Performing prison

Power, agency and co-governance in Nicaraguan prisons

Weegels, J.H.J.

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Performing Prison
Power, Agency and Co-Governance
in Nicaraguan Prisons
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Acknowledgements

The process of carrying out doctoral research and writing up a thesis is as much (or perhaps more) of a collective as an individual journey. I therefore first of all wish to deeply thank Mick Sarria, who in addition to being my husband is also – if I can describe our circumstances as such – my “partner in crime.” For his unconditional support, critical ideas, and commitment in the face of all obstacles that presented themselves along the way, I am forever grateful. I am also deeply grateful to all of my research collaborators, to whom this thesis owes its depth and its thrust. They guided me on my way to an approximation of what life and power are like inside Nicaragua’s prisons – what, as they said, it means to be a prisoner. Araña, Ben, Beto, Bobby, Javi, Junior, Joey, Marlon, Wilfredo, and Wiz: all the time shared with you and your fellow theatre group members, the memories we made together, and the stories you confided in me accompany me and continue to push me forward. I will always be grateful for your time, your trust, for making me knowledgeable (something prison does more than a university) and for thinking with me. You all know I don’t believe in goodbyes.

Nonetheless, speaking of the university, I am deeply grateful to an array of colleagues spread over a variety of networks and locations for believing in me and my research. The Centre for Latin American Research and Documentation (CEDLA) has been a truly warm environment where I have been able to both grow my roots and spread my wings. Thank you, Michiel Baud, Arij Ouweneel, and Annelou Ypeij for looking out for that 21-year-old girl with the crazy idea to conduct master’s research in a Central American prison, for egging her on, and for providing the most constructive feedback a starting academic could wish for. Thank you, Dennis Rodgers, for taking notice of this budding academic, for your invaluable support along the way, and for being a true bróder. I have felt most fortunate with you and Michiel as my PhD supervisors. You were an excellent good cop and bad cop team (even though you sometimes forgot who was who), but also wonderful colleagues (dare I say friends?) who tirelessly sought to push me to the limits of what I thought possible (and over it, ha!). I have learned much from you and am deeply grateful for your relentless pushing, questioning, feedback sessions (beer!), and faith in me, which have not only produced this thesis, but also helped keep me on my feet even as the situation in Nicaragua fell apart with the current protests.

I would also like to thank my dear colleagues in the Global Prisons Research Network (GPRN) for their collective support and accompaniment. I guess we all discovered that we aren’t that crazy for wanting to do ethnographic research in prisons of the “global South”! Carving out an increasing space for ourselves somewhere between anthropology and criminology, our collective push for a reconsideration of confinement has fostered a debate of which I am proud to be part. Thank you, Andrew Jefferson and Tomas Max Martin, for being the welcoming arms to this effort, to Inés Hasselberg and Carolina Sánchez Boe for opening up the link with the Anthropology of Confinement, and to many others for pushing us all ahead. I hope to continue “nerding” with you over prisons and much more! Building on the GPRN and initiating the Americas Prisons Research Network (APRN) I would like to thank other dear colleagues for making this doctoral trajectory such an enriching experience. Thank you, Andrés Antillano, Karina Biondi, Francesca Cerbini, Manuela Cunha, Olga Espinoza, Chris Garces, Evi Kostner, Fiona Macaulay, Hollis Moore, Jennifer Peirce, and Máximo Sozzo for the valuable and ongoing discussions. The Latin American Studies Association annual conferences have been incredible with you!
I also want to thank the organizers and participants of the reading group on security at the University of Amsterdam for including me in their initiative. The discussions in that group (with José Carlos Aguiar, Francesco Colona, Carolina Frossard, Erella Grassiani, Rivke Jaffe, Thijs Jeursen, Tracian Meikle, Alana Osbourne, and Lior Volinz), opened my eyes to a series of issues and made me feel part of a cohort of wonderful people. Likewise, my time spent chairing OLA (the Dutch PhD Forum on Latin America), and with the other PhDs at CEDLA has led to great “Foucauldian” thought-sharing and invaluable discussions, a sense of belonging and a sense of dislocation at the same time, which I’m sure will continue beyond our “doctoral time” (yes, Lucía Galarza, Juan Pablo Hidalgo, Karolien van Teijlingen, Sara Koenders, Cristina Bastidas, Bibiana Duarte, and Irene Arends, you know what I mean!).

Speaking of graduate schools, I am much indebted to the University of Amsterdam’s Institute for Social Science Research (AISSR), specifically for the vote of confidence placed in me by Willem van Schendel and the late Mario Rutten, directors of the Moving Matters research group (MoMat) who hired me into their program. Yes, into “moving” matters! In the beginning I thought it was a funny paradox to be the one researching people who are “stuck” in a research group where most researchers are focused on migration, mobility, and the movement of (licit and illicit) commodities. Soon, however, I understood their reasons to include me: they too researched the imposition of constraints on movement, of borders, immobility, and detention – and I too appeared to be researching the movement of people across an environment, of (il)licit commodities, and of how “stuck” people seek to become mobile again. This, and our common focus on power relations (and, in a way, an anthropology of the state and its subversion), has led to many fruitful discussions across regional variations and kept me attuned to debates beyond prison studies. I deeply thank the MoMat directors (also Barak Kalir, who followed Mario and Willem) for their invaluable support, and PhD representatives Ilan Amit and Arnoud Zwemmer for their tireless efforts to make the monthly MoMat seminars such an apt space for the exchange of ideas.

My research also owes its realization to the women-in-academia “Catharine van Tussenbroek” Fund, which generously supported a research period that preceded my AISSR appointment. I also wish to again thank the CEDLA for, throughout the entire span of my research, resolving much of the precariousness involved in the modern day condition of being a PhD candidate. They not only provided me with an actual, physical and fixed desk at the Centre, but also with research funds, and an appointment in their library which, combined with my AISSR appointment, and later when the latter ended, made it financially possible for me to complete the PhD. I cannot underline this enough in the current climate of university management. The CEDLA (much like the Anthropology department) is an incredible breeding pond, which has fought hard for the maintenance of its (relative) autonomy. Institutions and departments like these should be allowed to thrive, not cut back into the impossible.

Finally, last but certainly not least, I am deeply grateful to my friends and family for accompanying me on this incredible journey, for understanding me, missing me, and helping me follow my dreams. Mick, Mama, Papa, Elise (little Finn!), Gloria, Melisa, Lucía, and Ruby, I love you and hope to one day be able to support you in all the ways you have supported me. Let me however finish by simply saying that without the collective help, love, and determination from all the above mentioned people, networks, and institutions – without the thoughts, experiences, and time shared on both sides of the pond – this seemingly “individual” success would never have come so far. For this, thank you!
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Acronyms

CENIDH  Centro Nicaragüense de Derechos Humanos, Nicaraguan Human Rights Center
CDC  Comité de Defensa Ciudadana, Citizen's Defense Council (FSLN base organs pre-1979)
CDS  Comité de Defensa Sandinista, Sandinista Defense Council (1979-1990)
COP  Community-oriented policing (model)
CPC  Consejo de Poder Ciudadano, Citizen’s Power Council (also Family Cabinet, instated from 2006 onwards)
CPJ  Cárcel Policial, City Police Jail
CSE  Consejo Supremo Electoral, Supreme Electoral Council
CSJ  Corte Suprema de Justicia, Supreme Justice Courts
DAJUV  Dirección de Asuntos Juveniles, Office for Juvenile Affairs (police)
DGSPN  Dirección General del Sistema Penitenciario Nacional, National Penitentiary System General Direction (located at SPN-La Modelo)
EPS  Ejército Popular Sandinista, Sandinista Popular Army (1979-1990)
FSLN  Frente Sandinista de Liberación Nacional, Sandinista National Liberation Front
GN  Guardia Nacional, National Guard (dissolved in 1979)
JS / JS-19J  Juventud Sandinista “19 de Julio,” Sandinista Youth (FSLN party organ)
MIDEF  Ministerio de Defensa, Ministry of Defense (from 1990 onwards)
MIFAMILIA  Ministerio de la Familia, Niñez y Adolescencia, Ministry of Family, Childhood and Adolescense
MIGOB  Ministerio de Gobernación, Ministry of Government (from 1990 onwards)
MINED  Ministerio de Educación, Ministry of Education
OVESPA  Oficina de Vigilancia y Ejecución de la Sanción Penal Adolescente, Juvenile Penal Sentence Execution and Oversight Office (judicial organ)
PGR  Presupuesto General de la República, National Budget
PN  Policía Nacional, National Police
SMP  Servicio Militar Patriótico, obligatory military service during the Revolution
SPR  Sistema Penitenciario Regional, Regional Penitentiary System
SPN  Sistema Penitenciario Nacional, National Penitentiary System (used both to refer to the full penitentiary system and to La Modelo, where the DGSPN has its offices)
TCI  Tarjeta de Control del Interno, Inmate Control Card
XII

Cast of Pseudonyms

Prisoners:
R  released
T  transferred
B  back in prison
-  still in prison
†  deceased
E  escaped
(uk) unknown time

*reincidente (if known)
aadolescente (imprisoned as)

Officers:
-  still working
S  service year
RT retired
Q  quit
### CPJ Main

<table>
<thead>
<tr>
<th>Pseudonym</th>
<th>sentence – time spent</th>
<th>released</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wiz*</td>
<td>2 – 0/7</td>
<td>R10/15</td>
</tr>
<tr>
<td>Araña*</td>
<td>2 – 1/8</td>
<td>R06/16, B09/17</td>
</tr>
<tr>
<td>Norbin*</td>
<td>3 – 2/..</td>
<td>R04/16</td>
</tr>
<tr>
<td>Jay*</td>
<td>3 (2)</td>
<td>-</td>
</tr>
<tr>
<td>Marlon</td>
<td>5 (3)</td>
<td>-</td>
</tr>
<tr>
<td>Joey</td>
<td>2 – 1/..</td>
<td>R10/15</td>
</tr>
<tr>
<td>Tadeo</td>
<td>5 – 3/..</td>
<td>R05/16</td>
</tr>
<tr>
<td>Luis</td>
<td>5</td>
<td>T06/16</td>
</tr>
<tr>
<td>Alexa</td>
<td>2 – (uk)</td>
<td>R12/15</td>
</tr>
<tr>
<td>Brayana</td>
<td>2 – (uk)</td>
<td>R05/16</td>
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### CPJ Secondary

<table>
<thead>
<tr>
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<th>sentence – time spent</th>
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</thead>
<tbody>
<tr>
<td>Wilbera</td>
<td>2 – (uk)</td>
<td>R04/16</td>
</tr>
<tr>
<td>Nandoa</td>
<td>3 – 1/..</td>
<td>R02/16</td>
</tr>
<tr>
<td>Chicaa</td>
<td>7</td>
<td>T01/16</td>
</tr>
<tr>
<td>Karla</td>
<td>5</td>
<td>R2017</td>
</tr>
<tr>
<td>Lucas*a</td>
<td>(uk)</td>
<td>E05/16, B07/16</td>
</tr>
<tr>
<td>Efrain</td>
<td>(uk)</td>
<td>R10/15</td>
</tr>
<tr>
<td>Oscar</td>
<td>(uk)</td>
<td>-</td>
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</table>

### Police at Community Center

- Capitán Benítez
- Teniente Marina
- Inspector Danilo
- Inspectora Aliya
- Oficial Carlos

### Police at CPJ (mentioned in text)

- Comisionado general Velásquez
- Capitán Soza

### SPR Main

<table>
<thead>
<tr>
<th>Pseudonym</th>
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<th>released</th>
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<tbody>
<tr>
<td>Javi</td>
<td>18 – 8/..</td>
<td>R2016</td>
</tr>
<tr>
<td>Beto*</td>
<td>10 – 5/..</td>
<td>R2011</td>
</tr>
<tr>
<td>Wilfredo</td>
<td>6 – 4</td>
<td>R2014</td>
</tr>
<tr>
<td>Zopi*</td>
<td>25 (11) – 13</td>
<td>R(uk)</td>
</tr>
<tr>
<td>Cheeta</td>
<td>6 (5) – (uk)</td>
<td>R(uk)</td>
</tr>
<tr>
<td>Jamie</td>
<td>15 (2) – (uk)</td>
<td>R(uk)</td>
</tr>
<tr>
<td>Ben*</td>
<td>30 (15)</td>
<td>-</td>
</tr>
<tr>
<td>Junior*</td>
<td>30 (15)</td>
<td>-</td>
</tr>
<tr>
<td>Samuel*</td>
<td>25 (11)</td>
<td>-</td>
</tr>
<tr>
<td>Manuel</td>
<td>30 (uk)</td>
<td>-</td>
</tr>
<tr>
<td>Álvaro/Jefe</td>
<td>(uk) started 2013</td>
<td>-</td>
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### SPR Secondary

<table>
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<tr>
<th>Pseudonym</th>
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<th>released</th>
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<tbody>
<tr>
<td>Pancho</td>
<td>(uk)</td>
<td>T2009</td>
</tr>
<tr>
<td>Freddy El Sucio</td>
<td>(uk)</td>
<td>T2009 †</td>
</tr>
<tr>
<td>El Viejo</td>
<td>(uk)</td>
<td>T2009</td>
</tr>
<tr>
<td>El Mono</td>
<td>(uk) (10)</td>
<td>(uk)</td>
</tr>
<tr>
<td>Charlie</td>
<td>(uk)</td>
<td>(uk)</td>
</tr>
<tr>
<td>Osman</td>
<td>25 – (uk)</td>
<td>R2011</td>
</tr>
<tr>
<td>Ramón</td>
<td>(uk) – 4</td>
<td>R2010</td>
</tr>
<tr>
<td>Juan José</td>
<td>11 (uk)</td>
<td>-</td>
</tr>
<tr>
<td>Isaac*a</td>
<td>3 (uk)</td>
<td>-</td>
</tr>
</tbody>
</table>

### SPR Prison officers (mentioned in text)

- Alcaide Gómez  S2009
- Dir. Reeducación
- Penal Barahona  RT2013
- Rony  Q2015
- Santos  -

### La Modelo/CPA interviewees

- Bobby* (multiple, 6 years)  R2015
- Yair* 5 (3) -
- El Loco* (multiple, 10 years)  R2010
- Kelvina 2 – 1/.. R2015

Time notation “sentence – time spent”:
Sentenced to X years, (X years spent at time of last research visit: 2016 CPJ, 2013 SPR) – X years/months spent when released.
Glossary – Colloquialisms and prison slang

aguantar(la) to endure (it – i.e. prison time)
alivianar from aliviar (to relieve/lighten); alivianar is used colloquially to refer to the sharing of profits/commodities (with others tangentially involved in a sale), in this sense also used as a euphemism for bribing or rewarding authorities

aval político political attest or political endorsement
asesinato (atroz) (1st)/2nd degree murder
bañado marihuana joint laced with crack
barrio, reparto literally neighborhood (or slum), in prison also used to refer to “the gang” or a group of prisoners who mutually protect one another

bicho (azul), pesca, guardia (derogatory) police or prison officer
calabozo/la chiquita isolation cell
calmar(se) literally to calm down, i.e. to leave crime/gang life behind
calmar(se) to stash or hide
camarote bunk bed (in prison)
cambio de actitud change of attitude
capar literally to dodge, but used as to hide (be this up the behind or in a caleta)
chante, casa literally house, in prison used to refer to one’s bed/personal space
color delinquent “color” or stigma
conecte connection, usually used to refer to political/institutional connections
consejo (here) prison council or person on a prison council
consumidores, drogos consumers, drug addicts
delincuente delinquent, criminal
delito, causa crime, case (or criminal charges)
enjaranar(se) to indebt (oneself) or owe somebody, also slang for “getting into trouble”
entabar(se) to stash up one’s behind
expendedor person selling drugs from an expendio
expendio house from which drugs are sold or “drugs dispensary” (outside prison)
flecha literally arrow, but used at the CPJ to indicate a shoe/object traveling from one cell to the other with drugs inside it

(bien) fumado, bien loco (really) high on drugs
gallada those in charge at the CPJ, the “strong” prisoners
hijueputa son of a bitch (can be aggressive or friendly depending on tone)
jarana debt
ley de la gallada the rule of the “gallada,” i.e. prisoner rule at the CPJ
ley de la selva the rule of the jungle, i.e. “survival of the fittest,” used in street and prison contexts
ley del hierro the “iron law,” i.e. “live by the sword, die by the sword”
maje man, guy, dude (fem. la maje)
meter [droga] bring drugs in (to prison)
(el) mero/los meros the boss or men in charge (also “los que mandan,” those in charge) – that is, of the drug trade or cellblock (at the SPR)
la mira the view or watching eye (of the authorities)
motín (prison) riot
muerte arriba gang slang for fearless of death
muleros those who stash (or move drugs from one place to the other)
nefasto, loco bad/dark/incorrigible, crazy (note that loco as a noun rather than adjective is often used in slang to replace maje, but then it means the same, i.e. man, guy, dude)
“oreja” “ear,” i.e. prisoner who passes information to the meros/vendedores about when a requisa will take place
palanca spring board, i.e. something or someone that can help out with (political/institutional) favors
pandillero/pandilla gang member/gang
pase move/pass (of drugs)
piedra, ñoña crack cocaine
pleito, clavo fight, problem
puchito a small bag/little bit of drugs (usually marihuana)
puro, chelin, churro marihuana joint
reeducación penal penal reeducation (prison education/reform)
(multi)reincidente (multiple) repeat offender
requisa cell or strip search
sapo, bombín snitch
sapear, bombear to snitch
(el) Sistema literally the prison system, also used to refer to the (extralegal) system of state and non-state political actors that are able to (legitimately) exert their power over and through the state apparatus, including the judiciary and government institutions
soltar(le) literally let someone go, refers to being released from prison
(el) tabo prison or one’s prison time
traido individual feud, often between gang members
vago, lacra, pinta (derogatory) thug, bum, thief
vendedores those who sell
vivo/viveza clever/savvy, savviness
vuelo errand or favor
Photo 1 The SPR’s courtyard looking onto a cellblock. Photo by the author, 2009
Prologue
Passing through those gates after the bag-check for the first time, with the camera rolled in a t-shirt in my hands, I tried to be as cool as possible, like I'd seen it all before, the gate closed and we followed the guard into the main building. The prisoners all seemed to be looking, staring, with prying eyes, looking at the strange new people who had just passed through their gate. They put their fingers through the chain-linked fence still separating us from them in the courtyard; as we entered the corridor they stopped to look, a lost “adiós” sounded, followed by an air-kiss. I waited nervously on the wet concrete of the visit hall, and then all twenty-seven adolescents swarmed around us. I tried to look up, to face them; Mick immediately got started, but for me there was so much of the unknown, of the uncertain, and I instinctively cast my eyes to the ground. I noticed all the cracks in the concrete floors and walkways then, the puddles of water on them, and the stiff, trampled stubs of grass outside, sticking stubbornly out of the grayish yellow dirt. My gaze followed the uncovered water drainage system running right under the chain-linked fence and the concrete wall beyond it – to freedom. I wished to be there. I wondered how many new eyes noticed the same things when they first came in. How many of them did not look up? I sat down on a bench, fiddling with the camera. It had been my decision to come here, be here, they had not really had the same choice.

It was a warm afternoon at the start of the Nicaraguan rainy season, May 2009, when this Sistema Penitenciario Regional (SPR, Regional Penitentiary) first opened its doors to a young Nicaraguan theater maker and his European anthropologist partner. On the basis of a play presented on the prison yard three months earlier, one based on the “sleepless stories” of (former) gang members, prison director Gómez had asked Mick, that local theater maker and also my husband, if he would like to teach theater at the facility. In that moment, with two hundred prisoners still seated, and dozens more propped up on their bunks watching the play from their dormitories, he had answered “Of course, me encantaría (I’d love to).” Nine thousand kilometers across the globe, fresh out of anthropology and preparing field research for a master’s degree in Latin American studies, I jumped at the opportunity too. Combining our mutual interests in narratives and experiences of violence, the theater-in-prison project was born, as well as an ongoing research commitment to prisoners, former prisoners, and their experiences of incarceration.

1 SPR, 2009, field observation. Our first theater workshop at the SPR, in May 2009, was with a large group of adolescent prisoners. Unfortunately, they had their privileges revoked that same week due to a fight on their wing. After that we were requested to work with a group of adult men, who would become my main group of research collaborators at the SPR.

2 All (nick)names used are pseudonyms, except for mine and Mick’s. To safeguard the anonymity of my research collaborators I do not disclose the exact location (city names) of my research sites or the name of the prison theater collective.
Introduction: The ethnography of Nicaraguan prisons

“Aquí es el cementerio de los vivos (this is the cemetery of the living).”

– Manuel, SPR.
March 2010: Twelve big, warm smiles welcome us back to the damp visit hall. They sit shirtless on the rickety gym benches, ready to have their faces painted. I’m returning from the Netherlands and had brought grime paint with me. The group is preparing a play based on Franz Kafka’s *Metamorphosis*. It is to be called *Asco*, which means disgust, and quite literally refers to the prisoners’ sense of social relegation. The emptiness of the large hall seems to overpower the constant chatter that over seven hundred other prisoners on the premises produce. It’s a strange effect. Almost like the small, colorful mural of a pastoral landscape to the left of the hall’s grille door eases the bustle. The hall is broad and high and its roofboards broken, leaving alternately scorched patches and pools of water on the rough concrete floor. Aside from the mural the walls are a greenish gray, touched by many hands over many, many years. Smells from the adjacent kitchen often float through the thick air, paralyzing it at times. Sticky soot covers the walls of that kitchen, where firewood is still used to heat the large pots of boiling rice – *la chupeta*, the prison chow. There’s no money for gas or better food. But none of that matters now that practice is about to start.

Mick paints a third of the group black, another third yellow, and the final third white. “Look at each other like you’ve never seen each other before, like you’re new to this world and have never seen a human being before – no eyes, noses or fingers – explore each other,” Mick urges. The men face off. During the physical theater-training exercises that follow, Cheetah confronts Junior, Beto and Ben rub off on one another, and Zopi tries hard not to break into laughter standing face to face with Manuel. Silence envelopes the group, interjected by eruptions of giggling between men who have murdered. Many of them are sentenced to 30 years in prison, Nicaragua’s maximum sentence, reserved for those who commit *asesinato atroz* (first degree murder), are *reincidentes* (repeat offenders), or are confronted with multiple aggravating charges, like *banda* (organized crime). They’re almost all under thirty. Three of them killed during *asaltos* (stick-ups) gone bad, one shot an enemy *pandillero* (gang member) in the face. Another is said to have dropped an *adoquín* (street brick) on a foe’s head, splitting it right open, and yet another left his adversary in a bar brawl behind with *lesiones graves* (grave injuries). But I didn’t know any of this yet. These were parts of their lives that would be revealed to me only gradually, which was largely because the time and space of theater was shared with that of *Reeducación Penal* (Penal Reeducation). Whether we liked it or not, it was a time and space where these young men were to focus on their futures as “changed men,” not on their histories of violence. Or so it seemed. As we became a fixture in the prison and guards gradually withdrew from the practices, more and more of the world behind and beyond its bars became visible. The prisoners appeared to perform prison both through Reeducation’s required *cambio de actitud* (change of attitude) and the violent enforcement of their own internal order, taking part in and appropriating the prison’s different governance structures. On their part the authorities appeared to do the same, enforcing and adjudicating deemed “delinquents” and their crimes according to their own hybrid logics. In this way, the state, power and justice itself were all iterated through the everyday performance of prison in relational, situated, and shifting ways.
Introducing punitive politics and imprisonment in Latin America

Latin America today is caught up in the worldwide incarceration trend. Over the past twenty years, as incarceration rates levelled off in the United States and dropped in Europe, Latin America’s rates increased to well above the global average (of 144 per 100,000 inhabitants).\(^3\) In effect, the region’s incarcerated population has doubled between 2000 and 2015, and shows no signs of decreasing.\(^4\) While Brazil takes the lead in this trend, with an incarceration rate of 301 per 100,000 inhabitants in 2015 (up from 133 in 2000), other countries also show sharp increases. Venezuela’s incarceration rate, for instance, nearly tripled from 58 per 100,000 in 2000 to 168 in 2015, and Nicaragua’s incarceration even rate rose to 171 per 100,000 in 2015, with its prison population rocketing from 5,610 prisoners in 2004 to 13,007 prisoners in 2016 (see figure 1; Darke and Garces 2017, World Prison Brief 2015).

![Figure 1. Prison population held by the Sistema Penitenciario Nacional (SPN, National Penitentiary System) over years for which data is known. Data source: Ministerio de Hacienda of 2007, 2014-2016, and World Prison Brief’s World Prison Population Lists.\(^5\) (Figure 1)](image)

Such increases are not inconsequential. Most prison systems are overcrowded, deteriorating, and frequently unable to provide for prisoners’ basic needs – including food,

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3 See Darke and Garces 2017.
4 From 650,000 prisoners in 2000 to 1.3 million prisoners in 2014 (Postema et al. 2017).
5 Please note that in Nicaragua numbers on the amount of prisoners are notoriously difficult to find and quite unreliable, especially since the penitentiary system has not allowed independent inspection since 2008. Whereas the 1999 spike in the prison population is a direct result of the implementation of the Plan de Prevención de Pandillas (Gang Prevention Plan, see Policía Nacional 1999), the increase in prison population since the implementation of the communitarian policing model seems to be more lasting than temporary. The numbers reflected in Figure 1 are of prisoners included in the Ministry of Governance’s PGR budgets or retrieved from the different editions of the World Prisons Population List (these can be retrieved on: http://www.prisonstudies.org/country/nicaragua). On the PGR budgets prison population data does not appear every year, but they are mentioned as “in custody” (in 2007) and “with alimentation and basic conditions secured” (2014-2016). The official capacity of the system was, and most probably still is 4,742 (reported in 2010). Note that prison population numbers exclude remand prisoners – these are not held by the DGSPN, but by the National Police. While the police do not make remand population numbers available publicly, they have appeared on the “World Pre-trial/Remand Population List”, which has been issued in 2008, 2014, and 2017. The remand count given is 1,311 (for 2006, appearing on the 2008 list) and 1,127 (for 2012, appearing on both the 2014 and 2017 lists). These counts are quite likely on the low side of actual average numbers of remand prisoners. With a reported denouncement solution rate of 98.2% penalized offenses (faltas penales) 17,077 people were detained by the Nicaraguan police in 2015 alone (55% of which for crimes against persons, 10% for crimes against property, 8% for drug-related crimes, and 27% for ‘other crimes’), 94% of which were men (Policía Nacional 2016). According to the same statistical report, the total amount of arrests made in 2015 is 42,921 (of which 94% men, 5,034 were repeat offenders m/f, and 1,133 multiple repeat offenders m/f) – numbers for 2007 are similar, though slightly lower (40,419 arrests in total). This begs the question, when is one considered a remand prisoner? And, what are the conviction rates for the different penalized offenses?
security, and a place to sleep. Beside this, and similar to the case of mass incarceration in the United States, the elevated trend of incarceration points to the onset of “carceral” or “penal states” in Latin America (Wacquant 2001, Garland 2013), and means that (the possibility of) prison is becoming an intrinsic part of the lives of an ever larger segment of the Latin American population. Unfortunately, carceral expansion especially affects the poorest segments of society, as they do not possess the means or networks to avoid imprisonment. This trend then calls not only for an understanding of imprisonment as a lived experience beyond the numbers, but also for an understanding of the ways in which state-meted punishment reflects and constitutes an intricate part of contemporary societies’ political and moral economies (Polanco 2015).1

In this sense, the Latin American region bears a complex relation to both localized and Western crime-fighting paradigms and priorities, as well as a (historically) challenging relation to state power, policing, and different criminal and non-state armed actors (Auyero et al. 2015, Carter 2017b, Chevigny 1995, Iturralde 2008, Méndez et al. 1999, Rosas 2012, Salvatore and Aguirre 1996). Under the influence of first the Cold War and later the War on Drugs, particular counterinsurgency policies and later neoliberal “zero tolerance” policies were implemented throughout the region. The more recent and notable examples of this trend are “mano dura” policing and maximum-security imprisonment (Darke and Garces 2017, De Dardel 2013, Garces 2014). Throughout Latin America, such policies have mostly been embraced under the banner of seguridad ciudadana (citizen security). Yet while they provide security for those included as citizens of the nation, they tend to produce insecurity for those deemed “noncitizens” – members of society who are socially excluded and often considered part of the “underworld” or the “the dark threatening mass of the undeserving poor” (Taussig 1992: 25, Peetz and Huhn 2008). As War on Drugs-related policies obfuscate the differences between drug consumption and trafficking, the policing strategies that they endorse generally ostracize impoverished youth from the urban margins, who are almost invariably projected as such noncitizens – as violent, deviant, gangster-like, and morally deplorable pre-facto perpetrators (Auyero et al. 2015, Denyer Willis 2015, Ferrandíz 2003, Santamaría and Carey 2017, Weegels 2018). When these criminalized subjects “break entry” onto the urban scene they tend to produce not only a fear of crime, but also of “social contamination” as they violently exert a forced redistribution of resources (Caldeira 2000, Dammer 2012, Goldstein 2012, Rosas 2012, Weegels 2018). It is against these subjects that state (and increasingly private) security apparatuses are mobilized. The experience of imprisonment, then, speaks to the experience of exclusion, (in)security, > , and the state.8

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6 This trend has sparked an extensive debate around the criminalization of poverty, especially in relation to neoliberalism and the spatialized production of (in)security and (non)citizenship in the Americas (Auyero and Swistun 2009; Gledhill 2015; Goffman 2014; Goldstein 2012; Holston 2008; Jaffe 2016; Rogers 2006b, 2009; Wacquant 2008, 2009b).

7 Martin et al. (2014: 6) argue that “prison climates” are “inextricably caught up in global processes, for example, in the form of neoliberalism, securitization, or even Pentecostalism, as these are pushed and pulled into various localities with ensuing, hard-to-manage ‘frictions’, not least in the context of development interventions and efforts to enhance state power.” Polanco (2015) notes that carcerality has become integrated into the “cellular structure” of the state.

8 For an example of Cold War “intelligence gathering” techniques (sanitized forms of torture) and the continued financial aid and training of state armed forces (military or police) under the banner of the War on Drugs see Gill 2004 or the Security Assistance Monitor, https://securityassistance.org/data, last visited 14 December 2017). Former New York City mayor Rudy Giuliani inspired zero tolerance policing plans. This form of repressive policing was implemented in El Salvador and Honduras as ‘Mano Dura’ (Hard Hand), in Colombia as ‘Plan Merida,’ and in Brazil through the establishment of special heavily armed security forces such as the BOPE.

9 I return to this issue in relation to the imaginaries surrounding Nicaraguan prisoners in chapter 3.

10 At present, the majority of Latin America’s prisoners serve time for property and drug-related offenses. This also goes for the United States, where 46.3% of the federal prison population is sitting out drug-related prison sentences (see https://www.bop.gov/about/statistics/statistics_inmate_offenses.js, last visited 13 December 2017). In Brazil, the number of people imprisoned for drug trafficking increased with 123% between 2007 and 2012, after the passing of a “tough on crime” anti-drug law in 2006 (Organization of American States 2013: 60).
Morally, following the “punitive turn” in public policy and the mediated presentations of crime and its perpetrators (Garland 2001, Pratt 2002), the “good” citizen tends to believe that the criminalized noncitizen is deserving of whatever it is that comes to them – whether this is a violent arrest followed by incarceration under deplorable conditions or a “deserved” violent death (Denyer Willis 2015, Levenson 2013, Weegels 2018). The rule is “la ley del Talión – an eye for an eye” in which “todo el peso de la ley” (the full weight of the law) befalls the bandit, even if this “law” includes extralegal measures and as such constitutes a particular kind of “unrule of law” (Méndez et al. 1999) or even a localized “state of exception” (Agamben 2005). In Latin America, violent death continues to largely affect youth in the 20-24 year age range in an array of localized states of exception. Yet even as the logics of citizen security single out particular youth for state intervention, it is also youth themselves who perpetrate this (lethal) violence against one another (Jones and Rodgers 2009; UNDP 2013: 50, 53, 81). These repressive policing models, however, have had a dramatic impact on the occurrence of violent crime and extralegal punishment while they continue to garner widespread support. Unfortunately, this securitized panorama has inflated homicide rates across countries such as Mexico, Brazil, Colombia, Venezuela, and the Central American Northern Triangle (Guatemala, El Salvador, and Honduras). As a result, Latin America today remains the most violent peacetime region in the world, where the postwar death toll in some countries exceeds even the dictatorships and civil wars that characterized the second half of its twentieth century (Auyero et al. 2015, Arias and Goldstein 2010).

In relation to this panorama Nicaragua has often been presented as somewhat of a “regional exception” – or so it seems. Its homicide rate has declined rather than risen since the mid-nineties, and instead of following its Northern neighbors in the implementation of tough-on-crime policies, Nicaragua’s Policía Nacional (PN, National Police) has embraced communitarian policing strategies (see Policía Nacional 2002, 2011). While the country was the scenario of a bloody insurrectional struggle in the 1960’s-70’s as it attempted to rid itself of the Somoza family’s dictatorship, which had held the country in its suffocating grip since 1936, and even as it suffered a violent civil war upon the 1979 triumph of the Sandinista Popular Revolution (led by the Frente Sandinista de Liberación Nacional or FSLN, Sandinista National Liberation Front), its postwar homicide rate never rose to more than 16 per 100,000 (in 1995), according to official statistics. Currently these claim that the rate stands at an all-time low of 7 per

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11 Think of the Brazilian popular expression “bandido bom è bandido morto” (a good criminal is a dead one). “Que le caiga todo el peso de la ley” (may the full weight of the law fall atop him) is a colloquial Nicaraguan expression in which the term ‘law’ does not refer only to the legal scripture or the rule of law, but also to the localized enforcement of particular social rules and norms.

12 To which extent gangs might be considered (part of) organized crime is highly contested and approaches to (youth and street) gangs are quite varied, as are its public policy responses (e.g. Arias 2017, Jütersönke et al. 2009, Rocha 2007, Rodgers and Muggah 2009, Ungar and Arias 2012).

13 Historically, repressive policing has much to do with counterinsurgency policing and the War on Drugs. The War on Drugs was declared by the United States in 1986, just a year later its first critiques were already voiced (Bagley 1988, see also the 1991 Social Justice special issue “War on Drugs: Commentary and Critique”). Despite three decades of heavy critique from across a broad spectrum of academic disciplines, including criminology, sociology and political sciences, and civil society critique and protest, the War on Drugs’ logics have spread across the globe and Washington continues to inform and finance myriad anti-drug policing efforts (Alexandris Polomarkakis 2017, Bagley and Rosen 2015, Beare 2003, Carpenter 2003, Cooper 2015, Gray 2001, Hobson 2014).

14 The civil war took place between the Sandinistas and the Contras (a U.S.-financed and trained conglomerate of counterrevolutionary forces). It left an estimated 50,000 dead and officially lasted from 1981 to 1990 – from when Ronald Reagan took office in the U.S. to when the FSLN suffered its first electoral defeat (Walker and Wade 2017).
100,000 (in 2016).\textsuperscript{8} Indeed, when it comes to Nicaragua and its security landscape, scholarly attention has focused largely on its reputed “safety” in comparison to its Central American neighbors to the North – often crediting its communitarian policing strategies, citizen security model, and revolutionary past for this positive distinction (e.g. Savenije 2010, Schrader 2017).\textsuperscript{8}

Yet it is dangerous to read too much into Nicaragua’s low homicide rate, much less to equal it to a nationwide positive experience of security. While compelling, the notion that a low homicide rate equals security is based on the premise that “security” entails an absence of organized crime and corruption. This is a premise that does not hold – not even in the Netherlands.\textsuperscript{8} In fact, organized crime and corruption tend to thrive exactly under “secure” conditions and hand-in-hand with the state, to such a degree that they often form an intricate part of state formation and governance, also historically (Arias 2006, Brindenthal 2012, Tilly 1985). Not only do these appraisals of Nicaragua’s security situation neglect the contested nature of state security on the ground and leave more complex processes of governance and exclusion unquestioned, they also tend to blindly follow the rhetoric of government discourse.\textsuperscript{8}

Bringing us back to prison and to a critical engagement with the state, the fact that the Nicaraguan prison population doubled between 2006 and 2016 while its homicide rate putatively dropped should be considered as a trend contingent upon the securitization of its social policy panorama as well as the consolidation of what I term the Sandinista state.\textsuperscript{9} This state is a “hybrid state” in which the FSLN has effectively melded with the executive, legislative and enforcing powers, including the state security apparatus, and in which governance arrangements include both state and non-state (armed) actors (Arias 2006, Jaffe 2013, Rodgers 2006b, Walker and Wade 2017). This state is reflected not only in deteriorating degrees of democratic accountability,\textsuperscript{20} but also in the increasing (mostly national) critique of the consistent denial of human rights violations attributed to state actors, the allegedly partisan functioning of the National Police, and similarly inaccessible state of the Dirección General del Sistema Penitenciario Nacional (DGSPN, General Direction of the National Penitentiary System), which has refused independent inspection since 2008 (CENIDH 2014, 2017).\textsuperscript{21}

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\textsuperscript{9} See also “Why is Nicaragua’s homicide rate so far below that of its Central American neighbors?” (by Roberto Lovato, published in The Nation on 2 February 2018). The article revealingly starts with the statement “It’s the revolution, stupid.”

\textsuperscript{10} On the Netherlands see for example Desroches 2007, Farrell 1998, Zaich 2002.

\textsuperscript{11} Issues that are explored in more critical work on Nicaragua (e.g. Guevara 2014, Rocha 2007; Rodgers 2006a, 2015; Rodgers and Rocha 2013, Weegels 2017b).

\textsuperscript{12} I have analyzed the securitization of Nicaragua’s social policy panorama elsewhere (2017b). I further develop the notion of the Sandinista state in chapter 2.

\textsuperscript{13} Nicaragua currently ranks 99 out of 113 evaluated countries for the World Justice Project Rule of Law Index (WJP 2018). This ranking is based on the assessment of seven factors: regulatory enforcement, corruption, open government, (civil and criminal) justice, constraints on government power, and order and security. Nicaragua’s lowest rank, 109 out of 113, is for the factor “constraints on government power” (ibid.: 32). Venezuela being the only Latin American country to rank lower. Its highest rank, 65 out of 113, is in “order and security” (ibid.: 36). For all factors except order and security, Nicaragua ranks below the region’s average (ibid.: 114)

\textsuperscript{14} This denial of access has remained in place to date, despite multiple reports on human rights violations, a visit of the UN Human Rights council, and formal complaints against the state with the Inter-American Human Rights Commission (CIDH). The report with urgent recommendations made by the UN to the Nicaraguan government after their visit to various prisons in 2014 was simply put aside (La Prensa, 16 September 2016). Even in 2018 the recommendations of the UN Human Rights Commission to the government remain unknown (Informe de Subcomité Contra la Tortura de Naciones Unidas sobre cárceles, sigue en misterio, La Prensa, 6 January 2018). However, there is a document about the inspection online: https://www.state.gov/documents/organization/236916.pdf (page 4 specifically, last visited 22 June 2018).
Prisons in Nicaragua

Following convicted prisoners through their everyday navigation of the Nicaraguan prison environment, I encountered this hybrid state in the governance arrangements that permeated prison life, and which appeared to be shrouded in public secrecy. “Public secrets” are secrets that are in fact “shared and known but unspoken” (Taussig 1999: 50). They are hinted at through a veil of unspeakable confirmation: warning, caution, omission, indirection and silence (Penglase 2009, 2014). The deeper I wandered into the world of the prison(er), the more I came to understand how the prison experience was almost entirely caught up in the logics of public secrecy. In Nicaragua, the first layer of concealment concerns the prevention of public scrutiny of the deteriorated and overcrowded conditions that the prison system finds itself in. As a result, access itself has become a politicized question. Arguably, the Ministerio de Gobernación (MIGOB, Ministry of Government), under which both the National Police and DGSPN fall, has taken up the task to establish and enforce this climate of concealment under which prison authorities do, or are obliged to do, their jobs. Once inside, concealment becomes more insidious and multi-layered. In particular, public secrecy inside prison presents itself not only as a politics of concealment, but also as a strategy to obfuscate the violence and collusion involved in prison governance by rendering these issues shared and known but unspeakable.

