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Imprisonment and Internment: Comparing Penal Institutions North and South



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| Abstract: | <p>This article compares the nature of confinement in North America and Latin America in terms of six interrelated aspects: regimentation, surveillance, isolation, supervision, accountability and formalization. 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 institutions 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 institutions are less open to external scrutiny and their bureaucracies are less formalized. One way to express these contrasts – quantitatively - is as a difference in the level of control: in North America, control is assiduous in the sense that it is unceasing, persistent and intrusive; in Latin America, control is perfunctory in the sense that it is sporadic, indifferent and cursory. But another way to express these contrasts – qualitatively – is in terms of the character of confinement: in North America there is imprisonment; in Latin America there is internment.</p> |
| | |



IMPRISONMENT AND INTERNMENT: COMPARING PENAL INSTITUTIONS NORTH AND SOUTH

ABSTRACT

This article compares the nature of confinement in North America and Latin America in terms of six interrelated aspects: regimentation, surveillance, isolation, supervision, accountability and formalization. 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 institutions 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 institutions are less open to external scrutiny and their bureaucracies are less formalized. One way to express these contrasts – quantitatively - is as a difference in the level of control: in North America, control is assiduous in the sense that it is unceasing, persistent and intrusive; in Latin America, control is perfunctory in the sense that it is sporadic, indifferent and cursory. But another way to express these contrasts – qualitatively – is in terms of the character of confinement: in North America there is imprisonment; in Latin America there is internment.

Key words: penal institutions, prisons, internment, North America, Latin America.

1. INTRODUCTION

Terminological profusion in the penal sector – “penitentiary,” “prison,” “jail,” “correctional facility,” “detention center,” and so on – reveals a considerable diversity of perspectives, and perhaps no small measure of vagueness, regarding the institution being talked about. Are these words descriptions or prescriptions? Do they convey what is going on, or do they symbolise our thoughts (and hopes?) about

1
2
3 what should be happening? Against these kinds of doubts and queries, some
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5 scholars have employed new terminological devices in a spirit of penological realism.
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8 Thus, it is interesting to note that US scholars are increasingly inclined to use
9
10 the term “warehouse” when talking about prisons in that country (e.g., Toch, 1985;
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12 Fleisher, 1989; Robertson, 1997; Simon, 2000; Lynch, 2001; Irwin, 2004). Not only is
13
14 this a striking semantic turn (how can a prison be likened to a building used to store
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16 goods?), it also invites us to recognize that contemporary prisons in the US do little
17
18 more than provide secure confinement for sentenced offenders. Held almost like
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20 boxes on shelves, prisoners are subject to regimes of control designed primarily to
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22 reduce the risks they pose to themselves, to other prisoners, to prison staff and to the
23
24 rest of society. However (the implicit argument goes), at some point most of these
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26 individuals will be released (redistributed like goods!) with all the attendant
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28 problems that one might expect after their time in storage.
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34 In Latin America, where the volume of literature and commentary is
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36 considerably lower (a point to which I will return shortly), the most striking
37
38 contemporary label for the prison is the “concentration camp” (Caldeira, 2000:176;
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40 Wacquant, 2003:200; Kane and Tilsley, 2006:69). The particular impact of this term is
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42 of course driven by its association in the popular mind with the death camps
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44 organized by Nazi Germany. But whether or not the authors were thinking of the
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46 latter is irrelevant to their more general objective of calling attention to the harsh
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48 living conditions and brutality to be found in many Latin American prisons. There is
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50 a humanitarian crisis in the penal domain, which requires full acknowledgement and
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52 urgent action.
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57 Two terms; two geographic domains. Are these semantic choices merely a
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59 matter of style and moral stance, or do they reflect observable differences in the
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nature of confinement? This chapter is largely concerned with finding an answer. It

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2
3 does so by comparing penal institutions North and South,¹ and focusing on the
4 nature of confinement in order to seek evidence of its character – that particular
5 combination of qualities that makes something distinctive. To give away part of the
6 story, the “warehouse” and the “concentration camp” are not unproblematic as
7 descriptors of their respective realities, but they undoubtedly point towards a very
8 important difference in the nature of confinement in each region. To maintain the
9 suspense, that difference will be fully discussed only in the final sections of this
10 chapter.
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22 My comparative study of confinement begins by focusing on six interrelated
23 aspects of penal institutions: regimentation, surveillance, isolation, supervision,
24 accountability and formalization. This ordering of the topics not only facilitates the
25 exposition (because one topic leads naturally into another), but also has some
26 analytical significance: the first three essentially refer to the physical arrangement of
27 these institutions, the rest to social arrangements. The content here is relatively
28 mundane and of necessity superficial; there is not the space for a detailed portrayal
29 of confinement in each continent.
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41 Nevertheless, assembling such material is something of a challenge because
42 of the need to construct a general description that is not distorted by excessive
43 attention to particular years or institutions. Penal facilities can vary quite markedly
44 among themselves and over time. The challenge is also compounded by the unequal
45 volume and availability of material on confinement in each region. Wealthy societies
46 (such as those in North America) produce more knowledge than poorer ones (such
47 as those in Latin America), whether through government agencies, universities or
48 research organizations, and this generalization holds for penological studies as well.
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¹ For brevity and convenience, “North and South” means “North America and Latin America.”

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3 Simple and rapid comparisons of the websites of correctional agencies and academic
4 organizations in both regions serve to confirm this relatively obvious point.²
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7
8 If I have got my general descriptions right, there should be little to surprise
9 readers in the Americas who know the penal institutions in their own region. The
10 more interesting case will be that of the institutions in the region that they do not
11 know, or know so well. Moreover, it is only by conducting these relatively basic
12 comparisons that the overall pattern of difference emerges. Thus, towards the end of
13 the paper the individual aspects are drawn together in a general reflection on the
14 nature of confinement in each region. I argue that there are both quantitative and
15 qualitative differences between North America and Latin America, which means that
16 we need to take more than a little care in how we name the penal institutions in each
17 region. This, of course, is the point skilfully made by the semantic creativity inherent
18 in “the warehouse prison” and “the concentration camp.” In the conclusion to the
19 chapter, I identify some potentially fruitful lines of inquiry that would help to clarify
20 and explain these differences.
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38 **2. PHYSICAL ARRANGEMENTS IN CONFINEMENT:** 39 40 **REGIMENTATION, SURVEILLANCE, ISOLATION**

41 **Regimentation**

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43 As used here, regimentation refers to the spatial organization of inmates.
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45 Such organization is obviously relevant to the goals of the institution because it
46 reflects and enables a particular kind of control. A key aspect of regimentation is
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55 ² It is also important to recognise the increasing attention given to penal institutions in North
56 America during the last 50 years, as they have moved – to use Jacobs’ (1977:6) words – “from
57 the periphery toward the center” of society (see, also, Gaucher and Lowman, 1998; Melossi
58 and Lettiere, 1998). This increased focus has contributed to the collection of data about them,
59 above and beyond what would be expected from the general growth of knowledge in North
60 America. By contrast, Latin American penal institutions are still on the margins of society,
only irrupting into public consciousness when some particularly spectacular crisis (a riot, a
mass escape) occurs.

