moore (1973) who explains the fact that individuals generate customs and rules internally, but at the same time are vulnerable to other forces from a larger context. Regarding women prisoners in Santa Monica, they create their norms, customs and symbols in the informal-legitimised order, but it has limitations as they are incarcerated against their will.

<sup>14</sup> Peru accomplished its independence from Spain in 1821. Nonetheless, the new republican government did not break the relationship with the monarchy, and therefore with the Catholic Church. The constitutions during the nineteenth and early twentieth century proclaimed the Catholic confessionality of the state (Sanchez-Lasheras, 2016). In the constitution of 1933, the Catholic confessionality is omitted, and it was only recently, in the constitution of 1979, that started ruling in 1980, that the separation was formally

institutions that connect both orders. Again, both Religion and Labour are linked to the formal-legal order and act as disciplinary tools for women prisoners. However, co-governance and the existence of an informal-legitimised order, also allow prisoners to engage in semi-autonomous actions (Moore, 1973) through their performances in Religious and Labour activities. Therefore, in their engagement with these social institutions of Santa Monica, prisoners construct intersubjective care relationships (Fisher & Tronto, 1990; Tronto, 2006) and engage in mutual collaboration with the aim to (emotionally and economically) resist imprisonment and re-affirm themselves. Nonetheless, also because of the prison's co-governance dynamics, particularly with regard to Labour, it is possible to observe the hierarchical power relationships among prisoners, and to examine how socio-economic and race-ethnic variables intersect and mould prisoners' access to certain formal processes, including also their access to penitentiary benefits.

In Chapter 6, I focus on the micro-intersubjective dimension of prison, particularly on interpersonal relationships and women prisoners' subjectivities. I argue that co-governance dynamics intersected with feminine gendered norms create an ambivalent emotional climate in Santa Monica. During all their imprisonment, women prisoners oscillate (subjectively and socially) between defensive mistrust and intimate trust and may engage in (mainly psychological) violent relationships but simultaneously in close interpersonal relationships of social reproduction and care. I have categorised the different interpersonal relationship relations of motherhood, sisterhood, homoerotic encounters and communities. Through these relationships, women are moulded into "adequate feminine prisoners" by their peers in the informal-legitimised order, teaching them how to be a "good woman". Simultaneously, through semi-autonomous actions (Moore, 1973) and the construction of trustful interpersonal relationships, women prisoners also re-configure and re-signify themselves as women, liberating themselves from preceding patriarchal social norms. These intersubjective processes are embedded with ambivalence and contradictions, and as can be explored via a plural legalist approach, women prisoners may enact multiple femininities inside prison's multiple orders and social spaces (Merry, 2003).

In summary, the thesis investigates how co-governance, as the macro-political dimension of prison, re-configures the meso-social dimension and the micro-intersubjective one. As such, the thesis acknowledges the convergence of prison's formal and informal-legitimised orders (Antillano, 2017; Darke, 2019) and its interlegal hybrid system. The thesis argues that such

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established (Sanchez-Lashers, 2016). The state declares its secularity, with autonomy from the Catholic Church, but retains a positive view towards religion and recognises the Catholic Church as an essential element of Peru's historical, cultural and moral formation. This constitution follows the decree of the Vatican Council (1962-1965) that makes explicit that there must be autonomy but reciprocal interdependence and mutual collaboration between the public powers and the ecclesiastical community (Sanchez-Lasheras, 2016). Finally, the constitution of 1993, which currently rules in Peru, reproduces the same pattern with the Catholic Church (Flores, 2016). Five constitutional principles regulate the relationship between the state and religion: the dignity of the person, religious freedom, religious equality, secularism and cooperation (Abad, 2012; Revilla, 2013).



acknowledgement involves the recognition of prison as an ambivalent institution that disciplines “docile bodies” through multiple narratives (secular, religious and labour), while simultaneously offering semi-autonomous paths that produce practices and processes of social reproduction and care at different levels; these shape collaborative performances among prisoners and transform their gendered subjectivities.

This study does not intend to legitimise prisons or to position imprisonment dynamics in the Global South as “better” than those in the North, or demonstrate them as institutions that enable and succeed in providing the alleged “resocialisation process”. All prisons are primarily punishment institutions (Foucault, 1975) that inflict a range of pains of imprisonment (Sykes, 1958) and involve institutional processes of self-mortification (Goffman, 1961), which have psychological, social, economic and communal consequences (Liebling & Maruna, 2005). Furthermore, particularly in Latin America, scholars, national and international organisations have systematically denounced the violation of prisoners’ human rights inside prison walls (Antony, 2007; Ariza & Iturralde, 2011; CEAS, 2006; Constant & Rojas, 2011; Defensoría del Pueblo, 1998; 2005; 2011; 2013; Huerta, 2009; Mapelli, 2006; Sozzo, 2007a; WOLA, 2016). It is also not my intention to deny that prison is an exclusionary institution where repressive and dominative modes of power – such as racial-ethnic (Aguirre, 2009; Segato, 2007), class (Wacquant, 2000) and patriarchal (Carlen, 1983; Heidensohn & Silvestri, 2012; Howe, 1994; Moore & Scranton, 2014) dynamics – operate to criminalise and thus ostracise particular social groups.

Nonetheless, my intention is to unveil sites of personhood within these oppressive environments; I aim to highlight the importance of recognising women prisoners’ “active subjectivities” (Lugones, 2008b; p.85), and their everyday efforts to create well-being spaces for themselves and others in oppressive circumstances. With that in mind, I believe that the recognition of women prisoners’ actions contributes to prison studies, making visible an alternative type of carcerality, which enables prison to be defined as a negotiatory and participatory space. Although my political commitment is to an abolitionist project of prison in the long run, my aim is to reflect on what the women prisoners in Peru are teaching us about imprisonment dynamics. The aim is to acknowledge how the recognition and fortification of a different type of power dynamics, more horizontal and humane, may diminish (in the medium term) the systematic suffering of prisoners. On the other hand, this research aims to contribute to feminist criminology and demonstrate the ambivalence of women’s imprisonment. Therefore, the thesis aims to recognise women prisoners as victims of structural inequalities, but at the same time make visible their agency. Therefore, it provides a complex panorama distanced from paternalistic perceptions of women prisoners that provides a partial analysis of their lived experiences.

Finally, taking a step away from the thesis arguments, I would like to conclude by pointing out that when I was finalising the writing-up of this document, Latin America started to be the focus of many global news stories. Citizens from different countries collectively expressed their discomfort with the neoliberal capitalist, patriarchal, economic-socio-political system, denouncing the inequities and the systematic crisis of our governmental institutions, engaging in acts of resistance to demand urgent and structural transformations (see for instance protests in Chile, Bolivia, Ecuador and Nicaragua). At a time when Latin America is facing significant challenges but also shows signs of an urge for social change, alternative perspectives on understanding social life are essential. Decolonial, feminist and plural legalism approaches can help in obtaining a distance from homogenising criminal justice systems and can aid in acknowledging the particularities of our nations in order to imagine o-ther ways to construct our futures, also including the constitution of more just penal solutions.

## **Chapter 1**

### **Coloniality of Power and Coloniality of knowledge: Prisons in Peru as Post-colonial and Patriarchal Institutions**

As Carrington et al. (2016) explain, much research in criminology assumes that its settings enjoy a high level of internal peace and a stable nation-state system. However, as Bosworth (2010) suggests, any analysis of imprisonment must include the state and how it intersects with specific local forms. Understanding prison in the Global South, and in this case Peru as a representative of the Latin American region, requires an appreciation of the historical patterns of the state and the recognition of state colonialism, violence, drug-trafficking and armed conflicts (Carrington et al., 2016) in the construction of our nations and institutions. Therefore, prisons and their aims must be historically situated and analysed through the characteristics of the societies from which they emerged (O'Donnell, 2016), considering the social and cultural complexity in which justice systems have been created and in which they currently operate (Darke & Karam, 2016).

Therefore, this chapter aims to present the construction of the fixed model of “the” prison in Peru based on Northern imaginary, misrepresenting the Southern experience. I focus on how colonialism, colonial legacies and patriarchy had moulded the constitution of prisons in Peru (as an example of the Latin American region). I present the political and social context in which the research has taken place, as well as the epistemological perspective that I have taken to undertake the research process. In the first part of the chapter, I use specific historical periods in dialogue with decolonial and feminist approaches to present a genealogy of the constitution of prisons in Peru. I argue prisons in Peru are post-colonial (Boutron & Constant, 2013; Constant, 2016; Martin, Jefferson & Bandyopadhyay, 2014), and patriarchal institutions (Aguirre, 2003; 2009; Boutron & Constant, 2013; Constant, 2016a). In the second part, I introduce the concept of “coloniality of knowledge” to argue that it is problematic to analyse the prison dynamics of the Global South from the standpoints of the Global North, suggesting thus that it is necessary to study the penal context of the Global South from within, rather than as an outside observer.

#### **1. A socio-historical review of Peruvian prisons**

Reflections about colonialism and coloniality in the Latin American region have been largely discussed by decolonial authors, members of the research group of the “Proyecto Latino/Latinoamericano modernidad/colonialidad” (translates to Latin/Latin American Project/Modernity/Coloniality) (Castro-Gómez & Grosfoguel, 2007; p.9). This research group

included authors such as Anibal Quijano, Walter Mignolo, Edgardo Lander, Arturo Escobar, Maria Lugones, among others. Throughout their conceptual-theoretical analysis, they do not explicitly refer to prisons or imprisonment, but provide fundamental epistemological guidelines through which to examine the constitution of the penitentiary system in Peru and review criminalised populations.

As Carlos Aguirre (2001), a Peruvian historian, suggests, it is complicated to write the history of prisons in Latin America in general and Peru in particular. Such a task would involve working within a context lacking primary resources and using texts produced under highly oppressive circumstances (Aguirre, 2001). Thus, in my intention to briefly recap the history of Peruvian prisons, I will create a dialogue between decolonial theory, the gender approach and Aguirre's ideas about punishment and the Peruvian penitentiary system (Aguirre has focused particularly on the colonial period and the beginning of the Republic). Then, I will turn to a more contemporary analysis of imprisonment to specifically discuss women's incarceration, and explore how it has been shaped by political situations such as the "War on Drugs" and the Peruvian Internal Armed Conflict.

### ***1.1. Punishment in the pre-colonial period***

It is important to start by highlighting that Peru was a territory with multiple pre-hispanic or pre-inca cultures (Chavin, Paracas, Mochica, Chimu, just to name a few), with different conceptions and traditions (Rostorowsky, 2018), whose definitions of deviance or punishment are still unknown. When the Spanish conquerors arrived, the Inca Empire was expanding. Therefore, what we know now about the customs, traditions and the way punishment was imposed in the time of the Incas is embedded with the contradictory perceptions and the Christian moral filters of Spanish chroniclers (Vega, 1973).

The Inca empire was theocratic, the law was a divine decalogue and the Incas were considered God's children. In their analysis of Spanish chronicles, Vega (1973) and Kardulias (1999) concluded that the laws were strict, and punishments were severe, intimidating and restorative, including death, torture and corporal punishments. The appliance of the penalty was immediate and inflexible, but there was differential treatment for nobles.

As punishment mainly focused on the infliction of pain through the body, prolonged detentions were not justified. Thus, there were no places such as prisons. Nonetheless, some sites were used as provisional detentions centres in villages until the detained were sent to the main cities to be judged by the Inca. Despite them not having prolonged sentences, in the chronicles, authors refer to a prison in the Southern Andean region, specifically in Cusco, called *Sanca Huasi* or *Sanca Kancha*. It is detailed as an obscure and harsh place filled with wild animals (such as snakes, bears and vermin) where detained subjects were sent to die (Vega, 1973).

### ***1.2. The colonial empire: colonialism and patriarchy***

In 1533, the Spanish conquerors arrived in the geographical territory now defined as Peru and installed a Spanish colony until 1821. Based on Catholic and medieval tradition, the Spanish political ideology had the premise that society had to be organised on an exclusionary, fragmented and hierarchical manner (Flores-Galindo, 1984; 1994; Cotler, 2005). The hierarchisation was broken down into two differentiated republics which organised political, social and labour activities: the Spanish conquerors remained on one side, and Indians and Black populations on the other (Cotler, 2005).

Anibal Quijano (2000), a Peruvian sociologist, refers to this dualism as the focus through which to understand power dynamics during colonialism, and introduces the concept of “coloniality of power”. For the author, the binary division during colonialism configured a new structure of production-based relationships reliant on a racial division of labour configurations, establishing procedures of work control articulated with race and the domination/exploitation of these specific groups. In this way, as noted by Quijano (1992; 2000), the idea of “race” – which took into consideration phenotypic variation, and alleged differentiated biological structures between conquerors and conquered – offered stratified positions in society. As a consequence, a new “*world-system*” based on capital labour was constituted, which re-defined social organisation, assigned social-labour hierarchies and configured new geocultural identities and hierarchical intersubjective relationships of domination relationships between conquerors and colonised populations. The conquered groups – indigenous and then African populations – along with their phenotypic physiognomies, their histories, subjectivities, culture, and knowledge, were located as inferior and primitive, confined to servitude and/or slavery. In contrast, the conquerors – their phenotypic physiognomies, their histories, subjectivities, culture, and knowledge – were placed in a superior position and, as a result, enjoyed salaried labour conditions. (Quijano, 1992; 2000; Mignolo, 2000, Escobar, 2000.)

Within these differential republics, as Cotler (2005) suggests, there were also internal divisions. Maldonado-Torres (2007) refers to the concept of “colonial heterogeneity” to refer to the multiple forms of subalternisation articulated with the notion of “race”, and the different degrees of dehumanisation employed in recognising the diversity of populations. Spaniards had internal classifications taking into consideration their place of birth, wealth and nobility, but were the only group that could reach positions of privilege in the governmental and ecclesiastical spheres. On the other hand, Indians and Blacks were the dominated population, and also had internal hierarchies. Those who could prove their lineage or affiliation by blood were the local political chiefs, those who had a relationship of descent were located in an intermediate category with fewer privileges, and the rest (the majority of the population) were the tributaries (Cotler, 2005). The “colonial heterogeneity” gives a classification of which position each individual should occupy in the colonial social structure taking into consideration their “purity of blood”

(Santamaria, 2007; p.199) and their place of birth (Cotler, 2005; Flores-Galindo, 1984). This stratification had direct implications on which of these populations were more likely to be criminalised, where they were punished and imprisoned, and the conditions they had to experience during such punishment.

To achieve social control, the authorities applied their punishments through corporal mechanisms such as public executions, scourging, public labour or exile (Aguirre, 2009; Flores-Galindo, 1984; Vega, 1973). At that time, prisons were not essential institutions for social control. Thus, imprisonment was a social practice more regulated by custom than by law, without seeking any reform of the prisoners (Aguirre, 2009). The prison system was also stratified, and prisoners were differentiated by their social, jurisdictional and ecclesiastical categories (Flores-Galindo, 1984; Vega, 1973). There were premises for nobles, common prisoners and clerics (Aguirre, 2009; Vega, 1973). There was differential treatment for nobles, and their maintenance depended on their families; while the rest of the prisoners suffered inhumane treatment and torture and their daily maintenance depended on charity (Vega, 1973).

Furthermore, racialisation operates in a particular manner in its intersection with gender and sex (Maldonado-Torres, 2007), and for the colonisers to re-configure society as a whole, they had to operate differently with regard to the colonised peoples' bodies (Galindo, 2015). During the colonial period, colonised subjects were sexually racialised, indigenous men were emasculated (Segato, 2013), portrayed as feminised subjects (categorised as inferior to their Spaniard counterparts) (Maldonado-Torres, 2007), or even desexualised and positioned as labour beasts (Lugones, 2012). Women's bodies were given to the Spanish conquerors to assure political alliances (Galindo, 2015), and sexually violated (Lamana, 2008; Maldonado-Torres, 2007). Moreover, Maria Lugones (2008a), a feminist decolonial scholar, introduces the concept of "coloniality of gender", and suggests that during the colonial period, a Westernised gender system was promoted, where men and women had to be re-invented according to the new labour structure (Mannarelli, 2018) and the social norms of Western patriarchal, heteronormative structure<sup>15</sup> (Lugones, 2007; 2008a; Neira, 2014; Segato, 2013). As Mannarelli (2018) specifies, the new demand of imposed metropolitan labour sought to maintain the mercantile and imperial dynamics and meant the abandonment of communities, which unravelled the marriage and kinship patterns that guided social life before the colonial period. Also, the new economic structure implied that male labour was performed in the public sphere, which propelled the re-organisation of the

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<sup>15</sup> In Europe, the domestication of women was possible through the witch-hunt that occurred in the fifteenth century, organised by Protestants and the Catholic Church. Then, as noted by Federicci (2009), the growth of the capitalist modes of production, already in its more industrial, urban stages, produced the domestication of women by separating the public/private spheres. So, next to the emergence of bourgeois and proletarian masculinities, emerged femininities associated with the reproductive roles for women -i.e., as reproducers of labour or producers of well-being (Pateman 2000).

Indigenous communities' gender system (Neira, 2014).<sup>16</sup> Moreover, the hegemonic mandate of the Christian bourgeois Western family was imposed (Mignolo, 2005), and gender was also introduced as one of the fundamental aspects of colonial domination (Segato, 2013).

Taking into consideration the differentiation between men and women, in the case of women's incarceration, women prisoners were sent to convents (Vega, 1973) to discipline them into what at the time were considered adequate women (Constant, 2016a). There is not much information about women's criminalisation and imprisonment during the colonial period, but Constant (2016a) explains that in their detention the intension was to discipline them into a "road towards perfection". In other words, it meant to educate Indigenous and *Mestizas* women into the Spanish Catholic traditions and morality. The criteria to define deviation were embedded in Spanish norms and were used mainly to educate abandoned women, those considered illegitimate, or those who intended to work on the streets.

Furthermore, Hernández (2019), through a historical archaeology perspective, analyses the case of Francisca Melchora, who was the widow of the Lord of Huarochirí (Andean region of Peru) and incriminated by the Spanish authorities in 1660. Francisco Melchora was accused of hiding women who were identified as witches. What Hernández (2019) highlights is that those called witches by the Spanish authorities were recognised as influential counsellors of the local lord. Through this particular case, it is possible to illustrate that incriminated women were demonised and classified as dangerous and sinful by the Spanish Catholic clergy. As Hernández (2019) argues, this demonstrates how gender was considered in a different manner to the pre-colonial periods, given the accounts of "El Manuscrito de Huarochirí",<sup>17</sup> where women were

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<sup>16</sup> Rita Segato, Julieta Paredes and Maria Galindo discuss gender systems in pre-colonial societies in Latin America. They suggest the existence of gender systems, but note that there was a gender system but it operated differently to the European one. For example, Segato (2013) refers to a (low intensity) patriarchy (p.83), and Paredes (2010) and Galindo (2015) discuss the concept of "pre-colonial patriarchy" (p.40). Particularly in Perú, the historian María Emma Mannarelli (2018) suggests that inter-gender relationships were very diverse and locally specific. It is not possible to know for certain whether men and women had an egalitarian status in society, but there is evidence of there being women *curacas* (political and administrative chiefs of a region). Usually the principle of gender equality in pre-colonial period has been related to complementarity, but as Mannarelli (2018) suggests, complementarity and hierarchy are not necessarily exclusive. For more on this topic see: Segato, R. (2013). *La crítica de la colonialidad en ocho ensayos. Y una antropología por demanda*. Buenos Aires: Prometeo Libros; Paredes, J. (2010). *Hilando fino desde el feminismo comunitario*. La Paz: CEDEC y Mujeres Creando Comunidad; and Mannarelli, M. (2018). *La Domesticación de las mujeres. Patriarcado y género en la historia peruana*. Lima: La Siniestra Ensayos.

<sup>17</sup> The "Manuscrito de Huarochirí" is a document written in Quechua from the beginning of the seventeenth century, published for the first time in 1939 by the German ethnologist Herman Trimborn. Then, in 1966, it was translated into Spanish by the Peruvian writer and anthropologist Jose Maria Arguedas. It is an important book that details the pre-hispanic cosmovision, myths and traditions of an Andean community. The author is unknown, but the stories were compiled by Francisco de Avila, a Spanish cleric, responsible for the evangelisation campaigns that took place during the colonial period (Arguedas, 1966).

powerful political actors in Andean ritual practices, with a similar status to their male counterparts.

### ***1.3. The Peruvian Republic and the consolidation of “modern” prisons***

The social fragmentation constituted during the colonial period moulded the construction of the Republican state (Cotler, 2005). Colonialism, as a judicial and political process, ended, and exclusionary actions transformed into subtler but no less racist (Dussel, 2000) processes, demonstrating Peru’s colonial heritage (Quijano, 2000). As Quijano (2000) explains, coloniality of power was established; this concept refers to the pattern of power founded in an ethnic-racial structure of labour which lingered into Republican social dynamics. This coloniality of power is a consequence of colonialism, but does not need it to exist, as it responds to centuries of allegedly naturalised discourses and practices, which is visible in the racialised practices and power dynamics of Latin America in the present day.

At this point, it is worth pausing to consider the term “modern”. As Aguirre (2009) explains, this concept responds to a chronological feature, and generally refers to the early nineteenth century in Latin America, which followed the colonial period; in Peru it was a period where a small number of families controlled economic and political growth in a restricted participatory system (Aguirre, 2019). Modernity in Latin America is usually associated with the constitution of an independent nation-state. Moreover, modernity also denotes an allegedly intra-European phenomenon that has its origins in the Industrial Revolutions of France, Germany and England during the eighteenth century (Escobar, 2003). Nevertheless, decolonial authors proclaim modernity should be examined as a global process that has its base in the constitution of a global capitalist system that started with the conquest of America and the control of the Atlantic Ocean after 1492 (Escobar, 2003). The conquest of America and the genocide and forced labour of Indians, and African slaves are the foundations of modernity (Mignolo, 2007). In that sense, coloniality is modernity’s obscure feature, and the other face of the same coin (Escobar, 2003).

Furthermore, modernity is a political-economic process that intermingles with an epistemic, cultural one (Castro-Gómez & Grosfoguel, 2007). It is linked to Europe as the centre, to Western hegemony and the geopolitical, racial, cultural and epistemic subalternisation of non-Western societies or the considered peripheries. Therefore, what was articulated during the colonial period was power patterns of race, knowledge, subjectivities and nature, responding to the benefits of White Europeans and the Latin American creole elite (Escobar, 2003; Quijano, 2000; Walsh, 2005).

In that sense, the term modernity also reflects the objectives and self-perception of the elites that positioned themselves as the reformers of Latin America. Their maximal aspiration was to be “modern” (Aguirre, 2009; Aguirre, 2019), scientific and progressive (Salvatore & Aguirre,



2001). Thus, the states were moulded by the imported ideals of republicanism, liberalism and the constitution of an allegedly neutral and impartial concept of law, while maintaining racist, patriarchal, authoritarian and exclusionary social structures (Aguirre, 2019; Quijano, 2000; Segato, 2013). As decolonial jurist Armando Guevara (2009) explains, once independence from Spain was established, Peruvian Euro-centred elites embarked on ethnocidal projects in their aim to build a new, modern nation-state which reproduced idealised European models.

Consequently, post-independence legislators created laws and constitutions from European sources, but they were easier to write than to put into practice (Salvatore & Aguirre, 2001). In a highly hierarchised and discriminatory society, forced labour, scourging, shackles, private prisons, illegal executions and exile were still standard practices, accepted by law, to control those seen as the uncivilised indigenous masses (Aguirre, 1988; Aguirre, 2003; Aguirre 2009; García-Basalo, 1954).

Prisons played an important role as a social control mechanism, but they were not necessarily the central one (Aguirre, 2009). However, within them, the structural racial discrimination implemented during the colonial period was reproduced. During the beginning of the Republican state, the different prisons constructed during the colonial period (and their inhumane conditions) kept functioning but with a different nomenclature: provincial prisons and district prisons, acted more accordingly to the new geographical administrative organisation (Vega, 1973). Some modifications were included, and in 1822, the first regulation code for prisons was enacted (Aguirre, 2001; Vega, 1973), but was only implemented in the prison located in Cusco, a department in the South of Peru (Vega, 1983). The reform ordered the distinction between adult and under-aged prisoners, and men and women prisoners. Moreover, it was decreed that prisoners were allowed two hours of patio access a day and had to do compulsory labour, the redemption of the sentence for good conduct was included, and municipalities were responsible for prisons' and prisoners' maintenance (Aguirre, 2009; Vega, 1973).

By 1830, prisons had become more widespread, and the debates of Peruvian reformers followed the penitentiary reforms in Europe and the USA (Aguirre, 2003). For many public functionaries, prisons seemed too expensive (economically and politically), and were not perceived as a practical institution to reform the considered uncivilised mass into ideal citizens (Aguirre, 2009). Moreover, the potential beneficiaries of these reforms were seen as inferior and barbaric, incapable of becoming equal citizens like those who belonged to the superior social strata (Aguirre, 2009). Therefore, what mainly attracted the state authorities was the possibility to reinforce pre-existing control mechanisms while addressing modern principles (Aguirre, 2009).

Grounded in the ideas previously mentioned, the Peruvian Government inaugurated Lima's penitentiary in 1862 (Aguirre, 2009; Vega 1973) which functioned until 1968 (Vega, 1973). As mentioned by Gómez (2005) and García-Basalo (1954), prisons in Latin America during the post-colonial era have as a model "workhouses" and "rasp-huis" which originated in

the sixteenth century in England and the Netherlands, respectively.<sup>18</sup> In Peru in particular, Mariano Paz Soldan, one of the main prison reformers of the country, introduced transformations based on the Benthamite Panopticon (Aguirre, 2009; Vega 1973), and tried to create penitentiary reform to construct prisons with dignifying living conditions (a good geographical location, constant security, adequate infrastructure, and the abolition of physical punishment). Nevertheless, the penitentiaries in Latin America, Peru no exception, faced severe and recurrent financial and administrative obstacles. Moreover, they were regularly criticised for not following the promised humane treatment on one side, and for not efficiently combating delinquency on the other (Aguirre, 2009). As Aguirre (2019) emphasises, prisons during this period revealed the contradictory and exclusionary nature of the modernisation process in Peru. The implementation of norms was ambiguous, which led to indifference towards the prisoners, and the functioning of prison was sustained by fragile customary arrangements.

To summarise, Peruvian prisons became institutions where the detainees could allegedly be transformed from the immoral and undisciplined masses (in reference to indigenous rural populations) into honest and laborious citizens through the means of labour (Aguirre, 2009; García-Basalo, 1954). In this process, prisons can be seen to inculcate the capitalist order and prescribed liberal values (Aguirre, 2009; Aguirre & Salvatore, 2001). As Aguirre (2009) emphasises, for penitentiary reformers, modern prisons would become dignified “labs of virtue”, but in fact, prisons were used as spaces to maintain an exclusionary political and social order that deprived indigenous and rural populations from their fundamental rights. Therefore, Latin American penitentiaries symbolise the ambiguity and limitations of the creole-mestizos states that want to embrace modernity while maintaining archaic forms of social and racial control.

Furthermore, a sex-gender dimension (Lugones, 2007; 2008a) is important in analysing these post-colonial social dynamics and in understanding how Peruvian imprisonment history has been gendered (Boutron & Constant, 2013). Taking into account gender stereotypes and the introduction of the Marianist figure during the colonial period (Pastor, 2010), women were expected to be affectionate and more docile than men. The European Catholic religious discourses introduced during the colonial period and reproduced during the Republic imposed a binary and hierarchical relationship between masculinity and femininity. Women were positioned as dependent on men, confined to the private sphere (religious or familial), and the transgression of these social norms was defined as deviant (Oliart cited in Constant, 2016a). This social

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<sup>18</sup> To Melossi and Pavarini (2017), the collapse of the feudal system in Western Europe and England, and the appropriation of the land from the peasant population, forced many people to migrate from the countryside to the city. Due to not being able to find work in manufacturing industry, migrants were perceived as “voluntarily vagrants”, idlers and criminals. To affront this situation, spaces of forced labour were installed and became central for the discipline and docility of these groups, as well as, a space of domestication and transformation of agricultural workers into productive workers, who would be necessary to provide cheap labour for the new mechanisms of production.

representation of women offenders was commonly discussed in European religious schools and was spread in Latin America, starting the second half of the nineteenth century (Constant, 2016a).

Aguirre (2003) in his article “Women Offenders, criminal practices and domestic servitude in Lima (1862-1930)”, analyses the perception and the differentiated treatment for men and women who were considered criminals. Women were perceived as less likely than men to commit criminal acts. Considering this generalised idea of how women must be and the low rate of women who participated in illegal actions, the state had little interest in engaging with female offenders. Therefore, it was thought that women who broke social gendered norms did not need punishment but counsel, protection and tenderness since they were more vulnerable to committing immoral acts than criminal ones (Salvatore & Aguirre, 2017). As a derivative of this logic, those who were in charge of *civilising* women were not agents of the state, but religious congregations.

In spite of differential treatment according to sexual characteristics, not all women were treated equally, and again, class and “race” and ethnicity intersected to impact such treatment. High- and middle-class women of nineteenth-century Lima were portrayed as loving, charming and dedicated to household duties and motherhood. In contrast, Indigenous and Black women were positioned as immoral, promiscuous and associated with vices such as alcohol abuse (Aguirre, 2003). Therefore, as mentioned by Boutron & Constant (2013):

*“When colonialism is included in the analysis, some women’s imprisonment appears to be less an instrument of punishment than a mechanism to provide domestic service for upper-class white urban families, a mechanism that divided spaces and activities according to gender, class and race criteria in colonial societies.”*

As a result, places of confinement for women such as “*La casa del Buen Pastor*” or “*La carcel de Santo Tomas*”, the first women’s prison in Peru (Boutron & Constant, 2013; Vega, 1973), were organised within convents in Lima, and were configured as spaces of discipline and control managed by the elites and the Church until the middle of the twentieth century (Aguirre, 2003; 2009; Boutron & Constant, 2013; Salvatore & Aguirre, 2017). As Aguirre (2003; 2009) argues, these correctional institutions followed the rules of convent houses and were used as “factories of domestic servants”. Therefore, it is interesting to note the racial-ethnic configuration of female prisoners. In 1893 in the *Santo Tomas* female prison, of the 41 prisoners, half were indigenous, one was a white woman, and the rest black or mestizas. By 1928, there were 81 prisoners, and the vast majority were indigenous or from Peruvian rural provinces (Boutron & Constant, 2013). Consequently, they aimed to inculcate obedience, discipline and compliance in their role of woman as wife, mother, daughter but, especially, as servant. Many poor Andean migrant women were hired as workers during the late nineteenth century, maintaining and reproducing class and racial hierarchies and stereotypes in society. So, after concluding their time in the confinement institutions and incorporating civilised religious norms, women were sent to

high and middle-class families as servants, to be monitored and exploited in the fulfilment of their feminine role (Aguirre, 2003).

Finally, prisons during the beginning of the Republican period were violent spaces and it is reasonable to suggest that hierarchical social structures were reproduced in them. Nevertheless, as Aguirre (2009) suggests, prisoners always sought to express autonomy and engaged in negotiations with other prisoners, but also with the authorities and prison staff. To achieve this, prisoners used different strategies that included the use of violence, horizontal relations of solidarity among prisoners, and relationships of complicity and clientelism with guards. As Aguirre (2019) suggests, most of the prisoners' efforts reflected an accommodation strategy more than adopting a confrontational approach. Prisoners configured a different order, a "customary order" (p.203), that was not prescribed by the formal norms, but by a series of negotiations, transactions and accommodations (Aguirre, 2019). To give an account of prisoners' negotiations, Aguirre (2001) analyses prisoners' letters to various authorities in the late 1920s. In them, prisoners point out the contradictions in prison reforms and the ambivalence of the authorities' actions. They do not question the whole idea of prison reform,<sup>19</sup> but selectively appropriate modern discourse (in particular, they refer to words such as rehabilitation, discipline, modern prisons) to strategically denounce their living conditions and the oppressive nature of imprisonment. As the author explains:

*"It would be wrong to interpret these strategies as simply revealing of the prisoners' submission and lack of resources. As many students of subaltern groups and ideologies have made clear, their use of deferential tones in their relationship with superiors can be seen as part of a strategy of 'pragmatic resignation,' one which allows them to achieve specific and (usually) limited goals without challenging the very bases of power and authority."* (Aguirre, 2001; p.360)

Thus, it is in these spaces that subaltern groups will also find ways of mobilising, claiming their rights, citizenship and participation as promised in modern life (Aguirre & Walker, 1990; Salvatore & Aguirre, 2001; Joseph, 2001). Therefore, the letters show the coerciveness of prison life, but at the same time illustrate various coping strategies, forms of accommodating to the regime and acts of resistance. As Aguirre (2001) highlights, prisoners are not resourceless victims of abusive spaces, but are capable of individually and collectively complaining, demanding rights and denouncing abuses. Furthermore, as Aguirre (2009) illustrates, throughout the history of prisons in Peru, prisoners have been proactively involved in the organisation of activities to

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<sup>19</sup> Interestingly, Aguirre (2001) acknowledges prisoners were well-informed of the reform discourses due to several factors: the appearance of philanthropic campaigns in favour of prisoners, the increasing circulation of scientific research about prisoners that was printed in prisons, and the broader efforts of Peruvian society towards organisation and collective action.

socialise and recreate within prison walls, forging solidarity and horizontal reciprocity. As Joseph (2001) refers:

*“These were sites of political and cultural encounter, where the rules of the game were taught to subordinate groups and social, ethno-racial, and gender hierarchies were understood, but where subaltern actors also pointed out the contradictions of ruling projects, redressed grievances, and even challenged aspects of state, class, or patriarchal domination. There are dichotomous notions either of the process of modernisation or subaltern resistance to it.”* (p.xi)

The aforementioned visions about the daily dynamics of imprisonment resemble a theoretical concept introduced by Lugones (2008b): “active subjectivity” (p.85). According to Lugones (2008b), the power relationship must be analysed within its dynamism, as a dialectic gerund of oppression-resistance, recognising activity within the oppressive structures and spaces. In that sense, actions and intentions of resistance can be congruent with domination processes (Lugones, 2008b). Thus, Lugones (2008b) emphasises that while “*others may tend to experience or see defeat, incompetence, and despair,*” the self is using a multiplicity of strategies to face oppression. Within that framework, she defines “active subjectivity” as a “*journey of the possibility of creative activity under conditions fertile for resistance to multiple oppressions*” (p.86). Active subjectivity is a “resistant sense of agency”: it is not an isolated fact, it is a social process that makes collective transformation possible.

Thus, when analysing prisons, their history and the political, economic and social factors by which some groups are more vulnerable to be deprived of their liberty, must be considered. However, if we only pay attention to this vulnerability, we can only understand subaltern groups as passive subjects of penal domination and make invisible their active subjectivity, which includes their discourses, actions and positionalities that reveal their struggles, resistances and impactful transformations. Then, it is important to recognise the nuances, contradictions and paradoxes of imprisonment dynamics. Some examples of how to study it are through the everyday life of prisoners, the subtle actions that are performed to resist surveillance or to negotiate better living conditions inside the prison, the formal and informal sociability and leisure spaces, and the interpersonal dynamics that are constructed among all the subjects that inhabit prison.

#### ***1.4. A contemporary approach to Peruvian women’s prisons***

In this section I turn the analysis to a contemporary perspective on Peruvian prisons and focus on women’s imprisonment. I will introduce two socio-political issues that arguably relate to a comprehensive analysis of women’s imprisonment in twentieth and twenty-first century Peru. These issues are a) the “War on Drugs” and b) the Peruvian Internal Armed Conflict (Boutron & Constant, 2013).

Both of these issues represent processes that not only overlap in time, but are politically, economically and socially intermingled. Thus, analysing these is relevant for understanding criminalisation, punishment and particularly female imprisonment in Peru. For example, the anti-narcotics actions undertaken by the Peruvian state were organised in a broader strategy against insurgent social movements. Moreover, the cocaine economy facilitated the insertion and financed the actions of the Partido Comunista Peruano Sendero-Luminoso (Peruvian Communist Party Shining Path, PCP-SL for its name in Spanish) against the Peruvian Army in some Peruvian regions. At the same time, in other cases, it financed the counter-subversive actions of peasants and organised based collectives that finally expelled PCP-SL from their territories (CVR, 2003). In addition, both of these political situations created other routes to “delinquency” for women (Boutron & Constant, 2013).

#### *The “War on Drugs”*

From a decolonial perspective, Escobar (2003) shows that capitalism and modernity/coloniality in Latin America underwent a second and historical transformation after the Second World War, which positioned the USA as a global imperial leader in the region. Their leadership was fortified after the end of the Cold War, and as Castro-Gómez and Grosfoguel (2007) suggest, this enabled the initiation of a process of global colonialism, which propelled the force of institutions such as the International Monetary Fund and the World Bank, among others. Therefore, contemporary global capitalism re-signified the epistemic, spiritual, racial-ethnic and sex-gender hierarchies constituted by modernity, and gave initiation to the “European world-system/Euro-North American capitalist/patriarchal, modern/colonial”. Decolonial Latin American feminists, such as Julieta Paredes, Rita Segato and Rosa Hernández, as well as European feminist Saskia Sassen, have warned of the dangers of globalisation for women in the South. As Sassen (1999, 2000) mentions, globalisation has created “*counter-geographies of globalisation*” – parallel illegal-informal spaces that are worth of formal global institutions and dynamics – which exacerbate vulnerability and violence, especially for women. This process is clearly observed in the increase of the female penitentiary population in Latin America as a result of the “War on Drugs”.

Thus, after the Second World War, the USA was positioned as a “world power” and became a leader in drug-control policies (Gootenberg, 2009; PNUD, 2007). The production and exportation of drugs were regulated through international agreements (opium at first and then cocaine,<sup>20</sup> later cannabis, among others), as their consumption was linked to poverty, violence and unemployment in Western societies (PNUD, 2007).<sup>21</sup> These perceptions established the way

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<sup>20</sup> Coca leaf is a perishable good that does not stand long travel, so before the nineteenth century its production remained local and exports were limited. However, in 1860 cocaine was introduced to Western societies for medical and commercial purposes and its consumption began to rise (PNUD, 2007).

<sup>21</sup> The conference celebrated in Shanghai (1909) and The Hague Convention (1912) were the very first international meetings aimed to create international agreements concerning drug policies. The main

drugs were managed by Western governments and created the mandate to criminalise the production and exportation of illegal drugs (Gootenberg, 2009). During the 1970s, Richard Nixon, former USA president, declared the “War on Drugs” with the collaboration of Latin American governments (Cabañas, 2014; Gootenberg, 2009; PNUD, 2007). This declaration implied the involvement of new agencies from the United Nations in Latin American countries such as Colombia, Mexico and Peru; and enabled militarised actions against drug-trafficking within these countries (Gootenberg, 2009; Nuñez Del Prado, n.d.).<sup>22</sup>

Peru is one of the major producers and exporters of coca leaf and cocaine in the world, along with Mexico, Colombia and Bolivia (PNUD, 2013).<sup>23</sup> Although legislation aims to control and limit its production,<sup>24</sup> ideally only to supply the cultural and medical uses of coca leaf,<sup>25</sup> in practice coca crops have grown since the 1970s due to the international demand for cocaine, and officially it may be said that most coca leaf areas are illegal (Gootenberg, 2009).<sup>26</sup>

As Gootenberg (2009) states, before military action and repressive control were ordered, cocaine production was a small and a non-violent industry. However, as Cabañas (2014) argues, the “War on Drugs” propelled the consolidation of transnational drug-trafficking, and since the 1980s, with the implementation of neoliberal policies in Latin America, it has become the most important illegal and profitable global industry and a source of political corruption, judicial impunity and violence throughout the region.

For many scholars, the USA’s drug-control policies and actions have also been a primary catalyst for the increase in imprisonment and violence expansion across the globe (Diaz-Cotto, 2005; Reynolds, 2008; Sudbury, 2005). Based on bilateral agreements between the USA and Latin American governments, legislation based around “zero tolerance” of drugs has been enacted and

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colonialist countries, especially the USA, were concerned by the levels of opium consumption within their societies. Cocaine was not seen as a major problem until the 1950s; however, opium regulation determined the way drugs are audited and controlled globally. In these and further international agreements, drug control is understood as an international problem which requires joint action among countries, and focuses on the elimination of drugs in producer countries (Gootenberg, 2009; PNUD, 2007).

<sup>22</sup> Peru signed a bilateral agreement in 1991 with the USA which stipulated repressive drug control policies and alternative development to coca leaf growth in our region (Nuñez Del Prado, n.d.).

<sup>23</sup> In 2008, Peru accounted for 113,300 of 298,200 tonnes of coca leaf produced globally, and exported 900 tonnes of cocaine (PNUD, 2013).

<sup>24</sup> In July 19, 1988, the Peruvian Congress approved the Law on Coca and Controlled Substances, which has been in force until now.

<sup>25</sup> Coca leaf, as an agriculture product, has been present throughout Peruvian history. Archaeological research has shown the use of coca leaf in religious and medical practices of pre-columbian societies for more than 4,500 years (Villena and Sauvain, 1997). In addition, the use of coca leaf was also encouraged by Spanish conquerors as an exploitation device during the colonial era. It was given to indigenous-labour groups in gold and silver mines to propel resistance in order to extend productive working hours (PNUD, 2007).

<sup>26</sup> Multiple conditions converge to sustain coca leaf production: the inaccessible territories where it is cultivated, the poverty living conditions of peasantry, the absence of alternatives sources of income, the inefficacy of the state to address poverty and/or enforce the current legislation, the growing international demand, the political organisations of coca leaf producers and the political interference of cocaine exporters.

enforced to highlight the role which Latin American countries play in the production, processing, trafficking and consumption of illicit drugs. While such policies place all the responsibility on Latin America, the demand for drugs in Western countries is disguised, as well as obfuscating the role American government agencies, law enforcement officers and private corporations play in the furtherance of the drug industry (Diaz-Cotto, 2005; Norton-Hawk, 2010). The policies implemented in Latin America use absolute repression as a strategy to fight drugs, and it is through neoliberal policies fuelled by globalisation that the USA is pressuring countries to criminalise drugs and build up prisons and advising that the evidence to support its efficiency is the rise in the number of people incarcerated for drug-trafficking.

In a context of changing economic conditions, growing poverty, the feminisation of poverty and repressive drug policies, women are in an extreme condition of vulnerability (Boutron & Constant, 2013; Torres, 2008; Sassen, 1999; 2000). Gender inequity in Peru leads women to have lower access to education, health and labour, and to be more likely to be victims of violence (Ruiz Bravo, 2003), pressing them to engage in parallel informal activities (Sassen, 1999; 2000) or to commit illegal acts in order to survive (Giacomello, 2013). Furthermore, the decision to get involved in drug-trafficking is embedded with gender social norms. On the one hand, women engage in this illegal activity to earn higher profits than those they could gain in a formal job, while they do not disregard their caregiving responsibilities inside their homes (Constant, 2016b; Fleetwood, 2014). On the other hand, the majority of the time, women are invited to participate in such illicit acts by their male partners (Constant, 2016b). Indeed, the idea of romantic love, as a social and historical patriarchal construction that moulds gender identities, sets the base of the power relationships between men and women, which leads many women to become involved in drug-trafficking as a manner of sacrifice in the name of the “loved one” (Torres, 2008). In addition, the majority of women engaged in drug-trafficking organisations play roles only in the lower positions of such criminal networks (e.g. engage in the transit and distribution of the drugs) and thus face a higher likelihood of arrest (Boutron & Constant, 2013; Fleetwood, 2014; Giacomello, 2013). As scholarship has demonstrated, the mass incarceration of women or people positioned at the bottom of drug-trafficking chains does not necessarily have an impact on the production, distribution or sale of drugs considered illegal (Ariza and Iturralde, 2015; Giacomello, 2013; Norton-Hawk 2010; Nuño-vero, 2010).



### *The Peruvian Internal Armed Conflict*

Between 1980 and 2000,<sup>27</sup> Peru underwent one of its most violent historical periods as a consequence of an Internal Armed Conflict between state and insurgent groups such as the PCP-SL and the Movimiento Revolucionario Tupac Amaru (Tupac Amaru's Revolutionary Movement, in Spanish MRTA). According to the Comisión de la Verdad y Reconciliación (Truth and Reconciliation Commission, in Spanish CVR),<sup>28</sup> the Internal Armed Conflict produced more than 69,000 casualties – mostly civilians – and hundreds of thousands of collateral victims (CVR, 2003).<sup>29</sup> In its final report, the CVR (2003) determines that the main perpetrators of the acts of violence were the terrorist actions of both the PCP-SL (46% of responsibility) and the Peruvian military forces (30% of responsibility).

It is important to highlight that the PCP-SL emerged at a particular political, social and historical moment. The 1980s marked the beginning of an extreme economic crisis in Peru, which sharpened the pauperisation of poor sectors of the Peruvian population (Boutron & Constant, 2013; Degregori, 2010; Portocarrero, 1998). Moreover, as with many social movements and organisations in Latin America during the 1970s and 1980s, the armed struggle was a shared solution to social inequalities that aimed for political and social transformations (Manrique, 2002). In Peru, the majority of the PCP-SL's militants were young men and women from rural Andean areas with superior education who sought structural transformations in the discriminatory Republican state (Degregori, 1990k; Manrique, 2002). Therefore, as Manrique (2002) points out, it is not only indispensable to analyse the PCP-SL's violent acts, but the structural inequities in Peruvian society that they intended to transform. As Mignolo (2003) maintains, PCP-SL was born from an "epistemología fronteriza" (p.13) (translates to epistemology of the borders), from the perspective of those who suffer state violence. This approach intends to explain, not justify, violent acts. But in practice, somehow the actions of the PCP-SL had an opposite effect, and as a result reinforced and justified state and military actions at a national level.

Despite this contextualisation, the PCP-SL has been considered one of the most violent and fundamentalist political organisations in Latin America (Degregori, 2010). One of the most striking features of the PCP-SL was the structural role women played in both its strategic political design and its war tactics. Contrary to other insurgent movements, where women act as caregivers, performing the patriarchal assigned reproductive – and sexual – roles, the PCP-SL actively

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<sup>27</sup> The period from 1980 to 1992 was the most violent. In 1992, Abimael Guzman, the senior PCP-SL leader was captured, and the terrorist actions lessened; however, from 1992 to 2000, Peru went through a period of "pacification" which included the indiscriminate persecution of innocent people (CVR, 2003).

<sup>28</sup> The CVR was appointed in 2003 to write a report concerning the violent 1980-2000 period.

<sup>29</sup> The majority of the victims of the internal armed conflict were men and women who spoke Quechua as their native language, in situations of poverty and extreme poverty, without formal education, and who lived in Andean or Amazonian rural villages (CVR, 2003)

recruited women into all its ranks and they came to represent a third of all of its members (Kirk, 1993; CVR, 2003). Women involved in the PCP-SL were perceived to be more aggressive than men (Kirk, 1993), and distant from the hegemonic feminine mandate (Boutron & Constant, 2013).

Between the 1980s and 1990s, the state legitimised arbitrary imprisonment of both men and women as a strategic action during the Internal Armed Conflict, and incarceration became a mass phenomenon in Peru. According to the CVR (2003) more than 20000 people were arrested, and many of them declared innocent during the 1990s. At the end of the 1990s there were prisoners sentenced for terrorism and betrayal of the nation in more than 20 prisons nationwide. Thus, prisons were spaces where the Internal Armed Conflict continued. The PCP-SL reproduced their party organisation and ideology within prisons. They synchronised their protest actions to project discipline and militant force towards the national and international media and their militants. At the same time, prisons were places in precarious condition where the state hindered prisoners' human rights<sup>30</sup> and applied systematic torture. Especially after Alberto Fujimori's coup in 1992, prisoners faced cell isolation with 30 minutes a day to go to the patio, had limited contact with their families, and experienced cruel treatments such as physical and sexual violence.

#### *The criminalisation and imprisonment of women in Peru*

Due to both of the aforementioned socio-political phenomena, the female penitentiary population grew significantly between 1980 and 2000 (Boutron & Constant, 2013; Constant, 2016b). Although the Internal Armed Conflict had ended and many prisoners sentenced for terrorism had been released, the Peruvian political dynamics of that time shaped the current imprisonment practices and focused them more on security and the transnationalisation of crime (Boutron & Constant, 2013), and moulded the approach of the state toward Peruvian women transgressors (Constant, 2016b). Contrary to the large number of women who were sentenced for terrorism then but not now, women criminalised for drug-related crimes still prevail and shape much of female imprisonment nowadays. As Boutron and Constant (2013) recall, in 1978, the female penitentiary population was 3.6% of the overall prisoner population in 1988 they represented 6.5%, and in 2000 they made up 8.2% of the overall prisoner population. The current penitentiary population in Peru is 90,934, 5.6% of whom are women, and, as mentioned in the Introduction, 55% are imprisoned for drug-trafficking offences (INPE, 2018).

Until relatively recently, in much of mainstream criminology, gender was not a central concept in research on punishment and imprisonment (Bosworth & Kaufman, 2013; Carlen, 2002; Howe, 1994; Pemberton, 2013). Nonetheless, as Pat Carlen (1983) suggests, the women offenders

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<sup>30</sup> For example, in 1985 the largest massacre in Peruvian penitentiary history occurred. Prisoners sentenced for terrorism organised a simultaneous riot in three prisons in Lima (El Fronton, Santa Bárbara and Lurigancho) that was violently repressed by the state and ended in the death of 224 prisoners (CVR, 2003). The testimonies of the CVR (2003) recall that prisoners at Lurigancho surrendered, but were executed by army personnel.

who are more likely to receive a custodial sentence are those who are seen to have distanced themselves from prescribed “domestic discipline” (1983; p.16). Hence, women offenders are seen as doubly deviant (Carlen & Worrall, 2004; Lagarde, 1992). They become labelled and punished as offenders as they fail to adapt to social norms of legality, and also fail to perform traditional gender norms, being thus perceived as anti-models of patriarchal femininities who distance themselves from their constructed role as affect reproducers (Antony, 2007; Lagarde, 1992; Mapelli, 2006). For example, in the case of Peru, women who became militants at the PCP-SL were categorised as more masculine and aggressive than men, systematically breaking the hegemonic feminine mandate (Caro, 2006; CVR, 2003; Kirk, 1993; Kristal & Raffo, 2005).

Taking into consideration the perception of women involved in crime, the gendered nature of prisons has been discussed extensively within Anglophone literature since the 1970s. Feminist scholars globally have long maintained that prisons are a state-sponsored and patriarchally managed establishment, where women’s needs and experiences remain unidentified, or are subsumed within policies that prioritise the needs of a majority male prison population (Carlen, 1983; Heidensohn & Silvestri, 2012; Moore & Scranton, 2014; Pemberton, 2013).

Furthermore, as already discussed, in the case of women, imprisonment serves to propel discourses of femininity and propagates their disciplining focused on perceived notions of “adequate” femininity and womanhood (Antony, 2007; Ariza & Iturralde, 2015; Bosworth, 1999; Boutron & Constant, 2013; CEAS, 2006; Constant & Rojas, 2011; Carlen, 1983; Hannah-Moffatt, 1995; 2001; Heidensohn & Silvestri, 2012; Huerta, 2009; Kurshan, 1995; Kruttschnitt, 2010; Lagarde, 1992; Liebling & Crewe, 2012; Mapelli, 2006; Pemberton, 2013; Torres, 2008). Therefore, beyond the formal purposes of punishment, which aim to inflict retributive pain and incapacitation as a response to an offence, deter future crime, and potentially rehabilitate, women’s prisons also seek “refeminization” (Moran et al., 2009; p.701). Through traditional gender discourses (Bosworth & Kaufman, 2013; Moran et al., 2009), the prison system aims to feminise, domesticise, medicalise and infantilise their inhabitants (Bosworth, 1999; Bosworth & Kaufman, 2013; Carlen 1983; Howe, 1994; Liebling & Crewe, 2012; Moran et al., 2009) as a form of correction.

Current research in Latin America and Peru confirms the feminist approach to imprisonment. This more regional research has produced valuable knowledge on how women’s needs are neglected or invisibilised by governments and institutions in Latin America in general (Antony, 2007; Ariza & Iturralde, 2015; Huerta, 2009; Mapelli, 2006; Torres, 2008; WOLA, 2016), and in Peru in particular (Baca-Neglia, Chacaltana-Condori, Roa-Meggo, Zegarra & Bustamente, 2015; Boutron & Constant, 2013; CEAS, 2006; Constant & Rojas, 2011; Defensoría del Pueblo, 1998; 2005; 2006; 2010; 2011; 2013; Dorigo & Janampa, 2012; Kendall, 2010; Mapelli, 2006). Research on Peruvian’s women prisons has shown that, like the colonial and Republican periods when female imprisonment was organised by religious congregations,

women's prisons reproduce traditional "Marianist" femininity (Bracco, 2011; Carranza, 2016; Mapelli, 2006). For instance, this is observable in the rehabilitation process, which includes institutional workshops, discourses and activities, and by discriminating and/or excluding non-heterosexual couples (Constant & Rojas, 2011) and non-binary gender populations (Gallegos, 2014). Thus, due to the intersection of colonialism and patriarchy, in the case of the socio-demographic characteristics of criminalised and imprisoned women in Latin America in the twenty-first century, it is pertinent to highlight that the racial-ethnic and class composition of women in prison in this period resembles the same characteristics as those women imprisoned in the twenty-first century (Aguirre, 2003; Boutron & Constant, 2013). Therefore, it is possible to suggest that the twenty-first century has been a period of "mass incarceration" (Darke & Karam, 2016), but there is a certain selectivity in the criminalised subjects: they are from the most impoverished sectors and/or from Peruvian rural areas.

Certainly, to address and challenge women's oppressive circumstances within prison, feminist criminologists have strategically defined women in prison as victims of a patriarchal system (Fili, 2013). In fact, feminist research denounces the fact that the life of women prisoners outside and inside prison has been exposed to gender inequalities, the control of their bodies, and victims of inter-gendered violence (particularly intimate/romantic relationships) (Giacomello, 2013; Lagarde, 1992). Once imprisoned, women are exposed, again, to the control and discipline of a patriarchal institution (Carlen, 1983; McCorkel, 2003).

This perspective ensured that pertinent knowledge, political policies, and prevention and intervention programmes were developed to eliminate state-sponsored, gendered violence. However, to only position women in the paradigm of victim supports the "*theoretical frame of patriarchal dominance approach, and it may diminish our capacity to fully acknowledge, understand and problematize those incidences of women's violence*" (Fili, 2013; p.238). With those images, feminist scholars engaged in a "female paternalism" (Fili, 2013; p.4) which portrayed women as waiting to be rescued because of a dependency and lack of control of their own lives (Fili, 2013).