On paper, Nicaragua hosts a “humanist” prison system that is “highly committed to the State and Citizen Security, to achieve an effective rehabilitation and reinsertion of those deprived of freedom into the social and productive life of the Nation.” Discrepancies between state discourse and prison realities are rife, however, of which increased incarceration and on-the-ground overcrowding are but one symptom (see figure 1). When I first set foot in the Regional Penitentiary (SPR) in 2009 it was slightly overcrowded and held a little over 700 convicted prisoners in facilities adequate for 650. By the time the SPR’s gates last closed behind me four years later, it held over one thousand prisoners in unaltered conditions. Following this trend, the City Police Jail (CPJ) that became my second research location, ran at triple capacity throughout, holding between 400 and 500 prisoners in conditions suitable for under 100 detainees. This increase in the prison population is intimately related to the consolidation of the Sandinista state, its encroachment on community life, and its expansion of the National Police. Between the SPR and the CPJ, located in two medium-sized departmental capitals, I conducted 31 months of field research over the course of seven years – spanning my MA and doctoral research (see Appendix I). My research participants were all (former and) convicted male prisoners, who participated in the theater training programs that my husband and I hosted at these prisons.

With the theater-in-prison project, my research began as a one-location masters research on the meanings of violence for the (re)construction of masculine gender identities in prison (Weegels 2010, 2014). Soon, it grew to be an exploration of both performances
of violence and what prison authorities call “cambio de actitud” (change of attitude). Such “changes of attitude” are required by the Nicaraguan Penitentiary Law to acquire privileges to move from one penal regime to the other and eventually obtain an early release. As our theater endeavor became organized under the Dirección de Reeducación Penal (Direction of Penal Reeducation; the prison direction that oversees prisoner change of attitude), I began noticing how reeducational efforts (including our own) were instrumental not only for the maintenance of state public discourses, but also for the insurance of public secrecy. Amid an ever-tightening political landscape then, as I faced evolving restrictions of access, encountered the in-prison drug trade, and began to notice the systemic violence involved in prison life, my analytical focus centered around the articulations of power and governance between authorities and prisoners, and among prisoners.

On the basis of my cross-carceral ethnographic research endeavours between the Regional Penitentiary (SPR) and City Police Jail (CPJ) this thesis seeks to provide an analysis of the articulation of power in prison by looking at how prison life is organized and disorganized, both by prisoners and authorities, and what emerges in the cracks of these (dis)organizations. Specifically, it explores the emergence and functioning of what I term “co-governance arrangements” alongside the penal-ideological discourse of reeducation. Purposely hidden beneath the reeducational surface and beyond the legal, the norms, rules, and regulations that take shape within co-governance arrangements reveal both conflicting moral orders and the hybrid nature of state power in Nicaragua. They are arrangements in which power is shared in order to govern, but the extent of power-sharing varies and is subject to change. Importantly, a focus on shared power and (d)evolving governance relations inside prison allows for a consideration of the embeddedness of prison in wider governance structures. Their changing nature moreover underlines how seemingly fixed structures, such as prison governance arrangements, are in constantly negotiated movement – movement that becomes observable through the everyday performances of crime that different involved actors are engaged in (Barth 1967, Vigh 2009).

Drawing on the Latin American governance debate, specifically on critical and localized studies of criminal and prison governance (e.g. Antillano et al. 2016, Arias 2006, Carter 2014, Iturralde 2016, Jaffe 2013, Jones and Rodgers 2009, Koonings and Krujit 2004, Penglase 2009, Rodgers 2006a, Rosas 2012), this thesis seeks to come to an understanding of prison governance and the public secrecy that surrounds it as situated, performative, and relational expressions of power and morality. Focusing on the experience and performance of prison governance by prisoners, it moreover seeks to push through three premises that Western-oriented prison studies have established. These premises are not only mostly normative, but also problematic when attempting to understand the on-the-ground experience and performance of power and governance in Nicaragua.

The first premise is that violence equals chaos and savagery. This premise is intimately related to the one explored earlier, namely that the absence of violence (or homicide) equals security or civilization. Instead, violence can be considered productive. As much as it can be used to disorganize, it can also be deployed to distinguish, order, and organize (e.g. Benjamin 1978, Penglase 2014, Rojas 2002, Rodgers 2016). The second premise is that prison is a functional, self-supporting “total” social universe or a “total institution” that is governed solely by the authorities or in which the authorities’ disciplinary regime is dominant, as prisoners are individualized and lack of self-organi-

Though there are also critical prison studies, especially those that engage with critical criminology, which provide valuable counterweight to these premises (e.g. Carrabine 2004, Crewe 2009, Seim 2016).
zation (Goffman 1961, Foucault 1975). Yet, as we have seen, prisons are embedded in societies’ wider political and moral economies, and the fact that prisoners themselves engage in prison governance also unsettles this premise. Beside researchers working on prisoner self-governance in Latin America (e.g. Antillano 2017, Darke 2014, Macaulay 2013), carceral geographers Allspach (2010) and Moran (2014) have also challenged the institutional “totality” of prison as the carceral qualities of prison rearticulate in “transcarceral spaces” outside prison through the stigmatization of former prisoners.

This brings us to the third and final premise, namely, the popular notion that prisoners are caged subjects bereft of agency or at least severely limited in deploying their agential capabilities. While the range of possible movement of prisoners is indeed restricted (at least spatially), this thesis demonstrates that prisoners not only exert individual agency as they navigate through the prison environment, but that they are also capable of altering the environment itself through these navigational processes (Vigh 2009). This points toward the need for a processual understanding of prison structure – a structure that is subject to movement and change (ibid., Barth 1967, Emirbayer and Mische 1998), in which power is exerted not only from ‘above’ (by the authorities), but also from ‘below’ (by the prisoners). In turn, the processual nature of prison as an institution points not only to the shared nature of power in prison (Sykes 1958) but also to the central role that performances of legitimation play in the constant articulation and maintenance of prison’s “power balances” (Barth 1967, Beetham 2013, Sykes 1958).

This thesis draws on the experiences shared in countless hours of interaction with my research participants, during which it was repeatedly pointed out to me that “[in prison] you have to realize that you’re blind, mute, and deaf – you don’t see or hear anything even if it happens right in front of you” (Javi, SPR 2016). Clearly, both my collaborators and I challenged this proverb, be it intentionally or unintentionally, by engaging in this research project. In my writing I rely heavily on the trust invested in me over time by the (former) prisoners I worked with – young men who stood to lose everything in already precarious circumstances. The nature of my research with them, as well as the divergent levels of disclosure involved in my engagement with prison authorities, merits a detailed methodological and ethical account.

Methodology: Researching Nicaragua’s “cemeteries of the living”

Ethnographic prisons research brings with it considerable methodological and ethical issues (e.g. Drake et al. 2015). Some of these pertain to the nature of prison – where research subjects appear to have “all the time in the world” but are unable to dispose over it themselves – and others to the nature of the inquiry at hand, which may not agree with what the authorities envision. In this sense, it is important to take into account at once the interests at stake for the institution, the subjugated position of the research participants, and the researcher’s (often precarious) position as a researcher. My research developed over a period of complex institutional and political melding, with issues regarding access and authorization tightening over time. Formally, I accessed prison as the assistant-facilitator of a prison theater program, and became a prison arts facilitator along the way; writing funding requests and organizing events to help ameliorate prison conditions and support the arts program, promoting prisoner cultural rights, and organizing against (former) prisoner stigmatization. Everybody I interacted with knew me as such. While the prisoners knew that I was also a researcher, the authorities
were largely unaware of this fact. This was not a clear-cut decision that I made from the outset, but rather a gradual and constant process of determining and reassessing “who requires informed consent” (Rodrigues 2014: 11), taking into account changing institutional conditions as well as the relations I developed in situ with my research collaborators – all of which were or are still convicted prisoners.

Concerned with the experience of prison and power, governance and agency, my research borrowed from methods and theoretical insights borne out of ethnographic traditions in anthropology, sociology, and criminology. Mid-twentieth century, the quantitatively-oriented social science disciplines of sociology and criminology began to turn to ethnographic research methods to understand the different situated, social and cultural aspects of ‘deviance’, crime, and its organization (Becker 1968, Foote Whyte 1943, Polsky 1967). At that same time, the start of the post-colonial era turned the anthropological gaze westwards and inwards, on to the predominantly sociological terrain of the “modern”, urban and industrial, and the predominantly criminological terrain of deviance, justice, and prison studies (Basham 1978, Hannerz 1980; see also MacClancy 2002). More recently, in an attempt to break away from both the quantitative and criminal-psychological imperatives of mainstream criminology, critical criminology emerged embracing ethnographic methods to be able to understand crime and deviance from the “inside” (Taylor et al. 1973; Ferrell and Hamm 1998; Ferrell et al. 2008). At the same time, anthropologists have increasingly taken to prison and other sites of detention to address structural inequalities in law-making and enforcement processes, as well as issues of (criminal) identity, (state) authority, internal organization, and legitimacy (e.g. Carter 2014, De Genova and Peutz 2010, Fassin 2017, Hasselberg 2015, Rhodes 2004). Slowly but definitively then, a common field – as an overlapping area on a three-circled Venn diagram – has appeared between the three disciplines, defined by a common interest in the ethnographic method for data collection and knowledge production. The emergent, multidisciplinary field of prison ethnography sits squarely in the middle of this overlap, leading “away from the dehumanizing tendencies of criminology towards the more fully human concerns of an anthropology of prisons” (Drake et al. 2015: 2).

Schooled as an anthropologist, my research was conducted as a prison ethnography. For anthropologists, ethnography “has always meant the attempt to understand another life world using the self – as much of it as possible – as the instrument of knowing” (Ortner 1995: 173). Yet prisons are places where it is very difficult to carry out a fully immersive type of ethnography. Martin et al. (2014) noted that exploring, pinpointing, and deconstructing the various elements that make up the prison climate – governance systems, survival and identity strategies, bolts and locks – requires sensing them. Still, the authorities, the prison environment itself, and those who inhabit it often pose significant practical, moral, and ethical obstacles to this “sensing” (Castellano 2007, Rodrigues 2014, Ugelvik 2014). As I tried to research prison from the “closest possible vantage point” I sought to wander as far as I could into the “belly of the beast” (Gaborit 2017, Wacquant 2002) following criminologists Hamm and Ferrell’s advice to,

Concerned with opening up the Anglo-American axis of much of the prison debate to ethnographic findings from the global south is a vibrant, multidisciplinary research community engaged in the critical understanding of prison spaces, practices and actors in Africa, Asia, the Middle East, Latin America and the former Soviet states. Since its establishment in 2009, the Global Prisons Research Network (GPRN) "challenge[s] the reduction of prisons in the global south and in transitional societies to examples of failure to live up to international best practice, norms and standards," and promotes considerable scholarly interaction and debate, including a growing body of (collaborative) publications, such as the special issues Prison Climates in the Global South (Focaal, 2014) and Prison Realities: Views from Around the World (South Atlantic Quarterly, 2014). I have been a member of the GPRN since 2010 and co-organizer of the network since 2013.
“Situate yourselves as close as you can to the perpetrators of crime and deviance, to the victims, to the agents of social control; put yourselves, as best you can and for as long as you can, inside their lives […]. You won’t experience it nicely, and if the danger and hurt become too much, be glad of it. Because as near as you will ever get, you have found your way inside the humanity of crime and deviance.” (Ferrell and Hamm 1998: 270)

Indeed, when I first set foot in Nicaragua’s prison system, adrenaline pumped through my body as I attempted to engage in the sensing of the prison environment. I was a 21 year-old foreign female in a men’s prison, accompanied by her then 27 year-old Nicaraguan husband, Mick Sarria. I met Mick three years prior to the start of our commitment to prison. He was (and still is) a Nicaraguan theater director and actor who, like me, was interested in the exploration of violence and (im)prison(ment). Previously, he had co-organized a gang member theater group. Mick grew up in conditions that were generic for many of the prison theater group members – that is, amid the “concatenations of violence” (Auyero and Berti 2015) that the emerging urban barrios populares of the early nineties presented, where the economic violence of poverty and exclusion met the violent and psychological legacies of the country’s civil war (1979-1990), and embroiled many youth in street gangs as well as (substance and domestic) abuse battles of their own (Rocha 2000; Rocha and Rodgers 2008; Rodgers 2006a, 2006b, 2007, 2012a, 2012b). Mick was always very open with prison theater group members about his struggle within this context, and has publicly stressed the importance of the intimate linkages between civil war legacies of violence, street violence, and prison violence for his theater-making processes (e.g. Sarria 2014). Taking embodied experiences of violence as our joint point of departure, my research endeavor and Mick’s prison theater initiative took off simultaneously with our initiation onto the penal reeducational scene, presenting a theater play at the SPR and initiating our first theater course in May 2009.

Clearly, our age and mixed-married couple-status influenced the relations that we developed with both prison theater group members and authorities. I entered prison as a young woman from a world far removed from theirs, with an interest in violence and non-state modes of organization, stemming from my (ongoing) interest in (Latin American) rap music. As I started working in prison I shared a political sympathy for the Sandinista legacy and for the (seemingly) progressive institutional ideology. Rather than presenting myself as an “educator,” I presented and thought of myself as a “student” of the environment, ready to learn from my interlocutors (both prisoners and authorities). In fact, both Mick and I actively distanced from “educator” or “role model” roles so commonly imposed on or exerted by prison educators. This, as Mick stressed, to engage with the prisoners on “an honest level.” We were frequently reminded, however, of how his positionality as a man, a local, and an artist differed from mine as a woman, a foreigner, and an academic. Arguably I could “get away” with much more while he was held to account by the authorities for breaching particular localized codes of separation, for instance, like the wearing of “formal” clothes. In any case, the values attributed to being an artist or an academic, a white/woman or a local/man, differed between prisoners and authorities.

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28 With this group he produced the Opera Chola (2003) and conducted research for his later play Muerte Arriba: Historias para no Dormir (2006-9). He has appeared in numerous newspaper articles (with and without the prison theater initiative) and has been interviewed for multiple national and international news outlets, radio shows, and cultural TV programs, including newspapers La Prensa, El Confidencial, and international news station TeleSUR.

29 Though I had previous knowledge of Spanish, Mick immersed me in the Nicaraguan dialect (its cadence and voseo) and taught me a lot of slang and colloquialisms early on. Prior to my first engagement in prison, I spent two three-month periods in Nicaragua, both in peripheral neighborhoods, one of which in a hilltop-barrio popular of the city where the SPR was located. Though we moved barrios eventually, we continued to live in that city through to 2011.
I must underline that while I engaged in a research endeavour alongside a theater artist, I did not deploy theater as a research methodology in the way that researchers-practitioners may do in applied theater, community theater and what used to be known as “theater for development” approaches (cf. Ahmed 2002, Ahmed and Hughes 2015, Guevara 2014, Van Erven 2001). I am not a theater maker and did not (co-)create the plays nor facilitate key theater training workshops, which Mick did together with the participants. Instead, I deployed ethnographic research methods within the theater group context and interacted with the participants both alongside and through the theater-making process. To an extent this occurred in the way that Loïc Wacquant (2004) describes his boxing-apprenticeship. I learnt how to “be an educator” inside prison as I spent my time there “learning how to pass” from both Mick and the prisoners (Castellano 2007). The prison theater group settings thus proved unconventional yet invaluable research scenarios to witness at once the workings of reeducation and the deployment of prisoner hierarchies in practice, to speak with prisoners both informally and collectively, and to share with them their time and spaces.

Setting the scene: Locations, roles, and research collaborators

In this thesis, I use materials collected over the course of 31 months in the field spanning seven years (2009-2016), of which my doctoral research encompassed 21 months (between 2013 and 2016).# Over the course of my write-up, I remained in touch with a number of prisoners and former prisoners. Parts of the numerous (follow-up) conversations that I had with my key collaborators over this latter period are also included in this thesis, as they concern reflections on issues that we were not (or not fully) able to discuss inside prison, such as corruption, but also the development of their post-release lives and eventual instances of reimprisonment. My research, then, took place with convicted prisoners and former “convicts” (who I refer to as former prisoners), most of who participated in the prison theater groups. They were at large imprisoned at the two prison facilities mentioned above (a regional penitentiary, SPR, and a city police jail, CPJ), though I also interviewed former prisoners of La Modelo — the capital city’s penitentiary (see Appendix I). Many of them served (multiple) prior convictions. In terms of location, my research took place mostly at the SPR and at a police-run community center linked to the CPJ. But my research also brought me into barrio homes and onto barrio streets, public squares, theaters, schools, busses, and radio stations as the prison theater group toured and as I followed a number of my research collaborators into their post-release lives.

At the SPR, the theater group consisted of between eight and twenty members, almost all of which were long-sentenced young men (between 18 and 30 years old), convicted to serve from six to thirty years in prison. Many prisoner-actors of the SPR participated in the group continuously between 2009 and 2013, and small numbers of new participants joined over the years. At the CPJ, the theater group consisted of thir-
teen members in the same age range (though on average slightly younger\textsuperscript{33} and convicted to serve shorter sentences. My research collaborators, then, were largely those prisoners who participated in the cultural activities that we facilitated in prison – though not all theater group participants (actively) participated in my research, and not all my collaborators were prison theater group members.

While participation in cultural activities was optional, it carried certain benefits for the prisoner-participants. The programs that we organized at the SPR were officially recognized as cultural courses by Reeducación Penal, which meant that active participation in the theater group could reflect positively on the prisoners’ Tarjetas de Control del Interno (TCI’s, Inmate Control Cards). With the progressive privilege system in place, a track record of participation in reeducational programs and good behavior can lead to significant sentence reduction. It allows prisoners to pass faster from the closed to the semi-open and open regime phases of their sentences. This makes participation in reeducational programs especially attractive for prisoners with long sentences. At the SPR, more than half of my participants previously spent time in prison (being reincidentes or multireincidentes, “repeat-offenders”) and many held respected positions on the internal prisoner hierarchy. It must be clarified, however, that participation in “our” cultural activities was not the only reeducational activity available to these prisoners: many participated alongside numerous others in prison alphabetization and schooling programs, church groups, Narcotics Anonymous meetings, skills and crafts workshops (such as carpentry), and sports activities – all of which officially fall under Reeducación Penal, too. Similarly, at the community center, prisoners of the CPJ could participate in multiple educational activities, including cellphone repair, cooking courses, English, and religious education.

Both at the SPR and the CPJ, after the theater groups were established, I informed all prisoners who participated in the groups that I was a researcher. They knew that my research focused on their life stories and experiences of prison and could choose to be included in my research fully, partially, or not. Clearly, I stressed anonymity, even when they voiced the desire to include their full names in order to make themselves visible to the outside. Due to the dynamics of prisoner stigmatization, post-release self-censorship, and at times continued involvement in criminal(ized) activities, I have in some cases also altered distinguishing descriptors or elements of their life stories to make sure these are not recognized by authorities. At the SPR, the core group that ‘backed’ my research and actively participated in it were well-respected, long-sentenced prisoners.\textsuperscript{34} At neither location were there theater group members who explicitly wished not to participate in my research, but some more actively contributed to it than others – taking initiative into their own hands by seeking out moments to share particular stories or concerns with me. It is these prisoners’ experiences that I draw on more extensively.

\textsuperscript{33} The group included three adolescents and the oldest participant was thirty. While Mick had been a peer in age of most of the SPR’s participants (who were generally born in the late seventies or early eighties), he was older than all of the CPJ’s participants (who were generally my peers and younger, born in the late eighties to late nineties).

\textsuperscript{34} Some of these men served as key participants in my research much in a way that William Foote Whyte has explained for his key informants Doc and later Sam Franco (1993 [1943]: 291, 327). Stepping in at the level of the corner gang leaders, having their approval, Foote Whyte was able to get much better access to his research environment. Much in this sense, stepping in at the level of long-sentenced prisoners who are well-respected by other prisoners went a long way to ‘okay’ my research for prisoners who joined in at later stages. At the CPJ, the theater-making process was shorter yet more intense as we were able to spend much longer periods of time together at the community center. While the group had leaders too, the intensity of the process itself bonded us all together.
Research sites in dialogue

“Julia, do you think I ever slept on the floor? [Clicks his tongue] I got a camarote (bunk) on the first day porque coroné (because I made a win) that same day.” (Araña, CPJ)

“Without the prisoners the authorities wouldn’t be able to run the prison, so they pretend to have your best interests at heart. They talk to you, te trabajan con sicoloxía (they ‘work’ you, psychologically). You think they’re doing you a favor, but the system doesn’t favor anyone.” (Javi, SPR)

The longer I engaged with the prisoners of the CPJ at the police-run community center, the more I began noticing parallels between the realities of the CPJ and the SPR that begged to be understood in relation rather than opposition to one another. These parallels reached beyond site-specific conditions and authorities (police lock-up or penitentiary, National Police or National Penitentiary System), and arose instead from prisoner descriptions of and experiences with “el Sistema” (the System) – not only as the prison system, but as the political and criminal justice system in its entirety is colloquially referred to. Through their accounts of the Sistema the prisoners’ narratives appeared to point to a prevalent “prison climate” that reached both above and beyond both sites (Martin et al. 2014). Throughout this thesis the reader will find prisoner narratives of the SPR and the CPJ entwined and juxtaposed in order to make visible the manifest entanglement between prisoner and authority practices of prison governance.

While the consideration of prisoner stories from distinct prison sites in tandem is methodologically and analytically challenging, such comparisons are arguably the strong suit of ethnographic research (Detienne 2008, Handler 2009, Lazar 2012, Martin et al. 2014). The act of comparing, as Handler (2009) has pointed out, does not mean rendering two phenomena or situations equivalent. Without exoticizing differences or exaggerating similarities, both local detail and power structures undergirding diverging sites can be examined. The prison climate-concept is meant to “denote a set of general and prevailing conditions deeply characteristic of a particular site or system,” and aimed at deconstructing the “most pernicious reifications” of the prison “as such” to better understand prison “as is” (ibid.: 6, emphasis in original). The prison climate, then “is a composite category, encompassing material conditions, values, relationships, and the political and moral economies – including the (ir)rationalities – that sustain them” (ibid.). In this way, the prison climate-concept helps me “to get the data thus placed to talk to each other” (Lazar 2012: 351).

But my research locations speak to each other in a practical way, too. Not only are they embedded in the same political, institutional, and social context (in the same Sistema), but all convicted prisoners physically spend time on remand at police holding facilities, too. The overcrowding of the penitentiary system has even led to the reality that many prisoners sit out (part of) their sentences at such police jails, and has only drawn police jails further into the System. This is evidenced by the CPJ attempting to

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25 All conversations took place in Spanish. I use the Spanish word, sentence, or expression first when its usage gives color to the linguistic environment, being either colloquialism or local slang. Where appropriate I translate in tone and word to standard American slang. In this case, given the context, Araña probably referred to a “win” from drug smuggling.

26 They are located in different cities, of different holding capacities and, as mentioned, run by different state institutions.
organize reeducational activities while they are (by law) not obliged to do so.\footnote{Police jails are not overseen by the DGSPN and as such not required to facilitate the penal reeducation and social reinsertion of prisoners. The Penitentiary Law (No. 473, 2003) is written for the penitentiary system (DGSPN), not police jails. The handling of detainees (remand prisoners) by police is described in the Police Law (No. 228, 1996, articles 3 and 48). By law, prisoners are to be transferred to the DGSPN the moment they are convicted. Given convicted prisoners should not be held at police jails in the first place, there are no official regulations for their handling and treatment at these jails.} The CPJ then, has become a sort of makeshift penitentiary while the position of its convicted prisoners is still precarious and extralegal. Methodologically, it has been through both of these prisons’ intended reeducational activities – the SPR’s penal reeducation program and the CPJ’s rehabilitation program hosted at the community center – that I was able to research prison governance practices and relations. Specifically, the prison theater group settings made much of my research material readily comparable. Drawing most of my research participants from these groups, which consisted of similar age cohorts of young men, sentenced to differing periods of time in prison, allowed me to develop these into the key arenas for the discussion of my research and (intermittent) “findings” for the joint definition of different cross-cutting themes.

Public secrecy, ethics and dynamics of disclosure

As I tried to understand how my research participants navigated prison – how they moved through a social field in which power was exercised upon them and they, in turn, exercised power – I realized that I needed to understand these interactions, regulations, and relations not only between prisoners, but also between prisoners and authorities. This may seem obvious, but the evolving status of my research as undisclosed to the authorities mixed with the evolving conflation of the governing party with the state institutions of order and control, and their increased barring of human rights, civil society, and other non-governmental organizations unaligned with the FSLN from the prison premises made me wary of considering anything to do with authorities or politics in my analyses.\footnote{See the Appendix for the details of the evolvement of my research over time.} It was a position that ultimately resulted untenable, yet from my viewpoint within the web of concealment it appeared logical. Provided with exceptional access, granted through proof of political sympathy, I was impelled to take part in the politics of concealment surrounding prison exactly because access is exceptional.

As I did engage with the politics of imprisonment and prison life, however, changes in the political climate surrounding prisons then made it increasingly relevant to reassess who required informed consent, what information to disclose to whom and under what circumstances in order to adequately protect both my research collaborators, my research, and myself (Rodrigues 2014). Nicaragua’s prison system is hierarchically organized\footnote{All DGSPN staff have basic military training and wear uniforms that indicate their rank. After their initial training, they go on to specialize in working as prison guards, reeducational or administrative personnel, upon which they might ascend to management positions, or receive additional training as social workers or psychologists. This means that prison psychologists are uniformed staff, not independent employees with professional confidentiality – clearly this means that they are not well trusted by prisoners.} and has gone through a process of (re-)centralization with the FSLN’s return to power in 2006. As of President Ortega’s 2011 democratic reelection, this process has intensified.\footnote{I discuss this in more depth in chapter 2.} Through the state institutions and Sandinista party organizations the government has established increased means of social and political control, reflected also in the mutually legitimizing effect between governing institutions (police, ministries, judiciary) and Sandinista party organizations (see also Weegels 2017b and 2017a).
Following the passing of the penal jurisdictional law (No. 745) in 2011, the relative autonomy of the prison directions and their discretionary power came to an end. As the government brought the prison system under stronger judicial control I was required, for the first time, to request access with the MIGOB.

I was not the only one. In the wake of this state centralization process, all institutional visitors were required to request special authorizations for access with the MIGOB. This has led to the effective barring of journalists, volunteers, and human rights activists working in or on prisons who were deemed “oppositional” or “anti-government”. In effect, the Nicaraguan Centre for Human Rights (CENIDH), an NGO that advocates human rights, publishes an annual human rights report and follows up on denunciations (including those pertaining to the violation of human rights in prisons), was already restricted access to prisons in 2008, as they were held to be an organization of the “opposition”. Aware of this situation, though at the time not yet of its full thrust, and with a proverbial “foot in the door” by 2011, I omitted my engagement in prison research in the access authorization requests I directed at the MIGOB in 2013 (when it was granted) and 2014 (when it was not).

While there was often nothing that interested my research collaborators more than to make public their experiences, opinions, stories and histories of prison life – they were highly cautious and aware about the reality that “states ... are at least as curious about them” as I was (AISSR 2013: 3). As they disclosed sensitive information in different degrees, they did so first and foremost because they knew the authorities were not “in on it”. While some might argue that this compromises the possibility to “triangulate” their stories, it was not the truthfulness of their accounts that my research was after, but rather, in the vein of Ugelvik’s work, “to highlight the performative positioning work of individuals who reconstitute themselves in the particular social setting that is the prison” and later, their post-release environments (2012: 261). As I participated in the processes of adaptation, embodiment, and life trajectories of convicted male prisoners, I had to come to terms both methodologically and ethically not only with my multiple roles in the field but also with the multiple “problems” that prisoners, authorities, and the prison environment posed as (parts of) “dangerous” fieldwork sites.

Fortunately, I was able to draw on the work of ethnographers who conducted research in such “violent settings” (such as in conflict areas, among gangs, in prisons, with policing or private security practices), who have previously stressed the difficulty in applying clear-cut and transparent methods and ethical “codes” to their research contexts, too (for example Castellano 2007, Liebling 1999, Rodgers 2007, Rodrigues 2014).

Specifically, Rodrigues defines research as “violent” or “dangerous” when it can be placed into one (or more) of three categories: “(1) When the information being collected would result in harm to the subject or researcher if disclosed outside the research, because it is sensitive information (2) When the risk of physical harm is high due to...
conditions in the research setting, rather than specifically the sensitivity of the information being collected; and/or (3) When the research concerns the study specifically of individuals or groups engaged in violent and/or illegal activities” (2014: 1-2). Over the years, my research with prisoners became “dangerous” in all three respects. And I stress the “becoming” nature of this development. Growing closer to my core group of research collaborators over time (both imprisoned and released), I picked up on a series of practices that are pivotal to understanding prison life, yet veiled by public secrecy. This posed an ethical dilemma as, even if the knowledge I now possessed concerned shared knowledge (that is moreover largely publicly available), it concerned realities that are actively hidden by the authorities (and thus sensitive). On the one hand, some of these secrets (and dangers) are part and parcel of any prison environment and its actors. On the other, in Nicaragua, the knife’s edge between “public” and “secret” is increasingly politicized and policed. This reflects back on who is allowed to access a prison (and prisoners), who is not, and on what grounds. It also affects, in part retroactively, my research access and disclosure processes.

In Nicaragua, those who manage to set foot inside a prison within the enforced politicized climate of concealment are exposed to the undercurrent of public secrecy by default. For government authorities to assure themselves that no (political) opponents enter the prison arena it has become necessary to present an aval político (attest of political approval) proving that one is officially affiliated with the Sandinista party. While I worked in the regional penitentiary system (2009-2013) such an aval was not required, yet pronounced sympathy with the Sandinista party as well as the ability to confer knowledge of Sandinista ideals and to phrase proposals, requests and letters in its political language was an (unofficial) bare necessity. The prison direction, reeducational, and administrative offices all sported photographs and posters of different revolutionary figures, ranging from government campaign posters to the serving warden’s personal photographs with President Ortega, images of Sandino or FSLN co-founder Carlos Fonseca. At the police station and administrative offices adjacent to the city police jail, the political affiliation of the institution was even more manifest. The outer walls of the police station were painted with recent murals of different revolutionary figures (including international ones), the flag of the FLSN hung beside the Nicaraguan flag at the entrance, and different government campaign posters lined the precinct’s hallways. The general commissioner’s office was also decorated with personal photographs with high ranking officials, the President, and images of revolutionary heroes. In fact, at the CPJ an official aval político was requested about five months into the theater training program.

I believe that in this increasingly politicized institutional context, proof of political affiliation (be it per aval, be it verbally communicated) has become the institution’s guarantee of loyalty to keeping their public secrets secret. These “political guarantees” render instances of contestation, or evidence of malpractice, both invisible and unspeakable. An aval can be withdrawn, or simply not granted again (as happened with my authorization to re-enter the SPR in 2014) whenever one’s commitment not to speak is doubted. The official discourse available to discuss what is going on inside prison, then, lacks the words to define and discuss issues concerning everyday life in prison. Officially, the prison system is in perfect shape – heck, it’s probably the best of

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43 I return to public secrecy in chapter 6.
any Central American prison systems. While the existence of reeducational programs is indeed preferable to the politics of “lock-up and let die” (thinking of the Honduran prison fires), and while there has been progress to attempt to reduce the amount of persons sentenced to prison, this politically motivated discourse still denies the fact that double the amount of persons have been sent to prison over the past decade. Moreover, it obscures in what conditions most of these prisoners are obliged to spend their time, and facilitates a continued neglect of issues that are truly detrimental to the experience of prison for incarcerated youth and adults alike.

The interesting thing about public secrets, however, is that they hide in the open, in full view. In 2016 alone, the police were denounced on 533 occasions to the CENIDH for abuses of authority, beatings, and illegal detentions (CENIDH 2017). It is that they are unspeakable in the public realm that makes them so difficult to grasp. Rather than “discovering” what the “secrets” are by asking and obtaining a verbal response, they are invoked in a sense of understanding what is going on, of knowing, not speaking – knowing not to speak – but finding one’s “knowledge” confirmed on instances where (parts of) the public secret are revealed. As a critical prison researcher conducting a research that became undisclosed to authorities I guarded a public secret myself – and I say “public” to the extent that in prison both authorities and prisoners were aware that I was a researcher and my direct research collaborators (prisoners and former prisoners) were knowledgeable of the content of my research and participated in its concealment. Having a secret to keep myself initiated me into the workings of secrecy and the (stressful) practice of concealment.

At first, I thought that a degree of “distance” from the authorities was necessary to ensure concealment, and I kept my dealings with authorities to a minimum, which in turn brought me “closer” to the prisoners. The fact that I had something to hide myself proved important upon relating more intimately with (former) prisoners. The multiplicity of roles I assumed (as workshop assistant and facilitator, coordinator of a theater in prison program, and co-organizer of a government-aligned prisoner rights and anti-discrimination project and campaign) had me managing ever more relations with the authorities. Interestingly, this “double” (rather, multiple) position I came to hold vis-à-vis authorities mirrored that which many prisoner participants cultivated for themselves. Similar to them, I was “learning how to pass” (Castellano 2007). While my increasing engagement with authorities made me more knowledgeable of the politics of concealment that they engaged in vis-à-vis the outside world, my own “secret-keeping” also “opened me up” as an interlocutor for prisoners on subjects that they concealed, many of which are tied up with the governing practices that I will describe.

As participants shared issues, concerns and activities of various natures, I started noticing that a different idiom pertained to public secrets kept by prisoners and authorities. Where the secrets that authorities were involved in were considered to be political, the secrets that prisoners were involved in were more personal and self-protective. Where the DIRAC had been conceived to deal with public secrets of an external kind, the DIRAC’s new positioning within the prison system indicated its ability to mediate in both types of secrets. It was as a critical researcher and as a inmate researcher that I came to understand the importance of concealing secrets in an external world.
itical armament and never conferred to me directly (that is, by the authorities), by the prisoners a distinction seemed to be made between two types of “insider knowledge”: 1) knowledge of prisoner hidden (illegal or illicit) activities, considered knowledge usable against them, and 2) knowledge about the authorities (their “everyday” corruption, collusion with prisoners surrounding the market of illegal goods, and use of physical violence against prisoners), which was considered knowledge usable against the system. Usually, revelation of aspects of the latter preceded disclosure of the former. A politics of “siding” is involved in this as well. When one “knows” and loyalty is silence, this loyalty can be both felt by the other “side” and tested by either. Once one can be trusted to be on, in my case, “the prisoners’ side,” more of what that “side” keeps hidden may be revealed and slippage becomes more heavily policed. Broken loyalties cannot be restored, as the *sapo* (snitch) dynamic that I address later on will demonstrate. Even if prisoners and authorities might argue over who is actually in charge in prison, the secrets that they keep involve each other to such an extent that they depend on one another for their safety and keeping. As Elias Cannetti pointed out, “secrecy lies at the very core of power, not only because power imposes secrecy on those whom it dominates, but because it is perhaps just as indispensable to the latter” (in Taussig 1999: 57). Immersed in evolving relations of loyalty it is that one becomes aware of the extent to which life in prison is not only subject to a politics of concealment, but that secrecy and power are intimately related to one another and to prison governance.

**Evolving vulnerabilities**

While I have been questioned at academic anthropological conferences about why I chose not to explicitly share my research plans with the (highest) authorities, I must stress that my decision to omit my research engagement in prison is one I did not take lightly. The desire to pursue the unique opportunity of conducting ethnographic research where none has been conducted to date (nor likely will be conducted anytime soon), continuing on the foot of the established (research) relations I had with my collaborators due to my previous research and engagement with prison theater, appeared to balance with the dangers and ethical consideration of “official” access. Such an authorization would inevitably come with its conditions and restrictions regarding the collection and sharing of materials – conditions that would quite possibly be more volatile than those I was already subjected to. Similarly, considering the context of affairs in Nicaragua, it would be naïve to assume that a prison research permission would be granted in the first place (to a foreigner!) – much less without scrutinizing all collected materials (putting my collaborators in harm’s way) and exercising censorship and control over what may or may not be published and in what tone. In this sense, it was impossible for me to unify the supposed “need” to obtain “site authorization” with the confidentiality I promised my research collaborators. On a similar note, I am highly

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46 Visits from university students are accompanied by guards and completely orchestrated from beginning to end. One such visit occurred during one of our theater practices back in 2009, which provided the opportunity to witness firsthand the difference in “prison presentation” and subsequently discuss these presentations with the prisoners. At the community centre a small number of (exchange) university students realized their apprenticeships with the police. None of them used ethnographic research methods, and they presented all materials and writings to the police, including transcripts of psychological attention. Personally, I find it quite disturbing how these students went about their work with the authorities – I would almost say for the authorities. Importantly, the prisoners considered most of them “*sapos*” (snitches). Once again the effectiveness of this kind of “collaborative” social work and psychological attention can be called into question in the face of the utter lack of confidentiality.
aware that my collaborators would never have interacted with me in the way they did
would such a research permission have implied full disclosure of collected materials to
the local prison direction; the DGSPN or National Police; and/or the MIGOB.

The absence of a research authorization, however, did (and does) make me (and
by extension my husband and our theater organization) vulnerable to particular po-
itical and institutional pressures, such as accusations of infiltration or involvement
in criminal activities, which can subject us to practices of corruption in much the
same way that prisoners are. On a broader scale, Nicaragua's state institutions have
increasingly manifested themselves as authoritarian and partisan. They show little to
no interest in prisoners' opinions or welfare, and hardly engage in dialogue with any
organizations that either advocate prisoner's rights or human rights – not even when
these are (party-approved) organizations that voluntarily work on the prison premises
for reeducational or other charity purposes. When prisoners themselves address poor
prison conditions and alleged abuses of authority in the media, for instance by smug-
gling to the public visual footage of their claims, these claims are steadily met by flat
denial of anything being wrong. As of 25 May 2014, the Police Law (No. 228) was
reformed, effectively placing the functioning of the National Police under direct con-
trol of the President. This reflects the worrisome process of politicization of what are
deemed “neutral” government institutions. Unfortunately, in this politico-institutional
context, any form of (constructive) critique or recommendation that is not uttered
behind closed doors (and even then) appears to be on par with the betrayal of the
“revolutionary project” and potentially makes one a (political) adversary. While I am
aware that with the publication of my research I risk being ostracized and permanently
excluded from Nicaragua's institutional environment, I owe it to my collaborators to
present prison life as I got to know it, that is to say, in all its gross discrepancies. Even if
my concern for the prisoners' experience of prison appears to clash quite frontally with
the concerns of (politics and) prison authorities to keep these daily realities concealed,
I cannot ignore in my writing that these processes of state politicization deeply affect
the ways in which the institutions and authorities (are able to) perform, and hence the
ways in which prison is governed and experienced.