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3 classification – an activity that has a long history in some penal systems (e.g.,
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classification – an activity that has a long history in some penal systems (e.g.,
McCartney, 1933). In general, classification allows the grouping of like individuals in
order to achieve some purpose. In penal institutions, key dimensions of classification
are reflected in residential arrangements, whereby different classes of inmate inhabit
different spaces or buildings. Classification also affects patterns of movement within
the institution – another important aspect of regimentation.

In North America, facilities for confinement reflect a systemic approach to
organization. First, a basic distinction exists between jails (used for preventive
detention and short-term confinement) and prisons. Second, individual prisons
generally form part of a classificatory system which encompasses both their role in
relation to other prisons in the same jurisdiction, and the characteristics and uses of
their component parts. The criteria used for classification are determined by the
overall objectives assigned to the prison, and these have changed in recent years. Up
to the mid 1970s, treatment was considered the primary aim of confinement, and
facilities were organized according to the type of program they delivered, for
example, the "...California Rehabilitation Centre, for drug users; California Medical
Prison at Vacaville, for the mentally ill; [and the] Deuel Vocational Institute, for
young adults" (Feeley and Simon, 1992:461). With the disillusionment that set in
regarding the prospects for successful rehabilitation and with the public concern
over rising crime rates, penal philosophy took a punitive turn and focused much
more heavily on incapacitation (Garland, 2001). Under this new perspective, risk
management became the key consideration (Feeley and Simon, 1992).³ Confinement
facilities are now designated not by function, but by level of "security."

³ I am here describing developments in the United States. The trend away from treatment and
towards punishment and incapacitation was more attenuated in Canada (Meyer and
O'Malley, 2005).

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3 The basic categories in the current classification system are maximum,
4 medium and minimum security. What these terms mean is illustrated by the
5 following description from the North Carolina Department of Correction (NCDC,
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10 2007):

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12 *The prison security level is an indicator of the extent to which an*
13 *offender who is assigned to that facility is separated from the civilian*
14 *community....Close security prisons typically are comprised of single*
15 *cells and divided into cell blocks, which may be in one building or*
16 *multiple buildings. Cell doors are generally remotely controlled from a*
17 *secure control station....The perimeter barrier is designed with a double*
18 *fence with armed watch towers or armed roving patrols....Medium*
19 *security prisons typically are comprised of secure dormitories that*
20 *provide housing for up to fifty inmates each.....Each dormitory is locked*
21 *at night with a correctional officer providing direct supervision of the*
22 *inmates and sleeping area....The prison usually has a double fence*
23 *perimeter with armed watch towers or armed roving patrols....Minimum*
24 *security prisons are comprised of non-secure dormitories which are*
25 *routinely patrolled by correctional officers....The prison generally has a*
26 *single perimeter fence which is inspected on a regular basis, but has no*
27 *armed watch towers or roving patrol.*

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49 Of course, the classification of inmates also requires its own facility (or unit
50 within a facility), where convicted offenders spend the first one or two months of
51 their sentence and are assessed in terms of "risks" and "needs." In addition,
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60 custodial staff require a disciplinary unit in order to handle particularly troublesome
inmates, usually known as the "maximum security" unit/facility (or "supermax" if

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3 the term “maximum” has already been applied to a lower security level). Once again,
4
5 the North Carolina Department of Correction:
6

7
8 *Maximum security units are comprised of cells with sliding doors that*
9
10 *are remotely operated from a secure control station....These units are*
11
12 *utilized to confine the most dangerous inmates who are a severe threat to*
13
14 *public safety, correctional staff, and other inmates. Inmates confined in a*
15
16 *maximum security unit typically are in their cell 23 hours a day. During*
17
18 *the other hour they may be allowed to shower and exercise in the cell*
19
20 *block or an exterior cage. (NCDC, 2007)*
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24 Freedom of movement within the facility is closely correlated with
25
26 the security level: at maximum security level, physical restraints are used
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28 when inmates are moved and all inmates are escorted by custodial staff;
29
30 medium security facilities may employ a pass system for inmates; while
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32 at minimum security facilities, control on movement may be limited to
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34 certain spaces and certain times of the day.
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38 In Latin America, the classification of different types of facility may exist on
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40 paper, but much less so in practice. The distinction between jails and other penal
41
42 facilities is not so clear because physical arrangements do not correspond entirely
43
44 with legal categories of inmate. Thus, the police have holding cells, but these rarely
45
46 represent the equivalent of the American jail. They are used for short-term detention
47
48 during the initial phases of the criminal case, but individuals on preventive detention
49
50 are held in larger facilities. By law, these larger facilities would approximate to the
51
52 North American jail, but in practice they are part of the “prison” system and used as
53
54 such. For example, in Venezuela, the Criminal Code (Venezuela, 1964; 2005) and the
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56 penal laws (Venezuela, 1975; 2000) have for long distinguished between
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58 penitentiaries (solitary confinement, forced labor), prisons (group confinement,
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3 voluntary labor), penal colonies (for frontier regions) and judicial internment centers
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5 (for preventive detention and sentences up to one year). The materialization of this
6
7 array of institutions required the construction of judicial internment centers in each
8
9 circuit and the construction of prisons, penitentiaries and penal colonies in selected
10
11 sites around the country to house offenders serving longer sentences. In practice, the
12
13 resources for such a system were never forthcoming, and as a result each judicial
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15 circuit has one or other of these types of facility, but only one. Thus, the officially
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17 designated "judicial internment centers" house offenders serving long sentences,
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19 while the "prisons" and the "penitentiaries" house offenders in preventive detention.
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21 Moreover, the distinction between "prisons" and "penitentiaries" is found only in
22
23 their architectural characteristics and not in their regimes. In a similar vein, Ecuador
24
25 implemented a new law in 1982 which renamed penal institutions as "Social
26
27 Rehabilitation Centers" and classified them into maximum, medium and minimum
28
29 security levels. However, this classification system was never implemented (lack of
30
31 resources was cited as one reason), and "Today, there are 36 Centers of Social
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33 Rehabilitation in abominable physical condition, where classification is applied only
34
35 in terms of sex" (del Olmo, 1998:128).⁴
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44 Colombia represents a slight exception to this trend because during the 1990s
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46 it embarked on an ambitious programme for constructing new maximum security
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48 facilities to house drug traffickers and guerrilla leaders. However, these facilities
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50 relied on both ideas and financial aid from the United States and have a limited,
51
52 though high profile, presence in the country's inventory of penal institutions (del
53
54 Olmo, 1998). As an exception, they prove the rule that most Latin American
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⁴ Thirty years ago, Rico (1977) reported a similar situation throughout Latin America.