Hence, as relevant and necessary as such research has been, it might offer a partial understanding of women in prison, disregarding the way prisoners themselves "*recognise the gendered machinations of power and punishment*" (Bosworth & Carrabine, 2001; p.504), subvert them and put into action their active subjectivities (Lugones, 2008b). I do not seek to minimise patriarchal inequities; on the contrary, in this thesis I aim to highlight that women prisoners deal with oppressions inside and outside prisons, but at the same time embrace them as active subjects and wilful agents (Bosworth, 1999; Fili, 2013; Lugones, 2008b). With this argument, I do not intend to create a binary division that dichotomises prisoners between victims and agents (Fili, 2013). On the contrary, my aim is to question "*the conventional binaries between coercion and freedom, victimhood, dominance and equality*" (Munro, 2013; p.239) that highlights the interplay

and ambivalences between both perspectives as central to understanding women's lived experiences of Peruvian imprisonment.

## **2. Coloniality of Knowledge and the hegemonic analysis of prisons at the Global South**

Decolonial scholars have also introduced the concept of "coloniality of knowledge" (Dussel, 2000) to analyse the Eurocentric belief of alleged Western superiority, and the silencing of other knowledges considered inferior, pre-modern and pre-scientific (Castro-Gómez & Grosfoguel, 2007). Proper and "real" knowledge was only possible to own by the scientific elite, which was allegedly able to abstract it from any space-time conditioning factors (Castro-Gómez & Grosfoguel, 2007). The hegemonic episteme privileges concepts such as universalism, neutrality and de-localised knowledge, and therefore locates the positivist method as the adequate and rational manner through which to construct scientific knowledge (Lander, 2000; Wallerstein, 2011; Walsh, 2007). Hence, as decolonial authors have suggested, the hegemonic theoretical episteme is monolithic, monocultural and allegedly universal, while rejecting or making invisible other civilising paths; moreover, in doing so, this hegemonic episteme has denied or silenced local histories, knowledge and subjects (Dussel, 2000; Walsh, 2007). In other words, what remain subsumed, dismissed or invisible are different systems of thought and different ways to construct knowledge (Walsh, 2007).

Therefore, Mignolo (2002) introduced the concept of "geopolitics of knowledge" (p.57) to argue that all knowledge has a place of origin with geo-historical delimitations. With this concept, Mignolo intersects the relationship between modernity, coloniality and knowledge (Walsh, 2005). The author moves away from the notion of abstraction that positions knowledge as delocalised and the expectancy that other epistemes have to "rise" to accomplish modern principles. This task is not a one-way path. As Mignolo (2003) emphasises, those positioned at the superior levels have to overcome their status of superiority, and subalterns have to heal the "colonial wound" (p.17) that has imposed a sense of inferiority. To accomplish this, firstly, it is imperative to stop thinking that the only valid knowledge is that produced within the hegemonic episteme and in particular geopolitical territories (Mignolo, 2003). Secondly, as Walsh (2007) emphasises, the aim is to consider the positionality of plural discourses, a multicultural episteme disconnected from colonial and patriarchal (Lugones, 2008a) practices that envisions plural knowledge and modes of constructing it.

The above conceptions do not seek to discredit knowledge that has been considered hegemonic (Walsh, 2007) or to proclaim some Latin American autoctonism (Castro-Gómez, 2007). As Castro-Gómez (2007) declares, the aim is to create epistemic conjunctions, not disjunctions. The objective is to amplify the visibility spectrum of modern Western science to approach and integrate certain domains that have remained in the margins. In that sense, it is to

question the notion of universal scientific knowledge, to open up to recognise diversity as a positive asset, and to construct counter-hegemonic epistemes that emerge from this recognition (Walsh, 2007).

Contemporary universities have also functioned as protectors of Eurocentric knowledge (Lander, 2000; Castro-Gómez, 2007), and the non-European continents have been defined as “objects” of research, not as subjects of it (Mignolo, 2007). The diversity of disciplines, including the social sciences, have been embedded with ideas grounded on neoliberal and colonial perspectives from globalised capitalism (Walsh, 2005). Therefore, a good proportion of the social sciences are traversed by the idea that Europe/Euro-North American nations have been distinguished as living a stage of significant development which must be imitated and reached, and with that justifying the maintenance of dichotomies such as civilised/barbaric, developed/underdeveloped, Western/Non-Western (Castro-Gómez & Grosfoguel, 2007).

In this context, mainstream criminology had also reproduced a “universal” view of prison. In that line, Martin, Jefferson and Bandyopadhyay (2014) explain that prisons outside the context of Europe, North America, and Australia have been analysed in terms of “the” (p. 3) prison. This idea assumes that there is a traditional and modern model of prison which resembles what the authors defines as “Western prisons” (p.4).<sup>31</sup>

The comparison between prisons in the Global South from the standpoint of the Global North can be problematic (Darke, 2019; Martin, Jefferson & Bandyopadhyay, 2014). As Martin, Jefferson and Bandyopadhyay (2014) explain, prisons located outside the Global North that have been theoretically analysed from the standpoint of Western prisons are defined by their deficiencies. Thus, prisons in the Global South have been perceived as too complicated, too dangerous, not sufficiently developed or lawless spaces (Bandyopadhyay, Jefferson & Ugelvik, 2013; Garces, Martin & Darke, 2013). For example, mainstream research about Latin American prisons denotes focus on the state abandonment and neglect, staff numbers who cannot guard the growing penitentiary population and the decay of the infrastructure. The image of Latin American prisons as spaces of violence, conflict and prisoner-on-prisoner abuse is reductionist and simplistic (Darke, 2013; Hazathy & Muller, 2016). As a response to it, the objective is not to make invisible the challenges of the prisons in the Global South, but to analyse prisons in the light of the historical, political, cultural, and subjective processes particular to that context, like those described in the previous sections.

Consequently, as this thesis seeks to illustrate, it is important to consider research that allows the incorporation of other, non-Anglo-American theoretical approaches to punishment and imprisonment and engage with new methodological questions on how to research specific

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<sup>31</sup> Neither do I want to homogenise the “Western prison”: arguably there are also very many different prisons in the West/North. In this case the term is used to reference a political binary and the power relationships that have been constituted between the North and the South, Western and Non-Western.

circumstances beyond the Global North (Carrington et al., 2016). Following that principle, in the next chapter I will introduce some guidelines on how we may approach prison's dynamics in the Global South, drawing from recent research on imprisonment and decolonial and feminist perspectives.

## **Conclusions**

In this chapter, I sought to present a critical understanding of the Peruvian penitentiary system and explored the multiple historical, global and regional factors that impacted it in recent years. Therefore, following decolonial scholars, I argue that colonialism, which refers to a political and economic relationship where there is a sovereignty of one territory over another (Maldonado-Torres, 2007), constituted a pattern of power that has operated until today, defined by Quijano (1992; 2000) as “coloniality of power”. As a political system, the colonial empire has ceased to exist in Peru and the rest of the countries in Latin America; however, as scholars have shown “colonial heritage” in these societies is rife. It is there since these societies reproduce racialised and patriarchal colonial dynamics in economic, social, cultural processes, and also do so in the configuration of their peoples’ subjectivities (Quijano, 1992; 2000; Lander, 2000; Lugones, 2008a; Mignolo, 2000; Neira, 2014). The configuration of power and the intersubjective relationships articulate to mould, in a racialised and gendered manner, the way in which labour, knowledge, authority (Maldonado-Torres, 2007), and as I suggest, also prisons and imprisonment operate. Nowadays, the remnants of colonial heritage are strengthened and reproduced by neoliberal capitalist processes imposed on a global scale (Quijano, 1992; 2000; Lander, 2000; Lugones, 2008a; Mignolo, 2000; Neira, 2014), which have been more radical in the contexts of South America than the Global North due to structural inequities (Iturralde, 2010; Sozzo, 2015; 2016b) and have had implications for women’s criminalisation and imprisonment in Peru.

Then, I introduced the concept of “coloniality of knowledge” (Lander, 2000) linked to the way scholars construct theoretical concepts such as prison and imprisonment dynamics. Coloniality of knowledge refers to how “coloniality of power” intermingles what is considered adequate, valuable and real knowledge, silencing other forms of knowledges by finding them inferior, pre-modern and pre-scientific (Castro-Gómez & Grosfoguel, 2007). Intending to amplify the horizon of knowledge, decolonial authors suggest integrating domains that have been invisibilised, silenced and have remained at the margins (Castro-Gómez, 2007; Walsh, 2007). This colonising process in knowledge production also occurs in the social sciences (Castro-Gómez & Grosfoguel, 2007; Walsh, 2007) and mainstream criminology (Carrington et. al., 2016; Martin, Jefferson & Bandyopadhyay, 2014), impacting on the way we understand how prisons operate outside the context of Europe, North America, and Australia, by seeing them primarily as “data mines” (Carrington et al., 2016; p.2) or focusing on their deficiencies (Darke, 2013; Hazathy & Muller, 2016).

## Chapter 2

### **Decolonising and De-patriarchalising Analyses of the Prison in the Global South**

In Chapter 1, I introduced a genealogy to understand the constitution of prison in Peru as a post-colonial and patriarchal institution. Taking into account that this research was conducted in Santa Monica, I emphasised women's prisons, their religious and moral connotations, and how alleged resocialisation programmes are based on racialised and patriarchal re-feminisation processes. Moreover, I argued that prisons in Latin America, in this case Peru, have been generally defined in comparison to "modern" carceral institutions from the Global North, defining them as lawless zones, highlighting their presumed precariousness (Bandyopadhyay, Jefferson & Ugelvik, 2013), but making invisible their complex political, social and subjective dynamics.

In this chapter, firstly, I define what I mean by decolonising and depatriarchalising prison studies, and how both are useful epistemologies that enable knowledge to be constructed from an epistemology of the South. To a large extent, I aim to contribute to the newly formed field of "Southern Criminology" (Carrington et al., 2016; p.1) in order to join the efforts in the construction of a horizontal bridge that propels dialogical encounters with theory and empirical research from the Global North, with the aim to critically question our criminological "common senses", and overcome partial perspectives of criminology, particularly prison studies.

Then, from an interdisciplinary approach, this chapter puts together theoretical concepts that may be used as a guideline to analyse prison and imprisonment in the Global South in a more holistic way. By acknowledging these theoretical concepts, as scholars, we may move beyond the analysis of Latin American prisons through their precariousness or as monolithic and fixed institutions. Thus, the guideline I propose was inspired by the ideas of Armstrong and Jefferson (2017), who argue that as criminologists, we need to practise the disavowal of "the" prison. In other words, the authors suggest that it is necessary to deconstruct the conceptualisation of prison as a fixed entity (p.237) in order to establish new perspectives of critical engagement.

Armstrong and Jefferson consider three core themes of contemporary prison analysis to begin the process of the disavowal of "the" prison: Authority, Mobility/Control and Agency. Taking into account their proposal, I put together five topics which I believe connect to those core themes. Concerning the concept of Authority in prison, I refer to empirical research in prisons, mainly in the Global South, to discuss the concepts of order, security, power relationships and law. I discuss three topics: a. Formal control and surveillance in prisons in the Global South, b. The role and participation of prisoners in the prison's functioning and conviviality, and c. The presence of multiple legal systems and interlegality. In relation to Mobility/Control, I mostly follow the theoretical concepts developed by carceral geographers (who have generally conducted research in prisons in England and Wales), and empirical research in the Global South to discuss



the fourth topic: d. The prison's porosity and fluidity. Finally, in reference to Agency, I introduce in a more profound way a gender approach to imprisonment to discuss the fifth topic: e. The embodied aspects of imprisoned subjectivities and social relationships.

Before developing the categories, I want to emphasise that this chapter does not wish to represent a comprehensive literature review on prisons and prisoners. It is a map into my theoretical influences and arguments. As such, somewhat inevitably, it combines a dense selection of themes and discussions that the rest of the thesis draws upon. Having said this, the authority/mobility/agency framework provides a useful, yet perhaps not fully exhaustive, way of articulating these sets of interdisciplinary ideas

### **1. Decolonising and de-patriarchalising prison studies on the Global South**

The first decolonisation refers to the political independence from the colonial periods of Latin America, Africa and Asia (Quijano, 2000; Walsh, 2007). The second decolonisation is a long-term political-epistemological project known as decoloniality (Castro-Gómez & Grosfoguel, 2007). It has the aim to conceptualise the analytical category of modernity/coloniality (Mignolo, 2007), and propel the "conceptual delinking" (Mignolo, 2005; p.8) of Western hegemony; and, moreover, propel the heterarchy of racial-ethnic, gender-sexual, epistemic and economic relationships (Castro-Gómez & Grosfoguel, 2007).

Grosfoguel and Mignolo (2008) refer to three intermingled decolonial processes that intend to face the rhetorics of modernity and colonial logics: decolonial thought, the decolonial turn and decolonial option. To engage in decolonial thought means to embrace a particular epistemological perspective that enables one to reflect and perform within the decolonial turn, not only to resist modernity/coloniality but to re-signify its sense of logic and rationality, in order to opt to embark upon a process that enables the construction of knowledges within the practice and the recognition of the silences produced by imperialism.

Furthermore, Maria Galindo (2013; 2015), a Bolivian decolonial feminist, suggests that it is not possible to decolonise without simultaneously de-patriarchalising. Galindo offers a theoretical option raised from activism, linking colonialism and patriarchy to give an account that sexual, economic, political and cultural (including racism-driven) domination is situated within the patriarchy. In order to unravel these colonial and patriarchal norms, we need to engage in a permanent process of sabotaging and disobedience. This means permanently questioning the common sense in order to reconceptualise the role of women in Latin America and theoretical concepts which may lead to the construction of utopias, and horizons of struggle (Galindo, 2013; 2015).

Taking into consideration both concepts, the question is how to link this with criminology, and in particular, how it may be useful to understand prison dynamics in the Global South.

Carrington et al. (2016; 2019), manifest the importance of constructing a Southern Criminology with the aim to decolonise theoretical perspectives that were produced to analyse Northern realities. Their proposal is to analytically dialogue with those concepts while recognising Southern specificities.

These links are imperative for the conceptual development of the field of prison studies. As Bandyopadhyay, Jefferson and Ugelvik (2013) maintain about non-Western prisons, there is a *“tension between on the one hand displaying and revealing prisons which have rarely been subject to empirical study (in their own terms) and on the other fearing and resisting engulfment by the dominant (Anglo-American) framing of prison studies”* (p.28). As a consequence, and as mentioned in the previous chapter, there is a tendency to imagine prison as something given and pre-understood that has been created by hegemonic theories and methods of studying prisons and prisoners (Armstrong & Jefferson, 2017). As a result, prisons of the Global South are only acknowledged as spaces of deprivation (Bandyopadhyay, Jefferson & Ugelvik, 2013) with elements of informalisation, overcrowding and understaffing (Armstrong & Jefferson, 2017; Carranza, 2012; Carrington et al., 2016; Darke and Karam, 2016; Darke and Garces, 2017; Hazathy and Muller, 2016; Martin, Jefferson & Bandyopadhyay, 2014).

This perspective erases or ignores complex elements in understanding its dynamics and the relationships created inside prison walls (Armstrong & Jefferson, 2017; Carrington et al., 2016; Darke & Garces, 2017; Hazathy & Muller, 2016; Martin, Jefferson & Bandyopadhyay, 2014). The recent approach to imprisonment in the Global South has started to define prisons as complex settings and to recognise prisoners as active subjects, who work collectively and are responsible for most of the organisation of the prison, their conviviality and their well-being.

## **2. An alternative thematic guideline to approaching imprisonment in the Global South**

In this section, I construct a thematic guideline that puts together an interdisciplinary approach to prison to provide a more holistic perspective through which to study prisons in the Global South, particularly in Latin America. Arguably this approach can also give a different avenue for researching prisons in different regions. As mentioned before, the proposal of putting together five topics (which is open to further debate) was inspired by Armstrong and Jefferson's proposition to accomplish the disavowal of “the” prison. As they suggest, the core themes of Authority, Mobility/Control and Agency in criminology have to be deconstructed, and analysed through empirical research to question the stereotypical and popular imaginary of “the” prison.

## 2.1. Authority

As Armstrong and Jefferson (2017) point out, authority inside prison is usually analysed in terms of state sovereignty and imprisonment power relationships which are defined through a top-down logic. Nonetheless, prison ethnography globally has demonstrated that the prison order is also moulded through sub-cultures, but these are generally presented as subversive and resistant groups to the state sovereignty. In this point, I focus on three topics, a. Formal control and surveillance in prisons in the Global South, b. The role and participation of prisoners in the prison's functioning and conviviality, and c. The presence of multiple legal systems and interlegality. All of these provide elements to critically analyse the concept of authority and power relationships inside prison and define prisons in the Global South as participatory sites of negotiation.

### a. *Formal control and surveillance in prisons in the Global South*

Martin, Jefferson and Bandyopadhyay (2014) suggest that staff-prisoner relationships in prisons in the Global South are often shifting and interdependent and move between care and control, order and security, creating interactions between “*prison actors that (de)stabilise relations and demarcate/transgress boundaries*” (p. 10). In other words, there are flexible dynamics and subtle or explicit power negotiations between the authorities, staff and prisoners. Taking into consideration these particularities, criminologists like Birkbeck (2011) and Cerbini (2017) introduce a debate about the differences in surveillance between prisons in the Global South and Global North. Both of them discuss and modify Foucault's concept of the “Panopticon”.

The *Panopticon* metaphor refers to the control and surveillance of modern institutions and unpacks how the bodies of prisoners are disciplined. It has been used in criminology to analyse prisons in Western Europe and North America. As Foucault (1975) suggests, disciplinary institutions, such as prisons, make use of disciplinary methods to create “docile bodies” (p.138). He explains how meticulous techniques and mechanisms are strategically and subtly implemented to define a new “micro-physics of power” (p.139) which acts upon the prisoners' bodies. Particularly, Foucault (1975) refers to the *Panopticon* design of prisons as a metaphor to explain how social control works in society. The author's central thesis is that this structure captures the essence of social disciplining, where the prisoner is continuously assuming to be monitored and controlled by security guards. The circular design of the prison, with a central watchtower, makes it feel impossible for the prisoner to escape such surveillance and he in turn ends up internalising the control and suppression of the prison. Moreover, Foucault (1975) maintains that along with architectural design, certain principles are necessary to ensure this disciplinary machinery, which can be observed in penitentiary institutions: enclosed spaces, segregation, and a rigid timetable which define daily activities (p.205). These conditions act upon prisoners as they became

disciplined, shape their actions, bodies and subjectivities, and produce or strengthen their sentiment of resignation.

Nevertheless, to understand prisons in Latin America, the Foucauldian analysis of the form of disciplining exercised in prisons must be modified and adapted (Birkbeck, 2011; Darke & Karam, 2016; Hathazy & Müller, 2016). As Birkbeck (2011) explains, formal control and vigilance are different in the North and South: the former could be defined as having “imprisonment” facilities, while the latter have punitive institutions that resemble “internment” spaces:

*“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.”* (p.319)

As a consequence, Northern prison facilities inflict formal, assiduous, unceasing and persisting control on prisoners, and prisoners have less participation in the prisons’ functioning. In this organisational framework of a prison, the active involvement of prisoners may be seen suspiciously by other prisoners. For example, in research conducted in the UK, Liebling and Crewe (2012) maintain that prisoners allege that *“the delegation of too much power to prisoners risks creating an illegitimate tyranny”* (p.906). They explain how prisoners do not like to be coercively controlled but also want restrictions for their peers. In addition, under-regulated regimes are perceived as careless about prisoners’ well-being, as they are exposed to exploitation practices or to their impulsive actions which can lead them to “trouble”.

However, Birkbeck’s perspective may tend to homogenise prison dynamics in the Global North (as in the Global South). Other studies, such as that conducted by Sparks and Bottoms (1996) about the “problem of order” in penal facilities in England and Wales, specifies that the analysis of order and surveillance in prisons have to take in consideration the nuances and contradictions, acknowledging that the prisons are *sui generis* (p.300). The authors acknowledge the importance of prison’s “situational control” (p.327), but introduce the degree of legitimacy it has in the eyes of prisoners. In other words, the possibility to create order in prison does not focus on the scrutiny of the surveillance or in the lack of participation of the prisoners, but in how the prisoners feel about the prison’s regime. For Sparks and Bottoms (1996) it is about efficiency, humane treatment, and the exercise of justice

To continue with Birkbeck’s proposal (2011), internment control inside Latin American prisons is perfunctory, sporadic and focused on the prisoner’s confinement rather than internal organisations and activities (Birkbeck, 2011; Darke & Karam, 2016; Hazathy & Muller, 2016).

Moreover, as formal control is less powerful, prisoners assume a higher degree of participation in the functioning of the prison in general (Birkbeck, 2011). Contrary to Liebling and Crewe's (2012) observations, prisoners' active participation is required and is not seen as tyranny, but as a matter of survival inside prison (Darke & Garces, 2017). This idea does not necessarily mean less violent or coercive scenarios, but it does imply different forms of inner organisation. Therefore, the Panopticon metaphor is transformed in these prisons, as the discipline regime and control are not entirely assumed by the formal representatives of power; for example, the prison authorities and staff. However, as Hazathy and Muller (2016) explain, the Panopticon metaphor can be modified to analyse which are the prisoners who create power-based hierarchical disciplinary regimes that have an impact on the other prisoners' bodies and subjectivities.

Ariza and Iturralde (2019) question Birkbeck's comparative analysis between prisons in the Global North and Global South. They suggest that the author constructs a dichotomous understanding of prison dynamics, acknowledging the presence or absence of some organisational features. Indeed, Birkbeck (2011), by suggesting imprisonment is focused on disciplinary technologies of control and internal organisation and activity, while internment is limited to spatial policy, denotes a simplification that shows the trouble of comparative analysis, which also reproduces a colonial approach to imprisonment dynamics. Under this perspective and by suggesting prisons in the Global North have more formalisation, overall control and social organisation, prisons in the Global South are represented as pre-modern settings and empty spaces (Ariza & Iturralde, 2019)

Prisons are heterogeneous, and these concepts cannot be addressed as binary categories which are rigidly imposed on a North/South divisions. Thus, neither "imprisonment" nor "internment" should be treated as static or closed categories (Ariza & Iturralde, 2019). Hazathy and Muller (2016) reflect on the importance of understanding Latin American confinement regimes as a continuum between "imprisonment" and "internment", although "internment" seems to be a constant prison organisation in regions facing carceral mass incarceration (Darke & Garces, 2017). Furthermore, Ariza and Iturralde (2019) emphasise that the challenge for researchers is not only to focus on the quantity or quality of the formal surveillance, but to involve the construction of new perspectives and analytical tools that focus on what moulds control and surveillance, and consider the complex and dynamic social practices of the prison, as well as the political, legal discourses and social context that permeate them.

In the case of Cerbini (2017), to adapt the Panopticon metaphor to the social reality of the Global South suggests that the prison of San Pedro in Bolivia functions as "non-panoptic". For the author, the absence of all the experiences of the modern disciplinary apparatus of prisons is not a loss of control of official authorities but a demonstration of their power. It is an active organised way of managing inner space that is based on ignoring or on the notion of "preferring not to look" (p.34). In that sense, "not looking" at prisons has been seen as a lack of action from

the state, while this abandonment “*plays an active and constitutive part in this state’s art of government*” (p.34). There is a positionality from the state authorities. They play an active role within the precariousness of their carceral system. By considering these particularities, we can rescue local specificities based on historical, political and social dynamics, and work towards producing a heterogeneous concept of prison.

In both cases, Cerbini (2017) and Birkbeck (2011) refer to the formal control and surveillance of prisons in the Global South, and in the next section, I introduce the prisoners’ participation in the informal level of the prison. Nevertheless, I would like to emphasise that the authorities, staff and prisoners are not separate entities inside the penitentiary system but must be analysed as intermingled actors. Prison officers and prisoners construct an informal partnership (Darke & Garces, 2017) and work interdependently (Antillano, 2015).

*b. The role and participation of prisoners in the prison’s functioning and conviviality*

To introduce this point, it is worth turning to Crewe and Laws (2018) and their discussion of sub-cultures in prison. The authors, writing on the British prison experience but also analysing the work of scholars in different regions of the world, mention how prisoners encounter a diversity of frustrations: they lose their moral status, their autonomy is limited, and their actions are controlled during imprisonment. Nonetheless, all these aspects will also have variations and particularities according to the goals and culture of the institution, which include its security level, the emphasis on custody or rehabilitative treatment, the behaviour of the staff, the prisoners’ personal and collective needs, their prior identities and their life expectations. As they explain, prisoners “resolve” their symbolic, material and emotional needs by drawing on previous personal and social resources, and by using and exploiting available resources in prison-official and/or unofficial ones. In that sense, the sub-culture inside a prison, how every day is experienced, responds to particular ways in which the prison is governed.

In the last few years, there has been mounting literature regarding governance dynamics in Latin American prisons. As Darke and Karam (2016) explain, in Latin America the staff-prisoner binary is more flexible, and prisoners’ active participation is distinct from informal practices of resistance to the prison’s formal control or the rejection of institutional administration. Prisons would not be able to operate without the participation of the imprisoned subjects (Garces, Martin & Darke, 2013); therefore, their active participation replaces bureaucratic administration (Antillano, 2017). For instance, prisoners assume staff roles on control and security, and their everyday lives are much more defined by informal dynamics and interpersonal encounters with authorities, guards and other prisoners than by institutional forces.

Prisoners’ participation is not homogeneous, but varies from prison to prison; that is why ethnographic work in this context is indispensable for comprehending the particularity of such

dynamics in specific penal estates (Darke & Graces, 2017; Hazathy & Muller, 2016). For example, research centred on male prisons in Brazil (Darke, 2013; 2019; Nunes and Salla, 2017), Venezuela (Antillano, 2017; Birkbeck, 2011), Honduras (Carter, 2014), Nicaragua (Weegels, 2017), and Peru (Pérez Guadalupe, 1994; Postema, Cavallaro & Nagra, 2017; Veeken, 2000) emphasises the importance of self- and co-governance in the Latin American context. After analysing these studies, it is possible to enunciate some similarities between the researchers' conclusions: first, the authors suggest that all the prisoners create strategies to cope with mass incarceration, second, that there is a social organisation between prisoners which expresses a new configuration of power and social organisation, that is not necessarily a violent one, and finally, that prisons have an inner economic flow.

Nevertheless, research has also shown prisons' particularities in terms of the power negotiations between staff and prisoners, visible in the levels of prisoners' autonomy and the inner organisation of prison life. For example, research in Venezuela, Honduras and Nicaraguan prisons illustrates the absence of the state, and shows how coercive carceral self-rule may lead to a more violent conviviality among prisoners. Antillano (2015; 2017) explains how bureaucratic administration and the relatively stable control of a men's prison in Venezuela relies on informal and violent coercion formed by prisoners. Although there is some space of coexistence and mutual assistance between staff and prisoners, the effective power is exercised by a group of prisoners, enabling a "carceral self-rule" (p.230). For Antillano (2015; 2017) three dimensions – which reinforce each other – should be taken into consideration to understand the prison's functioning: the political structure of the internal structure, the cultural code among prisoners, and the economic order. To illustrate this, Antillano (2017) describes the role of *El Carro*, a group of armed prisoners who emulate the state in its functions, structure, forms and procedures inside prison, who are in charge of the carceral order and impose a hyper-codified and violent set of norms – called *la Rutina* – which can include death and physical violence.

Moreover, all prisoners are expected to pay *la causa*, a personal tax to live in prison, and economically disadvantaged prisoners are exploited by being given the harsher, manual jobs, including cleaning and maintenance of common areas, thus also creating an informal economic order inside prison. In the same line, Horne (2017) refers to the *Toros* in the *Marco Aurelio Soto* penitentiary in Honduras, and discusses how the *Toros* were powerful prisoners – commonly associated with gangs – who determined cell placement, accessibility to food and hygiene or even possible escape from prison on a rigid price scale. Finally, Weegels (2017) explores prisoner self-governance in a Nicaraguan city police jail and illustrates how convicted prisoners deploy violent and re-educational scripts to survive their imprisonment. Through ethnographic research, the author describes the patriarchal hierarchy between dominant heterosexual masculinities and gay men. For example, as a norm, homosexual prisoners are forced to dance naked el *baile de la botella* (translates to the dance of the bottle) where they strip and dance publicly over the pick of

the bottle. Moreover, there are three stages of hierarchy: the most powerful men who are allowed to sleep in beds, those in the middle of the hierarchy are in hammocks, and the least powerful sleep on the floor.

The aforementioned research discusses examples of self-carceral rule, but research on other Latin American prisons describes co-organisation between staff and prison to manage prisons' daily life and conviviality. For instance, Darke (2013; 2019) discusses the co-production of order and conviviality inside Brazilian prisons. The author explains that co-governance between staff and prisoners illustrates legitimate reciprocal exchanges, alliances, negotiations and mutual accommodations. Everyday life is moulded by interpersonal variables, trust, mutual dependencies and, introducing the heterogeneity of Brazilian prisons, also by situational adjustments. In fact, for the author, formal and informal representatives of order are entangled, rely on each other, and at the same time, both rely on prisoners' families and local volunteers to make up for the precarity of state provision. The latter point about the role of families and volunteers is a central point in the analysis of imprisonment, and speaks to the porosity and permeability of prison, which I will also discuss later in this chapter.

Darke (2019) discusses the actions that all members of the penitentiary system perform in order to survive harsh conditions, avoid conflict and assure an adequate coexistence in highly overcrowded environments. Nunes and Salla (2017) and Biondi (2017), who also research in Brazilian prisons, focus mainly on how discipline and punishments to assure prison's control are not only enforced by formal representatives, but by the legitimate power of the Primeiro Comando da Capital (PCC). Therefore, their analysis follows the route suggested by Hazathy and Muller (2016) of modifying the metaphors created in the Global North for a more accurate comprehension of surveillance in the Global South

With that in mind, the PCC is defined by Nunes and Salla (2017) as an "*organised criminal group*" (p.19) and Biondi (2016; 2017) as a "*prisoner collective*" (p.23) or a "*movement composed by many movements*" (p.25). Nunes and Salla (2017) analyse how formal and informal punishments imposed by prison staff and the PCC do not function in different orders but are "*intertwined and compose a wide field of controls of the prison population that make prison conditions even more complicated, challenging classical interpretations of the nature of prison order*". Formal punishment aims to discipline prisoners' actions and mobility, but the PPC's punishments – which may include physical violence, transfer to other prisons or even death – have the objective not only of imposing control on their behaviour and practices but also impacting on their subjectivities, on their intimate feelings, thoughts and intentions. For Nunes and Salla (2017), these forms of control overlap, intermingle and create carceral order, awareness and self-consciousness in daily relationships with prison staff, other prisoners and themselves.

Biondi (2016; 2017) deepens this analysis on the intermingled and dynamic relationship between formal state control and the PCC. For Biondi, the state and PCC co-produce carceral



order and surveillance, the PPC is not at the margins of the state or something that arises from its absence, but “*put in movement administration actions and prison policies, and how their movement in turn is productive of changes both in the management of prisons and public security*” (p.25). In effect, the PCC is a movement which emerged throughout Brazilian formal notions of justice, security operations, laws and public policies. In that sense, neither the state nor the PCC are monolithic units of power, but they are configured within a dialectic dynamic relationship which is always transformed through time, space and power dynamics imposed by specific actors or discourses.

Research on Ecuador and Peru illustrate a different type of prisoner participation and inner organisation. Tritton and Fleetwood (2017) illustrate Tritton’s personal experience in three prisons in Ecuador and show how different types of state presence lead to various forms of governance, security, safety and order. In the *Garcia Moreno* prison, the main and oldest in Quito, a legitimised and respected internal committee of prisoners, democratically elected by all prisoners, have the task to negotiate with the guards, the director and the government. The committee includes one person – *El Caporal* – who acts as an intermediary between prisoners and social workers, and negotiates the entrance of goods, the purchase of cells and the arrangements of visits. Moreover, they maintain order inside the pavilions and organise the maintenance of infrastructure, arrange food serving and manage the wing’s finance. In that sense, they collect a tax from prisoners and charge shops or restaurants to pay bribes for the guards, and the wing’s expenses.

In contrast to Garcia Moreno, the *Literal* Penitentiary in Guayaquil, the most overcrowded in the country, is over-ruled by gangs, and *Caporals* are not elected but installed by gang members. Authorities let the gangs maintain order and even cooperate with them as long as the prison functions as a “holding structure”, which implies there are no escapes or chaos. Finally, the *Guayas* New Social Rehabilitation Centre in Guayaquil resembles a modern, Western prison where security is stricter and in the hands of staff. At first, there was no internal committee, but the authors explain how slowly their formation was encouraged by prison authorities. In this case, *El Caporal* had to be approved by the authorities, expected to be relatively independent of organised crime and with their primary responsibility to settle order inside their wings.

Similar to prisons in Ecuador, Veeken (2000) analyses distinct moments of the *San Pedro de Lurigancho* prison in Lima, Peru. Until 1992, *Lurigancho* was seen as one of the most violent prisons in Peru, and was abandoned by the state. The guards only secured the perimeters of the prison. Leaders, called *Taytas*, were the strongest and most respected criminals, who took over the drug-control trade through the use of violence and abuse. During the last decade, *Lurigancho* has transformed, and there is communication between the authorities and prisoners, and a more peaceful conviviality. For the author, *Lurigancho*’s organisation is closer to a neighbourhood than to a detention centre: there are a group of elected representatives, *delegados*, led by a general

*delegado*. Each of the *delegados* is responsible for community life inside their pavilions including the food budget, discipline, cleaning, sports, health, education, legal issues and culture. The state provides vital necessary supplies, and prisoners make a weekly payment to ensure they cover their expenses. In addition, a leadership committee is elected for the entire prison which is in constant dialogue with the prison authorities. Veeken suggests that the more constant presence of the state, the systematic and horizontal dialogue between prisoners and authorities, and the transfer of the most disruptive prisoners have significantly reduced violence and created a calmer and safer conviviality in *Lurigancho*.

As observed, the majority of research about governance, inner organisation and prisoners' active participation in Latin American prisons has been done in men's prisons. In the literature review, I did not find research on women's prisons in Latin America that directly and explicitly analyses governance or active participation in the prisons' functioning, but there are studies conducted in women's prisons in Ecuador and Mexico that open up the possibility to discuss women's active, but surreptitious, involvement in prisons' inner organisation. I outline this research below.

As a result of an action-research study in a female penitentiary in Mexico, Zurita, Gonzalez and Quirarte (2015) focus on the everyday experiences of women in prison, particularly those related to gender, femininity and their imprisoned resistances. The authors suggest that women find gaps in the formal institution that enables them to create visible and surreptitious actions to negotiate power. Therefore, Zurita et al (2015) manifest that the power relationships are bidirectional, not unidirectional. The authors introduce the concept of the "*prosumidor*" (translated to English as "prosumer") (p.129) to suggest that prisoners are at the same time producers and consumers of power inside the penitentiary institution. In the case of Ecuador, Coba (2015) conducted ethnographic research in the *El Inca* prison located in Quito to discuss how the War Against Drugs and the introduction of neoliberal policies had fortified a punitive state, observed in women's imprisonment conditions, as detailed in Chapter 1. To address her argument, she writes an exciting description of the prison's everyday dynamics and recalls how discipline is negotiated. Moreover, Coba (2015) illustrates decentralised governance, acknowledging that every wing is autonomous and manages its own conviviality rules.

In connection with Coba's description of governance at *El Inca*, Skarbeck (2016) examines the extent and form of informal dynamics of governance around the world, and discusses the differences between centralised and decentralised governance. In general terms, it may seem that the research I have described in this section shows a preference for centralised governance in men's prisons in Latin America. Skarbeck (2016) suggests that for a reduced number of prisoners it is arguably more probable to produce decentralised governance, and the election of prisoner representatives will be determined by their reputation (Skarbeck, 2016). Therefore, as Skarbeck (2016) suggests, it is more likely that women's prisons will operate with

decentralised governance because they are smaller and have fewer prisoners in comparison to men's prisons.

In summary, as research in Latin American prisons illustrates, the governance system, staff-prisoner relations, prisoners' autonomy and inner organisation differ between prisons (even in the same countries and at different periods of time). Prisoners' participation is not only a way to resist formal control and surveillance but acts as a way to assure prisons' functioning and a means through which prisoners organise and resolve their (economic, social and psychological) needs. As shown, the diversity in governance demonstrates negotiations between staff and prisoners, and that everyday life in prison may be resolved in many ways: through violent self-governance where abusive prisoners take control; mutual accommodation between staff and prisoners; democratic experiences with elected representatives; "invisible" committees in Westernised model prisons, among other possibilities (Darke, 2019; Darke & Garces, 2017; Macaulay, 2017; Postema, Cavallaro & Nagra, 2017). Consequently, the performances of prison-staff relations and prisoners should enable the discussion of imprisonment power dynamics in order to recognise the constant negotiations, cooperation, collective organisation and personal transformations (Biondi, 2016; 2017; Darke & Garces, 2017; Macaulay, 2017) of all of those involved in the penitentiary system. Moreover, as I will discuss in the conclusion of this chapter, the aim is to analyse the system as a whole, in all its complexity. Formal and informal orders cannot be analysed as independent, but are intertwined; they act together and create particular social dynamics.

*c. The presence of multiple legal orders*

Another way of understanding the power dynamics and the intertwined nature of formal-informal orders of Latin American prisons is through the presence of multiple legal systems within prison walls. For example, Martin, Jefferson and Bandyopadhyay (2014) reflect on how the norms and rules are defined inside prisons in the Global South. For them there exists an important presence of formal regularisation – rules, categories and organisations produced to offer formal institutionalisation – along with situational adjustment. In fact, within this set of routine procedures, there are countervailing processes where social actors redefine and reinterpret rules and the relationships they create. Both processes act simultaneously, and in prison written and unwritten rules make up the governance system described above. Similarly, Darke (2019) suggests that most Brazilian prisons operate within a multi-layered normative order, based on the intersection of bureaucratic regulations and organically produced rules of conviviality.

Therefore, taking into account the aforementioned research in prisons and the empirical data produced in Santa Monica, I propose that to understand imprisonment dynamics in the Global South and in connection to governance, as scholars we need to address the concept of law in

prison through a legal pluralism perspective. John Griffiths (1986) defines legal pluralism as “*the presence in a social field of more than one legal order*” (p.1), and many legal scholars have analysed the overlapping, conflictual and multiple legal orders in colonial and post-colonial settings (Griffiths, 1986). The concept of legal pluralism questions “legal centralism” (Griffiths, p.3, 1986) as an ideology that proposes that law should only be addressed as the law of the state. Therefore, other normative settings (for example, church or family) are hierarchically subordinate to the law and institutions of the state. In that regard, the effective law is the result of complex, unpredictable situated patterns of competition, interaction, negotiation or isolationism. Furthermore, to understand how the law operates, all the changing circumstances that redefine the modes of operation as the formation and content of non-legal orders which are often elusive, temporary and situationally determined should be taken into consideration

Anne Griffiths (2002; 2005; 2011) also questions the rise of the nation-state paradigm of law, which refers to sovereignty embodied in a single site represented by governmental nation-state institutions. Moreover, for her, the analysis of a site of legal pluralism requires seeing the law in a specific physical or imagined/symbolic territory, to define the actors and the purposes for which legal pluralism is being invoked. In this regard, legal pluralism explores the multi-spatial contextualisation of law and demonstrates how different legal domains intersect with one another. In this context, Griffiths (2011) alludes to the importance of recognising the plural legal conditions within a space; how the legal systems coexist, but also the borderlands that come to exist and the creation of power relationships in them. As the author mentions:

*“In acknowledging these diverse legal constructions that come into being, what becomes visible is the exercise of political authority, the localisation of rights and obligations, as well as the creation of social relationships and institutions that are characterised by different degrees of abstractions, different temporalities and moral connotations.”*  
(p.195-196)

Within this approach, the idea in this thesis is to introduce the question: does a legal pluralist system approach allow a better understanding of the complex dynamics of prisons in the Global South? I suggest it is possible to create bridges and dialogue between governance and the legal pluralist approach. As Moore (2015) suggests, the objective of legal pluralism is to acknowledge social fields as dynamics where official and non-official rules coexist and shape societies. Moreover, Griffiths (2002; 2005; 2011) argues that the idea is to recognise the actors engaged in the creation of authority and the meanings behind it. In that sense, for example, in prisons, nation-state law has the power to imprison people that have committed a felony or the chance to provide liberty to someone after some time in prison. Nonetheless, there is another layer of law which creates order and allows conviviality inside prison, which will be organised (to different degrees) by negotiations among prison staff and prisoners. As Griffiths (2011) shows, this will affect how law’s legitimacy is constituted and reconstructed.

Nonetheless, it is important not to consider the multiple legal systems as static or coherent, but as a continuous process of negotiation that interacts at multiple levels and is always in the making (De Sousa, 1995; 2006; Moore, 1975; 1978). Moore (1978) proposes regarding law as a process. Therefore, as Moore (1973) suggests, national law and the social context (with its own set of norms) in which it operates must be analysed together, as interdependent fields. Given that definition, Moore (1973) explains that to understand the interaction between macro-politics and individuals, the concept of “semi-autonomy” could be introduced. Her explanation of semi-autonomy acknowledges:

*“[...] the fact that it can generate rules and customs and symbols internally, but that it is also vulnerable to rules and decisions and other forces emanating from the larger world by which it is surrounded. The semi-autonomous social field has rule-making capacities, and the means to induce or coerce compliance; but it simultaneously set in a larger social matrix which can, and does, affect and invade it, sometimes at its own instance.”* (p.720)

For Moore (1973) the field of autonomy is a central issue to analyse the negotiatory practices between the formal legal institutions and other organised social fields to which individuals belong, like the negotiatory practices between the representatives of the formal-legal order of prison and prisoners. Moore’s (1973) concept of semi-autonomy is linked to what De Sousa Santos (2002) has defined as “interlegality” (2002; p.473). De Sousa Santos (2002; 2006) alleges that in sites where multiple legal systems operate, they do not function in parallel dimensions; they overlap, are interdependent and create a site of “interlegality”. As the author suggests: *“We live in a time of porous legality or legal porosity, multiple networks of legal orders forcing us to constant transitions and trespassings. Our legal life is constituted by an intersection of different legal orders, that is, by interlegality”* (2002; p.473).

For De Sousa Santos (2002), when two or more legal systems exist in the same political site, the result is the interdependency and the creation of a new one: a hybrid legal system. Therefore, the boundaries between the different legal system are porous and each one loses its “pure”, “autonomous” identity (p.46), creating what De Sousa names a “legal hybrid” (2006; p.46). Consequently, in everyday life, interlegality establishes that the legal systems are lived in an interactional and intersubjective manner, and because of that, they superimpose, interpenetrate and are mixed in individuals’ minds and actions (De Sousa Santos, 2002)

Thus, despite the fact that there is no research which analyses imprisonment from a legal pluralist perspective,<sup>32</sup> the analysis of the intersection of governance and the plurality of law may come interdependently, and may provide a new perspective on imprisonment dynamics in the Global South. Legal pluralist scholars have examined that intersection in a variety of themes

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<sup>32</sup> Scholars such as David Nelken (1997) have discussed the concept of legal culture and the possibility to compare it among international criminal justice systems, but have not discussed the concept of legal pluralism.

which include access to water and sanitation (Hellum, Kameri-Mbote & Van Koppen, 2015; Hellum, 2014), violence and gender-based human rights (Mnisi & Claassens, 2009; Sieder, 2014; Sierra, 2014), land ownership (Manji, 2006; Nyamu Musebi, 2007), migration and occupied territories (Duschinski & Mona, 2017), and this research has been conducted mainly in colonial and post-colonial contexts such as Latin America and Africa. In these studies, scholars move beyond the statist conception of law and governance and address how state law, customary law and local norms coexist and interact.

Moreover, Hellum (2014) specifies how the construction of laws and the individuals are embedded in gendered norms and practices. In that regard, to comprehend the construction of law, it is necessary to introduce a gender approach. Furthermore, the anthropologist Sally Engel Merry (2003) suggests that in a site of legal pluralism, there is not only one gender system, but multiple (dominant and subdominant) discourses on gender. This model opens the possibility to regard multiplicity of femininities and masculinities within the same context. This perspective is useful not only for denouncing unequal distributions of power, but for recognising how the positioning of subjectivities, in this case women prisoners' subjectivities in Santa Monica, change within a multi-sited complex arena (Hellum, Kameri-Mbote & Van Koppen, 2015; Hellum, 2014; Merry, 2003). Merry (2003) comments that each individual takes up multiple subject positions within a range of discourses and social practices. Hence, the author highlights the way in which different legal systems create different subjectivities with differing forms of agency. Thus, subjectivity is not fixed and coherent, but has mutually contradictory subject positionalities. Although I will discuss subjectivity and agency further in this chapter, this premise provides a link with the discussion on forms of governance, legal pluralism, gendered subjectivities and the performance of agency in Latin American prisons.

## ***2.2. Mobility/Control***

This core theme contemplated by Armstrong and Jefferson (2017) questions the ability to immobilise and control through physical containment of prisoners. The authors argue that it is possible to dismantle this conception, and critical prison studies have started to discuss prisons as porous and liminal spaces that re-configure inside-outside relationships. Therefore, I propose a fourth topic to analyse prisons in the Global South: prison as a permeable and fluid institution.

### ***d. Prison's permeability and fluidity***

Goffman (1961), in his book *Asylums: Essays on the Social Situation of Mental Patients and Other Inmates*, defines the concept of the "total institution", referring to confinement institutions, such as prisons, asylums or mental hospitals. The author describes total institutions

as closed spaces, separated and forming a binary distinction with the societies outside their walls (Baer & Ravneberg, 2008), where individuals are isolated from society, and disciplined by strict norms, procedures and schedules.

Despite the fact that Goffman gives valuable insights demonstrated in the scope of his influence on criminology, Farrington (1992) alleges that the concept of “total institution” is not that accurate to define prisons. The author, referring to the USA’s prisons, suggests that penitentiary institutions are “not-so-total” (p.7), but “*enclosed within an identifiable-yet-permeable membrane of structures, mechanisms and policies, all of which maintain, at most, a selective and imperfect degree of separation between what exists inside of and what lies beyond prison walls*” (p.7). Farrington (1992) analyses prisons taking into consideration a broader social context, and acknowledges that there are diverse transactions, exchanges and relationships that establish a stable network between the “inside” and the “outside”. For example, taking into consideration that definition, in research in Portuguese prisons, Granja (2019) explores the permeability of prisons through the instruments of contact between prisoners and their families. Thus, even in a restrictive context, prisoners maintain familial connections and exercise their family role through phone calls, visits and correspondence. Therefore, prisons’ walls become permeable to the circulation of affection, goods and people.

Along the same line, carceral geographers have criticised Goffman’s dualistic notion of the relationship between prison and society (Schliehe, 2016). Although Schliehe (2016) maintains Goffman’s concept presenting total institutions as very complex semi-permeable structures for carceral geographers (Moran, 2013; 2014), Goffman’s thesis is inaccurate for describing modern prisons. As Moran (2013) explains:

*“The prison wall is permeable not only in that it permits the interpenetration of material things (people, supplies) and intangible things (ideas, the internet, emotional attachments), but that the ‘carceral’ itself is not restricted to the space contained by the permeable wall of the prison; it is transported outside of the prison through the continued control of released prisoners across space, to take form elsewhere [...]”* (p.37)

Therefore, carceral geographers have moved towards an interpretation of prisons as fluid, as a “living thing” (Hayward, 2012; p.443), where the porosity of prison boundaries is mobile. For Moran (2017), architectural geographies are political-economic imperatives embedded with symbols, cultural and social references, discourses and moralities, and where materiality and affect connect. Consequently, spaces are more than neutral surfaces where social practices take place; they are where political, macroeconomic practices and social relations occur (Crewe, Warr, Bennet & Smith, 2014; Moran, 2017; Moran, Turner & Schliehe, 2017). As relational spaces, prisons are sites of articulated connections through mobile, haptic and embodied practices (Moran, 2015; 2017), where emotional and sensory experiences occur (Crewe, Warr, Bennet &

Smith, 2014; Moran, 2017; Moran, Turner & Schliehe, 2017). Therefore, prisons are not rigid or static places, but fluid, porous and constantly changing (Roblero, Ramm, Cerda & Villar, 2016)

The definition of prison as a “not-so-total” institution (Farrington, 1992; p.7) and as a “living thing” (Hayward, 2012; p.443) emerged from research on prisons in the Global North and does not include a decolonial perspective. However, in a historical review, Anderson (2018) explores penal colonies in Latin America and “non-modern” (p.245) forms of detention. The author states that the detention places were not only enclosed spaces but agricultural colonies or frontier colonies. The author refers to the colonial and post-colonial punishment spaces as “open door institutions” (p.255) with a “hybrid approach to incarceration” (p.255), and the social dynamics as a “microcosmos of broader society” (p.256). Taking into account Anderson’s historical review and recent research on prison’s permeability, it is possible to analyse prisons in the Global South, not as empty spaces of internment, but as permeable sites where exchanges of social relationships and affection take place. Moreover, Bandyopadhyay, Jefferson and Ugelvik (2013) propose prisons in the Global South as complex atmospheres where the “outside” is reproduced in the “inside” of prison, revealing the prison-like conditions in society and vice versa.

For example, in research where Jefferson compares poor neighbourhoods and prisons in Sierra Leone, he suggests that poverty is analytically comparable to living in prison; from this prism, the idea of prison as only a physical site ought to be suspended. Poverty and imprisonment are living conditions, a practice and a state of mind, where people find limitations but also create agentic strategies (Armstrong & Jefferson, 2017). Similarly, Latin American scholars associate the dynamics from impoverished *barrios* on the outside with the everyday situation inside prison. Likewise, Cheliotis (2014) suggests prisons can be analysed as microcosmic representations of Latin American societies at large, and similarly De Dardel (2015) underlines the significance of local culture on imprisonment experiences.

Similarly to “outside” economically precarious neighbourhoods and communities in Latin America, prisons illustrate the normalisation of the absence of the state, its consequences for vulnerable social groups but also a complex social order (Darke & Garces, 2017). In that sense, social dynamics within prison walls can be understood as a reproduction of previous social organisations. Thus, prison environments connect with daily political strategies of resistance and attest to how people engage in creative action to construct an alternative order beyond the reach of the state and, in so doing, produce/strengthen a unique sense of well-being (Darke & Garces, 2017).

In the same vein, Coba (2015) defines *El Inca* in Quito, Ecuador as a “baroque prison” (p.127). Thus, the outside world occupies and transforms prison, and is possible to observe: street vending, make-up and clothes sales, prisoners screaming on the patios announcing visitations, etc. For the author, *El Inca*, as a whole, represents the combination of different cultures, and at



the same time, the habitation of women who suffer various forms of exclusion. *El Inca* is, in fact, the reproduction of the popular outside classes.

### 2.3. Agency

The last core theme proposed by Armstrong and Jeffersson (2017) is agency, which in a way has been discussed at the point where I reflect on the concept of authority and the participation of prisoners in prisons' functioning and governance. But, with this topic, I also include a feminist perspective on imprisonment dynamics to introduce an embodied and intersubjective conception of agency.

#### *e. Personal and collective embodied processes of agency*

As already discussed, prison is a coercive space of control and discipline, where subjects are sent to be punished for coming into conflict with official legal norms. Nonetheless, following criminologists who have undertake research in the Global North and linking them to decolonial and feminist approaches, prisoners (globally) cannot be perceived as passive subjects (Bosworth, 1999; Bosworth & Carrabine, 2001; Crewe, 2012; Fili, 2013; Hanna-Moffat, 2001; Moran, Conlon and Gil, 2013). Thus, although power relationships and spaces – such as prisons – can shape subjectivities, subjects can re-configure their experiences and/or act upon conditions of oppression at a level of identity and through the construction of social relationships (Bosworth & Carrabine, 2001).

Recognising identity as a site of contestation and negotiation for prisoners, Bosworth and Carrabine (2001) emphasise:

*“allows the incorporation of a range of human actions and emotions into the discussion of power [...] In other words, it shifts an exploration of power from a purely instrumental capacity to ‘get things done’ to the much more subtle and complex circumstances involved in the expressive gestures that try to ‘get things said’. In this way, it becomes possible to appreciate the agonistic nature of power, and its subjective, expressive elements, rather than its purely instrumental effects.”* (p.509)

Therefore, reflecting on agency and resistance in prison also involves analysing the subjective dimension of prisoners. This helps in understanding the sense of self and the way prisoners feel, think, want and/or limit themselves, considering that social dimensions shape, organise and can lead to such events (Bosworth, 1999). Moreover, to fully understand the lived experiences we ought to accept that these are perceived via the body (Björklund, 2016). In that sense, the seminal feminist Iris Marion Young (2005) discusses the concept of the “lived body” (p.16). The idea addresses how our physical body shapes our experiences and actions and how bodies are situated in symbolic social spheres as well as geographical, spatial and temporal

contexts (Probyn, 2002). Taking the idea of the “lived body” in reference to imprisonment, we can utilise it to recognise that “*the experience of incarceration [is] inherently corporeal*” (Moran, 2013; p.35), and prisoners’ actions reflect their race, gender and sexuality (Bosworth & Carrabine, 2001), and their gender identity, sexuality, nationality, age and ability (Emmerich, 2019).

The characterisation of resistance at a level of identity highlights the struggle prisoners engage in to maintain autonomy in powerless situations (Bosworth & Carrabine, 2001; Fili, 2013), and to distance themselves from allegedly reactive, subversive and instrumental performances against the status quo, to more hidden, subtle or surreptitious responses that involve identity and sociability, such as laughter and playfulness (Emmerich, 2019), the production of beauty (Bello, 2015), and the recognition of themselves as caring beings outside and inside prison (Bosworth, 1999; Coba, 2015; Enos, 2008; De Dardel, 2015; Moran et al. 2009; Schlieche, 2017)

Multiple studies introduce a gendered perspective to women’s subjectivities, and show how women prisoners resist imprisonment at the level of identity in prisons (Bosworth, 1999; Bosworth & Carrabine, 2001; Coba, 2015; Corcoran, 2007; Fili, 2013; Moran et al., 2009; Shaw, 1992; Smith, 2002; Zurita, Gonzalez & Quirarte, 2015). For women prisoners, the possibility to resist imprisonment relies on an identity paradox: to resist supposes identifying, and within that process, transforming aspects of the idealised femininity which is encouraged at the institution (Bosworth, 1999). Therefore, women in prison are caught between performing a traditional, passive feminine subjectivity, and adopting images of themselves as active, reasoning agents, evaluating their choices throughout the frameworks available for them (Bosworth, 1999; Moran et al., 2009). By engaging in this ambivalent performance, it may appear that prisoners allegedly perform a “docile femininity” while being conscious of patriarchal, heteronormative discourses in prison, and subtly acting different femininities (Baldwin, 2017; Carlen, 2002; Enos, 2001; Howe, 1994; Hannah-Moffat, 2001; Moran et al., 2009; Rowe, 2011) that subvert the dominant image of white, middle-class heterosexuality (Bosworth, 1999).