47 Post-19 April 2018 (the start of the massive and heavily repressed protests against the government) this has come to public
attention.
48 Such concerns are much more alive with the individual prison directions as the (poor) conditions that the prisons are in (in
terms of underfunding and understaffing) most effect their work. The SPR's sub-direction, for example, has proven concerned
with ameliorating the living conditions of the prisoners on multiple occasions.
49 As mentioned previously, the CENIDH has not had access to prisons since 2008, and little to nothing is done with the
policy recommendations offered by national or international human rights commissions, including the UNHRC and CIDH
(Interamerican Human Rights Commission).
50 Such as the publication of a prisoner's accusations at the address of the Managua prison system's direction in popular
newspaper Hoy. The prisoner filmed his accusations with a smartphone and relatives smuggled the recording out. In the
footage we see the prisoner and his cellmates with their mouths sewed shut protesting against the prison's conditions and
voicing their accusations (“Reos de La Modelo reclaman trato humanitario,” Periódico Hoy, 25 March 2014). The footage was
also published by the newspaper on YouTube (see https://www.youtube.com/watch?v=pWRpakohAc, uploaded on 25 March
2014, last visited 3 April 2018).
51 After which family members frequently pass on claims to the CENIDH, who in turn have hardly any possibilities to investigate
these accusations due to this institution's limited access to prison.
52 See Law No. 872. This law describes the new organizational functioning of the National Police and also embeds the
communitarian policing model in legal scripture.
This thesis begins by framing my analysis theoretically by exploring power and agency in the prison context (chapter 1). I bring these understandings of power, order, and (dis)organization into dialogue with current debates on prison, governance and violence in Latin America to push for a localized analysis of prison (dis)organization and a performative focus on legitimacy. I then explore the political and historical backdrop to Nicaragua’s institutional panorama and argue that the Sandinista state can be understood as a “hybrid state” (chapter 2). This state operates both in the legal arena and through the logics of extralegal or “criminal” governance structures, merging political interests and affective (hybrid) networks of influence with state institutions – colloquially referred to by prisoners as the “Sistema”. Whereas reeducation is often understood as the epitome of moral impingement on the delinquent subject, or the discursive reification of the state’s disciplinary force, this institutional morality then manifests as but one part of the institutional and discursive moral realm in which different local conceptions and performances of change are embedded (chapter 3). While some gendered and classed performances of citizenship are deemed delinquent, however, particular ways to turn the tables are also forged.

Reeducational spaces in practice, then, can become those in which particular forms of freedom can be performed (chapter 4). These performances occur both against the system, by challenging the prisoner stigma in an engagement with outsiders – and in concordance with it, by providing the stage upon which the “cambio de actitud” (change of attitude), required to progress through the system and obtain an early release, can be performed. At the same time, however, the reeducational discourse performs a public function that serves to obscure the carceral power field of which it is part. On this wider field violence and collusion play key roles. Moving on to the everyday violence and secrecy inherent to prison(er) governance in Nicaragua I analyze prison’s daily life through the prison drug market, which is organized and disorganized around particular normative attempts at controlling prison’s spaces and experiences (chapter 5). Within the (dis)organization of the operation of prison markets, particular (groups of) powerful prisoners (and authorities) emerge. Where prison presents itself fundamentally as a hierarchical, structurally oppressive context, the emergence of co-governance arrangements indicates that it is also a site of opportunity for prisoners, who learn to navigate their way through prison, both vertically and horizontally.

Co-governance arrangements can be understood relationally and situationally as informal, largely extralegal arrangements between prisoners and authorities that have become systemic, leading to particular configurations of power between these actors (chapter 6). While there is a legal framework to the joint internal governance of the prison population in Nicaragua, co-governance arrangements are extralegal arrangements that extend into the realm of the illegal and operate under the veil of public secrecy. They are indicative of a prison system in which the state manifests itself as hybrid and power is shared in order to govern. The perceived legitimacy and extent of this power sharing is nonetheless constantly subject to alteration, and varies over time and per location. Within this context, not only violence inside prison but also prison riots appear not as one-off incidents but as both revealing of and integral to the governing structures in place (chapter 7). In this sense, they can be understood as a form of “crea-
tive violence” (Goldstein and Castro 2006) that temporarily disrupts confinement, but is nonetheless guided by the norms and part of the wider realm of violent enforcement that already (dis)organizes prison. As such, riots do not break down but rearticulate the governance arrangements in place. While riots demonstrate the disorganizing capacity of prisoners (and in many ways serve to embarrass the system – hinging on the threat of the revelation of its public secrets), they also, by default, demonstrate the forceful inevitability of the state and its capacity for legitimate (violent) repression.

It is this inevitability of the state that haunts prisoners in their post-release lives and oftentimes back into prison, however. In the final empirical chapter, I consider the transcarceral grip of the Sistema as it rearticulates confinement beyond bars (chapter 8). Prison reaches far beyond its material compound into former prisoners’ attempts at establishing a living for themselves. While their self-censoring practices reveal the confined character that post-release life takes on, the “delinquent freedoms” that they (simultaneously) take reveal an entanglement that relates back to prison and points both to the expansion of Nicaragua’s carceral state and the limits of reeducation. I conclude, then, that the extralegal articulations of the Sandinista state (reflected in the Sistema), apparent in the prison environment and its governance arrangements, point to the expansive qualities of this hybrid carceral state. As such, the way life both inside and beyond prison is governed points to the development of a carceral state that exceeds the legal and the political, imposing an exceptionalism directed at particular (gendered, racialized, and classed) social groups. These expansive and extralegal qualities of the Sandinista state and its Sistema project a worrying panorama for the future of not only imprisonment in Nicaragua, but also for political and social expressions that seek to break through the public secrecy that veils its most nefarious workings.
Chapter 1

Power, agency, and (dis)organization: Theories of order and legitimacy

“Unthinking respect for authority is the greatest enemy of truth.”

— Albert Einstein
Engaged with the theoretical question of how agency might take shape and become exercised within structurally oppressive contexts, I first consider prison as an ordering institution in this chapter. In order to identify notions of order through the establishment of organizational routines, and notions of order through the exercise of disciplinary power, I explore two classical considerations of confinement: Goffman’s *Asylums* (1961) and Foucault’s *Discipline and Punish* (1975). If we understand prison as a space permeated and, at least in part, shaped by power relations, as well as an institution thoroughly occupied with moral order and ordering (through both discipline and organization), then we can conceive of it as a structure, or an environment, which nonetheless holds particular possibilities for movement both across it as *within* it. Vigh’s (2009: 425) concept of social navigation (“the practice of moving within a moving environment”) helps to understand how a power-centered reading of prison may still leave room for agency. Drawing on Sykes’ exploration of “shared” power and prisoner “semi-official self-government” (in his classic 1958 *Society of Captives*), bringing these into dialogue with contemporary work on state/non-state governance systems, I finish by exploring how a consideration of governance and legitimacy as *performative* (and relationally organized into “systems of action”) allows for an agent-oriented analysis of power without obscuring the disciplining and (dis)organizing qualities of the exercise of power itself.

**Prison as an ordering institution**

Both power and organization have ordering qualities, and are necessary to understand prison in a spatial, temporal, relational, and ideational way. The disentanglement of the two primary constituents of order, however, is necessary to be able to give space to agency. Goffman and Foucault have both conceptualized prisons as those institutions that most thoroughly engage in the (re)alignment of individuals with society’s moral order through two different theoretical approaches: social constructivism/interactionism and post-structuralism. These approaches are historically engaged with the processes that shape social reality, and hence have an eye for the power held by ideas (or rather *in* ideas, as Carstensen and Schmidt [2016] hold) for the production of behavior (like obedience and defiance). The first strand focuses on the establishment of order, and compliance, through socializing (or mortifying) practices exercised by the institution’s internal organization (Goffman in *Asylums*, 1961). The second discusses theimpingement of social morality upon the individual through the exercise of disciplinary power on the direct, micro level (Foucault in *Discipline and Punish*, 1975), and power/knowledge regimes on the structural, macro level. The latter, power-fueled reading of order, arguably leaves very little space to agency, while the organizational reading – constructivist in origin – leaves more space to take into account the agentic dimensions of human action that people can engage in even from behind bars. Both readings are necessary, however, to understand how prison is both embedded in wider (relational) social structures, and how these structures are continuously reconstructed (and contested) within the prison space.

For the establishment of order, violence is often both implied and mobilized. The power reading of order points out to us that violence is present on multiple levels: the symbolic, the structural, and the direct (biopower) level. An organizational reading of order does not necessarily engage with violence, though violence seems to be implied in it, in the form of normativity. Practices of violence, such as discipline and coercion,
permeate prison. I engage with such practices as ordering (and disrupting) mechanisms that are either implicitly or explicitly deployed by both the authorities and the prisoners. Paradoxically, order seems to produce chaos, discipline appears to foster defiance, and defiance appears to adhere to its own “logic”. In order to understand this contradiction, and to be able to engage with agency in the face of force from the prison institution, I deploy Emirbayer and Mische’s (1998) conceptualization of the three agentic dimensions (iteration, projection, and practical-evaluation) and Vigh’s notion of social navigation (2009). With these and the help of Sykes’ conceptualization of the “defects of total power”, I attempt to understand not only the moral order(s) and dominant discourses that prison is both productive of and designed to represent, but also the ways in which its residents are able to shape their trajectories through it.

In this theory chapter, then, I first explore the question of order through an organizational, interactionist lens. I then turn to the post-structural rendering of power as order, and order as structure (the power/knowledge regime). To be able to analyze fully the prison as a field (Bourdieu 1998), or rather as an environment that is necessarily navigated by those who move through it, I suggest that we need to combine the two. By using Vigh’s notion of social navigation, movement can be brought both into the structure and the positions of the actors within that structure (making Bourdieu’s field fluid and moving, rather than static), as those who navigate the field move through it. This framework provides the kind of spatial-temporal-relational movement necessary to engage with agency. The prominence that the actor (prisoner) acquires as a navigator (through the prison climate) allows me to engage the spatial, temporal, relational, and ideational dimensions of agency as well as structure. I bring the concept of social navigation into dialogue with Martin et al.’s (2014) conceptualization of the prison climate to break the latter open for a more agentic interpretation. Finally, I consider governance, disorganization and legitimacy as the practical and ideational realizations of agentic action with or against structure. I do this in relation to current debates concerning the governance of Latin America’s state/non-state relations and its prison systems. In sum, while organization and control underpin theories of prison governance, such theories tend to undervalue the agency of prisoners within prison regimes, the regime’s dependence on (active) compliance of prisoners, and therefore the dual moral content of governance practices. Similarly, they cannot account for the emergence and pervasiveness of co-governance arrangements, nor for prisons’ intimate entanglement with the state and society at large.

Order through organization

In his classic work “Asylums: Essays on the social situation of mental patients and other inmates” (1961) sociologist Erving Goffman provides a comprehensive analysis of sociality in what he calls “total institutions.” He deems institutions to be of a total character if they are all-encompassing. This encompassing nature is symbolized by a “barrier to social intercourse with the outside” which is “often built right into the physical plant, such as locked doors, high walls, barbed wire, cliffs, water, forests, or moors” (Goffman 1991 [1961]: 15). He considers five groupings of social institutions to have a total character: (1) “institutions established to care for persons felt to be both incapable and harmless,” (2) institutions “established to care for persons felt to be both incapable of looking after themselves and a threat to the community, albeit an unintended one,” (3) those institutions “organized to protect the community against what are felt to be inten-
tional dangers to it, with the welfare of the persons thus sequestered not the immediate issue,” (4) institutions created to “pursue some work-like task and justifying themselves only on these instrumental grounds,” and (5) “those establishments designed as retreats from the world even while often serving also as training stations for the religious” (ibid.: 16). He cautions that the classification may not be exhaustive, but that the idea is to provide “ideal types” that allow for an analysis of both commonalities across total institutions and differences between them. Prisons fall into the third grouping.

The consideration of such a wide range of total, or totalizing, institutions is simultaneously the strength and the weakness of Asylums. The key strengths relate to the fact that Goffman’s aim is not to say something about each and every one of these institutions in specific terms (like prisons specifically), but to understand the impact of total institutions on the social self. To this end, a generalization of and a search for commonalities across total institutions is well justified. And it is, in this respect, also an exceptionally detailed work. Throughout, Goffman is able to pinpoint key processes regarding the organization of social life and (coercive) socializing practices that occur across total institutions. He builds his case not only on his own research in a mental hospital, but draws from various accounts about a range of divergent total institutions (ranging from mental hospitals, to prisons, to concentration camps, to monasteries).

The process he holds key to understanding the totalizing character of these institutions is the mortification process. Total institutions, he argues, collapse the regular separation between the spheres of sleep, play and work, notably by conducting all three in the same space and under the same authority, in the company of a large number of others, on a tight schedule, which is “brought together into a single rational plan purportedly designed to fulfil the official aims of the institution” at hand (ibid.: 17). Molding the inmate to the institution’s aim through this tight regulation of space, movement and time involves a systematic, even if unintentional, impingement of authority on the inmate, aimed at curtailing defiant responses that may otherwise arise in the face of such close scrutiny. It requires a strict separation between the inmates and those who supervise or surveil them; in other words between those who suffer and those who enforce the institution’s rational plan. “Characteristically, the inmate is excluded from knowledge of the decision taken regarding his fate” (ibid.: 19). Most importantly, total institutions require the exact same of every inmate – that is, compliance.

The establishment of a strict hierarchy (and boundary) between inmates and staff, forging equality amongst newcomers and pushing for compliance, warrants a series of “mortifying” practices that “strip” the inmate of his outside social status. Goffman calls this part of the mortification process “role dispossession” (ibid.: 24). A clear break is made with the former outside social status through this process. Any possessions the inmate may have had are replaced by institutionally and uniformly distributed standard issue items. The mortifying practices in this initial period are usually of a humiliating character (willingly or unwillingly submitted to by the inmates). Initially, the inmate is provided with a novel inside status, mostly of the lowest rung. Goffman argues that the totalizing force that the institution becomes for the ordering of the inmates’ social life subsequently pushes the inmate to achieve a higher inside social status. The institution itself provides the parameters (and ceiling) to this mobility – if mobility is at all possible. It must be understood that the mortification process can be ongoing, and may be reinforced periodically through inside role dispossession (stripping of

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54 I use Goffman’s term “inmate” in this section, as he refers to a wider range of people internalized in total institutions than just prisoners.
acquired privileges, or regression to lower rungs) and routine property dispossession (strip-searches, confiscations of prohibited, personal or personalized items).

Goffman’s rendering of and focus on the mortification process points to the work’s social constructivist, interactionist background. He refers to “past” and “present” social selves, “outside” and “inside” selves, i.e. the presentation of self to different audiences in different ways, which make “role dispossession” a valid and important preoccupation. *Asylums*, for this reason, clearly takes from his earlier work on the “presentation of self” in the social context (*The Presentation of Self in Everyday Life*, 1959), and feeds into his later work on social interaction (*Encounters: Two Studies in the Sociology of Interaction*, 1961) and stigma (*Stigma: Notes on the Management of Spoiled Identity*, 1963). Dealing with the question of sociality and identity through interaction, and in public, runs throughout Goffman’s oeuvre. His focus on the situated construction of self and the institution as a conditioning or (re-)socializing institution leaves those looking to find in *Asylums* a clear rendering of power relations or more macro-societal implications of the total institution and its mortifying processes thirsty for more. Though Goffman does discuss the hierarchical relation between staff and inmates and the way this is enforced, his analysis remains at the interactional level and does not push through to consider how these may reflect larger disciplinary agendas, politics, or the historical evolvement of these, as Foucault would later do in his classic work *Discipline and Punish: The Birth of the Prison* (1975), which I will discuss shortly.

For those prison scholars working on prisoner identity, reentry and coping with prison experience, the concept of the mortification process is, nevertheless, a useful concept to work with (e.g. Maruna 2011). Yet, once we venture outside the realm of identity (de)construction, Goffman’s conceptualizations start to fall short. The idea of prisons being all-encompassing total institutions, for example, has been thoroughly critiqued. It has been reinterpreted through concepts such as “transcarceral spaces” (Allspach 2010, Moran 2014), the “carceral continuum” (Wacquant 2001), and “self-governance” (e.g. Darke 2014, Garces 2014, Skarbek 2012). These underline not only the porosity of prison walls, but also the extension of the prison space beyond its physical environment, and the caveats in the supposed “total” authority of staff over prisoners.

For me, where Goffman’s work seems to hold ground beyond identity is in his rendering of the privilege system as a mode of organization (1991 [1961]: 51-60; e.g. Cheliotis 2014b). Though Goffman was not an organizational theorist per se, *Asylums* is perhaps his most organizational rendering of social interaction (and as such stands in line with classic sociological institutionalism and early work of the Chicago School). Arguably, after being stripped of the previous, outside social status, the inmate is subjected to and needy for a new, inside status. Through the privilege system the authorities (staff) provide the inmate with the possible trajectories and rules for acquiring an inside status. The system, first of all, provides a set of “house rules” that make explicit “the main requirements of inmate conduct” (Goffman 1991 [1961]: 51). Then, “a small number of clearly defined privileges are held out in exchange for obedience to staff in action and spirit” (ibid.). The “third element in the privilege system is punishments; these are designated as the consequence of breaking the rules” (ibid.: 53), with the most clear punishment being “the withdrawal of privileges or the abrogation of the right to try to earn them” (ibid.). It will be very clear to all inmates what “messing up” consists of and what its consequences will be (ibid. 55). Most importantly, the conditions for

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55 Mortifying processes are, in *Asylums*, equally seen in the light of their organizational qualities.
the inmate’s release are included in the privilege system. This, Goffman (and after him Cheliotis) argue, conditions and explains inmate compliance, even in the face of abuse and arbitrary application of privileges: “the over-all consequence is that cooperativeness is obtained from persons who often have cause to be uncooperative” (ibid.: 54). The lack of sense of duty Sykes describes then becomes a more self-interested sense of duty to comply with the system, if not with the authorities themselves.

Interestingly, Goffman included in his rendering of the privilege system the basis for solidarity (and resistance) amongst inmates, which can be seen to be borne out of the notion of a common fate and the enforced moral separation (hence possible antagonism) between inmates and staff. He calls this inmate solidarity the “fraternalization process” (ibid.: 57), and notes that it is set in motion to defend oneself against the mortification process. Fraternalization is expressed both through the rejection of staff through practices of “collective teasing” (ibid.: 59) and “bond formation” (ibid.: 59, the establishment of relationships between inmates or groups of inmates). Yet both are most usually directly met by the disarticulating powers of the institutional authority. Disarticulation, however, is not the only thing that undermines potential inmate solidarity. Goffman holds that “there is usually little group loyalty in total institutions, [while] the expectation that group loyalty should prevail forms part of the inmate culture and underlies the hostility accorded those who break inmate solidarity” (ibid.: 61, my emphasis). We will see this further on with the treatment of prison “snitches” (sapos). Still, potential solidarity, Goffman argues, is most thoroughly undermined by the individualistic character of the privilege system itself. It is here that Foucault’s post-structural understanding of power as discursive, objectifying, and all-pervasive can be brought into dialogue with Goffman’s work.

**Order through power**

Where Goffman’s interactionist analysis focuses on the importance of organizational techniques for the establishment and maintenance of order, especially through the institution’s impingement on the inmate’s self, Foucault’s post-structural analysis centers on discursive power/knowledge regimes as the driving forces behind order. Even if prison is indeed established primarily as an institution that protects society from those held within it, it is not merely a container that separates the “dangerous” from society. Beside separation (detention) there is almost always an additional, *correctional* function to the prison. This function of prison as a space where transgressive, or anomalous, individuals are “corrected” – after which they are returned to society – is what embeds prison in society’s normative and moral regimes. In order to understand this normative, disciplinary function of prison (and its embeddedness), as well as prisoner “compliance” in the face of repression, I discuss Foucault’s work on disciplinary power.

Throughout his work Foucault has underlined the disciplinary power that is embedded in and emanated through discourse, institutions, and authority. Disciplinary power has been deployed by states, or other forms of authority, over their subjects throughout history. It has taken different shapes and its current forms are his-

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56 Arguably, Western ‘new penology’ pushes this individualization even further. When risk assessment becomes the primary occupation of the prison and responsibility is fully weighted on the prisoner, self-interest arguably prevails and the establishment of bonds between prisoners becomes even less likely to occur as relations are characterized by mistrust (Crewe 2009, Liebling and Arnold 2012).
torically tied up with the onset of modernity. The rearrangement of the dimensions and scope of discipline following industrialization are reflected in his genealogies and archaeologies of power/knowledge regimes. In *Discipline and Punish: The Birth of the Prison* (1975), Foucault dedicates himself to the dissection, analysis and tracing back of the institution set up to surveil, discipline and punish: the prison. First of all, he notes that the nature of punishment has shifted from the *public* arena (the spectacle of the scaffold) to arenas of *seclusion* (or confinement, through the deprivation of liberty). The “good intention” behind the creation of deprivation of liberty as a punitive measure at the turn of the 19th century, was that it was believed a solution equal to all; more “civilized” than the “barbaric” solution of corporeal punishment and its spectacular realization (ibid.: 232). The prison became the only space where the deprivation of liberty could be realized. Foucault argues, however, that the object of deprivation of liberty remained much the same: disciplining the subject into compliance by acting upon his body. The change of method and stage (from explicit to implicit corporeal punishment), however, has severe implications. He argues that,

“Punishment, then, will tend to become the most hidden part of the penal process. This has several consequences: it leaves the domain of more or less everyday perception and enters that of abstract consciousness; its effectiveness is seen as resulting from its inevitability, not from its visible intensity; it is the certainty of being punished and not the horrifying spectacle of public punishment that must discourage crime; the exemplary mechanics of punishment changes its mechanisms. As a result, justice no longer takes public responsibility for the violence that is bound up with its practice.” (ibid.: 9)

It is the often obscured or sanitized violence of disciplinary power that Foucault most thoroughly engages with. Interestingly, the enforcers of disciplinary power seem to be equally interested in establishing control over the subject’s *body* and its actions as over the subject’s mind. Disciplinary power, then, is preoccupied with the rendering “docile” of the body in order to preclude from it any own political power: “[discipline] dissociates power from the body; on the one hand, it turns it into an “aptitude”, a “capacity”, which it seeks to increase; on the other hand, it reverses the course of the energy, the power that might result from it, and turns it into a relation of strict subjection” (ibid.: 138). Foucault describes this process as “coercive” and “calculated,” for “[t]he human body was entering a machinery of power that explores it, breaks it down and rearranges it” (ibid.). Discipline “defined how one may have a hold over others’ bodies, not only so that they may do what one wishes, but so that they may operate as one wishes, with the techniques, the speed and the efficiency that one determines” (ibid.).

By considering disciplinary power as part of the maintenance (or mechanics) of a power/knowledge regime, it is perhaps the most direct form of power exercised over the subject, and closest to Weberian notions of power. Still, it exceeds the Weberian notion of power based on authority by pushing it through to its manifestation unto and through the corporeal, in the spatial-temporal dimension of the subject as a continuous, subjecting force. The Foucauldian notion, then, requires no obedience, as conditions for obedience and very limited options for disobedience are built into the power/knowledge regime itself. It also escapes the direct subject relation as it is mobilized and
exercised primarily through discourse (not through the Weberian bureaucracy).  

Italian philosopher Giorgio Agamben (1998, 2005) pushes this “dark” reading of disciplinary power even further. He draws on Foucault’s notion of biopolitics (concerning the government of life and death) to construct the notion of “sovereign power”: a type of (state) power that has the inherent capacity, based on its (territorial) sovereignty (bound up with the nation-state), to decide on the life and death of its subjects. He proposes the term “bare life” to describe the precariousness of the lives of those subjected to sovereign power’s preferred form of existence: through the “state of exception,” which entails the permanent suspension of the rule of law (1998: 96). Under the state of exception, life has no political significance and is reduced to mere biological existence, bare life, which can be acted upon by sovereign power without questioning. Agamben argues that the “camp” is the site where a permanent state of exception rules, and hence the space par excellence for the exertion of sovereign power over “bare life.” But what then guides power and ordering practices in a place where law is lawless? Agamben has been criticized for taking the notion of bare life too far, pulverizing agency, and failing to recognize the different ways in which power comes into existence and might be contested by subjects within the “state of exception” (e.g. De Dardel 2013), but his emphasis on the all-pervasiveness of violence and power, as well as the volatility of law enforcement is especially important in contexts where the legitimacy of authorities is questioned and/or, as in the Nicaraguan case, the enforcement of law stands largely outside the law.  

Returning to prison, Foucault notes that prison became “self-evident” due to its supposedly inevitable relationship with the punitive measure of deprivation of liberty. Yet the correctional function of the carceral institution, “based on its role, supposed or demanded, as an apparatus for transforming individuals,” made of it a moral enterprise legitimated through its “commonsensical” marriage of confinement with discipline (ibid.: 233, my emphasis). Of Foucault’s work, I am most interested in this correctional self-evidence of the prison, as it forms the basis of the reeducational premise. Following from its correctional function, Foucault notes that prisons “must assume responsibility for all aspects of the individual, his physical training, his aptitude to work, his everyday conduct, his moral attitude, his state of mind” (ibid.: 235). In this way, he holds that the prison is “omni-disciplinary”, as it “has neither exterior nor gap; it cannot be interrupted, except when its task is totally completed; its action on the individual must be uninterrupted: an unceasing discipline […] its mode of action is the constraint of a total education” (ibid.: 235-6, emphasis mine). This education is built on three principles: isolation, work, and modulation of the penalty. In any given prison, more weight may be attached to one principle than the other. In general, however, in any context of (coercive) confinement “the carceral apparatus has recourse to [these] three great sche-
mata: the politico-moral schema of individual isolation and hierarchy; the economic model of force applied to compulsory work; the technico-medical model of cure and normalization. The cell, the workshop, the hospital” (ibid.: 248).

One might find that this model actually resembles Goffman’s typology of the total institution to a large extent. Yet what sets the prison apart from other contexts of confinement, Foucault argues, are “techniques of a disciplinary type [and] this disciplinary addition to the juridical is what, in short, is called the ‘penitentiary’” (ibid.). He discerns seven principles for this penitential condition (ibid. 269-70):

1. Penal detention must have as its essential function the transformation of the individual’s behavior. […] *The principle of correction.*
2. Convicts must be isolated or at least distributed according to the penal gravity of their act, but above all according to age, mental attitude, the technique of correction to be used, the stages of their transformation. […] *The principle of classification.*
3. It must be possible to alter the penalties according to the individuality of the convicts, the results that have been obtained, progress or relapses. […] *The principle of modulation of penalties.*
4. Work must be one of the essential elements in the transformation and progressive socialization of convicts. […] *The principle of work as obligation and right.*
5. The education of the prisoner is for the authorities both an indispensable precaution in the interests of society and an obligation to the prisoner. […] *The principle of penitentiary education.*
6. The prison regime must, at least in part, be supervised and administered by a specialized staff possessing the moral qualities and technical abilities required of educators. […] *The principle of the technical supervision of detention.*
7. Imprisonment must be followed by measures of supervision and assistance until the rehabilitation of the former prisoner is complete. […] *The principle of auxiliary institutions.*

Finally, with the reform of the prison into the penitentiary, following the introduction of the Benthamite panopticon, surveillance is brought into the equation. According to Foucault, disciplinary power’s interest in surveillance has to do with the novel penitential demand of knowledge about the prisoner (ibid.: 251). Knowledge that can be obtained from observation and close scrutiny, not only to be able to “correct” the individual, but to be able to discern what it is that led the prisoner to his criminal act; the characteristics or life events that might have motivated him, in sum, biographical knowledge. In this way, “[t]he correlative of penal justice may well be the offender, but the correlative of the penitentiary apparatus is someone other; this is the delinquent, a biographical unity, a kernel of danger, representing a type of anomaly,” the “object of what is still called today penitentiary science” (ibid.: 255, emphases mine). As such, “delinquency” quickly developed as an individual, biographical state: something to be “known, assessed, measured, diagnosed, [and] treated when sentences are passed” (ibid.). Interesting in this carceral shift away from the individual and his criminal act, to the individual and his delinquent lifestyle, is how the question of morality is brought back in.

With the discourse of delinquency in place, disciplinary power acquires a strongly moral and normative nature, defining exactly what it is that sets the subject apart from society that made him “deserving” of such punishment. Foucault goes even

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60 In Latin American prisons, as well as in many other parts of the world, both the principle of the penitentiary condition and the principle of auxiliary institutions are frequently either absent or outsourced.
further by collapsing the boundary between discourse and institution, when he states that the “penitentiary technique and the delinquent are in a sense twin brothers;” that “prison fabricated delinquents;” and that “[d]elinquency is the vengeance of the prison on justice” (ibid.: 255). Morality wins: the discourse of delinquency is, according to Foucault, arguably what underpins the permanence of prison-as-a-corrective-measure in the administration of justice. And he could very well be right: the discourse of delinquency continues to be deployed as a highly attractive, moral characterization of “criminal” human action that is both individualizing and seemingly “natural”. It has indeed kept the penitentiary ideology alive, in spite of the fact that it has continuously fallen short of its corrective aims. Notably, Foucault underlines that the corrective techniques accompanying punitive detention (as well as their later reform into penitentiary techniques) were denounced for being unproductive or counterproductive as early as 1820 – very shortly after the first prisons were erected. He compiles the following list of “failure” statements (ibid. 265-268), and it must be emphasized that they are critiques that persist up to the present day:

- “Prisons do not diminish the crime rate”
- “Detention causes recidivism”
- “The prison cannot fail to produce delinquents”
- “The prison makes possible, even encourages, the organization of a milieu of delinquents, loyal to one another, hierarchized, ready to aid and abet any future criminal act”
- “The conditions to which the free inmates are subjected necessarily condemn them to recidivism”
- “Lastly, the prison indirectly produces delinquents by throwing the inmate’s family into destitution”

The first four statements actually conflate, as they are mostly about the association of the imprisoned individual with other imprisoned individuals, which seems to imply a reversal of the correctional ideal. Most reform attempts, it can be said (especially the creation of the panopticon, and later the design of maximum security and “supermax” prisons) have been aimed at “righting” the “wrong” of this bond formation by severing the possible relations that imprisoned individuals could form, and aiming at further individualization of correction.

The last two statements, however, also engage with the economic constraints and stigma that a prison stay often brings with it – for which Goffman’s work again can be brought into articulation with Foucault’s. These statements, however, also imply that carceral disciplinary power reaches both beyond the prison facility (its space) and the prison stay (its time). If we ask ourselves why, if prison fails its corrective aims so extensively, it is still utilized as a punitive measure, as a “solution” to crime, Foucault’s way of tying up the penitentiary model with the moral discourse of delinquency proves highly useful. In this age of mass incarceration, with the neoliberal turn in punitive policies on an almost global scale, his analysis of prison as the space-time frame where the individual who deviates from socio-moral standards is disciplined back into “normalcy” provides powerful food for thought (Garland 2001; Garces 2014; Martin et al. 2014; Rhodes 2004; Wacquant 2009a, 2009b). With such a lens it becomes possible to distinguish the disciplinary power and morality at play in current configurations of criminal justice and penitentiary systems. It is a type of analysis that allows us to see the prison as embedded in a wider social configuration, or a particular knowledge/power
regime. And it is much in this vein that I probe what Nicaraguan prisons, as both organizing and disciplining institutions, reveal about the nation’s (political) system and (moral) order.

But where does an analysis so drenched in the all-encompassing effects of disciplinary power leave agency? Clearly, Foucault leaves little or no room for the individual to resist disciplinary power if he is not in the end to be broken by it. Mark Bevir (1999) has argued that Foucault denies the existence of an autonomous subject: throughout his work there is a constant impingement of structure (in the form of power/knowledge regimes, or discourse) on the subject, which the subject cannot escape. Bevir notes, for example, that *Discipline and Punish* “focuses almost exclusively on the ways in which governors and other official figures dominate inmates; it ignores the ways in which inmates are influenced (perhaps even constructed) by other parts of the social background, such as their fellow inmates” (ibid.: 71). He also notes that there is some space for agency, even if not for autonomy, by reading the concept of governmentality (which combines sovereignty, discipline, and government into its power regime) as a type of power regime that does allow for a certain level of influence of the subject: “whereas biopower, the discipline of the body, can control the subject without his collusion, pastoral power has to pass through the consciousness of the subject, and, in doing so, it necessarily creates a basis for resistance” (ibid.: 72). Bevir argues that such a “composed” reading of Foucault leaves some space for a consideration of the subject’s agency (ibid.: 80), even if he will never become fully autonomous in the Foucauldian rendering of social reality. It is to agency within power regimes that I now turn.

**Navigation and agency in prison and beyond**

If we understand prison as a space permeated and, at least in part, shaped by power relations, an institution thoroughly occupied with order and ordering (through discipline and organization), and as such structurally oppressive in nature, then we can understand it as a “field.” Bourdieu (1998) introduced the notion of the field (or playing field) in order to be able to engage various actors in the power play. As such he was able to pinpoint how actors, with different possibilities for movement (different forms of capital), could struggle and achieve new positions on the field. Vigh poses his concept of social navigation as “the practice of moving *within a moving environment*” (2009: 425, my emphasis). Though he builds on Bourdieu’s conceptualization of the field, Vigh purposely uses *environment* rather than field as he considers Bourdieu’s conception of the field, and his analogy of the game, to be too focused on the vertical movement of actors to acquire different forms of social capital in order to “master the game” and move (upwards) within this designated field. The field itself then seems to be in a static (structural) state of existence as a platform that social agents rely on (or are dependent on) to build their vertical trajectories. Vigh argues, however, that we need to bring movement into this structure by taking into account both the vertical and horizontal movement of actors across a field, as well as the movement of the field itself. As such, social navigation is not merely about navigating one’s way “to the top”, but rather about how we move, in the here-and-now, in constant adjustment to future possibilities, goals and positions. In this way, navigation is “related to movement through the socially immediate and the socially imagined” (ibid.: 80).
of the possible routes and courses that emerge from the present and direct one's movement expediently toward possible futures.” (2009: 425-6). In short, it is about how we navigate through social reality as an environment.

This conceptualization of social navigation directly involves all dimensions of human agency in the navigation process: iterational (past), projective (future/imagined), and practical-evaluative (present/immediate). In their theoretical paper “What is Agency?” (1999) sociologists Emirbayer and Mische make a strong case for a reconceptualization of human agency “as a temporally embedded process of social engagement, informed by the past (in its habitual aspect), but also oriented toward the future (as a capacity to imagine alternative possibilities) and toward the present (as a capacity to contextualize past habits and future projects within the contingencies of the moment)” (ibid.: 963, my emphasis). They argue that “the agentic dimension of social action can only be captured in its full complexity […] if it is analytically situated within the flow of time” (ibid.). When we navigate, we continuously engage in a triple reading of reality, which informs our navigation. In a single moment, we deploy knowledge of the past (iteration), of possible futures (projection/imagination), and of the present situation (practical-evaluation in the immediate).

Interestingly, just as Vigh, Emirbayer and Mische also attempt to bring movement into structure, by emphasizing “that the structural contexts of action are themselves temporal as well as relational fields – multiple, overlapping ways of ordering time toward which social action can assume different simultaneous agentic orientations” (ibid.: 964). This explains how structure is temporally, spatially and relationally constructed, and gives way to being able to understand why similar actors may respond differently to the same structural context, as every person has (slightly) different ways of evaluating a present situation, imagining a future, or building on a past. As such, “within and among these different unfolding contexts, they [actors] switch between (or “recompose”) their temporal orientations – as constructed within and by means of those contexts – and thus are capable of changing their relationship to structure” (ibid.). This is highly important as it allows us to understand that, despite a persistent context, people can change course (and by changing course perhaps even change the persistent context itself).

In a way, Emirbayer and Mische then anticipate on Vigh’s elicitation of social navigation as a way to bring movement into structure when they note that “the challenge here is to analyze the variable nature of the interplay between structure and agency, rather than to understand these as either standing in insurmountable opposition, or, as in currently influential theorizations, being ‘mutually constitutive’ in a direct and stable way” (ibid.: 1002, my emphasis). For, “what becomes eclipsed in the notion of the inseparability of structure and agency is the degree of changeability or mutability of different actual structures, as well as the variable (and changing) ways in which social actors relate to them … We might therefore speak of the double constitution of agency and structure … Actors per se are much more than, and [simultaneously] much less than, ‘agents’ [alone].” (ibid.: 1004, emphasis in original). In this sense, the prison is an environment that is particularly misleading, and quite possibly purposefully so. It imposes a type of self-evident fixity while it is actually (or simultaneously) an institution that is under constant stress from movement on higher contextual, political, and discursive levels, as well as from agential pressures that attempt to alter it from within. Though it is easy to imagine “the” prison as a static, power-laden expression of order, the prison is never really static and its order never fully accepted.
By taking social navigation as the theoretical entry point to agency, I engage with both the institution and the actor moving through it. After all, an event today (a prisoner taking a swing at a guard, the President decreeing the pardon of 700 prisoners, or the judicial push to effectuate more alternative sentences) influences not only the possibilities for movement of the actor, but may quite possibly alter the structure, if ever so slightly. It is here that I would like to bring the notion of the “prison climate” in dialogue with social navigation. Martin et al. (2014: 6) underline that “a climate typically impacts people and places in aggregate, complex, and long-term ways”. As such, it seems to have a power-laden, environment-like character. Where this conceptualization tightens, however, is in the opposition of the ‘structural effects’ of the climate to the “immediate effects of a specific shower or storm”. If “prison climates, in fact, are the result of the interplay between governance, survival, and transition in prison worlds” (ibid.: 15), then I propose we use the climatological metaphor maximally and bring it into dialogue with Vigh’s conceptualization of the moving environment and Emirbayer and Mische’s temporal understanding of agency and structure.

The immediate effects of particular manifestations of prison climates are just as pertinent to them as long-term patterns and variations. Essentially, a climate is in constant movement: some characteristics of it might pervade over extensive periods of time, some might periodically alter, and some might change from day to day. If we approach prison research as a process of understanding prison climates, then this requires an agentic-navigational framework, given that such a framework provides the conceptual tools necessary to render its constituent elements through an understanding of movement within movement. If we consider prisons to be constituted by climates (climates that we can “sense”), and we wish to account for the climatological properties of a location (in the sense of embedding the prison in the larger socio-political environment), then showers and storms may tell us considerably more about the prison climate than a minimal, functionalist usage of the climatological metaphor would allow for. Aside from how navigation is able to demonstrate agency, showers and storms can surely be moments when the structures of the climate are (cyclically) ripped at, through which fissures may appear, and avenues for change may be imagined.

**Governance, (dis)order, and legitimacy**

In order to understand power, order, and agency relationally and situationally, it is useful to consider it through the articulations of governance. Governance frequently poses as a top-down practice or process of the powerful upon the powerless (one group subjecting the other to regulation, administration, and surveillance), and is most often thought about in relation to the state (or state government). But it is by considering everyday articulations of governance that we might be able to understand how structure and agency interplay and become productive of particular (dis)ordering frameworks inside prison. As such, it is necessary to think of governance in broader and more interactive terms. With Blundo and Le Meur, I here consider governance as “a set of interactions (conflict, negotiation, alliance, compromise, avoidance, etc.) resulting in

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61 Think of James Scott’s *Seeing like a State* (1998), Foucault’s notion of “governmentality” (e.g., Crampton and Elden 2007), the frequently projected confluence between state and nation through government (Anderman 2007, Anderson 2003 [1983], Guevara 2014), and the way in which state governance practices are codified into law and reiterated through the rule of law (a process that is by no means uncontested, e.g. Méndez et al. 1999).
more or less stabilized *regulations*, producing order and/or disorder (the point is subject to diverging interpretations between stakeholders) and defining a *social field* [i.e. prison], the boundaries and participants of which are not predefined” (2009: 7, emphases in original). Governance, then, might be understood as the (contested) interactional process of regulating and upholding some form of “normalcy” or “order”, melding power and organization into a system of rules and regulations. This entails that not only (state) authorities but also regular persons, like prisoners, engage in governance and governing practices.