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3 governments are unable (or unwilling?) to construct penal facilities, even in the face
4
5 of quite high levels of overcrowding (Carranza, 2001).⁵
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8 The distinction between preventive detention and the diverse levels of secure
9
10 confinement could still be maintained if facilities were internally divided into
11
12 specialized units, but often this does not occur: offenders are located according to
13
14 other criteria, mainly social extraction or geographic region of origin (Aldana, 1972;
15
16 Olivero, 1998).⁶ This results in a mixing of inmates by legal category (accused or
17
18 convicted), sentence length and type of crime, which makes the population within
19
20 any facility far more heterogeneous than in North America.⁷ However, the relative
21
22 lack of differentiation between facilities makes Latin American institutions far more
23
24 homogeneous than their North American counterparts, most of them approximating
25
26 the latter's medium security model.
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31 Sureveillance

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33 Surveillance of inmates relies on the physical presence of custodial staff
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35 together with any technological resources that are available to them. Table 1 shows
36
37 the ratio of inmates to staff in Canada, the United States and selected Latin American
38
39 countries. Although these figures contain an unknown amount of internal error
40
41 springing from likely differences in the methods for defining and counting staff, the
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46 ⁵ According to figures presented by Carranza (2001), the average level of overcrowding
47 (prison population as a percentage of rated capacity) in Latin America was 148% in 1999. This
48 compares with the following situation in the United States: 134% for federal facilities, 101%
49 for state facilities, 89% for private facilities (BJS, 2003) and 93% for jails (BJS, 2001). In Canada,
50 a recent government report observed that "in many jurisdictions, the number of incarcerated
51 adults has reached the levels of institutional capacity in recent years" (Juristat, 2006:19)
52 therein suggesting that overcrowding has not been a recent problem, although it may become
53 so.
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55 ⁶ Classification units are rare in Latin American prisons and, where they exist, have tended to
56 represent sinecures for professionals steeped in the legacy of Italian positivism. For example,
57 as late as 1984, an Ecuadorian specialist was writing about a biotypological classification of
58 offenders which included the "normal," the "induced," the "non-adapted," the
59 "hypoevolutive" and the "psychopath" (Narváez, 1984).
60

⁷ One consequence is the existence of a large number of "prisoners without sentence"
(Carranza et al., 1983) or "punishment before trial" (HRW, 1997), which has been of so much
concern to penal reformers in Latin America.

| Country | Year | Total Number of Inmates | Total Number of Staff | Number of Inmates/Staff Member |
|---------------|-------------------|-------------------------|-----------------------|--------------------------------|
| Canada | 2001 ^a | 35,166 | 32,588 | 1.1 |
| United States | 2000 ^b | 1,305,253 | 430,033 | 3.0 |
| Colombia | 2001 ^c | 53,156 | 6,390 | 8.3 |
| Costa Rica | 2001 ^d | 11,152 | 2,258 | 4.9 |
| Chile | 2001 ^a | 34,717 | 6,614 | 5.2 |
| Ecuador | 2001 ^a | 7,738 | 1,567 | 4.9 |
| El Salvador | 2002 ^a | 11,055 | 1,303 | 8.4 |
| Peru | 2001 ^a | 26,989 | 4,812 | 5.6 |
| Venezuela | 2001 ^a | 18,768 | 2,703 | 6.9 |

Sources: ^a – United Nations (2005); ^b – Bureau of Justice Statistics (2003); ^c – Campo Vásquez and Vargas de Roa (2003); ^d – Rico (2003).

broad picture that emerges is one of higher numbers of inmates per staff member in Latin America. In a detailed comparison of a U.S. jail and a Venezuelan judicial internment center, Jordan (1996) found that the U.S. facility had an average of one custodial staff member for every five inmates, while the Venezuelan facility had one custodial staff member for every 17 inmates. In terms of custodial staff on the job at any time, the ratios were 1:20/25 and 1:65, respectively.

As is to be expected, North American facilities also routinely incorporate surveillance technology, particularly CCTV and metal detectors, in order to keep an eye on what is going on. The trend for the future is well illustrated by a new 186-bed jail that was recently opened in New York State:

...the facility's integrated electronic security system...included five touchscreen control stations, three graphic panels, 260 controlled and monitored doors, 165 intercom stations, 165 proximity readers and more than 110 cameras....With the installation of [a] security electronics system, the facility is able to significantly increase its inmate monitoring capacity. The intuitive and scalable nature of the touchscreens, as well as its ease of configuration enables a single corrections officer to view the

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3 activity of 42 inmates at a time compared to the original capacity of 24.

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6 (Werner, 2006)

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8 In addition, various "inmate tracking systems" have also been developed, based on
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10 bracelets worn by inmates, and are gradually being installed in prisons and jails. The
11
12 publicity for one of these systems cites the following benefits:

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15 *The RFID prison management system is intended to have a three-fold*
16
17 *function. It ensures inmates do not escape by issuing an alarm if the*
18
19 *bracelet approaches the jail perimeter; it reduces violence by allowing*
20
21 *officers to monitor who is congregating with whom; and it allows for*
22
23 *administrative functions such as tracking where an inmate is when*
24
25 *they are needed.* (Swedberg, 2005)

26
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28 Not surprisingly, in the less wealthy continent that is Latin America, technology is
29
30 almost entirely absent from penal facilities. With fewer custodial staff to man them,
31
32 Latin American penal institutions exercise a far lower level of surveillance over their
33
34 inmates than do correctional facilities in North America.

35 36 37 38 **Isolation**

39
40 The degree of isolation of inmates from society is governed by policies on
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42 visiting, the use of telephones, the availability of televisions, and so on. In this regard,
43
44 an interesting difference emerges around visiting. In North America, the extent and
45
46 mode of visitation generally varies by the security level of the facility. Inmates in
47
48 maximum security facilities are only permitted non-contact visits (conducted in
49
50 booths with glass partitions and telephone intercoms), with greater restrictions on
51
52 the number of visitors and the length of time for which the visits can last. Inmates in
53
54 medium and minimum security facilities are allowed contact visits (in a supervised
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56 visiting room or patio) from a greater number of visitors and for a greater period of
57
58 time. "Family" (conjugal) visits are also available to these inmates (e.g., CSC, 2007a).
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3 The degree of control over visitors and visiting is quite strict. Inmates must
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5 request approval of nominated visitors; visitors must comply with guidelines
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7 regarding appropriate attire (Comfort, 2003); and behaviour in the visiting room
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9 must minimize physical contact:
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12 *An inmate and his/her visitor(s) are allowed to briefly embrace and kiss*
13 *at the beginning and end of their visit. An inmate may hold his or her*
14 *minor children....Holding hands on top of the table in plain view is*
15 *permitted, with no other physical contact. Excessive contact, (kissing,*
16 *massaging, stroking, and sitting with legs intertwined or sitting on laps)*
17 *could result in termination of the visit. (CDCR, 2007:9).*
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26 This, at least, is the mandate from the authorities.
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29 Visiting policy in Latin American institutions is much more permissive.
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31 Typically, one or two days per week are designated for visits and on these days the
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33 friends and family of all inmates except those in administrative or disciplinary
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35 segregation are allowed in to the facility. Staff do not keep lists of authorised visitors,
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37 but anyone wishing to enter the facility must know the name of a person held there,
38
39 must produce identification, must comply with a minimum dress code, and must be
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41 willing to be searched. The visiting period generally lasts from four to six hours and
42
43 there is usually no designated visiting area, nor direct supervision of visitors and
44
45 inmates. In Brazil, for example:
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49 *Few penal facilities have special areas for visits; instead, visitors are often*
50 *allowed to enter directly into prisoners' living areas. In some prisons,*
51 *such as Sao Paulo's Casa de Detenção, "social visits" with family and*
52 *friends take place in the courtyard, while wives and girlfriends are*
53 *allowed to enter prisoners' cells. (HRW, 1998:115)*
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Conjugal visits are also permitted for most inmates, on a relatively frequent basis, and independent of marital status (Olivero, 1998). In some cases, prostitutes may go into the facility on pre-arranged appointments with inmates (HRW 1997; 1998).