The analysis of resistance at a level of identity is filled with contradictions. On one hand, it is necessary to highlight that all women are different and experience imprisonment in different ways (Kruttschnitt, Gartner & Miller, 2000). Many women in prison are mothers (Baldwin, 2015; 2017 Booth, 2018; Masson, 2019), and enter prison from a society that perpetuates an ideal of motherhood (Baldwin, 2017). These women carry a criminal conviction and distance from societal norms about what a good woman and good mother is supposed to be (Masson, 2019). In that sense, their self-identification as mothers may be lived with shame or guilt as they may feel they have failed as mothers (Baldwin, 2017), having a huge impact on their self-esteem (Baldwin, 2017), and perceive themselves as not sufficiently “good mothers” (Masson, 2019).

Nonetheless, also taking into consideration the idealisation of motherhood, Zurita, Gonzalez and Quirarte (2015) and Coba (2015), suggest that women prisoners in Mexico and Ecuador, respectively, re-affirm their identities with traditionally gendered norms and re-affirm

their role as reproducers of care. In both studies, motherhood and familiar bonds play a crucial role for women. It is within these roles that women find an idealised space to return to feeling “safe”, allowing them to perceive themselves as “good mothers” or “good daughters”. Therefore, their identitarian reaffirmation is a coping mechanism that allows women to detach from the penitentiary institution and connect with their external life and lived imprisonment in a passive mode (Coba, 2015; Juliano, 2010; Zurita, Gonzalez & Quiriarte, 2015).

Another performance at the level of identity among women prisoners is through the production of beauty. For Bello (2015), women prisoners in Colombia use make-up, hairdressing and clothes as a strategy to resist disciplinary practices. Contrarily to what is sustained by hegemonic feminism, these acts provide them confidence and security. It is through these processes that they can create subjective restitution and psychic healing, which gives them the strength for everyday survival.

Furthermore, prisoners also construct resistant networks (Howe, 1994). Therefore, the construction of social relationships within the prison can also be seen as an act of resistance and agency to face imprisonment, defined as social reproduction practices which involve caring, socialisation and the fulfilment of human needs (Bakker & Gil, 2003). De Miguel (2017) maintains that imprisoned women try to resist, maintain their integrity and reverse the adverse effects of incarceration, by engaging in romantic relationships. De Miguel (2017) conducted research in a mixed prison in the Autonomous Community of Euskadi, and determines that the engagement of women in heterosexual relationships within prison is a fundamental pillar that enables them to receive material support as a technology of care, to “escape” the monotonous prison routine, and psychologically project themselves in their present and into their future.

Thus, the construction of love relationships is a transgressor act because it offers the possibility to break the logic of separation imposed by the penitentiary institution, and because it enables women to become “subjects of love”, distancing themselves from the disciplinary penitentiary narratives that position them as offenders, criminals or “non-women” (De Miguel, 2017). Usually, feminism questions romantic love relationships as a means to perpetuate inequities among men and women (Beauvoir, 2009[1949]; Illouz, 2012), but for De Miguel (2017), this automatic response may be too simplistic, and such analysis may disregard negotiations within the disciplinary power, particularly in settings such as prison, where love constitutes a valuable space of freedom, salvation and escape.

Along the same line, Bosworth and Carrabine (2001) suggest lesbian and homosexual relations in prison can be arguably understood as strategies of resistance, not only against the pains of imprisonment but against the gendered heteronormative stereotypes imposed by the institutional forces of prison. Similarly to De Miguel’s conceptualisation, homosexual relationships contradict and transgress prison norms, but in homosexual engagements, simultaneously, women transgress assumptions about normative femininity.

Consequently, by engaging in love relationships, women construct care relationships and the possibility to regard themselves as caregivers and receivers (Tronto, 2006; 2015), which is certainly not limited to erotic encounters. For Foller and Mosquera (2016), imprisonment tends to lead to family abandonment, which enables women in prison to re-orient their affects and interests. Based on their identities before imprisonment, women recreate the transmission of their affects. For example, Makowski (1996, cited in Foller & Mosquera, 2015) refers to women in a Venezuelan prison who construct significant social relationships and define themselves as “sisters”, creating intimate and interdependent relationships with each other. Given this proximity, women prisoners find themselves more secure in facing the authorities and institutional order as they feel solidarity towards one another and maintain a social support network. Consequently, as Coba (2015) suggests, during imprisonment new forms of subjective reinvention and conviviality acquire an internal dynamic of survival which propels the construction of social relationships.

The debate about social relationships inside women’s prisons is not new. Early studies of women’s prisons at the Global North suggested women create a stronger kinship system than men due to pre-prison identities based on traditional gender identities (Giallombardo, 1966; 1974; Heffernan, 1972). For example, Giallombardo (1966; 1974) in her research on American women’s prisons, suggests that men and women import their gendered roles into prison social life, and with the intention to maintain their threatening identities, women’s tasks gravitate around the construction of families with other prisoners in homosexual partnerships (Giallombardo, 1966, 1974).

Nonetheless, these approaches have received criticism for adopting essentialist arguments and polarising the differences between men and women (Tierney, 2009). Therefore, more recently, authors have introduced the importance of imprisonment regimes and their vision of order to help better understand the construction of social relationships (Kruttschnitt et al., 2000; Liebling & Crewe, 2012). Consequently, research suggests that in less coercive disciplinary regimes, it is more likely that subjects engage in social relationships, refer to bonds in positive terms, receive guidance (Kruttschnitt et al., 2000) and have open friendships and solidarity with other prisoners (Liebling & Crewe, 2012).

All this said, I do not wish to romanticise resistance and agency at the level of identity or within the construction of social relationships inside prison. My argument is that researchers of the prison experience ought to centre their analysis, not on a dichotomous conceptualisation of oppression and agency or on notions of dominative and liberatory regimes, but instead focus on the paradoxical processes found within prisons. In other words, prisons ought to be understood as complex spaces with ambivalent and contradictory dynamics (Bandyopadhyay, 2010). While imprisoned, subjectivities and bodies are disciplined and moulded, but at the same time, subjects resist and encounter possibilities to subvert oppressive circumstances in active and subtle

manners. In the same line, prisons have been defined as mistrustful spaces where subjects can isolate themselves from their counterparts, but simultaneously, prison may be defined as a community of technology of care (Tronto, 2006; 2015). As Gilligan (2013) explains, care is the process we perform to live in our worlds in the best possible way we can, and it consists of comprehending the intermingled connections between our bodies, subjectivities, social relationships and environments (Flaquer, 2013).

## Conclusions

The mainstream field of prison studies tends to maintain a hegemonic concept of prison and imprisonment. As Sim (2009) suggests, the idea of prison has been “taken for granted” (p.9) and has won the hegemonic struggle in the fight to maintain law and order. Moreover, this is not any type of prison, but the modern idea of prison with top-down logic, and as an institution whose legitimacy lies in its capability to inflict pain and fear into the lives of the confined.

As a way to deconstruct the concept of “the” prison, I propose an engagement with decolonial and feminist epistemologies, and in dialogue with Armstrong and Jefferson’s proposal to disavowal “the” prison, I have taken five topics that may help visualise prison dynamics in a more complex and holistic way in the Global South. The ideas presented acknowledged prisons not only as the result of errors or of failed development processes in the Global South, and aim to recognise prisoners’ roles, organisations, autonomies and active subjectivities. The idea is not to present prisons at the Global South as an “*exotic, exceptional specimen among others*” (Bandyopadhyay, Jefferson & Ugelvik, 2013; p.28). In fact, this perspective may add reflections to the process of questioning how we approach prisons and imprisonment globally and follows the importance of creating a debate between theories from the Global North with epistemological perspectives and experiences from the Global South.

I want to end by proposing two debates to initiate a further analysis in prison studies in the Global South, and in feminist studies of imprisonment. The first relates to the use of the terminologies of “formal” and “informal” order, dimensions or dynamics within a prison. In this thesis, I will use such terminology, following the work of scholars in these topics (see for example the Special Edition. Informal Dynamics of Survival in Latin American Prisons. *Prison Service Journal*, 229, 2017.), but usage of such terminology deserves a reflective discussion as it may become problematic. The formality or informality of the orders depends on their place of enunciation: if the position of enunciation is the daily experiences of prisoners, then the order described as “informal” is, in reality, the legitimate and, as a consequence, the “formal” one. By recognising the “formal” order as that associated with the nation-state, we may be still reproducing what decolonial scholars have criticised: analysing a social phenomenon, in this case prison, from the standpoint of hegemonic or mainstream academia from the Global North. Thus,

in this theoretical construction, the idea that prevails is that prisoners participate because the state-governed institution is not functioning properly; in other words, because prison is not functioning properly or as prisons usually or allegedly operate in the Global North.

Nonetheless, following insights from a decolonial perspective, it is necessary to reflect on whether the multiple orders in prison governance are a reproduction of what occurs in public institutions at national level in the Global South in general and Peru in particular. The real issue is that we have intended to reproduce European governance models that were impossible for our nations, and were destined for failure (Guevara, 2009). Quijano suggests that decolonisation signifies epistemological re-configuration, and one possible way is to reflect on hegemonic concepts and transform the coloniality of knowledge produced in universities (Mignolo, 2019). In that sense, and following Quijano's tradition, the analysis of prison dynamics, may not only present the failures of the "formal" order and how prisoners respond to precariousness but arguably put other ways, pluralistic ways, of political, economic and social organisation onto the agenda.

The second debate worth considering is arguably significant for a feminist approach to prison studies. Thus, I would like to end this chapter with a reflection about our possible gender biases as researchers. It cannot be denied that prison resistances have a gendered dimension (Emmerich, 2019), and "*prisoners often draw on ideas and practices of race, gender and sexuality in their performances of self to create alternative meanings and thus to resist the instrumentally superior nature of the institution's power*" (Bosworth & Carrabine, 2011; p.511). Nonetheless, our approach to men's and women's prisons are also infused with stereotypes of masculinity and femininity. For example, in the second point of this chapter, I detailed numerous research studies on self- and co-governance in Latin American prisons, mainly in men's prisons, which should be regarded as examples of the performance of agency and "active subjectivities" (Lugones, 2008b). Generally, it seems that while studying men's prisons the focus is on the public sphere, on active, explicit and instrumental actions. In turn, feminist criminology has necessarily denounced the processes of violence women endure inside and outside prison. Over recent years, feminist scholars have also started to incorporate women's performance of agency and acts of resistance in prison, but generally the focus is related to the private sphere, to the subjective processes, the affective sphere and the intimacy of social relations.

I am aware this is an arbitrary and dichotomous distinction that cannot be overly generalised, but it may be an avenue through which to debate the often gendered analysis of agency experienced during imprisonment. Again, this differentiation may lead us to integrate approaches and analyse the penitentiary system as a whole and introduce feminist theoretical concepts beyond gendered stereotypes. In that sense, the research that I have described in the last section, on personal and collective embodied processes of agency, mainly details women's

imprisonment experiences, but it does not mean it is not useful to also analyse other sex-gendered incarceration processes.

### Chapter 3

#### **Learning to Navigate the Prison's Ambivalences: Methodological Reflections from an Ethnographic and Dialogical Encounter with Women in Santa Monica**

As in any prison in the world, mobile phones are forbidden. Every day before I enter Santa Monica, I go to a small store next door. I pay Ramón (the store owner) 1 *sol* (0.20 pennies) to guard my mobile phone while I am inside the prison. Then, I approach the external security, and they announce my arrival to their colleagues inside. The external guards (always men) knock on the metal door, and every day, I will wait between 10 to 40 minutes outside prison. Inside, there are always three or four women security staff. They check my identity, revise my national identity document, verify my fingerprints and confirm I have permission to access prison. Every day, they stamp a seal on my forearm and write a number with a pen which indicates the box number where they guard my document. That stamp is what differentiates non-prisoners from prisoners. After that first security step, the security staff check my belongings. Daily, my bag is emptied to verify whether there are any forbidden articles such as USBs, mobile phones, medicines, etc. Finally, they inspect my body. I enter a small chamber room, and a woman guard examines my pockets, touches my arms, breasts, thighs and stomach. It is after this daily ritual that I can enter Santa Monica.

Fieldwork diary, 20 January 2018

I have included the description above because it gives an account of what it means to do research in the Peruvian prisons setting, and arguably such rituals may be partly generalised to the majority of prison researchers accessing prisons, globally. The central feeling shared between the penitentiary staff and myself as researcher is that of mistrust. Personally, I mistrust the criminal justice system in general, and Peru has one of the most corrupt systems in Latin America. Every day I entered Santa Monica, I put myself into the hands of a system, symbolically represented by their gatekeepers, that I regard with suspicion. I entered a closed institution voluntarily and almost daily and temporarily gave up my freedom (at least partially) to the penitentiary authorities and staff.

In this situation, the penitentiary system also mistrusts me as a researcher. Researchers are usually seen as distant subjects who aim to “extract” information whose findings will never be used to create better working conditions for the staff or be beneficial for developing public policies. Researchers are seen as potential saboteurs, as critical observers; therefore, as possible enemies. The mistrust is not verbalised, but it expresses itself in the silent wait outside the main prison gate, in my permanent uncertainty as to whether each day I visited I would be allowed to get inside the prison. Although I maintained a neutral or amicable expression towards the



gatekeepers, my body felt the anxiety, the nuisance and the fear. I had to be cautious, I could not complain, or they may impose (explicitly or implicitly) more restrictions to my entrance. As a strategy, I smiled, kept small talk, but I carried those emotions throughout all my fieldwork. This mistrust compelled me to work on the prison's "underground", to distance myself from the official and formal representatives, subverting some rules, and sometimes engaging in "hidden" activities. I will explain better what I mean by "hidden" further in this section, which is distanced from doing research as covert or engaging in illegal activities. What I mean is how researchers also have to move between the orders and perform, taking into account the interlegal system of prison.

That said, I raised the methodological question: What kind of knowledge am I able to produce about power relationships of imprisonment? It is evident that the produced knowledge will not deliver a singular truth; at least not one that is considered to be neutral, or distant from the researcher. By only taking into account how the research started every day outside the prison gate (just to give an example), it becomes evident that the produced knowledge in this thesis is embedded with my embodied, affective experience of being a prison researcher. Therefore, my option was to produce such knowledge through (embodied and emotional) contact, through interactive and dynamic encounters and connections, following decolonial and feminist methodological guidelines. To produce knowledge following this path is to situate my personhood in the data production process: this means to recognise myself as a woman with specific physical and social characteristics, with a political statement about criminal justice systems, and an epistemic-ethical positionality towards research. With it, I aim to distance this study from the metaphor of an objective truth, of the voyeuristic perception of prison, and to perform with the conscious aim to let myself be vulnerable and empathetic, while trying to eliminate hierarchical power dynamics between the researcher and researched.

This research specifically is concerned with women's daily imprisonment experiences which includes: the prison's co-governance dynamics between the authorities, prisoners and staff, the exercise of religious and labour activities acting as the key social institutions inside prison, and an exploration of how prisoners construct social interactions and interpersonal relationships and subvert their gendered subjectivities while imprisoned. To complete this study, I conducted six months of ethnography study in Santa Monica, Peru's oldest and biggest women's prison. Wacquant (2002) had already announced an "eclipse" (p. 371) in ethnographic studies in the USA prison system, when they are certainly needed to understand prisoners' everyday life and the effects of imprisonment in a period of mass incarceration. Along the same line, more recently, Crewe (2009) suggests that observational studies, which focus on prisoners' everyday lives, have almost vanished in Western societies; and are even less commonly found in Southern, Latin American contexts.

In this chapter, my aim is to provide an honest account of the ethnography I conducted at Santa Monica: the activities done, the setbacks, accomplishments, challenges and limitations. The

first time I entered a Peruvian prison was in 2006, and since then, I have visited and conducted research and workshops in multiple prisons at a national level. Nonetheless, since 2007, I had not engaged in a long and systematic daily experience of prisons. Although I was familiar with prisons' bureaucracy, every experience of them is unique. To contextualise my experience as an ethnographer in Santa Monica prison, first, I will descriptively explain the research design, and the actions I undertook during the six months in Santa Monica. Then, I will justify the methods I used by referring to theoretical contributions of both approaches, feminism and decoloniality, which delimitate my epistemological stances and my role as researcher.

Thirdly, I turn to specific reflections that arose while doing research in Santa Monica in order to contribute to the construction of a methodology in prison studies in Latin America (which may be reproduced in any penal setting globally), from a feminist and decolonial perspective. I analyse two elements of doing ethnography in a Peruvian women's prison. On the one hand, I reflect on doing fieldwork at the intersection of the formal and informal orders and legal systems of Santa Monica. I explore my relationship as a researcher with the penitentiary system and their norms, giving an account of my daily interactions with the authorities at Santa Monica, and the subtle transgressions I had to consider in order to complete this study. On the other hand, I discuss the emotional flow inside prison, and how in order to recognise emotional states such as a sense of vulnerability and empathy, one needs to follow feminist, decolonial guidelines.

Finally, I detail the limitations of the research, including the limitations of the fieldwork but also those of the data analysis.

## **1. Research design**

The primary objective of the study was to explore women's imprisonment experiences in a prison in Peru, conceptualise their active performances in the functioning of prison, and explore how these intermingle with macro, meso and micro dimensions of their imprisonment experience. Therefore, the main research question is: *How do governance dynamics operate in a Peruvian women's prison?* And in connection to it: *How do such dynamics connect with broader economic and social imprisonment dynamics and the processes of women's identity-making and maintenance? And how do imprisonment dynamics in Santa Monica enable a gender-aware understanding of Latin American prison experiences?*

To do this, the theory adopted in this thesis argues that political, economic and social phenomena are intermingled with subjective ones (Quijano, 2000), and that gender is an approach that enable us to have a richer and more complex understanding of identities, social relationships and lived experience (Lugones, 2008a). Moreover, the inspiration for this research comes from my experience in research and psychological work in Peruvian prisons prior to the Ph.D, linked

to the theoretical and practical concepts developed from scholars engaged in the analysis of prisons of the Global South, which goes beyond the deprivation model.

### ***1.1. Formal access to Santa Monica prison***

In 2006, the Department of Psychology of the Pontificia Universidad Católica del Perú (PUCP) signed an agreement with INPE. Through this agreement, the Research Group on Penitentiary and Forensic Psychology (GIPFP) of the PUCP, of which I am a member, has undertaken several activities for more than ten years. This has allowed both institutions to organise multiple collaborative activities such as mental health workshops with prisoners conducted by PUCP's undergraduate students, Diplomas in Penitentiary Psychology for the INPE's treatment staff, nationwide research conducted by inter-institutional groups, and the presence of more than 50 psychology students who had done their professional training in Lima's prisons.

I have been personally and professionally linked to this process; I did my professional training and licentiate thesis on 2006 in a women's maximum-security prison, I was the Academic Assistant on the Diplomas for treatment staff, and I conducted joint research with INPE's staff, among other activities. Moreover, my doctoral research is framed within this agreement. In 2016, the GIPFP received a grant to conduct research about women involved in drug-trafficking nationwide, and as a group, we presented the study on drug-trafficking and my PhD research proposal to INPE to obtain the bureaucratic and formal permissions to access the prison.

For researchers, entrance to Peruvian prisons may be obtained in several ways.<sup>33</sup> Generally, despite the long-standing relationship with PUCP, the bureaucratic process to gain formal access to Peruvian prisons can be categorised as time-consuming, and I focus on the obstacles that hinder the beginning of the research process. Nevertheless, these "obstacles" are also part of the fieldwork which informs the researcher about the penitentiary context and its power dynamics. This access encounter enables one to approach the penitentiary institution as a system, considering its precariousness and institutional nuances, but also its complexity and resourcefulness.

The processes and negotiations for formal permission to access the prison took 5 to 6 months. The application had to be approved by the Central Sede (it was confirmed by the presidency, treatment, security and legal offices). It meant holding several meetings to introduce the project with different authorities at the National Sede. The main negotiations with INPE's

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<sup>33</sup> Scholars who research Peruvian prisons can get permission to enter a penitentiary through an NGO working inside the prison (they can act as supporters for prison authorities) or can do their fieldwork during visit days. In none of the cases would an audio-recorder be allowed, which was also a practical reason why I decided to choose the formal process.

functionaries included the period needed to execute the fieldwork and the delivery of a document with recommendations after the fieldwork.

Furthermore, as members of the GIPFP, the meetings also aided in the development and/or fortification of a collaborative professional relationship between academia and a governmental institution, which propels the construction of alliances that enable the possibility of collaborative projects. During these meetings, we exchanged ideas about gender and imprisonment, and consequently and as part of the negotiation, my colleagues conducted workshops about gender, punishment and incarceration offered to the penitentiary staff.

### ***1.2. Method and methodological tools***

The information presented in this thesis is the result of a qualitative study, in particular a six-month ethnography study, in Santa Monica prison. Ethnography is defined as a systematic in-depth approach to human culture and social life, which involves a deep, direct and experiential interaction of people while they are living their everyday lives (Crewe, 2012; Drake, Earl & Stone, 2015; Fader, 2018). Referring to prison ethnography, Crewe (2009) manifests that the objective is to produce detailed data that penetrate the official discourses of the institution to open up interconnections of elements that may be not evident or even invisible (Crewe, 2012). In this opportunity, ethnography was deemed most appropriate because it allowed me to have a daily presence and thus understand the singularities and nuances of prison and the women who inhabit Santa Monica (not only prisoners, but also authorities and staff).

Moreover, good ethnography also involves the creation of personal and lasting relationships with the people we interact with, capturing participants' own words, languages and imaginings on how their world is organised. To be able to produce this, an ethnographic study cannot be fully closed beforehand (Drake, Earl & Stone, 2015); it requires the researcher to be open and flexible to unexpected turns, to capitalise on chance encounters and circumstances that are not possible to predict (Bucerius, 2018; Ferrel, 2018). For example, Ferrel (2018) describes this flexible and open attitude of ethnographers as the connection between technical capacity and an open attitude:

*“Skilled musicians jamming and improvising among themselves, anticipating and echoing each other’s flourishes, or documentary photographers drifting through the streets, ready to deploy their visual expertise as a moment of unanticipated urban drama unfolds – these I would argue are exemplars for good ethnography, their methods supple and fluid and their skills interwoven with instinct and intuition. Good ethnography remains grounded in the expertise of the ethnographer and the particulars of the situation; but it also remains ungrounded and adrift, an unfolding process of informed improvisation. In this it is once again distinct from more positivistic methods and once*

*again less a technical procedure than a way of knowing and living in the world.”* (Ferrel, p.160)

For the ethnography in Santa Monica, I attended from December 2017 until May 2018, Mondays, Tuesdays, Thursday and Fridays<sup>34</sup> for approximately 4 to 5 hours per day. During that time, I had the opportunity to conduct Participant Observation (PO) (Wood & Smith, 2016), Group Reflective Discussions (GRD) and Individual Reflective Discussions (IRD) (Montero, 2006), which generally included an art-based/visual method element.

#### *Participatory Observation*

Wood and Smith (2016) state PO takes place when a researcher is engaged for a prolonged period with a community, and documents daily lives, routines and practices, behaviours, thoughts and sensations within the group’s everyday context (Schensul, 2012). PO was an ongoing process throughout the fieldwork but was my primary activity during the first two months at Santa Monica.

This process was not only essential to produce data, but it also aids in developing a familiarisation process with the participants (Custodio, Rivera, Velázquez & Monroe, 2015), and constructing trustful relationships between researcher and participants (Montero, 2006). In the initial observation and throughout the fieldwork, I engaged in informal conversations (Bosworth, 1999; Crewe, 2012; Moran et al., 2009) with women, prison staff, and authorities to promote dialogue and encounters with different actors, and comprehend situated discourses (Custodio et al., 2015) about Santa Monica’s everyday life in its various dimensions. In addition, I attended festivities such as Christmas, International Women’s Day, Psychology Day, and Via Crucis.

#### *Group Reflective Discussions*

GRD are defined as meetings to discuss and reflect democratically about a theme. The aim is to share experiences, jointly analyse them, try to understand their complexity and learn from them. They differ from focus groups insofar as participants can introduce new themes or new perspectives about the subject in question (Montero, 2006). I organised GRDs with two groups in prison: The Catholic Choir Group, a branch of the Catholic group of Santa Monica; and the workers of the micro-entrepreneurial company “The Queen’s”. The Queen’s is a shoe enterprise founded and administrated by a prisoner named Medalith, who contracts between 8 and 10 prisoners (I discuss this micro-enterprise further in Chapter 5). I selected the groups because they are representative of organised groups and legitimate to all the penitentiary actors in Santa Monica. Additionally, I created bonds with many of their members during the initial stage of fieldwork.

Based on a men’s English prison study, Crewe (2009) suggests the construction of social groups are defined by “structural solidarity” (Crewe, 2012; p.301), and are not based on the

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<sup>34</sup> Wednesday, Saturday and Sunday are visiting days.

imprisonment situation, but on prisoner's backgrounds and values. Women who are members of the Catholic Choir Group and The Queen's are not homogeneous and neither can I give a detailed description of them: they are from the prison's different pavilions, have different ages (usually from their 20s to their 60s), are serving sentences for different crimes, and have different lengths of imprisonment. Nonetheless, taking into consideration Crewe's concept, and given my prior experience in women's Peruvian prisons, my objective was to organise GRD with pre-established groups. Their previous existence suggests they have some kind of bond before the research and share common values: shaping the GRD through these values can facilitate trust within the group, and the possibility to address complex, emotional topics such as imprisonment and gender.

In the case of the Catholic Choir Group, we had five meetings of approximately 2 hours each (one to introduce the research project, three thematic sessions and one for closure). The number of participants varied between 15 and 20, but there was a nuclear group of 12. The GRDs were organised on Friday mornings at the chaplaincy. To participate, members had to ask for permission in their labour or educational workshops. Thus, the participation depended on their motivation, time limitations, and the bond created with me during the PO.

Regarding The Queen's, we had three meetings of approximately 2 hours each. The number of participants during all the sessions was eight. Generally, once a week The Queen's workers had an internal meeting, so the GRDs were organised during this schedule. Hence, they did not lose working hours to assist the study. The meetings took place on Monday mornings in their workshop.

I was able to finish all the process with the Catholic Choir Group but not with The Queen's because my permission to access the prison was not renewed. With both, we discussed how they experienced imprisonment and the impact it had on them as women. In the GRDs, the participants created art products that were collectively discussed. Thus, the participants of both groups created collages or drawings about how they become members of their groups inside Santa Monica, the "well-being" spaces inside prison and the "stereotype" of women in prison, products I will introduce in Chapter 6. To explain this decision, I use art-based and visual methods as related concepts and mention them through this thesis as an art-based/visual method.<sup>35</sup> I used art-

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<sup>35</sup> I am suggesting this, as Sarah Pink (2012) argues that visual methods express an interdisciplinary, or as she calls it, "post-disciplinary practice", being thus linked to psychological art-based therapies (Hogan, 2016), but also linking to humanities and aesthetics based initiatives. However, visual methods have been mostly associated with social sciences research. Art-based research and therapy is defined as a creative process which includes literary, plastic, performance, musical, digital arts, and many forms of expressive art; and allow the participants to produce meanings through art and create and enjoy the research as a work of art (Levine, E., 2011; Verner and Barone, 2012). In the case of visual methods, Azzarito and Kirk (2013) emphasise the centrality of the visual, "ocularcentrism", in contemporary life, including photographs, maps, posters, diagrams, videos, etc. as methodological tools. In both art-based and visual methods, the purpose is not necessarily to focus on the final product, but the process of creation. So, more than the "immediate visual text" (Mitchell, 2011; p.4) – in the visual/art materials that are produced by the participants – the importance is given to the "production texts" (Fiske, 1991 cited in Mitchell, 2011; p.5). In other words, the objective is not centred on an aesthetic perspective, but in the process which art and visual products enable

based/visual methods for two main reasons: to explore the social meanings of their life in prison through different perceptual schemes, and as a way to engage in deeper participatory and social transformative processes. I will explain these points later in the chapter.

#### *Individual Reflective Discussions*

These differ from structured or semi-structured interviews as participants can also introduce new themes or perspectives during the process (Montero, 2006). The IRDs aided focusing on the particularities of women's experiences and deepening a subjective perspective on prison. This gave the opportunity for each participant to narrate their emotional process using their own words and introducing the themes they felt expressed most their imprisonment experience. Without a fixed structure, I asked participants to narrate how they experience imprisonment and how gender influences their experiences. Hence, to open the dialogue, I ask them to tell me their story as women before and during imprisonment, and how they envision themselves after. After that initial question, the objective to engage in an open and flexible dialogue.

I organised 15 IRD processes. Therefore, I met with 15 prisoners in weekly, one-hour sessions. I met between 2 to 4 times with each woman, totalling approximately 50 hours of dialogue. I invited those women with whom I had a deeper bond at a different moment of the fieldwork to have a formal individual process and they were open to this being audio-recorded. The characteristics of the participants of the IRDs are summarised in Table 1:

<b>Participant (pseudonyms)</b>	<b>Age</b>	<b>Formal or Informal dedication at Santa Monica</b>	<b>Time in prison</b>
Patricia	26	Informal work cleaning and delivering the <i>paila</i>	2 years
Isabel	48	Did not attend any formal workshops	13 years
Maricielo	24	Informal support to treatment and security staff	3 years
Venus	52	Kitchen labour workshop	1 year
Angie	27	Bijouterie workshop	5 months
Monica	56	Knitting labour workshop and Catholic Church Coordinator	10 years
Fenix	29	Kitchen educational workshop and Disciplinary delegate	2 years

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participants to give meanings to their experiences, to the products they create, and to their relationship with them (Levine, S., 2011; Mitchell, 2011; Verner & Barone, 2012).

Mara	38	Library workshop and informal support to treatment staff	2 years
Isabel	31	General delegate of Santa Monica	8 years
Tatiana	40	Library workshop and Events Coordinator	7 years
Ana	29	Did not attend any workshop and General Delegate of her pavilion	2 years
Mery	58	Kiosk workshop	10 years
Katherine	34	Art and Crafts workshop	1.5 years
Alejandra	30	Bijouterie workshop	8 years
Medalith	N.I. (around her 50s)	Shoe workshop – Owner of The Queen’s	9 years
Celeste	36	Computer educational workshop, and Cultural Delegate	1 year 10 months

### ***1.3. Data analysis and interpretation***

The data analysis was done in procedural steps that started during the fieldwork and continued throughout the writing-up of the thesis. The possibility to spend six months in prison allowed me to return with some ideas and exploratory categories and debate them with participants; this constant dialogue was useful for constructing and re-constructing my exploratory categories and initial interpretative analysis. My data analysis included my field notes, the transcripts of the audio-recorder, and the art-based/visual arts products.

I took notes in my fieldwork diary while I was inside Santa Monica, and when I returned home. I wrote down general impressions, quotes from conversations, feelings and descriptive observations of everyday life inside prison. These notes were the beginning of my analysis of Santa Monica’s governance dynamics, allowing me to construct the main themes that I would unwrap through the thesis. Moreover, these notes helped me to give details about some of the participants, about the prison’s atmosphere, and were fundamental to informing my personal emotional process and the interpersonal relationships I constructed with prisoners.

Additionally to the field notes, as I mentioned, I audio-recorded some conversations with women, especially the IRDs and the GRDs. The audio-recorder was a delicate matter in Santa Monica and posed a considerable challenge during fieldwork. It put prison authorities, staff and prisoners in a state of alert. Thus, sometimes I preferred not to use it. For that reason, when I use quotations during the thesis, in some cases these are the exact words of participants that I wrote in my fieldwork diary during conversations with them, and in other cases these are from transcripts from the audio-recorder. Nonetheless, despite the audio-recorder, after each encounter



I wrote notes about participants' non-verbal communication, my personal impressions or if something unexpected occurred during the time we were together. Moreover, while I was still doing my fieldwork, I contracted two young anthropologists to help me with the transcriptions (the incorporation of the transcribers was detailed in the informed consent signed by participants). This decision enabled me to read the transcriptions of the sessions before the next meeting with the same women, and gave me the opportunity to deepen my understanding of some themes, or address those that were left out, or ask again about matters that I had not previously properly understood.

An important incorporation into my fieldwork was art-based/visual methods during the GRD.<sup>36</sup> The objective was not centred on an aesthetic perspective, but in the process by which art products enable participants to give meanings to their experiences, to the products they create, and to their relationship with them (Levine, S., 2011; Mitchell, 2011; Verner & Barone, 2012). The analysis of the drawings does not respond to a purely psychological interpretation done by me as the researcher, but relies on interpretations of the art conducted by the participants during our group encounters. Therefore, during our meetings the aim was to create an art-based/visual method product, but also to discuss these art pieces in a plenary, and reach some conclusions with regards to what these artefacts reveal about women's experiences in prison.

Therefore, making use of all these elements, during the fieldwork I started to develop summarised essays, mostly descriptive ones, on how the prison was organised, the labour activities women were involved in, and how gender and femininity were constant dimensions embedded in women's imprisonment experience. However, it is important to say that there are a number of topics that I also discussed with participants like, for example, their life previous to prison, their families, how they got involved in the acts that criminalised them, how they and their relatives reacted to their imprisonment or how they felt during their trials and convictions. The IRDs were open conversations that uncovered meaningful issues for women prisoners, and although many of these topics (in appearance) did not had a direct connection to prison governance, listening to them was important to gather a better appreciation of their psychic processes, an issue that I will return to later on in the chapter.

After I finished the fieldwork, I read the transcripts several times to familiarise myself with the data (Braun & Clarke, 2006) and connected the transcripts with my field notes and the prisoners' drawings. I started putting notes, sections of the transcripts and the drawings under thematically organised categories which responded to the research questions (Braun & Clarke, 2006; Willig, 2013). I identified emerging themes that went from the macro-political structure of prison to the micro-intimate level of women's lives. First, I constructed four general themes that

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<sup>36</sup> I also included drawings in the IRDs, but I have not included them in the analysis of the thesis because it was too much data to analyse during the PhD. I expect to work on those products after the formal thesis submission.

led me to write a purely descriptive analysis of Santa Monica: 1. The political dimension of Santa Monica, 2. Formal and informal economic activities, 3. Social relationships and communities, and 4. Intimate relationships. In each section, I described the prisoners' gendered subjectivities, their subversions and transformations. Then, while connecting the themes and linking to theoretical concepts, I maintained the written structure going from macro to micro, but I re-structured the themes, created connections, and developed sub-themes and categories. My intention to write this way responded to my encounter with the prison dynamics, and how I, and in this case, the readers, will comprehend the more visible dynamics (for example, governance or labour) to slowly submerge to those topics that are not commonly discussed inside prison (for example, intimate relationships, trust or friendship). Therefore, the analysis of the data was an inductive process which aimed to identify, analyse and develop themes and patterns from the research setting (Braun & Clarke, 2006; Creswell, 2014) to provide a detailed image of Santa Monica prison

#### ***1.4. Ethics in prison: working with a vulnerable population***

During ethnography, our "moral compass" (Scott, 2015; p.40) and ethics are always a concern (Manning, 2018). This research has been approved by HSSREC at the University of Warwick (see Appendix A). Thus, before I started my fieldwork, I had already taken into consideration common ethical issues which involved recognising women prisoners as a vulnerable population while acknowledging their autonomy towards my research.

Therefore, the basic ethical strategies that were addressed during my research included respect for all participants, confidentiality, anonymity, and creating emotionally safe environments. Usually, when ethical concerns are discussed in the research process, scholars detail how the first three issues were managed during the fieldwork. For that reason, I will discuss the three first points as related, and in another section of this chapter I will give a more detailed account of what I mean when I refer to the construction of emotionally safe spaces.

The idea of respect for all participants, confidentiality and anonymity may seem quite easy strategies to handle for a researcher, but these have some particular implications for the prison context. Firstly, these strategies denote respecting the autonomy of a group of women who are forced to inhabit a penitentiary institution. In other words, their decision to be a prisoner, and as consequence to be observed by me as a researcher, is not voluntary or explicitly consented. During fieldwork, I made a great effort to read embodied performances or corporeal language such as looks or sitting positions to determine which women were open to discuss with me. I tried never to force my company (Ugelvik, 2014) on them, and I was also very careful where I wrote my diary notes, ensuring prisoners did not feel I was evaluating them.

Secondly, I always had the intention to explain to as many prisoners as possible what my research was about. During the fieldwork, I provided a template information leaflet to all the

prisoners I started a conversation with. It outlined the study's aims, their role in it, and included the university's contact details and my university email address. Whenever a woman was not able to read the template, I discussed it with her, and still gave her the document so she could keep the contact information. By engaging in this activity, prisoners were informed of the objectives, methods and purpose of the research.

Thirdly, to respect participants' means to recognise their autonomous decision to participate, which also has particular implications in prison. Prisoners who participated in my research were not elected by the authorities or prison staff. On the contrary, I used to walk around prison and approach women in the kiosk, the main patio or the workshops to start conversations. Therefore, despite their compulsory presence in prison, they were autonomous in deciding if they wanted to talk to me or not. Generally, prisoners did not refuse to have a conversation, but some only responded monosyllabically, and that was the moment when I understood they wanted to be left alone. The conversation lasted as long as the prisoner wanted to or was comfortable with. Furthermore, other women created their own evaluation processes of me as a researcher and went over time if they felt comfortable discussing their stories with me. For example, some women approached me several times just to say hello and discuss superficial matters, and after a couple of months they decided and some asked me if they could participate in the IRDs. Moreover, participation in the GRDs was coordinated with the members of both groups (the religious choir and The Queen's). Thus, given the circumstances, I made sure that participation in the study was as voluntary as the penal context allows.

Regarding confidentiality and anonymity, a common concern among prisoners is that the research information may be included in their trials or could be passed on to other prisoners or staff. I always tried to specify that I was independent from INPE, and my research did not have the aim to inform formal representatives about prisoners. Moreover, in the template, and for participants of the GRDs and IRDs in the written informed consent, I clarified that the information produced will not be included in the women's institutional penitentiary records and will be managed only by myself and the transcribers. Regarding anonymity, in all of my interactions, participants decided if they wanted to use their real name with me or in my thesis, and if not, they chose their pseudonym. These strategies are some of the basic actions any researcher has to undertake while doing research in any context. Nonetheless, I will develop a more profound analysis about ethics in prison further in this chapter, which includes a reflection on what it means to adopt a feminist and decolonial positionality.

## **2. My positionality as researcher: justification of methods**

Our epistemological stances influence our role as researchers and positionality towards the research context and participants, our political-ethical research practices and the

interpretations given to the produced data (Harding, 1987; Naples, 2003). As Fader (2018) points out, ethnographies may follow different epistemological traditions. Thus, hereby I develop how the ethnography I conducted at Santa Monica emerged from feminist, decolonial perspectives, and how these guidelines were central for my fieldwork, which reveal not only an academic positionality, but an ethical-political stance.

Even though these are different theoretical approaches, their links have been discussed by decolonial feminists such as Maria Lugones, Maria Galindo, Rita Segato, Yuderkys Espinosa, Ochy Curiel, among others, and I believe that together these can allow an examination that paints a holistic picture of women's experiences in the prison context. Among other ontological and epistemological aspects, in this thesis, I suggest that to adopt a feminist, decolonial perspective involves three main implications on how research is conceptualised and/or produced. I ensured to take all three into consideration, not only during my fieldwork but also for the data analysis and the writing-up of the thesis. The implications are intermingled, but I discuss each separately to create an analytical order: a. The construction of situated knowledge, b. The power relations between the researcher and researched, c. The importance to perceive research as a political tool for social transformation (Balcazar, 2003; Fine & Torre, 2004; Puentes, 2015).

Concerning the first implication, for decades, feminist scholars have discussed the relevance of situated knowledge and its intersection with gender and patriarchy (Abu-Lughod, 1990; Haraway, 1988). The term "situated knowledge" was conceptualised by Haraway (1988) as a critique to the masculinised scientific methods, and to objectivity as a central feature in the research process which allegedly creates a neutral, disembodied knowledge. As a feminist epistemology it wants to recognise and value the construction of partial, critical embodied knowledge that focuses "*on the peripheries and the depths*" (Haraway, 1988; p.191). This knowledge that is shaped by its context.

In dialogue with a feminist approach and the recognition of patriarchy, the decolonial perspective acknowledges the impacts of imperialism and colonialism at multiple levels (Smith, 1999). For decolonial scholars, the structure of the professional disciplines is embedded in the history of colonisation, which informs epistemic foundations and actual practices in research methods and methodologies (Chimbu, 2017). As a response, through decolonisation, scholars seek to construct a "conocimiento Otro" (Escobar, 2003) distanced from logocentrism,<sup>37</sup> from abstract rhetoric, to focus on empirical case analysis, with the aim to support local groups in their collective political purposes.

Although decolonial methodology arose in the 1970s in Latin America (Chimbu, 2017), Puentes (2015) argues that decolonial scholars focused on a theoretical-epistemological approach

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<sup>37</sup> According to Walsh (2012), hegemonic social sciences are constructed within a superiority of logocentrism which refers to the idea that Westernised rationality is the only valid way to order social dynamics, making other types of epistemes invisible.

to unmask the modern world system (Ndlovu-Gatsheni, 2017), but methodology and how research should be done from a decolonial perspective are still debatable issues. However, decolonial methodology also involves the construction of situated knowledge, and broadening the “geopolitics of knowledge” (Mignolo, 2002; p.57). This methodological epistemology implies that one should not be afraid of “epistemic disobedience” (Mignolo, 2011; p. 44), and to construct knowledge from an epistemology of the South (De Sousa Santos, 2016), that includes the history, knowledge and epistemes of the South, and critically question assumptions, motivations and values which inform hegemonic knowledge and research practices (Smith, 1999).

Taking into practice both epistemological perspectives, my ethnography had the aim to focus on Santa Monica’s specific dynamics, in a particular temporal and spatial dimension, and prisoners’ active subjectivities within that particular coercive setting. In other words, my fieldwork and the analysis of my data captures Santa Monica’s political-social dynamics in those months specifically, and may not be possible (neither the aim of the thesis) to generalise the findings to other prisons, and it may change in Santa Monica itself in a different period of time. During the ethnography in Santa Monica, I focused on the singularities, trying to distance them from universalisms (Law, 2004). I situated the construction of knowledge on the subtleties, the nuances, the close inspections of human activities that are generally simple and genuine (Law, 2004). For example, I tried to not only focus on formal discourses, but to pay attention to the daily interactions, to women prisoners’ gestures, looks and whispers, to the surreptitious negotiations between prison staff and prisoners, among other topics that will be discussed in the analysis chapters.

Secondly, regarding the dynamics of power of the research process, feminist (Naples, 2003; Stacey, 1988) and decolonial (Mignolo, 2000; Puentes, 2015) approaches have criticised the binary categorisation between the researcher and researched. From a feminist perspective, Stacey (1988) recalls the allegedly “respectful” and good-will relationships that are constructed between researcher and researched and how these may hide or mask a relationship of dominance and exploitation. Similarly, decolonial scholars have specified research as arguably seen as a process of colonisation, injustice (Smith, 1999), and homogenisation (Talpade-Mohanty, 2008). The construction of knowledge may be symbolically violent by defining communities through a “constitutive blindness” (Chimbu, 2017; p.1) or through a lens “*that makes them perceptible or legible to scholars who are thinking about the world exclusively through Western ways of knowing*” (Fortier, 2017; p.20).

Therefore, research that is done from a feminist, decolonial perspective has to be aware of the power relationships at play, and researchers must not reproduce dominative power practices through the process. To address the power modes, both the researcher and researched are positioned differently from the traditional subject-object relationship, to construct dialogical encounters (García, 2019).

On the one hand, participants must not be regarded as passive “objects”: on the contrary, they ought to be positioned as “subjects” and knowledge producers (Balcazar, 2003; Haraway, 1988; Montero, 2006). Thus, participants are agents in the production of knowledge (Haraway, 1988), are co-researchers (Finlay & Gough, 2003; Montero, 2006), with the possibility to decide about the research and actively participate (Balcazar, 2003; Montero, 2006). This conceptualisation finds its theoretical base in the Pedagogy of the Oppressed, which maintains that everybody can contribute, and that those contributions provide multiple and dialectic social perspectives (Freire, 2003; Montero, 2006). Therefore, as Ndlovu-Gatsheni (2017) suggests: “*it is shifting the identity of its objects to re-position those who have been objects of research into questioners, critics, theorist, knowers, and communicators*” (n.p.). For example, as I will detail further in this chapter, the authorities and some women prisoners proposed to me some activities that I included as part of my ethnographic process; the activities of the GRDs were discussed, adapted to the group and approved by them before starting the group processes; and the IRDs were open conversations where prisoners were invited to discuss any topic that allowed them to talk about themselves as women. Therefore, participants took decisions on the themes that were discussed, and some of the methodological tools that were used during the research process. Moreover, I analysed my initial categories with some prisoners, seeking for feedback and to make a more complex and complete analysis of the imprisonment dynamics in Santa Monica.

On the other hand, the researcher also has to undertake a different positionality towards the research process, engaging in a reflective process about themselves in the fieldwork (Bourdieu & Wacquant, 1992). I will create a deeper analysis of reflectivity and the emotional process of conducting research in a prison further in the chapter, but here I will detail the contributions about the reflectivity of feminist and decolonial authors. From a feminist standpoint, Harding (1991) introduced the concept of reflectivity as an essential tool in feminist methodologies to question the notion of objectivity and the possibility to undertake a neutral scientific method. The feminist standpoint advocates that we make explicit our biases and positionalities (Harding, 1991; Haraway, 1995). Harding (1991) suggests that reflectivity allows more transparent research and defines it as the process of making explicit the researcher’s subjective angle, including background features such as class, race, culture, cultural practices and beliefs (Schensul, 2012). Haraway (1995) emphasises that reflectivity enables us to be responsible in what we are investigating and how we communicate it. Along the same line, from a decolonial perspective, Leyva and Speed (2008) acknowledge that researchers always have to be in an introspective, self-critical process, and must be open to recognise in themselves the colonality of power and of the knowledge which is reproduced throughout our institutional and personal practices.

In dialogue with the ideas above and linking the domination processes of patriarchy and colonialism, Gloria Anzaldua, a feminist, Chicana scholar, introduced the term *Mestiza consciousness*, which supposes an alternative epistemology and ethical positionality (Anzaldua,

1987). Similarly to reflectivity, to incorporate a *Mestiza consciousness* in the research processes is to be aware of our privileges, histories, agendas, resources and power relations (Torre & Ayala, 2009). Moreover, *Mestiza* is a theoretical concept which focuses on our subjectivities, and how we are constituted by apparently contradictory combinations of multiple discourses (Anzaldua, 1987; Keating, 2009). As a way to redefine our subjectivities, Anzaldua invites us not only to be aware of ourselves in a coherent manner but to engage with our subjective contradictions and perceive the multiple axes of gender, sexuality, colour, class, body, personality and spiritual beliefs within ourselves (Keating, 2009). In a research context, researchers must be aware of their internal psychological processes, conflicts and contradictions, and how they are emotionally affected by the process and encounters with participants.

Consequently, if the positionalities of participants and researchers are subverted, the way we construct knowledge is not visualised by privileging the researcher as an expert on a linear process. In contrast, knowledge is constructed within dynamic intersubjective relationships (Benjamin, 2007; Naples, 2003). Therefore, construction of trust and social interactionism is not limited to the initial rapport (Bucerius, 2018), but is a fundamental feature from which knowledge is produced. The dialectic process does not end (and indeed, it must not end). The aim is to create ongoing interactions with members of the communities and the researcher must be open to negotiate and renegotiate the relationships (Naples, 2003).

Furthermore, by defining individuals as complex and contradictory subjects (Torre & Ayala, 2009), researchers must embrace multiplicity and hybridity during research. This process can lead to conflicting or ambivalent positions, to *choques* (Anzaldua, 1987; Ayala, 2009), which represent social tensions across ethnic, social class, political and sexual borders. Engaging with a *Mestiza consciousness* implies transforming conflict and ambivalence into moments of contestation and creativity (Anzaldua, 1987; Ayala, 2009). It means resisting the impulse to organise participation around consensus (Torre & Ayala, 2009). Disagreements related to the process shed light on micro-tensions which reflect macro-level policies in everyday practices. Therefore, research is not closed or fixed, but it should be regarded as a process *en movimiento* (Torre & Ayala, 2009), allowing us to respond in a flexible way.

Therefore, during the ethnography, I developed a listening style that required patience and tolerance for gaining access to the different orders in Santa Monica, and for building trustful bonds with the participants (Manning, 2018), issues that I reflect deeply on when I analyse the emotional flows in Santa Monica. This did not focus in rigid technical devices, but was based on the “*researcher’s authentic personhood*” (Crewe, 2018; p.87). This means engaging in impulses to position oneself in an epistemically humble attitude, acknowledging ignorance and eagerness to learn, and being open to what the situation has to offer (Ferrel, 2018).

The third epistemological implication is to recognise that no research is apolitical (Talpade-Mohanty, 2008). Feminist scholars have broadly discussed the indissoluble relationship

between research, activism, praxis and intervention in conjunction with the elaboration of social policies to face and transform patriarchy (Esguerra, 2019). Similarly, the theoretical and epistemological tools provided by decolonial theorists are constructed to comprehend, transform and liberate our surrounding spaces from colonial practices (Puertas, 2015). Therefore, doing research from a feminist, decolonial perspective means engaging in an ethical, ontological and political exercise and requires commitment to improving collective situations of exploitation, domination, discrimination and violence. It supposes a rethinking of traditional manners of conducting research and approaching participants (Arroyo & Alvarado, 2016; Esguerra, 2019; Ndlovu-Gatsheni, 2017)

Socio-political transformations suppose long-term perspectives. Therefore, research should not only aim for material changes, but propel spaces that contribute to strengthen the researchers' and participants' critical consciousness, which may lead to liberating and transformative processes (Balcazar, 2003; Freire, 2003; Montero, 2006). For Freire (1985), dialogue is a tool that fortifies critical conscious and authentic communication. Listening, emphasising and respecting different perspectives creates the potential to conceive of other ways of understanding a social phenomenon and of engaging with social issues. It is through dialogical encounters that we can imagine different paths to produce justice (Fine & Torre, 2004), and to construct different future possibilities (Martin-Baró, 1986). Hence, social transformation starts with the strengthening of psychic processes, which allow people and collectives (participants and researchers) to reflect on their personal and social realities and oppressions (Nistal, 2008).

During the ethnography in Santa Monica, I always pursued the construction of reflective dialogical spaces with women. Furthermore, I introduced art-based/visual methods to strengthen the possibility to create non-defensive and introspective environments. In that sense, Azzarito and Kirk (2013) suggest that visual methods allow the exploration of social meanings, but through schemes that are not as often explored as oral or written ones (Mitchell, 2011); this means they have the potential to allow deeper meaning to emerge in the context of a more diverse and multi-layered research process. As Harper (2012) stipulates, visual and art-based representations express a different symbolic world, as they connect to different perceptual realities. This is an approach which facilitates non-verbal communication and the expression of metaphors and symbols, allowing self-expression and the opportunity to translate affects and unexpressed dilemmas into other symbolic ways (Hogan, 2015).

Moreover, art-based/visual methods provide a useful medium for more participatory (Wood & Smith, 2016) and transformative social processes (Estrella, 2011; Levine, S., 2011; Levine, E., 2011; Soliz, 2014). As we engage with art-based/visual methods, participants transform themselves from passive to active subjects in the research (Mitchell, 2011). Data collection can be seen as a potentially transformative experience, where participants are invited to tell their own stories, and as a consequence, engage in reflective processes, mobilise actions,



and in some scenarios, transform their environments or communities (Harper, 2012; Hogan, 2015; Mitchell, 2011). As this research took place in a prison, women do not necessarily have the means and/or power to change their social environments. However, using the definition and characteristics of scholars engaged in expressive art-based therapy, which in my opinion, deeply relates to the concept of “conscious-awareness” defined in Critical Psychology, following the perspective of the Pedagogy of the Oppressed (Freire, 1985), the aim was that the term “social transformation” starts with psychic processes. Thus, social transformation begins with personal and social awareness, critical reflection and the recognition of subjective affects.

Stephen Levine, one of the founders of the International Expressive Arts Therapy Association (IEATA) created in 1994, introduced the term *poiesis* (2011; p.23), from classical Greek, to explain art-making as a form of production and an extension of the capacity of human beings to shape their worlds. Under challenging circumstances, such as that of imprisonment, the possibility of *poiesis* and creative play are constricted (Levine, S., 2011). In that sense, engaging in creative, exploratory and improvisatory processes can allow participants to restore their ability for *poiesis* (Levine, S., 2011). Art as a sensory-affective experience has the power to affect us and transform our imaginal reality, to change our understanding of ourselves and the world around us (Levine, S., 2011); and when it is created in group activities, it can restore a sense of living in a community (Levine, S., 2011). For art-based scholars, this process is not a therapy but it is therapeutic, as it has the purpose to restore the capacity of imagination, which is fundamental for consciousness-raising and social action (Estrella, 2011). This premise follows the ideas of Community Psychology (Soliz, 2014), which criticises the traditional framework of psychopathology, as it focuses on identifying individualistic pathologies to fix and create strategies for them to adapt and become functional within a society which is assumed to be healthy (Soliz, 2014). In contrast, Community Psychology and Art-based Therapy centralise their analysis in the interconnectivity of the subjects within their systems, and the necessity of gaining conscious-awareness as a process of social transformation and political struggle (Estrella, 2011; Soliz, 2014).

Therefore, as researchers, we must be cautious not to reproduce colonial or patriarchal practices. As Law (2004) manifests, the aim is

*“to broaden method, to subvert it, but also to remake it. [...] To do this we will need to unmake many of our methodological habits, including: the desire for certainty; the expectation that we can usually arrive at more or less stable conclusions about the way things really are; the belief that as social scientists we have special insights that allow us to see further than others into certain parts of social reality; and the expectations of generality that are wrapped up in what is often called ‘universalism’. But, first of all, we need to unmake our desire and expectation for security.”* (Law, 2004; p.9)

Thus, I followed an epistemological-political perspective which attempts to decolonise and depatriarchalise knowledge and methodologies in the context of the prison.