In his classic work *The Society of Captives* (1958), sociologist Gresham Sykes sets out to understand the nature of power and order in a maximum-security facility in New Jersey (U.S.). As he participates in the institution’s social life, he quickly notices that power in the institution is not total but rather *shared* between the authorities’ system and the “semi-official self-government” of the prisoners:

> If the rulers of any social system could secure compliance with their rules and regulations – however sullen or unwilling – it might be expected that the officials of the maximum security prison would be able to do so. When we examine the New Jersey State Prison, however, we find that this expectation is not borne out in actuality. Indeed, the glaring conclusion is that despite the guns and the surveillance, the searches and the precautions of the custodians, the actual behavior of the inmate population differs markedly from that which is called for by official commands and decrees (1958: 42).

Building on a Weberian conception of power, Sykes notes that there seems to be an inherent inevitability to the subversion (or corruption) of power in the prison context. “As an ideal type, power based on authority has two essential elements: a rightful or legitimate effort to exercise control on the one hand and an inner, moral compulsion to obey, by those who are to be controlled, on the other. In reality, of course, the recognition of the legitimacy of efforts to exercise control may be qualified or partial, and the sense of duty, as a motive for compliance, may be mixed with motives of fear or self-interest” (ibid.: 46). Arguing that in prison “the bond between recognition of the legitimacy of control and the sense of duty has been torn apart” (ibid.: 48), Sykes notes that prison’s “structural flaws” – its “defects of total power” – result almost inevitably in “the corruption of authority: i.e. the imperfect enforcement of the organization’s regulations and orders with the tacit acceptance of the officials” (ibid.: 127). In this way, power, or the control over the institution, is partially transferred from the warden and his guards (the custodial system) to the prisoners, creating a shifting “equilibrium” with the primary objective of ensuring (physical) safety for both stakeholders – safety for the prisoners from the will and whim of “unlimited” authoritarian power, and safety for the custodians from the violence that prisoner resistance or subversion could produce. This equilibrium is maintained through “balancing acts”, which can be seen to constitute exactly those abovementioned governance interactions that result in more or less stabilized regulations, producing order and/or disorder, depending on who one asks.

Such a reading offers more space for a consideration of both prisoner *and* authority agency, and has been drawn into contemporary prison research on prison illicit economies. These arguably fare better “under the radar” than in full defiance of either prisoner or custodial authority as they require, on the one hand, the turning of a blind eye of a part of the institution (or more far-reaching practices of corruption) and on the other a level of prisoner collective organization (e.g. Carter 2014, Fontes 2016, Skar-
Far from applying only to contexts of illegal activity, De Dardel (2013) has explained that the turning of a blind eye and/or the toleration of minor transgressions also happens to alleviate, even if to a very small extent, the imposition of rules that are perceived as unfair by the prison population at large – rules as small (but all-encompassing) as the prohibition of wearing earrings, for example, or civilian clothes. If we follow Sykes, the permission or toleration of certain transgressive, subversive, or hidden practices paradoxically contributes both to the (temporary) alleviation of the “pains of imprisonment” and to the continuity of the power-sharing system itself through the “balancing” of authoritative power with disruptive power.

Sykes’ work, however, can also be brought into dialogue with broader governance debates surrounding the emergence of shared, or hybrid, state/non-state power arrangements. If hybrid states are defined as “emergent form[s] of statehood in which different governmental actors […] are entangled in a relationship of collusion and divestment as they share control over urban spaces and populations” (Jaffe 2013: 735) and prison governance practices are (precariously) balanced between (powerful) prisoners and authorities in the maximum security prison then, could such a governance arrangement not constitute an instance of an emergent form of hybrid statehood and produce its own forms of “hybrid citizenship”? I would say so, especially as both (sets of) governmental actors (prisoners and authorities) derive legitimacy from their governing practices – which, in the case of “competing” state and non-state actors are often projected as mutually exclusive, but instead mostly tend to be dual. As Penglase has argued in the case of Rio drug traffickers and police officers: “rather than seeing the police and drug traffickers as opposites, one group [drug traffickers] acting arbitrarily while the other [police] functions according to clear rules, it is more accurate to see the two as symbiotically related, acting together to produce (in)security, which they can attempt to manipulate for their own interests” (2014: 155-6).

It is important to underline that, in this vein, violence can be understood to be productive of governing practices, rather than (only) as a threat to an otherwise “normal” social order (though these modalities of violence inevitably overlap – see e.g. Comaroff and Comaroff 2006, Warren 2002; think also of Walter Benjamin’s distinction between lawmaking, law-preserving, and law-destroying violence). If we perceive violence as “outside of” or “counter to” stability and order, we run the risk of “naturaliz[ing] existing political structures, drawing attention away from how stability is often built upon exclusion, violence, and inequality” (Penglase 2014: 114). This is especially true for policing (and arguably prison government), where the quest for social order and the application of force are often mistaken for being synonymous (Parnell and Kane 2003: 6) – an issue that we will see throughout.

Governance interactions, then, are frequently iterated across asymmetrical power positions, and both these positions and their asymmetry require legitimation in order to be perceived as just (Beetham 2013 [1991]). For his conceptualization of legitimacy and processes of legitimation, David Beetham notes that “legitimacy concerns the normative dimension of power relations, and the ideas and practices that give those in power their moral authority and credibility” (2013: x, emphasis mine). Accordingly, coercion is not only costly, but immoral and would thus be untenable in the long run. In order for the position of the powerful to be considered rightful it must therefore be legitimate – which means that, aside from being legal and justifiable, it must be legitimized by those sub-

62 Eloquently made to articulate with Nicaraguan contexts of urban violence in Rodgers’ “Critique of urban violence: Bismarckian transformations in Managua, Nicaragua” (2016).
ordinate in the power relation through “consent derived from actions expressive of it” (ibid.: 13). However, in the context of the prison, is legitimacy not inherently missing this third constitutive factor? Does the implication of “subordinates” in the “consent” to a power relationship not compromise an understanding of subversion – or equally impede an understanding of the co-production of (legitimate) order?

Prison is widely considered one of the most coercive contexts that people can find themselves in, where those subjected to disciplinary or authoritative power are, moreover, constantly reminded of their subordination through the system in place. Paradoxically, prison is mostly considered legitimate even by the prisoner, who “seldom denies the legitimacy of confinement” even if (s)he “accepts the fact of his captivity at one level and rejects it at another” (Sykes 1958: 48). Still, it is exactly through the inclusion of this third dimension of legitimation that Beetham leaves space for a performative interpretation of “consent” to power. The problem with “consent” – a term for which Beetham has been criticized (see e.g. Carrabine 2005 in relation to the prison context) – presents itself when it is interpreted as the subjective agreement to a given power relation, ignoring its performative dimension. Yet, if we follow Beetham’s explanation of consent as expressed through actions or “performative acts” (2013: xiv), then we can understand legitimacy not merely as an effect of law, or a quality of power that is justified in terms of people’s values and beliefs, but also as a performative process that either confirms or questions the power relations at stake (2013: 267). Power systems, Beetham argues, need constant performative renewal, and it is by way of people’s performative acts, which confer legitimacy (or not) that a particular power relation or power system is legitimized or delegitimized. Replacing the confusing notion of “consent” in the revised edition of his work, he proposes to call these performative acts “acts of recognition, acknowledgement or engagement, from which authorities can derive legitimacy to a greater or lesser extent” (ibid.).

This conceptualization of performative consent makes the concept deployable within a navigational framework and enables us to understand how particular actions might confer legitimacy to particular powerful actors and, vice versa, how particular power relations might be undermined through delegitimizing performative action. An example of such actions are the practices of “joint (dis)organization” that Penglase (2014) refers to when considering the (dis)ordering capacities of authoritative power in a Rio favela. He argues that “it was hard not to feel as if the actions of police and drug traffickers were co-producing disorder, each creating subjects upon whom their power could be exercised” (ibid.: 157, emphasis mine). After all, both police and drug traffickers appeared to pursue “a strategy of abnormalization: although they claimed to provide safety and security, they also often deliberately disrupted daily life” (ibid.: 107). Inflicting delegitimizing actions upon one another, they claimed adherence to different (moral and normative) registers of justice and security, which simultaneously provided them with popular legitimacy and grounds for the exercise of their authority. Paradoxically, then, “police-induced chaos was the grounds for drug-trafficker authority, providing the insecurity upon which trafficker security could be built” (ibid.: 157). Vice versa, trafficker-induced violence provided the framework for the police’s legal claim

63 According to Beetham, legitimacy is contributed to by factors at three different levels: “[t]here is the legal validity [or ‘rule conformity’] of the acquisition and exercise of power; there is the justifiability of the rules governing a power relationship in terms of the beliefs and values current in the given society; [and] there is the evidence of consent derived from actions expressive of it” (2013 [1991]: 12-3, my emphasis).

64 Note also that prison riots hardly ever question the institution of confinement itself, but instead object to its conditions. I come back to this in chapter 7.
to the exercise of (disruptive) authority over the favela. Together, then, they produced the grounds for each other’s (de)legitimizing performances as they engaged each other and the community in episodes of periodic and purposeful disorganization to tip the “balance” toward one or the other’s favor.

Prisons, the state, and non-state governance arrangements

How might these theoretical considerations be brought into dialogue with Latin America’s prison realities? In order to answer this question, we need to delve a little deeper into the relations between the state, crime, and non-state armed actors. Over the past decades, the increasing usage of repressive policing strategies combined with the punitive turn in penology (and the lack of interest in the betterment of prison conditions) has resulted in the deterioration and chronic overcrowding of prison facilities across the region, as explained in the Introduction (Darke and Garces 2017, UNDP 2013). This trend has created an enormous strain on judiciaries, leading in turn to lengthy periods of pre-trial imprisonment in many countries (World Prison Brief 2017). The effectiveness and reliability of many judiciaries is often problematic, which finds itself reflected in the make-up of the prison population where detainees with money or (political) influence rarely find themselves convicted – and if they do, spend much less time behind bars (Méndez et al. 1999; WJP Rule of Law Index 2018). It is, however, not only the demography of prisons that mirrors particular state-society relations, but also the way in which prisons are governed, both from the outside and the inside, that can tell us something more about state-society relations and how prisons fit into the wider socio-political context.

In many cases, Latin American prisons appear as an extreme form of the urban “no-go” zone, with state authorities patrolling its perimeters and performing occasional violent incursions; but (powerful) prisoners, prisoner collectives, or (prison) gangs control its internal workings – from the management of prison cells to prison markets, from the allocation of privileges and sanctions to the organization of prison council elections and football matches. Such governance arrangements are frequently referred to as prisoner “self-government,” “informal governance,” or “self-rule,” and can take on different forms and intensities. Most importantly, they entail that prisoners themselves govern and organize a significant share of their lives inside prison, and that they have the means (coercively or otherwise) to ensure newcomers abide by established internal rules. Arguably, a degree of prisoner self-government has been an essential, frequently even formalized, ingredient of “criolla” prison culture (Antillano 2017, Antillano et al. 2016, Cerbini 2017, De Dardel 2013, Iturralde 2016, Pérez Guadalupe 1994). It is most engrained in prisons that have historically known hierarchical prisoner organizations (such as the Lurigancho penitentiary in Lima, Peru, the San Pedro penitentiary in La Paz, Bolivia, and the La Planta penitentiary in Caracas, Venezuela), and is often complemented by the existence of prisoner councils (in agreement with or antagonistic to those “in charge”). In this sense, prisoner self-government arrangements often rely

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65 Darke and Garces compellingly argue that Latin America has become the “new mass carceral zone” (2017: 2). See also the Introduction.
66 For an overview see Macaulay 2013, for case study examples, see the Prison Service Journal special issue “Informal Dynamics of Survival in Latin American Prisons” (No. 229, 2017).
67 In Latin America, penitentiary and correctional facilities have historically had a more collective set-up, rather than solitary, both in architecture and principle (Salvatore and Aguirre 1996, Centeno Mayorga 2012).
at least in part on the relatively uncurbed exertion of (disruptive) power by long-sentenced prisoners and/or prisoner “bosses” (jefes, dons, bichotes, pranes, meros; those who lead the prison’s shadow economy). Self-government, however, has also become a key characteristic of the more recent expansion and (severe) overcrowding of younger prison facilities, where prison authorities and physical infrastructure have been unprepared for the elevated influx of (long-term) prisoners with more organized networks on the outside – that is to say, where (drug or street) gangs have become prison gangs and vice versa, as is the case in Central America’s Northern Triangle, but also in Brazil (e.g. Biondi 2016, Carter 2014, O’Neill and Fontes 2016). The widespread existence of (semi-official) self-government in Latin American prisons calls for a dialogue with Sykes’ work.

While it might not appear this way, nevertheless, “criminal governance” prisoner self-government “results not from the failure of institutions but,” at least in part, “from networks that bring criminals together with civic leaders, politicians, and police” (Arias 2006: 293, emphasis mine). It is not that non-state (armed) actors govern only when the state does not “rule” by force or presence. Prisoner collectives, gangs, and kingpins do not operate as a “parallel state outside of political control”, but instead link themselves into the “broader political and social system” (ibid.). Such governance arrangements, then, appear in a particular relation to and configuration with formal (state and political) institutions, which entails, I argue, a type of co-government that manifests much as Sykes’ semi-official self-government. This approach breaks with the “failed state” approach, which – especially in the prison context – cannot account for the persistence of prisoner or criminal organization, or for the tenaciousness of state corruption. Instead, there are mutually legitimizing processes underlying these arrangements, even if they are characterized by highly unequal power relations, and promote multiple forms of violence on multiple levels – that is to say, “concatenations of violence” (Auyero and Berti 2015). Perhaps it can be said that there is a degree of meaningful disorganization, or complicity, between these formal and informal, legal and illegal, state and criminal governance practices (e.g. Penglase 2014, Rodgers 2006b). Surely, they have not disappeared with Latin America’s democratization process (Arias and Goldstein 2010).

In Nicaragua such co-governance arrangements emerge in a prison system that is projected on the one hand to be governed in a straightforward, open and legal way, and on the other, in a collusive, hybrid manner. Abiding by the Penitentiary Law and its ideology of reeducation, the authorities incorporate a particular group of prisoners to help govern prison: the consejos de internos (prisoner councils). It is this institutionalized collaboration between authorities and prisoners that constitutes the institutional framework for co-governance. Yet in practice, this institutionalized, legal side of the arrangement is but the tip of the iceberg. It leaves three systemic dimensions of co-governance under water: 1) the prisoners’ self-governing practices, which may be very extensive depending on the facility at hand, 2) the illegal and extralegal governing practices that authorities engage in, including the extralegal use of force, and 3) the relations of collusion between authorities and prisoners to “run” prison. Crosscutting these is a shadow economy headed by the indoor drug trade, which further complicates quién manda (who calls the shots), and on what grounds. Given this context of

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68 Arias’ network approach breaks with the “failed state” approach, which deemed the continuation of human rights abuses and violence in Latin America’s post-dictatorship and post-civil war societies the consequence of both hard-wired (military, police, and political) bureaucracies and old as well as new political actors, who “failed” to reach into the “brown zones”, especially the urban ones, in truly democratic (rather than clientelistic) ways (O’Donnell 1993; see also Méndez et al. 1999 and Frühling et al. 2003).

69 See chapters 5, 6, and 7.
shared power, I consider co-governance to comprise the full spectrum of governance practices – from visible to hidden, legal to illegal, public to secret – engaged in by multiple forces with high interests in full control of the governable space and population, in a situation in which neither could ever govern these exclusively. Co-governance arrangements emerge and play out, then, in a constant Sykensian balancing of power, including performances of legitimation and displays (as well as deployments) of physical force by both parties – to both organizing and disorganizing ends. In this way, a focus on such arrangements allows me to take them into account both as a systemic dimension of a prison’s navigable power-landscape (environment), and as relationally constituted through interactions in which prison agents (both prisoners and authorities) exert their authoritative or disruptive power in an attempt to govern one another.

Conclusions

Goffman and Foucault analyze prisons as total or totalizing institutions where organization, control, and/or discipline are pervasive. Pivotal as their ideas are, and without meaning to draw too much of an optimistic picture of the agential movement possible within prison contexts, their theories contain a number of pitfalls that this thesis hopes to address. First of all, they undervalue the agency of prisoners and officers within prison regimes, obscure the position of both (individual and collectives of) prisoners and officers in changing prison “climates”, and therefore largely ignore the dynamic fluctuations of power possible within prison regimes across both time and space. Second, they undervalue the prison regime’s dependence on the (active) compliance of prisoners and thus the importance of their (mutually) legitimizing performances, therefore misrecognizing the moral content of governance practices (from both sides). While Sykes attentively detailed these prison power “defects” (as well as the organizational possibilities and “pains” they brought along for prisoners and guards alike), his sensitive ethnographic account nonetheless presents a structural-functionalist dilemma. In a way, it makes every “balancing act” – violent and disruptive as these may be – inherent to the maintenance of the system itself. The physical persistence of institutions over time, however, does not mean that their internal social systems cannot be subject to systemic or radical change (see also Barth 1966). Moreover, if we approach prison life as its own socio-moral universe, this obscures the relation that prison (social) systems have with the outside world. While a structural-functionalist approach can then account for the (holistic) functioning of a prison social system in a particular place and time (giving way to rich detail), it places the maintenance of the structure or system before agentic movement, rather than contingent upon it.

Bringing these different theories of prison order and power into dialogue with conceptualizations of agency and structure that give way to movement, I suggest that through a navigational conception of agency (as movement through moving structures), a relational conception of governance (as interactions resulting in regulations which produce social fields), and a performative conception of legitimacy (which requires the constant legitimation of different power-holding agents), it is possible to bring to the

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70 In part, this is due to the “blueprint” rather than ethnographic character of their accounts.
71 An issue that has been critiqued early on. In The Felon (1970) criminal sociologist John Irwin, for instance, relates prisoners’ experience of prison, their moral concerns inside prison, and the ways they organize their (previous) outside identities and their concerns about the future.
fore three fundamental issues: 1) emergent power relations as they evolve; 2), the moral realms these relations are embedded in; and 3) the (more systemic) arrangements into which these power relations become organized, including the conflicts (movements and changes) that these engender. Following from this, this thesis approaches Nicaraguan prisons as dynamic environments through which prisoners and authorities navigate, attempting not just to survive but to exert power over one another – a process through which governance relations are forged, moral claims are made, and (mutually) (de)legit-imizing acts are performed. Through their interactions and performances then, I shall analyze how authorities and prisoners engage one another in mutually (de)legitimizing, (dis)ordering, and governing practices. Similarly, I shall approach these interactions and performances as manifestations of the intimate entanglements of the prison with the wider moral, social, and political realms in which prison and its governance arrangements are embedded.
Chapter 2

“Hay que educarlos”

Prison and the Sandinista state

“Banditry, piracy, gangland rivalry, policing, and war-making all belong on the same continuum.”

– Charles Tilly

72 “They [the prisoners] need to be educated” (Rony, reeducational officer at the SPR, 2011).

73 1985: 170.
The partisan appearance of Nicaragua’s state institutions over both the past (1979-1990) and current (2006-date) periods of Sandinista government, as well as their hastily “neutralized” appearance under the 16 years of “neoliberal government” in between, reflects the ways in which power over the state and its institutional panorama has historically been arranged and contested. Officially, reeducation is the key objective of imprisonment in Nicaragua (Penitentiary Law 473: art. 1). Yet the penal ideology of reeducation and its politics of “cambio de actitud” – deployed to move prisoners through the different regime phases of the progressive privilege system – constitute only the public face of the prison system. When prisoners referred to el Sistema, they referred not only concretely to the Sistema Penitenciario Nacional (SPN, National Penitentiary System), but also more abstractly to the system of state and non-state political actors that are able to (legitimately) exert their power over and through the state apparatus, including the judiciary and government institutions. Through their close encounters with el sistema judicial (the judiciary) and their time spent in el sistema penal (prison), prisoners were pushed to acquire a fluency of interaction with this extralegal system of political power melded with state power. Commonly understanding it as the larger system of power into which their localized prison experiences fell, prisoners noted that according to that system, “es cómo funciona este país” (It’s the way this country works).

This Sistema is what prisoners were confronted with on the inside, too. The prison institution thus presented itself with two faces: on the one hand an official, public face that is at once law-making and law-abiding, and on the other, an extralegal face that operates literally outside the law through a system of affluence and influence, in which conectes (connections) and palancas (spring boards, both in the form of persons and resources) are deployed as pull (leverage) to “work the system.” It was with this system, for instance, that they or their family members negotiated to soltarles (let them go) – exhausting all possible conectes and palancas in the process – either with the police for dropping the charges, or with the judiciary for lowering their sentences. Sometimes a small bribe would do, other times it was larger quantities of money, yet other times the exchange of sexual “favors” between law enforcement and female relatives could provide the incentive to pop the lock. Convicted prisoners, then, were generally those men and women whose (own and families’) attempts to “work” the system had failed, whose crimes were too complicated (or too expensive) to be extra-legally resolved, or whose victims (alternatively adversaries) had more pull on the system than they were able to garner. Once inside prison, these “doubly failed men” (a term the director of Reeducación Penal at the SPR used to refer to prisoners, which I will return to in the next chapter) had to learn how to navigate the prison system, and for this they needed to acquire fluency with its official side, too.

In what follows I provide the historical and political backdrop to Nicaragua’s current institutional panorama and argue for a hybrid understanding of the Sandinista state through the existence of this Sistema. The mutual entanglement of formal and informal, legal and extra- or illegal, (para)state and (para)criminal governance is manifest in different configurations of state and non-state power throughout Nicaragua’s history. This entanglement was the basis for its revolutionary nation building effort, in which the guerrilla force Frente Sandinista de Liberación Nacional (FSLN, Sandinista National Liberation Front) became the ruling political party. But it was also the basis of the post-war attempts at neoliberal governance, which were corrupt despite their intentions to be transparent. Rather than unsettling the FSLN’s power, the neoliberal period provided the civil discontent and
Chapter 2 "Hay que educarlos" Prison and the Sandinista state

state decentralization necessary for the FSLN to “govern from below” and eventually return to power (in 2006). Through the FSLN’s articulation with localized practices and understandings of (political) power, sovereignty, and community, it has been able to sustain and legitimize its hybrid governance structures – both from above and from below.

First, then, I explore the establishment of the revolutionary Sandinista state (1979-1990) and the foremost moral duties it propagated: sacrifice and conciencia (social consciousness, promoted through education). These duties manifested in particular ways in the novel prison system that the Sandinistas built. They were promoted through a popular-socialist idiom that contained elements of liberation theology, Guevarian conceptions of the revolutionary (the “New Man”), and Soviet collectivism, which translated into the establishment of penal reeducation and a focus on prisoner cambio de actitud (change of attitude). As noted above, while the neoliberal period (1990-2006) attempted to unsettle the Sandinista state, it both persisted partially in place (through the established institutional framework) and governed “from below.” Throughout this period, which I explore secondly, we can see the hybridization of prison’s educational programs through the decentralization of the state that the neoliberal model promoted. Simultaneously, we can see the articulation of the Sandinista state with non-state (armed) actors, especially its own youth organization the Juventud Sandinista 19 de Julio (JS-19J) and local urban youth gangs, as the “government from below” pushed to disorganize the neoliberal governments in place in order to return to power. Against popular-socialist ideals, however, the neoliberal governments increasingly deployed social-conservative notions to etch away at the popular legitimation of state socialism. This social-conservative idiom forwarded elements of conservative Christianity (orthodox Catholicism as well as evangelical), social determinism, and neoliberal market thinking – all of which promoted a “natural divide” between social classes on moral, “cultural,” and economic grounds.

In its 2006 presidential campaign, the FSLN promised to stand up for the poor and make “el pueblo presidente” (the people president). Insecurity was high, however, and the FSLN knew it could not win the presidential elections in a single round. Both the party and its leader, Daniel Ortega, presented themselves with a softened image, for the first time replacing the paradigmatic red-and-black appearance with a rainbow of bright colors, yet voicing strong anti-imperialist rhetoric in the face of the problems that the privatization of state services to foreign companies had caused (including electrical power outages and a banking crisis). In the third section, I explore how the FSLN both rhetorically incorporated elements of the social-conservative idiom (mostly through its alliance with the Catholic Church) and deployed its extralegal Sistema to secure their return to power, lowering the threshold for a second round of votes to 35%. Both the FSLN’s adoption of social-conservative measures and its movements outside of the law are reflected in the ongoing securitization of Nicaragua’s policy-making panorama, expressed above all by the expansion of its National Police. Indeed, the FSLN has been able to maintain power to date (winning the elections of both 2011 and 2016 with majority votes) by combining the state power it has with its extralegal system of governance, producing and consolidating what I term the Sandinista state. In the process, it has re-appropriated the state institutions and increasingly sealed them off from outside “intervention” (as is most clearly the case with the prison system). Today, then, this State works both with a public face that – in the case of the prison system – promotes prisoner rights, penal reeducation, social reinsertion and preventive modalities of policing, all the while obscuring extralegal practices of corruption, collusion, and repression. It is with these two faces that prisoners deal in their everyday interactions with the state.
Cambio de actitud: Revolutionary starting points

Upon the triumph of the Sandinista Popular Revolution seeking to break with the dictatorial past of the Somoza family’s violent, dynastical regime (1936-1979), the revolutionary government realized a complete overhaul of the state’s institutions. Spearhead of Sandinista innovations was the replacement of the US-trained Guardia Nacional (GN, National Guard), which was founded during the US-occupation of Nicaragua (1909-1933) and had served as both military and police under the dictatorship, controlling the prisons, too. When the FSLN overthrew the dictatorship, the Guardia Nacional was immediately dissolved. It had led severe and extensive repression against the civilian population, including torture, massacres, and atrocities in the decades leading up to the Sandinista triumph, especially in the intense final three years of the Insurrection (e.g. Borge 1989, Grossman 2005). Seeking to break with this past of imperialist intervention and state repression, the revolutionary government separated police and military tasks into two different institutions: the Sandinista Popular Army (EPS) and the Sandinista Police (a “civil armed body”), both of which were organized under the newfound Ministry of the Interior (MINT). The General Direction of the National Penitentiary System (DGSPN) was founded shortly afterwards, which delegated the operation of the prison system to a distinct civil armed body. Just as the army and police, the DGSPN was organized under the Ministry of the Interior and provided with a hierarchical and centralized command structure.

The penitentiary system that the Sandinistas envisioned and subsequently constructed clearly broke with the tradition of the Guardia Nacional’s torturous jails, which were fortress and dungeon-like facilities in which many guerrilleros had been held without trial, tortured, and unlawfully executed. Akin to many other Sandinista reforms inspired by Cuban and Soviet collectivist ideals, Nicaragua’s prison system was modeled and constructed in the semblance of its communist counterparts. In these barrack-style regional penitentiary facilities, prisoners were to receive education, work, and live together in dormitories. Importantly, not only its infrastructure but also its organizational structure mirrored Soviet “carceral collectivism,” which arguably complemented the existing “criolla” prison culture, as it was “grounded by three elements: a system of penal governance based on mutual peer surveillance, the dispersal of authority and governance to prisoners themselves, and communal living engendered by the spatial and temporal structuring of prison life through the housing of prisoners en masse in dormitories” (Piacentini and Slade 2015: 180, emphases mine). In 1986 the first executive orders were passed to structure the reward for work and the implementation of reeducation. In 1987 the legal basis was laid for the five regime phases (closed to open).
that would come to characterize the progressive privilege system (Centeno Mayorga 2012). Torture, extralegal detention, and physical punishments were outlawed. As a new signatory nation to the UN Convention of Human Rights, prisoners were guaranteed the basic respect of their human rights. Giving priority to community reinsertion, prisoners were no longer moved across the country but instead largely kept in regional facilities (often built in or near regional capitals) so that visiting family members could maintain relations with their imprisoned relatives. Throughout the revolutionary period prisoners were put to work in small agricultural and industrial initiatives operated from prison compounds. At the Regional Penitentiary System (SPR) where I conducted research, for instance, there used to be a large mechanic workshop where prisoners repaired military vehicles and apparel throughout the civil war – it now stands deteriorating and abandoned opposite the visitor waiting area.

Being an institution established under wartime conditions – both Nicaragua’s civil war and the Cold War that it was propelled by – the DGSPN largely held captured and convicted members of the former Guardia Nacional and the Contra (armed counterrevolutionary militias). The imprisonment of (armed) political opponents made for a program of ideological reeducation, both in the vein of liberation theology’s capacity to forgive the “oppressor” for his ignorance (“forgive them, for they know not what they do”), and the Cuban socialist model of ideological education. Guevara’s ideology of the revolutionary man (the “New Man” or “man of the 21st century”) spoke seamlessly to liberation theology’s understanding of Jesus Christ as a (self-sacrificing) revolutionary, and these became the cornerstones of the Sandinista nation-building effort, even from within prison (Lancaster 1992, Montoya 2012). In fact, especially important in relation to penal reeducation is the Guevarian conception of the socialist man as a project. Ernesto Guevara held that the individual was an “unfinished product […] in a dual existence as a unique being and as member of society” (1965). To achieve societal change, and in order to “eradicate the vestiges of the past”, the education of the individual should be “direct” and “carried out through the State’s educational apparatus in the form of general, technical and ideological culture” (ibid.). Enjoying state (re)education, holding the future of the nation in their hands, the Nicaraguan New Men and Women would be prepared to sacrifice themselves for the advancement of the revolutionary project – just as the heroic guerrilleros of the Insurrection had, just as Christ the Savior had done for his people.

In this way, this (gendered) political ideology justified two major state-building projects. On the one hand there was the military draft (the Servicio Militar Patriótico, SMP), which recruited youth as young as sixteen into the EPS. These youth were lovingly referred to as “los muchachos” (the boys) or “los cachorros de Sandino” (Sandino’s puppies), and were heralded as warriors and martyrs in the guerrilla-rhetoric that state

\[\text{RAW TEXT START}\]

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While the FSLN officially passed from being an armed guerrilla to a political party with the triumph of its Revolution, it nevertheless retained (and continues to deploy, at least on a rhetorical level) anti-imperialist guerrilla “mystics” (Guevara 2014). On the other hand, this political ideology justified an intense educational campaign (the Brigadas Culturales and Cruzadas de Alfabetización Nacional) that reached into the most remote areas of Nicaragua’s interior and combined improving literacy with the raising of class-consciousness. In short, socialist ideology paired with liberation theology made education (the promotion of consciousness) and military service (the promotion of self-sacrifice) moral duties of the nation; this marriage of revolutionary education with military strategy made for a rapid unfolding of the new Nicaraguan state unto its citizens and territory. The prison system was one of the arenas where this combination of state-building strategies was developed. Under the auspices of the DGSPN’s command structure, (political) prisoners were reeducated alongside “common criminals,” which were treated under the same ideological premise. The key idea was that once the criminal or imprisoned political opponent saw how his actions negatively affected his country and community, he would change his ways.

Armed with ideological education and penal notions about the progressive administration of privileges for the correction of “delinquent” subjects, then, the revolutionary state administered a penitentiary system that offered education and work to those who complied, rewarded the prisoners who presented a cambio de actitud with regime change and sentence reduction, and punished those who broke disciplinary codes with sanctions including isolation and the restriction of privileges or visits.

**Governing “from below”**

On the day of Violeta Barrios de Chamorro’s presidential inauguration in 1990, the plaza outside the National Assembly chanted for President Daniel Ortega (FSLN) not to hand over the presidential sash. As Ortega publicly endorsed her presidency, he promised the people that the FSLN would nonetheless continue to “govern from below” (Rocha 2000, 2007). As a result, throughout the 1990s and early 2000s, not only state institutions and the floor of the National Assembly became arenas of significant political and internal strife, but also the streets. Following recommendations of the International Monetary Fund, Chamorro kick-started a neoliberal economic model in the vein of the Washington Consensus and implemented drastic austerity measures. With this model she promoted the decentralization of the state and privatization of almost all state services and assets (Prevost and Vanden 1997). The state decentralization process, however, was not only economically but also politically motivated. Specifically, it was geared at unsettling the Sandinista state – an objective that was only partially met.

First on Chamorro’s agenda was the “neutralization” of the institutional land-
scape established in the wake of the Sandinista revolution. In this vein, the EPS became the National Army and the Sandinista police the National Police. Much of the command structure of both institutions, however, remained intact (Rocha 2007, Pérez 2015, Rueda Estrada 2015). To negotiate a safe transition, Chamorro for instance agreed to leave military commander Humberto Ortega, Daniel Ortega’s brother, in charge of the army if he agreed with drastic cuts to the army’s fire- and manpower, eventually replacing Soviet armament and selling off the majority of its tanks and helicopters (Pérez 2015). Similarly, founding commanders of the Sandinista police (now National Police) and the DGSPN were left in place, leaving these two state institutions relatively unaltered.

In an attempt to regulate the “armed hand” of the Sandinista state however, the Ministry of the Interior – the beating heart of the FSLN’s state building effort – was thoroughly restructured and separated into the Ministerio de Gobernación (MIGOB, Ministry of Government) and Ministerio de Defensa (MIDEF, Ministry of Defense). Nicaragua’s prison system and police came to fall under the MIGOB, while the army came to fall under the MIDEF. Whereas many countries organize their prison systems separately under the judiciary or a Ministry of Justice – separating the treatment of “offenders” from their guarding – the uniformed Nicaraguan DGSPN was envisioned as catering both to penal reeducation and prisoner safekeeping.

In order to understand exactly how the Sandinistas governed “from below,” it is important to look not only at the permanence of Sandinista functionaries in the institutional realm, however, but beyond the state to non-state institutions, community organization, and non-state armed groups. Throughout their local histories, Nicaraguan communities have seen different (armed) non-state and gang-like armed “defenders” time and again. Specifically, security provision (and territorial defense), both urban and rural, has been locally organized for decades (Rocha 2007; Rodgers and Rocha 2008; Rodgers 2006a, 2006b, 2007). Leading up to the 1979 revolution, FSLN guerrillas were hosted in numerous safe houses outside the cities and formed so-called Comités de Defensa Civil (CDCs, Committees for Civil Defense). These mostly served to provide first aid, protection, and hideouts in the Insurrectional struggle against Somoza’s National Guard (see also Montoya 2012). Numerous non-state armed groups fought against the Somozas throughout the fifties, sixties, and seventies, including those organized under the FSLN, which eventually managed to overthrow the Guardia Nacional and thus the Somozas.

After 1979, the revolutionary government replaced their non-state CDCs with Comités de Defensa Sandinista (CDS’s, Sandinista Defense Committees). Officially

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87 Shortly after taking office, she also declared peace, abolished the draft, drastically downsized the army, and disbanded the Contra. To promote disarmament Chamorro hosted numerous “no questions asked” hand-ins, while installing strict weapons regulations. Amnesty was granted to all parties involved in the civil war, including the leading Contra and Sandinista military operatives and politicians.

88 In fact, the military arrangement of the DGSPN was not replaced until 2004, when the military ranks of its officers were replaced by civilian ranks (see “Adios a los grados militares”, La Prensa, 24/03/2004).

89 Per decree 64-90 on 14 December 1990, in an attempt to cleanse its institutions of their complex relation to the civil war. The Ministry of the Interior was especially scrutinized for the work of its Seguridad del Estado (State Security), a KGB-trained elite group of partisan military officials and undercover agents linked to the neighborhood civilian CDS (Sandinista Defense Committees), which were in place to prevent the infiltration and propagation of the Contra in the cities and combated the CIA’s covert attempt to destabilize the revolutionary government.

90 Somoza’s National Guard can be considered a “private” army of sorts. It was founded during the US-occupation of Nicaragua (1909-1933), largely trained at the School of the Americas, and headed first by Anastasio Somoza García (who would run the country from 1936 to his assassination in 1956), and then by his son Anastasio Somoza Debayle, who similarly took over his role as “president” of the country. This “national” army was challenged from early on by different armed factions in Nicaragua, including the liberal “general” Augusto Sandino – whose anti-imperialist legacy inspired the founders of the FSLN. Sandino led the non-state armed group Ejército Defensor de la Soberanía Nacional de Nicaragua (Army for the Defense of Nicaraguan National Sovereignty) against the US Marine troops during the US occupation, and was assassinated by members of Somoza’s National Guard in 1934, after signing a peace treaty in Managua.
these were civilian committees, but in practice they helped the MINT and Sandinista Police to defend the expanding cities by preventing counter-revolutionary activity from nesting in its barrios. When the civil war intensified in the 1980s, thousands of (mainly urban) youth of 16 years of age and older were drafted into the EPS – many of them funneled to the state by the CDSs – to fight the counterrevolutionary militias that organized throughout the countryside. Most of these militias organized into the Contra’s Ejército Democrático de Nicaragua (EDN, Democratic Army of Nicaragua), which was illegally financed by the United States CIA through arms deals made with Iran (later known as the Iran-Contra affair).

Within a year after the 1990 electoral defeat, however, eighty percent of the former EPS – most of all its lower ranks – had been dispatched. The majority of these militarily trained youth landed back on the streets unemployed. Some of them organized into barrio pandillas (street gangs), mostly intending to fend for their families and neighborhoods in the face of the economic and political instability brought on in the nineties (Rodgers and Rocha 2008; Rodgers 2006a, 2006b, 2007, 2015). As the CDSs officially dissolved, they were, in a way, replaced socially by the organization of young barrio men in nascent local pandillas and politically by organization in the Juventud Sandinista 19 de Julio (JS-19J, Sandinista Youth), especially toward the latter half of the 1990s. Importantly, participation in one organization did not exclude participation in the other (Rodgers 2009, Rodgers and Young 2017).

During nation-wide strikes and protests that paralyzed the country throughout the years of neoliberal government, members of the JS-19J would present themselves masked and armed with slingshots, Molotov cocktails, and heavy handmade mortars to confront the state’s “neutralized” security forces, the National Police. Mobilized by the Sandinistas, many pandilleros (gang members) supplemented the armed force of these protests (see also Rocha 2000). In this period pandilleros saw themselves as (mainly) in charge of defending their barrios, where they had witnessed very little public investment (see also Rodgers 2004, 2012a) – a situation that included public schooling and public health systems, as the neoliberal governments cut state funding for the social programs that the revolutionary government had made available for the poorer sectors of society.

At this time, the National Police (struggling to become an institution of non-partisan, national scope) literally covered little ground, was understaffed, and almost chronically under-resourced. This changed, however, under the presidency of Arnoldo Alemán (1997-2002), who increased funding of the police and implemented a number of US-inspired crime-fighting policies, such as the 1998 Plan de Prevención de las Pandillas (Gang Prevention Plan). With this Plan, the number of prisoners quickly doubled. In less than three years, between 1996 and 1999, the prison population rose from 3,692 to 7,198 inmates (see figure 1 in the Introduction). Some argued that this plan was a direct response to the participation of pandilleros in the nation-wide strikes that plagued his government. Power struggles within the MIGOB, however, began to

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91 It has been claimed that disgruntled neighbors also used these organizations to investigate one another under the guise of “counter-intelligence collection” (see “De los CDS a los CPC”, La Prensa, 16 June 2010).
92 Chamorro downsized the army from 86,810 operatives in 1990 to 14,084 in 1996. It was later downsized further to 10,504 in 2005 (Pérez 2015: 71). While the national defense budget was initially also drastically reduced (by two thirds between 1990 and 1999), it has been on the rise since Ortega’s return to office in 2007 – though it is still a third short of the final wartime budget of 1990 (ibid.).
93 Due to the civil war the Sandinista Police operated almost exclusively in the urban centers. At the time, police work was not considered as important or prestigious as military service or a job with the MINT’s Seguridad del Estado (State Intelligence). While these institutions were preoccupied with issues of national security in the face of an armed counterinsurgency movement sponsored by the United States, the police had to deal with regular and “petty” criminal activities such as domestic violence, drunk fights, and traffic control.
run high, too. The first attempt to create a penitentiary law was nullified by a total veto of the National Assembly in 1996.\textsuperscript{54} When Alemán attempted to change the command structure over the prison system later in 1999, a significant conflict between political and institutional authorities became manifest.\textsuperscript{55}

Alemán placed a civilian, doctor William Frech, at the head of the DGSPN. Though this civilian leadership was supposedly introduced to “clean up” the institution from allegations of corruption and abuse of power, the SPN’s officers held that it was directed at unsettling their power over the prisoners. They noted that Frech was unjustly lenient and gave considerable power to prisoners who the SPN authorities considered to be “\textit{reos de alta peligrosidad}” (highly dangerous prisoners). Three months after Frech’s appointment, 200 young prisoners\textsuperscript{56} took part in the only prison-wide revolt that La Modelo’s history has witnessed. Twenty-five of the rioters were gravely injured when the riot police took back the facility. Frech had allegedly been attending the election of the prisoner council when the riot started. It was the prison authorities that called the riot police in over Frech’s head. Inevitably, Frech was relieved from his functions after serving just nine months at the head of the National Penitentiary System. Later, it would be explicitly noted in the Penitentiary Law (2003) that the director of the DGSPN should be “nominated by the Minister of Government, for a period of five years countable from the day he is nominated, selection which is to be realized upon proposition by the National Direction’s Council, from within the members of the penitentiary career who have the greater denominations” (473, art. 126, emphasis mine).\textsuperscript{57} This excluded civilians without a career in the penitentiary system, like Frech, from ever becoming general director again.