All observers agree that visiting days transform penal institutions in Latin America. Thus, MacNeil (2006:94-95) on a Venezuelan facility:

After three days in prison, I experienced my first visit day. The atmosphere of the prison was completely transformed as women and children streamed in to the compound, laden with bags of groceries, and the whole place took on a gala atmosphere for a few hours.⁸

And Olivero (1998:104) reports an analogous situation in Mexico:

In some facilities, entire families are allowed to live for extended periods behind prison walls with their loved ones. It is common for children to be seen running and playing throughout Mexican prisons.

While visits clearly reflect the importance of family in Latin American countries and provide welcome relief from the boredom and violence of institutional life, it is their character as "open days" that I wish to emphasize here. Once or twice weekly, the institution becomes an arena for mingling with visitors which draws in almost all of the inmates whether or not someone goes specifically to visit them (an inmate can meet the visitors of companions, or even sell snacks and handicrafts to the assembled throng). This represents a significant weakening of the social isolation that would otherwise prevail. In addition, the relative freedom given to inmates and visitors to do what they like, where they like, is a considerable departure from the close control that is typically associated with penal institutions in North America and

⁸ Another British inmate in the same facility had a similar impression: *The visitors came in at nine, and I spent the rest of the day with Paul while, outside, couples wandered, children of all ages ran around playing and a general party atmosphere settled on the place* (Kane and Tilsley, 2006:88).

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3 constitutes a visible acknowledgement that the interior of the facility belongs to the
4
5 inmates, not the authorities.
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8 **3. SOCIAL ARRANGEMENTS: SUPERVISION, ACCOUNTABILITY,** 9 10 **FORMALIZATION**

11 **Supervision**

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13 Penal institutions are a clear example of Goffman's ([1961]1991) assertion that
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15 in total institutions there is a basic division between a large managed group of
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17 inmates and a small supervisory staff. But these institutions can vary in the extent to
18
19 which the inmates are managed by the supervisory staff and the extent to which they
20
21 manage themselves.
22
23
24
25

26
27 In North America, everything points to the decline of inmate participation in
28
29 the management of the facility. For example, Jacobs (1977) noted that during the
30
31 1930s much of the clerical work at the Stateville Penitentiary in Illinois was
32
33 performed by inmates. This persisted until the early 1960s when civilians were
34
35 appointed to replace them. In other institutions, inmates were employed in custodial
36
37 functions, such as the convict-guards who were used until the mid-1960s in the sugar
38
39 cane fields around Louisiana's Angola Penitentiary (Rideau and Wikberg, 1992). In
40
41 still other facilities, inmates held responsibilities for residential units, as in the well
42
43 known case of the "building tenders" who oversaw housing blocks in Texas penal
44
45 institutions until the 1970s (Marquart and Crouch, 1984; 1985). These and other less
46
47 visible roles, such as those played by informants (e.g., Colvin, 1992), wedded staff
48
49 and inmates in the internal governance of the institution.
50
51
52
53

54
55 For a number of reasons deriving from the increased external scrutiny to
56
57 which penal institutions in North America are now subjected, these structures of
58
59 power and authority have ceased to exist almost completely. Participation by
60
inmates in administrative or custodial matters is rarely (if ever) countenanced and

1
2
3 instead tends to be confined to programme development and management (e.g.,
4
5 Díaz-Cotto, 1996). Even here, the possibilities may be limited: using DiIulio's
6
7 tripartite typology of managerial styles (control, responsibility, consensual), Reisig
8
9 (1998) recently found that only two out of eleven state facilities surveyed in the
10
11 United States corresponded to the responsibility model (that which gives inmates a
12
13 greater voice in institutional affairs).
14
15

16
17 One result of the trend to exclude them from administrative and custodial
18
19 matters is a greater levelling of inmates, because there are fewer positions from
20
21 which to garner power or influence. Although gangs represent an important mode of
22
23 social organization among contemporary inmates (Gaes et al., 2002), and in some
24
25 respects reproduce the hierarchies and styles of control shown by the old convict-
26
27 guards and building tenders, unlike the latter they are not sponsored by the facility's
28
29 administration and are therefore seen as a far less suitable mechanism for internal
30
31 governance. Thus, the attitude of the custodial staff towards gangs may range from
32
33 strictly adversarial to cautiously tolerant, but never to wholesale acceptance. Absent
34
35 the possibility of the formal incorporation of inmates into the structure of internal
36
37 control, administrations appear to have responded in a variety of ways: increasing
38
39 the number of custodial staff; increasing the restrictions and control on the
40
41 movements of inmates; increasing surveillance; seeking a balance of power between
42
43 gangs; or simply turning a blind eye to all but the most egregious disorder.⁹
44
45
46
47
48
49

50 In Latin America, the use of some kind of building tender appears to be
51
52 widespread and longstanding. For example, Aguirre (2005:150) noted that the 1901
53
54 regulations for the Lima Penitentiary provided for the appointment of an inmate as
55
56 *caporal* (boss) of every section, and also of a *caporal mayor* (head boss) "...to ensure
57
58

59
60 ⁹ This latter strategy was recently observed by an inmate in a private facility: *After I got around more, I noticed the staff and guards had no real control. Prisoners were roaming from one living unit to the next as they pleased. No one seemed to care.* (Carceral, 2006:28).