### **3. Reflections on doing research in a women's Peruvian prison: overlapping of legal systems, and recognition of emotional flows**

#### ***3.1. Learning to move within the orders and legal systems in Santa Monica***

Prison ethnography has its difficulties; the first being the requirement to gain physical access to the institution under investigation. Once entrance is possible, new dilemmas, ethical concerns and negotiations will take place during the whole research process (Cunliffe & Alcadipani, 2016). For a start, ethnographers must reflect on their positionality towards the penitentiary norms. Prisons are constituted and shaped by norms, and as Ferrel (2018) reflects on criminological ethnographies:

*“Such ethnographies are invaluable to the field of criminology-but to undertake them is inevitable to get caught up in and be made obedient to the regulatory structures that shape such institutions. Rules, regulations, guidelines, statutes, and permission forms abound [...] obeying the law may present much of a problem than breaking it”* (p.154-155)

Nevertheless, as Fader (2018) emphasises, it is more likely that ethnographers will transgress the rules in various ways, and this makes particular sense in places such as prison. Furthermore, given that Santa Monica conjugates multiple orders and legal systems, I questioned how the formal norms and procedures relate to one another. Is it necessary to commit to them or transgress them to fulfil my activities? How open or willing might a researcher need to be to transgress without engaging in anti-ethical or even illegal actions?

The response to these questions is not a direct one. In Santa Monica, as any legal pluralistic institution, what it is possible to do and what is forbidden are more defined by the everyday social encounters than by nation-state norms; furthermore, the informal dynamics are legitimised and strategically performed by prisoners, but also by the authorities and prison staff. Hence, while developing the ethnography, it remained clear that I could not strictly obey the formal and official norms, I had to learn how to move through these orders, which involved subtly and strategically transgressing the formal legal system to be able to undertake my fieldwork. I will explain this reflection by analysing the ambivalent relations I had with the authorities of Santa Monica: The Prison Director and Chief of the Psychology Area.

I referred above to the fact that to obtain formal access to Santa Monica, one has to negotiate conditions with the National Sede. Their formal permission allowed me to move “freely” around the prison and use an audio-recorder, but both authorities disapproved of this. As

Earl (2015) suggests, while doing ethnography, the ethnographer has to be “*sensitive to the power-soaked contexts of prison research*” (p.17). In this case, with their hesitations, the authorities demonstrate their power and it is an opportunity for researchers to listen, comprehend their suspicious thoughts and renegotiate. As many researchers have recalled (Bandyopadhyay, 2010; Gariglio, 2014), obstacles arise, and despite being formally approved, one’s daily presence in prison opens the door for unexpected events that require renegotiation.

For that matter, the authorities did not understand how walking “freely” inside prison and talking to prisoners would enable me to produce quality information for my research. During our first meeting, they replied that I had to comprehend, to be conscious of the fact, I was working in a penitentiary setting, with strict security norms and a complex population. Both authorities suggested they needed a detailed research plan where I specified the tools, a structured set of questions and the profile of the prisoners I needed to interview. I believe their mistrustful feelings implicitly expressed their ambivalence towards me as a researcher: they situated me as having a “superior” status and showed their fear of feeling evaluated, and simultaneously they tried to “minimise” me, locating me as a naïve woman, and diminishing my professional capacity.

During ethnography conducted in Italian prisons, Gariglio (2014) recalls that prison staff also feared evaluation, and the authorities explicitly told him to avoid being too critical when judging them. On the other hand, in his work in English prisons, Scott (2015) explains that the authorities and prison staff usually mistrust or resent that the focus of research is on the prisoners. Trying to “alert” the researcher, authorities and prison staff usually consider prisoners as manipulative and problematic persons and situate them “*as lesser beings*” (p.53). Although this is an analysis that emphasises a binary and rigid relationship between prison staff and prisoners, it allows me to reflect on how prison staff create a symbolic distance from prisoners.

Taking into consideration the reflections of both authors, in Santa Monica, the authorities and prison staff’s mistrust arose because researchers, volunteers, and any other external visitors are perceived as potential evaluators of their work and the prison dynamics. The defensiveness towards researchers may be firstly regarded as fear of them uncovering corruption. We can definitely consider that corruption has been a chronic and historical phenomenon in Peru, which has distorted public institutions such as prisons. As Quiroz (2013) states, corruption has been the cause of the deterioration of the institutions and, at the same time, is a by-product of the weakened institutional dynamics. Nonetheless, the suspicion towards external actors not only responds to fear about the uncovering of corruption, but also to a genuine apprehension about the evaluation of their everyday work, and the precarious situation in prison that leads to the hindering of prisoners’ human rights and also to precarious labour conditions for prison staff. Indeed, in a way, they mistrust external visitors because at a more conscious or unconscious level, they believe they will be personally and professionally criticised and position themselves at a “superior” level by assuming that as scholars we have the power and means to denounce prison dynamics.

Conversely, by alleging prison is a dangerous place where some of its inhabitants may be manipulative, they are also expressing their devaluation of my professional capacities as a researcher. They want to emphasise prisoners are difficult to handle, and that it is plausible that I will encounter difficulties coordinating with them or knowing when or if they are lying to me.

At the end of our first meeting, they specified the formal norms I had to undertake, and to whom I had to respond for my research activities. It was decided that to organise ourselves better and to assure the security norms in prison, I would not have to present a detailed plan, but I would have to wear a white jacket (which symbolises the psychologist's uniform in prisons and differentiated me from prisoners), I was also not able to enter the pavilions where prisoners sleep, and I had to work in direct coordination with the Chief of Psychology.<sup>38</sup>

The negotiations provided me with some flexibility to conduct my activities inside the prison, but also established limitations. During my fieldwork, the formal permits varied each day: some days the external security staff saluted me and let me in, sometimes I was allowed to enter the internal patios, the labour workshops, the library and auditorium, and stay in the central patio; other days, the external security officers made me wait for 40 minutes or one hour while they looked for the Chief of Psychology before letting me in, and the authorities and security staff questioned my presence in the same public spaces of the prison. When they felt I was too confident inside the prison, the formal representatives controlled my mobility, even more than usual. For example, there were some days that I was asked to stay in an administrative office and was told that they would notify the prisoners who I had already arranged to meet. Those days, none of the prisoners arrived, and I was forbidden to leave the office. I felt frustrated on many days, staying in an office inside the prison, feeling unable to complain because doing so could lead to them creating for me other subtle "obstacles". In that sense, the possibility (or not) to move inside prison may have limited the production of verbal data from prisoners, but it gave me a chance to experience personally how the authorities and staff express their power, imposing norms in a passive-aggressive manner<sup>39</sup> with the aim of "maintaining security". This frustrating process also allowed me to experience the fluidity of the prison's power dynamics and their formal norms.

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<sup>38</sup> In the spirit of collaboration with the prison's work and as part of the negotiation, the Chief of Psychology asked me if I could complete the Clinical History of some new and "difficult prisoners", and during the first two weeks, I interviewed some of them. I regarded this activity as part of my ethnographic process. On the one hand, subtly, by referencing me the "difficult prisoners", the staff were evaluating me, and trying to prove my capacity to handle prisoners and imprisonment dynamics. On the other hand, those interviews allowed me to introduce my research to many prisoners, and many of them participated in the informal conversations, GRDs and IRDs. Furthermore, Santa Monica's psychologists also asked me if I could help them to organise a cineforum. I coordinated with PUCP the loan of equipment to project the movie, and two mini-videos of two actors from the movie saluting the prisoners of Santa Monica. However, due to the prison's activities, the cineforum never took place.

<sup>39</sup> If the example is analysed in more detail, the authorities were helping me by providing me with an office where I could have privacy with the participants, when following the formal security rules. However, the office they offered me was above the nursery. Prisoners without children were not allowed to be in this space without special permission from the Chief of Psychology, which created a bureaucratic process that gave difficulties with the encounter between the participants and me. I want to clarify that by analysing this

The control of the authorities and staff members was not systematic; after a prudent time, I was again “allowed” to move around the prison, until the cycle was reproduced again. Nonetheless, while I gained the trust of prisoners in the informal-legitimised order, I also learnt (and they taught me) that it was problematic to openly discuss the norms and procedures with the formal representatives. In other words, I had to be seen as someone that followed the norms of the authorities and prison staff but mainly remained invisible to them, which would then give me more possibilities to move strategically around the prison. Prisoners never gave me specific tips, but the communication was through looks, whispers, subtle movements and touches. Neither did I get involved in any illegal activity, but, admittedly on occasion I did question my ethical positionality towards normative procedures, and considered how I had to start moving through other legal systems that were also legitimised inside prison.

The next example may be helpful to illustrate this argument. Some of the IRDs that I organised were at the chaplaincy. Formally, I had an office, but it was difficult to access for many prisoners, and I shared it with staff members who occupied it for many activities. In addition, some days, it was locked, and no one was able to find the key. Instead, the key of the chaplaincy was managed by the prisoners, and it had a room on the second floor that gave privacy for organising the meetings. One day, when I was with one participant and expecting the arrival of another I heard a serious voice approach me that said: “*Miss Bracco, the Director wants to speak with you immediately*”. I became emotionally alert, and before I could say anything, both participants were laughing because I fell for their joke. In concrete terms, the authorities of Santa Monica had never forbidden my entrance to the chaplaincy, but neither did I explicitly ask for formal permission to use this space. My presence in there moved in a grey area, in the juxtaposition of orders and legal systems, and the prisoners were aware of it. With the joke, both participants symbolically positioned me (at least at that particular moment) as a prisoner, as someone that could not meet freely, and therefore, had to subtly transgress the formal norms to find “tunnels” (in this case the chaplaincy, but at other moments I met in *huecos* and *recovecos* of the prison).<sup>40</sup>

The cycle of my relationship with the authorities and prison staff moved from systematic control to becoming an invisible member of the prison, and it reproduced on different levels during the six months I attended the prison. Every two months approximately, I had a meeting with the director to discuss my general impressions of the prison, the activities I had organised

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point, I am not trying to denounce the authorities personally or to entitle them personally as passive-aggressive subjects. What I am trying to suggest is that the emotional climate and the way power dynamics are played in prison in general respond to passive-aggressive attitudes.

<sup>40</sup> *Huecos* and *recovecos* translates as gaps and crannies, and are words used by prisoners to say that it is possible to encounter small, invisible locations in prison to do acts that are forbidden (for example, it is possible to find *huecos* during visiting days to have quick and informal sexual encounters with their visitors).

and those I wanted to conduct in the next weeks. During those meetings, the director renewed my “local” permit to access Santa Monica, and in every one of them, I had to renegotiate my conditions and the formal norms I had to follow (we negotiated my entrance schedules, activities, mobility inside the prison, etc.). However, these negotiations did not have any factual implications: my presence was practically determined on an everyday basis. We did not have the last meeting, where I was going to ask to renew my permission for one more month to finish the GRDs with The Queen’s. In a way, upon completion of the six-month period I felt like I was being “expelled” from prison, and that it was determined (by them) that I had had sufficient time to address my research. Although I could fight their decision, the ambivalence and constant negotiations were emotionally exhausting. Thus, it was also a personal decision to end the fieldwork after six months.

### ***3.2. Research as a technology of care: taking care of (their and my) emotions***

In order to be aware of our selves during research, scholars have debated the importance of reflectivity as a key methodological tool (Bordieau & Wacquant, 1992; Finlay & Gough, 2003; Hammersley, 2015; Harding; 1991; Torre & Ayala, 2009). To achieve a significant and deeply felt sociological analysis, researchers must engage in systematic introspective exploration and deepen in a better understanding of themselves, their position in the world and their internalised structures, examining their (conscious and unconscious) ideas, emotions and tracking the construction of their common sense (Bourdieu & Wacquant, 1992).

With that premise at the base, Liebling (1999) and Jewkes (2011) question the notion of rational and cognitive paths for knowledge production, and suggest emotions are in fact our data, and the path to create knowledge. As Jewkes (2011) emphasises:

*“Knowledge, then, is not something objective and removed from our bodies, experiences, and emotions but is created through our experiences of the world as a sensuous and affective activity. Like respondents, we as researchers bring to the field our own biographies, and our own relationship to what our respondents tell us will affect both the interview dynamics and how we make sense of their account.”* (p.68)

As Bosworth et al. (2005) maintain, it is rare to analyse emotions in prison research. Scholars find it more valuable to present their work as objective, generalisable and precise, implicitly suggesting that their feelings were properly managed during research, minimising or denying the significance of emotions (Bosworth et al., 2005; Jewkes, 2011). However, as Liebling (1999; 2014) explains, as researchers it is impossible to deny feelings, and working in prison is an intense and emotionally demanding setting. Thus, emotions are usually conceptualised by scholars as negative or draining experiences (Jewkes, 2011), but following Jewkes (2011) and Liebling (1999; 2014), I propose that openness to feelings can provide a guidance for insightful,

life-affirming experiences that enable researchers to develop better skills for conducting research and are a powerful intellectual resource.

Thus, beyond the production of data and knowledge, by engaging with a reflective process, in this opportunity, I wanted to reflect on the role of emotions and to propose that research may be defined as a technology of care. Indeed, recognising emotions allows the creation of emotionally safe environments for all participants, including researchers. The recognition of feelings humanises researchers and participants, provides dignity to the encounter, and is the path to take if our aim is to construct horizontal relationships and co-produce complex knowledge, enriching our understanding of research settings. Personally, this premise was what moulded my fieldwork. It relates to the notion of respecting the participants, mentioned in the Ethics section, but from a personal perspective, it moves beyond it and becomes an epistemic-ethical-political element that should be the ground of any penological scholarship (Liebling, 2014).

Although there is a wide range of emotions, my intention is to analyse two of them more closely: vulnerability and empathy. My personal opinion is that from a feminist, decolonial epistemological perspective, the consequence of giving value to emotions such as vulnerability and empathy is the possibility to recognise the humanity in all participants, which enables affective and empathetic encounters that inevitably will give a distinctive but yet valuable, and even more enriched, knowledge.

García (2019) reflects on how ethnography entails uncertainty, which awakens the researcher's vulnerability, and may lead to a defensive response to enact superiority, making the construction of horizontal relationships impossible and moulding how we handle the data. For García (2019), if we deny vulnerability, we take the chance that during fieldwork and the analysis of the data, we will try to handle the analytical process with the aim to seek (or even create) coherence in the participant's narratives, and the concern to give closed and arguably rationally "better" arguments. Nonetheless, following Anzaldúa, life and subjectivities are never coherent, but are contradictory and fluid. To recognise vulnerability during and after fieldwork is a strength for our research process, is to reflectively face and deal with insecurities that we may feel as researchers while encountering new sites, new people, and new relationships. To embrace vulnerability is to be open and validate discontinuities and incoherence, and to demonstrate that the research aim is not to achieve rational goals, but to create a dialogical and horizontal encounter with the participants (García, 2019).

In my case, to enact vulnerability meant to be open to prisoners' critiques, suggestions and opinions without a defensive response to them. For example, during my first weeks in Santa Monica, Isabel, a woman who has been imprisoned for more than ten years, called to me in the middle of the central patio with a doubtful attitude: *"Hey, what are you doing here?"* After I explained my research, she suggested I should do some group studies about gender and imprisonment and discuss the articles or stories many prisoners in Santa Monica had already

written. I accepted her proposal and had three informal group meetings with other prisoners Isabel invited. In these, we discussed some of their written thoughts about imprisonment and shared their main concerns towards their children outside prison. What I intend to emphasise is that to be vulnerable is to face ethnography with a flexible attitude, and to regard new actions (mostly proposed by prisoners) not as obstacles of the ethnographic journey, but as the ethnography itself and as a possibility to co-produce knowledge validating participants' suggestions. As a consequence, prisoners will also lower their defensive guard towards the research, and will be open to giving new suggestions during the process.

As Liebling (2014) suggests, research in general and ethnography in particular relies on the "*establishment of ongoing empathetic relations with others*" (p. 482). Similarly to vulnerability, García (2019) reflects about empathy and says that during research, empathy fluctuates between "*not feeling it at all, for feeling it too much*" (p.7). Empathy is (or ought to be) present in researchers before we arrive in research settings, during our fieldwork, and after it, during our analysis and writing-up. It moulds how the research questions are constructed, with which participants we work, in how we make sense of the information we gather, etc. (Garcia, 2019). Empathy refers to allowing ourselves to understand the world from the other person's history and perspective, but moreover, empathy also includes respect for the psychological projections participants deposit on us, the validation of participants' "time" and psychic processes, and recognition of participants' agendas and needs.

In my case, during my fieldwork in Santa Monica, there were some prisoners with whom I felt comfortable, where the conversations were enjoyable and fluid; while others looked at me with suspicion, and I never connected with them. Empathy is embedded in how we perceive participants, but also how they perceive us, as researchers. Along that line, Jewkes (2011) reflects how gender, class, race, ethnicity, age, physical appearance, professional status, among other variables intersect and participants may assign to the researcher a number of different identities that affect the ongoing research process. For example, in my case, many self-described "masculine women"<sup>41</sup> maintained distance from me during the fieldwork. I was aware of this, and related to some of them, but I felt they kept a "respectful distance", and mainly addressed me to say, "*Buenos días, señorita*" (translates to Good Morning, Miss). I did not discuss this with participants, but I am inclined to believe that this happened because the heteronormativity imposed by the penitentiary system discriminates against "masculine women", and many members of staff may arguably create a distance from them, and vice versa. Therefore, for the "masculine women", it may take more time to approach an outsider like me and engage in an

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<sup>41</sup> I use the term "masculine women" following Gallegos (2014) who undertook research about the construction of the gendered identity of "masculine women" in women's prisons in Peru, and refers to biological women whose appearance and behaviour have been socio-culturally understood as masculine features. I will deepen in this concept when analysing homoerotic encounters in Santa Monica in Chapter 6.



informal conversation, and their attitude also had an impact on my performance and how I approached them. I am referring to this as an example of how my role as an outsider, in the eyes of prisoners, I may resemble an institutionalised formal member of the penitentiary system, and my embodied (feminised) aspects arguably determined possibilities for emotional identification, the construction of empathetic relations and, consequently, the possibility to construct emotionally safe environments, and feel connected, which influenced which prisoners took part in the research.

To be empathetic is to understand and be comfortable with participants' perceptions of us. It supposes acknowledging, accepting and valuing that ethnographers occupy multiple roles in prisoners' minds. I arguably occupied the position of a formal INPE psychologist to "masculine women" (this not only occurred with "masculine women" but with many prisoners), and for other prisoners and at different moments of the fieldwork, I was also seen as a prisoner, an undergraduate student doing her professional training, a volunteer psychologist, a friend, a foreign researcher, and more concretely, a link to the "outside" world. For example, many women approached me, acknowledging I was a psychologist by background, and asked me for advice on specific topics: how to relate to their children, information about mental health issues, how to discuss conflicts with their partners inside and outside prison. These were informal conversations that did not explicitly respond to my specific research questions, but were intimate talks that enabled us to create trustful bonds. Moreover, these types of discussions with women prisoners were not entirely disconnected from their life in prison and allowed me to imagine different questions and paths to follow. Some participants (a minority) did make it explicit when they wanted to ask about something personal, and that they would feel uncomfortable if I used that part of our discussions for my research. Others sought to speak to me in confidence, as they were trying to speak to me hidden from the public eye, almost as if they were ashamed. I tried to respond empathetically to these emotional demands, and following Fortier (2017), doing so also provides a new approach to reflecting on informed consent during ethnography under a decolonial perspective. As the author suggests:

*"Developing a radically anti-authoritarian concept of accountability requires learning together, ongoing renegotiations of the boundaries of consent, and accepting that the process will not be perfect [...] Beyond the informed consent procedures required by academic institutions, this practice requires ongoing and fluid discussions that necessitate the researcher to be an active collaborator in how and when their insights are used. Engaged and active consent should be seen as an important practice in decolonizing research methodologies. This means opening the research process up to vulnerability and the possibility that participants might want to dis-engage from the project, revise their interviews, or play a more hands-on role in the writing process. It*

*may also mean seriously considering terminating research prior to completion if it risks hampering any of the social movements you are working with.*” (2007; p.29)

Therefore, empathy involves the validation of humanness and dignity among participants (Bosworth et al., 2005; Liebling, 1999; 2005), which transforms the research process. As Bosworth et al. (2005) discuss, academics usually tend to maintain that procedures such as “informed consent” protect the autonomy of participants and their emotional security, yet in practice this is meant to protect the scholar’s institutions. Incorporating humanness moves beyond procedural bureaucracy and connects to decolonial and feminist approaches on how to do research, which is not a simple task. As Liebling (1999) suggests, the introduction of empathy and the recognition of emotions requires maturity and sensitivity to see others as what they are, and not as psychological projections of our emotions.

Furthermore, the performance of empathy also involves respecting participants’ time. It is well-known that rapport during ethnography is important, but what I would like to add is that rapport and the construction of trust with participants are possible by learning to wait, being patient with the times and respecting their psychic processes. Respect for participants’ psychic processes can take multiple forms. In my case, taking into consideration that the research was done inside a prison, suspicion and fear about sharing their personal life was substantial. For example, during most of the fieldwork, I did not use an audio-recorder. Although I had a formal permit from the National Sede, as I already mentioned, it raised feelings of mistrust from the authorities and prison staff at Santa Monica. Nonetheless, prisoners were suspicious of the audio-recorder too. I never used it during our initial conversations, and I was very cautious at the moments I asked if I was able to record the meeting. Hence, I mainly took the audio-recorder to specific encounters with women, previously coordinated with them, such as GRDs and IRDs. Prison is a coercive environment, and the proposition to use an audio-recorder in the first meetings could be perceived as a violent imposition on them, symbolically associated with legal inquiries. The fantasy that would arise for many women was that the information recorded would be filtered into their legal files and complicate their judicial process, or that our dialogue could appear on national television and humiliate their families.

In addition, in my encounters with prisoners, for example, I rarely (I am inclined to say never) asked first about the crimes they were sentenced, for or about their transgressions inside the prison. I waited until they were the ones that opened, if they wished, that discussion. Empathy responds to the possibility to feel comfortable with holding a conversation with the information that is on the “surface”, and at the same time knowing there are more profound stories to be told when the time is right. I intended not to rush into them, but to wait for them to appear as the encounter progressed. This waiting enforces the intersubjective dialogue, mutual recognition and affective display (Peräkylä, 2008) as elements that are always in progress. Our speeches are not only a semantic process, but are the expression and management of affect which *“involves lexical*

*and syntactic choices as well as prosody, gesture, and facial expression*” (Peräkylä, 2008; p.108), provoking an effect on how the information is produced embedded with cognitive, emotional and embodied content. In narrating their stories while respecting their time, participants are not only articulating a cognitive expression, but implicitly saying something more: “I trust you”, or by not sharing, fundamentally, they also denote: “I do not trust you”.

Finally, to be empathetic also means to acknowledge the needs of participants, and that the research is not felt as an imposed activity. Regarding this point, Esguerra (2019) proposes that research has to be incorporated into collective agendas, trying not to break prisoners’ everyday routines or impose isolated actions to “extract” knowledge. I always tried to integrate myself into prisoners’ daily activities: while they were working, cooking, cleaning the common areas, etc. or to negotiate the schedules of activities such as GRDs or IRDs, taking into consideration their activities and daily priorities. Moreover, prisoners’ main agenda during imprisonment is to have sufficient documents that demonstrate they are involved in their resocialisation process, and participating in international research is positively valued by judges during their trials. In that sense, to respond to a concrete need of incarcerated subjects, I gave participation certificates to all prisoners who participated in the GRDs and the IRDs.

Consequently, to emotionally connect, to feel vulnerable and empathetic opens the possibility to define the research process, and in this case ethnography, as a technology of care. I have detailed how I was vulnerable and empathetic towards prisoners, but as Tronto (2006) explains, care is never unidirectional; it always functions both ways. Regarding this point, Esguerra (2019) develops a multi-situated ethnography about migration and care processes in Latin America and Spain and makes a personal reflection about her positionality as an ethnographer. For the author, the multi-situated ethnography involves exposing different symbolic and cultural environments that affect the materiality and significance of our bodies. She discusses how the journeys through cities and countries invest roles, and she is taken care of by participants and people close to their research. In my case, entering a prison may resemble the experience of travelling to a different country and the possibility to encounter an unknown place that has a different culture with various protocols, norms and procedures. Participants did take care of me by inviting me to coffee, sharing their food, accompanying me when they saw I was by myself, explaining how I had to present some bureaucratic documents, searching for their *compañeras* inside the pavilions (because I was not allowed to go by myself to look for them), making jokes, among many other actions. Therefore, this involves defining research as a process of emotional containment, where the incitement is to construct mutual and collective care networks (Esguerra, 2019).

Using a cinematographic approach, Marks (2000) distinguishes between optical visibility and haptic visibility. These concepts may help extrapolate to what I intend to suggest may occur in ethnography that situates emotions and affects at the centre of the debate. For Marks (2000),

optical visibility is the preferred and traditional lens through which to tell a story which focuses on visual language and a “penetrating” image. In a haptic visibility, touch enters the equation. It promotes a different type of sensoriality that does not focus only on the visual, but it evokes another way to connect, it is a visibility that “caresses”. To perform a haptic visibility is to distance oneself from a colonial, patriarchal and voyeuristic observation; to connect with emotional-embodied contact. It is to be comfortable and recognise the importance of small talk, whispers, looks, to get closer and allow yourself to care and be taken care of by participants.

Finally, recognising emotions such as vulnerability and empathy and conceptualising research as a technology of care amplifies the borders of the research setting. In other words, it entails making sure we validate the support system we have as researchers outside prison, which enables us to maintain and fortify our well-being during research (Esguerra, 2019). As Liebling (1999) reminds us, one of the most important dimensions of research is the team. In that sense, when I was “outside” prison, other persons also took care of me, and accompanied me in the reflective process of comprehending imprisonment. My supervisors, my colleagues from GIPFP, other friends and mentors that allowed me to engage in thoughtful discussions about my experience during fieldwork; all of them not only provided me with insightful theoretical perspectives but carefully embraced my insecurities and the ambivalent emotions that fluctuated during the process. All of those are necessary supports that must be vindicated to rethink how individualised capitalism is also embedded in academia and to start to break the notion of knowledge construction as a solitary process that promotes the idea of an individualised expert (Puentes, 2015).

In summary, in my opinion, ethnography should seek and propel emotional, intimate encounters (that are not only a direct consequence of quantitative time spent together, but the quality of the meeting), and ethnographers do not only need to develop technical capacities, but mostly emotional ones (learn to listen, be humble, open to other world perspectives, and to question their “common sense”). As Ferrel (2018) highlights: “*As ethnographers, we have to learn with our eyes and ears, sure, but also with our hearts and our guts*”.

#### **4. Limitations**

The findings of this study are an exploratory analysis of women’s imprisonment experiences in Peru. I do not intend to make generalisations, but my proposal is that this research is a case study of a women’s prison in the Global South, analysed in dialogue with feminist and decolonial approaches. The findings need further exploration and expansion, as they only discuss the perspective of a group of women in one prison in Lima, Peru.

Firstly, there are limitations regarding the fieldwork. Despite having completed a six-month ethnographic study, the fieldwork would have benefited if I had had more time in Santa

Monica. I believe this is something maybe all ethnographers feel and is the motivation to keep research ongoing. By having more time in prison, I would have been able to end the GRD with The Queen's and may have had the chance to create other GRDs with organised groups in Santa Monica such as Evangelical religion groups, football and volleyball teams, dance and theatre groups, among others. To work with them would have given me new perspectives and broadened my insight into women's imprisonment experiences in Santa Monica.

Another limitation was the impossibility to discuss with more prison delegates. I had the chance to discuss with many of them, but my proposal to the General Delegate of Santa Monica was to create a group reunion with some of them. This activity was not possible in the short time I spend in Santa Monica. Delegates work in a decentralised manner, and do not have systematic meetings in which I could participate. They usually have group meetings when summoned by the authorities. Moreover, their busy agenda (attending labour workshops and being in charge of duties inside their pavilions) give little time for themselves and organising a meeting on a schedule they could attend was extremely complex. In addition, to attend the meeting they had to believe that it was going to be useful or beneficial for them. Therefore, I believe that such an activity could have been possible, but it required more time to get to know more of them in a more intimate manner, listen to their ideas for the meeting, and construct the space with their input included.

The second limitation was more of a challenge to any researcher doing a translation from Spanish to English. Regarding the transcripts and the quotes of participants written in my fieldwork diary, I did an interlingual translation (Tyulenev, 2018) from Spanish to English. As Hentiuk (2018) says, "*translation necessarily involves manipulation*" (p.258). As a translator of the participants' discourses, I took conscious and unconscious decisions through the translation process, which affects the final product and its relationship with the readership (Hentiuk, 2018). Indeed, Godard (1990) discusses the intersection between gender and translation and challenges the concept of translators as neutral subjects which take distance from the text, to position them as active participants in creating meaning. In this case, in the translations, I tried to choose the "correct" word (Von Flotow, 2014), not those that were necessarily coherently correct,<sup>42</sup> but those which remained closer to the message I think the participants intended to communicate. Moreover, I also maintained some words in Spanish that had particular symbolic meanings that could be lost in a translation as this provided nuances and singularities to the participants' discourses. Language represents culture, and in this case, it symbolises a region (Latin America), a country (Peru), a city (Lima) and an institution (prison). As a Peruvian woman, I felt close to many of these cultural variables and felt I identified with many phrases and words that are

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<sup>42</sup> I have to mention that English is my second language which means I have a limited vocabulary that also affects translations.

common to general Peruvian culture, but others were not, and I also engaged in a learning process to comprehend many phrases that are specific to the prison context.

I want to end this point by emphasising that by doing my doctoral studies in a university in the UK, it is inevitable that I have to write my thesis in English. Nonetheless, to write in English about under-researched topics in the Global South and to translate women's discourses is also a political act of visibility. As Tyulenev (2018) suggests, translation and the possibility to address different readers arguably helps in the appreciation of different nations' contributions to world culture, but it does not imply that doing so is unproblematic (Hentiuk, 2018), and it should be recognised as a challenge for future research.

Thirdly, another limitation responds to how the data was analysed and the silences of the thesis in general. Women prisoners are not a homogeneous mass: variables such as class, race and ethnicity intersected to shape the heterogeneity of their imprisonment experience. Moreover, from a decolonial perspective, my analysis seeks to address the "coloniality of knowledge", and in doing so race-ethnicity is a central theme in analysing the "coloniality of power", and the decolonial turn. Nonetheless, reflecting about race-ethnicity in Peruvian prisons is a complex issue that is difficult to approach in an exploratory study like this. In Latin America in general, and in Peru in particular, the discussion of race, ethnicity and class intersects, and the divisions and categories are not as defined as those in the Global North. For example, in 2017, the Peruvian Government conducted a national census which included for the first time a question about ethnic self-identification.<sup>43</sup> The results of the census show that 60% of the population self-identified as *Mestizo* (RPP, 2018). The first census about the penitentiary population (2016) conducted in prisons at a national level reproduces these national statistics: 56% (56.3% of men and 54.4% of women prisoners) consider themselves *Mestizos*.<sup>44</sup> As Oscar Espinosa, a Peruvian anthropologist, acknowledges in the case of Peru the term *Mestizo* involves the intersection between racial, ethnic and cultural characteristics. It supposes the possibility to undertake a non-precise or unclear self-identification that involves an identarian hybridness. Considering that identity is constructed throughout relational dynamics and Peru is a post-colonial society, to identify as a *Mestizo* is to identify as neither White nor Indigenous. To be White is to identify with the foreigner, the conqueror; to be Indigenous is to be subject to historical discrimination, exploitation and abuse. Consequently, to self-identify as a *Mestizo* is to engage in an identity of "mixture"; it implies

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<sup>43</sup> The census included the possibility to auto-identify in the following racial-ethnic identities: Quechua, Aymara, Native or indigenous from the Amazon; Other Native or Indigenous community; Black, *zambo*, *mulato*, *moreno*, afro-peruvian; White; *Mestizo*; Other (do not know, do not respond).

<sup>44</sup> The census on the penitentiary population indicated the following statistics for men and women prisoners: 12.6% Quechua, 1.3% Aymara; 0% Native or Indigenous from the Amazon; 0% Other Native or Indigenous community; 10.9% Black, *zambo*, *mulato*, *moreno*, afro-peruvian; 11% White; 0.7% Other; 7.4% do not know, do not respond.

distancing oneself from hierarchical power relationships and locating oneself in a desired and utopian positionality where we are all homogeneous and equal citizens (Espinosa, n.d.).

The construction of social communities in Western prisons has been analysed, and socialisation has been explained as tending to be organised by raciality, ethnicity and ethno-religious identities, observing prisoners' loyalty to their racial grouping (Crewe, 2009; Goodman, 2008; Irwin, 2004; Pollok, 2004; Trammel, 2012). However, given our auto-identification as *mestizos*, race-ethnicity becomes a huge debate in itself in Peruvian society which is reproduced in the imprisoned subjects. Therefore, I am aware that race-ethnicity is not properly analysed in the thesis, which supposes a limitation, but it is a subject that opens a larger debate for future research.

## Conclusions

The ethnography I conducted in Santa Monica, following feminist and decolonial guidelines, was the path that allowed me to experience, in a lived embodied manner, the everyday life of prisoners, the juxtaposition of orders and legal systems, and to construct transparent and empathetic relations with participants. Indeed, it also enabled me to be aware that my lived experience as an ethnographer in prison and my performance during fieldwork also demonstrate that the Panopticon (Foucault, 1975) in Santa Monica is not complete, but it is possible to find tunnels, gaps and crannies in which to strategically move and perform with some autonomy between the orders and legal systems, and engage in resistant actions within a coercive institution.

A methodological contribution of the thesis is also to recognise the process as a tool of technology of care. This definition invites researchers to be aware of not reproducing colonised or patriarchal practices of domination through ideological subjugation (Spivak, 1993). By addressing the challenges of power relationships during research and the question of hierarchies between researchers and researched, I intend to confirm the construction of knowledge as an intersubjective process, where I am not the only one that is creating connections or analytical thinking, the knowledge instead being produced within the encounter of subjects, cognitive ideas and emotional-embodied affects.

Moreover, recognising the intersubjective process of knowledge construction opens up the possibility that research becomes a site of political transformation, rooted in critical analysis of power modes. To address research as a political device, as researchers we have to be open to different methodological tools, like, for example, the incorporation of art-based/visual methods. This is significant because it recognises discourse not only as cognitive, verbal and rationally constructed, but as a multi-dimensional structure that can be decrypted through multiple, innovative and more flexible methodological tools.

## Chapter 4

### **The Macro-political Dimension of Santa Monica: Intertwined Co-governance, Interlegality and Prisoner-delegates**

This chapter is the first of three sections which illustrate the empirical findings and concretise the theoretical arguments of the thesis. Relying on the empirical findings at Santa Monica, I argue that Santa Monica is co-governed by prison staff and prisoner-delegates: its managerial functioning is co-produced; prisoners' needs, prison maintenance and institutional events are co-financed; and thus conviviality experienced during imprisonment is assured by both sets of actors. In this chapter, I consider scholarship that analyses prison governance in the Global South which recognises prisons' multiple orders and examines the power negotiations between prison staff and prisoners that essentially challenge the traditional notion of power dynamics within prisons. Moreover, following feminist criminologists I introduce a feminist approach to emphasise how gender is essential to understanding prisons' governance dynamics. At the beginning of the chapter, I consider aspects of gender to analyse how the legitimacy of prisoner-delegates in a women's prison is arguably more ambivalent and surreptitious than that of their peers in Peruvian men's prisons. Then, I introduce a feminist political analysis that aims to define the work of delegates through the concept of "social reproduction" and its political, economic and social implications in prison co-governance.

Firstly, to discuss the macro-political structure of Santa Monica, I refer to the characteristics of prison's formal and informal-legitimised orders, consider how they operate, their legal systems and their main representatives (that is, its authorities and staff are commonly related to the formal order and its prisoners to the informal order of the prison). In the description of the informal order, I specifically refer to the figure of the delegate, elected prisoners who are responsible for managerial, order and conviviality inside their blocks.

Secondly, following Skarbeck (2016), I argue that the number and gender of prisoners influences the type of governance exercised in Santa Monica, and impacts how delegates are conceptualised inside the prison. I focus on their negotiations to elect the representatives and the profile of what they consider to be a "good" delegate. As an institution with decentralised governance, the election of delegates may have small variations between pavilions; "good" delegates are defined by their reputation (referring to reflective women who are able to stay at the margins of conflicts and gossips).

Thirdly, following Antillano's conceptualisation (2015), I argue that orders and their legal systems (national and customary laws) are not separated, static or binary, but exist on a continuum, are intertwined, overlap and are interdependent. I demonstrate this by making



reference to how the prison's expenses are handled, acknowledging how the prison's daily life is co-financed and co-produced. Furthermore, the prison's legal systems overlap, and therefore, I refer to Santa Monica as a site of interlegality (De Sousa Santos, 2002; 2006), where a *hybrid* legal system operates, that, using participants' words, I had defined as: "*God may forgive sin, but he does not forgive a scandal*".<sup>45</sup>

Finally, after I have introduced and analysed the juxtaposition of the orders and legal systems, I return to the delegates to engage in a more thorough analysis of their role. I maintain that they act as intermediaries, as "interface brokers" (Long, 1999; p.1) of social reproduction. Long (1999) defines "interfaces" as those points where different, conflicting lifeworlds intersect. By strategically manoeuvring in the interface, delegates engage in processes and practices of social reproduction (Rai, Hoskyns & Thomas, 2014) in the macro-political dimension (Bakker & Gil, 2003) of the prison. Despite the value of their labour, which acts as a subsidy to the state and is a collective mitigation strategy to face the precarious conditions of imprisonment, it is unpaid and formally unrecognised (Bakker & Silvey, 2012; Stewart, 2017). Therefore, in the process and as a consequence, delegates may experience depletion (Rai, Hoskyns & Thomas, 2014), an individual and systemic harm that undermines their everyday lives and has implications in the relations and communal aspects of their sites of work, in this case, of Santa Monica.

### **1. Santa Monica's formal and informal orders**

The classic Anglo-American ethnographic research (Clemmer, 1940; Goffman, 1961; Sykes, 1958) has defined prison as an authoritarian environment with a top-to-bottom institutional order (Clemmer, 1940; Goffman; 1961; Sykes, 1958), and dependence on institutional control to assure their everyday life decisions (Rotter, 1966). For example, Sykes argues prisoners are exposed and dominated by authoritarian institutional forces. Along the same line, Goffman (1961) in his definition of a "total institution" refers to confinement institutions where there is a bureaucratic organisation that manages subjects' personal needs for physical rest, labour and recreation. Indeed, once in confinement, the subjects share an imposed structured routine, and their social interactions are systematically controlled by a formal administration.

As a response to the institutional power, the prisoners' informal order has commonly referred to the sub-cultural practices that allow prisoners to deal with the imposed formal and hierarchical order through practices of adaptation, resistance and collaboration (Antillano, 2015). Nevertheless, scholars who have analysed governance dynamics in the Global South, and in Latin American prisons, in particular, have shown a different manner of articulating prisons' informal organisation which propels constant power negotiations between prison staff and prisoners.

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<sup>45</sup> This is a popular saying that emphasises in how it may be acceptable to defy authority, but done in a subtly, non-confrontational or persisting manner.

I draw on the contributions of Southern criminologists who have analysed how the informal order of prisons does not only refer to prisoners' sub-culture and a way to resist institutional disciplinary modes; the informal order operates in Latin American prisons to substitute for the responsibility of the state and prisoners co-administrate the institution (Antillano, 2015). Thus, prisoners are responsible for negotiating (at different levels) with the authorities and prison staff, and actively participate in the managerial functioning, order and conviviality in the imprisonment facilities in Latin American prisons (Antillano, 2015; 2017; Biondi, 2017; Birkbeck, 2011; Carter, 2014; Darke, 2013; 2019; Darke & Garces, 2017; Darke & Karam, 2016; Horne, 2017; Nunes & Salla, 2017; Tritton & Fleetwood, 2017; Weegels, 2017).

### **1.1. *Santa Monica's formal order***

The formal order of Santa Monica refers to the prison's capacity as a nation-state institution to accomplish the penitentiary regime and its inner norms, as well as maintaining control and authority within the prison (Pérez Guadalupe & Nuño, 2019). This definition refers to the prison as a nation-state confinement institution with written regularised procedures and normative standards which determine a prisoner's formal institutionalisation (Martin, Jefferson & Bandyopadhyay, 2014). I begin the analysis by explaining what I refer to by the term "formal order" of Santa Monica, and the characteristics of the prison as a nation-state institution that responds to the nation-state's law. Then, I describe the roles of the authorities and prison staff and their primary responsibilities. Finally, I refer to the process of categorisation and "progression", as well as the main activities of the prisoners' daily routines in Santa Monica.

In Peru, INPE is the nation-state institution responsible for managing prisons. INPE is a public institution that answers to the Ministry of Justice, and has the mission to positively and socially reintegrate the penitentiary population into society and make sure they have adequate living conditions and highly qualified personnel working with them during imprisonment (INPE, 2018).<sup>46</sup> Consequently, INPE sees its prisons as reform institutions (Bandyopadhyay, 2010). Santa Monica is defined as a medium-security prison, which means prisoners are subject to strict discipline and vigilance (Ministerio de Justicia y Derechos Humanos, 2003) with the objective of being "re-educated" and "re-socialised". To accomplish their resocialisation process, prisoners mandatorily need to engage in formal educational, labour and psychologically focused activities to demonstrate their motivation for it, and thus access penitentiary benefits, release or qualify for probation.

The formal order of imprisonment also responds to the national law (Griffiths, 2011), with regulations in a top-down logic. In that case, the rules and procedures are generated and used by state organisations. The norms are written, rational and impersonal, and have the aim of

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<sup>46</sup> For more information about INPE, visit: <https://www.inpe.gob.pe/institucional/quienes-somos.html>

maintaining the social order (Hart, 2012; Simon Thomas, 2016; Von Benda-Beckmann & Von Benda-Beckmann, 2006). During imprisonment, authorities, staff and prisoners should follow the Code of Criminal Execution (CCE) (2003) which regulates prison conditions, rights limitations for prisoners and security measures. The CCE details a set of written legal norms created to define and regulate the rights and duties of prisoners; for example, the right to have a defence during their trials, communication and visits, internal procedures such as classification inside prison, sanctions and treatment activities, among other topics. Thus, Santa Monica's formal order is a concrete geographical nation-state infrastructure to which women are sent because they have acted against an official norm, and for that, they are criminalised and incapacitated.

In the formal order, the main representatives, the ones that should assure the accomplishment of the formal norms and procedures, are the authorities and the prison staff. In Peru, all medium-security prisons have the same formal organisational structure of their human resources. The responsibility for the functioning of the prison lies with the Prison Director. In Santa Monica, the person who holds that role had been in charge since October 2017.<sup>47</sup> Additionally, there are three labour areas: administration, security and treatment.

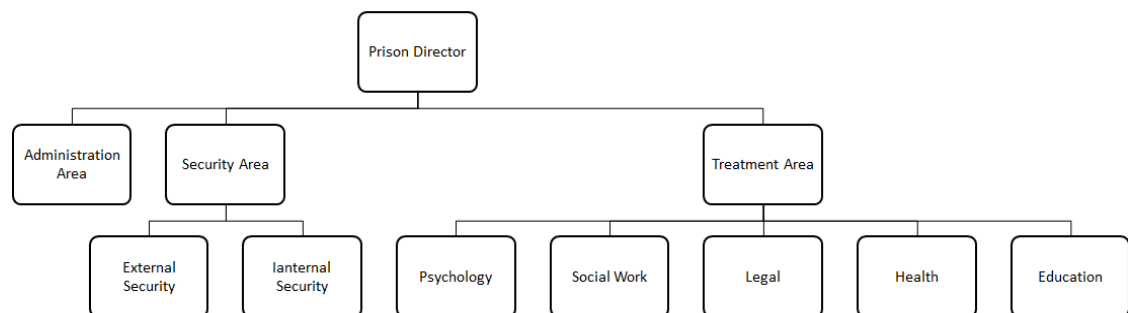
The Administration area looks after the bureaucratic and managerial processes inside the prison and ensures it functions correctly. Regarding the Security area, the head is called the *Alcaide*, and the current one has occupied the role since January 2018. She is responsible for the organisation of internal and external security staff. Internal security staff protect the penitentiary actors inside the prison and assure order. Among other activities, this includes being alert to misbehaviour from prisoners or possible violent acts, the daily *cuenta* (translates to the count, and refers to the security staff counting prisoners twice a day inside their pavilions) and requisitions. The external security staff supervise movement between the inside and outside of the prison, which includes prisoners, families, volunteers, workers, etc. In addition, they are in charge of the perimeter of the prison.

In Santa Monica, there are 20 to 25 security staff (this varies depending on the day of the week) in charge of the internal and external security of the prison. It is essential to mention that by Peruvian law, the internal security officers have to be of the same sex as that of the prisoners. In other words, in men's prisons, the internal security are men, and in women's prisons they are women. Furthermore, they work on a 24/48 hours shift. This means they remain on duty for 24 hours straight and rest for 48 hours. In the case of the internal security staff, they spend long periods inside prison and in conviviality with prisoners.

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<sup>47</sup> Between 2006 and 2010, INPE's presidency changed six times (Defensoría del Pueblo, 2010). Between 2010 and 2019, there have been five different presidents. Commonly, the prison authorities also change during these transitions. The ciphers show the formal-institutional instability of prison's management, as every authority has to learn the prison dynamics and wants to make changes inside its jurisdiction.

Finally, the Treatment area includes Psychology, Social Work, Law, Education and Health. There is a chief of the area and coordinators for each sub-area. Generally, prisons are understaffed in all areas, including the Treatment area. For example, in Santa Monica, by October 2017, there were seven psychologists and six social workers to attend the whole penitentiary population.<sup>48</sup> The next diagram shows the human resources organisation of the prison:



Generally, research on governance in Latin American prisons emphasises the quantity of prison staff when exploring the operation of prisons. Indeed, in Santa Monica there are more than 700 prisoners, so the ratio creates difficulties in understanding how security, order, conviviality and the so-called resocialisation process can take place. Nonetheless, beyond numbers, it is also necessary to also consider qualitative dimensions such as the mental health of those who work in the penitentiary system. In that sense, two research studies about burnout syndrome, the first in two prisons in Lima (Velázquez et al., 2015), and the second in eleven prisons at a national level in Peru (Bracco, Wakeham, Váldez & Velázquez, 2018) confirm the high levels of this mental health issue among penitentiary workers in Peru. The syndrome is diagnosed if the person has three compromised areas: high scores on emotional exhaustion and depersonalisation, and low counts on professional accomplishment. At a national level, 74% of participants had at least one compromised area: 17% had the three areas compromised, 25% two of the areas, and 32% one

<sup>48</sup> For example, given the number of psychologists in Santa Monica, each psychologist gives professional attention to approximately 100 prisoners. Their responsibilities include periodic psicológica evaluations, group therapy, individual therapy, counselling, organisation of institutional events, creation of psychological reports for the prisoners' trials, administration tasks and daily "emergencies", among others. I was not able to establish the "ideal" number of prison staff needed for Santa Monica, but taking into account the expectancy of "resocialisation" and the prison's overcrowding, it is evident that the staff have a high rate of work overload.

area.<sup>49</sup> Although a small (but significant) percentage of participants had burnout syndrome, 53% of them reported high on emotional exhaustion and 44% high on depersonalisation. Thus, it is not only a quantitative aspect, it is also about the emotional disposition and motivation of prison staff towards the accomplishment of their roles and responsibilities, particularly when they perceive that one of the leading causes for experiencing burnout syndrome is the precarious labour conditions offered by a public institution (Bracco, Wakeham, Váldez & Velázquez, 2019).

Returning to the description of the formal order, social scientists have emphasised how imprisonment categorises, sanctions and enforces a strict and rigid daily routine (Foucault, 1975; Goffman, 1961; Sykes, 1958). In so being, they install the construction of hierarchical relationships and disciplinary modes of power between the prison staff and prisoners (Foucault, 1975). In Santa Monica, the prison staff are in charge of the categorisation of prisoners and the evaluation of progression or regression in their resocialisation process, which determines the transfer of prisoners among the pavilions.

When prisoners arrive at Santa Monica, they are held in a physical place next to the administrative offices called the prevention area. This is a section of the prison separated from the penitentiary population where they wait to be evaluated and assigned to a particular pavilion inside the prison. During their time in the prevention area, women are classified by an interdisciplinary team which includes a psychologist, a social worker and a lawyer. The interdisciplinary team takes into consideration how many times they had been in prison, their crime and their attitude towards the crime committed.

In Santa Monica, there are three pavilions: A, B and C. A and C have three blocks (1A, 2A, 3A, 1C, 2C and 3C), and B has two blocks (2B, 3B). Although in practice all the pavilions have the same security regime, women are classified by dangerousness and recidivism: Pavilion A is considered to be minimum security, pavilion B medium security, and C maximum security. In their everyday functioning, there are no distinctions in vigilance or mobility; however, there are allegedly differences in the groups of women who inhabit the pavilions.

Pavilion A, considered a minimum-security space, is perceived as safer, neater and better organised. In Block 1A live prisoners with their children. There is not enough space for all the women with children in this block, so some of them live on the first floor of the *Adonisterio*.<sup>50</sup> Women assigned to 2A are the younger, calmer and collaborative women, and in 3A are the older women or prisoners with very long sentences. Prisoners in 3A had usually been imprisoned in Santa Monica for long periods, and had usually progressed from pavilion C to B to A. In that sense, they are the ones who know better the prison's functioning. As Lupe from 2A mentioned:

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<sup>49</sup> Burnout syndrome is generally evaluated through the Maslach Burnout Inventory (MBI). The person is considered to be "at risk" if one of the areas is compromised (Maslach, Schaufeli & Leiter, 2001).

<sup>50</sup> The *Adonisterio* is the place where women receive their intimate visitors. It is colloquially named *Adonisterio* in reference to the Greek god Adonis.

*“Our pavilion is very neat, we know what the rules are, and we follow them. It is not as pavilions B or C where the maleadas (translates to dangerous/bad ones) are; they do not know how to say please”.*

Pavilion B, considered a medium-security pavilion, is where INPE allegedly assigns first-time offenders, but given the overcrowding of Santa Monica, prisoners with more than one conviction may be assigned to this pavilion. It is also considered a calm space, where women treat each other respectfully. And finally, Pavilion C, defined as a high-security pavilion, is colloquially referred to as the pavilion of *“las recicladas”* (translates to the recycled ones). They are considered problematic, intolerable, impulsive, antisocial, and coexistence problems. In practical terms, these are women who allegedly do not attend any workshops, are sent regularly to *el calabozo*<sup>51</sup> or are considered *“respondonas”* (inmates who defy the INPE’s authorities and staff). To be located or re-located in pavilion C is seen as a regression in the resocialisation process, and for prisoners it is a step back in the judicial process. In a subjective perspective, it can also create personal shame or confusion for some women. As a participant mentioned: *“I have always been very shy and low key, and one year I was ill and could not afford to pay the tuition for workshops because I had to pay for my medicine. I was not able to attend any treatment workshops, so I was sent to Pavilion C. I thought: what a shame, what the others would think of me”.*

Moreover, during their incarceration experience, women are evaluated by the psychologist every six months to determine if they are progressing or regressing in their “resocialisation process” (Ministerio de Justicia y Derechos Humanos, 2003). To be found to have “regressed” is experienced by prisoners as a sanction. To determine their progress, the psychologist takes into consideration whether: a. The prisoner has had any formal disciplinary sanctions in their legal files,<sup>52</sup> b. Attends their treatment activities (psychology and interdisciplinary programmes), c. Works and/or studies, and d. Has a favourable attitude towards treatment. If a woman has three “favourable” reports, she will progress in her treatment and can apply to be re-located inside the prison and be suitable for penitentiary benefits. The “favourable” or “unfavourable” reports are given by the treatment staff, especially by psychologists and social

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<sup>51</sup> *El Calabozo* or *Meditacion* (meditation) refers to solitary confinement in prison. It is interesting how penitentiary actors name it differently which indicates opposed significances. Prisoners refer to it as *El Calabozo*, the pit, which symbolically associates with an emotionally overwhelming, dark, lonely and violent space. In contrast, the authorities and staff refer to it as *Meditacion*, which presumes a different objective and emotional fluency. Indeed, it is symbolically intended to be a space of calm and introspective reflexivity that leads to personal transformations.

<sup>52</sup> The conduct norms inside prison are: 1. You are not allowed to scream in the pavilions, 2. Keep all the spaces clean and tidy, 3. Be punctual to *la cuenta*, 4. Respect the authorities and staff, 5. Assist the psychological and social worker’s therapies, 6. Be clean, 7. Do not speak *palabras soeces* (nasty words). Slight faults are considered to be: 1. Not responding to the authorities’ calls to attention, 2. Disrespecting others, 3. Speaking *palabras soeces* (dirty words); and serious misconduct: 1. Refusing to attend the *diligencias* (when they have to leave prison to go to their judicial processes), 2. Organising riots, 3. Drinking alcoholic beverages, 4. Consuming drugs, 5. Starting fights.

workers. If a woman has three “unfavourable” reports, she will regress and will not be able to apply for relocation or any penitentiary benefits. Thus, although there are no security regime distinctions between the pavilions, each can create a difference in the prisoners’ judicial procedures and outcomes. In that sense, if a woman is located or regressed to Pavilion C, she will not be able to apply for penitentiary benefits.

Regarding the structured daily routine and schedule given by the formal administration inside the prison, security officers open the internal pavilion gates at 6 a.m. From that hour, prisoners are allowed to move inside the pavilion to shower, do laundry and pick up breakfast. *La cuenta* is at 8.00 a.m., and all prisoners must be in their cells during that moment. The gates to the central patio and workshops open at 9.00 a.m. Prisoners are forbidden to stay in their cells during the mornings, as they must attend educational, labour workshops or therapeutic activities. At 12.30, lunch is delivered and served, and the gates to their pavilions are re-opened.<sup>53</sup> Prisoners can transit throughout the prison until 5 p.m., after which they have to return to their cells. Finally, the second *cuenta* is at 6 p.m. At that moment, internal security staff close the inner pavilion gates, dinner is served, and the lights go off at 10 p.m.

Therefore, the formal order refers to the comprehension of Santa Monica as a punishment institution where women are imprisoned, evaluated and categorised, and have to follow nation-state norms and procedures. By following these formal-legal-written norms and procedures, authorities and staff members have the objective of disciplining and resocialising women into society. Santa Monica has formal regularisations (Jefferson & Martin, 2016) which impose a contractual relationship between the state (represented by prison authorities and staff members) and the prisoners. Nonetheless, to circumscribe the analysis of the governance of Santa Monica only to the description of the formal-legal order and its legal system limits its comprehension and makes invisible the informal order and the constant negotiations between authorities, staff and prisoners.

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<sup>53</sup> There is no dining area in Santa Monica: prisoners in charge of picking the meals (this will be explained later), deliver them to other prisoners in their cells or inner patios where small groups of prisoners gather to have lunch together.