The timing of Frech’s appointment to the DGSPN had not been accidental, however. President Alemán was well on his way to prove himself a worthy contender of the Sandinista state and counted on his own oligarchic pull to do so. His attacks were especially symbolic. As a major of Managua (1990-1996) he had whitewashed all revolutionary murals. As a president, he constructed his presidential palace in front of Somoza’s old \textit{Palacio Nacional} (National Palace), in the middle of the Plaza de la Revolución, and put up a fancy multi-colored fountain in front of it – in this way preventing large concentrations of protesters from meeting at the Plaza. Following Chamorro, part of his model of governance, running contrary to socialist principles of centralization, was the further decentralization of state institutions and their downscaling or “hybridization” to attract foreign direct investment. Hand in hand with toning down state “control” was bringing to the fore private and civil society actors (especially NGO’s, both foreign and national) that were to enhance the country’s reputation for social cohesion (even in the face of its disintegration). Alemán’s style of government was liberal and charismatic yet – as an embezzlement conviction would prove – thoroughly corrupt. He is estimated to have defrauded the country for

\begin{itemize}
\item A year later the regulatory charters \textit{Reglamento de Control Penal}, \textit{Reglamento de Educación Penal}, and \textit{Reglamento de Seguridad Penal} were passed to supplement the legislation in place (Centeno Mayorga 2012: 50).
\item See “Nicaragua: Motín carcelario revela conflicto entre autoridades”, IPS Noticias, 3 May 1999 (retrieved from: http://www.ipsnoticias.net/1999/05/nicaragua-motin-carcelario-revela-conflicto-entre-autoridades/).
\item These were largely young men imprisoned under the anti-gang plan. At the time, over one hundred recently imprisoned participants of the political protests were also being held at La Modelo, as both the anti-gang plan and the protests had overcrowded the police jails (see IPS Noticias article above).
\item The Penitentiary Law states: “The General Direction is integrated by a General Director, two General Subdirectors and a General Inspector. The General Director is the hierarchical superior and maximum authority of the System, to whom all other functionaries and employees of the National Penitentiary System are subordinated.” (473, Art. 14:1). Up until the passing of the Penitentiary Law (473: Art. 147) the MINT’s hierarchy established in the “Law of Ranks of the Ministry of the Interior” (Law No. 54) was still in place for the DGSPN.
\end{itemize}
about 250 million dollars’ worth of government funds over the course of his 5 years in government.\(^9\)

While Alemán was indicted for corruption by the Bolaños administration (2002-2006), his party (the Partido Liberal Constitucionalista, PLC) made a pact with the FSLN to overturn his conviction in exchange for the PLC’s National Assembly support for their plan to lower the threshold for a presidential win to 35% of the votes.\(^9\)

Of all the back-chamber arrangements, this pact (commonly referred to as “El Pacto”) is the one that most clearly demonstrated the extralegal workings of el Sistema. In fact, it was the move that would eventually land Ortega back in office, with 39% of the votes. Before moving on to the Sandinista’s return to government, it is important to note a number of lasting changes to the policy framework regarding (youth) crime and imprisonment that occurred under the Alemán and Bolaños administrations.

**Policy reform and the state apparatus**

Amid the ideological conflict that plagued the National Assembly and the country’s streets, a tug-of-war of legislation was passed. This included a progressive Código de la Niñez y Adolescencia (Code for Childhood and Adolescence, 1998), followed by the aforementioned reactive Plan de Prevención de las Pandillas (Gang Prevention Plan, 1998), followed again by a more progressive community-oriented policing initiative for the prevention of gangs and youth crime (being the police’s Dirección de Asuntos Juveniles or DAJUV, Juvenile Affairs Direction, established in 2003). While the first of these was drafted in response to internal and international pressures to establish a legislative charter for the country’s obligations as a signatory nation of the 1989 UN Convention on the Rights of the Child, it has been argued to have been “largely dis-embodied from popular consciousness,” mostly because it contrasted with how disenfranchised (street) children and poor, adolescent youth were perceived at the time – a time when these youth were increasingly associated with violence and crime in the social-conservative idiom (Maclure and Sotelo 2003: 684; Rocha 2005, 2007; Rodgers 2006b). The anti-gang plan’s implementation in fact demonstrated that the conservative, pre-revolutionary, doctrine of “irregular situations” with its emphasis on the “need to protect society from juvenile delinquency” persisted among the governing elite and large sections of society (Maclure and Sotelo 2003: 673, García Méndez 1998). This doctrine separates “regular” minors from those who grow up without the stability of a family, formal education, or formal employment. Importantly, such “irregular” youth are regarded to be immoral and prone to anti-social behavior, warranting arbitrary detention and, where possible, reeducation (García Méndez 1998).

While under the revolutionary government many of such “irregular” youth were recruited into the army or reeducated in the prison system, by the mid-nineties they had been rendered “surplus” population. “Within weeks of the announcement of the [anti-gang] Plan, more than 400 adolescents in Managua, many under 15 years old, had been systematically rounded up and incarcerated by the police, most without judicial warrants” (Maclure and Sotelo 2003: 681). Unfortunately, the exclusionary logics

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\(^9\) This occurred especially after hurricane Mitch hit the country in 1998, which left Nicaragua’s infrastructure largely in ruins, initiating a cascade of development aid.

\(^9\) In the following years, the lack of unity that this pact provoked on the right side of the political spectrum would work much in Ortega’s favor. Some argue that it was due to Ortega’s strategic overturning of Alemán’s corruption conviction in 2009 (allowing Alemán to run for the 2011 presidential elections) that the opposition was unable to unite.
reflected in the implementation of the anti-gang plan started garnering their own social legitimation by the early 2000s, however, when the structure of the (often large) barrio pandillas began to fall apart. Much of the earlier generations were aging out and crack cocaine was making its way in. Rodgers and Rocha have discussed in depth elsewhere that in this period the pandillero’s objective seemed to shift from neighborhood defense to money-making for individual consumption (Rocha 2005, 2007; Rodgers and Rocha 2008; Rodgers 2006a, 2007). These changes in youth gang behavior – now acting against their barrios rather than defending them – rapidly made their presence unwanted (e.g. Rodgers 2015). When President Enrique Bolaños (2002-2006) took office, he was able to easily further embed a securitized approach to “at risk” youth in the institutional apparatus. Interestingly, this process was rhetorically geared at prevention, not repression. Marrying youth policy implementation with crime prevention, Bolaños began institutionalizing community-oriented policing strategies. This was most notable with the establishment of the DAJUV, which was erected with the primary objective of preventing youth from participating in street gangs.

Arguably, an important factor in the implementation of preventive “communitarian” approaches to youth crime is that, through them, both the political interests of Sandinista and liberal police commanders were met (Rocha 2007). Due to their commitment to the “government from below”, high-ranking Sandinista-leaning commanders stood favorably toward communitarian rather than repressive policing strategies throughout the 90s and early 2000s, while police commanders who supported the business elite similarly had little interest in the public repression of youth gangs, as this would negatively affect the projection of the country as “the safest in the region,” which was (and remains) necessary to attract foreign direct investment (ibid.). As a result of the securitization of public policy toward youth, responsibility for social work with adolescents (from the age of 13), began to fall more and more to the National Police (Weegels 2017b). Interestingly, however, these vested interests within the National Police meant that, even as issues of youth violence and gangs grew throughout the Central American isthmus around the turn of the century, and even as the regional response was hard-handed and repressive, the successive neoliberal governments of Nicaragua did not openly adopt repressive measures against youth or gang crime (Peetz 2011, Savenije 2010). This is not to say that hard-handed repression did not occur. In fact, violent incursions into the barrios were – and still are – routine (Rodgers 2006a, 2006b, 2015). While DAJUV handles “good relations” with youth in the barrios, other policing units deployed more repressive policing tactics (such as the Antinarcotics or, as of 2013, motorized “Dantos” units), which include arbitrary detention, intimidation and/or beatings (ibid, Weegels 2017b).

Similar to policing, imprisonment served a double political purpose throughout this period, as well. While the neoliberal governments attempted to control the DGSPN from above, noting Alemán’s short-lived attempt to place a civilian at its head, the DGSPN largely regulated itself according to old MINT legislation and attempted to forge a Penitentiary Law through the Sandinista bancada (faction in the National Assembly). The prison system catered, on the one hand, to the increasing call to simply warehouse and punish (mostly young) alleged criminals (a call that was supported “from above” through the utter lack of funding to the system), while it, on the other hand, still attempted to (ideologically) work to reeducate the imprisoned “from below”.

100 See the establishment document of DAJUV (Policía Nacional, Ministerio de Gobernación, Disposición No. 025/03). At the time, the police held that there were 62 street gangs (see http://www.policia.gob.ni/cedoc/sector/prevenc/pandcent.pdf).
To this end, numerous NGOs and faith-based organizations kept the educational programs running alongside the authorities, who saw these non-state institutions (rather than in the neoliberal state) as their allies. These organizations provided resources and materials for improving literacy, gave primary and secondary education inside prison, 101 donated clothing, food and hygiene products to its prisoners, and helped ameliorate physical prison conditions – first and foremost water and sanitation – while the neoliberal state was unable or unwilling to do so. The structural underfunding of the prison system, then, made for the unofficial hybridization of its reeducational system, too, as the prison system became heavily dependent on attracting external (and foreign) aid to keep their penal ideology alive.

In the meantime, in the judiciary and on the floor of the National Assembly, the struggle to determine a penitentiary law continued. After significant lobbying, particularly on the end of Sandinista policy makers, the Penitentiary Law (No. 473) was finally passed in 2003 under the Bolaños administration. This law, in place to date, fixed the public nature of the penitentiary system, clearly stating that its only operator could be the DGSPN, but allowed for significant cooperation with other (civil society) actors. Importantly, the law also fixed the humanist and reeducational principles of the prison system in law:

The execution of the sentence has as its primordial goal the reeducation and reinsertion of the person deprived of liberty into the activities of society (Art. 1, emphasis mine).

The fundamental objectives of the National Penitentiary System are the following:
1. The execution of penal sentences and cautionary measures privative of freedom, dictated by the courts;
2. The reeducation of the intern for his/her reintegration into society; and
3. To promote family unity, health, and the productive occupation of the intern (Art. 6).

Furthermore, the law underlined the fundamental respect for human rights, human dignity and non-discrimination of prisoners (Art. 2 and 7-8), established the possibility of cooperation with third parties for its reeducational activities (Art. 11 and 30), outlined the use of these activities (Art. 88-90) and the organizational functioning of the DGSPN (Art. 13-27), including its direction for penal reeducation (Art. 20). 102 It also illustrated the five regime phases and their application (Art. 53-68), 103 established the minimal conditions and facilities its penitentiaries should have (Art. 31-36), and stipulated the rights and duties of prisoners (Art. 95-98) and those of officers (Art. 118-120). 104 In all, this piece of legislation provided a thorough legal backdrop to the organization and functioning of the prison system and was an extensive politico-legal project that fixed the penal ideology of reeducation in law. Darvyn Centeno Mayorga, who presided over the committee that wrote the Penitentiary Law and its Regulations and authored the Manual for Nicaraguan Penitentiary Law (2012), was himself a founding member and worker of the SPN for 21 years, the last five of which he spent as general

101 Even though the Ministerio de Educacion (MINED, Ministry of Education) provided this public education, the MINED was also structurally underfunded and increasingly reliant on donor investment for its teaching materials and the upkeep of its public schooling infrastructure.
102 Considered an “organ of national specialization”, alongside the direction for penal control and direction for penal security (Art. 20).
103 On sanctions and the disciplinary regime see Art. 103-111.
104 The Penitentiary Law is printed in its entirety in Centeno Mayorga (2012: 131-190).
subdirector to the DGSPN. This connection between the DGSPN and law-making efforts underlines the entanglement of politics with institutionalism. It reveals, on the one hand, the push for the regulation of state institutions to enhance their social and political legitimacy and, on the other, the apparent need to purge the institutions of practices that do not adhere to the legal or “neutral” practice of the law (targeting particularly hybridization and decentralization efforts involved in neoliberal conceptions of the state’s work, an argument that in practice is often deployed to protect more Sandinista-leaning institutional structures and ideals). Even today, in a (continuously) politicized institutional environment, where posters of Sandino and President Ortega grace the offices of any prison warden or police commander, the ideal of institutional sovereignty and “neutrality” is projected.

Enforcing the hybrid state

The current Nicaraguan state manifests itself as hybrid not only in the functioning of its state apparatus, but also of its political system. According to the Democracy Index, “hybrid democracies” are “characterized by some blend of elections with ‘substantial irregularities,’ government pressure on opponents, a weak rule of law, a politicized judiciary, and ‘harassment of and pressure on journalists’,” (Close 2014: 432). Yet while Ortega’s government is hybrid on all accounts, his presidential approval rates are among the highest in Latin America (Walker and Wade 2017: 185-6). Nicaraguans moreover have a stronger faith in “democracy” as a regime type by comparison to their Central American neighbors (where, even in Costa Rica, the preference for democracy has declined, ibid.: 186). Its institutions similarly enjoy higher (and increasing) legitimacy over its Central American counterparts (Booth and Seligson 2014: 157) – and all this while the functioning of its rule of law can been termed, at the very least, partisan and flawed (WJP 2018: 114). These contradictions occur in a context in which the FSLN holds an absolute majority in the National Assembly and has hegemonic control of all but a dozen out of 153 municipalities (including, as of the 2017 municipal elections, all departmental capitals), and in which President Daniel Ortega retains direct control over most all institutions, including the police, military, judiciary and electoral council.

Since its return to office in 2007 then, the FSLN has thus made a clear effort to recentralize Nicaragua’s state institutions. This process is not only reflected in its progressive unsettling of electoral democracy (which, must be said, was accomplished together with Alemán’s PLC through the political Pacto; Booth et al. 2015, Close 2014, Walker and Wade 2017), but also in the (related) taking back of control over the coun-

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105 Centeno Mayorga is currently researcher and professor with the Institute for Juridical Study and Research (INEJ) and adviser to the Constitutional Room of the Nicaraguan Supreme Justice Court (CSJ).
106 At the moment, Nicaragua ranks 99th out of 113 evaluated countries for the World Justice Project Rule of Law Index (WPJ 2018). This ranking is based on the assessment of seven factors: regulatory enforcement, corruption, open government, (civil and criminal) justice, constraints on government power, and order and security (WPJ 2018). Nicaragua’s lowest rank, 109 out of 113, is for the factor “constraints on government power” (ibid.: 32), Venezuela being the only Latin American country to rank lower. Its highest rank, 65 out of 113, is in “order and security” (ibid.: 36). For all factors except order and security, Nicaragua ranks below the region’s average (ibid.: 114).
107 Municipal elections (held in 2008 and 2012) increased the number of FSLN-directed municipalities from 87 out of 152 in 2004, to 105 out of 152 in 2008, and then 134 out of 153 in 2012. Each of these elections has been contested for alleged lack of transparency and (national and international) observation (Walker and Wade 2017). The 2017 municipal elections unfortunately also produced a wave of post-electoral violence and protest, especially in the autonomous Atlantic coastal regions and North of the country, where the elections were most contested. Confrontations between protestors, counter-protestors and police left seven dead and various injured, as well as multiple homes and properties destroyed (see e.g. “Violencia electoral en Nicaragua deja siete muertos”, La Prensa, 9 November 2017). Yatama, the political party that has historically held sway in the autonomous regions, denounced the electoral irregularities before the Nicaraguan Center for Human Rights (CENIDH).
try’s judiciary and security apparatuses (ibid., Pérez 2015, Weegels 2017b and 2018). Initially, Ortega won the presidential elections of 2006 with only 39% of the votes. Discarding its military-clad red-and-black image, the FSLN campaigned in bright pink colors for participatory democracy, forged alliances with the Catholic Church (by promising to enforce a strict anti-abortion law), and assured voters that it would reinstate revolutionary policies for free public education and free public health. Although the victory was marginal, Ortega prevented a run-off due to previously passed reforms of electoral laws (which were part of the political pact with Alemán). Subsequently, even though the Sandinista’s own 1987 Constitution did not allow the consecutive re-election of mayors and presidents (or more than two terms of service in these seats), Ortega decreed the extension of the terms of 25 high-ranking officials of the Consejo Supremo Electoral (CSE, Supreme Electoral Council) and Corte Suprema de Justicia (CSJ, Supreme Court of Justice). With this move he and over 100 FSLN-mayors managed to pass their petition to rule out this constitutional provision as “inapplicable” due to its “discriminatory” nature (Walker and Wade 2017). Able to run for a third (and second consecutive) term, Ortega won the 2011 election with 63% of the votes, which marked a landslide victory with a margin of 32% over his runner-up, former President Arnoldo Alemán.

This electoral victory meant that the FSLN now held two-thirds of the seats in the National Assembly, which entailed that it could pass legislation with hardly any opposition. Due to its majority in the Assembly and control over much of the CSE and CSJ, Ortega was effectively able to amend 97 articles of the 1987 Constitution – which were approved, passed, and put into effect by the National Assembly in 2014. Not only did this clear the way for subsequent re-elections, but the amendments also allowed for government functionaries to remain in office beyond their terms, for active military functionaries to hold government positions, and eliminated run-off elections altogether. Not that such a provision was at all necessary: Ortega won the 2016 presidential elections with a resounding 72% of the votes, with a lead of more than 50% on the closest runner-up, and his wife Rosario Murillo on the ticket for vice-president. Amid criticism of centralistic, clientelistic, and oligarchic practices, the prior “concern about the melding of state, party and family” (Close 2014: 437) appeared to have met its definitive realization. Nevertheless, Ortega’s popularity appears unwavering.

To this end, it must be underlined that the Sandinista government has made significant progress in the alleviation of (extreme) poverty (through multiple poverty relief programs such as Hambre Cero, Plan Techo, and Usura Cero), the installation of mechanisms for direct participatory democracy (Consejos de Poder Ciudadano, CPCs or Citizen Power Councils), and by delivering on their promise to make public education and healthcare free to all. Poverty rates dropped from 48.3% in 2005 to 29.6% in 2014, and illiteracy rates rapidly dropped from 21% in 2007 to under 5% in 2009. As the...
United States and various European nations froze or withdrew development aid following the multiple contested (municipal and presidential) elections, Nicaragua became part of the ALBA (Bolivarian Alliance for the People of Our America) and its People’s Trade Treaty (ALBA-TCP), receiving hundreds of millions of dollars-worth of gasoline and development aid from Chávez’s Venezuela. Not only did this help Nicaragua out of its energy crisis, but it also provided the incentive for the establishment of an own renewable energy plan.

Despite its anti-imperialist rhetoric and alliances, the “new” Sandinista-run Nicaragua has also managed to become listed among the top-five of globalized Latin American countries and among the safest to invest in. Stepping away from a state-run economic model, the current government maintains its adherence to a “market economy with a preferential option for the poor” (Walker and Wade 2017: 197, quoting the economic adviser to the president, Sandinista politician and businessman Bayardo Arce). Despite being criticized on the left for not doing enough (e.g., unemployment continues to rise) and on the right for being “dictatorial” (e.g., a narrowing of the political spectrum), both President Ortega and the FSLN continue to garner support. Possibly, this has much to do with the way in which power and institutionality have historically been exercised in Nicaragua, and how Ortega communicates with these structures. He is affectively tied in with notions of national dignity, sovereignty, and the shared memories of revolution – memories whose affective and embodied power should not be underestimated (Guevara 2014, Lancaster 1992, Montoya 2012).

Securing the state apparatus

Arguably, Ortega and the FSLN have (at least in part) been able to maintain their popular support through the public performance of a “theatricality of power” which nonetheless “makes invisible, silences, and negates the ongoing plight of poor [Nicaraguans] by commoditizing this plight through the false ethos of speaking for the poor” (Guevara 2014: 123, emphasis mine). Guevara’s succinct analysis of the theatricality and performativity of power through the bodies of marginalized groups might be fruitfully transposed to the arena of citizen security, where particular “delinquent-looking” bodies have become increasingly acted on by the state, promulgating the National Police as the novel moral entrepreneurs of community (Weegels 2018). This brings us back to the haled popular legitimacy of the police force, which I argue is more a result of its articulation with the Sandinista state, than its supposed “neutrality” (Booth and Seligson 2014: 157, Savenije 2010, Schrader 2017; cf. Rodgers 2006b, Weegels 2017b). While violent confrontations between police and citizens persist, a distinct and decidedly communitarian discourse has become deployed in relation to citizen security under the Sandinista administration.

114 In the run-up to the 2016 elections, the CSE revoked multiple small parties from participation in the elections, claiming that they did not meet the threshold.

115 Guevara argues that the FSLN’s “public, nationalistic performances of institutionalized, so-called progressive activism have the capacity to present the government’s rhetoric and actions as representing the people and reflecting the peoples most important and pressing ‘national values,’” (2014: 147). In this way, “assembled in a dramaturgy of progress and love […] elements of national nostalgia, memories of the revolution and its powerful symbols of anti-imperialism, national dignity, and social justice have been carefully melded by the government apparatus into a powerful narrative of a ‘second revolution’ that is inevitably, according to the propaganda, unfolding in the country” (ibid.: 14-15).

116 See Rueda Estrada (2015) for a thorough, historical-testimonial consideration of land conflict and (mostly rural) armed groups (both Contra and Sandinista) in Nicaragua’s postwar period (1990-2008), which complicates the projection of “rearmed” groups as drug traffickers. See Rodgers and Rocha’s work (previously mentioned) for a consideration of conflict in the urban arena.
This discourse pairs the institutionalization of the CPCs with the institutionalization of the “Proactive, Preventive, Communitarian Policing Model” (Policía Nacional 2011). Significantly, current police discourse in its public iterations draws on elements of national nostalgia for the popular legitimation of the police force and its citizen security policies. This occurs mostly in the person of commissioner Aminta Granera. A novitiate when she abandoned her religious training to take up arms for the Insurrection, she joined the police upon its establishment in 1979. Using her as a symbol of unbiased police work, the police celebrate their revolutionary origins every year with a grand public display in Managua – state ceremonies at which President Ortega, as Supreme Chief of Police, is invariably present.

In relation to the security paradigm, one of the most important effects of this proto-revolutionary, communitarian police discourse is that it has profoundly altered the way in which non-state armed groups are described. In effect, it has marked the discursive end of the figure of the pandillero (gang member), who, as mentioned earlier, was once heralded the defender (later the nuisance) of the post-war barrio. Street gangs are no longer referred to as pandillas, but instead as grupos delincuenciales (delinquent groups). Rural grupos rearmados (rearmed groups or militias) are described by the same term, implying a discursive connection between them and drug trafficking. The terms now used to indicate “vagrant” organized youth are primarily dehumanizing, moralist, and derogatory: elemento (element), sujeto (subject), delincuente (delinquent), antisozial (anti-social), vago (bum), drogo (drug addict), lacra (scum), and pinta (“delinquent-looking” person). Meanwhile, the police are able to foot their claim that they speak from and with the community’s moral realm as they make it their direct arena of engagement and intervention through the community-oriented policing model.

While the earlier establishment of the DAJUV brought a formal, securitized-yet-communitarian approach to youth at the urban margins, the return to office of the FSLN, its establishment of the CPCs and the institutionalization of the community-oriented policing (COP) model have meant a stronger and more effective focus on both prevention as a policing strategy and “family” and “community” as units for the implementation of crime-fighting policies. It can be said, then, that under Ortega’s government and through the police’s COP model and its media strategy, the police have (at least discursively) successfully replaced other armed actors and positioned themselves as the new moral entrepreneurs of community. This has had particular consequences, of which I briefly underscore two: 1) the divestment of funding from non-securitized approaches to youth crime (prevention or resolution) to securitized alternatives, and 2) the unquestioned extension of community-oriented policing with repressive policies, of which the anti-drug policy Plan Coraza Popular (Plan Popular Armor) is a prime example.

Regarding the divestment of expenditure on non-securitized approaches to youth crime, social work with adolescents through the Ministry of Family (MIFAMILIA), which was originally established to get at-risk children and youth back into school,
largely disappeared as the Ministry was directed to focus on infant care and street children through the government social program *Programa Amor*. Similarly, as the COP model expanded the reach of community youth crime prevention, the DAJUV became an integral, yet in practice more subservient, part of its approach (Polícia Nacional 2011: 10, Weegels 2017b). Taken together with the shifting focus of MIFAMILIA to children, this development indicates a definitive shift toward the securitization of youth-oriented public policy, with 2011-2012 being a noticeable turning point, exactly after the institutionalization of the COP model.

Related to the “side-effects” of preventive policing – which include singling out non-school attending, unemployed or vulnerably employed young men for “preventive intervention,” is the ease with which preventive policing can be combined with more repressive forms of policing (Ungar and Arias 2012). In 2012, again following the implementation of the COP model, Nicaragua saw the nation-wide implementation of a hard-handed anti-drug plan, *Plan Coraza Popular* (Plan Popular Armor). This plan promotes the (community) identification of *expendios* (homes from which drugs are sold) and *expendedores* (drug dealers), and has effectively given way to a crackdown on particular “criminal” suspects – being unincorporated non-state armed actors. In many ways, its premise builds on community policing, expressed through a social-conservative idiom as it promotes the denunciation of drug-involved youth and families by their neighbors to prevent “community destruction”. Its stance can be found summarized on banners held during anti-drug marches, which are generally organized every year by the National Police’s local DAJUV units and the MINED (see photo 2). Mostly public school students, members of local CPCs and Sandinista grassroots organizations, and DAJUV police officers participate in these marches.

The banner in photo 2 draws together the family, community, and nation triad poignantly. It reads: “If you sell drugs, you kill people. If you consume [drugs] you kill yourself, and kill your family and community.” Interestingly, such an anti-drug discourse vilifies drug dealers to the extent of holding them responsible for (indirectly) killing “people.” The adolescent who “kills himself” with drugs is (rhetorically) the same youth doing the killing of family, community, and people, and with that becomes the primary object of intervention. Under the current COP model, DAJUV and Plan Coraza Popular coexist on a policing continuum which presumes that marginalized youth can be convinced to “change their ways” through involvement in community activities, while they also hold that these youth must be removed from their communities (i.e. imprisoned) for the prevention of community ruin (of which they are projected to be the agents). The majority of my research participants from the CPJ were arrested

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120 When the Sandinista government adopted the discourse that gangs no longer exist in Nicaragua, the DAJUV shifted its objective from preventing youth participation in street gangs to the prevention of youth violence and participation in criminal activity.
121 Expenditure on the police is still not at the level it was before the Sandinista return to office, however. This is largely due to cuts in international and bilateral financial aid to the institution (these cuts account for the dip in all public expenditure after the contested municipal elections of 2008).
122 National police statistics indicate that the majority of the alleged perpetrators of robberies, public disturbance and drug-related crimes are in the 15-25 years age range and that 36.6% of them are unemployed (in 2015 2,346 adolescents and 40,365 male adults were arrested for crimes and misdemeanors; Policía Nacional 2016). Even if it is questionable whether police-generated statistics based on police crime reports reflect actual crime, their demographics at the very least indicate that marginalized youth are most readily identified as alleged perpetrators, making them simultaneously more likely to be arrested (for the interrelation this has with the mediated presentation of “delinquent” youth see Weegels 2018).
123 Nicaraguan COP prevention strategies face similar challenges as communitarian policing strategies deployed in other Latin American countries, even if the National Police’s model is by comparison more holistic (Ungar and Arias 2012). Note that while the reduction of Nicaragua’s crime rates is often attributed to the police (e.g. Savenije 2010, Schrader 2017), it can also be convincingly attributed to changing dynamics within youth groups and criminal economies (e.g. Rodgers and Muggah 2009, Rodgers 2015).
under Plan Coraza Popular and imprisoned for drug-related offenses (possession, drug dealing, *narcomenudeo* or *narcotráfico* – small or wholesale drug trafficking). While the anti-narcotics unit carried out hard-handed arrests, the local DAJUV unit at the community center provided for their “rehabilitation” and “community reinsertion.” However, the police captain frequently complained that his initiative received little support from the police central as “most of my colleagues think it’s better to just lock them up and throw away the key.”\(^{114}\)

The combination of community policing and Plan Coraza Popular has arguably given way to the recent twofold increase in Nicaragua’s prison population. Even though its overcrowded facilities are deteriorating, the prison system has hardly been overhauled or expanded.\(^{124}\) In comparison to the growth of the prison population and the expansion of the police force, the DGSPN’s personnel, however, has only been marginally expanded, reflecting not only the divergence between investment in both institutions, but also the hollowness of the reeducational discourse. After all, if the prison system is not adequately invested in, how can it claim to fulfill its reeducational promise?\(^{125}\)

\[\text{Photo 2} \quad \text{Picture of an anti-drug march posted on a local DAJUV Facebook page}\]

For now, most regional penitentiaries lack the physical conditions to be able to provide basic needs to most prisoners (first and foremost nutrition, sanitation, and a place to sleep), let alone reeducation for all. The budget available for prisoner nutrition remained a mere 10 córdobas (roughly US$ 0.40) per prisoner per day throughout my research period (despite inflation), and SPR prison officers have said that this budget is made available per bed not per actual mouth – meaning that they have to make do with less money for more prisoners in overcrowded conditions.\(^{126}\) To mask the continuing discrepancy between promise (law) and reality (practice), the government deploys euphemistic political discourse, all the while denying and restricting access to those actors who had helped keep the system running under the neoliberal governments (that is national and international NGOs, civil society and human rights organizations, which have continuously denounced the utter neglect of the prison system). By discursively focusing on the police and politicizing prison access, the current reality of prison life actively hidden behind closed doors – which the following five empiri-

\(^{114}\) Conversation at the community center, 2015.

\(^{124}\) Notably, the expansion that did occur was the 2013 construction of a maximum security facility outside La Modelo, which is referred to colloquially as “La 300.”

\(^{125}\) The budget excludes personal hygiene products, such as toothpaste and toilet paper, which prisoners themselves have to buy in the prison commissary, or receive from visiting family members. Police jails are not even officially allocated a budget for prisoner nutrition. Instead, family members bring their detained loved ones food – the daily queue of visitors bringing food to the CPJ was always long. On the inside, prisoners frequently engage in solidarity practices to share their food with others who may not have visitors.
cal chapters will illustrate and analyze – can be said to forswear the Penitentiary Law that was once so arduously fought for by the DGSPN’s own Sandinista-leaning policy makers. Inside the prison system, then, the official reeducational system functions both alongside and within the extralegal Sistema. While it is quite possible that the prison system will undergo processes of “modernization” and “professionalization” with time, eliminating the “discomforts” of overcrowding and underfunding, the development of the police indicates that this in no way guarantees that the system will become more open and transparent. After all, under the current institutional panorama, securitized and state-oriented communitarian discourses prevail, through which the MIGOB (and with it the DGSPN and National Police) are able to deploy historical(ized) claims to institutional sovereignty, which they use to legitimize their (by now institutionalized) lack of transparency.

Conclusions

Having secured control over the executive branch, the judiciary and the institutions of crime control, President Ortega’s Sandinista government thwarts horizontal and vertical accountability processes. Enjoying political (and, to a degree, social) legitimation, this development has fostered the Sistema, most notably inside the government institutions, including the prison system and the national police. Still, as Beetham noted, such power requires legitimation, and this is where the hybridity of FSLN governance strategies should be underlined as part of the legitimizing rather than de-legitimizing effects of their power. As much as the Sandinista state structure is hierarchical and centralized (and as much as all of the FSLN’s members or militantes are required to bow in the chain of command), it is also dissipated and hybrid. The FSLN itself is built up of citizen councils, cooperatives and associations, community strongmen (and women), municipal and ministerial workers, councilors, sector chiefs, community centers, the workers’ Central, student unions, culture houses, taxi and market associations, partisan news outlets, cultural and sports movements, and the JS-19J.

The Sandinista state, however, also includes a hierarchy of diputados, police and military commanders, the electoral council, Supreme Court judges, mayors, lawyers and prosecutors. Within and through all of these, “ordinary” people may stake political claims, exercise civilian rights, or invest personal interests, establishing for themselves conectes or palancas in case of need. Through any of these, people may similarly in some way benefit from the empowerment of this state or become indebted to it – be it by receiving microcredit, zinc roofing, a permit for a market stall, or by getting out of a prison sentence. Clearly, this implies a clientelist network of influence and affluence – and, perhaps obviously, such networks are prone to be arranged in an extralegal manner. They allocate significant yet dispersed discretionary power to anyone in the network able to do a “favor” for someone lower down or less connected, which inevitably facilitates “secret” (that is to say, publicly secret) practices of corruption. This facilitates the development of a type of “hybrid state” (Jaffe 2013), one that is not transparent or

127 Its comparative relation to “proper” Western prison management is not the issue here, of course. After all, Gresham Sykes (1958: 40-62) already pointed out that “total power” in prison is mostly defective by the (often coercive and frequently perceived as illegitimate) nature of authoritative power in prison. He did add, however, that: “systems of power may be defective for reasons other than the fact that those who are ruled do not feel the need to obey the orders and regulations descending on them from above. Systems of power may also fail because those who are supposed to rule are unwilling to do so” (ibid.: 53).
“accountable” but rather locally articulated and affective. In consequence, the higher up one has connect or “pull,” the further one stands from the regulations that the “normal” rule of law imposes. At the pinnacle of this hierarchy of powers – of the Sistema – and thus farthest away from the reach of the law, or rather replacing the law (as has occurred over the past years), stands Ortega and the Sandinista state’s top tier. Without a doubt, and without his constituents doubting these logics, Ortega governs from this position outside the law.

The capacity of the Sandinista state to govern lies not only with its coercive capacities, however (though these are most definitely mobilized as a threat and deployed in the face of direct contestation), but also with its ability to foster, appeal to, and collude with localized conceptions of (both state and non-state) authoritative power. This is not to say that such arrangements do not produce tensions or resistance, as they remain characterized by (highly) unequal relations between (dis)organizing forces. Following Charles Tilly’s (1985) lead to unsettle the state’s “natural” position as power holders and rather understand state-making as akin to organized crime, the Sandinista state’s political neutralization (and criminalization) of non-state armed actors can be read as part of the process of eliminating local rivals (ibid: 174). Just as the European governments that Tilly describes, the Sandinista state has “reduced their reliance on indirect rule by means of two expensive but effective strategies: (a) extending their officialdom to the local community and (b) encouraging the creation of police forces that [are] subordinate to the government rather than to individual patrons” (ibid.: 175). Still, in this case, the government is a particular individual patron.

The prison system then provides a valuable entry point to understanding this national political-economic system of power. Those who inhabit prison are largely those who could not work the Sistema – those who are subject to the rule of law as they are unable to appeal to the powers that stand outside of it. Within prison the tension between legality and extralegality becomes manifest. Prisoners both reject the Sandinista state’s moral authority (the reeducational paradigm) based on the existence of the Sistema, while they also learn to forge relations with the Sistema by climbing the prison’s internal hierarchy and engaging in its shadow economy. Akin to the top tier of the national government, the position of the top tier of the prison hierarchy is one outside of the law. In many ways their regulations have come to replace the law inside prison – producing a localized Sistema that functions similar to the national Sistema.

This brings us back to the question of criminal governance within Latin America’s present-day “violent democracies” (Arias 2006, Arias and Goldstein 2010), and the not-so exceptional position of Nicaragua. Remember that “criminal governance results not from the failure of institutions but,” at least in part, “from networks that bring criminals together with civic leaders, politicians, and police,” and in this way, they configure not a “parallel state outside of political control,” but form part of the “broader political and social system” (Arias 2006: 293). In a context in which it has been argued that the Sandinista state is in control of the country’s shadow economy, allegedly its property, money-laundering, drugs, and logging “ mafia” (Rodgers 2018, Rodgers and Rocha 2018), extralegal governance arrangements such as the co-governance arrangements that emerge in Nicaragua’s prison system then appear in a particular relation to and configuration with formal (state and political) institutions as well as their hybrid

128 Tilly noted that “[i]f protection rackets represent organized crime at its smoothest, then war making and state making – quintessential protection rackets with the advantage of legitimacy – qualify as our largest examples of organized crime” (1985: 169).
articulations (the Sistema). As such, these arrangements provide particular insight into how power is distributed, contested, and exercised in Nicaragua. In the next chapter we will see what gendered social imaginaries and institutional moralities underpin the Sistema and its production of particular outsiders, noncitizens, or scapegoats. In order to both move with and counteract their (political) marginalization, we will see that prisoners mobilize their “deviant” bodies by making moral and political claims to power, justice, and community, too. It is here that prisoner and authority practices of (dis)organization, compliance, contestation, and collusion become meaningful.
Chapter 3

Pobre or delincuente?
Institutional moralities and gendered imaginations
Despite the existence of penal reeducation and its push for moral reform, most of the police and penitentiary officers I met had little faith in prisoner change. Prisoners were "*delincuentes nefastos*" (incorrigible delinquents), "*animales*" (animals, but also stupid people) who would never learn, and there was little point in trying to teach them, lest one preferred being let down. Yet contrary to his sub-officers, the now-retired director of penal reeducation at the SPR spoke well of most prisoners. Comandante Barahona was an old man with big teeth and a young spirit who started working for the DGSPN after he had participated in a Cultural Brigade in the eighties. He prided himself on his dedication to the revolutionary project, which for him included a dedication to those caught on the wrong side of the law. In fact, he was a committed reeducational director and often commiserated with the prisoners’ predicament.

One day as we chatted in his office, he noted that prisoners were not just "*hombres fracasados*" (failed men), but twice failed. He leaned in and I prepared for one of his lengthy monologues. Not only had “they failed at being good, law-abiding citizens,” he intimated, they had also “failed at being good criminals because they got caught!” This was in part society’s own fault, he believed. The economic situation was so dire for so many people that some saw no other “salida” (exit) than to engage in “anti-social behavior” – theft, robbery, or drug-dealing – and in so doing they hurt not only themselves, but also their families and their communities. “That’s why they’re so frustrated,” he said, “Nobody likes to fail! And for some it takes a good while to calmarse (calm down, but also get out of crime), but eventually they will. They know that if they don’t, they’ll be right back in here.”

He looked at me sternly, as if to say that the law and the righteous would prevail. His stance was one that mirrored the revolutionary-socialist origins of the prison system. As the father-like preacher of (revolutionary) reeducation Barahona was somewhat of a relic of his times. He noted that he considered himself to be “strict, but justo (just).” As a proper progressive Catholic he believed in redemption, in second chances. He was no “tonto” (dumb-nut), however, and claimed to know very well when prisoners “play the system.” I could never ask him how he felt about the system playing them. He noted that he often reflected with the prisoners on why they did what they did. After all, “if they don’t take this chance and change, what do you think will become of them?”