1
2
3 that those in charge of order and cleanliness inside prison did their jobs, but also to
4 report any occurrence taking place in prison." Aldana (1972:54) described the
5
6 *Delegado de Pabellón* (Dormitory Delegate) in the Catia Judicial Internment Facility
7
8 (Caracas) where he served time ("an inmate whom the authorities recognize as
9
10 having good behavior and the capacity to exercise internal control over each
11
12 dormitory"), as did Bayer (1978) the *jefes de patio o pasillo* (heads of patio or corridor)
13
14 at about the same time in a Bogotá facility. More recently, Human Rights Watch
15
16 (HRW, 1997) found that the dormitory delegates in Catia Prison were being called
17
18 *polipresos* (inmate police); while most recently, MacNeil (2006) found a well
19
20 entrenched system of inmate control in Venezuela's Western General Penitentiary.¹⁰
21
22
23
24
25

26
27 MacNeil, however, had previously been in a Venezuelan facility where there
28
29 was no strategic alliance between the prison staff and the inmates, nor any attempt to
30
31 replace that form of control with a more permanent and intrusive presence on the
32
33 part of the administration. The custodial staff limited themselves to controlling
34
35 certain doors and railings, to trying to impose some kind of order on the lines that
36
37 formed at meal times, and to the evacuation of inmates who were ill, injured or dead.
38
39 Human Rights Watch found a similar situation in some Brazilian prisons. For
40
41 example, at the João Chaves Penitentiary in Natal, with an inmate population of 646,
42
43 only three guards were on duty while the human rights activists were visiting:
44
45
46
47

48 *...the three guards remained stationed at a table near the entrance of*
49
50 *the prison. During a day at the facility, we rarely saw them get up*
51
52
53

54
55 ¹⁰ We were introduced to the cabo, o head man in the letra [dormitory], and began to understand a
56 little about how the prison was organised. There was the usual management team of hard men who ran
57 the prison, but they, together with everyone else in the prisoners' organization, played a dual role. To
58 the prisoners, they were the gremio, or management, and were the law within the prison, holding the
59 power of life and death over prisoners....To the prison authorities, though, they were known as the
60 prisoners' committee, and met regularly with the prison director and other officials to organise sports
competitions, cultural events, educational courses and other aspects of prison life. (MacNeil, 2006:200;
cf. Marquart and Crouch, 1985)

1
2
3 *from the table to monitor the situation of the inmate population.*

4
5 (HRW, 1998: 71)

6
7
8 When custodial staff give up any attempt at internal control, relations between
9
10 prisoners can quickly descend into internecine warfare (Hidalgo and Jordan, 1993-
11
12 1994), with truces only for visiting days. This is the more problematic form of
13
14 prisoner self-government, built on anarchy rather than authority.¹¹ Throughout Latin
15
16 America these two styles of internal governance ebb and flow, providing a striking
17
18 contrast to the structure of power in the North.
19
20

21 22 **Accountability**

23
24 The disappearance of the inmate custodians in North American facilities was
25
26 probably a gradual phenomenon, but their end was brought about by the
27
28 intervention of the federal courts in penal institutions. Since the 1960s, inmates had
29
30 been agitating and organizing for improvements in the way that they were treated,
31
32 aided by prisoners' rights groups on the outside (Irwin, 1980). A key strategy was
33
34 the presentation of lawsuits to publicize and seek redress for the inhumane
35
36 treatment of inmates and the arbitrary nature of decisions regarding key aspects of
37
38 the penal trajectory (such as, good time, furloughs and parole). The courts
39
40 responded by placing individual facilities or entire correctional systems under
41
42 consent decrees (which were essentially designed to strengthen the humanitarian
43
44 content of imprisonment) and by mandating the introduction of due process for
45
46 decisions relating to sentence remissions and disciplinary matters (Feeley and Rubin,
47
48
49
50
51
52
53

54
55 ¹¹ When warring factions of inmates are not kept apart, a considerable number of deaths can
56
57 occur, as for example at the Sabaneta National Prison in Maracaibo, Venezuela, where more
58
59 than 100 inmates were killed in one day of internal conflict in January, 1994 (HRW, 1994).
60
Typically, this style of inmate self-government and conflict is also accompanied by military
containment and re-take strategies on the part of the authorities, which are prime
opportunities for state brutality. The most egregious example was the retaking of the
Carandiru prison in Sao Paulo, Brazil, after a riot in October 1992, during which 111 inmates
were killed (HRW, 1998).

1
2
3 1999). In Canada, government-appointed commissions of inquiry have performed
4
5 something of a similar role, their creation often triggered by crises in the correctional
6
7 system and their reports filled with criticisms of the inhumane and arbitrary
8
9 treatment of prisoners and with proposals for reform (Gaucher and Lowman, 1998).
10
11

12
13 The U.S. courts and the Canadian commissions of inquiry were evidence of
14
15 the increasing scrutiny of penal institutions in North America, and of the trend to
16
17 include prisoners as members of “mass society” with many of the same rights as
18
19 other citizens (Jacobs, 1977; Shils, 1962). A second set of external observers were the
20
21 general public and elected politicians who, concerned by rising crime rates from the
22
23 1960s onwards, developed strategic alliances to demand custody and control rather
24
25 than welfare and treatment for offenders (Garland, 2001). This trend is generally
26
27 acknowledged to be stronger in the United States (Melossi and Lettiere, 1998) than in
28
29 Canada (Moore and Hannah-Moffatt, 2005) and, insofar as it has affected
30
31 correctional systems, has arguably led to a greater concern for security (understood
32
33 as the attempt to limit problem behaviors among inmates).
34
35
36
37

38
39 The confluence of these external demands on penal control is neatly reflected
40
41 in the Correctional Service of Canada’s slogan – “Safety, Respect and Dignity for
42
43 All” (CSC, 2007b) – and has led to a self-conscious attempt to achieve a “balance”
44
45 (Meyer and O’Malley, 2005) between what many see as potentially conflicting
46
47 objectives. However, one result has been that the “principle of less eligibility,” which
48
49 in the penal domain mandates worse material conditions for inmates than for the
50
51 poorest members of society, has been somewhat attenuated.¹²
52
53

54
55
56
57 ¹² When the demand for greater punitiveness has been particularly vocal, some of the “frills”
58 of institutional life (the weight room, TVs, and so on) may also disappear for a while
59 (Riveland, 1999). However, there is little doubt that the material conditions of life in North
60 American facilities are now above those experienced by the poorest segments of society:
*Prison staff must deliver services and programs to an increasingly diversified inmate population. Staff
must be sensitive to the lighting, caloric intake of inmates, food temperature, recreational needs, cell*

1
2
3 Latin America has experienced a similar punitive turn to that in the North,
4
5 but there has not been the counter-trend towards more humanitarian confinement.
6
7 Rapid increases in crime rates since the late 1980s have fuelled historically high
8
9 levels of concern about crime and personal safety in Latin America (Caldeira, 2000;
10
11 Rotker, 2000), which have been a strong stimulus to self help in crime prevention as
12
13 communities gate themselves off, harden property targets and hire varying types of
14
15 watchmen and security personnel. Attitudes towards offenders have also hardened
16
17 (Briceño-León, Camardiel and Ávila, 2006) and self help in criminal justice has
18
19 spilled over into execution, either as spontaneous lynchings (Godoy, 2006) or the
20
21 more organized death squads (Perea, 2003; Huggins and Mesquita, 1995). In this
22
23 social climate, the prospects for examining what goes on in penal facilities and for
24
25 improving the inmate's lot are quite bleak.
26
27
28
29
30

31 Latin American penal institutions have always attracted their share of moral
32
33 crusaders, whether they be wealthy philanthropists (Aguirre, 2005), religious groups
34
35 (Miller, 1998), academics (e.g., Córdova, 1999) or, more recently, human rights
36
37 groups (e.g., HRW, 1997; HRW, 1998). These have done much to publicize and
38
39 criticize conditions inside. Inmates themselves have also drawn attention to the
40
41 conditions of confinement through letters, the occasional book and, most frequently,
42
43 protests and strikes. However, these initiatives have not been sufficient to produce a
44
45 sustained shift in the position of penal institutions, or inmates, vis-à-vis the rest of
46
47 society. One barrier has been the relative lack of inmates' organizations and of the
48
49 articulation of their problems: the typical inmate has little education or social capital.
50
51 This situation only changes when political figures are confined in these facilities,
52
53
54
55
56
57

58
59 *size and population density, racial and ethnic composition of offender living areas and cells,*
60 *disciplinary requirements and personal security, health care, mail and correspondence needs, hygiene*
needs, and a host of other issues on a daily and hourly basis (Marquart, 2005).