### **1.2. Santa Monica's informal-legitimised order**

Once imprisoned and categorised by the formal representatives, prisoners learn about everyday life in Santa Monica. Women are criminalised as individual subjects, but in Santa Monica, imprisonment involves a collective organisation. Like the formal order, the informal-legitimised order also has representatives, a structured routine, and the possibility to apply informal sanctions that are meant to assure conviviality but are not commonly included in their formal legal files.

The main representatives of the informal-legitimised order are the delegates. The first delegate I met during my fieldwork was Isabel, the General Delegate of Santa Monica. I first encountered Isabel on the day a media press team was arriving at the prison to report about the Christmas celebration in Santa Monica. A significant production was occurring to impress the press members. There were Christmas carol and Christmas decoration contests between the blocks.

In addition to what each block had organised, a group of approximately 30 prisoners had dressed in white with Christmas hats. They were ready to perform a group choreographed dance of the song "*Navidad rock*". Surrounding the dancers, disguised prisoners had created three living *nacimientos* (Catholic representation of the birth of Jesus accompanied by Mary and Joseph) dressed up with clothes from the three macro-regions of Peru (Coast, Andes and Amazon). The hosts of the event were two prisoners dressed as *Papa Noel* and *Mama Noel* (Santa Claus and Mother Claus), who invited the press to come in and held a poster that read: "*May this Christmas turn each wish into a flower and each heart into a sweet home*".

While I was watching the rehearsal, one prisoner approached me and introduced me to Isabel, as she emphatically announced: "*She is the General Delegate of all the prison*". Isabel was not participating in the public activities, but it was clear she was supervising the organisation without any formal representatives at the scene. During the event, both prison staff and prisoners approached her, asking her to solve problems or address last-minute coordination. For example, a member of the Education area arrived with presents for the children who lived in Santa Monica and started to settle up the bills with Isabel. Both asked me if I could help them wrap the gifts, because they had to be ready to hand them to the children at the end of the Christmas celebration. Isabel and the staff member talked amicably throughout the wrapping activity: the staff member told her about the prices, how she had to bargain but that she was able to buy nice items for the children. Finally, she gave the change to Isabel, and we entered the pavilion to put away the presents. I remember that the everydayness and spontaneous conversation between the two women attracted my attention

By January 2018, Isabel had been in the position of General Delegate of Santa Monica for two years, and she led the group of the General Delegates of the eight blocks. In addition to the General Delegates, there are nine more delegates in each block who organise internal activities



in the prison's everyday life. Delegates have multiple roles in the organisation and conviviality in prison. To create an explicit link between the formal and informal order, I have categorised the activities of the delegates in correspondence to the INPE's three formal areas. This categorisation is not formal or even defined in Santa Monica, but it is helpful for observing the scope and influence of delegates in the prison's managerial functioning and conviviality. Table 2 gives a summary of the delegates' main responsibilities and their correspondence to the INPE's working areas:

Area of correspondence	Delegates	Main responsibilities
Administration	Prison's General Delegate	Systematically coordinates with prison authorities. Coordinates activities and general organisation and maintenance of prison with General Delegates inside each pavilion with prison staff and external suppliers. Coordinates public events in prison such as Christmas celebrations outside and inside the pavilions. Supports prisoners' medical emergencies if they are not able to cover it.
	Block's General Delegate	Coordinates activities and block's organisation with other block delegates. Responsible for organising block assemblies to highlight conviviality (elaboration of conviviality rules, disciplinary agreements, and programming of participation in prison events with the rest of the prisoners in the block).

		<p>Attends biweekly or monthly meetings with the prison authorities.</p> <p>Acts as an intermediary between the prison authorities and the penitentiary population.</p> <p>Acts as an intermediary between women inside the block.</p>
	Treasurer	<p>Responsible for accountability inside the block and organises incomes and expenses.</p> <p>Responsible for the block's communal funds.</p>
	Cleaning Delegate	<p>Organises the shifts among women in the block to clean the common spaces: corridors and bathrooms.</p> <p>Creates and organises a list of women who will clean for an income if the prisoner responsible for it cannot or does not want to do it.</p> <p>Collects money from prisoners who did not do their turns and pays those who did them.</p>
	Food and Microwave Delegate	<p>Responsible for supervising <i>la paila</i> (daily food provided by the state).</p> <p>Organises shifts among women in the block to collect and distribute <i>la paila</i>.</p>

		<p>Creates and organises a list of women who will collect and distribute <i>la paila</i> for an income, if the prisoner responsible for it cannot or does not want to do it.</p> <p>Collects the money from inmates who did not do their turns and pays those who did them.</p>
Security	Disciplinary Delegate	<p>Takes registration of misconduct inside blocks to report them to the penitentiary staff or authorities. The report may have an impact on formal punishment and consequently their legal files.</p>
	Telephone Delegate	<p>Responsible for organising the shifts for the internal phones. Each prisoner can use the phone for 10 minutes. If a prisoner does not respect the time, the delegate is responsible for applying a sanction (restriction of the use of the phone on her next shift).</p> <p>The external phones (located on the central patio) do not require turns and are used by the blocks on a rotating basis. The delegate coordinates shifts among women in their blocks to control 10 minutes' usage.</p>

Treatment	Judicial Delegate	<p>Responsible for organising solicitations from prisoners to the authorities.</p> <p>Responsible for delivering the solicitations, following the formal process and delivering the responses to the prisoners.</p>
	Health Delegate	<p>Responsible for creating shifts for the medical service in prison and looking after the prisoners' medical histories who attend appointments.</p>
	Cultural Delegate	<p>Responsible for creating the block's "newspaper wall".</p> <p>Responsible for the diffusion of cultural activities inside the block.</p> <p>Responsible for the participation of prisoners in the prison's events. For example, in charge of motivating prisoners to create choreographies or murals to present in the events, and represent the pavilion. The General Delegate and Treasurer, with the agreement of the rest of the prisoners, agree on the budget for each event.</p> <p>Responsible for the production of activities (costumes, music, decoration, etc.).</p>

		Usually, participation in cultural activities is not separated by blocks, but by pavilions. This type of involvement requires organisation among the General Delegates, Treasurers and Cultural Delegates of the different blocks inside the pavilions.
	Sports Delegate	Responsible for the diffusion of sports activities in the block.  Responsible for the participation of prisoners in prison's sports activities.  Responsible for the logistics production of the event.

Like the formal order, the informal-legitimised one also has a structured routine, norms and procedures. The delegates convene a rotating schedule to assure the participation of all the prisoners in cleaning and delivery of the food to the prisoners in their block. Moreover, prisoners undertake responsibilities to maintain the prison's infrastructure, organise administrative, security and treatment activities and produce institutional events.

Contrary to the formal order, the informal-legitimised order has no written norms. Taking into account the legal pluralist approach discussed in Chapter 2, the informal-legitimised order in Santa Monica responds to a different code, to customary law. Simon Thomas (2016) defines customary law as a "*local system of rules and processes*" (p.45), based on everyday narratives, practices and social relationships. Therefore, Santa Monica is distanced from being an institution of "legal centralism" (Griffiths, 1986; p.3). On the contrary, it positions other normative settings as components of the social organisation which enable self-regulation and semi-autonomous actions (Moore, 1973; Griffiths, 1986) in a specific territory where different legal domains intersect with each other (Griffiths, 2011). As discussed in Chapter 2, customary law is characterised by being primarily dominated by orality and flexibility (De Sousa Santos, 2008; Simon Thomas, 2016).

In summary, differently to the formal order, the informal-legitimised order does not have the objective to discipline and control prisoners' mobility, but to assure the conditions for

adequate conviviality during imprisonment. Prisoners cannot be wholly isolated during incarceration: Santa Monica's functioning and co-governance makes women collectively organise and get involved in the prison's everyday life to achieve an adequate conviviality in an overcrowded environment.

## **2. Electing and profiling the delegates of Santa Monica**

I now turn to address the election and the profile of delegates. As referred to in Chapter 2, in men's prisons the election of prisoners' representatives tends to be in a centralised and non-democratic way and they may use violent means to impose themselves as authoritarian subjects. In addition, authority roles in a men's prison may be connected (but this is not a fixed norm) to their power in gangs or drug-trafficking outside prison (Antillano, 2015; 2017; Bondi, 2017; Horne, 2017; Pérez Guadalupe, 1994; 2000; Nuñez & Salla, 2017; Tritton & Fleetwood, 2017; Weegels, 2017).

In contrast, delegates at Santa Monica might resemble the roles of intermediaries such as *El Caporal* in Garcia Moreno prison in Ecuador (Tritton & Fleetwood, 2017) or the position of *Delegados* in the last decade at Lurigancho in Perú (Veeken, 2000). They are not authoritarian or imposed elections, but in both examples, the penitentiary population elects their representatives. Moreover, the profiling of delegates at Santa Monica does not include their experience in criminal organisations outside prison. Their candidacy and election are determined by their reputation (Skarbeck, 2016) inside it. In the case of Santa Monica, delegates are prisoners who engage in a "non-problematic" performance with authorities and other prisoners throughout their imprisonment.

### **2.1. Subtle negotiations to elect Santa Monica's delegates**

There is no homogeneous discourse about how the delegates are elected, and apparently, there is no unique way to do it. In contrast with many men's prison in Peru or Latin America, Santa Monica is a small prison, and following Skarbeck (2016), the number and gender of prisoners are arguably connected to the type of governance performed in an institution. Santa Monica has a relatively small penitentiary population to have decentralised governance (Skarbeck, 2016), and the process may have minor variations between the blocks. The election of delegates is a subtle negotiation between the authorities, prison staff and prisoners, but the extent of the negotiations will vary depending on the characteristics of the interpersonal relationship between prisoners and prison staff.

In a more explicit or implicit manner, for delegates to be elected and to maintain their position, they must be legitimised by the authorities and prisoners. Candidates are selected by the authorities, and when choosing a prisoner, they take into consideration their disciplinary records, previous delegates' opinions and prisoners' views. For example, as Alejandra mentioned: "*I was*

*delegate until a few months ago, but I am not anymore. The psychologist accepted my resignation; they asked for my opinion on who could replace my role. I mentioned a compañera, that is one of the criteria...". Similarly, Isabel emphasised: "[the population] always proposes. The aim is that the person proposed is an adequate one, and that coincides with what they are looking for or that they wish to give her an opportunity to see how she develops. Sometimes the population gets it wrong..."*

The candidacy is presented at the block's general assemblies to be publicly legitimised by the population. In that sense, the prisoners vote to accept or reject the candidate. Nonetheless, the rejection of a candidate is not always direct and explicit. Sometimes a delegate is accepted but not necessarily legitimised by the prisoners. Consequently, prisoners will agree to the candidacy in front of authorities but will operate to discharge her. Other prisoners will not follow their norms and criteria, and conflicts will arise. Indeed, without prisoners' legitimisation, they will engage in acts to demonstrate the delegate is not capable of creating a good conviviality inside the block, and the authorities will have no other option than to propose new elections.

## **2.2. "Profiling" Santa Monica's delegates**

The main characteristic required for referring to someone as a "good" delegate is that the prisoner is considered "non-problematic". For the authorities, this means that preferably the prisoner does not have "unfavourable" reports in their legal files. As I will explain in the next point, this does not signify that candidates for delegates are entirely submissive to the formal order and the national law, but it means they follow the procedures and their transgressions are subtle enough to restrain them from engaging in conflicts while imprisoned. For prisoners, it is also important that the delegates are considered "non-problematic". In that sense, prisoners prefer women who remain discrete and distant from the prison's social life. Phrases referring to the importance of "remaining at the margins of conflicts", "not engaging in gossip", "centring in her own life instead of everybody else's" are common in Santa Monica. For prisoners, the notion of gossip not only includes gossiping with other prisoners but also with prison staff. In that sense, if the authority has selected a prisoner without any kind of consultation with the penitentiary population, prisoners could distrust such a choice, particularly if the prisoner has a conflictive reputation inside the pavilion. For example, the candidate could be perceived as "two-faced" or a hypocrite: that is, perceived as someone that is close and docile with the authorities while conflictive with prisoners. Thus, if a woman follows this guideline, it is possible that the authorities and prisoners will trust her because she will be seen as calm, reflective and with a tendency to proclaim fair decisions.

Moreover, to be a "good" delegate, prisoners must know or learn how to "handle" people; this means to fortify their interpersonal intelligence, knowing (almost intuitively) how to emotionally read subjects. As participants say, this involves using the "proper words" to

communicate, to read the body language and silences of prison staff and prisoners, to get to know the individual personalities of prison staff and authorities and to intuitively feel if there is any tension in particular situations. Taking into account the complexity of their role, it is probable that “good” delegates are those who have more experience and a better comprehension of the prison system, while having good interpersonal abilities.

### **3. The intertwining of orders and legal systems**

In research about prisons in the Global South, there is usually a binary distinction between formal and informal orders. In this case, for analytical-theoretical purposes, I have also described the orders using a binary division, and how each of these respond to a particular legal system. However, as discussed in Chapter 2 and following Antillano’s (2015) reflections, the relation among the different orders is not static, but is a continuum, with nuances, overlapping, conjunctions, degrees and displacements. In everyday life the orders are intertwined, and the formal order is as powerful as the informal one in moulding the prison’s social life.

Indeed, I propose that co-governance produces the co-finance and the co-production of prison’s daily activities. Furthermore, the interdependency of orders is linked to what De Sousa Santos (2002; 2006) has defined as interlegality and a *hybrid* legal system. Thus, in Santa Monica it is possible to observe the articulation among the different systems of law, the national law and the customary law which allegedly operate in the formal and informal order, respectively. As Sousa Santos (2008) explains, in sites of legal pluralism such as Santa Monica, the boundaries between the legal systems become porous, giving rise to new forms of legal meaning and action.

#### **3.1. Co-financing and co-producing the prison’s daily life**

Co-governance in Santa Monica and the conjunction of the formal and informal-legitimised orders become evident in the co-financing and co-production of the prison’s managerial functioning, and in the execution of the prison’s institutional events.

Regarding the basic economic living costs during imprisonment, in overcrowded men’s prisons in Latin America, where prisoners self-govern the institution, prisoners mandatorily pay a quota to obtain a cell or a bed. If they do not have economic resources, it is more likely they will sleep on the corridor floor or be expelled from the pavilions (Antillano, 2015; Pérez Guadalupe, 2000; Weegels, 2017). The prisoners in Santa Monica made a clear difference between a men’s prison and Santa Monica. As one participant identified: *“In here we don’t have to pay for the cell or the mattress. In a men’s prison, you have to pay to be accommodated”*. Isabel emphasised: *“In here everybody, mandatorily, has a place to sleep and food to eat. There is no quota for that”*.<sup>54</sup>

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<sup>54</sup> Although prisoners in Santa Monica do not pay a quota, overcrowding and under-budgeting create precarious living conditions for women.



In the case of Santa Monica, the state provides some of the prisoners' basic needs for rest and nourishment, but prisoners themselves, organised by the delegates, have to cover the labour and the inputs needed to properly maintain the blocks and pavilions. To cover the block's expenses, prisoners pay a weekly quota<sup>55</sup> to their block's Treasurer. Additionally, there is a rotational system on two prison services that allows each block to produce more income. Each week a block is responsible for: a. the rental of chairs and tables on visit days, and b. selling boiled water to prisoners. With these incomes it is possible for each block to fulfil their cleaning expenses, the maintenance of the bathrooms, painting of the pavilions, the decoration of the blocks and cells (for example, the possibility to buy curtains for cells or Christmas decorations for the corridors), and to purchase collective goods such as microwaves, televisions or DVD players (which are installed in the block's corridors).

Prisoners also co-finance and co-produce the prison's institutional events such as the celebration of Christmas or Women's Day. At first glance, it may seem that delegates are assistants to prison staff, and are continuously supervised by the formal representatives, for example, the INPE's psychologists. Nonetheless, delegates coordinate the participation of prisoners inside their blocks, they debate and consent on how they are going to finance the costs of the activity and work on the execution of the event in a semi-autonomous manner.

To exemplify this, here I introduce a crucial prisoner of Santa Monica: Tatiana, the Event Coordinator. Tatiana is an active member of the prison's public life. She is not a delegate and does not work in one block or pavilion in particular but is in charge of the production of all the public and significant events which occur inside the prison. Tatiana works hand-in-hand with the General Delegate of the Prison, and on specific events with other delegates. Their partners in the execution of the events will vary depending on the theme. For example, she will organise a sports championship with the Sports Delegates; for the Christmas event, she will rely on the General Delegate and the Culture Delegates, and to organise the *Via Crucis* she will produce the activity with the Church Coordinator of the prison and Church members. As she explains, all prisoners (depending on the blocks or groups involved in the activity) cover some of the expenses of the institutional events:

*"Of course, we work here to pay for the budget. What is paid by them [referring to the authorities], if the event is big, they put up the sunshade, because that is very expensive. The scenery, in some cases when the event is really big, or the costumes. But not all, sometimes. For example, there was Christmas; we all worked with recycled goods, it costs a lot, we worked very much for that. It was, for example, the nacimientos with recycled bottles, all the pavilions collaborated, we invested a lot."*

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<sup>55</sup> The participants mentioned different quota amounts which oscillated between 1.5 and 20 soles (£0.30 and £2.50) weekly. If Santa Monica is defined as a decentralised governance, then it is plausible that the quotas varies per block.

Moreover, co-production is observable through Tatiana's autonomous actions to organise and execute institutional events and other treatment activities. Generally, the INPE's authorities tell her the scope of the event (especially if the national authorities or press are coming), and she will work with her team members to produce what is needed. For example, Tatiana is responsible for identifying women all over Santa Monica that will be willing to aid in the production of the event. In that sense, she knows who will create costumes more quickly or whom she can rely on for creating choreography or a dramatised scene. She is always identifying "new talents" in prison and evaluating if they are trustworthy enough to rely on them. For example, Tatiana explained:

*"They tell me [referring to the authorities] we are going to take out a group for an activity in Sarita [a men's prison in Lima], it is going to be a group of 17, and that I should know the discipline profile they need to have. So, I know... it is not that I do not want to pick other ones, it is that I know which group I can handle and tell them: 'You walk over there and not there, do not talk to that person when we arrive at Sarita, you cannot bring any letter and no one receives anything', right? [...] One girl can be very talented at acting and dancing, but if she is going to go from one place to another, or with love letters, she is going to bring me trouble, and they are going to draw attention to me. How do I control her if she is going to reply and be daring? You learn to see things that way."*

Another example that demonstrates the co-finance and co-production of a treatment activity is observed in the work of Ines, a Culture Delegate, who had the responsibility for organising their block's participation in the celebration of Women's Day. As Ines explained, the psychologists decide the activity and announce it to the General and Cultural Delegates. Then, the budget and its execution are the responsibility of the prisoners. Her responsibility as a delegate includes announcing the activity in her block, organising prisoners' participation, and, in dialogue with the block's Treasurer, assuring the budget for the activity. On that occasion, Women's Day was co-organised with the Treatment area and celebrated with an event in the auditorium which involved, among other activities, a mural contest between the blocks. After an outsider speaker (invited by the INPE's psychologists) gave a talk about women's empowerment, representatives from each block explained their murals to a jury composed of the prison's authorities.

The theme of the murals was also connected to women's empowerment, and each block had to present a collective drawing. Eight very thorough murals surrounded the auditorium, elaborated with different materials, which also included written phrases and reflections about femininity. The painting from Ines' block was a tree symbolising a woman. Her nude back was the tree trunk, her arms converted into branches, and her legs turned into roots. At the end of the roots were words that symbolised their pasts before imprisonment: selfishness, vanity, errors, etc. In the branches, the words resembled their transformation and their "new" self: strength, resilience, family, hope, etc.

If they do not fulfil the tasks, the Cultural Delegate will be held responsible, and the prison staff will attract her attention. Moreover, it is relevant for prisoners to make a good impression because the effort and success of the event are directly linked by authorities and prison staff to their motivation towards the alleged “resocialisation process”. Prisoners make tremendous efforts. If not, the block will be strongly criticised (also by the other prisoners). Thus, their products have to present an image of adequate organisation, proper teamwork skills and the interiorisation of “good” values.

To sum up, co-governance also implies the consolidation of an informal-legitimised economic organisation among prisoners and the co-production of daily life. The financial resources produced due to the informal-legitimised organisation are not used to cover individual needs, but to ensure the coverage of prisoner’s collective basic needs or activities such as institutional events, which are allegedly satisfied by the state. In other words, the prison, as a state-governed institution, would not be capable of funding the women’s basic needs in prison. In any sense, this argument intends to minimise the precariousness in imprisonment living conditions in Santa Monica. It aims to recognise the semi-autonomous role of prisoners in the co-governance and to make visible their labour and the economic resources they must provide to live in more dignified conditions. It would be interesting for further research to acknowledge the economic value of the informal work of delegates, and the informal costs prisoners pay in order to live inside prison.

### **3.2. Interlegality in Santa Monica: “God may forgive sin, but He does not forgive a scandal”.**

As already detailed, Santa Monica is a site of multiple orders, each with their particular legal systems. Both nation-state and customary law regulate the wide range of spheres of the legal and social life of prisoners, providing agreements and mechanisms of social regulation that enable conviviality. As introduced in Chapter 2, De Sousa Santos (2002; 2008) states that in sites where multiple legal systems coexist, the boundaries are porous and there is a creation of a hybrid legal system. I argue that co-governance intersects with the use of law in Santa Monica and produces a hybrid legal system, which I will explain by referring to a popular Peruvian saying mentioned by a participant while describing everyday life in prison: *God may forgive sin, but he does not forgive a scandal*. By extrapolating the saying to prison life, the participant referred to how the hybrid legal system that controls social dynamics in Santa Monica allows subtle transgressions (the sins), but not open and conflictual ones (the scandals). The authorities, prison staff and prisoners perform this *hybrid* legal system and will move towards the poles of one spectrum or the other depending on the nature of a situation, the “publicness” of the dispute, or with whom they are interacting.

The normative dynamics in Santa Monica resemble what Cerbini (2017) and Bandyopadhyay (2010) describe at *San Pedro* men's prison in La Paz, Bolivia and at the Central prison in Kolkata, India, respectively. Cerbini (2017) analyses self-governance in the *San Pedro* prison. The author suggests that the absence of surveillance, classification and schedules and the concept of prison as a modern disciplinary apparatus is not a loss of control by the authorities but a demonstration of their power. In *San Pedro* prisoners govern charging quotas to other prisoners, and the discretionary use of drugs and the presence of women and children are permitted. For Cerbini (2017), it is not that prison staff does not know or do not have any control, but they "*prefer not to look*" (p.34), installing an alternative governmentality and normative system in prison. Consequently, their governmental strategy transforms from a panopticon to an "*anti-panopticon*" (p.31). The abandonment, the "*not seeing*" (p.31) is a fundamental feature of the management of *San Pedro*. Similarly, through ethnographic research, Bandyopadhyay (2010) proposes that in the central prison in Kolkata, authorities and staff "*are inclined towards a liberal atmosphere within the prison*" (p.404), until they perceive the dilution of their authority. At that moment, they will engage in the practice of "*tightening the rope*" (p.404), imposing the norms strictly in order to restore their authority.

In this interactionist arena that is Santa Monica, as Cerbini (2017) notes in *San Pedro*, prison staff also "*prefer not to look*" at transgressions of the formal nation-state norms prisoners perform in their everyday lives. Nonetheless, the transgressions of the prisoners at Santa Monica are not as those described in *San Pedro*. Globally, prisons, as patriarchal institutions, have tighter control of women prisoners (Antony, 2007; Bex, 2016; Bosworth & Kaufman, 2013; Kurshan, 1995; Mapeli, 2006; Moore & Scranton, 2014). This argument primarily discusses prison as an institution with disciplinary modes from the nation-state. Nonetheless, taking this argument and situating it in the particular context of Santa Monica, it is also helpful to analyse how, if the nation-state control is more restrictive for women prisoners, explicit transgressions of the nation-state's laws will be more permissible in men's prisons than in women's prison.<sup>56</sup>

Then, although the control in Santa Monica is stricter than in men's prisons, there are subtle transgressions to the nation-state law that prison staff also "*prefer not to look*" at, particularly informal-legitimised labour actions (that I will analyse in Chapter 5) prisoners engage

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<sup>56</sup> A good example of this argument is how conjugal visits are handled in everyday practice in Peruvian prisons. Constant and Rojas (2011) researched conjugal visits in Peru, a penitentiary benefit men and women prisoners may apply for if they present documents to demonstrate they are married and do not have any sexually transmitted diseases. Nevertheless, the authors conclude that sexual encounters are less regulated or controlled for men than for women. In the case of men's prisons, there is less surveillance of who enters their cells during visiting day and informally they are allowed to transgress the formal normative and receive their visits in their cells. Women have more restrictions and are less likely to be allowed to enter their cells (especially with men) during visiting days. Hence, it is more likely that women prisoners have to present the formal bureaucratic documents and apply for conjugal visits as a formal penitentiary benefit (Constant & Rojas, 2011; Defensoria del Pueblo, 2013).

in to earn economic resources to fund imprisonment expenses. Moreover, as a characteristic of customary law, interpersonal relationships demarcate how the norms are imposed. Therefore, if the prisoner has a diplomatic or amicable relationship with the prison staff, it is possible that she will receive “notifications” before a formal-legal sanction occurs. This can be exemplified with the case of Andrea and Vanessa. Vanessa was a newcomer to prison, and Andrea (imprisoned in Santa Monica for more than five years) had received her and “taken her under her wing”. She was teaching Vanessa how to engage in labour activities in prison to “occupy her mind and thoughts” while imprisoned. To deal with anxiety, Vanessa started to consume unprescribed pills purchased illegally inside Santa Monica, and some security staff knew about it. Andrea recalls being concerned when a security officer “notified” her she could either stop hanging out Vanessa or stop her consuming more pills. If not, Andrea would be perceived as a possible pill-consumer and face a formal requisition of their cell, where they would find prohibited items that usually they “prefer not to see”.

The objective of using a hybrid legal system is to maintain a diplomatic relationship between the representatives of both orders. The expectation is to be distanced from possible “scandals” that mandatorily break the tense calmness in Santa Monica and oblige the prison staff to make use of the nation-state law to “tighten the rope” to restore their authority. The “scandals” include gossip surrounding drugs, mobile phones or open homosexual encounters. As a consequence of these, and in the name of security, prison staff will conduct requisitions or transfer prisoners to other institutions.

On the other hand, for Bandyopadhyay (2010), during everyday life, prisoners are willing to accept some living conditions within the prison and willing to forego some of their rights without denouncing the authorities or prison staff. They do so to gain access to materials and services. In the case of Santa Monica, prisoners also ignore some of the authorities or staff “sins”; in other words, they strategically resist the hindering of their rights as prisoners, theoretically defended by the nation-state law in the CCE, to face imprisonment. Juana works in the Tailoring and Confection workshop, and she and the other members had to pay the maintenance staff several times to connect the lights inside their working space. Juana allegedly pays to cover the “administration costs”. She knows it does not formally fall to her to pay for those expenses, and that is plausible the maintenance staff are making a profit out of her, but she prefers to pay. If not, she confronts the possibility of encountering difficulties with her bureaucratic processes about permits that authorise the entrance of the materials needed to create her products. Similarly, Johana narrated that one day she defended a new prisoner from a “bullying” situation from security staff. After this situation, Johana recalled that during a visiting day her mother was waiting for her, and as an act of vengeance for defending the new prisoner, the same security officer did not allow her to cross the gate into the main patio, alleging she had not heard Johana

was called to approach the visiting area. Johana preferred not to say anything because she did not want her mother to be mistreated the next time she came to visit her.

Despite the fact that prisoners are in a position of less power inside prison, and they arguably have to endure more long-term hindering of their rights, there are also opportunities in which they will formally complain when they perceive a staff member has committed “scandals”. Proof of this argument are the reports of mistreatment by security or treatment staff to the prison authorities, human rights foundations or the national media. For example, during my fieldwork in Santa Monica, a prisoner was elaborating a discourse about the systematic economic abuses imposed by the staff (such as Juana’s experience, mentioned above) and was planning to call to the radio to denounce it. Despite the fact that she had accepted the same situation many times and knowing their action would have formal and informal repercussions, she believed a “line had been crossed”.

Consequently, prison staff and prisoners foster and maintain a “*culture of lenience*” (Bandyopadhyay, 2010; p.404), a permanent tolerance and mutual give and take. Prison is a zone of negotiated practices where everyone, to different degrees, gains and loses something in this kind of interaction. In the case of Santa Monica, prison is a political society which resembles a “*site of negotiation and contestation*” (Chatterjee, 2004; p.74). In summary, in this “culture of lenience”, prison staff “*prefer not to look*” at subtle transgressions performed by prisoners, and simultaneously, prisoners accept irregularities, arbitrary or disrespectful treatment which hinders their rights as a strategic resistance. As Bandyopadhyay (2010) concludes, “*this realm of negotiated practice is a preferred zone of interaction for the prisoners and warders who gain something from such practice*” (p.404).

#### *The hybrid legal system as a strategy to maintain adequate conviviality*

So far, I have detailed how prison staff and prisoners engage in flexible dynamics and make use of the hybrid legal system, which produces a constant negotiation between the penitentiary orders. Now I turn to illustrate how the hybrid legal system is also put into practice to manage conviviality disputes among prisoners.

The processing of disputes is not only related to nation-state law but is connected to other aspects of social life (De Sousa Santos, 1977). In the case of Santa Monica, disputes among prisoners are generally solved among themselves, trying to avoid the interference of formal representatives. Prisoners try to create a smoother and easier conviviality inside their blocks and maintain the perception of the block as a disciplined one, to diminish the possibility of requisitions or formal sanctions that will have repercussions in their formal judicial processes. Moreover, if a requisition occurs, formal representatives will not only take drugs or mobile phones but will confiscate other prohibited goods (for example, small amounts of fruit or vegetables) that normally they “*prefer not to see*”. In that sense, the construction of an adequate conviviality

provides individual emotional safety to prisoners, but also maintains a common platform where it is possible to strategically transgress the formal-legal law without calling attention to it. Prisoners will prefer to prevent conflicts or settle their disputes among themselves, with delegates as intermediaries. Only if the conflict becomes a “scandal”, in other words, explodes or is systematically persistent, will they include prison staff (particularly treatment staff) and/or the authorities.

The disputes are not always solved in the same way inside the blocks. However, in general terms, prisoners have a vast repertoire for resolving conflicts and mainly manage three levels of denunciation that move from using customary law to national law. The denunciation can be made: a. to delegates, b. to security staff, and c. to treatment staff and/or the authorities. Aimee, a prisoner who lived in Block 3C, recognised the different dimensions and actors: *“First you approach the delegate, if nothing happens, you go to the Técnica [referring to the security staff] and if it continues, you complain to the Head of the Treatment area”*.

The first level of denunciation or call for surveillance is directed to the delegates, especially the block’s General Delegate and Disciplinary Delegate, and makes use of the customary law, of the verbal norms and agreements constructed by the prisoners and solved through social interactions. Delegates assume the role of “dispute preventers” and “dispute settlers” (De Sousa Santos, 1977; p.11). As De Sousa Santos (1977) explains *“dispute prevention occupies a peculiar structural position halfway between the absence of a dispute and its creation [...] A dispute may be prevented when the conditions for its creation are present in an inchoate, latent and potential form”* (p.13). As Isabel recalled, to prevent conflicts, sometimes she has to intervene in the regulation of the common goods inside the block and ask other prisoners to remember the collective agreements in the block.

For example, each block has a television in the corridor, bought with their communal funds. The programming is chosen at the block’s general assemblies, conducted by the block’s General Delegate where generally all the assistants sign an official act. Isabel recalls that one day, a couple of prisoners decided to change the channel to watch a different programme. She approached them and asked if they had asked the other prisoners if they could do that. After hearing the question, a third woman responded, *“They didn’t ask me”*. The women in question responded that the programmed show was not being transmitted at the moment. Isabel remembered she had to intervene and negotiate a practical and partial solution: only while the original programme was “on holiday” could they change the channel. As Isabel mentioned, *“I didn’t want to say anything to them, but if I didn’t do it, one thing would lead to another and problems would start. As women say here: they would have eaten them, shoes and everything.”* Delegates assume the role of dispute preventers who remind the other prisoners of the procedures and normative standards inside the pavilions to maintain peaceful conviviality. If the delegates do not intervene, the problem escalates and may require the intervention of the authorities and

staff members. As seen, Isabel makes use of the agreements but is also flexible enough to creatively transform or bend the norms to give a solution to the problem.

General and Disciplinary Delegates also act as “dispute settlers” (De Sousa Santos, 1977) and make use of the customary law when there are conflicts among prisoners. For example, if a conflict arises between cellmates, the delegate can rearrange the cells, to move the allegedly “conflictive” prisoner to a different cell, the common room or to locate her in the corridor. Mainly, conflicts between cellmates occur because one of the prisoners does not “respect the other’s space” (e.g. by inviting other women over), personal goods get lost, they are involved in sexual activities while the other is in the room, or is engaged in illegal activities. In that sense, delegates take into consideration the social interactions, closeness or conflictual relationships among prisoners to create an order and a social structure inside their blocks and try to maintain an adequate convivality. As detailed in the theoretical chapters, prisoners in different prisons in the Global South also perform as authorities and intermediaries among prisoners. For further research, it would be interesting to introduce a gender approach to analyse how delegates from different prisons intermediate among prisoners’ disputes, and if gendered norms and hegemonic identities are negotiated in this dimension of prison.

The second level of denunciation involves the inclusion of a formal representative, the security staff, and may be solved using customary law or nation-state law. This level is approached when conflicts among prisoners are not circumstantial but start to be systematic, and the delegate is not able to put a stop to it. Unlike treatment staff, security staff have 24-hour shifts, and have a closer relationship with prisoners, which may result in a more colloquial and trustful interaction with some prisoners. Nevertheless, it is critical to recognise that participants clearly distinguish which security members are more flexible and empathetic than others, and in that sense, know what shifts are more permissible or, as they recall, “less problematic”. Prisoners who have longer sentences and have been imprisoned for more extended periods usually get to know the staff better, and as Isabel mentioned, *“With the years we have here, as the Tecnicas know us, we also get to know them. We know their attitudes, when they really want to be hostile, or when they really want to bother, we know.”*

Depending on which security staff member is on duty or the level of the conflict, there are two possible paths. On the one hand, the security staff member will make use of the customary law, will make a “call of attention” to the allegedly “conflictive” prisoner to soothe the situation and put a quick end to the conflict. On the other hand, the security member may use the national law and notify to treatment member and/or authority which attracts a significant possibility to create a notification on their formal legal files.

Finally, the third level of accusation is the explicit use of the national law and approaching directly the treatment staff and authorities as formal representatives. Generally, this denunciation occurs when there are acts of physical, systematic psychological violence or the misuse of money



from delegates. Depending on the level of conflict, this kind of denunciation could lead to being evaluated by a council which includes the Prison Director, the Chief of the Treatment area and the Chief of the security area. To penalise prisoners, the authorities constrain their telephone calls, send them to the *calabozo* to “meditate” about their actions or transfer them to a different institution. Consequently, the prisoner will have an “unfavourable” evaluation on their legal file. For example, Isabel remembered a situation when a delegate was denounced for misuse of money

*Isabel: I was not even telephone delegate [suggesting that it was a long time ago], one night they accused a woman of stealing money from the pavilion. X [referring to the block's General Delegate at the time] entered my room and asked my roommate, I was between dreams, and she says to her “give me the white gloves”. She gave her the white gloves and went to the bathroom to shove her hand in, because supposedly she had the money inside, in her intimate parts. But, by this time, there was a transfer, and we were only a few on the pavilion. She was the delegate and told us to distribute the money among us because we were only a small group. She committed that imprudence, and after she proposed everybody asked for their part [...] She said that the new people could not benefit of that money, that it was better to start from zero, as she has seen in other prisons, that it was fair. Some say that it was fine, but others change their mind. Then the transferred women arrived, among them the woman who she tried to shove... a scandal arose in the pavilion. [...] The authorities found out and passed her to Council as a delegate, she was sanctioned without phone calls for a month [...] She went to the Direction with the other delegates to say everything was alright, but the psychologist was there and told her “you have done this, this and this”*

*Researcher: So the psychologist knew.*

*Isabel: Of course, they [transferred women] told her. People didn't stay quiet and accused her.*

In the example above, we can see two characteristics of the interlegality in Santa Monica: firstly, how prisoners include the formal representatives when they regard a dispute that affects the organisation of their conviviality and the (mis)use of their money. Isabel narrated a critical situation that was initially tried to be handled only by the prisoners, and when this was not possible, was taken to the formal council. Secondly, how prison staff (and not only prisoners) make use of the hybrid legal system. In this case, Isabel also recalled that the psychologist knew about the problem before the formal denunciation to authorities but had “preferred not to see”, or in this case “not to say”, until it was a “scandal” and converted into a public debate.

The categorisation of three levels of denunciation is given to obtain a theoretical order that offers an understanding of the different disciplinary processes and dispute settlements inside Santa Monica, and as an example of how interlegality operates. In everyday life, they are not as separated but work accordingly to the everyday social dynamics of prison. Given the flexibility

of the norms and procedures, agreements and the dispute settlements will vary depending on the block's population, the delegates in charge and the prison staff responsible for the surveillance of a particular block. In addition, the dispute settlement also depends on the nature of the social interactions, the bond created between the persons involved and the (mis)trust or the closeness among them. What lies beneath it is how an interlegal system operates with the conjunction of procedures and norms from the nation-state law and customary law. Prisoners learn the "ways of prison" (Bandyopadhyay, 2010), and I am not referring to prisoners' social life or sub-culture, but to the idea that they must know how to create a balance between obedience and subtle transgression which allows the authorities to maintain distance from the pavilions, and at the same time enables prisoners to maintain some autonomy inside them.

#### **4. Ambivalence in the recognition of delegates' roles**

Taking into consideration the discussion above, it becomes evident that delegates have a crucial role in prison. They move among the "interface" of prison to act as intermediaries between both orders and legal systems and making use of Long's (1999) concept, delegates are the "interface brokers" of prison (p.5). In this performance, in dialogue with a feminist economic perspective, delegates engage in the political-social reproduction of the prison.<sup>57</sup> As a consequence to the structural conditions of imprisonment and to the fact that their work is unrecognised, delegates may experience what Rai, Hoskyns and Thomas (2014) have defined as depletion, a concept that I will define appropriately in this section.

##### ***4.1. Delegates as interface brokers of prison's social reproduction***

Long (1999) suggests that interfaces occur when lifeworlds or social fields intersect. As an example, the author analyses the organisation of a massive irrigation scheme in Western Mexico. Through ethnographic work, Long describes the process of water managing between engineers, water guards and farmers. Engineers represent the institutional ideal-typical model of "*formal irrigation plans, statistics, charts and maps*" (p.10). Nonetheless, the complexity in the everyday practice of water management requires the comprehension of the social dynamics of the irrigation system and the farmers' "locally-rooted knowledge" (p.10). The encounter between engineers and farmers is embedded within their knowledge, cultures and experiences and in occasions their worlds collide, and dialogue becomes problematic. In this interface, water guards

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<sup>57</sup> The feminist perspective on political economy refers to social reproduction as a term that has been used to name and recognise the unpaid work of women at home and in the community. Indeed, the political and economic argument is that the work involved in social reproduction must be acknowledged as labour and included in economic analysis (Hoskyns & Rai, 2009). I am introducing this concept to comprehend the prison dynamics in Santa Monica, not only because the participants are women prisoners, but because the role they undertake involves unrecognised work that does not count as "productive", that involves the construction and maintenance of social relationships which involves them in affective networks of care, and all of that remains unrecognised.

(low-ranked field personnel of the community) are the key actors. They are “interface brokers”; in other words, intermediaries and negotiators between actors and, as the author describes them, the “*movers of everything*” (p.10).

Hence, I argue delegates at Santa Monica are “interface brokers”. The delegate must be able to negotiate with the authorities and create strategies to keep a sense of equilibrium of power between the authorities’ need for order and security, and the intention of maintaining or improving prisoners’ well-being. As Long (1999) suggest, interface brokers are subjects capable of manoeuvring between actors, and in his words, “*creating room for manoeuvre implies a degree of consent, a degree of negotiation and thus a degree of power, as manifested in the possibility of exerting some control, prerogative, authority and capacity for action, be it front- or backstage, for flickering moments or for more sustained periods*” (p.3)

To exemplify the importance of delegates’ role and power to assure an equilibrium in prison and create well-being spaces, I will present two examples. In the first, the absence of delegates in the negotiation led prison staff to “*tighten the rope*” and restore their authority. In the second, delegates recognised the importance of good conviviality, particularly at emotionally difficult dates such as Christmas, and assured from the authorities the permits and production of prisoners’ celebration inside the block.

Regarding the first example, according to the participants, the National Sede announced a few years ago that prisoners nationally need to create a list of five women and five men who would be allowed to visit them on visiting days. The moment the authorities announced the measure, prisoners at Santa Monica raised a peaceful demonstration at the central patio. They refused to enter the pavilions for the second *cuenta* of the day and demanded to talk with the authorities. They maintained their argument by the premise that they could not decrease their visit possibilities to a specific number. As women in prison, they acknowledge visitations are not necessarily constant and rotate among their family members or friends, or sometimes people travel long journeys to visit them once (for example, a cousin or an uncle). The new norm would substantially reduce their possibilities to receive visits.

After listening to the prisoners’ requests, the former Prison Director (who was in charge at the moment of the peaceful demonstration) stated the norm would not be implemented in Santa Monica yet. Nonetheless, a couple of days after the demonstration, the leaders were transferred to prisons located in other regions of Peru.<sup>58</sup> After describing the story, Isabel, Santa Monica’s General Delegate, stated the importance of delegates’ roles. According to her, General Delegates have to know how to inform and soothe the penitentiary population. The way they notify, the

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<sup>58</sup> In Peru, there are 12 prisons exclusively for women and some “mixed” prisons that have one pavilion for women. Many imprisoned women prefer to be in Santa Monica than in other prison in Peru or Lima. Santa Monica is in Lima, with easy access and transportation for family members. Also, transfer to other prisons is perceived as a sudden and violent experience, where they are not notified, they lose their belongings and there is uncertainty about their destination.

selection of the words they use, is critical. As she said, “*I have to talk to the population about the decisions taken. If something is not good, they can go to a riot. That is why you need to know how to say things*”. For her, the ability to communicate maintains the prison’s conviviality, but mainly provides stability for the population. For example, in this case, Isabel speculated it would have prevented a riot, but more importantly, the transfer of women to other imprisonment facilities.

The second example occurred during the systematic meetings held between authorities and delegates. Delegates meet biweekly or monthly with the prison’s authorities: the Prison Director and the Heads of the areas of Administration, Treatment and Security. Depending on the agenda, all or some of the authorities attend the meetings. In this case, the agenda included the coordination of permits to organise a *Compartir* (translates to share, colloquially used to refer to events where people meet, share food that is prepared together and the main task is to accompany each other) inside the pavilions to commemorate Christmas. General Delegates had bought 200 kilos of pork and gas to cook with the collective funds of their blocks and wanted to cook it in the bakery workshops. Although they coordinate directly with suppliers, they need to negotiate with the authorities permissions for the entry of the goods, the possibility to use formal labour hours and their equipment for cooking the pork and celebrating Christmas inside their blocks without being formally restricted by security staff.

As seen in the examples, delegates perform as “interface brokers”, creating strategies to maintain the equilibrium between the orders (Long, 1999), in this case, between the expectancy of security inside the prison, and the possibility to improve prisoners’ conviviality and augment their well-being. Furthermore, in their role as “interface brokers”, and in connection to a feminist economic perspective, they are central in processes and practices of social reproduction on the macro-political dimension (Bakker & Gil, 2003), which is functional to the production of prison (Bakker & Silvey, 2012).

In other words, with their unpaid care work, they provide a form of unrecognised subsidy to the state and materially contribute to the national and prison economies (Hoskyns & Rai, 2007; Rai, Hoskyns & Thomas, 2014; Stewart, 2017). Moreover, their contribution is not only material, but they offer social provision, social practices connected to caring and socialisation and undertake the responsibility to fulfil the penitentiary system’s needs (Bakker & Gil, 2003; Rai, Hoskyns & Thomas, 2014; Fisher & Tronto, 1990; Tronto, 2006; 2015). In that sense, they fortify social provision (Rai, Hoskyns & Thomas, 2014) to responsibly and affectively fulfil the collective needs of prisoners (Fisher & Tronto, 1990; Tronto, 2006; 2015) to assure an adequate conviviality (Darke, 2019) and an environment in which they can live as well as possible (Fisher & Tronto, 1990; Tronto, 2006; 2015). As Hoskyns & Rai (2009) emphasise, social reproducers are the “*the glue that keeps households and societies together and active*” (p.297), resonating with Long’s definition of “interface brokers”.

#### ***4.2. Depletion: The consequence of unpaid, unrecognised social reproduction***

The social reproduction of delegates is relied upon informally to ensure the social and cultural reproduction of the prison. The role of delegates is crucial in prison, yet it is ambivalently recognised and uncompensated in the formal order.<sup>59</sup> Although some delegates may not be totally legitimised by their fellow prisoners, their role is presumably recognised by their peers. The ambivalence I am referring to in this point is in their recognition among the representatives of the formal order: the authorities and staff members. As mentioned, they expect delegates to act upon their role (without explicitly threatening the power of formal representatives), but interestingly, it seems delegates do not gain any material advantage within the formal order, and their personal social reproduction is also reduced in order to be able to attend to the collective needs. Hence, their work does not have any explicit implications for their legal files, but they do not have the conditions to execute their political responsibilities.

To understand the ambivalent recognition to delegates' role, it is useful to refer to the language and conceptualisations used by authorities and staff on the one hand, and prisoners, on the other. In the penitentiary system, delegates are also called Collaborators. The two words – Delegates and Collaborators – used by the different penitentiary actors are not void of meaning. The words reproduce and show the hierarchical positionalities and power relationships inside the prison. In that sense, prisoners systematically use the term “delegates”, while the authorities and staff oscillate between both. The words show the ambivalence in the recognition of their role and specific function: the authorities prefer that their power remains invisible or subsumed to formal power; the prisoners demand that they actively negotiate with authorities and expect them to create strategies to improve the quality of life of the penitentiary population.

Regarding the recognition of delegates in the formal order, it is interesting how in their formal-legal files their work remains invisible, and consequently, it does not have an official influence on obtaining penitentiary benefits or access to liberty. Furthermore, delegates do not have any formal condition facilities that diminish their responsibilities in other activities to properly fulfil their political tasks. Formally, they also have to attend mandatory workshops (labour or education, and treatment), and the activities they have to undertake as delegates are in addition to their daily responsibilities. Of course, in a site where interpersonal dynamics mould the norms, the authorities and staff members can have considerations if they have a trustful relationship with the delegates, but also that may not occur.

For example, Tatiana, the events coordinator gave an example of how a psychologist responded to her when she missed a treatment workshop: “*I give her the paper* [referring to the note signed by a prison authority which explains why she had missed the workshop], *saying, ‘I*

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<sup>59</sup> I use the terms unpaid or uncompensated because I will discuss in Chapter 5 how in Santa Monica, as in other prisons in Peru, there is a fluency of two coins: a. economic payments, and b. formal signatures to access penitentiary benefits. Delegates are not paid with neither of these “coins”.

*had been in Direction*'. And she responds, 'Ah, OK, let's see if the judge is going to give you liberty with your events'". Similarly, Isabel recalled when another staff member followed her to her cell and yelled: "Who do you think you are, you think you know everything, that you can do whatever you want, but that is not the case in here, you are pretentious". Both situations exemplify how the authorities and staff members recognise the delegates' role as long as it is beneficial for the production of the prison, and only if it does not question their authority inside. If they perceive the delegate is not accomplishing their role, is distrustful or abusing of their power, then will "tighten the rope" (Bandyopadhyay, 2010) or humiliate her to restore their authority.

Thus, the labour of delegates is functional to the formal order of the prison. Despite the fact that is an agentic recourse to construct well-being spaces for prisoners, the role of delegates is also fundamental for the state. In fact, their unrecognised actions work as a subsidy (Bakker & Silvey, 2012; Stewart, 2017) to accomplish the objectives to visualise prison as an "efficient" and "modern" institution. Nonetheless, it may have consequences such as the experience of depletion. Rai, Hoskyns and Thomas (2014) discuss that depletion is harm that affects people at the individualised and systemic levels. Depletion appears when practices and processes of social reproduction are not recognised. Rai, Hosjyns and Thomas highlight that depletion not only refers to economic recognition, but responds to the structural conditions of social unsustainability. In other words, depletion appears in contexts where there is a critical gap between the outflows (the affective practices of the subjects) and the inflows (the structural conditions that maintain social reproducers' health and well-being). Consequently, depletion affects three sites: embodied subjectivities (deterioration of physical and mental health), households (diminishing the motivation to work towards covering the household's needs), and communities (individualisation of spaces and the dissolution of community ties).

As mentioned, in the case of Santa Monica, the authorities and prison staff expect the prison to function as a "modern" institution, which maintains the dominant imaginary on how prisons "should" function, without formally recognising the labour of subjects which make such functioning plausible. Although it was not a theme in this study, I may hypothesise, and this may be a topic for further research, that there is a strong presence of depletion in Santa Monica. Delegates' labour is formally unrecognised; they are not given the conditions to fulfil their role, and the ones I met manifest emotional stress which has implications in how they perform their functions, in their social relations, and the political structure at Santa Monica. The motives of prisoners to engage in a delegate position may vary. Some of them may arguably believe they have the chance to influence the authorities, others envision it as a possibility to get "favours" within prison. Yet, when discussing with delegates, they perceive their work as a position where they can achieve transformations to consolidate a better environment for all prisoners.

Nonetheless, it is not surprising that prisoners do not want to fully engage in the role of delegates, and if they do, it will be for a limited period of time.

## Conclusions

This chapter contributes to the understanding of governance, legal pluralism and the significance of informal social reproduction in the gendered context of prison.

It is significant to analyse the particularities of the co-governance at Santa Monica because it offers new perspectives on prison studies from a decolonial approach. As observed, there is a re-configuration of the traditional power dynamics of imprisonment. In that sense, in Santa Monica, there is a constant negotiation between authorities, staff members and the penitentiary population that is concretised through the figure of the delegates. There is a transition from “governing of” to “governing with” that involves (usually in a surreptitious way) dialogue, mutual recognition and flexibility. With this argument, I intend to fortify the notion that in Latin American prisons, and the particular case of Santa Monica, imprisonment is more defined by informal dynamics and interpersonal encounters than by institutional forces (Darke & Karam, 2016).

This perspective also enables recognition of the multiple orders and legal systems in Santa Monica, which lead to analysing public institutions in Peru in general and prisons in particular as sites of legal pluralism. In that sense, following a decolonial perspective, the lens transforms regarding prisoners’ participation not only as a response to the state’s abandonment but as a different configuration of governance. In other words, more than centring the analysis on the precariousness of the modern nation-state, it is possible to recognise other forms of political and social organisation. However, it is difficult to recognise the complex dynamics of Santa Monica among the representatives of the formal order, which it is possible to detect in how the delegate has an ambivalent and fragile authority. This issue arguably responds to our maximum aspirations as Peruvians to have so-called “modern” institutions which are allegedly scientific, progressive and a reproduction of European ones (Aguirre, 2009; Salvatore & Aguirre, 2001).

This entails one part of the analysis, but for example, the *Lurigancho* prison also has the role of delegates and they are legitimised and valued among the formal order; at least, they are more visible and recognised than delegates in Santa Monica (Pérez Guadalupe & Nuñovero, 2019). By acknowledging this issue, it becomes necessary to introduce a gender perspective to criminology and the recognition of prisons as patriarchal institutions. I propose that gender is a dimension that should be included when analysing criminal justice systems and penitentiary institutions in the Global South. It seems that Santa Monica’s informal order may be more subtle or surreptitious than in men’s prisons in Latin America, and women’s public participation (including that in prison) still remains, for the vast majority of the time, invisible. Moreover, the

profile of the delegates is also embedded with gendered normatives, giving importance to care characteristics generally associated with feminised identities.

I would like to end the chapter by focusing on the role of delegates. As mentioned, they are the definitive and legitimate actors that re-configure power dynamics in prison, yet in Santa Monica they have a fragile and even invisible authority to make decisions about budgeting, disciplining, conviviality and well-being inside prison. Despite their vital work as “interface brokers” of social reproduction, their labour continues to be ambivalently recognised as symbolically valuable, and it is not included in their legal files as formal labour. The theoretical hypothesis that I would like to introduce involves Quijano’s concept of “coloniality of power” in dialogue with a gendered perspective of imprisonment. Santa Monica is not the only prison which has this type of potent figure. As mentioned, in men’s prisons in Latin America, prisoners also undertake this role (which may have a different name), and arguably engage in processes of social reproduction. All these subjects assure affective networks and the social provision at the macro dimension of prison.

However, I have not found any research that discusses the role of delegates as social reproducers, and the analysis I am presenting here in this exploratory study opens more questions than it gives answers. Therefore, I propose that it is relevant to incorporate a feminist economic perspective to prison studies, which might provide new directions on how to study the governance dynamics of prisons in the Global South. For future analysis, I suggest that, similarly to the “feminisation of labour” (Hoskyns & Rai, 2009; p.33), it is possible to discuss the “feminisation of prisons”. Indeed, the prisoners’ participation and labour to govern prisons is recognised and considered a valuable dimension on how prison operates, but it is also necessary to address whether the working conditions of prisoners, in general, are becoming increasingly invisible, insecure or precarious, causing consequences such as depletion.

Hence, as Rai, Hoskyns and Thomas (2014) suggest, it would be interesting to evaluate the presence of depletion on individuals, households and communities, and the possibility to address mitigation strategies. The evaluation process includes taking into consideration themes that involve embodied consequences (such as mental and physical health, stress and stress-related illness, anxiety, time spent on different forms of unpaid SR, time available for rest, leisure, etc.), consequences in the household (levels of income, distribution, the changeable patterns of labour, decision-making, etc.), and consequences in the community (the “thickness” of social networks, incentives and disincentives to be a member of those networks, etc.). For example, it would be useful to undertake a time-use survey (Rai, Hoskyns & Thomas, 2014) to acknowledge the hours per week and the affective efforts prisoners, particularly delegates, dedicate to these tasks.