All over the world, prisons have always had an intimate relation with morality. Think of the vast body of moral interventions that the prison institution pretends to effect on the prisoner in the form of “correction,” “reformation,” “rehabilitation,” “penitence,” or “reeducation” (e.g. Foucault 1975). Prisons are supposed to conduct a particular moral kind of work, a “total education” that under a strict disciplinary regime is to reform the “delinquent” prisoner permanently (Foucault 1975: 235-6). Yet while a share of the Nicaraguan authorities understands prisoners as “doubly failed men” they conversely understand them as “*nefastos,*” that is, incorrigible delinquents. This articulates with the moral function of the prison itself (alternatively secluding or producing morally deviant “others”) and the relation in which this stands to the moral discourses that surround prison and its inhabitants in the public realm.

In Nicaragua, public discourse frequently takes on a disqualifying tone,criminalizing particular sectors’ survival strategies. In this way particular “noncitizen” subjects are created in the social imaginary, which are deemed fit for imprisonment. This

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129 After retiring from the prison system Barahona noted that he would work “for the government” in their efforts to “reconcile with the armed groups” that were reappearing in the mountains at the time. He was excited about the prospect to “aportar mi granito de arena” (do his part) for “the nation’s peace.”
130 Conversations based on field notes, SPR 2013.
process (re)produces social stigma both through practices of social exclusion and policing. This stigma is embedded in moral notions, which are gendered and classed in particular ways – ways that explain why these men in particular have come to be understood as “doubly failed” or “incorrigible.” Even if the Penitentiary Law subsequently holds that prisoners deserve a second chance, or, at the very least, that in spite of their prior actions they should be treated humanely, the challenge for the prison system is in turning these perceived “inherent” delinquents into “new” men (and women) – a challenge that is accepted only by a minority of the authorities. Once prisoners are removed from the community to the prison, these social stigmas, as well as the gendered moral notions they articulate, begin to inform their performances both with and against the system. Prisoner performances of “cambio de actitud” (change of attitude) confront authority conceptions of change, exposing the (gendered and classed) contradictions of the reeducational system itself. The challenge inside prison for the imprisoned (young) men and women lies in confronting their criminalization by convincingly “changing.” Some, however, continue to engage in (the talk of) criminalized behavior. While this seems to be a contradiction, it is only partially unresolvable, as one of the ways prisoners consider they can undo the power of stigma is to appear to be embracing the stereotype – refusing the imposed morality through continued engagement in illegal enterprise (Rosas 2012).

The Sistema and Reeducación Penal give prison a particular “tightness” (Crewe 2011) that impinges itself on prisoners morally and materially. Here I explore the effects of prison as a moral institution through the dialogical relation between its institutional performance and the socio-political discursive realms in which it is embedded. First, I consider Nicaragua's larger moral realm through its citizen security discourse, which (re)produces particular social and prisoner stigma and can as such be understood to produce particular gendered and classed subjects of intervention. I then follow these “subjects” into the prison, exploring both gendered expressions of authority and their contestations. Following the same gendered logics, I consider the ways in which prisoners contest the authorities' claims to moral superiority by forwarding their own understandings of moral authority, justice and change. In this way, this chapter serves as a backdrop to the next chapters, which analyze prisoner performances of prison (both with and against the authorities) in greater detail.

**Imagining the delinquent, stigmatizing the prisoner**

Generally, public discourses surrounding prison and its inhabitants, prisoners – or “delinquents” in the Foucauldian sense – are imbued with cues that distinguish “good” from “bad” men. While revolutionary socialism, with liberation theology and Soviet-inspired collectivist penal strategies, provides historical anchorage to the Nicaraguan institutional framework, popular socialism and social conservatism pervade contemporary Sandinista policy-making. With the preoccupation for citizen security, common stigmas surrounding marginalized youth have become securitized, leading to a deepened moral divide separating (good) “citizens” from (bad) “noncitizens.” Whereas the former are protected by the state, the latter are acted upon by the state. With the increasing organization of penal and crime fighting initiatives along communitarian lines, it is crucial to understand how these objects of intervention are gendered, classed, and mediated.

131 “Humanitario” (humanitarian) is an adjective incorporated into the DGSPN’s slogan.
The media’s intimate role in the stigmatization of particular social groups has been extensively researched in this vein. Importantly, sociologists Stanley Cohen and Stuart Hall began documenting and writing about the relationship between the mass media and the stigmatization of particular social groups in the sixties and seventies.\(^{132}\) Coining the term “moral panic,” Cohen (2002 [1972]) addressed how certain episodes of media attention focused on particular groups of “deviants,” most usually young men who were cast as particularly immoral and as a threat to society’s values and interests. The moral panic cycle creates both clear protagonists and antagonists: the deviant group under scrutiny is treated as “folk devils” by the media. Emerging as the opposite of the folk devil is the “moral entrepreneur,” the person or entity that upholds society’s values in the face of crisis. In the Nicaraguan case the National Police appeared to be presented in the media as the moral entrepreneurs of the nation, charged with the task of defending “community” against the “pinta” (delinquent-looking) folk devil.

While I conducted research at the SPR, I started collecting news items for a discourse analysis of the popular presentation of (youth) crime.\(^{133}\) I was initially interested in how different types of crimes might be presented in the popular news, how the criminal justice system would be portrayed, and on what occasions the prison system itself would become newsworthy. As I took notes on every news item, it struck me that certain types of crimes and “criminal types” were repeatedly displayed in front of or inside police holding cells – discursively tying these subjects to the prison space. While these items seemed to be deployed to instill in the viewer a mixed sense of security and insecurity, they demonstrated that the police were “on top of the situation.” What made these items newsworthy, however, seemed to be the reported randomness of the suspects’ (alleged) crimes and the presented ubiquity of their alleged perpetrators – pintas or “delinquent-looking” youth. Keeping in mind that the imagery that the news mediates generally reveals “the values of the collective order, [p]articularly when [the depicted] behavior is violent and harmful to others,” the items pointed to idealized notions of community, which the COP model appeared to protect (O’Neill and Seal 2012: 5). The mediated representation of the apprehension and detention of the pinta-transgressor thus engaged the television audience in a public spectacle\(^{134}\) of moral belonging, demonstrating clearly who belonged and who did not belong in the moral community, or in other words, who “deserved” to be removed to prison. The current alliance between the police and the popular media, established in the COP model and through Visión Policial (the police’s own media outlet), in this way solidified the stereotyped imaginary of particular sectors of society through the recurrent spectacle of their removal to jailhouses and prison facilities.

Remember that policies engaging with citizen security tend to service the security of certain groups of citizens at the expense of others. In a televised removal of “anti-social” pinta youth, a spectacular politics of exclusion is at once enforced and reflected. A key feature of such processes, as Alberto Guevara has noted in his study of spectacles of marginality and power in Nicaragua, “is the nonverbal aspect of theatricalized power and its affects and effects through bodies and spaces” (2014: 3). In this sense, new shows can be understood as particularly available vehicles for creating and

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\(^{133}\) See Weegels 2018 for an article based on this analysis.

\(^{134}\) Following Goldstein (2004: 18) I consider a “spectacle” to be “a form of political action based on visual display, undertaken by specifically positioned social groups and actors attempting to stamp society with their own agenda.”

\(^{135}\) I use the adjective “spectacular” to refer to the constructed and public nature of the processes in question. A spectacle is “a form of political action based on visual display, undertaken by specifically positioned social groups and actors attempting to stamp society with their own agenda” (Goldstein 2004: 18, my emphasis).
reinforcing securitized imaginaries surrounding noncitizens.\textsuperscript{136} They display and legitimize the exclusionary practices of the state through the (theatricalized) power that the National Police exercises over the pinta youth’s body. These repetitive representations of the (alleged) criminal subject in relation to the police’s “moral” authority have both real and symbolic implications. Joey’s story illustrates this dynamic.

When Joey – a youth in his early twenties who ended up spending two years in prison at the CPJ – was arrested, he complied with the police and tried make as little of a “scandal” as possible. He was on a local ruteado (bus) when it happened, on his way from the city to his hometown. He had just dropped a packet of marihuana off for his “boss” who had given him a small bag of marihuana (a puchito) to keep for himself.\textsuperscript{137} His boss knew he enjoyed a good smoke, but did not usually “reward” him with free weed – “I should’ve known better,” Joey lamented as we sat in a similar bus on the way to the former prisoner radio show, “but I just wanted to light up.” He had gotten involved in the trade because he was not making enough money on his day job to support his smoking habits, and he did not want to go out and steal. “That’s not for me,” he said, “I couldn’t hurt anyone that way … and I was good at it [trafficking]. Nobody suspected me.” He recounted that he had the bag in his back pocket. When the bus turned off the intersection marking the city’s limits the police signaled for it to pull over. Three officers got on, one from the back, the others from the front. “They were frisking everyone’s stuff,” Joey said, “I knew I was up next.”

It was his third time stopped by the police, but the two previous times they had found nothing on him. Joey noted that “me andaban hambre (they were “hungry for me,” i.e. waiting to catch him), y ya sabés como dicen, “la tercera es la vencida” (you know what they say, the third time around you lose).” It was too late to get rid of the bag. Not wanting to “armar el escándalo” (create a scandal), he let the police frisk him and did not resist the subsequent arrest. A local news camera was pushed in his face when the police pushed him off the bus and slammed him onto the patrol car:

“No jodás, me quemaron con todo el mundo! (They ruined my reputation with everyone!). When my parents saw the news they were livid with me, the whole barrio had seen it. Now I’m out and people still give me that look (me miran con reojo), you know.” At the scene, the arresting officer had triumphantly held up the marihuana Joey had carried, speaking of the “arduous investigation” leading up to Joey’s arrest. The reporter spoke of the “golpes” (blows) that law enforcement “keeps giving to drug trafficking” in the attempt to create “a country free of drugs.” Those blows, Joey recounted, could be taken quite literally. “I wasn’t being a nuisance, not hurting anyone, and they treated me all rough, like I was some major delincuente.” After the news crew had left, inside the patrol car, “even though I didn’t fuss, me dieron con todo el huevo (they beat me hard).” He shadow-huddled from imaginary punches, arms cuffed behind his back, “se aprovecharon (they took advantage of the situation), a female officer even punched me in the face.” Why the violence, I wanted to know, if he wasn’t resisting? Did they want information? “They were probably pissed off that they hadn’t found more drugs on me,” Joey explained with a half-bitter smile. “I was probably sacrificed for a bigger pase (drug pass or trafficking operation). My boss knew I’d been stopped before and they make their calculations, you know. Capaz que él mismo me bombeó (he might have even ratted me out himself)…” He trailed off, looking out the window, “it’s all rigged. While the police

\textsuperscript{136} For a discussion of the reinforcement of the “bandido” imaginary through the news in Brazil, see Denyer Willis 2015: 74-9.
\textsuperscript{137} At the moment we discuss his arrest it is December 2015 and Joey is a recently released former prisoner of the CPJ, who has sworn off drugs and is just back at work in his family’s small bakery.
stop the bus with me in it, there might be a car or a motorcycle passing in that same moment
with a much bigger load. But hey, you won’t see big fry in prison, right?"

Alluding to the workings of the Sistema, Joey’s account illustrates that the local media
actively engaged in his “naming and shaming” to position him as a moral “deviant”
vis-à-vis his community, marking him as a delinquent ready for a deserved term of im-
prisonment. In these spectacles of exclusion, the dialogical relation between particular
institutional moralities (those of the police), their public projection, and what become
reified moral discourses is manifested. The recurrent visual display of youthful detainees
engaging in particular crimes (first and foremost drug smuggling and mugging) serves
as the physical description of a particular criminal “archetype” who is presented to be
“anti-communitarian.” Consequently, the imaginary surrounding prisoners is that they
are all anti-social, un(trust)worthy “elements” of which society must be liberated: ratas
(rats), lacras (scum), vagos (thugs), drogos (drug addicts), that is, delincuentes. By tying
particular delinquent subjects to the prison space, these public representations deeply
affect how prisoners are imagined. Prisoners, on their part, are highly aware of this
process and the stigmas it results in.

Understanding and confronting prison stigmas

Becoming a prisoner, innocent or guilty, pushes one across the imaginary moral divide:
the line that separates the “good” citizens from the “bad” ones, the pintas from the
“college boys” (Foote Whyte 1943). While the law is made to punish the subject for his
criminal act (delito), society constructs the “criminal” (delincuente) as a subject rather
than an act (Foucault 1975: 255). Following this logic the prisoner did not commit a
crime; the prisoner is a criminal. And if certain people are criminals, then there must be
reasons and factors that make them so, but also mechanisms that society can install to
deter them. It is this principle upon which classical criminological theories were built
– Cesare Beccaria’s hedonist rational choice theory, Lambroso’s biological positivism,
later social-structural theories, such as those of social strain and control (Agnew 1985,
Hirschi 2009 [1969], Merton 1938), (urban) social disorganization, and subcultural
theory (Cohen 1955). Importantly, these classic conceptions of crime and “the crim-
inal” in turn influenced, and were influenced by, evolving penological conceptions of
the use of the penitentiary and “corrections.” Foucault noted that, in this way, the
penitentiary has always claimed to treat offenders, but produces delinquents instead:

The delinquent is to be distinguished from the offender by the fact that it is not so much his
act as his life that is relevant in characterizing him. The penitentiary operation, if it is to be a
genuine re-education, must become the sum total existence of the delinquent, making of the
prison a sort of artificial and coercive theatre in which his life will be examined from top to
bottom. The legal punishment bears upon an act; the punitive technique on a life; it falls to
this punitive technique, therefore, to reconstitute all the sordid detail of a life in the form of
knowledge, to fill the gaps of that knowledge and to act upon it by a practice of compulsion.
It is a biographical knowledge and a technique for correcting individual lives (1975: 251-252,
emphasis mine).

Jeremy Bentham, for example, conceived of the panoptical prison model in agreement with Beccaria’s conception of deterrence
through observation and punishment.
To be understood as a prisoner, then, is to be taken for a delinquent. Literally cast as an outsider, the prisoner-delinquent is viewed as one “of a less desirable kind – in the extreme, a person who is quite thoroughly bad, or dangerous, or weak” (Goffman 1963: 3). This person does not share the same social values or the same morale; he or she is someone who is quite possibly beyond correction (nefasto) and thus is stigmatized. Prisoners bear not only the legal stigma of conviction but also a social stigma as subjects to whom many negative attributes are ascribed. This combination of legal and social stigma is called the prisoner stigma.

For prisoners the prisoner stigma produces significant conflict. Most prisoners experience prison as traumatizing due to the dehumanizing process of objectification and stigmatization that it submits them to. Sykes (1958) referred to this social trauma as one of the “pains of imprisonment” that is, however, an unintended pain of imprisonment. After discussing a number of intentional deprivations and concomitant frustrations that the legal stigma of conviction imposes on the prisoner (the deprivation of liberty, of goods and services, of heterosexual relationships, of autonomy, of security), he notes that “however painful these frustrations or deprivations may be in the immediate terms of thwarted goals, discomfort, boredom, and loneliness, they carry a more profound hurt as a set of threats or attacks which are directed at the very foundations of the prisoner’s being” (ibid.: 79). That is, that through imprisonment:

The individual’s picture of himself as a person of value – as a morally acceptable, adult male who can present some claim to merit in his material achievements and his inner strength – begins to waver and grow dim. Society did not plan this onslaught, it is true, and society may even ‘point with pride’ to its humanity in the modern treatment of the criminal. But the pains of imprisonment remain and it is imperative that we recognize them, for they provide the energy for the society of captives as a system of action (ibid, emphases mine).

While it can be discussed whether or not this “onslaught” on the prisoner’s moral sense of self is indeed unintentional, what it is important is that prisoners experience it as inherent to imprisonment. Important also is that Sykes directly links the experience of deprivation and stigmatization to the creation of prisoner systems of action. Rather than sitting around as duped individuals, prisoners (collectively) take action toward the relief of the pains of imprisonment. Such actions of relief (or resistance) can be violent, illegal, creative, or legit. They are the performances of agency in the face of a structurally repressive environment.

For most Nicaraguan prisoners the prisoner stigma is double, however, as it collides with the social stigma surrounding criminalized (young) men. The overwhelming majority of prisoners come from either urban or rural contexts of dispossession and, if anything, detention and imprisonment only serve to worsen the stigma that surrounds them. After all, most prisoners are young men (“jóvenes” – youth between 18 and 30 years old) from barrios populares (popular neighborhoods or slums of both large cities and small rural towns), who are actively portrayed as “anti-communitarian” and do not have the money or the palanca (connections) to get out of a prison sentence. Through a process of symbolic violence – “naturalizing unequal power structures to the point of rendering them inevitable” (Hume 2009: 32) – they are often already “officially marked

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139 This dynamic repeats itself constantly. A man recently convicted (by jury) for shooting dead a burglar who had forced entry to his house never spent a day in custody and was released on house arrest by the judge awaiting the appeal to his case (see e.g. “Ciudadano mató a ladrón, pero la ley no lo justifica,” La Prensa, 23 July 2017).
as incurable delinquents, as children without a childhood and later as youth without a future” prior to imprisonment (Ferrandíz 2003: 121). These (double) stigmas are intimately intertwined with gendered and classed conceptions of morality and criminality.

**Gendered and classed (re)productions**

Imaginaries of the “delinquent,” the “reformed man,” authority, and community are all highly gendered and classed. Particular actors or institutions are imagined primarily as masculine or feminine, and moral inferiority is often linked to economic inferiority. The prisoner and delinquent stigmas circumscribe particular groups of poor (classed) men (gendered), most often young (aged) and darker-skinned (racialized) too. Notions of “change” (whether popular-socialist or social-conservative) reflect moral ideas about what these stigmatized men should think and do to be considered honorable men – good men, that is. This places stigmatization and its undoing at the heart of contestations about the “right” way to be a man (or woman) and exert one’s masculinity (or femininity). The way in which such gendered notions are culturally organized and defined in Latin America is through machismo. Poised as the region’s “hegemonic regulatory discourse” of gender relations it is the discursive framework in and from which Latin Americans themselves position, rationalize and explain unequal power relations between women and men and among them, including those expressed through interpersonal violence (Butler 1993: 1, borrowing from Foucault 1991 [1975]; on Latin America e.g. Brandes 2003; Ferrandíz 2003; Gutmann 1997; Lancaster 1988, 1992; Montoya 2012).

In practice, machismo can then be understood as a “field of productive relations” that both structures “relations between men, women, and children” and relationally defines “what it is to properly be a man, or a woman, or a child” (Lancaster 1992: 19-20; see also Gutmann 1997). As such, they are part and parcel of the prison environment. They are both power relations (“in that they structure inequality and differential prerogatives”) and productive relations – “appropriating and refining the raw material of the human body, machismo systematically produces values that are realized both ‘ideologically’ (as certain manifest notions about the nature of sex and gender) and ‘materially’ (in the most intimate experience of gender, sexuality, and the body)” (Lancaster 1992: 20). Interestingly, while these values definitely change over time, machismo constitutes a quite resilient relational “system” (ibid.) that frequently invigorates moral boundaries, particularly those related to shame (connected to the feminine or effeminate) and honor (connected to the masculine) (e.g. Steenbeek 1995). Shame must be avoided, honor protected. This links machismo to particular moral-religious structures that validate the positioning of women beneath men, and “dishonorable” men (sinvergüenzas) beneath honorable men. A community’s honorability thus hinges on the moral behavior of its residents: “bad” communities produce “bad” men (and women) – shameless people, “gente sinvergüenza.”

While machismo as a relational system produces unequal (and often violent) relations between men and women, it must be underlined that they also produce these among men, who often find themselves in a continuous hierarchical (and patriarchal)

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140 Matthew C. Gutmann explores the different modalities in which the "anthropology of masculinity" can be conceptualized in his essay “Trafficking Men” (1997).
competition against one another. This may seem archaic, but machista ideals (of pride and shame, for instance, or reputation and respect) have in fact been translated to contemporary street culture and inform the current embodiment of such gendered ideals. These include, for example, notions of respect and male dominance in the New York illegal crack economy (Bourgois 2003 [1996]), notions of toughness and the incorporation of violence into masculine identity performance in Venezuelan shantytowns (Ferrandíz 2003), and notions of vergüenza (shame) and “crazy” violence in Hispanic gang literature and autobiographies (Díaz Barriga 2003). Diego Vigil (1988) has held that enculturation to street values evolves with youth’s social interactions and networks. As young barrio kids see their fathers, uncles and older cousins going off drinking, getting into fights and womanizing with little unmanageable consequences at home — many a time even socialized into such “real man” behavior by their mothers, as Lancaster has held (1992) – they are accustomed and become socialized into similar behavior (see also Rodgers 2016). In the violent context of contemporary street life in Nicaragua, machismo thus continues to inform particular “street” performances of masculinity (Rocha and Rodgers 2008, Weegels 2014). My research collaborators oftentimes hailed and embodied different modalities of such street “toughness” (being a “vale verga,” careless man, “vago” thug, or “hombre hombre,” manly man). Their visible physical attributes (dress, tattoos, scars, hairdos, sign language, gestures, walk and posture) demonstrated their “correct” socialization into the wider, collective relational system of machismo – particularly into its violent competitiveness. At the same time they reflected their commitment to street culture’s antagonistic valeverguismo (carelessness or indifference), which placed them beneath or across from the law-abiding “honorable” members of their communities.

Importantly, this street version of machismo hails particular qualities as masculine: being “nefasto” (incorrigible), “loco” (crazy), or “muerte arriba” (fearless in the face of death). In the urban gang as well as the rural cantina he who flies in the face of insult and defends his honor demands respect. In prison, these qualities were exactly those that the “change of attitude” planned to convert. Still, my collaborators often described how they deployed and embodied such a valeverguista attitude prior to being imprisoned. They would enhance these self-descriptions with adjectives that emphasized the irredeemable qualities of their street personas. During a 20-minute monologue on his experiences as a “vago,” migrating to Guatemala and back, Beto for instance recalled that:

I went back home, I came all man-like. I shaved, went to take drugs by myself, mixed liquor in all that, and I took things [attitudes] from Guatemala inside me, for example that nothing mattered to me, that I was the one giving the orders. I came with a line of thought more – more like what we call valeverguista, I came from over there. So when somebody would say something, they wouldn’t say it to me that fast because they knew they’d be in trouble. I’d grab them and whop their asses and get myself in trouble and I didn’t care if they went to the police (SPR, 2009).

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[141] Violence has also been studied as an alleged “intricate” part of the performance of masculine gender identities outside the regional and disciplinary boundaries of Latin America and anthropology, most of all in Western psychology and criminology (Connell and Messerschmidt 2005; Jewkes 2005; Maruna 2001; Messerschmidt 2000).

[142] On the former see also Rodgers 2006b. According to Rodgers, Nicaraguan gang members also mention the quality of being “dañino,” that is “bad” or capable of provoking hurt or doing damage (ibid.). See also Dore 2006 on rural Nicaragua. See Johnson and Lipsett-Rivera (1998) for a historical consideration of sex, shame, and violence in Latin America.
According to Beto, being a valeverguista meant to be reckless and indifferent about life and death – either about one’s own or other people’s lives. Beto’s attitudes did not just blow over from Guatemala though. The word pair “vale verga” is used very often on Nicaragua’s city streets, and it is most often used to indicate the indifference in the consequences of one’s actions. In this way, not only poverty but also juvenility and masculinity are equated with the expectation of criminal involvement and violence. Caring less about what anybody, women above all, thinks of you encompassed a certain glorification of masculine independence and street life’s substance abuse in a domain where peer opinions came to matter most for enhancing respect, toughness, and a reputation for violence. Paradoxically, in prison, these men depended heavily on their female relatives for their survival – both economically and emotionally. Gendered notions of independence and honorability thus inform the ways in which prisoners deal with their social relegation, but also how the authorities deal with the prisoner-as-delinquent.

**Gendered contestations of authority**

While barrio masculinity turns into “a realm of impenitent delinquency” for onlookers (Ferrandiz 2003: 117) – one that “inevitably” leads either to prison or an early death – such stigmatizing imaginaries also demand particular gendered interventions. As much as violence is expected from marginalized urban youth, it is also expected, in many contexts even demanded, from the authorities (e.g. Denyer Willis 2015, Penglase 2014). As we saw in the section on citizen security, for “noncitizens” there is no soft, civilian approach. This is where the (imprisoned) vago’s logics appear to converge with the exercise of state authority. Respect is believed to result from the deployment of one’s capacity for violence: “darse a respetar” (to make oneself respected), “no dejarse” (not allow one’s self to be messed with), “exigir” (demand), “mandar” (call the shots).

In the ironically titled news item “Cop’s clean punches detain foul-mouthed thug,” all of these gendered stigma and practices are combined. In it, we see a spectacular arrest made by an on-duty officer of a youth that calls him out to fight after his colleagues have arrested and placed his brother in a police car. The most important part of this news item, repeated thrice for the viewer, is not the arrest itself, but how the provoked police officer “makes himself respected”:

We hear Edwin [the suspect] saying to someone inside “don’t stop him [the officer],” and then he calls out to the officer, who is standing by the patrol car that his brother was just put in: “Come over here you son of a bitch (métase hijuelamilputa)! I don’t give a shit about going to jail (Me vale turca caer preso).” A lady from inside the house has apparently had enough of the situation and we hear her yelling at Edwin repeatedly: “Fine, let them take you in!” The home’s screen door is opened and Edwin comes out – shirtless, sporting baggy shorts and flip-flops, bandana pulled down to his eyes – ready to fight. The voice-over notes that the police officer “ni coto, ni perezoso, se dio a respetar” (neither disabled nor lazy, made himself

143 “Me vale verga” literally means “I care dick about it,” which loosely translates to “I don’t give a shit.”
144 Alcohol, for example, plays a paramount part not only in street life but also in men’s definitions of masculine behavior in general (Brandes 2003, Lancaster 1992, Mitchell 2004, Pine 2008).
145 A video of this news item can also be found on YouTube: “Deterido a mano limpa por andar de rapido” (2:48) http://www.youtube.com/watch?v=crw52pXAk4c (a Crónica TN8 news item published on YouTube on 23 July 2012, last visited on 22 November 2017). Crónica TN8 is one of Nicaragua’s popular nota roja-style news shows (Weegels 2018). I recommend watching this item as it visually clarifies what I argue.
respected). He immediately jumps toward the youth, giving his face six good punches. Edwin stumbles to the ground where four police officers pile up on him and struggle to cuff him. On the floor, he repeatedly tells the officer who took him down to “look me in the eye biuja puta.” Once the officers manage to cuff him, they pick him up off the dirt floor by his cuffed arms and belt, and force him towards the police car. Edwin mumbles threats to the gathered onlookers and officers, blood running from his mouth, as they stuff him into the patrol car next to his brother. Inside the patrol car his brother hurls abuses at the onlookers as the police car drives off, specifically calling his neighbors “peluches” (gang slang for traitors).

Aside from demonstrating the “strength” of law and order over “delinquency,” this fragment clearly shows how the particularly gendered and classed moral divide between “criminals” and authorities works through in policing practices. While they engage in meting out (violent) punishment, the authorities simultaneously hold up paternalistic, conservative masculine ideals. Edwin was not considered “disposable” in the sense of “killable,” as Denyer Willis, for instance, holds the Brazilian bandido to be (2015). Instead, clearly presented as a pinta, Edwin “deserved” the physical punishment administered to him not only for disrupting the barrio’s “order” by engaging in criminal behavior against his fellow residents, but also for challenging someone of clear authority over him. In this way, the police officer’s beating of Edwin, presented as authority making itself respected, is akin to a father reprimanding a disrespectful son, or one man defending his position above another man, a lesser man, in the face of insult. In any case, it is presented as a perfectly valid and acceptable response to provocation, even if it is anything but a fair fight.

The “double failure” of prisoners as men provides the authorities with a ground of moral superiority to stand upon from which they can discursively reeducate (subordinated) “failed” men and (physically) reprimand “criminals” for their behavior. As a result, most police and penitentiary officers I met thought lowly (or pitifully) of prisoners and had little faith in prisoner “change,” shaking their heads at the attention and protection suspects or convicts would still receive from their loved ones. Vis-à-vis the locked-up delinquent the authorities presented themselves as “good men” in two ways – as good citizens as well as family providers (in their professional capacity as state employees). Because they positioned themselves as better men than those imprisoned, some officers also took to competition with prisoners over particular masculine “trophies,” that is, women. A number of prisoners complained that officers would “dare” to talk to their wives – and not in a professional capacity, but about how the prisoners could be failing them as husbands. Javi, a long-sentenced former prisoner of the SPR, noted that some guards purposely spread rumors to prisoners’ wives that their husbands used drugs inside prison (implying a disability to deal with life, in other words a lack of masculine strength); or alleged that their husbands “se hacían mujer” (became women, i.e. became gay or prostituted themselves) either to provide for their addiction or because they could not go without sexual intimacy (meaning that they were sexually weak).146 The objective of such rumors, Javi held, “was to win the women over for themselves, and sadly sometimes they really get into their heads, and they [the women] abandon their men.”

146 In Nicaragua, the stigma of homosexuality only sticks to the passive partner in homosexual intercourse (the cochón) – a man who engages as the active partner in such sexual relations is frequently considered to do simply “what men do,” that is, penetrating a passive sexual partner, be that partner a man or a woman (Lancaster 1988, 1992; Weegels 2014).
From the viewpoint of imprisoned men, what is especially emasculating about authorities meddling in their intimate relations is that they are bereft of the possibility to defend or avenge their honor in the face of such rumors. The two options traditionally resorted to in the face of provocation are expressly unavailable to them. They cannot risk fighting a guard on the basis of a rumor and land themselves in isolation, losing contact with the woman in question – after all, the authorities could just be messing with their heads. Neither can they risk distancing their spouses or family and antagonizing them with violence (control or threats), as they are in many ways dependent on them (and the idea is to keep their woman, not drive her away). Both these options constitute, however, exactly the exacerbations of an essentially emasculatory situation that these rumors underline. Prison frequently renders prisoners entirely dependent on their (female) relatives and partners to survive. Such dependence is in itself an emasculatory relation, but it can also be productive. Dependence and the maintenance of masculine “independence” or the desire to provide for oneself or one’s relatives is clearly a significant motive for prisoners to engage in moneymaking activities inside prison.

There is, then, a particularly gendered alternative that can take power away from subordination and stigma: the appropriation of the delinquent imaginary. To become the imaginary – to become worse than the imaginary – and with pride: the successful gangster, the respected capo, the feared and violent vago. For, when one is marginalized and stigmatized to such an extent that a formal life is out of the question, why even bother and risk humiliation? When one can make thrice the amount of a dayworker’s quincena in an afternoon, why consider sweating for a formal job? Following this logic, authorities can be seen not as morally superior, but as “stumpers” with monthly wages that pale in comparison to those who run the inside trades. And what woman would not want to be with a man who holds his own, or even calls the shots (manda)? There is a particular honor to be found in not accepting the cards one has been dealt in life, but in stealing the whole damn deck instead. Immersion in what prisoners call the “vale verga mentality” provides such a gendered framework within machismo’s moralist relational system for both embracing and rebelling against the marginalized position that criminalized men usually find themselves in.

Yet engagement in street (and prison) “illegal enterprise embroils most of its participants in lifestyles of violence, substance abuse, and internalized rage,” anthropologist Phillipe Bourgois has stressed (2003 [1996]: 9). Anthropologist Gilberto Rosas (2012) takes this point of ambiguity (respectable strength vs. self-/community destruction) a step further in his ethnography of gang youth who are (literally) submerged in the sewage system between Nogales, Mexico and Nogales, Arizona. He underlines that the formation of delinquent groups and their engagement in harmful, illegal activities should neither be condemned by moralist analyses, nor romanticized by resistance-oriented analyses. Instead, they might be thought of as “delinquent refusals”:

To embrace an imminent end to their young lives is to simultaneously embrace their delinquent freedoms, the violations of other bodies and boundaries, the abuse of street drugs, and the flowing through a transnational underground terrain and its both real and imagined channels. […] Their confounding delinquent practices […] constitute an embrace of imminent death as a political act, a pathological, delinquent refusal, a refusal to live life as a normal subject of neoliberalism (2012: 119).
Such “delinquent freedoms” come with their destructive restrictions, however. The pandillero’s “iron law” (*ley del hierro*) teaches that “who lives by the sword, dies by the sword” (*quién a hierro mata, a hierro termina*). In the prison context, it was often hard to tell whether the recounting of violent experiences was expiatory or functioned as a reminder to the present peers of what one was (and hence could again be) capable of. Beto testified to his past “*vale verga*” mentality during a group meeting of the prison theatre group. In the reeducational spaces where these conversations would take place, violence (at least in its direct, physical form) was largely absent. In a way, the talk of “past” violence offered the possibility to bring violence in, in the past tense, guised as shame or guilt. Arguably, these spaces then offered an avenue to “doing masculinity” in the moral institution much in the same way as the talk of “when I was a drunk” functions for men attending AA meetings (Brandes 2003). The talk of violence does not break the rule not to bring conflict into reeducational spaces, just as the talk of drinking does not break the recovering alcoholic’s rule of abstinence. Instead, it provided the opportunity to emphasize how important *not* being violent was in the *current space*.

**Prison space, penal reeducation, and prisoner “change of attitude”**

Arguably, the “tightness” of Nicaragua’s prison system is highly defined by its ambiguous moral system. As we saw, Nicaraguan prisons are administered through a progressive privilege system that is guided by a penal ideology of reeducation (*Reeducación Penal*), which is fixed in its Penitentiary Law. As a result, at least officially, the penitentiaries attempt to organize as much of prison life as possible around reeducational programs. According to the law, participation in penal reeducation is crucial to achieving prisoner change. And once prisoners have changed, they are fit for their return to society. The privilege system thus individualizes the performance of prison. Much as Goffman holds for privilege systems in general (1961: 51-60), the Nicaraguan progressive privilege system parcels out “a small number of clearly defined privileges [most importantly time outside of the cell, regime progression, and early release] in exchange for obedience to staff in action and spirit” (ibid.: 51). All of these privileges are offered through *Reeducación Penal*. The reeducational arena then becomes the space *par excellence* to perform such “obedience,” as these spaces are where prison most clearly presents its moral face.

Following from this, Nicaragua’s prison space – its carceral geography – is architecturally divided into spaces with distinct functions: dormitories or cells, corridors, staff offices, classrooms, visiting areas, courtyards, kitchens, chow halls, prisoner work areas, medical wings, isolation units, and security buffer zones. In practice these spaces may overlap, both in function and in carceral quality, but the important issue is that some areas have a distinct and more carceral “feel” than others. Recently, a number of prison sociologists, criminologists, and (carceral) geographers sought to spatialize prison’s “carceral grip” by mapping out how the power relations and governance systems that pervade prison, as well as the ways in which the “pains of imprisonment” (Sykes 1979)
1958) spatially fluctuate and acquire different qualities (see for example Allspach 2010; Crewe 2011; Crewe et al. 2014; Hancock and Jewkes 2011; Moran 2014, 2017). Some spaces of the prison might then be seen as inherently more, or less, “prison-like” as its Foucauldian disciplinary power strengthens or dissipates. In this light, Ben Crewe proposes a consideration of the prison’s “tightness” (2011) building on King and McDermott’s (1995) distinction between the “depth” and “weight” of imprisonment.

Where the depth of imprisonment “suggests being buried far from liberty, deep below the surface of freedom” and its weight refers to “the degree to which it [prison] weighed them [prisoners] down or bore upon them,” Crewe proposes tightness to give “a sense of the way that power is experienced as both firm and soft, oppressive and yet also somehow light” – “it does not so much weigh down on prisoners and suppress them as wrap them up, smother them and incite them to conduct themselves in particular ways” (ibid.: 521-2). Particularly tightness relates to reeducational spaces and practices, then, as within these it is not so much legal violations that elicit a response of the control system, but “the possibility of being sanctioned for breaching institutionally defined norms” (Crewe 2011: 522). This blurs the boundaries between “criminal” and sanctionable behavior, leaving boundary definition to the discretion of individual prison (i.e. bureaucratic) administrations. In turn, this creates considerable uncertainty for prisoners, who cannot capture the institutional motivations for the progression of one prisoner through a regime phase rather than another, or sanctioning a prisoner for his behavior on one occasion, but not on another. This feeling of being at the mercy of the “will and whim” of the administration prevails in Nicaragua, where, as we will see in chapter 6, prisoners have established clear rules among themselves in the light of the ambiguity of authority prison administration and enforcement.

Yet reeducational spaces are not only tight in the sense that it is where prisoners are tied up in a form of moral control. Even when prison authorities retreated from reeducational spaces, causing a loosening of the institution’s carceral grip, the possibility of (coercive) intervention nonetheless remained present from the sidelines. Regardless, even if the temporal and spatial retreat of the authorities relieved the “weight” of imprisonment, it did not produce power vacuums in which state authority was completely absent. It has been argued, for instance, that while these activities may well provide avenues for resistance or transcendence, they are also avenues through which power and authority are reiterated in distinct, “softer” ways that are nonetheless geared at the reproduction of (prison) order – an issue that we will also see in the next chapter (see Cheliotis 2014c for a consideration of prison arts in this light, and O’Neill 2015 for a consideration of religious intervention as “soft security”). Reeducational spaces, then, rather than being a relief of the prison environment, reflect an intrinsic part of the “tightness” of the Sistema – particularly through the “arbitrary” allocation of privileges and issuance of early release orders in a circular agreement between the DGSPN and the MIGOB, without the intervention of the judiciary. This brings us back to the contradictions of prison as a moral institution.

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148 As prison areas are not as neatly designated in Nicaraguan prisons as they might be in Western prisons, it is best to think of reeducational spaces as any place of the prison complex transformed (temporarily) to a space where a reeducational activity takes place (be these cultural, educational, sports, or religious activities).
Penal inequalities and authority understandings of prisoner “change”

Arguably, the penal control law, the *Ley de Ejecución, Beneficios y Control Jurisdiccional de la Sanción Penal* (No. 745, Law for the Execution, Benefits and Jurisdictional Control of the Penal Sanction) was passed in 2010 in an attempt to control the arbitrary effects of the Sistema. This law took significant discretionary power away from individual prison administrations as well as the national penitentiary direction as it moved decision-making on prisoner progression and release to the judiciary, establishing *jueces de ejecución y vigilancia penal* (judges of penal execution and oversight). This new jurisdictional supervision over the prison system was supposed to curb previous irregularities in prisoner release. The law, however, also meant that prisons now needed to keep their documentation of prisoner behavior (sanctions and privileges noted on the prisoner control record or TCI, *Tarjeta de Control del Interno*) revisable and up to date at all times—an administrative duty that is at times purposely neglected, just as the issuance of release orders by the judiciary (which still need to be approved by the MIGOB) can be significantly delayed in this process.

With the further rhetorical incorporation of reeducation in public policy- and law-making, however, considerable pressure is exercised from *la Nacional* (the DGSPN) on local prison directions to host manifold reeducational programs. Barahona noted, “About seventy per cent of the prisoners here participate in a reeducational program.” He also indicated, however, that the Nacional’s expectations for the regional centers were sometimes unrealistic, both in terms of prisoner participation and of the breadth of the reeducational curriculum. He argued that on the one hand the “literacy issue” means that prisoners in regional facilities may not possess the same “professional capacities and dreams” as those at La Modelo might have. On the other hand, he noted that there is a lack of “serious” civil organizations to support and organize penal reeducational activities, courses, and programs in the regional facilities because these facilities are “less known” and “when it comes to social crime prevention, [NGO] attention tends to revolve around Managua.” He regretted that there were few organizations and near to no local businesses to help with technical courses, materials, or work places. In his opinion, many reeducational programs and activities were moreover “not invested in really making the prison as a whole a better place.” After all, “most programs focus on a small group of prisoners, not the entire prison population,” and did “little in the
way of ameliorating material prison conditions.”