1
2
3 because they have a peculiar motivation and the necessary discursive skills to
4
5 publicize penal ills (Aguirre, 2005; del Olmo, 1998). Occasionally, a government
6
7 takes it upon itself to proclaim a new condition for inmates, as did the populist
8
9 Perón government in 1950s Argentina (Caimari, 2004), but such changes have rarely
10
11 gone beyond rhetoric and have lasted only as long as the corresponding political
12
13 regime.
14
15

16
17 Another barrier to the humanitarian movement has been the unwillingness of
18
19 the courts to get involved with conditions within the facilities.¹³ The legal and
20
21 judicial response to the penal crisis in Latin America has been an attempt to lower
22
23 the use of preventive detention through reforms to criminal procedure (Vogler, 2005;
24
25 Tocora, 2005), rather than to deal with the problems of penal institutions themselves.
26
27 In Latin America, these facilities continue to be much less open to scrutiny than their
28
29 counterparts in North America.
30
31
32

33 34 **Formalization**

35
36 External scrutiny in the North is also part of a broader legal and
37
38 administrative trend in accountability. Administrative and custodial personnel find
39
40 themselves increasingly called to account by their administrative superiors in the
41
42 executive, by legislatures, and by the courts and the media (Riveland, 1999).
43
44

45
46 Accountability has accentuated the trend in correctional bureaucracy towards the
47
48 development of codified rules and the use of written documentation as part of a
49
50 culture of audit and control. A brief look at the websites of correctional
51
52 administrations or of accessory bodies concerned with standards confirms this. For
53
54 example, the Correctional Service of Canada has nearly 140 "Commissioner's
55
56 Directives" and nine "Standard Operating Practices" (CSC, 2007c); and the United
57
58
59
60

¹³ However, there are isolated cases of judges ordering the closure of individual facilities, for example in Brazil (HRW, 1998:19) and Venezuela (Martínez, 1993-1994).

1
2
3 States Federal Bureau of Prisons (BOP) has more than 280 policy documents (BOP,
4 2007). The latter deal with such varied matters as the acceptance of donations,
5
6 incentive awards for employees, inmate grooming, and furniture testing. The flavor
7
8 of this style of administration is well captured in a recent statement by the Director
9
10 of the BOP to the Prison Commission:
11
12

13
14
15 *Beyond externally-mandated oversight, the Bureau is a policy-driven*
16
17 *agency with numerous built-in mechanisms of critical self-review and*
18
19 *management control....The primary system of control in the Bureau of*
20
21 *Prisons is the program review process.... Two examples from the Food*
22
23 *Services institution guidelines are provided below:*

- 24
25
26 · *“Review documentation over the past 6 months to determine if job*
27
28 *efficiency lectures (monthly safety talks) are being conducted and*
29
30 *topics include instruction on job specific equipment, hazardous*
31
32 *materials, safety, and sanitation procedures.*
33
34
35 · *Determine through direct observation if safety procedures are*
36
37 *established and there is proper use of all protective safety equipment*
38
39 *(where applicable) in the inmate work area (e.g., machine guarding, eye*
40
41 *protection, safety shoes, fire extinguishers charged and functional, and*
42
43 *eye wash stations operable).”*
44
45

46
47 *In support of this review process, perpetual audits are conducted by*
48
49 *specific institution departments to ensure actions required by policy*
50
51 *are in fact being completed. For example, an audit may be conducted*
52
53 *examining visiting logs for the Special Housing Unit, to ensure the*
54
55 *institution’s executive staff, department heads, and a psychologist have*
56
57 *conducted rounds as required, and that shift lieutenants are making*
58
59 *rounds every shift. (Lappin, 2006:5-7)*
60

1
2
3 The meaning of this comparatively new administrative style for corrections
4
5 personnel is direct and obvious:
6
7

8 *It's a new day. When I first started with the department, there was*
9
10 *very little documentation. If you locked an inmate up, you verbally*
11
12 *reported that to the captain on duty. You did not write a report at that*
13
14 *particular time like we do now... In the old days, you had what you*
15
16 *referred to as a guidebook. Now we manage by standards and policies.*
17
18 *We are not allowed mistakes. It's important that officers stay on top of*
19
20 *the rules and regulations. It's important they stay on top of the*
21
22 *standard operating procedures and it's important they stay on top of*
23
24 *the administrative memos that come out from the department, the*
25
26 *division or the warden's office. (Beck, 2006:2)*
27
28
29
30

31 This managerial style is absent in Latin American penal institutions, where
32
33 policy is largely legislated. Most countries have a basic penal law which is
34
35 complemented by a few sets of legislated regulations and by the occasional ministerial
36
37 decree. For example, Argentina has five sets of regulations that accompany its Organic
38
39 Law of the Federal Penitentiary Service (SPFA, 2007), while Colombia – which has
40
41 been more diligent in this regard – has at least 40 presidential or ministerial decrees
42
43 that develop or modify the basic *Ley 65 de 1993* (see INPEC, 2007). Neither these nor
44
45 other countries approach the level of codification or administrative control found in
46
47 North America.
48
49
50

51 Legislative guidelines, sometimes dubbed as “bright” and “shiny,”¹⁴ coexist
52
53 with a preference for verbal orders and control within prisons (Jordan, 1996).
54
55

56 Administration is based heavily on inertia and institutional tradition while
57
58

59
60

¹⁴ “These [penal] codes have been referred to as ‘bright’ and ‘shiny’, which is a polite way of saying that they are seldom, if ever, used in so far as the practice in the prisons is concerned.” (Teeters, 1946: 24)

1
2
3 documentation is relatively scarce. Two consequences flow from this. The first is that
4
5 relatively little information is routinely collected about penal institutions, further
6
7 underlining their opacity to the public gaze. In extreme situations, there may not
8
9 even be an accurate count of the number of inmates in the facility (e.g., Hidalgo and
10
11 Jordan, 1993-1994). The second is that the specification and control of operating
12
13 procedures may be tenuous, such that outcomes can be quite varied.¹⁵ The
14
15 development and codification of rules usually promotes a universalistic ethos in
16
17 bureaucracies, and where this does not occur particularism may be quite strong.
18
19 Evidence of the latter is seen in the reproduction within the Latin American penal
20
21 facilities of the social inequalities found in wider society, a feature commented on by
22
23 numerous observers who compare the relatively comfortable quarters of the wealthy
24
25 inmates with the squalid dormitory areas inhabited by the poor (Bayer, 1978; Bretas,
26
27 1996; Olivero, 1998).¹⁶
28
29
30
31
32