This research would allow a better understanding of the consequences and organise mitigation, replenishment or transformation strategies to reverse the effects of depletion. For Rai, Hoskyns and Thomas (2014), mitigating strategies usually involve cash payments in outsourcing



the work and in this context it is less possible to apply them, but the stress may be mitigated by strengthening communal and collective arrangements among existing social networks. Replenishment, the second strategy, refers to the state or private bodies contributing to the inflows that provide better conditions for work, or the work of volunteer associations and other non-state actors. These approaches may, at some point, address the systemic causes and consequences, but this does not envisage structural change. The third strategy, and in my personal opinion the one that should be put into practice, is transformation and involves structural change. This option seeks to restructure social relations (for example fortifying dialogue among the authorities and delegates, and among delegates), and give value to social reproduction (and consequently to depletion) inside prison.

## Chapter 5

### **Santa Monica's Meso-social Dimension: Religious Performances, and Formal and Informal-legitimised Labour**

Religion and labour have for a while now been used as disciplinary tools inside and outside prisons. One dimension of Peru's colonial heritage is the hegemony of Catholic religion as a tool to convert allegedly illegitimate men and women into "civilised" subjects. It is not only used on imprisoned subjects but in society in general. More specifically in women's prisons, since the colonial period, and throughout the beginning of the Peruvian Republic, the objective was to transform women offenders into adequate women, using the Catholic traditions and morality as the "road towards perfection" (Aguirre, 2003; Constant, 2016a), meaning a process of disciplining based on a classist, racist, patriarchal heteronormative gender system (Lugones, 2007; 2008a; Neira, 2014; Segato, 2013).

Similarly, as discussed in Chapter 2, labour has also been used as a means of social control since the colonial period (Aguirre, 2009; Flores-Galindo, 1984; Vega, 1973). As mentioned, Peruvian prison authorities followed European standards to develop their prisons, and they were defined as sites where detainees could be transformed from undisciplined subjects into docile, productive workers (Aguirre, 2009; García-Basalo, 1954). Thus, prisons were developed as institutions to produce habits such as obedience and submission (Melossi & Pavarini, 2017)

Religion and Labour are still nowadays fundamental features of Santa Monica, and are the main social institutions that regulate prisoners' everyday life. I have defined them as the meso-institutions of prison, following Bakker and Gill (2003), who suggest that the meso dimension refers to the key social institutions of a social system. On one hand, both are disciplinary tools connected to the formal order of prison. Therefore, the Catholic Church has an intermingled connection and mutual collaboration with the penitentiary system, and the borders between religious and secular processes of rehabilitation blurs. In relation to labour, the formal order of Santa Monica has the objective to re-feminise women, and consequently, "produce women", which is observable in the educational and labour workshops offered by the formal order.

Nonetheless, Clemmer (1940) establishes that the management style affects the prison culture. More recently, Crewe and Laws (2018) also acknowledge that

*"An alternative framework through which to think about inmate sub-cultures is needed, whose starting point is the way that any institution deals with the issues of power, order, and governance that are essential to all prisons and set the conditions for prisoners' adaptations and social practices."* (p.127)

Therefore, following Crewe and Laws (2018), I will engage in a reflection on how the macro-political dimension at Santa Monica, which configures the concepts of governance and

power within the prison, has implications on the social life or meso-social dimension of the prison. Thus, I argue that to understand social life in Santa Monica, religion and labour should not only be regarded as disciplinary tools, but as valued social institutions in the informal-legitimised order. Moreover, both tie together the penitentiary system as a whole and give common grounds to all the penitentiary actors.

When discussing religion, I will mainly refer to the Catholic and Evangelical Churches.<sup>60</sup> Despite the fact that religious discourse is a legitimate normative standard from the formal order, it is appropriated and performed by prisoners as a path to resist and to affirm themselves. Collectively, through their engagement with religion, prisoners construct sites of “informal religious emotional microclimates” (Crewe et al., 2014) that due to co-governance, offer another path inside prison to engage in semi-autonomous performances in the public sites of prison. While seeking to fortify their faith, prisoners strength the informal organisation, camaraderie and mutual collaboration. Intersubjectively, their involvement with religion and spirituality is not only a coping mechanism to adjust to imprisonment, but overall women actively engage in a soul-searching process to give spiritual meaning to their imprisonment.

Concerning labour, given the co-governance dynamics, formal labour workshops are co-financed and co-produced by prisoners. Moreover, in concordance with the informal-legitimised order on a macro-political dimension discussed in Chapter 4, I introduced how delegates organise conviviality and responsibilities among the prisoners in the informal-legitimised order, an action I define in this chapter as “prison housework” (Zatz, 2008; p.870). On the other hand, I introduce the contributions of feminist scholarship who acknowledge a gender division of labour to understand power dynamics regarding work in Santa Monica. I propose the existence of two “currencies” in prison (a. economic profits, and b. signatures to access penitentiary benefits) which create a hierarchical division of labour between formal-productive and informal-legitimised reproductive work. In that sense, I maintain that formal labour resembles productive work and informal-legitimised labour may be defined as social reproductive work (Fraser, 2014). Like the work of delegates who are responsible for the practices and processes of social reproduction on a macro-political dimension, informal-legitimised labour is another layer of social reproduction inside prison, performed on the meso-social dimension.

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<sup>60</sup> In the thesis I use the term “Evangelical Churches” following Pérez Guadalupe (2019) whose definition is: *“the term is typically used in Latin America: to refer generally to all Christian groups of a Protestant tradition in Latin America that to a greater or lesser degree center their religious activity on evangelizing and converting. Beyond the doctrinal or denominational differences they may have with their Protestant forebears, Evangelicals are fundamentally mission churches with voluntary Christ- and Bible-centered parishioners. Among them we can historically find everything from the most traditional main-line denominations such as Presbyterians, Baptists and Methodists to conservative Evangelicals, Pentecostals, neo-Pentecostals and free churches”* (p.17). In that sense, they are a heterogeneous group and are not to be defined as one church but ought to be comprehended in their heterogeneity as Evangelical Churches.

## **1. Religion: the moral narrative that connects Santa Monica's orders and legal systems?**

In Peruvian society, religion traverses the private and public spheres (Pérez Guadalupe, 2019), and it has constituted the country's collective national identity and moral values (Flores, 2016). In this context, Catholicism has a privileged and formal relationship with the state (Flores, 2016; Guevara, 2013). Since the colonial period and throughout Peru's republican history, the Catholic Church has played a central role in Peruvian political and social history (Flores, 2016; Klaiber, 1998; Mosquera, 2003; Ruda Santolaria, 2002; Sanchez-Lasheras, 2016), and nowadays still remains one of the most important institutions in Peruvian society (Romero, 2016). Thus, Peru has a formally secular state, but in practice it has an intermingled relationship with the Catholic Church. That relationship has influenced the development of the Peruvian constitution and judicial system (Flores, 2016). In fact, on occasion, there is no clear difference between public policies and religion (Abad, 2012). For example, in recent years there has been strong debate on whether sex education should be included in the educational programmes of public schools, something that has been banned or limited by ecclesiastical authorities and religious discourses in the executive and legislative powers. Therefore, Peruvian public nation-state institutions, such as prisons, are grounded in and reproduce the blurred borders between secular and religious discourses.

In Santa Monica, a site of multiple order and legal systems, religion is an accepted and common social institution among the authorities, prison staff and prisoners. Moreover, religion introduces a new set of discourses and norms which overlap, interact and act in juxtaposition with the other legal systems presented in the previous chapter. In an analysis of the multiple and interacting normative frameworks, religion has a central role in the formal and informal-legitimised orders, which I am differentiating for analytical reasons, but the borders blur within prison.

### ***1.1. The political and normative presence of Catholicism in the formal order***

Becci (2012) suggests prisons are usable sites to analyse how the state and religion relate to each other, and in order to understand how religion operates in prison, Martinez-Ariño, Garcia-Romeral, Ubasart-Gonzalez & Grieria (2015) manifest that it requires us to study how “*daily religious practice is incorporated into and negotiated within the context of the institutions' everyday routines*” (p.14).

In Chapter 1, I portrayed how historically women's prisons in Latin America, in this case in particular Peruvian women's prisons, were managed by the Catholic Church, specifically by the religious congregation *El Buen Pastor*. The state remained distant from female offenders and gave the responsibility to religious Catholic agents to protect, guide and transform them into “civilised women”; in other words, to discipline them to perform traditional feminine roles, and

by intersecting a race-class dimension, to mould indigenous and/or economically impoverished imprisoned women into servants of the Peruvian creole elite (Aguirre, 2003; 2009).

Nowadays, the Catholic Church is not formally involved with the management of prisons, but as Abad (2012) mentions, Peruvian public policies and religion are sometimes indistinguishable. Therefore, similar to other Peruvian public institutions, the penitentiary system at a national level is arguably moulded through a Catholic moral tradition. In that sense, in Santa Monica, the Catholic Church, as an ecclesiastical-political institution, has a leading presence in the formal order.<sup>61</sup> The INPE does not formally offer religious programmes, but there is a reciprocal interdependence and mutual collaboration between public functionaries and the ecclesiastical community. Moreover, the borders between the allegedly secular resocialisation and the Catholic normative are very diffuse, and in Santa Monica on a daily basis, the formal order is embedded within religious connotations.

Thus, beyond the Catholic moral tradition that accompanies the elaboration of the Peruvian nation-state laws, the legitimate presence of the Catholic religion in Santa Monica is openly distinguishable in the symbols that surround the prison walls, the significance of Catholic festivities, and the physical presence of the Catholic chaplaincy.

In Peruvian society it is natural to encounter Catholic religious symbols in public spaces (Flores, 2016), and Santa Monica is no exception. The posters and phrases that occupy the walls refer to redemption, self-improvement and forgiveness, accompanied by Catholic images such as doves, angels in the sky and light that resembles tunnels as paths to enlightenment. It is difficult to distinguish which phrases are engaging with secular resocialisation/rehabilitation process, and which are referring more to religious narratives. Moreover, the formally celebrated festivities are the Catholic ones, for example Christmas and the *Via Crucis*,<sup>62</sup> which are two significant events for Peruvian citizens, and in Santa Monica are co-organised between external volunteers, authorities, prison staff and prisoners. During these celebrations, formal activities are suspended, or mandatory participation becomes more flexible. Furthermore, many formal representatives such as the authorities and prison staff participate in these activities.

An interesting situation that demonstrates the significance of Catholic religion in the formal order is the spiritual retreat. Once a year, the “12 Apostles Church” organises a spiritual retreat legitimised by the prison’s authorities and staff and recognised as a valuable space contributing towards resocialisation. The retreat has capacity for 60 to 70 prisoners. The group

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<sup>61</sup> In particular in Santa Monica, the long and constant relationship is with the “12 Apostles Church of Chorrillos”, which belongs to the Archbishopric of Lima.

<sup>62</sup> *Via Crucis* commemorates 14 milestones throughout the life of Jesus. A procession follows a defined route that explains the life, death and resurrection of Jesus. The prisoners organise locating 14 strategic “stops” with altars in different locations of Santa Monica. Then, authorities, prison staff, prisoners and external visitors carry out a procession following the path of the 14 “stops”, pausing at all of them to observe a dramatised scene of a story from Jesus’ life, performed by prisoners.

meet for three days at the chaplaincy and attend lectures and workshops conducted by nuns and external volunteers to initiate a reflective process about their spirituality. During that time, prisoners must attend all the activities programmed throughout the day and are only able to leave the chaplaincy to return to their cells to sleep. It is so valuable to the representatives of the formal order that they become more flexible with the security regime and the prison's programmed schedule and give the necessary permits for the participants to attend three days while putting aside their educational and labour workshops.

Finally, the evident expression of the legitimacy of the Catholic religion in the formal order of Santa Monica is the presence of a site of worship: the chaplaincy in the centre of the central patio. At the chaplaincy, a priest from the 12 Apostles Church performs mass every Sunday, and the nuns meet with prisoners once or twice a week. Like the spiritual retreat, the meetings are not an official religious programme in Santa Monica, but are legitimised by and positively valued by the formal representatives.

As observed, when discussing religion and its connection to the formal order, I am mainly referring to Catholicism. Scholars interested in the intersection between religion and imprisonment, focus on multiculturalism and religious diversity in Europe and the USA. They had put into debate the need to "share" institutional resources to create similar conditions and "institutional respect" for prisoners' beliefs (Beckford, 1998; 2001; 2013; Beckford & Gilliat, 1998; Martinez-Ariño et al., 2015; Opata, 2001; Thomas & Zaitzow, 2006).

In Santa Monica, it appears that in the formal order, there is no significant discussion about how to incorporate other religions. However, it would be interesting to pursue further research to analyse how the Evangelical Churches are positioned in prisons' (formal and informal) dynamics. Since the 1970s there has been a rapid growth of Evangelical Churches in Latin America, and since the 1980s, Evangelical leaders have had a massive entry into the region's political sphere. In Peru in particular, 74.3% of citizens self-define as Catholic and 15.6% as Evangelical Christian (Pérez Guadalupe, 2019). Their presence in the legislative or executive branch of governance is still under-represented,<sup>63</sup> but this does not imply that they are not gaining space and force on the socio-political front (Pérez Guadalupe, 2019), and in sites such as prisons.

Although Catholicism appears to be maintaining its privileged position in the formal and informal order, the rapid growth of the Evangelical Churches in Peru (Pérez Guadalupe, 2019; Espinoza, 2018), has also been reproduced inside Santa Monica. Despite the fact they do not have a differentiated infrastructure, such as a separate chaplaincy, their members have developed creative solutions inside the prison to express their faith. Hence, it is possible to encounter the different groups of Evangelical Churches in small meetings in the central patio where they sit in circles to read the Bible and sing.

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<sup>63</sup> In the last elections in 2016, they gained only 4 of the 130 seats of the Peruvian congress (Pérez Guadalupe, 2019)

Manchado (2015), who conducted research in an Argentinian prison, suggests that inside the Evangelical pavilions, the imprisonment power dynamics re-configures, and Evangelism becomes a governmentality strategy of discipline among prisoners. Jiménez (2008), Marín (2016), Gialdano (2017) and Brardinelli (2012), who also analyse Evangelism in Chilean and Argentinian prisons, confirm that members of Evangelical communities are strictly disciplined (in their language, clothing, the type of music they can produce or listen to, their perspective on sexuality, their personal desires and rationalities, among other issues) that leads to a true subjective transformation only comparable to strict penal regimes. Interestingly, Marín (2016) acknowledges the power Evangelical pastors have to mobilise economic resources among their members and reduce violence inside prison. For the author, it is possible to observe the physical transformation of prison infrastructure (such as painting the walls, making the pavilions lighter, repairing common areas, etc.) achieved with prisoners' small donations or autonomous activities organised inside the pavilions (selling food, organising raffles, etc.). Evangelism has had different processes in Latin American prisons. In Santa Monica there are no formal Evangelical pavilions, but it is a valid discourse in the formal order and unarguably valuable in the informal-legitimised order. Therefore, it moves in a grey area, and establishes new and strict norms for its members. In other words, Evangelism has become an indispensable variable to take into consideration to fully understand contemporary imprisonment dynamics in Latin America.

### ***1.2. Religion in the informal-legitimised order***

Religion in prison cannot only attract attention as a site of worship or as a tool from the formal order to discipline women as part of their “resocialisation process”. Religion also acts as a way through which prisoners contest power relations, as a resource to re-affirm one's presence while imprisoned (Martinez-Ariño et al., 2015). In Santa Monica, religion is also a path through which to engage in semi-autonomous performances for many prisoners in the informal-legitimised order, and it is an accepted and valued intersubjective coping mechanism.

In the engagement with religion and the execution of religious activities, prisoners find a platform to actively participate in Santa Monica's public life, which brings them joy and also creates networks of camaraderie, active interaction, mutual encouragement and inner organisation that goes beyond specific activities. To demonstrate my argument, I will turn to the work of the Catholic group at Santa Monica.

The Catholic Church Coordinator is Monica, who has been imprisoned for 13 years. In her role, she handles the chaplaincy's key, is responsible for all the activities that occur inside it and is continuously inviting new members to assist in its activities. Similarly to delegates, Monica's work involves active participation in the prison's communal life, and the organisation of collective activities with other prisoners. Different to delegates, she is not involved in actions to cover prisoners' material basic needs, but activities that encourage their spirituality and faith.

Despite the fact there is an external organisation, the 12 Apostles Church, who act as an initiator of activities, prisoners appropriate the discourse, and voluntarily dedicate their time, effort and economic resources to organise their activities. For example, Monica, jointly with other prisoners co-organises Catholic festivities and activities in prison such as the *Via Crucis* and the spiritual retreat, already mentioned in this chapter. As explained, the authorities, prison staff and prisoners participate along with the 12 Apostles Church and external volunteers, but the most active members are the prisoners. For its execution, Isabel, the General Delegate of Santa Monica, Tatiana, the Event Coordinator, and Monica with the Catholic Church members work together. They are the main people responsible for the logistical production of the event and handle the organisation of the music, performances, costumes, etc. In the case of the spiritual retreat, Monica coordinates with the nuns of the 12 Apostles Church in its execution. However, among prisoners, the spiritual retreat is considered a transformative space, and to be able to attend, prisoners will change their schedules and coordinate the conduct of their duties with the Delegates.

Religion and spirituality are also intersubjective coping mechanisms in Santa Monica. Religion involves behavioural, and motivational elements as well as myths and beliefs (Donahue & Nielsen, 2005), and as Schaefer, Sams and Lux (2016) explain, each of the significant religions encourages acceptance and forgiveness. I am also introducing the term spirituality as defined by Thomas & Zaitzow (2006) who refer to it as: *“involvement in alternative self-directed or group informal activities that are intended to elevate prisoners to a higher level of contact with something outside themselves”* (p.253). Research about religion, spirituality and imprisonment have also focused on religion’s impact on prisoners’ mental health and as a coping mechanism to promote their adaptation to imprisonment (Huey, Aday, Farney & Raley, 2014; Schaefer, Sams & Lux, 2016; Thomas & Zaitzow, 2016). Prisoners’ engagement with religious activities is a strategy to deal with the dead time of prison (Irwin, 1980) or to construct a sense of “productive” time (Thomas & Zaitzow, 2006).

Furthermore, some research concludes that religion has a protective effect (Miller & Kelley, 2005) on prisoners’ mental health because it reduces their emotional isolation (Thomas & Zaitzow, 2006) works as a source of emotional support (Kornuzco, 2003), and fortifies prisoners’ general well-being (Opata, 2001). As Aday (2003) emphasises, religion provides a tool to create a soul-searching experience of imprisonment and restore a sense of hope, meaning, optimism and security. Along the same line, in a study that examines the self-image and worldviews of released Israeli prisoners throughout semi-structured interviews, Vignansky, Addad and Himi (2018) illustrate how through their narratives, prisoners describe a past with a lack of meaning or hope and an absence of goals. Prison is considered as a turning point and religion as the guidance for constructing meaning from their life and the hope for a better future for themselves, their work and their families.



In Santa Monica, religion and spirituality play a crucial role in how women individually cope with imprisonment and is an intersubjective means opening up the possibility for women to talk about themselves with others. In their everyday discourses, many prisoners discursively explain that they are seeking to accept their situation as imprisoned women, forgive themselves and forgive others. Very often religion is the path they find more comforting, and at the same time, socially accepted and legitimised among prisoners. Therefore, the role of religion in prison also becomes fundamental in the creation of social networks, community and solidarity (O'Connor, 2004), but I will discuss this theme further in Chapter 6. Consequently, involvement with religion and spirituality is an intersubjective tool to seek meaning that provides them with a sense of calmness and acceptance towards imprisonment, and creates subjective connections and dialogical encounters with other prisoners.

Regarding their engagement with religion and spirituality, as Abad (2012) suggests, there is no single way to experience and perform faith. In my encounters with prisoners at Santa Monica, their expression of faith connects more with what Hernández (2006) has defined as “popular Catholicism” (p.205) which is distanced from the Catholic institutional apparatus and respect for orthodoxy, and centres on the worship of Christ, the Virgin Mary and saints. For Hernández (2006), comprehension of the performance of “popular Catholicism” is vital to analyse the Peruvian social dynamics, because it ascribes to a spontaneous and fluid ritualistic faith, with the incorporation of a diversity of non-Catholic cultural backgrounds.

In Santa Monica, women engage in religious and spiritual performances as a strategy to construct a personal narrative about why they are imprisoned. Their explanations are fluid and eclectic, and intersects Catholicism with other cultural traditions and feminism. Therefore, generally, women prisoners engaged in religiosity comprehend their imprisonment as a designation from God with the aim to learn and apprehend a life-lesson which will allow them to become stronger and autonomous women. In this research, I have not focused on the diversity of cultural backgrounds, but it would be interesting to analyse other forms of spirituality such as magic, and other traditional Creole, Andean and Amazon rites. Furthermore, women also refer to feminist discourses, despite the fact they do not make this explicit, but are constantly discussing empowerment and the need to fortify their self-esteem as “women”. Feminism has a long tradition in Peru, and prison, as a permeable site, is also embedded with formal and informal references to this social movement, which it would be interesting to deepen in further research.<sup>64</sup>

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<sup>64</sup> The feminist movement in Latin America cannot be analysed through a lineal and progressive process. It is heterogeneous, plural and multi-dimensional (Castro, 2019). Particularly in the case of Perú, the feminist movement has a long history and it is linked to the Peruvian diversity (Vargas, 2008). Although it is possible to talk about a first-wave feminism in Peru (see, for instance, Mannarelli, 2018), according to Vargas (2004), it is the second wave which became a proper feminist movement. The author manifests that the beginning of this social movement was an expression of modernity, led by middle-class, formally educated women of the urban region of the country, usually linked to leftist political parties, and the recovery of democracy. Besides the traditional institutional arena, there have been important struggles on

Miller and Kelley (2005) highlight that religiosity transforms throughout life so it must be understood taking into consideration the context and the person's life moment. Thus, it is useful to comprehend women prisoners' engagement with religion and spirituality as criminalised and incapacitated in an imprisonment facility, and as a strategy to deal with that experience (Gialdino, 2017). There is no evidence that prosocial beliefs, a sense of community or self-transformations will be maintained over time. Neither is there evidence that religious beliefs are maintained after imprisonment (Dammer, 2002). Nonetheless, research about religion in penal institutions demonstrates that it may aid prisoners to create a temporary adjustment to prison conditions (Giadino, 2017; Schaefer, Sams & Lux, 2016). What I subscribe to is that formally religion may have been used and analysed as a disciplinary mode from the formal institutional order. However, its expression is more complex. Prisoners appropriate religious and spiritual discourses, and combine them with others such as feminism, as a coping mechanism but not only to adjust to prison; it arguably provides a legitimate and socially accepted tool for self-reflection inside prison, and the possibility to construct collaborative networks and emotional support among prisoners.

## **2. Formal and informal-legitimised labour activities in Santa Monica**

During my fieldwork in Santa Monica, it was evident that labour was a recurrent theme in the institution. It is a central element of the resocialisation process and moulds women's everyday lives.<sup>65</sup> Labour is not perceived by prisoners only as a disciplinary tool, but as a valuable activity that allows them to "occupy their minds", feel productive and autonomous, fortify new

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a diversity of platforms: The emergence of advocacy organisations such as Movimiento de Promoción de la Mujer, Grupo de Trabajo Flora Tristán y Acción de la Liberación de la Mujer (Henríquez, 2004; Orvig, 2004), el Movimiento Homosexual de Lima (Homosexual Movement of Lima) and the Grupo de Autoconciencia de Lesbianas Feministas (Feminist Lesbian Self-Awareness Group) (Moromisato, 2004); the incorporation of feminist debates in academia (Fuller, 2004; Ruiz Bravo, 2004); or the struggles of women in grassroots social organisation (Silva Santisteban, 2004). In recent literature of feminist scholars we are now witnessing fourth-wave feminism in Latin America. It started with the #NiUnaMenos movement in Argentina, which was reproduced in many countries of the region, including Perú (Larrondo & Ponce, 2019). This new social movement has initiated a distinct omnipresent cultural collective which overflows rigid institutional margins to give way to a more polycentric, diverse, with formal and informal networks (Larrondo & Ponce, 2019), self-managed, sometimes transitory and invisible movement, but not for that matter inexistent or insignificant (Castro, 2019).

<sup>65</sup> As mentioned in Chapter 4, prisoners pay a weekly quota to their delegates. Besides, prisoners cover by themselves (or with the support of their visits) their basic needs such as hygiene products; and, if they apply for a formal education or labour workshop, they have to fund the administration fee and their materials. It could be deduced that imprisonment supposes a cost for prisoners without considering the possible "luxuries" women may afford inside Santa Monica (such as food, clothes or illegal goods). Furthermore, many participants emphasise their need to generate economic incomes to support their children outside prison (more than 80% of women prisoners nationally are mothers, and the majority of them are the leading providers of economic resources for their children) (INEI, 2016; PNUD, 2013).

capabilities and construct social networks. Moreover, prisoners do not have too much spare time and are constantly worried about how to gain economic resources to support themselves inside, and their families outside prison. In accordance with the intertwinedness and overlapping of formal and informal governance orders, prisoners engage in formal and informal-legitimised labour activities inside Santa Monica.

### ***2.1. Education and labour as tools to re-feminise prisoners from the formal order***

Labour has been defined as one of the main strategies in prison to propel resocialisation or rehabilitation (Irwin, 1980). For Melossi and Pavarini (2017), labour in prison seeks the imposition of social discipline, not necessarily to provide useful skills to prisoners, but to teach them about “subordinate inclusion” (p.14). In simpler words, labour activities enable the transformation of prisoners into disciplined subjects, incorporating habits of obedience and submission. As the authors suggest: “*The object was thus not so much production of commodities as the production of men*” (Melossi & Pavarini, 2017; p.204).

Using the concept of “discipline” through labour, I argue that formal education and labour activities in Santa Monica also seek to create the “production of women”. Santa Monica is envisioned as a training and disciplinary space for prisoners. Therefore, studying and/or working is mandatory, and prisoners must register for training or formal labour workshops to obtain the signatures required to access penitentiary benefits. Through them, prison reproduces patriarchal discourses, and consequently, the formal workshops are restricted and embedded with traditional conceptualisations of femininity.

As detailed in Chapter 2, feminist criminological research has demonstrated that education and labour in women’s prisons tend to reproduce and discipline women into the performance of traditional femininity (Carlen, 1983; 1999). Latin American feminist scholars confirm that these disciplinary modes are reproduced in their regional penitentiary systems (Antony, 2007; Azaola, 2005; Boietaux, 2015), and denounce the low quality and utility of the education and labour workshops offered to women. Formal workshops generally focus on the reinforcement of habits and occupations traditionally “assigned” to women, including cooking, cleaning, and the manufacture of arts and crafts or fashion.

In the case of Peru, the INPE’s expectations and foremost objective are that the penitentiary population will fortify and develop productive capacities that will give them the possibility to earn incomes outside the prison, and therefore, distance themselves from criminal activities. In Santa Monica, the educational and labour activities offered to women respond to the traditional image of women’s gendered role. Thus, the workshops are associated with domestic tasks and the manufacture of handicraft products. In that sense, during their incarceration experience, prisoners may finish their primary and/or secondary degrees, if they have incomplete basic formal education. After it, they can apply to one of the Educational Workshops offered by

the *Centro Educativo Técnico Productivo* (CETPRO – Productive-Technical Education Centre). The classes offered in Santa Monica are textile confection, cosmetology, arts and crafts, cooking, and informatics and computers. Despite the fact that the mentioned educational activities in Santa Monica are given with the objective to provide productive skills for prisoners, it is interesting that all of them are considered “feminine” activities that may be performed in their homes or care work and reproductive labour (Iturralde, 2015; Tronto, 2006).

Once prisoners have been “trained”, they apply to the formal labour workshops. Gual (2015) explains that labour in prison may be classified into three modalities: a. The production of goods and services for the prison or the state, b. The production of goods directed and commercialised by the prison, and c. The production of goods directed and commercialised by private entrepreneurs. By engaging with this categorisation, in Santa Monica is possible to observe:

- a. The production of goods and services for the prison (and I will include for the prisoners), usually associated with informal-legitimised labour;
- b. The production of goods (such as arts and crafts, bijouterie, tailoring and confection, knitting, and leather), and services (such as attending the kiosks, cooking in the Gastronomy and Bakery workshops; attending the hairdressing salon, doing the laundry for the prison’s external laundry service, or being a guardian for prisoners’ children in Santa Monica’s day-care). In Santa Monica, the main clients of these goods and services are the prisoners themselves, their families and friends during visiting days, and commercialisation via their external networks.
- c. The production of goods for private companies through an agreement with two external companies which outsource their services to prisoners at Santa Monica. For instance, in 2016, Santa Monica’s authorities signed an agreement with a jeans company (*PMP Manufactura*), who contract approximately 50 prisoners as manufacturer labourers.

In the previous chapter, I maintained that the political co-governance of Santa Monica implies the co-finance and the investment of prisoners in the daily management of prison, and activities that are under the scope of treatment. Indeed, the formal order needs the informal-legitimised organisation of prisoners to operate and be functional. Then, it should not be a surprise that the co-financing and co-production are also reproduced in the formal educational and labour workshops. Thus, prisoners economically assume most of the costs of their “resocialisation” process.

I will discuss co-production later on the chapter, but in reference to co-financing, in Santa Monica, the INPE provides a basic physical infrastructure, some equipment and specific training at the educational workshops. In labour workshops, the staff member has the job of registering attendance, which is imperative to confirm prisoners are working during imprisonment, and in

some cases, if the staff member knows about the manufacture of the product, they can also assist by illustrating some techniques to the women. Complementarily, for prisoners to be able to participate in the formal education and labour workshops, they have to pay a quota to cover “administration costs” that oscillates between 20 to 40 soles (£5 – £8 pounds) and have to buy their materials. In the labour workshops, prisoners work autonomously and are responsible for the production of their items. To assure their productivity, they buy their supplies from overpriced external providers, acquire more equipment if needed with the help of their external networks, coordinate the bureaucratic permits to bring them into the prison, and try to create commercial platforms for their products. For example, Alejandra, imprisoned eight years ago, has created a bijouterie brand called *REA* (translates to female prisoner). She buys her materials from an external supplier and commercialises and sells her products during visiting days and through a Facebook page with the help of her brother.

## **2.2. The informal-legitimised labour or the “prison housework”**

Informal-legitimised labour contributes to the prison’s administration and supersedes the state’s functions, resembling what Gual (2015) categorises as the production of goods and services for the prison or the state, or what Zatz (2008) identifies in USA prisons as the most common but least visible form of prison labour: “*prison housework*” (p.870). Zatz (2008) explains that prison housework occurs when the state or prison manager expect prisoners to contribute directly to prison operations by cooking meals, doing laundry or cleaning the facilities.

In Santa Monica, differently to the USA’s prisons described by Zatz (2008), prison housework is not organised by the prison authorities but by prisoners. For that reason, in Santa Monica it is not a service for the state, as Gual (2015) defines it, but a service that occurs instead of the state, for the prisoners. Therefore, prisoners conduct its organisation, contract other prisoners for the different services, and cover the economic expenses. For example, as mentioned in the previous chapter, Cleaning Delegates and Food and Microwave Delegates are responsible for designing on a rotating basis the shifts to clean and deliver the *paila*, respectively. Some prisoners with more economic resources choose to outsource their obligations. Delegates hold a list of prisoners who sign up voluntarily to “apply” for those assignments. The list also runs on a rotating basis, so all registered women have the opportunity to work. The payment is around five soles (£1). Delegates are responsible for organising, “contracting” and paying prisoners who have voluntarily “applied” for the work. Again, as detailed in the previous chapter, the work of women in “prison housework” relieves the state from what it needs to provide while being formally unrecognised (like the work of the delegates), which may also lead to depletion.

Furthermore, prisoners also engage in informal-legitimised paid personal care services (Tronto, 2006; Waerness, 1990) inside their pavilions. Prisoners also offer services, such as

laundry and daily menus, to other prisoners with more economic resources. Marlene, with the other five women of her block, does laundry for other prisoners. She started with one client, but nowadays, she does laundry for four. She works from 6:00 a.m. until noon (Marlene only stops for *la cuenta*), and in the afternoons she is studying to finish primary school. Marlene charges 0.50 soles to 1 sol (£0.15 to £0.30) depending on the item.

Similarly, Venus started her informal-legitimised salad business and has five customers. She is formally registered in the Arts and Crafts workshop but has started to sell salads to earn economic profits. Her family buy vegetables which she guards inside her cell. Every day from Monday to Friday she stops her formal labour at noon to prepare her products and delivers them at 12:30 p.m. Talia and Janina (two of her clients) compliment their *paila* with Venus' salads and fulfil their dietary health requirements.

Moreover, prisoners contract other prisoners to cover medical needs, which should be provided by the state. Prisoners who have health difficulties and sufficient economic resources, hire other prisoners to attend them. For example, Medalith suffered from hypertension before imprisonment, which produced mild facial paralysis and migraines. She was incarcerated at 35 years old, and when she turned 36, she suffered hemiplegia. Medalith remembered, "*I had a facial stroke on the left side, my drool was dropping, it was horrible, the eyesight, my eyes, my eyes filled up. Above all, imagine myself, I did not want anything. I submerged myself in a terrible depression. So much, the depression was so strong that I neglected myself, my face filled with stress*". When Medalith got sick, she hired two prisoners to aid her:

*Medalith: I remember two women helped me that are not here right now anymore. One was Mexican, and they helped me with my therapies in the bathroom, they put hot cloths on me, with massages and everything. They helped me; in reality, everything is economic around here. I paid them, and they attended me. Besides that, I suppose they also felt pity for me at the moment, nobody does anything...or is because of pity or because you paid them. I paid them and said to them, please, I will pay you to attend me and to clean my clothes, and they did.*

*Researcher: ¿How did INPE help you?*

*Medalith: ¿With my massages? No, INPE told me they didn't have a budget and the only thing they could do was to transact my documents [...] They told me that there are people with bigger emergencies than me, like cancer, so we can only provide you with the little pill, the miracle maker that they say, naproxen, and with that I had to ... for the pain. But that didn't do anything to me. So, I had to assume my costs."*

Medalith's experience exemplifies imprisonment dynamics: firstly, the neglect of the state to properly attend the prisoners' health needs. The state does not offer proper medical services to attend to prisoners; they hierarchise women's medical health and homogenise the medicines for all kinds of physical problems. Secondly, it shows the way prisoners create

strategies and organise informal-legitimised labour actions of care to address their personal needs. Furthermore and most importantly, informal-legitimised labour is a path to resist, adapt and survive imprisonment. By engaging in these activities, prisoners actively and creatively find ways to fund their imprisonment expenses and economically support their families outside prison.

### ***2.3. Productive and Reproductive labour in prison***

Formal and Informal-legitimised labour may provide prisoners with economic profits; nonetheless, it is interesting to extrapolate to Santa Monica Zatz's (2008) question after completing research in USA prisons: "*Who is recognised as a worker, and who is left out?*" (p.86). In Santa Monica, women's engagement with labour is paid with two differentiated "currencies" or "profits": a. Actual economic profits, and b. Access to signatures in their legal files, and therefore the possibility to apply for penitentiary benefits or prison release.

I propose that the existence of prison's two currencies creates a hierarchical division between labour activities, and therefore, creates a gendered division of labour that resembles productive and reproductive work. I define formal labour as productive labour (Fraser, 2014) because, among other characteristics, it gives the possibility to be paid with the two "currencies", and therefore, it is more valued than informal-legitimised labour, which I define as reproductive labour (Fraser, 2014).

#### *Formal labour as productive work in Santa Monica's public sphere*

As mentioned, prisoners apply to do formal labour, and their work enables them to earn Santa Monica's two "currencies". In addition, prisoners' medium- or long-term engagement in labour activities arguably fortifies their entrepreneurial skills, which in turn may make women more appreciated in a productive-salaried sphere. Meanwhile, prison labour occurs in the prison's public sphere, thus enabling a sense of visibility.

During informal conversations, many participants who produce goods recalled the expectation to develop medium- to long-term labour plans which involved the creation of micro-entrepreneurships and the acquisition of business skills. There is an incorporation of the "market" narrative, and the expectation to become autonomous or be "their own bosses". To achieve this in Santa Monica, prisoners engage in negotiations with authorities and prison staff to develop their own brands and services, contract their peers (who are formally registered in the INPE's workshops), and fortify their professional and technical skills while creating an emotional care network among themselves.

In the case of prisoners who work in the production of goods, they pursue the creation of their brands, the production of sufficient stock to supply their customers' needs, while trying to provide psychological reassurance and empowerment to their workers. Santa Monica's references

for prisoners' micro-entrepreneurship are the shoe company The Queen's run by Medalith,<sup>66</sup> and the company called *REA* by Alejandra.

Medalith is the owner of the only micro-entrepreneurship coordinated by prisoners in Santa Monica, and her story is continuously recognised at institutional events and she is invited as a guest to the INPE's national events. She learnt how to concoct shoes in another women's prison before she was transferred to Santa Monica where she decided to be her own boss. As Medalith recalled: *"I am not going to repair shoes, I am going to make them. And the Director told me: who do you think you are? The Queen? And that is how The Queen's was born. Take notice of the apostrophe ... we produce what the Queen wears"*.

With the help of her family, particularly her son, Medalith invested money to boost her company. She had the idea to make the first collection, and settled her first workshop in *"Maxima"*, the women's prison she was sent to first when imprisoned. Suddenly, in 2011, she was transferred to Santa Monica, where there was no shoe workshop. To address this gap, Medalith presented a project to the then-Director. As she recalled, *"There was no one in ceramics, so we cleared the workshop [...] the people from CEAS [Comisión Episcopal de Acción Social] came to train the girls once again, and I, with what I could, also trained the vast majority of the girls who worked with me, and we opened the workshop."*

In the meantime, the INPE created an agreement with an NGO to produce shoes for an external company. Prisoners would only work for that company and The Queen's would cease to exist. Medalith told the owner of the NGO that she could work with them because she was interested in acquiring new production techniques, but she could not leave behind something that was hers. So, the owner replied, *"You can't start something that will not arise"*. Medalith remembered how that phrase gave her the impulse to start over. She was evicted from the shoe workshop and sent to a small abandoned location in the prison. Three women followed her, and with them, she re-organised her workshop.

Without the machinery, they asked their friends in the Tailor and Confection workshop to sew their products. Her persistence and knowledge of law allowed her to negotiate with the INPE:

*"I told them I am an island. I am alone in this prison, and in the code of the penitentiary institution says that I have the right to this and this, because I studied law. I started to make demands, but with documents, with the norm and the law, and they give me the ease"*

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<sup>66</sup> There are no formal numbers on how many micro-entrepreneurships of prisoners exist nationally. "The Queen's" is the only one registered in a women's prison. Nonetheless, for example, in *Lurigancho*, the major men's prison in Peru with a population of 10, 280 prisoners (INPE, 2018), by 2015, approximately 4,000 men were unionised and working in micro-entrepreneurship inside the prison (personal communication with judicial delegates of *Lurigancho*).



*of entering my machines [...] At the beginning, I only used logic and kindness, I asked for favours. But I didn't see results, so I had to ask it by law, using my rights as a worker [...] Then, I asked for professors, and the former Director was very important at the time. She told me: all right; if you want to move forward I bet for you, give me a list of your professors [...] Then, time goes by, and the Director gave us another space next to the one we had to expand.”<sup>67</sup>*

Nowadays, Medalith has formalised The Queen's and is registered as the only company in a women's prison. Medalith has her own workshop, the INPE's staff does not manage the attendance of their personnel, but she personally selects, trains and monitors other prisoners. During the fieldwork, between 8 to 10 were working with her, and Medalith paid them by item.

The case of Alejandra which I already mentioned at the beginning of this chapter, is similar, but it seems she is at an initial period of the process of developing her micro-entrepreneurship. Alejandra learned the basic bijouterie techniques at an INPE educational workshop, and then improved her techniques with the help of other prisoners: *“I had a [training] module for two weeks. Then, I learned by myself. For example, a Venezuelan woman taught me how to do rings”*. Currently, she is registered in the Bijouterie labour workshop, and differently to Medalith, Alejandra has to sign her attendance daily with a staff member. Alejandra teaches bijouterie to Maura and Angie, who are also formally registered in the Bijouterie labour workshop. Nonetheless, informally, Alejandra offers them the supplies to learn, and in return, they assist her with the packaging and selling of their products during visiting days.

From a material economic perspective, Medalith and Alejandra are co-producers of the labour workshops at Santa Monica, their work substitutes the responsibility of the state, and they offer unpaid training and material provisions to their peers. Their peers may be defined as contracted workers who assure The Queen's and REA's sustainability. As a consequence, there are tangible, economic benefits from this relationship. Nonetheless, it is worth emphasising that these encounters, propelled by a rational-economic dimension and the incorporation of a market discourse, also involve a care network between prisoners. In other words, there is also *“solidarity through a care relationship”* (Stewart, 2011; p.47) which is embedded within an emotional connection among the prisoners who work together.

For example, Medalith is concerned about the emotional labour climate of her company. Every Monday morning, she conducts a labour climate workshop with all her staff to discuss possible conflicts among workers or reflect on values and how to incorporate them in their life and work ethics. On the other hand, Alejandra, Maura and Angie have acquired responsibility for each other, compelling the central focus of the ethic of care. According to Held (2006), by

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<sup>67</sup> Her story provides another example of interlegality, in this case to assure her possibility to work inside prison. At the beginning of the negotiations, Medalith made use of her connections and relationships, of the prison's customary law, and when it recurrently failed, she opted to proceed through the nation-state law.

engaging care relations, the moral salience attends to and meets the needs of the others for whom we have taken responsibility. To break essentialised arguments about femininity, the expression of care is not a naturalised element for women (Stewart, 2011); it involves the practice of its moral values, and it has to be visualised as a process (Sevenhuijsen, 1998).

Alejandra meets the peers' need for professional capabilities, but also their emotional and psychological ones. As Maura emphasised, "*I like hanging out with Alejandra because she is someone that helps me to stay calm inside prison*". Furthermore, given the prison context, it is interesting that during their encounters, Medalith and Alejandra, who have been in Santa Monica longer, embrace newcomers and in their practice transmit to them "*the ways of prison*" (Bandyopadhyay, 2010). It is probable that Medalith and Alejandra were also embraced by other women when they first arrived at the prison and have become attentive to care about others and competent to give care in this particular context. I had the opportunity to work with them some mornings and observe their interactions and acknowledge how the workers of The Queen's and REA gladly accept Medalith's and Alejandra's counsel and guidance. As Held (2006) suggests, the care cycle is only complete if the others are responsive to their caregiving.

Similarly, prisoners who offer services and get involved in formal workshops such as Gastronomy or Bakery also fortify their entrepreneurial capacity. In Santa Monica, there are two kitchens. The INPE manages one, and their cooks are responsible for providing the daily *paila* given to all prisoners and security staff. Women formally apply to work here. It is "prison housework" formally recognised by the state, and does not create economic expenses for prisoners. The state pays for the ingredients, but their labour does not provide them with any economic income. Moreover, the menu given by the state is limited, so prisoners do not have much variety to be too creative in this space.

To address my argument of how formal workshops fortify women's entrepreneurship skills, I am not referring to the labour in the kitchen managed by the INPE, but a second space named the Gastronomy labour workshop. In this workshop, women also engage in semi-autonomous performances that enable them to learn administrative and logistical capabilities, develop human resources strategies, and creatively cook quality food seen in daily menus that have to economically and tastefully compete with an internal gastronomical market inside the prison. At the back of the prison, there is a cooking space divided into many individual posts. It resembles market stalls with an individualised kitchen in each where prisoners prepare different menus daily. In each stall three prisoners work: a Cook, a Cooking Assistant, and a *Vendedora*.

The Cook is the main person responsible for the administration of the post but works closely and organise the labour of her two workers. Participants manifest that it is important that

women who work together know and trust each other because money is involved.<sup>68</sup> To address the logistics and purchase their ingredients, all the Cooks have external providers to buy their supplies from, and they are directly responsible for the coordination and holding the resources to do it. The prices of the dishes vary between 4 to 10 soles (£0.80 to £2), and the profits are divided between the Cook and the Cook Assistant with 10% of their profits given to the INPE for administration costs.

All of those involved in the production of the service learn how to manage themselves in a competitive economic market. The Cooks and their assistants engage in a creative process to prepare their dishes, but taking into consideration that their prices should be economically adequate for clients inside the prison. The diversity of the dishes impresses: fried chicken with fries, *patacones* (deep-fried bananas), fruit salads and juices, *chicharron* (deep-fried pork) with sweet potato, *ceviche*, pasta, rice with seafood, among others. In the case of the *Vendedoras*,<sup>69</sup> their profits depend on their selling capabilities. They add one sol (£0.20) to the original price assigned by the Cook, two soles (£0.40) if they decide to give credit to the buyer. If she decides to give credit, the *Vendedora* will still pay the Cook, and will be her loss if the buyer does not pay.<sup>70</sup> *Vendedoras* walk across the prison with trays of food: they cross the patio and enter the labour and educational workshops, the pavilions and offices announcing and showing the dishes.

Consequently, prisoners who engage in formal labour subvert the institutional disciplinary modes of the formal order to establish semi-autonomous performances, inner organisation and care networks among prisoners through labour activities. Formal labour activities do propel feminised activities, but prisoners incorporate a market discourse that subverts prisoners' motivation to become entrepreneurial. In this context, prisoners become co-financers and co-producers of the formal labour activities, and the formal labour workshops become platforms for semi-autonomous, collaborative actions that fortify capabilities valued in the salaried sphere. Moreover, though them, prisoners create interdependent relationships that may be initiated by material needs but also by identification process between imprisoned subjects in a precarious condition. Indeed, the construction of relationships and their characteristics will depend on the context in which each person finds themselves (Fisher & Tronto, 1990; Tronto, 2006).

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<sup>68</sup> A participant manifested that in an older administration, the INPE used to decide which prisoners were going to work together in the stalls. Prisoners applied individually to the Gastronomy workshop, and they created the groups. Nowadays, prisoners decide because it created too many conflicts.

<sup>69</sup> Prisoners are not authorised to buy their dishes directly from the Gastronomy stalls. The space which surrounds the stalls is small, and it would demand more time for prisoners to form lines to order food, obliging them to leave their workshops and creating disorder.

<sup>70</sup> *Vendedoras* take a risk by giving credit. Prisoners pay their debts on Sundays after visiting days. Nevertheless, they have to evaluate to whom they give credit, trust them and know they will stay away from problems and formal sanctions. If they give credit to a "problematic" prisoner, it is possible the payment will be delayed or not happen because they will ignore them when they charge them, or they can be sent to the *calabozo* for several days, or in drastic occasions, transferred to a different institution.

Moreover, formal labour resembles productive work because it occurs in Santa Monica's spatial public places such as the central patio, the pavilions' inner patios and the workshops. Moran (2015) analyse how prisoners may have different conceptions of time in association with the spatial locations they transit and inhabit inside prison. Firstly, Moran (2015) suggests that time is experienced differently between prisoners and that the feeling of how time passes is relative and subjective; it may speed up or slow down depending on the persons, spaces and practices. Secondly, the possibility or restriction of mobility may bring further comprehension of power dynamics and exclusion within the penitentiary system.

For women in Santa Monica who engage in the formal labour workshops, and in particular those who engage in the creation of micro-entrepreneurships of goods and services, arguably their imprisonment experience is different than those who do not. The intersection between time and labour implies women may feel they are not "losing" their time. Indeed, they arguably feel that their time is economically productive, and that are constructing the foundations for a possible legal income after imprisonment.

Also, it is interesting that the prisoners who are most visible and mobilise daily in the prison's public places are those that perform a particular power within the prison, and as Moran (2015) specifies, spatiality and mobility provide an analytical framework to comprehend power relations of inclusion and exclusion within carceral dynamics. Therefore, in Santa Monica, prisoners with more economic resources can apply to the formal workshops, particularly those that enable them to make higher profits, and as a consequence, mobilise more through the public spaces of the prison.

For instance, to access the formal labour workshops, the INPE's treatment staff evaluate prisoners' applications and determine their acceptance. Although all prisoners have the possibility to apply to the formal workshops, one criterion for their selection to some of the workshops will be the possession of economic resources. The kiosks, the Gastronomy and the Bakery workshops are – in that order – the most privileged and in demand formal labour activities. They provide women with the prison's two "currencies", and women earn substantial money with involvement in any of them. For example, in the kiosks, women sell food such as water, sodas, cookies, yoghurt, etc.; toiletries such as soap, shampoo, etc.; and goods such as sandals, hair-clips, Band-Aids, etc. Nonetheless, to apply to work at the kiosk, prisoners mention they must prove economic solvency to be able to buy the kiosk's merchandise (3,000 to 4,000 soles, £600 to £800). The same occurs with the Gastronomy and Bakery workshops; prisoners also have to prove economic solvency.

Furthermore, women also need economic income to be able to participate in the product manufacturing workshops. Workshops such as Leather, Tailoring and Confection or Knitting require prisoners to have a specific ability. To learn these skills, prisoners must spend (partially or entirely) time of their imprisonment acquiring capabilities, investing in materials and

practising. Learning a technical skill is an expenditure which does not generate immediate economic profits. Therefore, women who initially engage in them to learn the skill need to have sufficient economic resources to pay for imprisonment expenses. Moreover, these workshops also require prisoners to invest in more expensive materials than those needed for Arts and Crafts and Bijouterie. Therefore, prisoners who learn these skills are those who arguably have more economic resources before imprisonment or enough economic support from their visitors.

Finally, the concept of public space or sphere is also linked to a definition around the symbolic space for political participation in a community. Fraser (1990), following Habermas's conceptualisation, argues that the public sphere designates a "*theatre in modern societies in which political participation is enacted through the medium of talk. It is the space in which citizens deliberate about their common affairs, hence, an institutionalised arena of discursive interaction*" (p.57). However, Fraser (1990) comments that multiple exclusions constitute the public sphere, and through a Marxist perspective, denounces the exclusion of women and non-working men. In Santa Monica, as observed, some women mobilise and participate, in this case, through labour in the spatial public spaces, and it would be interesting to deepen with further research knowledge on which are the women who are excluded beyond the lack of economic resources, and whether those prisoners who engage in formal labour are the ones who have more participation in the prison's common affairs and institutionalised co-governance.

Before I end this point, I want to make a brief comment about the production of goods for private companies, introduced to Santa Monica by the INPE's authorities. As mentioned, prisoners may apply to work for two private companies inside Santa Monica. Prisoners explained that their salaries depend on their ability to sew, and their payment is a commission on their daily production. By working full time, including weekends, their salaries oscillate between 40 and 50 soles (£9 to £11) per week. Although this provides women with the two "currencies", and situates them in the productive sphere of prison, this does not imply fortification of their entrepreneurial skills. Participants' general opinion is that the job given by the jeans company is a form of exploitation that gives company owners a benefit from their almost free work (Fraser, 1997). The minimum income does not even cover their imprisonment expenses, but does provide them with the signatures for their legal processes. Prisoners who apply for this job are those who live more precariously inside the prison but are close to addressing their trials. Therefore, I am not including work in private companies in this analysis.

#### *Informal-legitimised labour as social reproductive work and the private sphere*

Conversely, I propose that informal-legitimised labour is reproductive work (Fraser, 2014). As already described, informal-legitimised labour represents activities and processes of social reproduction (Bakker & Gil, 2003) which enable the functioning of the prison and provide paid care services to other prisoners. As with the work of delegates, the work of prisoners in the

informal-legitimised labour operates as an invisible subsidy to the state (Hoskyns & Rai, 2007; Rai, Hoskyns & Thomas, 2014; Stewart, 2017). It is economically assumed by prisoners, but formally unrecognised with the prison's second "currency". Thus, it is not included in their legal files and cannot be used to apply for penitentiary benefits; as a consequence, they are denied as workers by formal representatives and the state. Moreover, as mentioned, it resembles reproductive work because it occurs in the prison's spatial private places: the pavilions and blocks.

As noticed, I have introduced the concept of care to analyse various dynamics among prisoners in Santa Monica. Care, as a relational dynamic, is not exempt from the power dynamics between a caregiver and a care receiver (Tronto, 2006), which is easily observable in the informal-legitimised labours. Waerness (1990) identifies three forms of care: spontaneous care, referring to an altruistic act of care in an ongoing relationship; necessary care, to address those actions of care that the recipient could not provide for themselves, and personal service, that is the care that one could provide to oneself but someone else does it instead. For the author, the main difference between care and service is the power dynamics it creates, and who appears to be in command or autonomy. In Santa Monica, socio-economic resources create hierarchies among prisoners, and the actions of paid care may be defined as personal services (Waerness, 1990).

In the case of Santa Monica, I have already discussed in the previous point that prisoners who get involved in the formal labour workshops (mainly the most-valued ones) are those who have sufficient economic resources, and arguably those who perform in the (geographical and political) public space of prison. Similarly, prisoners who contract other women to outsource their responsibilities inside the pavilions or to do their care work (such as dietary needs, laundry or medical services) are also those with more economic resources. Therefore, this provides them with more autonomy to address their individual care needs and they seem to have more command of their situation of imprisonment. In contrast, prisoners who work in the informal-legitimised labour are generally in a more economically unfavourable situation and do it to ensure immediate economic resources for their expenses inside and outside prison. This not only positions them with less autonomy around their personal needs, mobility or power inside prison, but has repercussions for their legal processes. Many of them put aside the required formal dispositions, creating unfavourable evaluations (and as a consequence, limiting their possibilities to access penitentiary benefits) to fulfil their economic necessities during imprisonment.

For example, the story of Patricia, who is 26 years old and was imprisoned in June 2016 for ten years. She has a 10-year-old son and a two-year-old daughter. Patricia does not communicate with the father of her son, and the father of her daughter is also in prison. Moreover, she highlighted that her family live in a situation of extreme poverty. They take care of her son and emotionally support her, but they rarely visit her because they cannot afford the transportation costs. Thus, she works to cover her and her daughter's needs in prison by herself. For the last two years, Patricia has not joined any formal workshop, but that does not imply she has free time

during her imprisonment. Patricia is enrolled on their block's list to do the cleaning and organise the *paila*. She cleans the corridor, bathrooms and common areas during the morning, she picks up the Tupperware from the prisoners of her block to serve breakfast, she collects the *paila* and delivers it, she washes up afterwards and the process is the same for lunch and dinner. During her spare time, Patricia also takes care of her daughter.

Although the binary division helps analytically, formal and informal-legitimised labour activities are not closed and static categories, and in everyday practice prisoners move from formal to informal-legitimised labour regularly, and may engage in one, two or more labour activities simultaneously (and the reasons to engage in one or many are not only economic). Nonetheless, the incorporation of a socio-economic variable and the economic internal flows of Santa Monica, enables it to be distanced from the homogenisation of women's imprisonment experience. The socio-economic analysis in women's prisons still requires more research,<sup>71</sup> but registration in particular formal workshops or engagement in other economic activities inside the prison may be a line of investigation to comprehend this complex hierarchisation and the differences between women's imprisonment experiences. As described in this chapter, prisoners who have more economic resources will have more opportunities to engage in the formal workshops, and therefore, have their judicial file in order and a better chance to apply for penitentiary benefits and liberty.