The Ministry of Education (MINED) provides most of the impetus to the educational environment in the prison system. At the SPR’s school, called El Nuevo Amanecer (The New Dawn), literacy, primary and secondary education are all provided by the MINED. The rest of the penal reeducational panorama was relatively barren. There were a number of church groups that held regular meetings, like the Catholic Franciscans, the Narcotics Anonymous, and evangelical ministries like the Asamblea de Dios. Especially around Catholic holidays, like the Virgin Mary celebrations, the usual routine of the penitentiary would come to a halt and festivities would include at least a third of the population. Technical courses were not provided while I worked at the penitentiary, but the National Autonomous University of Nicaragua (UNAN) irregularly provided specialized courses in areas such as business administration. There was no stable work program in place at the prison either. Some prisoners engaged in artisanal woodwork production on demand (chairs and tables), hammock making, or handicrafts (folded paper pots, birds, and paintings). The Bibliobus, a mobile library initiative of the German-Nicaraguan library, would visit bi-monthly. Except for the theatre program there were no other regular arts courses at the prison, and none were year-round programs. The prisoner mariachi group, dance groups, handicrafts and poetry groups were all prisoner-organized, and the prison theatre group was largely organized along the same lines (as a prisoner group). Sports trainings were organized and coached either by MINED teachers or volunteers from civil society organizations during particular periods of the year, especially in the period leading up to the annual prison-Olimpia in Managua.

The National Penitentiary System’s Olimpiada is the proverbial cherry on the reeducational cake, hosted once a year at the La Modelo prison in Tipitapa, Managua. During the Olimpiada the “best” prisoners from all regional facilities and La Modelo compete for titles and awards in sports (boxing and soccer), mathematics, music, and arts and crafts. Barahona’s complaint about the DGSPN’s disregard for the different professional capacities and dreams that prisoners have were more related to the subordinate position that the SPR and regional facilities in general have compared to La Modelo, home to the DGSPN. While the SPR’s mariachi group was repeatedly crowned best musical group and an occasional good student was champ in maths or boxing, the facility lagged behind in most other competitions. Yet the will to win, to achieve an institutional pat-on-the-back, frequently made for extra pressure on prisoners as well as the disregard of certain rules prior to the Olimpiada. This became clear on a particular occasion when the reeducational officer working under commander Barahona, subalguacil Rony, requested me to “beautify” a prisoner’s drawing for the Olimpiada’s arts competition.

152 The contested 2011 reelection, however, coincided with the government’s repeal of some NGO’s legal statuses, the centralization of prison donations through the DGSPN, as well as increasing criticism from international NGOs about the institutional lack of transparency, and the closing (and withdrawal of state funding) of many European embassies in Nicaragua. While we were able to secure an international subsidy for the repair of the prison’s water system in 2010, funding opportunities dried up post 2011.

153 All of the SPR’s wardens (alcaides) had once worked in a directive position at La Modelo – as (sub-)director of reeducation, sub-alcaide, (sub-)director of security, etc. Of the penitentiary personnel only the alcaide is replaced every year, making these the most variable factors in the prison administration. For some becoming warden at the SPR was an ascent from being a (sub)directive at another regional facility, for others it felt more as a demotion from wardenship at a more affluent facility or a directive position in Managua. The warden’s background (in either a more reeducation-oriented or a more security-oriented branch of the system) could often be felt in the type of priorities he or she would pose. For those working at the SPR, ascending on the institution’s hierarchy was not always a priority. Aspiring to a position in La Modelo was many a career-oriented officer’s dream, but it was simultaneously recognized as “dangerous work.” Sub-commander Santos, native to the region and ascending little by little at the SPR, noted that “Managua may seem like the summit, but if you look at prison work there, you’re much more likely to get stabbed or in trouble than you ever would at a regional facility.”
The drawing was a good copy of a pamphlet of the government’s “Vivir bonito, vivir limpio, vivir bien” ecological campaign, which was also the theme of that year’s Olimpiada. It was the first time that I had facilitated a drawing course for female prisoners at the SPR and officer Rony stated “you should show off your best work.” To make matters worse, he came into the (male) prison theatre group’s rehearsal with the drawing in his hands and prompted me to modify it right then and there – in a way so that I might show him my skills, which the theatre group members were then impelled to see, too. They gathered around my chair and fetched the drawings that the men’s section had handed in on prior occasions so I could get an idea of what could “secure a win.” Not only did this incident make the gendered gap in prison handicrafts painfully obvious, but it underlined the class-privileged educational gap between the imprisoned women and me, as well. The feelings that Danelia – the original artist – might have about this “beautification” did not preoccupy the officer in the least, nor that my “help” broke the competition’s rules. It did not appear to bother the male prisoners either, who pushed me “to help the women out” when they noted I was reluctant to do “as told.”

When I shared my concerns with the female prisoners in the next workshop, after the Olimpiada, they were not so much upset with me “bettering” (their words) the drawing as with the officer making the request to do it: “Rony told me to draw that picture,” Danelia said. “It wasn’t any of the stuff I normally draw. It took me three days, and he wouldn’t get off my case! Then he just goes over to you to change it right before he sends it in. He might as well have asked you to draw it in the first place instead of having me waste my time.” Clearly, Danelia felt cheated out of time that she could have spent otherwise. The prison competition did nothing for her in any way other than to underline that her skills were “not enough.” She sighed, pointing her lips in the direction of the administration’s offices, “you can give it all you can, but it’s never enough for them.” Danelia’s remark pointed to the understanding and awareness that prisoners have about the ways in which they and their participation in reeducational activities is on the one hand instrumentalized by the authorities to “make the system look good” (as Marlon would say), and on the other hand mistrusted by the same authorities for falsely compliant behavior.

The episode with Rony and Danelia points to the discrepancy between most prison officers’ following of (reeducational) orders – ticking the proverbial box – and their personal thoughts about prisoners’ capacity to “change.” As opposed to Barahona, Rony and many of the SPR’s officers commonly referred to the prisoners as “animales” (animals, but also “stupid” people). In one of his typical bouts of negativity, Rony complained: “there’s not a decent carpenter, mechanic or artist in here, they’re all ignorant pot-smokers and producers, vagos (thugs), murderers and thieves, no sirven para nada (they don’t serve any purpose).” Why would I want to work with “ese animalero” (that bunch of animals), he would openly wonder. Slightly less negatively, the DAJUV captain at the community center, where the CPJ prisoners in the police rehabilitation program spent their weekdays, wavered between (politically) believing in change and disqualifying it. He framed it this way:

“There are two reasons why a prisoner might change: the first is love, the second is fear. Of those two, fear is stronger. Think of it this way: if your mother, who you love dearly, suffers much from seeing you smoke crack, you might consider changing to no longer hurt her, because you love her. But if you fall ill and the doctors say ‘stop smoking crack or you will...
die,’ you’ll definitely change your ways!” Rocking back and forth in his rocking chair outside the community center, he turned to look and see if I agreed with him. “Most prisoners don’t change out of love, Julia,” he wanted to convince me, or warn me, “they change because they’re afraid that if they don’t there’s no future for them.” I nodded, he added “…and then there’s the ones that don’t change at all, se hacen (they pretend to), but they’ve already thrown their lives away, ya no creen en nada (they don’t believe in anything anymore).”

It is the latter – those who don’t believe in anything anymore – who defy all preventive measures and reeducational imperatives, and it is they who most endanger what is projected as a fragile moral order of community that must be protected by the authorities at all cost. Moving unscathed through institutionalized communitarian moralities as “agents of community ruin,” they are subject to a “heavier” form of policing and imprisonment – one that is significantly more repressive and isolated. Prisoners who participate in reeducation know this, most have been there too – “era nefasto (I was incorrigible)” they would say, but they had “changed now.” Yet there is an extent to which the authorities themselves “don’t believe in anything anymore.” Prisoners “never really change,” “se hacen” (they pretend), or as the captain said, “They’re smarter than you think.” Therefore, prisoners and former prisoners, changing or not, “should never be trusted.” In reeducation, even if they are held more loosely (even when unsupervised), prisoners are never held so loose by the carceral apparatus for its mistrusting grip not to be felt.

Still, it is not only authorities who mistrust prisoners, but also prisoners that mistrust authorities. There was always a section of prisoners that did not engage in penal reeducation, either by their own choosing or because there were not enough spaces in programs for them to participate in. There are also those who consider that they do not participate in reeducation while the administration thinks they do, which is different, but crucial, as we will see in the next chapter. While Barahona counted attendees to evangelical cultos as part of his 70 percent, many of these prisoners would not likely consider themselves part of what is deemed a state-run reeducational initiative. Similarly, while Javi was responsible for an “área” (reeducational space) he made a clear distinction between the MINED, whose sports supplies he was responsible for, and el Sistema, who he felt he needed to protect these supplies from. Officially, he was a prison trustee, yet he frequently held that if it would not be for his supervision, the authorities would have long “made [MINED supplies] disappear.” He recounted how numerous donations of materials made toward the reeducation of prisoners (from sheets of colored paper, to baseball gloves, to computers) had been “bisneados” (resold, implying stolen) by the authorities to the outside – or maybe not even sold, but simply appropriated for themselves:

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154 The key legal sanction for rule-breaking in prison is isolation to the “calabozo” (referred to as “la chiquita” in Managua), where one is not really kept in isolation but locked up with two to four others in a small cell with only one hour of sun-time per day, no visiting and no educational privileges (this also meant no additional food to the chupeta, the rice-and-bean prison chow). The key extralegal measure to keeping non-compliant prisoners in check is beating them, which is quite crucial for prison authorities when it comes to demonstrating “quién manda” (who is in charge). I discuss the confluence of legal and extralegal sanctioning and ordering strategies in chapter 6.

155 Due to the overcrowding of the system, an unknown number of convicted prisoners are held in police jails (preventivas) like the CPJ. While such police jails function as de facto penitentiaries they are not subject to the Penitentiary Law, meaning that penal reeducational programs are nonexistent within these facilities. The CPJ was one of the few police prison facilities to host a reeducational program outside its walls (at the community center). It also had work program relations with the local hospital and municipal market place.
They see the brand new soccer balls and think, ‘my son needs a soccer ball, why should this bunch of delinquents have [soccer balls] and not him?’ And they just take them. They don’t care that the donation was made to us, they act like it’s all theirs – and that upsets the donors, you know, they just stop giving stuff because everything gets lost, and of course the guards tell them it’s us who destroy the things they bring.

By scrutinizing the authorities’ lack of adherence to the reeducational discourse, Javi powerfully dislocated the delinquent stigma from the prisoners to the authorities. It is a move that many prisoners made, most often to distinguish their moral principles from the authorities’ – an issue that I return to in the next chapter.

Conclusions

In this chapter I have argued that both citizen security as a potent public discourse and machismo as a relational system produce particular criminalized bodies and prisoner stigmas. The place where these stigmas are supposed to be undone, through a process of state-led “change,” is the moral institution of the penitentiary. Through its moral work, however, the prison tends to reinforce rather than eliminate these stigmas. In fact, due to its focus on individual change, hiding punishment from the equation, as Goffman and Foucault already held, the privilege system cannot make prisoners other than complicit in their own subordination (Goffman 1961: 51) as much as “the prison cannot fail to produce delinquents” (1975: 266). Still, even if penal reeducation provides for the prison’s “tightness” – making activities as wide-ranging as primary education, religion, and theatre complicit to the carceral environment – the ways in which prisoners navigate this tight environment makes of them agents rather than subjects or objects of disciplinary power.

Capable of altering or subverting the experience of that environment, it is both with and against these moral institution and society’s gendered imaginaries that prisoners engage in the navigation of the prison environment. Together with prisoners’ own moral claims of being “good” men, building on their own conceptions of “change,” prison as a moral institution becomes social, plural, and shared – a complex that does not “belong” only to the authorities, but also to the prisoners. Importantly, as we will see in the next chapter, prisoners underline that the authorities are not the key actors of Reeducación Penal or the key agents of their change. Importantly, they hold that it is other people – who engage with them on different emotional, educational, creative or spiritual premises outside of the correctional one – and they themselves who make of reeducation a truly moral enterprise. Rather than perceiving themselves as subjects subordinated to the disciplinary or moralist power/knowledge regime, they heralded themselves and their “collaborators” as the agents of their moral change.

While this agentic appropriation of penal reeducation unhinges Foucauldian notions of a “total education” or omnipresent disciplinary power, these claims are still made from a position that is thoroughly subordinated to the powerful moral regimes in place – regimes that hold the power to decide whether their change is “good” enough, “genuine” enough, that is, changed enough. It is with this inherent contradiction in prison’s moral work in mind that prisoners continuously struggle, even after their release, to demonstrate their worthiness to society. What can they do, after all, to rid themselves of the delinquent stigma that envelops them (worse even after they leave
prison) that does not involve the acknowledgement of their own excluded position, of their “delinquency”? To this end, thinking with Sykes’ prisoner systems of action, the next chapter explores the “doing” of change (in its performative sense) as a “doing” of freedom – a freedom that is experienced as such precisely due to its parallel existence with confinement.
Chapter 4

“So you see we can be different”: Performing change, doing freedom in the Cemetery of the Living
“No te metas con nadie, para que nadie se meta con vos (don't get involved in anyone's business, so that no one gets involved in yours),” Marlon argued that this was the key to surviving prison. He had been sentenced to five years and was spending his time at the City Police Jail (CPJ) – at that time over two years had already passed. Tadeo, similarly sentenced to five years, added “aprendé a aguantarla,” learn to endure it. As most others, Tadeo and Marlon considered that the best way to pass prison time was to pass as little of it as possible with as few clavos (problems) as possible. This did not mean that they did not do anything or get close to anyone. Instead, it appeared to entail knowing who to get involved with for what reasons, when, and how. It was essential to establish that they were not to be messed with, for example, but it could be as essential to make their “changing attitudes” visible to the authorities to become eligible for an early release. In practice then, most of the prisoners I worked with engaged in prolonged attempts not to get in trouble with the gallada (the prison's hierarchy) while attempting – never too obviously – not to get in trouble with the authorities either. This required a fluency of interaction in prison's everyday life, a rapid understanding of “prison as usual” for its safe navigation. As much as prison was about being tough (fuerte, duro) then, it appeared to be about being “vivo” – clever.

Viveza, cleverness, encompasses an understanding, a knowing, and the capacity to make the most of this knowledge. Even as it has a potentially negative undertone, it is about turning the tables such that one might make it through relatively unscathed – knowing how (not) to “tirarse las trancas” (jump the proverbial fence), when (not) to “aprovecharse” (take the opportunity), and who (not) to “irle arriba” (go over the head). While there were dangers involved in avivarse or ponerse vivo (getting smart), those who quickly understood the give-and-take of el Sistema and its violent regulations were in effect those who passed as little time inside with as few problems as possible. The vivos might be the ones “in charge.” But, if I learnt anything from the prisoners in reeducation, they were mostly that “silent” segment of the prisoner population – those who steered clear of trouble, engaged in violence only when necessary, and stayed out of the way of those in charge – all the while cautioning not to be confused for sapos (snitches). They were those like Marlon, who did not “get involved in anyone's business” and Javi, who lived “mi tabo yo solo (my time in the slammer by myself).” Where over the previous chapters I focused the institutional side of the Sistema and its moral realms, including the normativity that they enforce throughout prison's navigational panorama, in this part, I turn to the everyday performances of prison: to the question of collusion and compliance within this climate and to the question of viveza, particularly as it manifests in relation to prisoner performances and understandings of change, prison's indoor markets, and the co-governance arrangements that emerge to 'run' prison – both officially and extralegally.

This chapter suggests that by performing change and appropriating reeducational spaces, prisoners made claims to morality and social value. In these spaces they manifested, for instance, their desire to counter the social stigma attached to their legal status and resisted the notion that they were inherently immoral. Such moral claims were especially present in the moments that prisoners consciously reflected on their desire to change, the process of changing, its accomplishment, or the inability to change. While prisoner performances of change usually catered to the authorities’ requirement
to “change attitudes,” their understandings of change often differed from and reached beyond the institutional framework. Conversely, the authorities’ requirement of change (cambio de actitud) encompassed a noticeable and visible adjustment of one’s attitude – attitude both in the sense of mentality and behavior – toward a more socio-morally acceptable script, which implied desistance from crime and criminal, i.e. immoral, behavior. Even if prisoners indeed also understood change as a reconsideration (or evolution) of one’s outlook on life (in terms of mentality), they disagreed on the level to which such change should be made noticeable and visible to the authorities in terms of adjusted behavior. After all, many would say, true change is an individual, not an institutional, affair. Yet as the making visible of one’s change is a requirement for progression in prison regimes and the achievement of early release, prisoners most often (whether reluctantly or opportunistically) did engage in the making visible of such adjusted behavior.

Oftentimes prisoner understandings of “change” related to moral notions around what being a “good” man is. While this related to their sense of being “bad” men (either as prisoners and/or at some previous point in their lives), it rejected the notion that it is the authorities who (can) define what being a “good” man is. Even as be(com)ing a “good” man was embedded in notions around socio-morally acceptable behavior, as explored in the previous chapter, for prisoners it hinged more on spiritual as well as peer- or family-oriented understandings of change. Importantly, in this way it did not necessarily include desistance from crime. Being “good” and behaving in a socio-morally acceptable manner, then, encompassed shifting (constantly) between a range of distinct scripts.

The theater-in-prison programs that I co-facilitated provided spatial and temporal entry points into prisoner performances of change within reeducation. As narrators in prison, prisoners were expected to engage morally with their predicament, especially within such reeducational spaces. These were spaces where work was done for the future, not on the past. After all, “lo hecho, hecho esta” (what’s done is done). Oftentimes, then, prisoners engaged in narrative strategies that blurred, omitted, or detached their current selves from the past. Yet, as Presser (2004: 83) noted, they could also grab the interactional opportunity, be it a conversation or a workshop discussion, as “a context for deconstructing the socially designated self.” In her research she noted that “the men […] used and created opportunities in the interview to resist their problematic classification and to make claims about social problems they encountered, such as with the criminal justice system” (ibid, emphases in original). In this way, the reeducational space can be envisioned to provide also for moments of rupture and questioning. The interactions that made up the theater workshops, lunchtime conversations, prison bus talks, taped interviews, and even written accounts that I worked with, all presented such opportunities for adhering to, appropriating, and/or resisting requirements of “changing attitudes.” Many of these opportunities were shared or elicited in group contexts and quite often they were propelled by the intimate and collective nature of the prison theater program. In fact, situations of (group) dialogue in which participants’ moral dispositions as well as institutional frameworks and discourses were called into question, occurred with such frequency that they may well have produced a shared reflexive space of “freedom, creativity, and emergence” that prisoners appropriated for “doing freedom” (Ugelvik 2014).
In three empirical sections, presented through the theater-making and theater-touring contexts, I here explore first the mortifying effects of the “cemetery of the living” (as prisoners refer to prison) and the appropriation of the theater/reeducational space. Second, I consider how the appropriation of reeducational spaces served prisoners to counter social stigmatization. Third, I explore how the authorities used reeducational spaces (and reeducational “products”) for institutional display, as “state theaters.” Between the second and the third section, through prisoner narrative, I discuss two moral entities – God and family – that prisoners sought out and acclaimed for moral guidance and that lay beyond the institution’s reach. Finally, I consider how apparently opposing performances (those of change and of violence) co-exist not as opposite ends of a behavioral binary, but rather as constantly co-present parallel aspects of the prison experience, which also present a plurality of moralities.

Prison theater in the “cemetery of the living”

In their vernacular, the long-sentenced prisoners at the SPR talked of prison as a “cemetery of the living.” Manuel, an older life-sentenced prisoner, used this phrasing frequently. Loco, who was serving a fifteen-year bid, noted that he felt “buried alive” in the prison. After his release, Javi, who served eight and a half years out of an eighteen-year bid, noted that prison was “where I was dead.” Death, as these prisoners refer to it, is of a social kind. Existence, to them, is social realization – that is to say realization within society, on the outside. As Douglas explained, “we’re like the dead because we don’t exist outside.” Just as a cemetery beholds its dead, prison beholds its socially-dead, confined to a space neglected, abandoned, and denied by the “outside.” As a result “decay” in prison took on various forms. It turned up as neglect of personal hygiene, psychological torments, poverty and the loss of family support, but also as an environment that is progressively decaying: the smoke-blackened kitchen and its nauseatingly musky odor of stale tortillas and rice gone sour, the faded paint, grungy floors, rusty beds, broken toilets, leaking roofs, overcrowded cells, and heavy prison air. While the state is omnipresent in the form of the prison building proper and its state agents, it is also present as purposefully negligent and selectively absent.

Yet this cemetery is social, not individual. Contrary to Western prison systems, life within the cemetery is not solitary, but highly collective. This is engrained in the prison system’s set-up and exacerbated by the evolvement of overcrowding. While social death to prisoners entails the criminal justice system’s murder of the subject’s outside social life (one’s reputation, the withering and death of friendships, family relations, love, and expectations once held of social value), it simultaneously imposes a different kind of sociality; a forced sociality of continuous physical co-presence with others facing the same fate. A sociality in which the prisoner’s body is taken to extremes it may never have lived as a man on outside: sleeping on a damp floor, underneath someone else’s bed or next to the toilet-shower, smelling of that floor, acquiring fungi or rash, existing on less than a square meter in constant physical negotiation with others occupying the same space. “I feel like my body no longer belongs to me,” Araña (CPJ, 2015) said – mi cuerpo ya no me pertenece. In this way, the prisoner’s body is “a social object, a locus for contested control, and a target to be edited and narrated by others” (Henry 2006: 380). Envisioned as such, bodies are not simply subject to restraining environments, they “articulate” with them as sites “where identity and meaning can be actively reconfigured into
socially and personally acceptable ways for understanding” (ibid.: 391). By asserting that prison is a “cemetery of the living,” prisoners evoke a socially mortified self (in the sense of Goffman’s mortification), but also a social presence on the margins of society, and a physical presence in a place nobody wants to be. An imposed context that consists of the deprivation of exterior sociality and is replaced by an obliged engagement in prison’s interior sociality – a participation that must be carefully considered in both the light of release and survival, and that is inherently one from which no one walks away unscathed.

**Kafka’s “Metamorphosis” – prison theater and changing attitudes**

Gregory Samsa wakes up one day transformed into an insect without knowing exactly why. While he was planning a trip, he finds himself unable to leave his bed, where he discovers his new form. With gruesome hairy legs sticking out from his sides, and covered in a brown shell, he realizes that he may have become something like a cockroach. Attempting to explore the maneuvering space of his new form, he quickly finds that not only his own form restrains him, but also by the way that people now see him. Initially ashamed, later misunderstood, Gregory is confined to his room, where he is poked at, ridiculed, abused, and from which he appears unable to escape.

Early 2010, we read Franz Kafka’s *Metamorphosis* with the prison theater group at the SPR. Mick was looking for a text from which to collectively create a play. A month earlier we had tried Richard Bach’s *John Livingston Seagull* (*Juan Salvador Gaviota*), but the story fell flat. To the contrary, the predicament of Kafka’s Gregory Samsa resonated with the prisoners in ways we could not before imagine. As we reflected on the story together, they noted that:

“I see myself in Gregory, you know, waking up one day made into an insect, spat out by society.”

“The way his father mistreats him, throwing that apple that rots into him…”

“And it’s his sister who tries to help him, but she can’t, in the end, change him, you know. She’s kind of afraid of him too, I guess.”

“He’s so trapped.”

“He has to find a way to live as an insect though, before it crushes him.”

We spent a month discussing the *Metamorphosis* before it began to morph into a prison theater play. Breaking through the text and into staged interaction, Mick approached the collective creative process in a particular way – a way that much influenced what I observed in the prison environment, the kinds of topics I could discuss with the prisoners, and the level of *confianza* (trust) that emerged. Mick’s approach to theater is both “posthuman” and physical. It draws on the actor’s (in this case prisoners) physical understanding of their environment and individual or collective *duelos* (traumas or pains) that result from individual and collective violence (including the war and the postwar context, but also street and domestic violence, substance abuse, and stigmatization). It loosely braids together three theorists of the actor and the scene. Its approach to acting (as a political act), motivation, and justification is akin to Bertold Brecht’s political theater and Tadeusz Kantor’s theater of the dead, and its realization in unconventional spaces relates to Jerzy Grotowski’s theatrical laboratory. Aesthetically, Mick’s work is
strongly inspired by Peter Brooke’s “empty space,” while it also works with the iconoclasm, texture, and rupture proposed by scenographer-directors Jan Fabre and Romeo Castellucci. Most important here, is that this theatrical methodology understood the prisoners’ bodies “idioms through which expressions of deeply personal and social trauma become manifest” (Henry 2006: 391). That is, as sensitive objects with their own memories, standing in relation to their physical experience, narration, and other bodies. In order to approach the prisoners (and their personal histories) in this intimate way, Mick drew on a shared history and the *duelos* that tied him to the prisoners as people, which minimized “the difference between me and you [to] you being in here.” The created theater space thus broke pre-established boundaries, both physical and social. Harm, hurt, addiction, darkness, and stickness all became discussable, if not verbally then at least through the physical idiom of theater.

While theater is then often thought of as wearing masks and learning the lines to an imaginary part on a fictional stage, this approach to theater instead grasped beyond the actor’s mask by drawing on his body. “I will not ask you why you’re here or what you did, I don’t care what you did or did not do,” Mick stressed, “we’ll be working based on our physical histories, the things our bodies have experienced, we will let those speak.” By confronting physical experience, the prison-as-space became primordial to the theater-making process. Interestingly, in this confrontation its carceral grip appeared to loosen. At the SPR, seven participants never missed a practice in four years (except when they had a visit or court date). Ben, a life-sentenced prisoner in his early thirties at the time, became the appointed leader of the group. Often, the group would already be waiting to start practice, and tell us off if we were late or if practice was cancelled. On the other hand, there were routine “off days” when none of the participants felt like doing anything. These appeared cyclically, as part of the “routine”, when they were “just tired of being locked up (encerrado),” Junior explained. In this way, as it became embedded in the prison routine, the theater space became a space where prisoners could “do freedom.” Thomas Ugelvik (2014) conceptualizes “doing freedom” as how prisoners both take liberties and resist power in prison. He explains that,

> If power and freedom are inherent variables, it is precisely by confronting various forms of power that people can ‘do’ freedom in practice. In these circumstances, the authorities’ boundary that is crossed represents an absolutely necessary part of the free action. It is performative because boundary-crossing actions affect the actor. The prisoners take liberties, do resistance and become free. If freedom can, thus, be understood as a performative variable, the person taking liberties becomes free. And a person who is free is, in some sense, not really a prisoner at all (ibid.: 6).

By (re-)appropriating their bodies in the prison context, the prisoner-actors resisted the restrictions and boundaries imposed on them. In the case of physical theater, such re-appropriations were creative. But the taking of physical liberties with one’s body can be destructive too: some prisoners cut themselves. Interestingly, this cutting was not held in a light of psychological despair by other prisoners, but instead of letting one’s anger “run free.” Beto and Rey noted that “the deeper you cut, the angrier you are.” As we discussed Kafka’s *Metamorphosis*, they talked extensively about a former prisoner that used to cut himself a lot, and from the tone of their voices it was clear that they admired him. The pain he sustained through self-injury was heralded as a trophy in a silent but visible fight against “the system” – visible through the successful appropria-
tion of self-inflicted scarring as an identifier of an otherwise silent rebellion. “He would sit and take the razor to himself, once he even sewed his mouth closed because he was fed up with how the guards treated him,” Rey explained in admiration.

They also explained that self-injury is forbidden by the prison regime. As the group conversation unfolded, they discussed whether or not the cutting – in which the blood running (the anger coming out) was narrated with absolute importance over the scars remaining afterwards (which were nonetheless considered an object of awe and even desire) – could also be an expression of hate towards oneself and one's body, or whether it instead implied the realization of the body in its purest form. Self-injury actively uses the body in a process that involves its own bruising (even dying) as its most important component. By most, it was held as the ultimate performance of a vale verga attitude towards the living body. I have argued elsewhere (Weegels 2014: 161) that it can therefore be taken as the ultimate realization of the vale verga’s macho body that nobody else can possess, as it becomes a hyper-masculinized performance of self-realization in an attempt to reclaim the confined body for oneself. The cutter is in control of his pain, his own blood-letting, and with it of his own injury (or even death). Much as the muerte arriba (fearless of death) attitude of the pandillero (gang member), this action of cutting and caring less about one's own pain or physical death becomes a meaningful performance of masculinity and personhood against the system inside prison. Self-injury therefore builds reputation. If this is what one can do to one’s own body, imagine the damage that can be inflicted upon another.

While cutting then clearly crossed the authorities’ boundary, practicing physical theater can also be understood as a boundary-crossing act of “doing freedom.” The (temporary) reappropriation of their bodies for themselves especially (at least temporarily) relieved the grip of a system that controlled their movement and disciplined their bodies into cohabitation in overcrowded cells where particular rules governed how one’s body should be treated and how one was to treat other people’s bodies. In this case, however, it is much less clear that the authorities’ boundary has been crossed. Instead, it may appear like the rules are being followed to perfection – after all, they are participating in a reeducational activity, right? If we see participation in reeducational activities from the authorities’ point of view as working toward a cambio de actitud, then exactly this aspect of it, the possibility to appropriate reeducational spaces under the authorities’ nose, made the free acts that the prisoner-actors engaged in through their participation in reeducation so inconspicuous yet so flagrantly border-crossing. Participating in reeducation can then be something quite different and significantly more subversive than “changing attitudes.”

For prisoners, performing change then involves hiding away (or making invisible) other performances and markers of other presentations of self. If anything, it is the reeducational system itself that produces these constant oscillations between prison scripts and the compartmentalization of different performances to different spaces within the prison. While this makes it impossible for “the system” to produce “true” change (which it aspires to but in practice hinders), it leaves the space necessary for prisoners to do freedom. If we understand performance as “doing,” then, and performing change as a way of doing freedom, then the imposed institutional moral framework can be appropriated to counter public discourse and the prisoner stigma, which I turn to now.
Respectable “thieves,” aware “subjects”

Reeducational spaces, while they are generally thought of as those places where the top-down “correction” of delinquent subjects is effectuated, thus provide for much more than this basic (and often empty) pretext. Concretely, they provide a space where not only the cemetery of the living can be confronted and as such (temporarily) undone – or suspended – but where the preconceptions that the prisoner stigma invokes can be proven wrong. Such actions have a particular audience, and contrary to the performance of changing attitudes, it is not prison staff; it is prison outsiders. By becoming more than “just” prisoners, by claiming life and humanity, prisoners make particular moral assertions that unsettle the social stigmas that envelope prison and its inhabitants. I will illustrate this through three short examples in which prisoners establish themselves as “decent men” within the reeducational space, and explore the (alternative) moral frameworks that these performances relate to.

When we got home after only the second class we had ever taught at the SPR, mid-2009, Mick realized that he had forgotten his sweatshirt inside. He had taken it off while engaging in physical exercises with the group. According to the ley de la gal-lada, and similarly to the rule of the street, “si te dormiste, te fuiste” (if you fall asleep, you’re gone, i.e. if you don’t pay attention, you’re robbed). Accordingly, Mick had no expectation whatsoever of seeing his sweatshirt back again, if not on someone else’s body. The next class, however, Ben walked up to Mick first thing with his sweatshirt clean and neatly folded in his hands. “You forgot this,” he said. Very surprised, Mick thanked him, considering this small act a great demonstration of respect (muestra de respeto). Effectively, through it, the prisoner-participants had taken the opportunity to present themselves as non-delinquents, to define prison as other than street, countering the stigma they know is attributed to their circumstance. Were they stereotypical “delinquents”? Maybe, but they presented themselves as respectful workshop participants that could be trusted with other people’s belongings.

This counted for my own status as a “belonging” (“la mujer de Mick,” Mick’s woman/wife) too, and similarly held for family visits. Nobody’s mother, sister, wife or daughter was to be harassed by another prisoner. Following this logic, if any participant was to intimidate or hurt a female visitor they would become the object of the wrath of their male counterparts who, according to the same logic, would be impelled to avenge their honor by degrading their assailant’s. One might believe that as stigmatized subjects there is no honor of seeing his sweatshirt back again, if not on someone else’s body. The next class, however, Ben walked up to Mick first thing with his sweatshirt clean and neatly folded in his hands. “You forgot this,” he said. Very surprised, Mick thanked him, considering this small act a great demonstration of respect (muestra de respeto). Effectively, through it, the prisoner-participants had taken the opportunity to present themselves as non-delinquents, to define prison as other than street, countering the stigma they know is attributed to their circumstance. Were they stereotypical “delinquents”? Maybe, but they presented themselves as respectful workshop participants that could be trusted with other people’s belongings.

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If respect for outsider relations and “property” is the first cardinal value for prison life,\footnote{Which also explains why prisoners are so upset when authorities attempt to meddle in their personal relations, as pointed out in the previous chapter.} the second relates not as much to the outsider-visitor but to maintaining (access to) the spaces in which these can be received. As prison is experienced as a cem-
etery of the living, when the authorities vacate a space in which outsiders are received, prisoners conquer a certain freedom that resembles life. Interaction with outsiders, especially unmediated interaction, most closely resembles life on the outside. One way to ensure that authorities feel that they can vacate these spaces routinely is by ensuring that nothing defined as violent or “criminal” happens in their absence. In this way, in reeducational spaces (as well as visiting areas), prisoners are propelled to police each other. The misbehavior of one can cause suspension for all. This “policing” extends beyond each other’s behavior to protecting outsiders that take the time to be with them and these outsiders’ properties. In fact, this self-policing is part and parcel of the co-governance arrangements that I discuss in the next chapter. In short, this entails that particular types of surveillance, security provision, and order-making are either realized by prisoners or shared between prisoners and authorities.

In relation to reeducational spaces, a key aspect of this self-policing is the defusing of conflict, which leads to my third and final example. In the middle of a rehearsal for a prison theater play in the SPR’s class hall, Cheetah – twenty three years old at the time – grabbed Ben’s butt. Not only did this fly in the face of an age- and sentence-based hierarchy of respect, it was also understood an attempt to feminize Ben, or attract his (sexual) attention. Ben left the class hall immediately. At the start of the next practice, he noted that he had “wanted to punch the living daylights out of him [Cheetah’s].” The restraint he imposed on himself not to do so, stemmed from his respect for the space we were in. The fact he came back to it, however, made it clear that as a man he should have punched the living daylights out of Cheetah – and he wanted to leave no doubt as to his manhood. Occurring as it did within the reeducational space, however, Ben’s leaving the class (rather than resorting to violence) was not called into question by the other prisoner-participants. Similarly, when participants of the CPJ’s prison theater group had issues with fellow participants they never resorted to physical violence to resolve these within the reeducational space. It is important to understand that this reaction is significantly different, but also parallel, to what may be expected within a prison cell. At the SPR, Zopi, who was in his early thirties at the time, with eleven years of his 20-year sentence completed, was suspended from theater practice for three months because he had participated in a cellblock brawl. In the same brawl, theater participant Mono stabbed another prisoner and was suspended for the year. While penal reeducation does not reconcile the parallel engagements of prisoners in violence, reeducational spaces and the values attached to them by prisoners do mediate the violence (both physical and structural) that characterizes prison life outside these spaces. In this sense, we might understand reeducational spaces, in terms of their weight, depth and tightness, as less heavy and deep, but nonetheless tight in their carceral grip as they mobilize the prisoners’ constant policing of one another so as not to lose the spaces that they come to value for their capacity to temporarily undo the “cemetery.”

Questioning appropriation

How do the authorities figure in this panorama? While they figure in many ways through their physical absence, which is meaningful in and of itself, there are moments when they step in from the sidelines to reassert their authority. Interestingly, such assertions often appear in a negotiated manner, which is revelatory of the shared nature of power within the prison. I explore one such occasion in a little more depth, as the
dynamics of the incident reveal the negotiation at hand. One morning at the SPR mid-
2013, an on-duty guard escorted me to *computación*, the “computer” lab – actually a
computer-less room to the right side of the courtyard – where we frequently practiced.
That morning the reeducational officer was not in and a regular guard escorted me to
the lab across the courtyard, where the general population was already out. When Ben
saw me approaching the lab he came jogging over. As he promised to go look for the
other guys, the guard took a seat on the bench outside the lab, facing the courtyard and
a group of prisoners playing football. I stayed inside the lab, the door open, with two of
the lab’s regular trustees (a mariachi musician in charge of the institution’s instruments
and a young prisoner in charge of the sports equipment, Javi, who was sewing letters
onto a banner). When the theater participants were all inside Ben closed the heavy iron
door to the courtyard to block out the chatter and yells for the practice – something we
always did. In fact, with its barred windows high up on its walls and vault-style door
(rather than open bars) to the courtyard, the group members much preferred the lab to
the class hall as it ensured greater privacy. It is also a much smaller space, about a quar-
ter the size of the class hall and half as high, and hence altogether more suitable. Then,

About 20 minutes into the practice, there is repeated knocking on the door. Ben goes to open
it – it’s the guard that had taken me to the lab. He tells Ben that he has to keep the door open.
Ben replies a bit annoyed “no, we can’t work like that,” and subsequently offers “or you should
come in here, but if the door’s open we can’t work in here.” I wait to see if they can sort it out,
but I know that it’s because *I’m in* there with them that the guard wants the door to be open.
The guard is not about to take orders from Ben, and Ben is unwavering in his argument, too.
He’s standing squarely in the doorway, holding the door, and blocking the guard’s entry. I
walk over to them, placing myself next to Ben, to explain to the officer that it’s important for
the concentration of the participants that the door be closed. I reiterate Ben’s offer, saying that
if he likes he’s more than welcome to join us. As we negotiate the guard says, “The problem is
that I can’t be in here and stop watching the courtyard, I have to watch both.”

“Aha,” I sigh, “*cómo hacemos*? (How can we resolve this?)” Thinking of the right thing to
say, with Ben next to me, increasingly irritated, and the guard glancing intermittently at
him and back at me, I tell him “I’m fine with you leaving me here alone.” He does not
seem convinced, so I offer, “I know I’m usually here with my husband, but it’s okay.”

“That’s exactly it, *se da cuenta* (you realize)?” With another man present, even though he is
not an officer, the guard assumes I would be safer and he would be okay with the door being
closed. Ben impatiently crosses his arms.

“Of course sir, I understand that very well,” I agree, and add “but don’t worry about it. If
you like you can check in every 15 minutes or so, I don’t know, but we have to get on with
our practice and that’s not going to go anywhere with the door open and this-and-that guy
coming up to the door peaking in, the guys losing their concentration and all. You under-
stand, right?”

“Fine, as you will.” The guard looks over at the group and then leaves. Ben closes the door
and I walk back to the group who were watching the conversation unfold pretending to be
otherwise involved. “Come on guys” Ben says, “let’s continue the practice, *ese maje está loco,
le pica* (that guy’s crazy, talking shit).”

Through his gendered concern for my safety, the guard had reiterated the prisoner stig-
ma. Ben considered this a needless affair in the face of the time and experience we had
already accumulated as a group. If Mick trusted them to be alone with me, if I was fine
with it, and moreover, if the reeducational officer left us all alone almost all the time, then why was this guard sweating it? Ben focused on the practice instead, brushing the incident off as whimsical – almost as if it were a rookie guard who was unaware of how, when, and toward whom authorities should enforce prison rules. Toward the end of the practice, as time for lunch approached and the noise from the courtyard stilled, I noted that,

A guard hasn’t picked me up yet. The guys are usually brought back to their cells for lunch by 10.45AM, and it’s already 11.10AM. I jump up on a chair to look out of the barred windows of the lab over the courtyard, and see the courtyard is deserted. One of the participants opens the door [it was not locked]. The guard is nowhere to be seen. “Oh shit I missed the bus!” I laugh, referring to my actual bus out of town. The guys laugh too, “that’s okay, you can stay here” one of them, Chinela, replies. Ben laughs and asks him, “uh-huh, and where’s she gonna stay huh?” Chinela realizes he made an ambiguous remark and is quick to correct himself, “not like that hahaha!” hiding his face, “not like she would stay here.”