33
34 A phenomenon linked with particularism is corruption, which is frequently
35
36 cited in descriptions of Latin American penal facilities (e.g., del Olmo, 1998:127;
37
38 HRW, 1997; HRW, 1998). However, generic affirmations require much refinement
39
40 and testing if gross stereotyping is to be avoided. For example, Olivero (1998:103)
41
42 claimed that "Prisoners [in Mexico] are virtually free to bring into the prisons almost
43
44 anything, as long as the prison administrators are paid or guards are given their
45
46 share." Nevertheless, the only systematic information available on payment in
47
48 Mexican prisons shows a rather different picture. From a survey of 1,600 inmates,
49
50 Bergman (2004:13) found that the proportion reporting that their family members
51
52 had to pay for goods and services ranged from 14% (entering for conjugal visits) to
53
54
55
56
57

58
59 ¹⁵ This tendency is exacerbated where prison staff are hired without preparatory training.

60 ¹⁶ *The organization of life within Mexican prisons is a mirror image of life in Mexican society. That is to say that there are clear class and economic distinctions. Those who can afford the quality amenities of life can purchase them.* (Olivero, 1998:103).

1
2
3 35% (bringing the prisoner out to see them). Penal institutions may be particularistic
4
5 but they are not, apparently, fully patrimonial regimes.
6
7

8 4. IMPRISONMENT AND INTERNMENT 9

10 According to Irwin (2004), who makes explicit use of the concept more than
11 other scholars, the warehouse prison is largely a response to the punitive trend in
12 North American society from the mid 1970s through to the 1990s, and is dominated
13 by the goals of security, efficiency and economy. The emphasis on security is seen in
14 the use of relatively small cell blocks and buildings (which makes the control of
15 inmates somewhat easier),¹⁷ while “[t]he cells have extremely small windows to the
16 outside, and the cell fronts are solid so that nothing can be thrown out of, or
17 weapons used from, the cells” (Irwin, 2004: 59). Efficiency is seen in the use of
18 electronic devices, control rooms and the like, which are designed to control
19 prisoners’ movements with “minimum personnel and maximum staff protection”
20 (Irwin, 2004: 59). Finally, economy is seen in the plain buildings (using prefabricated,
21 steel-reinforced concrete slabs) and the plain yards (asphalt, concrete or dirt). Secure
22 confinement, rather than treatment or rehabilitation is the primary objective. Irwin
23 acknowledges that educational, vocational, voluntary, and substance abuse
24 programmes exist, but is critical of their extent and impact. Summing up:
25
26
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45 *...the imprisonment routine...is not brutal, dangerous, or*
46 *excessively cruel. It is tightly controlled, limited, monotonous, and*
47 *lacking in opportunities for self-improvement.* (Irwin, 2004:80,
48
49
50
51
52
53 emphasis in the original)

54 Insofar as he is writing about developments in the US, Irwin’s description of
55 its penal institutions may serve best to portray the contemporary trend in the nature
56
57
58
59
60

¹⁷ In this, as in other ways, the contemporary prison “warehouse” differs from the “Big House” design that was employed at the beginning of the Twentieth Century (Irwin, 1980).

1
2
3 of confinement rather than to provide a valid characterization of the prison estate
4
5 and its accompanying regimes. Historical inertia implies a more varied horizon than
6
7 that depicted in his book. In addition, many Canadian scholars would probably
8
9 object to the insinuation (which would be mine, not Irwin's) that Canadian prisons
10
11 fit well with the notion of the warehouse. There has been a far greater attempt to
12
13 pursue, rather than abandon, treatment programs and rehabilitation in that country
14
15 (Meyer and O'Malley, 2005). Thus, to speak of the warehouse prison in the North
16
17 American context is not without problems.
18
19
20
21

22 Typical of the imbalance in production between North American and Latin
23
24 American penology, the notion of the warehouse prison in the former has been
25
26 subject to more attention than the idea of the concentration camp in the latter.
27
28 Caldeira (2000:176) noted that photographs of victims of the Carandiru massacre (see
29
30 note 12) were "a concentration camp-type vision." Wacquant (2003:200) also used the
31
32 term in an essay on Brazilian prisons, in which he characterised them as
33
34 "concentration camps for the dispossessed." However, his terminology seems to
35
36 spring mainly from moral indignation rather than a particular analytical insight.
37
38 More interestingly (because the narrative is less moralistic), when Kane was sent to a
39
40 Venezuelan prison, his "first impression was that of a concentration camp" (Kane
41
42 and Tilsley, 2006:69). But none of these authors develops or explores the term. Is it a
43
44 metaphor or a descriptor?
45
46
47
48
49

50 Around the world, the term concentration camp has been applied to an array
51
52 of institutions, which vary in terms of the type of person confined in them, the
53
54 procedures for channelling people to them, and the objectives assigned to the
55
56 institution (Applebaum, 2001). Some have housed persons of a single status (e.g,
57
58 political opponents) or a single sex; others have housed a mixture of people (e.g.,
59
60 criminals, vagrants, and political opponents), or people of mixed sex and age. Some

1
2
3 have housed groups of people who were simply rounded up and sent into
4
5 confinement; others have received them after judicial proceedings, usually very
6
7 perfunctory. Some have been designed simply as holding facilities, others as sites for
8
9 the exploitation of labor, and still others as instruments of "re-education".¹⁸ Perhaps
10
11 the only thing that sets them apart is that they are not primarily designed to house
12
13 criminals or to provide a considered response to the crime problem. And if such is
14
15 the case, it is rather difficult to label Latin American penal institutions as
16
17 concentration camps, because they function as a part of the criminal justice system.
18
19

20
21
22 Nevertheless, the occasional reference to the concentration camp in the
23
24 literature on Latin American penal institutions seems to hint at something important.
25
26 Those institutions may not exactly be concentration camps, but perhaps they are not
27
28 prisons either. Looking across the various institutional dimensions reviewed in this
29
30 essay, we find a relatively clear set of differences between North America and Latin
31
32 America. In the North, inmates are more regimented, more isolated, and subject to
33
34 greater surveillance; they are also less involved in the running of the institution.
35
36 North American penal institutions are more open to external scrutiny and their
37
38 bureaucracies are more formalized. In Latin America, inmates are less regimented,
39
40 less isolated and subject to less surveillance; they are also more involved in the
41
42 running of the institution. Latin American penal institutions are less open to external
43
44 scrutiny and their bureaucracies are less formalized.
45
46
47
48
49

50
51 One way to express these contrasts – quantitatively - is as a difference in the
52
53 level of control: in North America, control is assiduous in the sense that it is
54
55 unceasing, persistent and intrusive; in Latin America, control is perfunctory in the
56
57 sense that it is sporadic, indifferent and cursory. But another way to express these
58
59

60
¹⁸ Six concentration camps in Nazi Germany were explicitly designed as human slaughterhouses, but most were not, although many people still died in them (Applebaum, 2001).