Indeed, liberty is not a neutral commodity but is embedded within socio-economic factors. Following the decolonial perspective introduced in the theoretical chapters (Chapter 1 and 2), Quijano's concept of "coloniality of power" refers to naturalised discourses of a hierarchical division of labour by its intersection with ethnic-racial identities. Furthermore, as the decolonial feminist Yuderkys Espinosa (2014) states, the aim is not to regard women's life in a compartmentalised manner, addressing gender, race and class oppressions as independent s. The ethical, political and theoretical bet is to regard them as structural modes of domination that organise social life, and in this case, create hierarchies among women prisoners. Therefore, to create a complex analysis of access to the power dynamics of imprisonment and women's access

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<sup>71</sup> Another way to gain economic resources inside prison is to engage in illegal activities. Illegal activities are different from informal-legitimised because women who participate in them are openly transgressing the formal-legal norms. Moreover, they require more economic investments but imply better gains. In that case, to organise illegal activities, the prisoners or their external support network must have the economic resources for initial investments. It is important to emphasise that the staff's and prisoner's discourses suggested that the women who are involved in illegal activities are a minority. For example, some prisoners offer loans to other prisoners with 10 to 20% interest, others rent cell phones or sell forbidden beauty products (make-up, shampoo, perfume or body cream). Moreover, illegal activities are also connected to a drug economy in Santa Monica, and some women sell pills (anxiety pills such as clonazepam, diazepam and other prescription pills), but this was not a recurrent topic during my fieldwork, and authorities and prison staff suggested that only a minimal number of prisoners sell these goods.

to justice process, for further research, it remains necessary to intersect the pattern of the power of labour with prisoners' socio-economic backgrounds and ethnic-racial identities.

## **Conclusion**

Religion and Labour are the two fundamental social institutions at the meso-social dimension of Santa Monica. As demonstrated, both act as disciplinary tools from the formal order, seeking to produce "civilised" women by adopting the traditional Catholic morality and faith, and the acquisition of professional capabilities that are regarded as "adequate" for a female population. Nonetheless, Religion and Labour are not only legitimate social institutions in the formal order, but are also valued by prisoners, creating common grounds between the orders of the prison, and at some points, creating ties or connections between the discourses of the authorities, prison staff and prisoners.

It is worth emphasising that prisoners do not remain passive subjects who uncritically accept domination practices. With the objective to contribute to the link of governance and social life in prison, and following Crewe and Laws (2018), who suggest that governance sets the conditions for prisoners' social practices, I propose that co-governance also enables semi-autonomous actions and care networks among prisoners on the meso-social dimension. In this case, I have shown how prisoners engage in religious activities as a path to engage in semi-autonomous performances that involve camaraderie and mutual collaborative networks. Moreover, women subvert religious discourses and connect them with other spiritual and feminine empowerment discourses to develop an intersubjective coping mechanism that enables them to engage in dialogical and reflective introspective processes about themselves and their time in prison.

In relation to labour, at first glance, its analysis could suggest that the formal order offers only "acceptable" labour for women, and a limited acquisition of capabilities linked to traditional femininity. This analysis is not mistaken. The prison reproduces society's patriarchal structure and fortifies women's role in care or beauty activities. It cannot be denied that the prison seeks prisoners' re-feminisation and that the labour possibilities are limited and respond to gender stereotypes (Antony, 2007; Iturralde, 2015).

From a feminist perspective on political economy (Bakker & Gil, 2003; Rai, Hoskyns & Thomas, 2014; Rai & Waylen, 2013; Stewart, 2011) and in dialogue with the relational framework of the ethics of care (Gilligan, 2013; Fisher & Tronto, 1990; Fisher, 2006), labour activities may also create strategic encounters among prisoners which bring material benefits while they provide emotional and affective support. Nonetheless, beyond this point, it is embedded within power relationships. Therefore, the intersection between co-governance and labour offers an appreciation of women prisoners' heterogeneity (Tapalde-Mohanty, 2008) and offers a path for



future research on imprisonment in the Global South and its intersection with ethnicity, race and class dimensions.

## Chapter 6

### **Santa Monica's Micro-intersubjective Dimension: Interpersonal Relationships and Gendered Subjectivities**

In this last analysis chapter, I propose that the intersection between prison as a punishment institution, co-governance as a form of political structure and the performance of feminine gendered social norms also moulds social dynamics and gendered subjectivities (and agencies) at the micro-intersubjective dimension of the prison.

In the first part of the chapter, I focus on the social interactions and the construction of interpersonal relationships among prisoners in Santa Monica. Early research on women's prisons has argued that women create a stronger kinship system than men due to the importation of pre-prison traditional gender identities (Giallombardo, 1966; 1974; Heffernan, 1972). Feminist criminologists have questioned these approaches for adopting essentialist arguments to explain the differences between men and women (Tierney, 2009). Distancing from essentialist explanations, I propose there is a complex emotional climate within the prison. Therefore, prisoners' emotions towards other prisoners ambivalently flow between a defensive mistrust and intimate trust, which supposes that social interactions fluctuate from violence (particularly psychological) to mutual collaboration, solidarity and reciprocity. This is not a linear evolution, but a constant fluidity between those emotions. Furthermore, gender is a dimension that helps us understand differential imprisonment experiences between men and women, and the construction of interpersonal relationships are embedded with gendered norms. Hence, with different levels of intimacy, and analysed through the framework of social reproduction (Bakker & Gil, 2003; Rai, Hoskyns & Thomas, 2014; Rai & Waylen, 2013; Stewart, 2011) and ethics of care (Gilligan, 2013; Fisher & Tronto, 1990; Fisher, 2006; 2015), women construct trustful relationships that I have categorised as based on mothering, sisterhood, homoerotic encounters and communities.

Furthermore, I suggest that through their semi-autonomous performances in Santa Monica's multiple orders, engagement with the social institution of Religion and/or Labour, and their dialectic encounters at the different levels of trustful relationships, women discipline and subvert their gendered subjectivities.

On the one hand, through their interpersonal relationships, women prisoners discipline each other to become "adequate feminine prisoners". To address this point, given the strength of the patriarchal structure, I analyse how "motherhood" is the privileged social subjectivity in Santa Monica. Participants define themselves in their relationship with motherhood and matriarchal figures and consider their connection to care. Motherhood is the most valued identity among women prisoners. Furthermore, by analysing drawings created by members of the Catholic Choir group, I propose that prisoners also discipline themselves to become an "adequate feminine

prisoner”, created in counterpart to what I have defined as the “counter-model feminine prisoner”. Both categories represent stereotypical imaginaries of women prisoners that relate differently to the formal order. Paradoxically, discipline into the “adequate feminine prisoner” may be regarded as a domination process and simultaneously as an expression of agency to cope with imprisonment.

On the other hand, through interpersonal relationships, women prisoners also question preceding patriarchal norms, and re-configure, subvert or transform their connection to the traditional concept of femininity. In their engagement with semi-autonomous activities in the multiple orders and the construction of intimate personal relationships, women also find different paths that enable them to perform different roles and fortify or acquire new attributes. Thus, perversely, imprisonment is the social space where women are able to liberate themselves from preceding patriarchal prisons.

### **1. Prison’s ambivalent social interactions and interpersonal relationships**

Prisons are emotional spaces (Creawley, 2004) and many scholars have detailed how imprisonment awakens painful feelings in prisoners (Sykes, 1958; Boyle, 1984). My interest in this section is to acknowledge the feeling of emotional ambivalence prisoners may experience in their everyday life in prison. The social interactions and interpersonal relationships among prisoners emotionally flow between a defensive distrust and intimate trust. As already mentioned, this process is not linear but reproduces itself throughout all their encounters. I use the term “distrust” to explain the feeling of lack of faith towards one another. It recalls the connection to emotions such as fear, anxiety and the belief that the other does not have good intentions (Siddiqui, 2019). Furthermore, I have aggregated the term defensive to emphasise that women are protective of themselves and their personal information and suspicious in prison, and may act upon their feeling of distrust, which arguably creates conflicts among prisoners. Conversely, trust activates respectful relationships with a positive evaluation for potential interactions and is a device that aids dealing with uncertainty about the intentions of others (Siddiqui, 2019). Similarly, I have incorporated the concept of intimacy because participants refer to their trustful interactions as deep connections that accompany a close encounter that awakens vulnerability among prisoners, from dyadic to communal relationships. I have added the terms defensive and intimate to give account of the intensity of the emotionality in the social interactions and interpersonal relationships at Santa Monica. Hence, in order to understand the strength of emotional manifestations, it is important to emphasise the situational factor of imprisonment: distrust is an expected emotional response to an unknown and possibly violent space such as a prison, and the closeness experienced in women’s intimate relationships also reflects feeling affects in an emotionally precarious location.

### ***1.1. Defensive distrust and violence in Santa Monica***

Most people's image of prison is traversed by what mass media such as television and movies portray: hierarchical and dysfunctional environments where prisoners face violent conflicts and engage in fights or sexual violence (Trammel, 2012; Wener, 2012; Zaitzow, 2003). According to the INPE's statistics (2018), 68% of imprisoned women are first-time offenders, and many of the participants' discourses resemble the fear and uncertainty of what to expect or the possibility that imprisonment is experienced as shown in the media. As Cielo recalled when she was detained: *"You see it on television, the girls are like that; they are going to hit you, and more"*. Or as Katherine announced, *"I imagined everything was closed, without the possibility to move, without being able to see the daylight, I imagined they would put me a uniform, that I would walk with a shackle, that I was going to sleep with rats, right?"*

Both quotes transmit prisoners' expectations about prison. Katherine's quote views the prison as a place of structural violence, isolation, where the process of punishment involves living in precarious conditions, but also involves dealing with coercive control, homogenisation and insulation. Cielo's description of the prison emphasises that during imprisonment, violence is not only imposed by the formal order but is also the manner in which prisoners interact in the informal-legitimised order, making use of customary law. In addition, Katherine recalled the "suggestion" given by a security staff member the first day she arrived at Santa Monica: *"I always remember the INPE's Miss, she was very nice with me, she revised me and said: Is your first time here? Yes, relax, you have the face of someone who does not get into trouble, be very careful, don't get into trouble, you do your life and period, that's enough."*

The advice from the prison staff member reinforces the participants' image of prison and awakens or strengthens their defensive distrust. In Santa Monica, it is likely for prisoners to be suspicious, and to rationally accept that it is unwise to interact socially or to construct interpersonal relationships with other prisoners. Mara described women prisoners' constant awareness at Santa Monica: *"Here you need to have eyes on your back"*. Moreover, during the first days, the fear of women prisoners' experience towards the uncertainty of imprisonment, combines with a sense of vulnerability which pushes forward, even more, their defensive mistrust towards the other prisoners. For example, Celeste narrated a scene of sexual harassment the first day she entered the main patio:

*"One day we were without going to the patio, and the next day we did. I will never forget my first day, I was panicking with a girl, a girl who was also beautiful. When we walked in, they start singing: let us play the round while the wolf is near... The other prisoners,*

*the chitos, las de opcion.*<sup>72</sup> When we pass near them, they started singing that, and I was scared, the other was not because she already had a record.”

Nonetheless, as Celeste describes that situation, she automatically emphasised, “*then I get to know them, and you know they are just teasing*”. Similarly, Isabel explained how exposed and overwhelmed she felt towards the other prisoners and caricatures the first encounters with prisoners in Santa Monica: “*When you first arrive, it is like you have to sit in the ‘Armchair of the truth’.*<sup>73</sup> Everyone starts asking: Why are you here? What did you do? For how long have you have been sentenced?” Many participants remember how prisoners expect newcomers to provide personal information about themselves: their lives prior to imprisonment, their crime, their motivations, their sentence. For a while, prisoners gossip and create (true or false) rumours about the life of newcomers, until one day, as Alejandra suggested, “*you stop being a novelty*”.

Both situations denote how newcomers are harassed, sexually and psychologically, but once they socialise with the other prisoners and become a common member of Santa Monica, the everyday life with other prisoners transforms. Indeed, these initial interactions between “old” and newcomer prisoners resemble a “rite of passage” that has the intention to “welcome” prisoners, intimidate them, and “play” with the fear, uncertainty and confusion of new prisoners.

However, such accounts also give a glance at violent situations inside a women’s penitentiary institution. As Alejandra recognised, “*Women in here also engage in [physical] violence, they fight because of money or men*”. Throughout my fieldwork, participants did not tell of any physical violent act, and when they referred to them, it appeared they exposed particular situations more than a systemic order among prisoners. Nonetheless, violence is a complex and multifaceted phenomenon (Crighton & Towl, 2008) that takes many forms and operates on multiple scales with meanings that are culturally specific (Munro, 2013). In this section, I focus on psychological violence, which refers to a situation where one or more persons verbally assault another one intending to scare, control, or isolate them, producing emotional malaise (Krug, Dahlberg, Mercy, Zwi, Lozano, 2003). Moreover, and in dialogue with a gender approach, in Santa Monica the psychological violence used among prisoners is traversed by feminine gender norms.

Similarly to what Coba (2015) describes at *El Inca* prison in Quito, Ecuador, physical acts of violence among women are not frequent and are not the preferred mechanism to solve conflicts. However, women prisoners of *El Inca* and Santa Monica do engage in psychological violence and use rumours or gossip to produce malaise. For Lagarde (1992), non-identification among women awakens emotions such as fear and envy and reproduces competition and rivalry.

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<sup>72</sup> In Santa Monica, “masculine women” are formally called “de opción” (of option) and colloquially “chitos” shortened from the word “machitos”.

<sup>73</sup> The “Armchair of the Truth” was a Peruvian television programme where national celebrities were interrogated about their personal lives using a polygraph.

As a response, women create gossip with the intention to disqualify other women and create a symbolic distance, while simultaneously fortifying their own self-perception. The critique has the unconscious objective to separate oneself from the woman considered “different”, to prevent “contagion” or “impurity”. Indeed, women psychologically project their own considered “negative” qualities onto their rivals to disqualify them. Lagarde (1992) suggests that by acknowledging this psychological projection it is also possible to distinguish the hegemonic or “desired” femininity in a community.

In Santa Monica, rumours are used as a mechanism to disqualify women and ruin their reputation (reputation being a highly appreciated feature of Santa Monica’s social fibre, as discussed in Chapter 4). To disqualify, prisoners refer to other women as “seductive”, as a “*puta*” (translates to whore), as a “mistress” or as a “*quita-maridos*” (someone who steals husbands). Also, prisoners create gossip about women’s sexuality: their sexual orientation and engagement in homosexual relationships, or about their gender identity, referring to them to contemptuously as a “*machona*”. Another term to diminish a woman “*muerta de hambre*” (translates to starving to death but is used to refer contemptuously to someone without economic resources) and is often used when a prisoner feels “betrayed” by another prisoner. In other words, “*muerta de hambre*” not only involves someone that does not have economic resources, but someone who is not trustworthy and uses another prisoner to obtain material goods in a trustful cooperative relationship, then acts against that person.

In summary, gossip awakens even more acutely women’s defensive sense of distrust. In Santa Monica gossiping is used as a psychological control mechanism that has the intention to create fear or shame among women, to act as social propellers that put into question their “moral values”. As Lagarde (1992) argues, through such gossip, prisoners may psychologically project on them those characteristics that distance the prisoner from a traditional ideal of femininity, where women are expected to perform as loyal and altruistic caregivers in a heteronormative framework.

Paradoxically, participants explained that many prisoners engage with multiple male partners and experience homoerotic encounters inside the prison. Nonetheless, these acts are done surreptitiously, trying not to attract the attention of formal representatives. When conflicts arise among prisoners, it is through the questioning of their feminine identities and sexuality that it becomes possible to diminish their aura of respectability and catalogue them as counter-models of femininity publicly, and consequently, as failures of the “resocialisation” process. Consequently, prisoners explicitly refer that they prefer to be suspicious, distrust and isolate themselves from others, and therefore, activate their defensive mistrust.

### ***1.2. Intimate trust relationships***

The aforementioned descriptions briefly describe the defensive distrust women experience during their imprisonment. Once they get to know the other prisoners, they “blur” into the mass of the penitentiary population and also engage in close or amicable relationships with some prisoners, but they always remain apprehensive about their personal information and distrustful of other prisoners. I am not arguing that women experience a linear emotional process that goes from distrust to trust. Instead, I am suggesting that during their imprisonment, women create ambivalent interpersonal relationships with other prisoners, where distrustful and trustful emotions, in general, are experienced simultaneously during incarceration.

In that sense, participants mainly describe dyadic, and at the most triadic, trustful interpersonal relationships with other prisoners. Some research on women’s prisons has shown that to psychologically survive prison, women construct affective kinships that act like pseudo-families (Giallombardo, 1966; 1974; Heffernan, 1972; Owen, 1998; Ward & Kassebaum, 1965; Zaitzow, 2003), and many women engage in homosexual relationships (Bowker, 1977; Forsyth, Evans & Burk Foster, 2002; Owen, 1998). Due to gendered roles, scholars have emphasised that women create deeper emotional bonds and engage in more solidarity acts than men in the same situation.

Criticism of these studies has focused on their essentialist perspective of gender roles (Tierney, 2009), and although I agree with the questioning, gender is still a variable to consider in order to comprehend prison social life (Coba, 2015; Foller & Mosquera, 2016; Heidensohn & Silvestri, 2012; Wright & Cain, 2018; Zaitzow, 2003). In addition, as suggested in the previous chapter, more recent research suggests that prison governance has consequences for prisoners’ social life (I discussed the meso-social dimension and prison’s key institutions), and in this section I explain how it also moulds how prisoners construct social relationships during their imprisonment (Crewe & Laws, 2018; Crewe, 2009; Foller & Mosquera, 2016; Kruttschnitt et al., 2000; Liebling & Crewe, 2012). Taking into consideration both arguments, I propose that trustful interpersonal relationships of women in Santa Monica are embedded within gender roles, particularly the feminine mandate of care (Gilligan, 2013; Tronto, 2006), and that the prison’s governance regime also has a role in the construction of emotional bonds. I define interpersonal relationships in Santa Monica as care processes because they enable prisoners to take actions to repair their world so they can live in it as well as possible (Tronto, 2006). In practical terms, the interpersonal relationships provide women with psychological support, the coverage of basic material needs that are not provided by the state, and during the friendly encounters, women exchange information on how prison operates.

Commonly, prisoners in Santa Monica refer to their peers as *compañeras* (translates to comrades). The term *compañeras* also denote a collective identity, and in Santa Monica, women prisoners define themselves and most of their *compañeras* “as women who made mistakes” but

are “*working and learning to be better women*”. Throughout the construction of this collective identity, women fight against the double stigma that falls on them for being women in prison (Contreras, 2016; Trammel, 2012). Within this environment of collective identification among prisoners, participants acknowledge that they construct intimate relationships with some chosen prisoners. I will refer to four types of more intimate affective relationships among women prisoners: mother-daughter; sisters; homoerotic relationships; and communities. All of them involve trust (at different levels), intimate interaction and collaboration to deal with the pains of imprisonment and the material precariousness of Santa Monica.

#### *Motherhood and sisterhood*

In her research with women prisoners in the USA, Trammel (2012) specifies that women create bonds through mentoring and “mothering” (p.32) new prisoners, and the author concurs with Zaitzow (2003) who emphasises that mother-daughter relationships are common in women’s prisons. The participants of Trammel’s (2012) research define these bonds as family units where some enact the roles of mothers and children, and on occasion, another woman prisoner performs the role of the father. More experienced prisoners adopt newcomers, particularly those who seem “lost” (p.37), to save them from themselves, to “set them straight” (p.37) and to teach them life lessons. For the participants, their behaviour was described as caregiving and as a moral obligation. They differentiated their behaviour from their male peers because in men’s prisons, the aim of social interactions is to ensure newcomers rationally know how prison operates and the prisoners’ codes.

In the case of Santa Monica, participants also detailed how other prisoners act as mothers or mentors. In the case of “mothering”, to follow Trammel’s (2012) concept, younger prisoners find in older women someone who embraces them and comforts them in their suffering throughout imprisonment. “Mothers” are commonly older women who engage in a respectful, caring, but hierarchical relationship with younger prisoners. This is the case of Alejandra who recalls arriving at Santa Monica when she was 22 years old and was “adopted” by her cellmate, a woman approximately 50 years old and imprisoned for 28 years.

As Trammel (2012) suggests, mothering involves an empathetic attitude towards the younger prisoners, giving them practical advice about the prison’s functioning, but mainly to teach them life lessons. In Santa Monica, participants take notice of more experienced and “wiser” women whose intention is to guide them in the process of empowerment, of gaining self-worth, self-respect and autonomy. Some prisoners are not only “mothers” of particular prisoners, but become a prisoners’ role models and “mothers” for the members of their “communities”, a concept I will develop briefly. For example, in the case of Monica, the Church Coordinator, the members of the Catholic Church call her “Mamita Monica” (translates to mother Monica) and



envision her as a respected empathetic woman who has resiliently overcome complex situations like being imprisoned for 13 years.

Partially different from mother-daughter relationships, in Santa Monica, sisterhood supposes a horizontal bond of emotional and material support, and participants recall dyadic and at most triadic relationships. This not only occurs in Santa Monica: in Brazilian prisons, men prisoners who voluntarily undertake the discipline of the PCC, and commit to the organisations are also called “brothers” (Biondi, 2016; King & Valensia, 2014). Similarly, Makowski (1996, cited in Foller and Mosquera, 2015) acknowledges that women imprisoned in Venezuela construct intimate and interdependent relationships and refer to themselves as “sisters”. Arguably the main difference is that Biondi’s description associates “brotherhood” with membership of the PCC. As mentioned in Chapter 4, in the case of women, governance, and at this point, I introduce affective bonds, are not linked to their membership of organised groups or gangs but to emotional identification. Mara describes the affective bond she has with her “pinky”, a term she uses to expresses her closeness to her best friend in prison:

*“Yes, she is my pinky, my friend. I can talk to her without fear of anything. When I see her sad, I bother her, I open the curtain and ask her: what are you doing? She looks at me and says to me: ‘nothing’. She closes the curtain, and I open it again. I ask her if she wants to eat something, a sweet, I seat with her and start to talk. I let her vent, she tells me she called home, to her mother, her son, this and the other, I let her cry, and she starts telling me things about her past, of drugs and that sort of things, then I talk about me, and I feel so relieved.”*

It is interesting that in Mara’s quote and the following situation described by Tatiana, prisoners emphasise that communication with their closest friends is not only verbal but involves embodied performances and reading non-verbal communication. As Tatiana explains about her “best friend” in prison:

*“I am now 40 years old, and then I had 33, and she was 22 years. The reasons why she was here I never understood, but she was a person I used to work with in the library, and we interacted a lot, she did not only listen, but she also gave me advice. We learnt to understand each other. For example, she called me ‘Tatiana,’ and I said to her, ‘Not now, Carmen, not now’. ‘OK,’ she responded and she walked with me back and forth, when I did not want to have lunch, she appeared with a plate of food. If I was sick, she attended me, everything. I did the same with her”.*

Similarly, Angie manifested her bond with her cellmate: *“I have learnt to see her as my best friend, as a sister, more than a friend. She makes me feel that way, I always cried, felt bad about myself, she was here for one year, so she talked to me [...] counselled me, we used to talk and make me feel better.”* She continued: *“We talk, and I forget, is a way to vent and is a person I trust talking. Tomorrow if we get into a discussion, she is not going to throw things at me. I think*

*is whom I trust the most*". As mentioned before, in Santa Monica, prisoners awaken a state of distrust, and their "sisters" represent those subjects where they can act vulnerably, trust them and "vent" their personal information. Differently to mothering, in sisterhood there is a horizontal relationship where women comfort and advise each other.

Participants also recalled sharing their material goods with prisoners from their intimate circles. Santa Monica, as many prisons in Latin America, is under-budgeted, basic goods (such as toilet paper or sanitary towels) are not provided by the state. Basic material goods are limited, so are genuinely valued among prisoners. In that sense, intimate friendships are useful to materially survive imprisonment. Fenix also explained how this exchange functions among her triadic group of close friends which they have named "*las zorras salvajes*" (refers to savage, foxy sluts):

*"We had made a very strong group. Imagine that we have reached the point that Julio didn't bring me anything because he had expenses and I didn't even have toilet paper. People from outside don't know, our husbands or our mothers, we get into debt, in food, in clothes [...] So, among us, we say: 'Hey, how was it? Who came today?' For example, Sully's husband sends her money. When someone's husband doesn't come, but the other one did and gave her toilet paper, his dad sends big packages, or maybe he brought chicken. Now we are in the obligation that if Julio brings food, we have an obligation to take her a Tupperware, and she has an obligation to bring it up. Or for example, sometimes one of them shouts 'paper!' and the other gives it to her. That is the point, and we support each other, we take care of each other. That is our group, and no one else is going to be a member of our group."*

Moreover, motherhood and sisterhood also enable prisoners to learn the managerial functioning of prison, the carceral co-governance and the "ways of prison" discussed in Chapter 4. Therefore, prisoners not only provide information about the "inmates' code" (Sykes & Messinger, 1960) or the sub-culture of prisoners (Irwin, 1980; Crewe, 2009), but become informers or communicators of how the formal order operates. As Cielo mentions:

Cielo: *She explained to me the rhythm of prison*

Researcher: *Who was she?*

Cielo: *The girl's name was Mirtha. She was my best friend in this place.*

The affective bonds of motherhood or sisterhood show an almost invisible layer of prison that even participants have not been entirely conscious of; or at least, they do not verbalise this layer initially in their first encounters with strangers, including with me as a researcher. The conflicts, envy and gossips in prison are so explicit that the possibility to verbalise trust and the construction of friendships puts women in a vulnerable position. Despite the fact that women do not openly discuss their interpersonal relationships, it is possible to see how important these bonds are for prisoners, and an indicator of it is that they introduce their intimate friends to their families.

For example, Natalia has introduced her two intimate friends to her brother, and he has created a bond with both:

*“My brother comes every Saturday from 10 to 12, and I always invite Luisa [...] My brother and Luisa are friends now, like patas [Peruvian slang word that refers to friendship and specifies there is not a romantic bond between them], you know? I have a friend that is from Ecuador [...] we shared two years and then she was transferred, she is a lot like me, we share ideas, ideologies, musical preferences, behaviours, many similar attitudes. She is now doing her [penitentiary] benefits [...] last Sunday my brother went to pick up her stuff and took them to her, and the lawyer didn’t arrive [...] My brother has been calling to the lawyer all week.”*

Natalia’s quote denotes how the emotional bond is not only among prisoners but transcends prison and allows other prisoners to amplify their external networks and support. On the other hand, the family members of prisoners also create emotional bonds. For example, Celeste and Talia are “sisters” and see their mothers together during visitation every Sunday. Talia recalls how their mothers also meet outside the prison to support each other. This example links to the conceptual developments about the prison’s permeability and existence as a site of exchange of affection, goods and people (Farrington, 1992; Granja, 2019; Moran, 2015; 2017), developed in Chapter 2. There is still much to learn about the connections between the internal and external relations of prisons in the Global South, particularly in Latin America, as discussed in Chapter 2 (Armstrong & Jefferson, 2017; Biondi, 2017; Cheliotis, 2014; Darke, 2019; De Dardel, 2015; Horne, 2014). In the case of women prisoners in Santa Monica, participants highlighted the emotional flows and the construction of familial networks between the “inside” and the “outside” of prison.

#### *Homoerotic encounters*

Another type of interpersonal relationship is that of homoerotic encounters in Santa Monica. As Antony (2007) suggests, imprisoned women are still sexual beings with affective and sexual needs. Pardue, Arrigo and Murphy (2011) propose a classificatory system of the sexual behaviours that arguably take place in a women’s prison and emphasise that they run from suspension to potentially violent performances. Their typology includes suspension of sexuality, autoeroticism, consensual homosexual encounters and sexual violence. According to the authors, sexuality may be predicted on one’s heterosexual or homosexual orientation, and it may exist among prisoners or between prisoners and prison staff.

For the Peruvian formal penitentiary system, lesbian relations are considered a deviant practice, and are negatively valued and formally sanctioned (Mejía, 2012; Constant & Rojas, 2011). Nonetheless, research about kinship in women’s prisons globally suggests that many women prisoners engage in homosexual relationships (Giallombardo, 1966; Greer, 2000;

Hawkins, 1995; Warde & Kassebaum, 1965). Making use of Pardue et al.'s (2011) conceptualisations and typologies, in this point, I focus on consensual homosexual encounters among prisoners.<sup>74</sup> The authors differentiate between “consensual true homosexuality” (p. 286) and “consensual situational homosexuality” (p.287). The first term refers to women who define themselves as lesbians prior to imprisonment, the second to homosexual activity that is a product of the imprisonment environment given the lack of heterosexual opportunities. Pardue et al.'s (2011) binary division may engage in a fixed conceptualisation of sexuality, and not necessarily reflect women's sexual experiences in Santa Monica. Therefore, following Butler's (2000) theory of performativity, where sex and gender are socially constructed concepts, sexual orientation is also a non-fixed category. Thus, heterosexuality and homosexuality are continually redefined through women's performances.

Differently to motherhood and sisterhood, homoerotic encounters have an erotic dimension and may be shorter and more sporadic. Research on women's sexuality in prison suggests that prisoners engage in consensual situational homoerotic relationships as a coping mechanism when facing imprisonment (Giallombardo, 1966; Hawkins, 1995; Warde & Kassebaum, 1965). Nonetheless, more recently, in a research of a Midwestern female prison, Greer (2000) interviewed 35 prisoners about their interpersonal relationships and determines that the reasons to get involved in a homoerotic relationship go from sincere affection to economic manipulation, loneliness, curiosity and diversion from boredom. Furthermore, Hensley and Tewksbury (2003) allege that sexual relationships are not only erotic spaces but give prisoners emotional stability, a sense of attachment, and someone to trust and feel comfortable with during imprisonment.

Something similar happens in Santa Monica when prisoners engage in a diversity of consensual homoerotic relationships, from platonic to formal, romantic ones. Prisoners take part in flirtatious platonic relationships to feel sexually desired or to receive gifts from possible suitors. Other prisoners engage in sexual relationships to feel accompanied or because of a genuine affective bond between them. For the majority of prisoners, their homoerotic performances do not imply a questioning of their sexual orientation. What is necessary to emphasise here is that through these encounters, which are prohibited by the formal order, women have the chance to explore their sexuality. Particularly those participants who did define themselves as bisexual or

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<sup>74</sup> According to Hensley and Tewksbury (2003) sexual coercion and assault are rare in women's prisons. In Santa Monica, non-consensual homoerotic sexual relationships were not mentioned by the prisoners, but a woman referred to an experience of systematic sexual harassment. Violence between women in general, and in this case sexual violence in particular, is a topic that must be addressed by researchers, and its invisibility is arguably a bias of researchers more than representing the non-existence of this type of encounter. Moreover, sexual relationships between staff members and prisoners were mentioned a couple of times during the fieldwork, but I did not go deeper into the topic.

“masculine women”<sup>75</sup> recalled that in prison they were able to explore their homoerotic desires, which were despised by their families, with less shame or fear.

Moreover, prisoners in Santa Monica explained that in the majority of homosexual relationships, prisoners reproduce a heterosexual structure and one prisoner plays the role of the man and the other the role of the woman. As Ines explained, “*there are couples of mujercitas [translates to little women but refers to ‘feminine women’], but some women act like hombrecitos [translates to little men but refers to ‘masculine women’] and they look for the mujercitas*”. Ward and Kassebaum (1964) refer to “masculine women” in prison as the butch or stud broad, Giallombardo (1966) discusses the father figures in homoerotic relations between women prisoners. Conversely, Ward and Kassebaum describe the feminine figure in the partner as the femme and Giallombardo as the mother. Hiestand and Levitt (2005) refer to the butch-femme as a relationship with role-playing elements that are set and guided in concordance with heteronormativity.

In relation to these dynamics, Gallegos (2014) conducted qualitative research in a female prison in Lima to analyse the construction of the gendered identity of imprisoned “masculine women”. Confirming the data given by the participants of this research, Gallegos (2014) details that the relationships in which non-masculine women prisoners engage with masculine women reproduce heteronormative roles, giving the productive and active figure to the man and the caring, more passive figure to the women. For example, in Santa Monica, masculine women send material goods as a means of flirtation. Indeed, the provision is mostly unidirectional and involves more “luxurious” goods as gifts, such as food, beverages or clothes.

To summarise the intimate trust relationships inside Santa Monica, I suggest that it is also possible to analyse the interpersonal relationships women engage in in Santa Monica through a feminist framework conceptualising them as interactions of social reproduction and care. As feminist scholars have manifested, social reproduction supposes efforts to engage in processes and social relations associated with the reproduction of culture and ideology, in this case the reproduction of prison’s social dynamics, and the provision of sexual, emotional and affective services (Bakker & Gil, 2003; Rai, Hoskyns & Thomas, 2014; Rai & Waylen, 2013; Stewart, 2011). Moreover, they are defined as caring relationships between women because there is trust among them and they share the responsibility for meeting each other’s needs (Fisher & Tronto, 1990; Tronto, 2006). Following Tronto (2006), defining a relationship as a caring one not only involves the recognition of their performances as individual caring actions, but the possibility to see each other as equal, and to trust that over time the other person will be able to reciprocate. The notion of solidarity inside prison is complex (Irwin, 1980), and prison social life, particularly

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<sup>75</sup> Interestingly, in Santa Monica the term lesbian is not commonly mentioned. Women define themselves as bisexual to refer to their sexual orientation, or as *chitos* or *de opcion* to refer to their gender identity as masculine women.

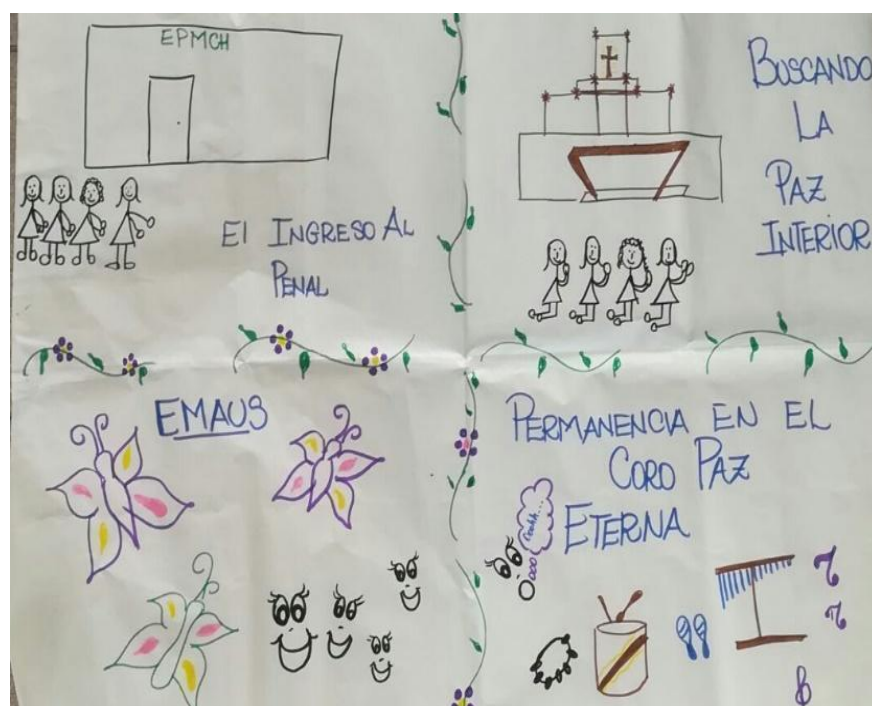
in men's prisons in Western societies, has been characterised to be more individualistic (Crewe, 2007). In Santa Monica, asking about trust and emotional bonds is problematic. There is an immediate and defensive reaction where participants emphasise that the construction of trustful relationships inside prison is not possible. Nonetheless, prisoners intersubjectively construct caring and collaborative bonds. With them they face together the pains of imprisonment, and also bring psychological, material and informative support to deal with the carceral dynamics of Santa Monica.

### *Prison communities*

Women prisoners form social “communities”, (not only associated with religious activities as I have already introduced in the previous chapter).<sup>76</sup> I refer to a “community” as a group of individuals or collective of persons defined by their cultural forms or practices, who are in constant transformation and development. Members of the community construct intergroup trust (Siddiqui, 2019), have a sense of belonging, a sense of identity, and a community consciousness. This type of social interaction fortifies unity, cohesion and solidarity, enabling them to cope with difficulties as a group. (Montero, 2006; Siddiqui, 2019; Young, 1990.) Through their membership, women compromise to social reproduction processes and actively engage in actions that maintain the unity and existence of the community (Bakker & Gil, 2003; Rai, Hoskyns & Thomas, 2014;

Rai & Waylen, 2013; Stewart, 2011). To address this argument, I analyse drawings created in group meetings with two “communities” of Santa Monica: The Catholic Choir group, and The Queen's.<sup>77</sup>

Firstly, it is interesting that the



<sup>76</sup> There are different communities in Santa Monica: women who are involved in dance and theatre; sports communities or smaller groups who are constantly playing cards in the patio.

<sup>77</sup> As mentioned in the Methodology Chapter, the Catholic Choir group is a branch of the Catholic group of Santa Monica and has between 20 to 25 members. “The Queen's” refers to the workers of Medalith's company.

two groups I have chosen to analyse as “communities” have a semi-closed geographical location in prison. I do not intend to argue that to construct a “community”, prisoners necessarily need a geographical site (as mentioned in the previous chapter, Evangelical Churches do not have these), but their location provides them with a “separate” geographical space inside the prison that enables privacy and fortifies autonomy. Crewe et al. (2014) suggest that the existence of emotional “marginal zones” connected to geographical locations “*enable the display of a wider range of feelings than elsewhere in the prison*” (p. 1). In the case of the Catholic Choir group, they meet in the chaplaincy; and the workers of The Queen’s meet in a semi-closed workshop of approximately 15m<sup>2</sup> with machinery and display cabinets for their products. The display cabinets act as walls hiding them from women who are in the inner patio and provides them with privacy inside the workshop. In both cases, the physical spaces are semi-closed. When they organise meetings at the Church, the door is semi-open, and the shoe display cabinets leave certain spaces to enter the workshop.

In these locations, prisoners can be distanced physically and emotionally from the imprisonment environment and feel more relaxed: they play music, make jokes, gossip about the prison’s latest occurrences and celebrate special occasions. For example, the Choir group organises collections among the members to buy birthday cakes, a small card or present and sing “Happy Birthday” at the meetings. However, in contrast to the “marginal spaces” described by Crewe et al. (2014), members of this group do create intergroup trust, and their connection transcends physical walls, giving them a sense of belonging and a social identity.

Siddiqui (2019) suggests that the elements involved in the construction of intergroup trust are contact among members, intergroup dialogue and cooperation, perception of membership and sharing of values, characteristics that are possible to observe in the “communities” at Santa Monica. Choir members meet three to four times a week, and their decisions are taken at their group assemblies, in which all the members are invited to participate. The workers of The Queen’s labour together daily on their production, but interestingly as already mentioned, every Monday they have group meetings to share different topics such as difficulties at the workplace or how to put into practice values such as empathy or tolerance.

Regarding intergroup cooperation, membership and the sharing of values, I suggest that in the case of the members of the Choir group and The Queen’s, these issues materialise in the construction of a sense of belonging, a social identity, and a conscious commitment towards their “communities” (Montero, 2006; Young, 1990). These psychosocial elements are observable in a drawing created by the Catholic choir members. The picture describes their encounter with religion, music and other prisoners. The first image shows four women arriving at the prison. In the second image, the four women find the Church and “are seeking inner peace”. In this process, they participate in the religious retreats organised by the nuns of the 12 Apostles Church, and the butterflies and smiley faces symbolically show their transformation. Finally, in the Church, they

particularly emphasise the importance of music and the Choir as their possibility to find “eternal peace”.

In the case of The Queen's, the drawing was created by three workers and describes the process of transformation from solitude to the creation of a "community". The first image shows a crying woman who is thinking: *"I feel so lonely. I am so sad"*. In the second image, another prisoner, a *compañera*, as narrated in the story, invites her to the workshop. In the third image the prisoner is alone again, but this time she is smiling and saying to herself: *"I am not alone anymore. Thank you to the workshop and the compañeras and God. Thank you for the opportunities for resocialisation in this place"*. The last drawing portrays the women at The Queen's, showing the appropriation of social identity and the emotional bonds created with the other prisoners. Indeed, the story ends: *"Thank you to The Queen's, thank you Medalith for the support. My family, I love*

*you very much. Thank you for everything,  
I will never forget you”.*

As portrayed in their drawings, religion is a shared notion for the members. I have already mentioned in the previous chapter the importance of religion for understanding Peruvian imprisonment dynamics. In addition, their religious social identity intersects with labour, in the case of The Queen's, and with a ludic activity such as music, in the case of the Choir members, and is this second dimension in both that determines their commitment to their

“communities”, the themes that enable them to get actively compromised into the social reproduction processes that keep the communities “alive” (Bakker & Gil, 2003; Rai, Hoskyns & Thomas, 2014; Rai & Waylen, 2013; Stewart, 2011). In the case of the Catholic Choir group, their main objective is to produce better music performances in Sunday masses. In the case of The Queen’s, they intend to position their brand outside prison.

The intersection with music and labour denotes the incorporation of ludic and productivity components which make more complex our appreciation of their subjectivities. The role of music in prison has become important for recognising creative practices to cope with imprisonment and the maintenance of oneself (Tuastad & O’Grady, 2013; Hjørnevik & Waage, 2018). According to Tuastad and O’Grady (2013) prisoners experience music as a “freedom practice” (p.221), allowing them to materially and symbolically escape the reality of prison, but paradoxically enables prisoners to feel grounded and in connection with themselves and their



emotions. Indeed, the authors allege that music humanise prisoners in a dehumanised institution. Moreover, in an ethnographic study conducted in a prison in Norway about the role of music in prisoners' everyday life, Hjørnevik and Waage (2018) appropriate Crewe et al.'s (2014) concept and define the prison's "musical emotional zone". The authors, as music therapists, illustrate that the production of music provides an emotional particularity to their therapeutic group meetings, and becomes a technology of care that enables interaction and the construction of empathy among prisoners who attend the music workshops

In the case of the Choir group of Santa Monica, with their religious beliefs, they find a path to self-redemption and give a spiritual meaning to their imprisonment. As Talia, a Choir member expressed about their imprisonment experience, *"God sees straight forward but works in crooked lines"*. However, it is through music that the members find the path to fortify their group connection and cooperation, acting as a technology of care and construction of empathy among the prisoners. In fact, the "communities" enact familial bonds, as Sonia, one choir member expressed: *"For me, that is my tranquillity, I use to sing reggaeton outside prison, and when I came here we sing different things, but is good too,"* and continued *"it is to be with all my sisters. To me it is incredible, it is beautiful because I have learnt to know all of them and value their personalities, all of their words"*.

Regarding the intersection with labour, as mentioned already, labour in prison has long served as a disciplinary activity for imprisoned subjects and a process of social organisation (Melossi & Pavarini, 2017; Irwin, 1980). However, more recently, Guilbaud (2010) researched five French prisons and established that workplaces are also perceived as semi-autonomous locations of camaraderie among prisoners. Despite the work they do is for the prison and private companies, their workplaces give prisoners relative autonomy from their superiors. Taking Guilbaud's (2010) idea one step further, I suggest that the workers' of The Queen's not only construct a space of camaraderie but construct an "individual work identity" (Walsh & Gordon, 2008). Walsh and Gordon (2008) define the concept as:

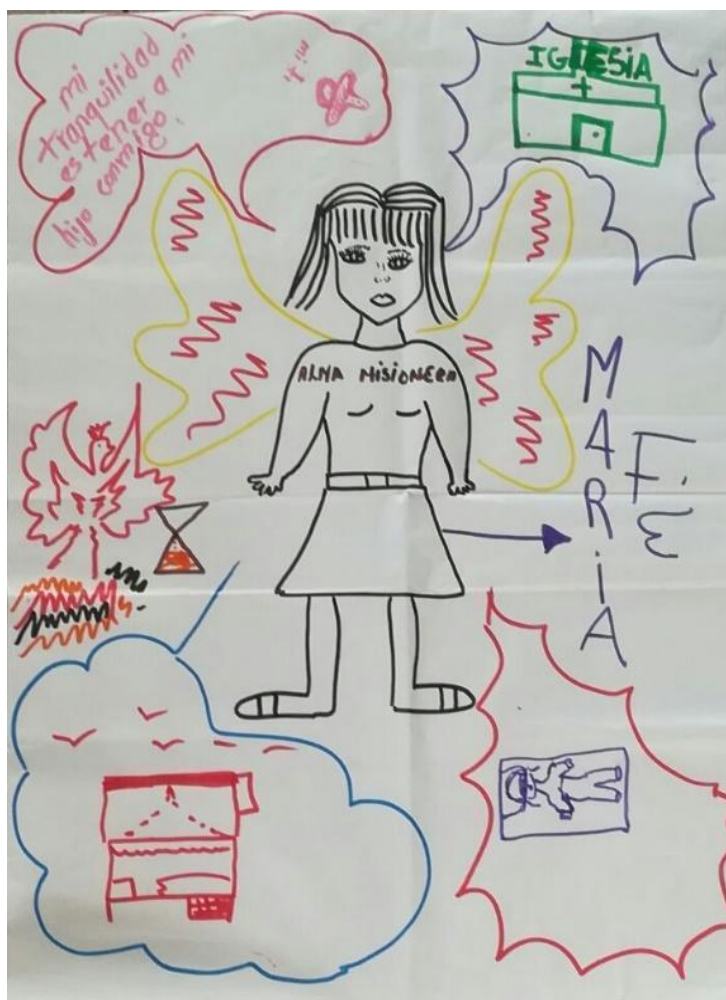
*"A work-based self-concept, constituted of a combination of organizational, occupational, and other identities, that shapes the roles individuals adopt and the corresponding ways they behave when performing their work in the context of their jobs and/or careers. Individual work identity is only one aspect of an individual's many personal identities; yet it is a central one that is evoked and applied when performing a job."* (p.47)

In the case of workers at The Queen's, their individual work identity is an ongoing and fluid process (Walsh & Gordon, 2008) that enables women to perceive themselves as possible owners of their micro-entrepreneurial outside prison. As I mentioned in the previous chapter, The Queen's is managed by Medalith and she envisions her company as the "real resocialisation process" or real rehabilitation, where women learn professional capabilities to establish legal

workplaces that distance them from criminality. Indeed, for the workers of The Queen's, imprisonment is not regarded as wasted, unproductive time (Goffman, 1961), but through the semi-autonomous conduct of their workplace, they construct an individual work identity and envision a different future after imprisonment. Hence, by engaging in this workplace, prisoners are not dependent on the penitentiary system or private companies like in the case of the French prisons where Guilbaud (2010) conducted his research; they work with Medalith, another prisoner, which provides identification with their organisation and a sense of meaning to their lives (Walsh & Gordon, 2008).

Consequently, in both cases, prisoners construct a social identity that distances them from a stigmatised perception of "imprisoned criminals". In their involvement with these "communities", women define themselves as women, sisters, *compañeras*, labourers, musicians, Catholics, Evangelicals, among other dimensions of themselves.

Finally, communities are in constant transformation (Montero, 2006; Young, 1990), and



in the case of Santa Monica, I will refer to them as collective spaces that propel personal transformations. For example, the next drawing describes the imprisonment process of four members of the Choir group. In it, they portray a woman called "Maria Fe" (translates to Mary Faith), and they explained the image with the following description: *"In here we see Maria Fe, she has a motto on the chest, 'missionary soul', which is the motto of the chorus, we identify with that song. We had also portrayed wings. The wings before she entered [prison] were the wings of hope, faith and hope, but by being in this place, they*

*got wounds, she confronts potholes. However, she was not left behind, because she is like the Phoenix, who knew how to fly and to reborn and grow, and that is how we identify this group."*

The drawing presents a powerful image of their subjective reconfigurations before and during imprisonment. They illustrate themselves as hopeful women, able to fly and envision their

future. Suddenly, violent situations such as imprisonment (symbolised by wounds in her wings) have an impact on them, on how they regard themselves. Nonetheless, the Church and the Choir gave the strength to believe that transformation is possible, and that they can resurface from the ashes as a majestic figure such as a Phoenix (as observed in the drawing). Similarly, the story narrated by The Queen's workers once again expresses the notion of transformation, in this case from "princesses" to "queens":

<b>Las princesas en el calabozo</b>	<b>The princesses at the pit</b>
<p>Había una vez una chica que se llamaba Amy. Ella era muy alegre y optimista y un día en el campo siendo joven se distrajo con las vanidades de la vida, joyas, los viajes, las amistades y conoció personas que lejos de tener una vida saludable, mentalmente la envenenaron con sus hábitos y costumbres propias de maldad.</p> <p>Ellas cayeron rendidas por lo superficial y se dejaron llevar por el momento. Una vez cayendo en el error, cayeron presas. Por las acciones equivocadas que tomaron y llegaron a parar al calabozo. Después de este tiempo ellas se reunieron y decidieron enmendar sus errores y se pusieron a trabajar, uniendo fuerzas, talentos, valores y experiencias. Allí encontraron la tranquilidad que necesitaban para subsistir durante el tiempo en el calabozo, esperando el momento para su ansiada libertad, poder estar con su familia y esta vez hacer las cosas mejor.</p> <p>Pusieron su fábrica de zapatos y hoy ya no son princesas....son "reynas" de su hogar, del calzado, de su vida. Las princesas Amy, hoy son "The Queen's" y colorín colorado este cuento continuará.....</p>	<p>Once upon a time, there was a girl named Amy.<sup>78</sup> She was very cheerful and optimistic, and one day, when she was young in the field, she got distracted with the vanities of life, jewels, travels, friendships and met people who were far from having a healthy life, they mentally poisoned her with their habits and customs of evil.</p> <p>They fell on the superficial and got carried away for the moment. Once falling into error, they were imprisoned. By the wrong actions they chose, they came to fall into the pit. After a while, they met and decided to amend their mistakes and put themselves to work, joining forces, talents, values and experiences. In there they found the tranquillity they needed to subsist during the time in the pit, waiting for the moment of their desired freedom, to be with their families and this time to make things better.</p> <p>They put their shoe factory, and today they are no longer princesses... they are Queens of their home, of the footwear, of their life.</p>

<sup>78</sup> The story is the creation of a group of three women, and AMY is an acronym of their three names. For that reason, the story starts as singular, but then rapidly changes to plural.

	<p>The Princesses Amy, are today The Queen's and colorin colorado this story will continue ....</p>
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Consequently, the subjective transformations within the communities may be regarded as a disciplinary process where women prisoners have reappropriated rehabilitation narratives imposed on them. It is evident that in a co-governance institution such as Santa Monica, we should decentre the state as the only instrument of power (Hannah-Moffat, 2001). Indeed, the case of communities resembles the Foucauldian concept of “pastoralism” adapted by Hannah-Moffat (2001) to analyse more benevolent, tutelary forms of power performed by social workers, community agencies, reformers and the state to shape prison programmes to promote the “best interests” of women prisoners. In the case of Santa Monica, pastoralism is not a power technique introduced by the state, but one used among prisoners to seek individual salvation and the production of truth. Nonetheless, as Hannah-Moffat (2001) proposes, power should not be narrowly conceptualised in terms of repression and social control. On the contrary, as I will discuss in the next point, as scholars we need to focus on the complexities and ambivalences and to acknowledge the diversity of rationalities that are absorbed, adapted and transformed within prison, which are appropriated or subverted by women prisoners. I will discuss this point further in the next section of this chapter.

## **2. Interpersonal relationships as collective spaces to discipline and subvert gender subjectivities**

In this point, I argue that intimate interpersonal relationships create an intersubjective, dialectic encounter that disciplines women prisoners' gendered subjectivities, but at the same time opens paths to subvert hegemonic gender norms and potentially frees them from preceding patriarchal discourses.

### ***2.1. Disciplining women prisoners' gendered subjectivities***

Feminist theorists have acknowledged how the patriarchy sets hegemonic identities for men and women (Lamas, 2000; Young, 2005), which are propelled by interactions with ourselves, our peers, and the society in general (Beauvoir, 2009[1949]). The biological differences between them have established social and cultural patterns that constitute the sex-gender system which structures social order (Scott, 1990). In effect, in a social sphere, sexual differences determine guidelines on gender roles, sexual division of labour, heteronormativity and power relationships between what is considered feminine and masculine (Lee Bartky, 1990; Rubin, 1986; Scott, 1990).

Gender norms have been socially naturalised as a biological structure of behaviour. Traditionally, it is expected that the Man plays the role of the provider through their insertion in the public space, and masculinity is associated with activity and strength (Lamas, 2000; Scott, 1990; Lee Bartky, 1990). In Western religious traditions, Man and the attributes associated with masculinity are equated to the figure of God (Irigaray, 1985). Conversely, the Woman would be responsible for engaging the role of social-care reproducer in the private space, and femininity is associated with attributes such as patience, meekness, complaisance and self-sacrifice (Lamas, 2000; Lee Bartky, 1990; Rubin, 1986; Scott, 1990; Stolcke, 2000; Young, 2005). According to Irigaray (1985), women are moulded to perform a “masquerade of femininity”, positioning women as the “son’s mother”. Indeed, the celebration is of their reproductive capacity, denying other possible feminine practices and creating a bodily submission to the patriarchy. In Latin America, and in this case in Peru, the Catholic Church introduced the imagery of the Virgin Mary and the association of idealised femininity with maternity (Pastor, 2010). Women’s identity relies on what Irigaray (1985) has defined as a “son’s mother”, and therefore have to perform a sacrificed, selfless and caring motherhood.

As analysed in Chapter 5, in Santa Monica the formal order initiates processes of re-feminisation to mould women into “adequate” women or produce normative feminine identities (Mejía, 2012; Pemberton, 2013; Scranton & Moore, 2007). Going one step further, I maintain that on a micro-intersubjective dimension, prisoners also initiate disciplinary processes in how to perform as women, inside and outside prison. Therefore, to “be a mother” is the accepted hegemonic social gendered identity among women prisoners and the desired expectation among prisoners. Moreover, through prisoners’ interpersonal relationships they also discipline themselves in how to perform “adequate” femininity to become a “better woman”, and consequently, an “adequate feminine prisoner”. Nonetheless, to become an “adequate feminine prisoner” is not to succumb to the dominance to formal order but is also a strategic performance that enables them to cope with imprisonment in Santa Monica and its multiple orders.