1
2
3 contrasts – qualitatively – is in terms of the character of confinement: in North
4
5 America there is imprisonment; in Latin America there is internment.
6
7

8 Despite the lengthy historical existence of the word “prison,” there is much of
9
10 value in Foucault’s (1979) point that, since the late Eighteenth Century, the prison is
11
12 to be differentiated from detention because it also involves the “technical
13
14 transformation of individuals” (1979:233): “[t]he margin by which the prison exceeds
15
16 detention is filled...by techniques of a disciplinary type.” In other words, the prison
17
18 is an institution in which individuals are not merely detained, but in which
19
20 something is done to them through “projects, improvements, experiments,
21
22 theoretical statements, personal evidence and investigations” (Foucault, 1979:235). It
23
24 does not matter that what is being done has changed over time, from rehabilitation
25
26 (Rothman, 1995), to punishment or incapacitation (Feeley and Simon, 1992); it does
27
28 not even matter that the technical transformations fail to materialize (as evidenced by
29
30 the periodic and persistent pronouncements on the “failure” of prisons). Even when
31
32 imprisonment is reduced to nothing more than control, it is still more than detention:
33
34 “Inmates do not control anything inside the walls. Everything is structured in
35
36 accordance with strict policy and procedure” (Bruton, 2004:41). In all of this,
37
38 imprisonment is conceived as an act of social engineering. It may be possible to
39
40 transform criminals through penitence, rehabilitation or treatment; but even when
41
42 not, it is still possible to act in a rational, planned and calculated manner to reduce
43
44 disorder, danger and risk. In the latter case, it is not simply a warehouse that is being
45
46 created but a *prison* warehouse.
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54 Latin American penal institutions, of course, are usually referred to as
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56 prisons, and have often been wrapped in a discourse of rehabilitation (Aguirre, 2005;
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58 Salvatore and Aguirre, 1996a). But their characteristics and functioning usually belie
59
60 this image and – to return to the insight behind their labeling as concentration camps

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3 - make them more akin to internment centers. For example, to read about the
4
5 wartime internment camps in the United States (e.g., Glidden, 1973; Hayashi, 2004),
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7 is to find some striking parallels – makeshift and relatively harsh conditions, inmate
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9 self-government, inmate unrest, the simple objective of confinement – with penal
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11 institutions in Latin America, and heightens the contrast with North American
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13 prisons. Perhaps the term “Judicial Internment Center,” used at least in Venezuela
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15 (as was seen above), hints at something similar. Penal institutions are not sustained
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17 projects for “the technical transformation of individuals” (Foucault, 1979:233), they
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19 are facilities for the detention of suspects and criminals. In the terms of
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21 contemporary US penology, they are not warehouse prisons, merely warehouses.
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27 Scholars who study the history of penal institutions in Latin America have
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29 provided some valuable insights into the emergence and spread of ideas regarding
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31 penitentiaries and prisons as social and political projects (del Olmo, 1981; Salvatore
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33 and Aguirre, 1996a; Aguirre, 2005). In these studies, we find ample evidence of
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35 experts, commentators and reformers who, in the best tradition of social engineering,
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37 articulated visions of the prison as a site for the technical transformation of
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39 offenders. Most drew heavily on international sources but also reflected local, more
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41 idiosyncratic, perspectives. However, there is also equally ample evidence that these
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43 visions were either never realized or only short lived (see particularly, Aguirre, 2005;
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45 Salvatore and Aguirre, 1996b; Santiago-Valles, 1996). For whatever reason, the
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47 margin by which these regimes went beyond detention, i.e., became a prison in
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49 Foucault’s terms, was either small or non-existent. The information presented in this
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51 chapter suggests that this state of affairs still persists today.
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56 CONCLUSION

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58 It might be objected that the gap between vision and reality is a characteristic
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60 of all penal institutions. Their life, particularly their “underlife,” does not run

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3 according to the prescriptions of reformers, legislators and administrators. Perhaps
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5 there are few differences between penal regimes North and South; each region has
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7 its penal imagination, each has its penal reality. In some senses, such an argument is
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9 irrefutable – it posits an evident commonality – but it is not particularly profound.
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11 Moreover, the information presented in this chapter suggests that the penal realities
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13 in North America and Latin America *are* distinct and as such merit further
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15 exploration and explanation.
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20 There may be several places to look for the origin of these differences. One
21
22 would be the perceptions of crime and criminality in each region. What images are
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24 typically constructed of the criminal offender? How do empirical beliefs about the
25
26 causes of crime entwine with moral judgments on the nature of offending? Answers
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28 to these questions would require not only a study of social attitudes, but also
29
30 particular attention to the content and role of criminology. Perhaps there are
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32 significant differences in the salience of causes when thinking about criminality (for
33
34 many projects aimed at the transformation of offenders grow from, or rely on, ideas
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36 about the causes of crime). Alternatively, there might be significant differences in the
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38 types of causes attended to in each region (because some causes are more amenable
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40 to intervention than others). Or perhaps there are differences in the moral image of
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42 offenders and in the consequent orientation of responses to crime.
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48 A second place to look would be the conceptions of organized, particularly
49
50 governmental, intervention in social and individual affairs and the extent to which
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52 social engineering – of the kind implied by imprisonment – has taken root in each
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54 region. The internment centers in Latin America seem to indicate a much more
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56 weakly developed sense of the possibility (perhaps desirability?) of rational,
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58 planned, action aimed at the transformation of inmates. How far is this true, and if
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3 so, how does it relate to conceptions of human and governmental agency and to
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5 perceptions of the alterability of individual and social conditions?
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8 Finally, the difference between imprisonment and internment might be
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10 sought in organizational factors, particularly in the extent to which penal personnel
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12 are willing and able to translate abstract institutional blueprints into specific patterns
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14 of behavior. The universal breach between penal imagination and penal reality
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16 seems to be wider in Latin America, at least when comparing legislative and
17
18 administrative provisions with what goes on in penal institutions (the popular penal
19
20 imagination may have a different content). Perhaps this is the result of weaker
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22 processes of socialization into institutions, and a weaker sense of the institution as a
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24 collective organization oriented to the achievement of universalistic goals.
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29 For each of the above possibilities, it is tempting to try and give brief
30
31 illustrations and examples, contrasting the situation in North America and Latin
32
33 America. However, these are not matters that can be dealt with summarily in any
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35 effective way. For example, the development and role of criminology in each region
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37 are the subjects of two chapters in this book, chapters which are obviously of
38
39 particular relevance for the kind of reflection called for here. It is evident that an
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41 adequate understanding of penal institutions requires a much broader analysis of
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43 social perceptions, morality, intellectual activity, and institutional organization.
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46 These are rich themes for development in future research.
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