#### *Motherhood as the legitimate and socially valued gendered identity*

At this point it is interesting to connect the life of Santa Monica, the Catholic saint who the prison is named after and its symbolical representation for prisoners’ identities. The life story of Santa Monica stands out because she was the mother of San Agustín. As a devoted mother, she was able to save Agustín from a life of sin. He is defined as an intelligent but derailed son, who finally listened to his mother’s suffering and converted to Catholicism. Santa Monica is set as an example of womanhood, as she has proven to be a kind, selfless mother, able to create welfare for her family even under adverse situations (Leonardi, Riccardi & Zarri, 2000). Taking into consideration patriarchal norms of femininity, and the legitimised presence of the Catholic Church in Santa Monica, it is not a surprise that motherhood is the privileged social gendered

subjectivity among women prisoners, which echoes the analysis of researchers in other women's prisons (Bosworth, 1999; Carranza, 2016; Coba, 2015; Boutron & Constant, 2013; Moran, 2015). In Santa Monica, participants who have or do not have children openly perform what Irigaray conceptualises as the "masquerade of femininity", positioning as the "son's mother", and self-defining in their relationship to motherhood.

Women who have children outside prison discuss with other prisoners how they miss them, the stress they feel because they are distant from them, how they want to become better mothers for them after imprisonment, and the urge to impulse them not to commit the same mistakes they did. As Janina recalled about being distant from their daughters, *"That has been my main struggle, to think and think. Being away from my kids, I have always been a mama pollito [translates to chicken-mom and refers to her as a woman who has a very close relationship with their children] for my daughters. To think that I will sleep away from them, that I will not be able to be with them"*. Many participants shared that they share coffees and snacks at night with other prisoners to discuss familial issues with their children, and exchange advice on how to relate to and take care of them while imprisoned.

The approach to motherhood as the privileged gendered subjectivity of women in Santa Monica, confirms the analysis of Carranza (2016),<sup>79</sup> who conducted research in a medium-security women's prison in Lima. During her research, she interviewed prisoners about the construction of femininity throughout their lives. Principally, participants equate their femininity with their reproductive capacity and maternity. Moreover, they define themselves as sacrificed, but combatant mothers prepared to act upon difficulties to address their children's needs and even willing to tolerate violent scenarios with their partners to "benefit" = their families. Carranza (2016) explains that women in prison often express a feeling of frustration as they are not able to have systematic contact with their children or are incapable of fulfilling their needs.

In the same vein, women who live with their children inside prison expresses how they became their "light" during imprisonment. Patricia recalled the emotional strength she felt by having their daughter with her, even before she was born. She knew about her pregnancy two weeks after she was imprisoned: *"I only cried in my room, isolated, crying, but every time it happened, since I was three months of pregnancy, I felt my daughter moving, kicking, it was the motive I had to move on"*. Similarly, Angie described her relationship with her two-year-old son:

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<sup>79</sup> I also conducted a study on the construction of femininity of women sentenced for terrorism. Despite the results being very similar, I have not detailed it here because it centres the analysis on women who are considered a different type of prisoner in Peru: their offending has an ideological component and they serve long sentences (between 15 to 25 years in prison without penitentiary benefits). For more about this study, refer to Bracco, D. (2011). *Femineidad en mujeres presas por el delito de terrorismo*. Pontificia Universidad Católica del Perú. Recovered from: <http://tesis.pucp.edu.pe/repositorio/handle/123456789/707>

*“As I am here with my son, I feel more accompanied, more embraced, I have someone to demonstrate my love and don’t feel so isolated”.*

Similarly, Lindley (2016) conducted research about the ideal maternal sensitivity of prisoners living with their children in a women’s prison in Lima. The participants reported three themes which define an ideal mother: a. Happiness and care as an inherent mother’s quality; b. Paying attention to their children in a permanent manner, to read and respond adequately to the baby’s signs; and c. Prioritising physical contact with the baby. Lindley (2016) suggests that the definition of the ideal maternal sensitivity of women prisoners is associated with the traditional feminine mandate of women as “natural” caregivers but does not necessarily differ from women who are not imprisoned.

Nevertheless, the author explains that it is important to analyse the definition, taking into consideration their situation as imprisoned women. In that sense, as participants reported happiness as the main feature of maternal sensitivity, this can create some pressure for women who think they must be happy all the time during incarceration to maintain their children’s well-being. In addition, Lindley also concludes that women prisoners who live with their children also regard them as their emotional support system, and as their main companions during imprisonment.

Finally, women who do not have children also discuss their desire to have a family. Indeed, prisoners associate stability and security in their future with their condition as future mothers. As Alejandra said, *“In the personal, the familial, you don’t know how much I want to be a mother, prison has given me that instinct [...] I am 30 years old and I wish I had a companion, a person, not a partner but a person that I can give them the love that I have, give it to someone that is mine”.*

Hence, through their discourses and in their social interactions with other prisoners, women re-affirm themselves through the traditionally gendered norms and their role as reproducers of care. Following that argument, Coba (2015) says prisoners follow traditionally gendered norms which mould women’s subjectivities, and motherhood becomes the idealised space or lair which imprisoned women can always return to and feel “safe” and become accepted by and identified with other prisoners.

#### *Disciplining women into “adequate feminine prisoners”*

Through the construction of interpersonal relationships among prisoners, they discipline each other into “adequate feminine prisoners”. As Paechter (2003) suggests, femininities and masculinities are apprehended through learning trajectories that are connected to places, events and social encounters with different communities. The authorities, prison staff and prisoners construct a series of stereotypical imaginaries on how an imprisoned woman should be and act, expecting them to be obedient, hygienic, well-behaved, respectful, and closer to a maternal figure



(Mejía, 2012). Therefore, not only does the formal order seek to mould women, but relational encounters also influence prisoners' gendered subjectivities, taking into consideration traditional social norms of femininity. Nonetheless, it is also a coping strategy to stay away from problems with the formal order, and therefore, have more autonomy in the informal-legitimised order.



To address this argument, I focus on the drawings created in a group meeting with the members of the Catholic Choir group.<sup>80</sup> In a meeting with 15 of their members, I asked them to form three groups to draw: a. A woman who is not a member but imprisoned in Santa Monica, b. A woman in Santa Monica who is a member of the Choir, and c. The encounter of a member and a non-member. Each of the groups produced one female character: *Estrella*, *Cielo* and *Luna* (translates to Star, Heaven and Moon): *Estrella* and *Cielo* who symbolise the stereotypical representations of the two main types of women in Santa Monica, and *Luna* the transition from one to the other.

Therefore, I will describe a symbolic representation of the prisoner's subjective transformation into an "adequate feminine prisoner" envisioned by the members of the Catholic Choir group. The drawings show stereotypical images of prisoners which I have categorised as a "counter-model feminine prisoner" and her transformation into an "adequate feminine prisoner". The first refers to the collective representation of problematic femininity in prison's multiple orders, who refuses to engage in a reflective, introspective process, and therefore, is incapable to "learn from her mistakes" and "resocialise". The second is simultaneously an expression of discipline and agency, regarded by prisoners as a way to cope with imprisonment. Indeed, by engaging with the norms

<sup>80</sup> To produce the drawings and art products, participants created a representation of themselves and other prisoners in Santa Monica. All of them show imagined and created characters, and refer to metaphors and symbols (Hogan, 2015). In a psychological perspective, the drawings and art products do not address their specific lives but do discuss themselves indirectly and in other symbolic and perceptual worlds or realities (Harper, 2012).



imposed by their “communities”, prisoners maintain “adequate” behaviour, they gain trust from staff and the authorities and they keep distanced from the representatives and punishments of the formal-legal order.

Estrella is the representation of the “counter-model feminine prisoner”. She symbolises a subversive or transgressive femininity, closer to the Biblical imaginary of “*Maria Magdalena*” (Leon, 2013). Women who perform this type of femininity are considered seductive, exuberant, and active objects of erotic desire (León, 2013). Indeed, the image shows a 20-year-old woman, wearing eye-catching make-up, braided hair, tattoos, heels, and tight, small clothing. The participants describe Estrella: “*since she was in the street [meaning prior to imprisonment] she was very liberal [...] but when she arrived here, she did not see the difference. For her, a short sentence, she is going on paro,<sup>81</sup> she is not interested. She is not interested in the labour workshops either. She just believes in herself and says: yo misma soy*” (translates to I am myself, and colloquially refers that she lives by her own rules).

Taking into consideration the participants’ description of Estrella, the image portrays a counter-model of traditional feminine norms and a prisoner that explicitly rebels against the formal order. Participants represented Estrella as a confident but self-centred woman. They emphasise the liberal attitudes that may lead to believe that Estrella has gained “ownership” of her body and sexuality. Moreover, her rebellious performance allows her to act against the formal legal system during her imprisonment. In that sense, she is represented as an autonomous woman. Nonetheless, her confrontational attitude does have consequences in their formal status during imprisonment: Estrella is categorised into Pavilion 3C. In other words, she is seen as problematic and non-resocialisable, or not reformable for the formal penitentiary system.

However, her confident and rebellious attitude is just a facade. Estrella has the psychiatric diagnosis of “depressive and consumer” and is a woman who has suffered systematic abuse from men throughout her life. As participants narrated: “*Her tattoos, in reality, are cuts she suffered when she was younger. She fell in love with an older man, and he mistreated her, but still they always reconciled, he was very giving, very loving, but he controlled her. Every cut is a punishment, but she sees it as something normal [...] She was also sexually assaulted at the age of 10*”. Participants described Estrella as a lonely and emotionally damaged woman that performs simultaneously as a rebel against the formal order, but as a systematic victim of gender violence.

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<sup>81</sup> *Paro* translates to stoppage. By going on *paro*, participants refer to accomplishing their whole sentence without applying for penitentiary benefits. This may be because the woman is sentenced for a crime that does not have penitentiary benefits (such as terrorism, kidnapping or some types of drug-trafficking) or because they have short sentences and they do not intend to apply for penitentiary benefits (for example, prisoners who are sentenced to one or two years).

Participants also narrated how in Santa Monica prisoners may have different backgrounds and lived experiences, but the stories of intimate partner violence and sexual abuse during their childhood and adolescence seem to be a constant variable in women's lives. The situations of violence and consequently, her isolation, situates Estrella in an ambivalent position towards her own life and well-being. Thus, Estrella is perceived as a woman with agency and resources, but simultaneously a defensive and marginal woman who is incapable of connecting with other prisoners. The participants ended the story: *"Although she was in Santa Margarita [a girls' detention centre], she was educated, she likes the verses, singing, she doesn't even care where. She passes through the Church, but she does not go inside [...] She lives only to live, does not have a goal, an objective, a reason for improvement [...] does not have a life project, she only worries in the day to day"*. Consequently, Estrella's isolation from other woman and her rejection of going to Church suppose that she is "not taking advantage of her time in prison" and it is impossible to reflect about her life, find well-being and elaborate a plan for a transcendental life for herself and her family. Consequently, Estrella's femininity fails as a reproducer of care for their outside household and fails to accomplish the internal penitentiary "resocialisation" process.

In contrast and with a binary differentiation with Estrella, Luna symbolises the "adequate feminine prisoner", and performs features that are more acceptable for patriarchal societies such as softness, compassion, and breeding (Smith, 2015). Luna symbolises a 50-year-old woman who wears formal clothing to cover her body. Participants described Luna: *"Despite wearing formal clothing, she is always regia [translates to regal and colloquially refers to a feminine woman who has 'produced' herself] with her manicure, her watches, her collars, her dyed hair without a cane"*.

Firstly, the notion of an "adequate feminine prisoner" in Santa Monica involves prisoners who follow the formal legal system for clothing. Clothes are a display of presentation of the self (Goffman, 1959), and in reference to gender identity, Butler (1990) argues that gender performance resembles drag performance. Although clothes are only material garnishing, in everyday life, they constrain, mould or liberate the performer (Butler, 1990). Peruvian prisoners do not wear uniforms, and according to the Peruvian Criminal Execution Code, *"the prisoners have the right to wear their clothes as long as they are adequate"*. Hence, the term "adequate" leads to subjective interpretations.

In a patriarchal institution such as Santa Monica, women cannot wear pyjamas (or clothes that resemble them) outside their cells; they cannot wear shorts or pronounced cleavages. Moreover, the formal norms once again blur with the principles of the Catholic Church. As one member of the Choir group manifested: *"The nuns don't like us to be wearing short skirts, or things like that... we have to dress properly to come to Church"*. In research conducted by Chamberlen (2018) in a women's prison in the UK, the participants refer to clothing as *"one most*

important tool which they employ to both adapt to prison culture and to also resist” (p.121). Like the prisoners in Santa Monica, women prisoners in English prisons may wear their clothes as long as they are appropriate and modest, “expressing a highly gendered perspective on the prison’s expectation of women’s appearance in custody” (Chamberlen, 2018; p.122). In the case of Santa Monica, clothing becomes a discipline garment that intends to de-sexualise women (as sexual objects or active sexual beings) but paradoxically in Santa Monica it is through the use of allegedly “appropriate” clothes that women prisoners also avoid attracting the attention of the formal representatives.

Secondly, the participants’ description shows a woman who interacts with other prisoners in the informal-legitimised order and performs as a reproducer of care inside the prison. As they stated, “she is a *compañera* who enjoys singing, the choir, likes hugging and kissing [...] She helps thy neighbour, and in the chapel, she has increased her faith, her hope. She trusts the Lord and knows she will be with her family soon”. Luna symbolises an idealised representation, nevertheless, breaks the prevailing discourse that it is impossible to trust or make friendships inside the prison. Consciously or unconsciously the participants narrate a process of hope, well-being and even sorority among prisoners.

Thirdly, to understand the “adequate feminine prisoner”, the gender dimension must intersect with socio-economic and age variables. On the one hand, Luna has enough economic resources to afford a high cost of living during her imprisonment. To fund beauty production and the ownership of accessories (such as watches) prisoners must have economic resources to fund their living expenses inside the prison, and the money or external social support to afford certain luxuries. In addition, Luna represents a middle-aged woman. The age may denote maturity and wisdom fortified by the learning she obtained



from difficult experiences before imprisonment, particularly gender violence. Furthermore, age may suppose a longer time in prison, and therefore this is a prisoner who has learned the “ways of prison” and how to strategically move in the multiple orders of Santa Monica. Consequently, the possibility to perform this type of femininity involves economic, social and subjective variables.

The “adequate feminine prisoner” is a disciplinary device, but it does not completely succumb to the norms of the formal order. The participants do not portray a woman unconscious of the control and disciplinary legal system imposed by the penal system. For example, the participants ended their story complaining about how Luna, “does not like to do laundry, to be bossed around or to do la cuenta”.

Regardless of the opposition among Estrella and Luna, participants narrate the possibility



to transition from one type of prisoner to the other. In the third drawing it is possible to observe the silhouette of a woman divided into two. One half is a woman called Yasuri, which symbolises the “counter-model feminine prisoner”, and like Estrella, is described as a woman who “found refuge in pepas [slang word that refers to anxiety pills], sodas with alcohol and gel, and that stuff,” and that not follows the formal legal system: “In her three, four months in prison, has been in the calabozo eight times. She doesn’t care about anything, her sentence is three or four years, and she plans to serve it in paro.”

The other half of the drawing shows a woman called Cielo and symbolises the “adequate feminine prisoner”. Similarly to Luna, she “is a member of the Choir, she coordinates all the Choir activities. She likes to participate in the Church groups such as the Choir, the rosary, listen to the gospels, and she thinks the time of God is perfect, and the day she goes into liberty, is when God thinks is the right time”. The story continues as both women meet in the prison’s main patio with Cielo who:

“explained her the peace she could feel by going to Church and talking to God [...] Cielo invites Yasuri to participate in the spiritual retreat. In there she found the peace she was looking for, realised everything she was doing before was incorrect

[...] Now she believes that although she is not free, in her heart she is”.

The drawings show how interpersonal relationships, in this case, communal relations, strategically discipline prisoners' gendered subjectivities which reproduces traditional notions of femininity, but their performance also enables them to strategically cope with imprisonment's formal order and gain more autonomy in the informal-legitimised one. The drawing that illustrates the encounter between the two prisoners does not only describe the different stereotypes of women in Santa Monica, but it may also denote the internal psychic conflicts, the ambiguities and contradictions lived by women in prison. Therefore, interpersonal relationships are also spaces that initiate processes to question and re-configure their subjectivities.

## ***2.2. Subverting prisoners' gendered subjectivities***

Interpersonal relationships also represent a path that allows women to subvert traditional feminine social norms, liberating them from preceding patriarchal norms, and engage with different paths that invite them to transform their gendered subjectivities. I follow Butler's concepts to address this argument: first, Butler's (1990) concept on gendered performances, and gender as an ongoing process that is never complete or linear. As Butler (2000) emphasises, the notion of performativity is not a conscious choice, and performativity is the reiteration of a set of norms that are systematically repeated in order to provide a gendered status, which are determined according to the political context in which they function.

Second is Butler's (2004) conception of collective process as a means to question norms and to construct alternatives subjective frameworks. As the author explains:

*“the capacity to develop a critical relation to these [gendered] norms presupposes a distance from them, an ability to suspend or defer the need for them, even as there is a desire for norms that might let one live. The critical relation depends as well on a capacity, invariably collective, an alternative, minority version of sustaining norms or ideals that enable me to act.”* (p.3)

Thus, imprisonment is a breaking point in life for the majority of women, and is an experience that supposes a (conscious or unconscious) revision of their femininity,<sup>82</sup> and transformations of their gendered subjectivities. Moreover, I maintain that the relational

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<sup>82</sup> It may seem that my argument may have essentialist connotations: to refer to an immediate connection between woman and femininity. As a researcher I am keen to distance myself from essentialist proposals, and to regard the complexity of gendered subjectivities, performances and relations. Nonetheless, prisons are institutions that make a binary division in our societies, creating an explicit separation between men and women. The female penitentiary population has been formally and legally categorised as “women” and secluded in a “feminine institution”. In that sense, this categorisation creates the base where prisoners discuss their engagement, conflict or subversion of their gendered subjectivities. Like Pemberton (2013) suggests, referring to English and American prisons, sex segregation is a technique of power that contributes to the reinforcement of hegemonic masculinity and femininity among prisoners because men's and women's prisons employ different rules and norms of conduct. The binary sex/gender categories also means that there are no official figures about transgender people in prison.

encounters and the different levels of collectives (that range from dyadic to community relations) among women arguably initiate different paths to reflect on patriarchal norms critically and compel reconfigurations in their gendered subjectivities.

As Coba (2015) describes in her research with women prisoners in Ecuador, collective encounters with other prisoners may create a reflective, transformative and/or liberating experience; these processes are not individualistic but are mainly driven by their active participation in the prison's daily informal activities (Coba, 2015), and the encountering and construction of different levels of trustful relationships with prisoners (Coba, 2015; Foller & Mosquera, 2015; Kruttschnitt et al., 2000). These relationships encourage them to re-configure their positionality towards themselves as women, and conditions their imprisonment experience (Frois, 2017; Zurita et al., 2015).

In Santa Monica, in interpersonal relationships and their semi-autonomous performances in the multiple orders and social institutions of prison, women tend to follow paths that enable them to re-configure their gendered subjectivities. To analyse this point, I will introduce four prisoners who have reconfigured their femininities: Isabel, Medalith, Monica and Chichi. Through their experiences, I would like to demonstrate women's gendered transformations inside Santa Monica and define them as acts of resistance and liberation. I have chosen these stories because they symbolise four different paths through which the women envisioned the possibility to express the fluidity and multiplicity of what a woman, and femininity, might signify (Braidotti, 2002). As a consequence, beyond motherhood, they may connect with other roles, attributes and performances that produce subjective transformations.

The different paths are experienced with contradictions, ambivalence and setbacks and embedded into emotions such as happiness, guilt, resentment, among others. As psychologically conflictual as these paths may be for women, as Irigaray (1985) suggests, it enables them to not only perceive and define themselves by their reproductive capacity, but to experience desires that had been inhibited by cultural conditions.

In Chapter 4, I described the political structure and the role of the prison's delegates in managerial functioning and conviviality. In Santa Monica, the expectation is that delegates reproduce the privileged gendered subjectivity, motherhood, in a political and public manner. Discussing with Aimee about the role of delegates, she explained, *"Delegates are like our mothers, and we are like their daughters"*. In the same chapter, I introduced Isabel, Santa Monica's General Delegate. Isabel is 31 years old, she was imprisoned eight years ago and is serving a sentence for drug-trafficking. Before imprisonment she used to work in real estate, but she also used to help her father in his business: drug-trafficking. Isabel recalled that she did not consciously know the business was illegal but regarded it as an informal one. Isabel differentiates herself from her mother and sister: she portrays herself as a managerial woman, and argue they were not ambitious enough to undertake the family business or to have professional goals. Before

her imprisonment, Isabel was in charge of contacting new drug-dealers, and acted as an intermediary between them and her father.

During our conversations, she defined herself as a strong, practical and organised woman, attributes that have helped her in her role as a delegate, but which have also been criticised by other prisoners. Isabel regards prison as an “enterprise”, and she emphasises that everyday problems and conflicts have to be faced with practical and rational solutions. Nonetheless, Isabel recalled a complaint about this type of attitude and maintained, “*They tell me I don’t listen to them, that I don’t understand them [...] I don’t want to listen to their problems, I want to be very practical in the solutions, but they want to tell me all their life, and I don’t have time for that.*”

Although in Santa Monica, women are introduced to the political sphere, they are asked to enact their role as caregivers and to create well-being inside the prison, but also to learn attributes generally associated with traditional masculinity and denied to hegemonic femininity. Indeed, they have to learn or fortify political and negotiating capabilities (how to communicate effectively, to possess organisational skills, to talk in public, to dialogue rationally and strategically). In that sense, traditional femininity re-configures and subverts the notion of caregiver in a macro-political arena. Indeed, prisoners occupy and fortify their political agency in their role as delegates.

In Chapter 5, I raised the issue of labour inside Santa Monica, and discussed how the juxtaposition of formal and informal-legitimised orders and legal systems compels women to identify with a “market discourse”, imagine the creation of micro-entrepreneurship, and engage in semi-autonomous laboured processes in the public salaried sphere. Indeed, the involvement of women in the salaried sphere is another path for women to subvert or transform their notion of femininity. In Chapter 5, one of the examples was The Queen’s by Medalith.

Medalith has been imprisoned in Santa Monica for ten years, and in her words through this experience she has “*learned to be humbler*”. Before imprisonment, Medalith used to work as a stylist and describes herself as a “*vain*” woman, primarily worried about jewellery, cars, and clothes. Her husband was involved in drug-trafficking, and she was detained as an accomplice. He did not get prison time and abandoned her after a couple of months and got engaged to Medalith’s niece, disappearing from her life and leaving her as the only person responsible for her children’s economic solvency. In her narrative, Medalith referred to perceiving herself as alone, without economic resources and evaluating “*the important things in life*”. As Medalith explains, instead of succumbing, she turned to the Bible: “*The Church helps me in every sense. I am not in any Church, but I study the Bible, and by studying it, I realise the doctrine. [...] I met Jesus at the calabozo [translates to the pit] [...] I was feeling angry, and I met Jesus, and I was saying: why, why, why.*” Is the intersection of religion, in this case in particular Evangelism, and the intersection of the “market narrative” a means to transcend through labour that initiated Medalith’s transformation? “*Then a voice asks me: didn’t you wanted to be famous when you*

*were a little girl, didn't you wanted to make history, that you wanted an enterprise, to be a woman who helped everyone? Why are you asking always why rather than for what are you here?"*

As mentioned, during her imprisonment and by creating The Queen's, Medalith has conducted what she calls the "*real resocialisation process*". At The Queen's workshop, she teaches other women a labour activity but also discusses with her workers her experience as a woman who has empowered herself through her encounter with religion and labour. Therefore, her "resocialisation process" also involves a future professional perspective: she dreams that when her workers are liberated, they will open The Queen's stores, and start a franchise. The benefits go both ways: the ex-prisoners will have legal work that distances them from criminality, and the prisoners will have several places to locate The Queen's products. Like the delegates in the political sphere, throughout their engagement with semi-autonomous entrepreneurial actions, prisoners also re-configure their femininities and acquire new attributes that are commonly denied to women in patriarchal societies: on the one hand, entrepreneurial skills such as organisation, logistics, planning, etc.; on the other hand, also providing themselves as mentors giving counselling, advice and guidance.

De Giorgio (2013) discusses that prison is an institution that produces new work-oriented subjectivities, centred on discipline and obedience. For the author, this type of subjectivity connects to production relationships, and its objective is to discipline the bodies to the market's needs. Nonetheless, Medalith's connects with how labour operates in the men's prison *Punta de Rieles* in Montevideo, Uruguay analysed by Ávila (2018). The author analyses the ethos or productive culture and the prisoners' meanings and logics of creating personal entrepreneurial processes in prison, which differently to Santa Monica are formally initiated and encouraged by the institution. Nevertheless, Ávila maintains that through this type of labour activity, prisoners find satisfaction for self-realisation, the opportunity to access more economic resources, to be respected by their peers, and to not depend in an authority figure while generating labour sources.

We recall that Medalith has a semi-autonomous workshop and that her work is not for the prison or the state, but for her (as for other prisoners) the objective is to create micro-entrepreneurial activities. Therefore, following Ávila (2018), Medalith and her workers may re-configure their ethos, identities and subjectivities in relation to their experience in the construction of their entrepreneurial spaces, where they can visualise themselves not as prisoners but as productive subjects who cooperate with their peers. Medalith appropriates a market discourse and highlights her productive and economic needs, but mainly proposes a feminist discourse that emphasises the importance of economic autonomy and the need to fortify women prisoners' self-esteem.

In Chapter 5, I also introduced the presence of the Catholic Church as a political-ecclesiastical institution in Santa Monica, and arguably another path to semi-autonomous



performances in Santa Monica's public life. Although the main representatives of the Catholic Church are the official religious agents, prisoners do have an important role and through their involvement in the coordination of religious activities, women also transform their gendered subjectivities. For example, this is the case of Monica, the Catholic Church Coordinator. Monica has been imprisoned for ten years. Prior to her imprisonment, she suffered physical and psychological intimate partner violence for 25 years: her husband physically abused her, over-controlled her and restricted her social encounters. Her forced isolation ended when she arrived at Santa Monica convicted of her husband's homicide. Monica claimed that during imprisonment she has learned how to be a confident woman. During her imprisonment, Monica remembers meeting several groups of women that have supported her: the nuns of the 12 Apostles Church, the prison psychologist and other women prisoners who were also victims of intimate partner violence. Monica recalled that all of them accompanied her in different manners and allowed her to *"believe in myself for the first time"*.

Monica's decisive moment of transformation was when she was voted by the other prisoners to be the Catholic Church Coordinator:

Monica: *"I appreciate it so much, that is when I started to break many things: my shyness, my fear of talking in public, to express what I feel because I demanded myself to be responsible as my sisters are waiting to hear me [...]"*

Researcher: *Do you think you would be able to do the same outside prison?*

Monica: *Maybe not, I did not dare. It was something I kept it for me, and I recognise I did not have confidence in myself, I always felt like incapable of doing much stuff. Everything occurred in my dreams; everything occurred in my mind."*

Monica is the only woman in prison who did not want to use a pseudonym; she explicitly decided she wanted to use her name, to tell her story so other women may learn from her experience. As she mentioned, *"I see so many femicides nowadays, I wanted to tell them they can leave, they don't have to stay and end dead or make my mistake"*. Like Medalith, Monica, as Church Coordinator, discussed religion with the Church members, but also themselves as women, to reflect on their feminine experiences, to empower themselves, to be more independent from their male partners and support each other as women.

Finally, in this chapter, I have discussed the prisoners' engagement with homoerotic relationships during imprisonment. Participants also recalled how these encounters may reconfigure their sexual performances and how they envision themselves as women. Chichi has been imprisoned in Santa Monica for less than two years. During our individual encounters, Chichi reminisced about her sexual life: during her childhood she was raped systematically by her father and uncle, during her adolescence she got pregnant by an older man, moved in with him and suffered from psychological and physical violence; and in her adulthood she accepted to marry another man who promised her he would help her to pay her family expenses. Instead, she

recalled getting infected with syphilis. Her husband used to run a *prostibulo*, had unprotected sex with his workers, and transmitted the disease to her. Moreover, he did not provide her with enough money to support her familial needs. Chichi was in prison for being a *tendera* (slang word that refers to women who steal from big departmental stores) and started in the “business” (as she refers to it) to gain economic resources for their children and siblings. Chichi defines herself as bisexual. During her life prior to imprisonment, she was involved in heterosexual (and violent) encounters, but also in homosexual ones. Chichi recalls living her sexuality as conflictual, and prior to imprisonment she tried even harder to deny her sexual orientation because her family was not open to discuss it or accept it:

*“Every time there is something in my head about it, about an attractive woman, I pray to get it out of my head, I torture myself, and she realises it, and tell me: What are you thinking? I tell her: Nothing. Then she tells me: you must be thinking about your stuff, sure that you wanted it. She gives me the Bible and tells me: stop punishing yourself, stop being like that. [...] It is wrong, in the eyes of God is wrong. The Bible says its wrong.”*

Throughout history, religion, and in particular, the Catholic Church, has maintained a closed control and security over the moral values that define sexual identities and performances. Themes such as virginity, sexuality with reproductive ends, misogyny and homophobia have been debated by the Catholic Church. Thus, sexuality has not been conceived as a dimension of our social interactions, beliefs or desires, but as an impure and sinful way to relate, and as an object of guilt and regret (Abad, 2012). This notion of sexuality had been interiorised in Chichi’s subjectivity. Chichi is an active member of the Catholic Church in Santa Monica and is still conflicted about the performance of her sexuality, but she has also found the possibility to explore it with less social restriction:<sup>83</sup> *“my friends, las chacoteras [slang word for funny ones], say to me: poor all the girls in here, if your finger expelled milk, all of them would be pregnant”*. Thus, paradoxically the informal-legitimised order of imprisonment and the construction of homoerotic relationships enables Chichi to (re)discover other paths to subvert their notion of femininity and re-configure her gendered subjectivity. Mejía (2012) discusses lesbian relationships in a female prison in Mexico, and similarly to Chichi’s story, manifests that the experience of homosexual encounters may awaken fear, conflicts of identity and with their peers, but also allow prisoners to question their heteronormative practices.

It is crucial to appreciate that it is not their path through the formal order of prison that had transformed the gendered subjectivities of these four women, but the possibility to occupy semi-autonomous spaces in prison (in politics, labour, religion and sexuality) and construct interpersonal relationships with other prisoners. It is interesting that in all these cases, the women

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<sup>83</sup> In the formal order, homoerotic encounters are banned and formally punished. Nonetheless, as described before, women prisoners engage in consensual homoerotic encounters in the informal-legitimised order.

were constricted or controlled by masculine figures: their fathers, partners, and even God. In that sense, patriarchy positions women in a paradoxical and perverse situation concerning punishment and imprisonment, which implies an ambivalent and contradictory feeling as to what it means to live in liberty and to be imprisoned.

I base the argument above following feminist scholarship that illustrates that many women prisoners have experienced psychological, physical and/or sexual violence before prison (Antony, 2007; Azaola, 2005; Giacomello, 2013; Lagarde, 2005). Although there is no actual data about this phenomenon among the female penitentiary population in Peru, prisoners in Santa Monica refer to these experiences, too. Surprisingly, like Isabel, Medalith, Monica and Chichi, many women argue that prison is the time and space scenario where they became “free”. In other words, despite the fact that they are in deprivation of their liberty in a confined environment, their lived experience in prison has allowed them to re-configure their sense of autonomy and ownership of their selves. In that sense, the prison becomes an ambivalent institution for women who have lost their liberty while imprisoned in a state-governed patriarchal institution yet feel as if they have liberated themselves from their preceding patriarchal prisons.

My intention with this point is not to romanticise women’s carceral dynamics or fetishise prison itself. On the contrary, it is to critically reflect on patriarchy as structural to society (Lamas, 2014; Ruiz Bravo, 2003; Segato, 2003) where male to female-gendered violence is a widespread phenomenon, gender roles are rigid, and there is a wide breach in educational, labour and justice opportunities between men and women. Traditionally and responding to women’s structural violence, feminist criminologists have correctly and strategically defined women in prison as victims of the structural patriarchal system outside and inside prison (Antony, 2003; Azaola, 2005; Lagarde, 2005).

In this study, I want to recognise the importance of such scholarship and the necessity to denounce the hindering of women’s human rights and expression of subjectivities inside a female penitentiary facility. Therefore, it is paradoxical and problematic, albeit understandable, that many women prisoners perceive prison as a social space where they can feel a sense of gendered freedom and empowerment. By discussing how women subvert and liberate themselves from preceding patriarchal social norms, I intend to disrupt the borders between “*victimhood and agency*” (Munro, 2013; p.239). My aim is to acknowledge women’s actions and agencies in such precarious conditions; and define them as active subjects in a disciplinary and coercive space. As Lugones (2005), a decolonial feminist suggests: “*Oppression is not to be understood as an accomplished fact. To understand it as accomplished renders resistance impossible. Rather, the relation is oppressing-being oppressed, both in the gerund, both ongoing. It is the active subjectivity resisting-oppressing that is the protagonist of our own recreations*”. Therefore, their actions lead to the performance of an “active subjectivity” (Lugones, 2008b; p.85), defined by Lugones as a “*journey and of the possibility of creative activity under conditions fertile for*

*resistance to multiple oppressions*” (p.86). In the case of the prisoners of Santa Monica, this means fortifying transformative and/or liberating processes at a level of gendered subjectivity, not only resisting prison’s oppression (Bosworth, 1999; Moran et al. 2009; Zurita, Gonzalez and Quirarte, 2015), but also liberating themselves from previous ones.

## **Conclusions**

The significance of this chapter is to acknowledge how the macro and meso dimensions of prisons interact with the micro one, and how the political structure of co-governance also has implications for the construction of social relationships and prisoners’ subjectivities. Furthermore, following feminist scholars, gender is a determinant variable for comprehending prison dynamics in all their dimensions, and therefore is a road towards the comprehension of women’s social interactions and subjectivities.

Having said that, I mentioned psychological violence enacted through rumours and gossip generally about sexuality and morality, which have the aim of socially controlling women and damaging their reputation inside prison. This point leads to a general reflection about research and violence in prisons. Currently, violence among prisoners in women’s prisons in Peru remains an invisible research topic. National statistics about it do not exist (neither do they exist for men’s prisons), and there is no research about it (that I have been able to find). I believe that gender social roles arguably still create biases among researchers. Commonly, studies about men’s prisons centre on topics such as violence, order, and governance. On the other hand, research on women’s prisons illustrates women’s prior life and identities (mainly to visualise patriarchal violence throughout their lives), the invisibility of their needs inside prison, and therefore, the importance of including a gender approach that recognise their needs as “women” in the penitentiary system. Consequently, in the case of women prisoners, topics such as motherhood, sexuality and inter-gendered violence prior to imprisonment remain at the centre of analysis.

The essentialisation of women maintains the myth of women as non-violent subjects, and the fragilisation of women inside the penitentiary system (Constant, 2016a). As Fili (2013) maintains, mainstream feminist criminology tends to portray women as victims of patriarchy, and imprisonment as a continuum of social control that captures the totality of women’s experience, which acknowledges women as less dangerous and more vulnerable than men, and as ideal victims of oppression. The knowledge produced by these studies is crucial to question the penitentiary system, but it is necessary to engage in the complexity of women’s imprisonment experiences, and that includes, for example, how violence is performed in a women’s penitentiary.

Nevertheless, my intention is not only to illustrate violence among prisoners, but to emphasise the ambivalent emotional flow of Santa Monica which situates prisoners in an ambiguous positionality towards other prisoners, hence, moving throughout the spectrum of being

emotionally distant from others or violent and/or simultaneously exercising qualities such as empathy, cooperation and reciprocity with some prisoners. Arguably, the connection with the political structure is that co-governance requires an adequate conviviality and social organisation and, consequently, imprisonment is lived as a collective experience that initiates empathic interpersonal relationships (with different degrees of trust, intimacy and loyalty) of collaboration.

Finally, imprisonment is arguably a standpoint for the majority of women, and how they envision their gendered subjectivities. The discipline and subversions of their femininity do not imply their connection with the formal-legal order, but their semi-autonomous performances in prison's multiple dimensions and the intersubjective and dialectic encounter with other women prisoners. In this context, women's gendered subjectivities intersect multiple social norms. There is a dominant patriarchal discourse from the formal order that relates to religion and insists that the hegemonic social subjectivity is motherhood – a woman who is capable of caring. Nonetheless, women also encounter paths to re-configure, re-create or re-signify themselves as women. Their performance in public, political, labour, sexual and intimate social encounters with other women re-defined them.

Once again, to analyse the subjective process as emotional, the concept of ambivalence is key. As referred to in Chapter 2, Merry (2003) refers how processes of legal pluralism create performances of multiple femininities in connection with particular normative orders. Moreover, as Anzaldua (1987) explains, the transformations of women's gendered subjectivities are not linear or coherent: on the contrary, they involve contradictions or individual and collective setbacks. Therefore, the discussion about multiple orders in prison in dialogue with a legal pluralist perspective and the recognition of non-fixed subjectivities may explain how the same woman may perform differently in the multiplicity of orders, legal systems and social institutions inside prison. For example, a woman may be an "adequate feminine prisoner" to the formal order, a member of the Catholic Church, and simultaneously, a delegate who is respected in the informal-legitimised order while having a sexual partner (or several) in prison. In societies with strong pluralistic features like Santa Monica, the intersection of orders, legal systems, social norms and relations have an impact on the construction of multiple types of femininities (Merry, 2003).

## Conclusions

This study represents my struggle to engage in the discussion of prisoners' lived experiences inside "prisiones-depósitos" (Sozzo, 2007). With this thesis, I seek to contribute to academic scholarship generally, but mainly to produce knowledge that enables us to "humanise" criminalised subjects: individuals from whom, as a society, we, the allegedly "common" citizens, feel distant, and so different. Hence, my purpose is to promote empathy and closeness and construct more identification bridges between the people living "outside" and "inside" prison walls. Theoretically, I attempt to contribute to the discussion of prison studies and feminist criminology from a Global South perspective, considering the lived experiences of women incarcerated in Santa Monica in Lima, Peru.

The analysis centres on the women prisoners' narratives, and in what they can teach researchers and activists about prison and imprisonment in Peru. Rather than attempting to locate the debate about the precarious conditions in Santa Monica (which I do not intend to minimise or make invisible), the framing of the research involves women prisoners' activeness and agentic performances. It questions the notion of prisons of the Global South as failed "modern" institutions which are characterised as spaces of violence, deprivation or even empty locations, to focus on the political, social and subjective dynamics of incarcerated subjects. Therefore, the voices of women prisoners in Santa Monica, linked to the interdisciplinary and critical dialogue about prisons referred to throughout the thesis, contribute to dismantling the hegemonic concept of "the" prison, and question the conception of the top-down power relationships of imprisonment.

My first step is to link feminist and decolonial approaches to define prison in Peru as a patriarchal and post-colonial institution that seeks to discipline imprisoned women while they live in precarious conditions. However, women prisoners do not remain passive or submissive. Santa Monica prison is a negotiatory space of multiple orders, legal systems and social institutions which create complex and intertwined dynamics that link to women prisoners' social and subjective spheres. My next step is to highlight that governance and its macro, meso and micro dimensions are gendered. My purpose is to engender prison studies in Latin America, but also to relativise the debate in feminist criminology about the binary position of women prisoners as victims or agents. I maintain the urgency of engaging in this type of study, particularly ethnographies that take into consideration emotional processes between the researcher and the participants, to really understand life inside prison walls and to recognise the consequences, nuances and ambivalences of imprisonment, in order to imagine more just penal solutions.

Thus, in this concluding chapter, I will highlight five key aspects of the study I conducted at Santa Monica that I argue can enable and develop discussions of prison and imprisonment,

theoretically and politically. I also consider how I contribute methodologically to prison studies from a decolonial and feminist perspective.

The first key aspect is to discuss prison's governance in Santa Monica. The study demonstrates that Santa Monica operates through co-governance, where the formal and the informal-legitimised orders work interdependently and in an intermingled way. Therefore, in Santa Monica there is a re-configuration of top-down imprisonment power dynamics, and a questioning of the ideology that law is only (or mostly) imposed by the nation-state law. Power dynamics and law are constantly negotiated, and this is explicitly observed in the figure of the delegates. Delegates actively negotiate with the authorities and prison staff, organise to create better living conditions for prisoners and assure conviviality. Moreover, everyday life in prison is regulated by a hybrid legal system, by *interlegality*, connecting nation-state and customary law. The proposal of the thesis is not to reinforce dichotomies, but to recognise the interdependency of the orders and legal systems in Santa Monica (avoiding a binary and fragmented analysis) where all the actors involved (the authorities, prison staff and prisoners) move strategically between the orders, the legal systems and the "grey areas" of the prison.

The second key aspect and argument is concerned with recognising prison as a porous, permeable and ambiguous institution, deconstructing the definition of prison as a "total institution". The research demonstrates that Santa Monica dynamically transforms, and is constantly moulded by, the interpersonal connections between the authorities, prison staff and prisoners. In fact, even the physical or geographical territory of prison is reconfigured, and the site that was conceptualised as a "total institution" has semi-autonomous (symbolic, social and geographical) zones of religious, labour and entertainment activities that were not included in the original design of how a prison *should* be or *must* operate.

The third key theme of the thesis is its discussion of prisoners' autonomy inside prison. Taking into consideration that Santa Monica operates through co-governance and prison becomes a porous and permeable institution, women prisoners find paths to engage in semi-autonomous actions in the macro, meso and micro dimensions of prison. The invisible work of delegates on the macro-political dimension, the micro-entrepreneurial and religious activities on the meso-social dimension or the social support networks on the micro-intersubjective dimension are some examples of semi-autonomous actions. As already mentioned, these processes are fundamental for the functioning of the prison, but also initiate personal and collective transformations of prisoners. This point allows me to introduce the debate about agency inside prisons. Feminist research globally has demonstrated that women prisoners are incarcerated and disciplined to be re-feminised in patriarchal institutions, and Santa Monica is no exception. Simultaneously, I allege that women prisoners also create surreptitious agentic performances in the multiple dimensions of prison, pursuing the construction of survival and well-being spaces for themselves and others during imprisonment. Despite their importance, women prisoners' semi-autonomous

actions in Santa Monica still remain in a grey area, in an almost invisible layer to external eyes and to the criminal justice system. In other words, they are not formally recognised and are ambivalently valued in the formal-legal order.

The fourth aspect is to recognise Santa Monica prison as an ambiguous site for women prisoners. As many feminist criminologists have argued, women's incarceration is generally an expression of gender inequity propelled by a capitalist, patriarchal and colonial system which positions women in extreme situations that augment their vulnerability in violent scenarios and limit their life experiences. Many prisoners in Santa Monica remembered situations of gendered violence in their childhood homes, involving intimate partners in their communities. In a perverse sense, the prison is regarded as an ambiguous site: it is in fact where they lost their liberty, but at the same time, it is also a space that enables women to enact and claim liberation and emancipation from traditional patriarchal gender norms and roles. It is in through the performance in the aforementioned semi-autonomous paths of Santa Monica and the construction of intersubjective care relationships with other prisoners that they are able to re-signify themselves as women. Indeed, women prisoners encounter new possibilities to understand their life and acquire a sense of ownership of themselves and their bodies, performing new roles and acquiring new capabilities. Therefore, the life experiences of women in prison are unquestionably intermingled with disciplinary modes, but co-governance of the prison also offers a path for public political performances where women can become political leaders or interface brokers, entrepreneurs, role models for other women, and partners to explore their bodies and sexualities.

This last notion does not intend to position prison as a resocialisation institution; on the contrary, it seeks to criticise the position of women in a capitalist, patriarchal and colonised system. Indeed it should outrage us as society that women feel safer in prison than in their outside communities. In that sense, it is relevant to incorporate a gendered approach to construct a different penitentiary system in the short term, but again, to consider processes of decarceralisation and alternatives for imprisonment for women, in line with the abolitionist prison movement.

The fifth aspect refers to the methodological contributions of the thesis. I tried to engage in an ethnographic process through decolonial and feminist guidelines. I emphasise the word *try* because assuring that I have completely succeeded in doing so eliminates the chance to reflect critically on the process, my positionality towards Santa Monica as an institution, and on women as incarcerated subjects. I believe that the most important methodological lesson is to conduct research in prison (in fact, in any penal context) as a technology of care, to take care of participants (cognitively and emotionally) and to allow ourselves to be vulnerable and be cared for as researchers by the participants. That said, despite the fact that research does not intend to be therapy, it may achieve therapeutic implications that lead to subjective and/or social transformations. Patriarchal and colonial-modern domination processes damage the psyche, self-



image and self-worth. Thus, instead of approaching the women prisoners conducting that appeal to domination, my proposal was to construct an honest encounter offering intersubjective recognition which may be a tool that as researchers we may provide, and contribute to transformation processes. Therefore, the informal conversations, the IRD or GRDs, were open dialogues with women prisoners where we were able to reflect together about the topics they felt most comfortable with, respecting the psychic processes of the participants and their necessity to trust me in order to “open up” and tell me their personal stories.

Another methodological lesson is how to conduct research in a site of multiple orders and *interlegality*. In a site such as Santa Monica, where all the actors move strategically between the orders and the legal systems, as researchers we have to learn how to deal with these ambivalences and also move among the “grey areas”. Strictly obeying the formal norms may paralyse the possibility to do research inside prison; transgressing them may suppose engaging in illegal actions or being expelled from prison. Therefore, researchers have to learn how to move subtly between the margins of the formal order without transgressing its norms, to be discrete, patient and careful not to awake defensive feelings from the authorities, prison staff or prisoners, and at the same time to be open and direct about the research’s objectives and possible inputs.

With that in mind, one of the methodological tools that I would like to highlight is the introduction of art-based/visual methods. As Prado (2019) states, the use of art may be a vehicle to introduce play and *poiesis* that enables work with the body, the imagination and the senses. It gives the possibility to recover a feeling of inner liberty, and to embrace tragedy and trauma through the encounter with the work of art. Consequently, the incorporation of art-based/visual methods arguably aid the objective of humanising prison and prisoners. Moreover, due to my experience in Santa Monica, I would like to clarify what I mean by art, and how it can lead researchers to imagine new methodological processes. As described in the thesis, women engage in the creation of multiple creative products, such as food, clothes, bijouterie, hair and make-up, diverse performances which include singing, dancing, etc. For prisoners, the possibility to imagine and play, which produces well-being and the re-configuration of their subjectivities, is also possible through their engagement in the creation of these products. Thus, as a future methodological innovation it would be interesting to “follow” the formation of these “artistic” products, for example, the “routes” of how plates of food are created and what political, social, economic and subjective dimensions of prison are associated with them.

#### *A final contribution: Constructing knowledge from an epistemology of the South*

Epistemologically, my thesis is a critique of the search of constructing “modern” nation-states and institutions which aim to mould social life in the Global South through “modern” principles following Westernised models. Due to our colonial heritage, we, in the Global South, constantly compare ourselves to the processes of the Global North. We seek to reproduce

Northern political, social and subjective dynamics and regard them as efficient and satisfactory points of arrival for our nations. Epistemologically, my intention is to contribute to “*mirarnos de otro modo y no desde la mirada del otro*” (translates to observe ourselves in a different way, and not from the perspective of another). Indeed, it is not to measure and qualify ourselves from what we are missing and the gaps we have as societies (which reproduces a colonial and patriarchal analysis), but to centre on what is unique in the agencies and resistances we express. As Mignolo (2014) says, referring to Amaytay Wasi, the first step to re-configure ourselves is learning how to un-learn in order to re-learn in a different manner.

Resistance-oriented approaches may be regarded as biased by a certain aura of romanticism (Hannah-Moffat, 2001). Notwithstanding this, the only way to construct a critical criminology for Latin America and the rest of the Global South is to reinforce the concept that the dynamics of Latin American prisons have something to teach us, which may lead to theoretical and methodological innovations in criminology. In other words, to regard Latin American research as “*viajes culturales*” *de ida y vuelta* / roundtrip “cultural travels” (Sozzo, 2011; p.85). With this premise, it is also important to highlight that while producing the study I always had two possible “readers” in mind: those in the Global North, but also those in the Global South, specifically the Latin American region. Hence, the writing-up of the thesis has sought to create a horizontal dialogue between the North and the South. I became, symbolically, an interface broker, like the delegates, trying to connect theoretical approaches and penal contexts.

To analyse the data produced in the research at Santa Monica, in a very broad and simplistic perspective, I could have followed two possible paths through which to understand the imprisonment dynamics. The first is that the Peruvian state had failed in the constitution of its political system and the construction of “modern” institutions. To confront its precariousness, the citizens, in this case the prisoners, are arguably obliged to define creative and informal ways to satisfy their needs. This explanation is based on the conception that prisons in Peru are failed “modern” Eurocentric institutions. The second path is an alternative account of the situation, and where I stand as a researcher. This path reflects on the possibility that Santa Monica’s dynamics are not only occurring in the prison, but the way dynamics occur inside the prison are an example of how Peruvian public institutions function more broadly. Moreover, I may hypothesise this is also the case in other Latin American countries, too. As mentioned throughout the thesis, Peru intended to produce the configuration of the state and its public institutions reproducing European-Western models. During our Republican history, creole elites sought to install processes of homogenisation, disregarding Peruvian diversity.

As decolonial jurist Armando Guevara (2009) explains, in a society as socially fragmented and structurally unequal and discriminatory as that of Peru, the political-economic model imposed was destined for failure. Consequently, although a general analysis might say that public institutions may be seen as failed sites of modernisation, from a decolonial perspective, the

plural dynamism of prison is how traditional forms of governance and law based on kinship systems still configure our political and social lives. As observed in Santa Monica (and is the case in other institutions such as schools, hospitals, etc.), interpersonal relationships have more implications than institutional forces in moulding imprisonment dynamics. This type of governance may be analysed as a form of resistance to the imposition of Western mandates. Indeed, Santa Monica is an example of how legal pluralism *de facto* prevails throughout Peruvian history, configuring our political, social and subjective life. With this argument, it is not my aim to romanticise the imprisonment dynamics in Santa Monica. The argument seeks to reflect the perverse positionality of trying to maintain the image of Santa Monica as a “modern” institution, denying or minimising the role of prisoners in its official functioning. To deny the plural dynamism reproduces our inability as a nation to recognise diversity and different forms of social organisation as a positive asset that enables acknowledging, fortifying or constructing other ways – pluralist ways – of governance, social life and subjectivation. In that sense, following Mignolo’s perspective on the recognition of diversity in a political dimension, the state can no longer be “monotopic and inclusive” but has to be reconfigured to become “pluritopic and dialogical” (2003; p.9).

By engaging with the second path, politically, the model of imprisonment presented in this study is relevant beyond Santa Monica, Peru, Latin America or even the Global South, emphasising that there is much to be learned from the imprisonment dynamics of self- and co-governance experiences in Latin American prisons (Darke & Garces, 2017; Macaulay, 2017; Tritton and Fleetwood, 2017). Personally, the aforementioned argument situates me in a paradoxical political positionality. Given that the prison has been “taken-for-granted” (Sim, 2009; p.9) as the hegemonic strategy to maintain law and order, the abolitionist struggle implies a long-term perspective. Therefore, the debate is how to dialogue between a needed reformist perspective of prison for the short term, while engaged with an abolitionist perspective of imprisonment that seeks structural and radical transformations. I found a personal ethical positionality that implies that the main objective is not to seek the “resocialisation” of deviated subjects, but to reduce the subjective or social malaise, suffering and violent relationships (with ourselves and others) within imprisonment dynamics. With that premise, the imprisonment dynamics at Santa Monica, particularly the organisation of women prisoners in the multiple dimensions, sheds light on alternatives forms of imprisonment that may be regarded as transient processes or intermediate stages towards abolition.

In that sense, what the participants of this research are demonstrating, through their verbal discourses and their everyday actions, is an alternative penitentiary system where it becomes possible to start to imagine prisons as participatory dialogical spaces (Pérez Guadalupe & Nuño, 2019). Of course, as I already mentioned, the informal-legitimised actions of women prisoners in the multiple dimensions (macro, meso and micro) are still unrecognised formally, but

it may shed some light on what directions to take. The recommendation to promote more “humane” prisons is to formally recognise or construct consensual mechanisms between authorities, prison staff and prisoners (Ávila, 2018), and recognise processes and practices of agency and care within the repressive circumstances. In the case of Santa Monica, for example, it concretely refers to formally recognising the work of those who remain at the margins, but whose informal-legitimised labour is indispensable for the prison’s functioning. Thus, politically and engaging with a feminist economist perspective, the first step is to formally value and recognise all the unpaid social reproduction practices (maybe starting on a macro-political dimension but without making invisible those that occur on the meso and micro dimensions) that already exist inside Santa Monica. Their payment does not necessarily need to be economic, but ought to create transparent processes that symbolically and formally recognise the value of their work, and may be discussed in the light of the two “currencies” mentioned in Chapter 5. In that sense, the questions are: How to recognise it? How to reduce the burden? How to redistribute the roles and responsibilities between the state, the prisoners, the community (for example, the Church and NGOs), the families? Primarily, the aim is not to impose new responsibilities, but to recognise and make explicit those actions that are already taking place within prisons. As Rai, Hoskyns and Thomas (2013) manifest, “*recognition is the first step of transformation*” (2013; p. 15).

## Appendix A



**WARWICK**  
THE UNIVERSITY OF WARWICK

Humanities and Social Sciences Research Ethics Committee  
Kirby Corner Road  
Coventry  
CV4 8UW

Monday, 05 June 2017

Dr Anastasia Chamberlen  
Sociology  
University of Warwick  
Coventry  
CV4 7AL

Dear Dr Chamberlen,

**Ethical Application Reference: 77/16-17**

**Amendment number: 1**

**Title: Gendered Subjectivity and Agency in a Peruvian Women's Prison**

Thank you for submitting your project amendments to the Humanities and Social Sciences Research Ethics Sub-Committee for consideration. We are pleased to advise you that, under the authority delegated to us by the University of Warwick Research Governance and Ethics Committee, full approval for your project is hereby granted.

Before conducting your research it is strongly recommended that you complete the on-line ethics course:  
[https://www2.warwick.ac.uk/services/ldc/researchers/opportunities/development\\_support/research\\_integrity/](https://www2.warwick.ac.uk/services/ldc/researchers/opportunities/development_support/research_integrity/)  
Support is available from your Departmental contact in Research & Impact Services.

Any material changes to any aspect of the project will require further consideration by the Committee and the PI is required to notify the Committee as early as possible should they wish to make any such changes.

May I take this opportunity to wish you the very best of luck with this study.

Yours sincerely



Dr Friederike Schlaghecken  
Chair, Humanities and Social Sciences Research Ethics Sub-Committee

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