We stay on in the room a bit longer. At this point, one of the trustees, a young prisoner called Javi, who was new to the workshop, asks me if he can join the theater group. I tell him that’s not up to me but to the group. He approaches Ben and Junior, and they agree to admit him. When it’s about 11.30 the guys start getting hungry – they know nobody will hold on to their lunches for them – and we decide to leave the lab together. Outside the lab, on the courtyard, we say goodbye and shake hands, and they walk toward the back entrance of the main corridor. I walk in the opposite direction across the courtyard to the inner perimeter and wait a couple of minutes for a guard from the checkpoint to notice me, open the fence, and set me free. While I stand there a prisoner calls from one of the dormitory windows: “have a good day Julia!”

Later I realized that, that day, I had gotten caught up not only in a machista discussion about my safety without a “good” man present, but that this was an instance of the contestation of the prisoner stigma as well as one of the conflicted appropriations of (reeducational) space by prisoners. The guard who had been on watch on the courtyard had wanted to include the lab in his space of surveillance. But by doing this, the use of the lab would however have conflated with that of the courtyard and the courtyard would have “spilled over” into the lab, which the prisoners resisted. While the courtyard was for hanging out, sports, and jodedera, the theater classes had acquired a more private feel, one in which we often spoke of more personal experiences or memories, of quemar cable, for instance, and being left behind (some of the participants had no visiting family members). We frequently did physical, trust, and concentration exercises. All of this did not marry well with a view from the courtyard. What clashed most with my own sense of belonging in the reeducational space, however, was the guard’s attempt to compel me to see the theater participants as potentially dangerous and untrustworthy. By doing this, he made a moral claim that repositioned the participants as delinquent subjects: even if they are long-time participants in reeducation, trustees, or established “changed” men, a prisoner remains a prisoner – a “lesser” man, and thus not to be trusted. Of course the guard was also, and “simply,” looking out for my safety (which is, after all, his job). Still, how the interaction played out also tells us something that authorities themselves (are able to) exercise less “authority” over reeducational spaces than outsiders or prisoners can apparently do. Whether it was purposely or accidentally that he later left me behind, it proved an important point: reeducational spaces can never be seen as disembedded from the wider social and prison context.
Recognition?

The daily effort that the participants in reeducational programs put into behaving towards a life beyond prison, beyond the cemetery, made it understandable that they stressed their own agency in achieving “change.” Though the police captain at the community center emphasized that “change always comes from either love or fear,” if anything, change did not appear to come by way of the words from someone in police uniform. Even if the CPJ prisoners were grateful for the opportunity to swap their prison cell for the community center, “rehabilitating” in a space provided to them by the same police that arrested them did not sit comfortably with all of them. The prisoners were highly aware of the way that their captors thought of them. Even the Juvenile Affairs captain noted that many police officers “think that way [mano dura] too: shoot them all or lock them up and lose the key.” He noted “that’s why it’s always a struggle to convince the jefatura [local police direction] of the validity of this program, but it motivates me to make the program work, by giving these kids some positive attention they might change and could inspire others to stop doing harm to society.” The supposed discrepancy between the captain’s and his colleagues’ way of thinking, however, and the alleged double-facedness of the captain himself, meant that to the prisoners his words were “just words,” or even “pura palabrería (pure blah-blah).” Distrust between prisoners and police was such that many participants were convinced that “this whole thing, you know, treating us nicely, is a fucking lie.” Marlon said, “they think they can block the sun with a finger (tapar el sol con un dedo)” – by doing one good thing outshine all the bad. Unfortunately, police are popularly known for their mistreatment of suspects, and the lion’s share of prisoners I worked with were beaten by the police (see also Weegels 2017b). But there is a promise in rehabilitation, a legal underpinning of penal reeducation, that makes it worthwhile to engage in anyway: the “2 por 1” principle.

In a nutshell, this rule holds that every day spent in a reeducational activity (education, culture, sports, work or worship) counts for two days of the sentence. In this way, by actively engaging in reeducation, prisoners might reduce their sentences as much as by half. Officially, one is not eligible for release until two thirds of the sentence has passed, but many prisoners are released well before this date is reached through numerous loopholes in the judicial system. Of utmost importance, then, is keeping one’s TCI (Tarjeta de Control del Interno, Inmate Control Card) as clean and positive as possible. Most prison theater group members kept up their performances of change arduously, venting their discontent with the arbitrariness and slow pace of the system only occasionally and “en confianza” (in trust). Fully focused on the promise of early release, they engaged in the (mental) balancing act required to navigate both the cell spaces and reeducational spaces in ways that would reflect positively on their TCIs.

For example, at the community center CPJ-prisoner Araña willingly and repeatedly stepped into the police spotlight to display his “change.” Eager to be released, he would accompany the Juvenile Affairs unit to give charlas de prevención (prevention talks) at high schools. With this he made his change visible to the authorities, but also exposed himself to being perceived exactly as a prisoner by the youth he informed. Clearly, the police gladly made use of Araña’s readiness to display, but Araña had his expectations too. After two other group members were released on a collective pardon, partially brought about by the prison riot I discuss in chapter 7, Araña got his hopes up. Halfway into his sentence he spent six weeks on end, right up to Christmas 2015, “buying into” the promise that he would be released “next week.” When his mother
came around the week before Christmas after a visit to the courts before they closed for vacation, she told him (visibly upset) that the judge was not even aware that he was participating in the rehabilitation program. It hit Araña as a ton of bricks that his attempt to become visible to the authorities had failed, in the sense that it had not reached the eyes of the authority who would actually decide on his fate: the judge (juez de ejecución y vigilancia penal). I sat across from him and his mother at the table we had just shared lunch at, as he laid down on the bench, swallowing down the reality of spending another Christmas behind bars. It dawned on him that all the time he had spent making himself visible to the police was doing nothing in the way of helping him toward an early release. A short hour later, he regrouped:

I’ve done everything possible, Juliana. I’ve participated as one of the best students in almost all of the courses here. […] I really thought they [the police] would at least acknowledge what I’ve done, but what can I say? That’s the way it is, ni modo. I’m not going to let it get me down.

The Juvenile Affairs captain should have pushed captain Soza, in charge of reporting prisoner behavior at the CPJ, to send a report of good behavior to the judge prior to Araña’s mid-sentence court date. After all, he was the one who directly profited from Araña’s disposition to accompany the prevention talks. As facilitators we vouched for Araña’s excellent participation in the theater training program and tour, but the letter of recommendation we wrote had little effect on the judge with other essential police documentation missing. In his mind, Araña was doing “el 2 por 1,” but so long as the judge in charge of the application of sentence reduction was kept in the dark, and so long as his participation was not reflected on his TCI, his performances of change went by unrecognized.

But why would Araña trust the authorities to do their administrative duties in the first place? He was surely aware how the system worked, and cognizant of its backdoor negotiations. One explanation is that Araña was “short-timing.” Other prisons researchers have pointed out how prisoners focus increasingly on their future in preparation of their community reentry as their release dates approach (e.g. Burnett and Maruna 2004, Dhami et al. 2006, Irwin 1970, Seim 2016). In such scholarship, prisoners who are “short” of being released (referred to as “short-timers”) are often held to be “daydreamers” with unrealistic expectations of their successful reentry leading to an inevitable disappointment with post-prison reality. Prison ethnographer Josh Seim (2016: 444), however, argues that this scholarship falls short of understanding short-timers’ future-oriented perceptions and practices of reentry as “prison-centric,” making them much more a part of prison rather than of the reentry process. If we understand “short-timing” as a prison-centered activity, he argues, it can tell us much more about “tactical conduct behind bars” (rather than about actual reentry aspirations), and enables an understanding of “penal domination as a likely source of short-timer hope” (ibid.: 443). Seim describes (in his US-context) that short-timers “often volunteer in life skills programs, collect recommendation letters from prison labor supervisors, and network with family and friends outside prison for employment and shelter” (ibid.). It is exactly these activities that prisoners participating in reeducational programs continuously engage in.

The difference with Seim’s US-context is that release dates in Nicaragua are never fixed, and that an early release can be aspired to just about anywhere in the sentence. Short-timing then becomes a coping strategy in the face of what is frequent-
ly perceived as an undefined period of imprisonment. Aspiring for a prompt release, Araña had engaged in reeducational activities hoping that these would work toward that release. Even though he regularly adjusted his expectations for actual release, these painful adjustments occurred repeatedly around “special” dates when prisoner pardons and early release orders were often issued (such as at Christmas and Easter). Arguably, short-timing makes the participation in reeducation both so seemingly transcendental and instrumental (the future is both at work and at stake through it), but also so disappointing, because it holds out a reward that is simultaneously engrained in the structures of penal domination. Most prisoners, however, are quite aware of this effect. Referring to this, Marlon noted:

“I don’t know why he [Araña] keeps getting his hopes up. He should know better, he knows what he’s in for and there’s no way they’re letting him off easy. This way he’s only helping them, thinking that it’ll help himself. But it doesn’t work like that, the system only benefits the system. You know I’m over half of my five years, but I don’t expect to be released. If it’s five years it’s five years, ni modo. I’m here [in the reeducational program] because it’s better being here than locked up 24/7 seeing the same faces and hearing the same stories. [I’m here] because I get to see my family, because some of the stuff I learn here can be useful. Sure, I’d like to get out early, but I don’t expect anything from the cops and I don’t want to owe them anything (no espero nada de ellos ni quiero deberles nada). They’re only looking after their own interests here, so I look after mine.” (CPJ, 2015)

Marlon saw his participation in reeducation as an option for his present time, and did not necessarily tie implications or aspirations to his future to it. Of course he had post-release plans but he did not discuss these nearly as much as Araña did. For some prisoners, short-timing was a way of channeling hope (and resources) toward a (possibly near) future. For others, who nonetheless participated in reeducational activities (that is, in the theater group), short-timing appeared futile, immature. Years after being released from the SPR, Beto noted there was a difference between prisoners who “accept their sentence” and those who “only think of getting out.” He expressed it in terms of personal strength, but also of (family) resources, in reference to his best friend Samuel, a life-sentenced prisoner at the SPR:

It’s getting late and we walk out onto Beto’s barrio street. He looks down the block to the right, toward where Samuel lived. “Samuel’s still in there doing time, you know,” he says, “I can’t wrap my head around that sometimes, you know. It’s already been so long. Must be like ten years now [that Samuel has served]. Twenty-five years, man, not everyone can handle that. And he’s probably not coming out a day earlier.” I nod. I remembered Samuel well; he was a short ‘kid’ with a lot of tattoos and had participated in the theater group for a while. He was generally very quiet during practice – much unlike Beto – but he came across as a smart guy and had finished his high school inside. “You know why?” Beto asked, referring to why Samuel wasn’t coming out early, “the people whose kid he did in are powerful and he doesn’t have anyone on the outside fighting for him. Boy, I know I’ve had my fights with my mom, but she did everything she could to get me out.” He looks back into the house, where he lives with his mom. “But Samuel’s strong. He’s sitting out his time like a man. Not a lot of guys can do that. He said for himself ‘if it’s twenty-five years it’s twenty-five years’, and accepted his time, those twenty-five years, and he’s not going crazy counting the hours you know, but sitting tight, tranquilo.” (Beto, former SPR, 2015)
Short-timing can be seen in relation to the prison sentence, then, and the resources (family, penitentiary – i.e. reeducational “points” on the TCI, money, and faith) one is able to mobilize toward an early release. With these resources in place, it is perhaps not necessary to “accept” the sentence or “face” prison time (“like a man,” as Beto said, or otherwise). Araña’s frustration came from his sudden confrontation with prison time, which was a hard blow indeed but one from which he rapidly recovered, focusing again on the resources he could deploy in a second, or twentieth, round against hard time.

Eclipse. Redemption? Understanding family and religion in prisoner change

Following from the above, it will come as no surprise that, despite the rhetorical effort that prison authorities put into prompting prisoners to change their attitudes, there is not a single prisoner I have met who gives thanks to the authorities for their “change.” There are, however, two other moral entities (both institutionalized to lesser or higher degrees) that appear in the way prisoners discuss their processes and motivations to change. First of all, there is God, whether religious in either Catholic or evangelical ways or colloquial in the sense of serving a higher purpose, having a higher, fairer judge. And there is family. And entwined with the way they talk of change, and perform change, are the gendered motivations that I discussed in the previous chapter. They will get out “si Dios quiere” (God willing) and change “gracias a Dios” (thanks to God), to be a good son, a good father, to be good partners. We must not forget that in prison gendered anxieties are exacerbated. Mothers will stick around, but the notion that they should tie their female partners to them is pressing. A man without a woman is nothing, but control is tricky: too much pushes her away, too little provides leeway for others. After all, “si tú no cuidas tu mujer, alguien te la va cuidar,” (if you don’t take care of your woman, someone else will) Norbin repeated out on the community center’s cancha after Eddie Dee’s reggaetón song.

In order to protect their masculine status (often achieved within the tough, homophobic context of street culture or war), while stepping back from resorting to violence in its demonstration, many prisoners see in responsible fatherhood their new future as men. This future perspective, however, is troubled – many prisoners can be seen as what Bourgois has called “vulnerable fathers” (2003 [1996]: 287-317). They provide no economic stability for their children, are in and out of their lives, and often perpetuate machismo’s regulatory discourse through their actions (sexual promiscuity, substance abuse, irregular prison stays). Even though they no longer fit the old, idealized gender role of the patriarch in a large, stable household controlling both wife and children (Bourgeois 2003 [1996]; Steenbeek 1995), they are able to reproduce a tough street masculinity based on male competition. As such, relationships with women are often fleeting and their family ideals, dreams about and relationships with their children are highly idealized. As it is more often than not hard to accept that a regression to traditional gender roles is impossible, and as street masculinity is sought to be banned in prison (with the moralist “change of attitude”), many prisoners struggle to construct a new role for themselves. Interestingly, this identity “crisis” – often called the “crisis in manhood” (Gutmann 1997) – combined with Nicaragua’s perpetual economic crisis has made for many a jaded man’s reconciliation with his

mother – “fixed” gendered characters, “true” women who have unconditionally provided them with stability, good advice, and food in their stomachs. Though many mentioned studying as a future objective – perhaps more rhetorically than as a true goal for themselves – reconciliation with their mother (by expressing their appreciation of all her efforts and unconditional mother love, and apologizing for all the drama and pain they have put her through) is one of the most important things on their minds:

[My mother] gave me everything, she supported all of my children, I’m the father of 18 children, she supported them and my women […] Look at my destiny, I didn’t bury her, didn’t see her die, didn’t know of the nine days [mass], I didn’t know any of that. […] My old lady told me, ‘no me dés no me quités’ (don’t give me anything, don’t take anything from me), and she gave me everything (Manuel, SPR, 2009).

It’s better to listen to mom and dad, try not to get into the things we’ve lived […] like our parents give us good advice all our lives. Not just to me they’ve said it ‘hey study because tomorrow it’ll serve you, be who you’ve been, you’re still my son, but study, that’s your inheritance that’ll be the best for your whole life’ (Beto, SPR, 2009).

My girlfriend told my daughter I was in Costa Rica, she thought it was better that way. Prison’s no place for kids (Bobby, former La Modelo, 2015).

Slowly, the street-based constellation of respect based on toughness, cash flow, and/or promiscuity, changes to a perception focused on tranquility, family love, and fatherhood. Zopi regretted not being there to see his daughter grow up. He had shot a foe in the face, point blank. He carried a picture of his daughter with him, but had lost touch with her mother and as such with her. “I don’t even know what she looks like now, she must be turning into a real mujercita (little woman),” he lamented, proud but pained. Marlon, on the other hand, drew much strength from his fatherhood. His wife and young children visited him regularly at the community center to share lunch. He would play with his kids on the swings and sit them on his lap as he spoke with his wife. While men like Marlon make the realization of family life look easy, the large amount of testimonies to the contrary attests to the fact that the realization of this ideal is all but easy.

Sometimes changing means working toward one’s dreams and expectations, sometimes it means adjusting one’s behavior to a more socially accepted register, sometimes it means being anyone but oneself. As Araña would say upon his reimprisonment: “I want to be different, sis. [I want] to study, my music, ser otro (to be an other).” Change is not (only) for an early release, not (only) to alternate the prison cell with the reeducational space, but because prisoners may have “walked with the Devil.” They might carry a heavy load going into prison and seek change to become “truly free.” But making peace with God is not easy, much less finding peace in the inability to change how
“you think,” as Javi stressed. Even as he left prison, he took with him the struggle to “change.” In the narrative below, through strict thoughts of self-control, he nevertheless kept running into his “inability” to change his “terrorist mind”:


Mirá Yuli, I really believe in God. I’ve read the entire Bible, I know it almost by heart, and they always said ‘hermano, why don’t you come join us?’ But I’ve always been honest with them. There’s a couple of detalles I’m missing to be able to be a true Christian. I’m a bit scared to talk of the evangelio, because we should check and see if we’re living up to what we preach – examine our conscience. There’s hypocrisy if you’re not sincere about that. God will know because he knows everything. I tell you sincerely that I’ve read and reread the Bible, and believe in Christ and God our Father, but I want to find something in it that I still haven’t found. […]

I’ll tell you a bit about my experience, I know you need me to, and I promise that someday I’ll tell you everything from start to finish. I remember everything from the age of two. Since I was little I did this thing, that whenever I didn’t like the sermon I’d fall asleep, but if I did like it, I would pay attention. Whether for good or bad reasons, I’d always pray the Lord’s Prayer. I was someone that practiced my faith in my own way, and I’ve been the best student of Bible studies… [He trails off] The thing is that I never found a single word of relief, of comfort, in a human being in my life – not in my mother, not in my brothers – that’s why I can’t walk around without the Bible, I read it all the time. In prison, I don’t know if you remember, I always took a backpack with me to class, that’s where I had my Bible. I always have it on me.

What hurts me is that I can’t change what I want to change. What suffocates me (lo que me ahoga). I’ve asked God for years, ‘change me! Give me the methods to change!’ [his pace quickens] I’ve read the entire Bible, I read it in prison every day, every week, you can even say it was my pastime, and it’s given me so much… but I still need to be married, baptized, which are key points, and then there’s the cowardly and uselessness (lo cobarde e inutil) inside me that I can’t change…

I’ve been pissed off at God because he hasn’t listened to me. I’ve yelled at him in the middle of my cell, I’ve cried for him, but he never spoke to me. I didn’t go hungry or thirsty, because the Bible was my favorite nourishment; still I never belonged to any congregation. They’ve told me to open my heart, to belong, but I tell them ‘what point is there for you to see my heart and my thoughts? I can be assassinating you in my mind. Let God change my life, not you.’ […] When I was seven years old, I’ll tell you, I was bad (malo). I’m in chaos because neither God nor Satan answers me. There was one moment per day in prison in which I could sit down to just calmly analyze. I’d take out a chair and sit in the middle of the cell between 00.20 and 1.10 in the morning. I’d prepare myself some coffee and drink cup after cup of coffee. I only had one thing on my mind: how to get out of prison, until I achieved it. I have some ugly strides, Yuli (tengo unas pasadas feas). [He pauses]

The problem is inside me (el problema está en mí). I’m too astute, too sly (tengo demasiada astucia). You may not believe it but I have a terrorist’s mind, I lie and invent way too much (soy demasiado inventor). When I go back – [he draws a deep breath] – my mind gets clouded. I can’t see straight. I work hard, really hard [now], so that when I get home I can just drink a coffee and fall sound asleep. I’ve endured everything taco a taco (head-on). I don’t drink or use drugs, I supported everything myself. You know why I wanted to call my book ‘bajo caleta? Because nobody knows this but me. My stories are hard and I thought I’d take them to my grave… Julia, to be tranquilo is one thing, to be happy (feliz) is another… I told you I was sentenced to 18 years in prison, right? Three lawyers have robbed me, and they denied my petition to an early release thrice. The third time was when I’d already spent
eight years inside. I thought about killing the judge in prison then. I concocted a whole plan. There’s a small alleyway on the courtyard, remember? That’s where I was going to do it. What angered me most was that I lost a house because this lawyer and a friend of mine robbed me, a Christian friend for sure. I sent one of my brothers to go kill them, but then the lawyer coughed up 60 percent of the money they robbed and saved himself. But I was determined, decided. When Mick told me he would bring me paper so I could write my book — remember? — I didn’t really need the paper because I’d already written everything down; I just needed someone to take it to the outside. I thought, I’ll write the book and then let those guys [the authorities] have it; either I’m out or I burn down the courthouse. I could give a shit about everything and all of [the city], I was going to make a grenade, a bomb, I already had the materials, and would blow myself up with the whole courthouse [he gets excited]. Once I thought about kidnapping the prison warden, Julia, when I talk about this stuff my heart vibrates (me vibra el corazón)… [He pauses] That’s what I want to change. In prison, so as not to bash some other guy’s brain in I’d press my fists against the wall until blood would come out. It helps me to be here [in Spain], to work with the sheep, to walk alone. It inspires me. [He calms]

It hurts to have lost my youth in prison. It’s hard to want to talk and not be able to. I really don’t want to go back to Nicaragua, my country [of birth] is Honduras, but I don’t want to go there either. I have to keep going ahead and not take a single step back. … If I got out of where I was dead (si salí de donde estaba muerto) [prison] can you imagine all I can do alive?

Javi oscillates between disruptive criminal thoughts and a profound search for redemption, for peace and changing the way he “thinks.” Though he has found ways to calm himself, his mind still spins and races. According to him, those who he wants to hurt deserve it, but he knows that hurting them will ultimately hurt him too, and he knows it is not (socially) acceptable to even think out how he might go about hurting (or killing) other people. But he thinks it. He is afraid to pronounce it, and so he holds back and runs into his thoughts as we speak. He expresses the desire to speak his mind but is continuously afraid of the consequences. He seeks God for sanity. He knows he does not feel guilty for any of the above, and I know he is afraid that what he says might scare me. He never told me his full story, and he doesn’t have to. As we talk, I refrain from any judgment about his thoughts. I do not press him to tell me what he did. I know he did not blow up the courthouse, kill the warden, or kill the judge. I know he did something, though, something “ugly” enough to keep postponing its revelation. It doesn’t matter what it is, when or if he will one day tell me, what matters is that Javi’s “pasadas feas” propel his desire to change – never to go back again.

While Javi’s personal search for change might project an extreme case (after all, there are also prisoners who are not at all preoccupied with “changing,” like Marlon), it illustrates an operation of control directed inward. And while this involves an internalization of the moral push to change, Javi projects this toward a divine entity, an understanding and fair “judge” who will accept those who accept Him as their guide and savior and punish regardless of rank and standing. God is always on the side of those who invoke Him, He will never abandon those who need him. From this prisoners not only take strength to work on their personal life and family relations, but also invoke an impartial entity – be it through a religious institution or alone – in the arbitration of justice or of their penitence.

162 At the moment of our phone conversation, Javi was working as a sheepherder in Spain, where he had migrated shortly after he was released from prison.
Prisoner performances, state theaters

In September 2015 the CPJ prison theater group was allowed to go on a departmental tour with their play. This was an extraordinary event as prisoners were hardly ever allowed to present on stages other than those of other prisons. The police general granted permission for the realization of this tour after we managed to forge an alliance between the Sandinista Cultural Movement, the party’s youth organization, and the local police direction for Juvenile Affairs. On six individual days over the course of two months, twelve performances of the play were realized at local high schools and on public squares throughout the province, including a special performance at the National Theater in Managua. Due to the novelty of the initiative, the institutional backing and its warm reception, both the prison-theater initiative and the tour received considerable national and even international media attention.

The prisoner and former prisoner participants in the group readily managed their stories of personal change when confronted with an audience. These stories were not just “masks” put on for the frontstage. In an attempt to undo the negative imagery that stuck to them upon their arrests – more often than not being portrayed on the (same) local televised news as thugs, dealers or delinquents – the tour provided an important opportunity to convince a wide public of the participating (former) prisoners’ capacity to change en carne viva (in the flesh). The most vociferous group members readily made themselves visible, and were interviewed on multiple occasions by local journalists. Rather than being portrayed as disposable antagonists of the barrio community, these prisoner-actors were heralded as examples of positive change in Sandinista and oppositional news outlets alike. They reified institutional discourse. Not only had the prisoner-actors been actively involved in “achieving” a state-defined cambio de actitud by participating in the program, they could now demonstrate and perform this change before the public eye. After the performances, most audiences (especially the younger ones) were eager to ask the group members questions. Girls would pose with the youngest participants, taking selfies alongside them with their smartphones. Sometimes numbers or social media profiles would be exchanged. Wiz noted one afternoon after a performance in a conversation with an interested member of the audience that “This is our chance to show who we really are […] I’m an ex-prisoner and am still with this group even though I’m free to do whatever I want,” centering his narrative of change on the active decision not to engage in crime.

It was not long before we noticed that the visibility of the tour did not only benefit the prisoners, however. The police seized the opportunity to emphasize how this tour was an example of “the government’s preoccupation to invigorate prisoner rights” (which the participants—even aware of the ways they could be manipulated—had great laughs and irritations about). Somehow, while the tour was originally directed at raising awareness about prisoner social, economic and cultural rights, the Juvenile Affairs captain incorporated it into the DAJUV unit’s antidrug campaign. Rather than a cultural presentation, the police utilized the tour as an institutional display. This involved the police’s relentless exposure of the participants’ crimes to the general public – whether or not the prisoners wanted to disclose such information. Underlining how all participants were “in prison for getting into drugs,” and how the play showed “the devilish world one is pulled into by drugs” (which was not at all the intention or storyline of the play), the Juvenile Affairs captain put the prisoner-actors on display as delinquent subjects. As for the prisoners, they vehemently insisted:
Finally the audience has seen us as people [gente] and then he goes and makes us all out for delinquents again! [...] I always try to take the mic after him, you know, to remind the public that we are people and we deserve another chance (merecemos otra oportunidad) despite of whatever we did because we’ve changed (Araña, CPJ, 2015).

When we were to show the “results” of the tour to the jefatura – how the public had responded, whether they had come to see the play at all, etcetera – I made a short video of the tour. The video would be shown to the jefatura but also at the community center to the participants’ visiting friends and family members, and fellow prisoners at the center who were not part of the group. While I made it, which I largely did at the center in the presence of the group, the participants frequently joked about making another version, to “cut all the police interventions out,” especially “the captain’s anti-drug bullshit,” and to place that other version online. During the whole tour, after all, the prisoner-participants had eagerly requested and managed pictures and short video’s which they posted on their social media pages, just as the police did on theirs. If they were on display, they wanted to manage, or in the least be part of, the public narrative. As the community center had internet, a level of communication with “the outside” was sustained by these participants that regular prisoners frequently did not have, at least not to that extent. Throughout the process of creating the play and during the tour, the participants changed their Facebook profile and cover pictures to photos of them acting, photos of the group as a whole, and photos of the practices. Social media, then, became a space par excellence where they could manage and showcase – especially to friends and family – that they were more than “just” prisoners.

As trust grew between the group members and us, the performative nature of change (freedom, and resistance) became clearer. Sometimes a point of relaxation from all the shifting scripts could be found. They laughed with both pride and jodeadera for instance, when they saw the fragment in the video of Wiz warning a group of high-school kids about how tough (duro) prison is, and that they needed to think “zero drugs, zero tolerance” never to end up there. If anything Wiz was a true fumón (weed smoker), and coming out of his mouth police discourse was hilarious, but also acquired the “doble cara” (double facedness) prisoners felt it had anyway. His admonition to the group of kids about prison being tough was sincere, though, and many (former) prisoners on multiple occasions expressed their hopes to members of audiences and us that they “never have to live through this.” The sincere and sad tone of such expressions often directly affected the atmosphere of a conversation, bringing the prison “back in”. After one of the shows at a small-town high school, a member of the audience asked the group “what does making theater mean to you?” Brayan answered:

You distract your mind you know, you’re not locked up in those four walls only thinking about your problems. We want to show people that we don’t just, just, cause problems, but that we can also erase them (borrarlos), because being in this group we can get ahead (salir adelante). And that’s what we’re trying [to do], to get ahead. And we’ll continue like this. So that the people can see that, so that people can see that we can be different.

The audience was silent. All the others nodded their heads as Brayan – a tattooed, sixteen year-old former huelepega (glue sniffer) – spoke his thoughts. In that moment the prisoner-participants knew they were all perceived as him, as akin to him, even if they considered themselves better off or less delinquent-looking, they were
all prisoners just like him. In that moment too, however, the audience was confronted with their own stigmatizing power. The ball was in their court. If Brayan could convince an audience that prisoners are not what society holds them to be – irrevocable – but that they can be different and that they can be seen differently, then there was hope for the future, and in that moment we all hoped that hope together.

Conclusions

Through a close consideration of reeducational spaces within prison, especially the prison theater program, I have attempted to demonstrate how prisoner understandings of change differ from the penal reeducational push to “change attitudes.” I have explored how performances of change differ not only according to audience, but also according to stage, and how these stages are contested and appropriated by both prisoners and authorities. I have also sought to relate prisoner performances of change to prison’s moral realm, which is made up not only of institutional moralities and public discourses, but permeated by local moral understandings and values (both institutionalized and not) that reach beyond prison, such as religion and family, but also street culture.

If we understand performance as “doing,” and performing change as a means to freedom, the imposed statist moral framework can be appropriated to counter public discourse/stigma, and resonates with redemption scripts (Maruna 2001). While a cambio de actitud needs to be made visible to the authorities in order to be registered, “changing” can be used to resist, too. To resist the institutional framework, to resist one’s stigmatization, to both literally and symbolically become free. Symbolically in the sense that one is able to take liberties through engagement in reeducational activities – literally in the sense that participation in such activities might actually (temporarily) remove one from prison confines, by allowing one to participate in a community center program, go on tour, or even obtain an early release order. Wiz noted that the theater-making and performing, the group itself, became “addictive,” – “it made all the other stuff bearable, you know, the unequal preferences and permissions of some guys over others, the police’s mood swings.”

The issue is that, if we take into account the context of structural and physical violence governing much of prison life in Nicaragua, then the prescribed change of attitude and its promise of early release can easily become a form of “cruel optimism” imposed on the prisoner (O’Neill and Fogarty-Valenzuela 2015). How can we push a prisoner to think not only beyond the prison’s direct walls but also of an outside world and a future that is significantly more welcoming of him than the reality he lived before going to prison? On the other hand, if the prisoner does not transcend the walls from time to time, albeit through illicit phone calls with their loved ones, the occasional or daily toke from a marihuana joint, or participation in reeducation, does he not run the risk of sliding deeper and deeper into the cemetery? Prisoners have a term for that, quemar cable – burning cables, the cables burning being the neurons wasted on the worrying over one’s incarcerated condition. And such states of “over-worrying” bring with them their own risks to the prison order, an order that is balanced exactly on the prisoners’ willingness to keep their heads. Being respected as a “changed man” on a long-term prison sentence can significantly ease relations with prison authorities and expedite family and conjugal visits, making life on the inside less lonely. These coveted rewards, especially any type of (temporal) release, however, were not guaranteed nor
distributed equally, nor did every prisoner appreciate them equally. Change, then, is mapped onto prison's space and scheduled into its time in particular ways. Is it transcendental? Is it transformative? Or might we better understand it as made up of temporary, performative transpositions – balancing acts that allow for a consideration of the parallel nature of prison, the parallel nature of change itself? In his ethnography of Christian piety and “soft” security in the context of the Guatemalan gang crisis, anthropologist Kevin O’Neill (2015) briefly mentions the notion of parallel-ness when he describes the involvement of an imprisoned gang leader (“Gustavo”) in the murder of four police officers during a prison riot. Gustavo was, however, also converting to Christianity. And after Gustavo was murdered himself, O’Neill finds himself standing in the prison that he was held in with the pastor who had been working with him. In his description of the interaction with the pastor, he notes how “Pastor Morales tried to reason through Gustavo’s compartmentalizing his emerging Christianity from these killings. It was a different (meaning parallel, rather than past) part of his life. The distinction proved too tedious to explain” (ibid: 42). But is this distinction too tedious to explain? Or is it key? “Change” and “violence,” reeducation and co-governance, co-exist inside prison. For Brayan, Araña, Marlon, Ben, Beto, Junior, Javi, and all the others, violence existed in a parallel rather than a past sense in relation to their process of changing, while the performance of change itself was both present and future-oriented. But is this future really attainable? It is to this “flipside” of the Cemetery that the following chapters speak, exploring the “tedious” distinction between parallel and past.
Chapter 5

“You can get anything here”

Prison markets and everyday life in *el tabo*

“... D todo. Lo que uno pida. ... Los mismos guardias son los koruptos ... piedra mariguana alcool koka toda droga alusinojena enkuentra uno aki.”

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163 Yair, La Modelo, 2016, conversation chat. “You can get anything here, anything you ask for. The guards are the corrupt ones. Crack, weed, alcohol, cocaine, any kind of hallucinogenic drug you’ll find here.”
"I haven't seen my father since I've been in here, you know. We didn't really get along." Junior's eyes were fiery as he spoke skillfully through gritted teeth, his slim dark body posed such that he could intermittently glance at the doorway, where a guard could always appear. We were finishing an adaptation of Edgar Allan Poe's *William Wilson*, but Junior was increasingly skipping the meet-ups with the theatre group. This wasn't entirely unusual. Sentenced to life in prison at 23 more than ten years ago, he would often lose himself in bouts of heavy smoking to pull himself through. Ben, as the group leader, said that he couldn't keep trying to persuade Junior to come. Eventually Junior caught on and resurfaced — eyes bloodshot. He came in early to a workshop to talk with me about his absence. Little did I know that his father had just passed away.

"I'm kind of the black sheep of the family. I fought a lot with my father growing up. [...] But when I heard he was sick I wanted to see him. To make things right, to tell him I was sorry for all the pain I caused them. But those motherfuckers [prison direction] didn’t let me! Not one day! They didn't even grant me an hour to go to the hospital, to stand by my mom. That's fucking inhuman! [When he passed away] I didn't wanna see any of those sons of bitches [guards]. Not for roll call, not for the *chupeta* (lunch), not for anything. What, so after they gave jack-shit about me I'm supposed to ask if they're gonna let me attend class? Fuck that. *Me cago en todos ellos, en toda esta mierda* (I shit on all of them, on all of this). You want to know what prison is really about right? What it means to be a prisoner here? They have the power and this is how they control you. By trying to get you where it hurts. [...] But I'll tell you what: I'm strong, Simón. I do my own thing. I'll stay in my cell day and night if I fucking want to. They can't tell me shit."

It was just before practice and the rest of the group came trickling in from the courtyard. When the group was complete I turned to the others, who were engaged in conversations of their own, and then noticed that Junior had left again. "Don't worry about him," Ben responded in the break when I asked him if Junior would be okay, "*está quemando cable*. We all go through these phases, you know, he's stubborn as hell but he's not stupid." At the SPR the atmosphere would often become heavy with this sense of fighting against irreversible loss – wasted years, loss of life, of freedom, of control. The long-sentenced prisoners we worked with there were well trained in pushing through, but there were always occasions that would crack the surface and propel all the hurt into the air. Most prisoners hurt alone, *quemando cable*, as Ben noted.

The smoking of illegal substances or use of prohibited cell phones in prison is often seen merely as acts committed in breach of prison regulations (or the law). Yet while any prisoner with a cellphone underlined that the possession of such an object allowed them to virtually leave their encierro (lock-up) and enabled the maintenance of their socio-emotional ties to the outside, prisoners smoking drugs in prison on a regular basis said exactly the same, but with the last part inverted. Instead of connecting to the outside world, prisoners connected with their inner realm by doing drugs. Especially marihuana (at times in its mixed form with crack) was smoked "*para dejar de quemar cable*."” *Quemar cable* literally translates as 'to burn cable,' but in Nicaragua it is prison slang for (over-)worrying and indicates a state of anxiousness about one's sentence,
one’s loved ones, or one’s life down the drain – trying to metaphorically burn away the bars yet ever more confined to the walls of one’s own towering thoughts. In criminological parlance it is what is termed prison stress or anxiety, resulting from what Sykes termed the “pains of imprisonment” (1958; see also Crewe 2009).

Both at the SPR and the CPJ many prisoners resorted to (temporarily) losing themselves in drugs to stop the cables from burning. Paradoxically, however, even if they used drugs to defy the system and escape confinement – like Junior – their habit co-facilitated their compliance. As Junior expressed his discontent by smoking and refraining from participation in reeducational activities, his smoking only negatively affected his own standing vis-à-vis the authorities – it had no effect on the system itself. As the above vignette illustrates, the way that these activities were practiced and regulated placed them not in direct opposition to prison governance, but rather integrated them into the everyday functioning of the prison as well as perceptions of survival of life inside (termed “aguante” – endurance, by the prisoners). If any motive for smoking jumped out it was the repeated “me distrae” (it distracts me): it helped prisoners to cope with the pressures of the prison environment (as well as one’s haunted conscience). Norbin smoked to keep the ghosts of the past away. Wiz smoked to keep himself under control. Marlon confessed that before moving cells he would smoke weed every night “to be able to sleep.” Importantly, then, drug use and quemar cable should be seen as part of everyday prison life and in relation to the reeducational system, rather than as opposed to it.

Clearly, however, in order for drugs to be available in prison they need to be smuggled inside and distributed. The drug trade stands tall in the shadows of prison life and strongly undergirds co-governance arrangements. This merits attention. On the one hand, the dynamics of the drug trade reveal the system’s most hidden practices of collusion. On the other hand, it does not stand on itself. While the dynamics that govern the trade largely determine prisoner hierarchies and clearly build on established governance relations (both collusive and disruptive), they are also interrelated with the management of other commodities inside prison, including those that are prohibited by the authorities (such as cell phones and alcohol), and those that are bought at the commissary or gifted by visitors (like foodstuffs, hygiene products, and clothes).

Didier Fassin noted that commodities in prison, however banal they may be, “have a social life and are endowed with political significance” (2017: 132, my emphasis). They are subjected to particular rules and organized into particular categories – legal, prohibited, or illegal; dangerous or safe; private or sharable. As they are imbued with meaning and endowed with political significance, they acquire the capacity to “transform” power relations (ibid.). In this way, commodities in prison stand in relation to power and can reveal particular ways in which co-governance arrangements work in the everyday performance of “business as usual,” or “prison as usual.” While some of the commodities traded have little transformative power regarding prisons governance relations, others affect power relations much more profoundly. All, however, stand in relation to one another and are intricate parts of the prison environment. In this chapter, I discuss the interactions and

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166 The ‘pains of imprisonment’ are an ongoing topic of research that focuses on the (significant) psychological and social downsides of imprisonment (Crewe 2009; Liebling 2011, 2012; Liebling and Arnold 2012; Sykes 1958). Quemar cable can also be related to local practices of pensar demasiado (thinking too much), such as in the case of grandmothers whose daughters leave them with their children (and much economic stress) as they migrate in search of work (Yarris 2017).

167 Though Junior participated in the play and graduated from the class in the end.

168 When they left prison, both Norbin and Wiz continued to smoke on a daily basis. As Wiz said, “I smoke one when I get up, while I feed the dogs and sweep the patio. I smoke another before lunch, to take the edge off the day, then one in the afternoon to relax, and another before bed. If I don’t smoke before bed I feel falluco (really bad), I can’t sleep.”

169 Marlon, CPJ, 2015, private conversation.
relations that characterize the governance of these prison markets to capture what their movement tells us about the joint (dis)organization of’s everyday prison life.

First, I discuss the need to have ready money to spend in prison and the precarious position of the donados (prisoners abandoned by their family). On the authorities’ side, collusion presents itself not merely as corruption to the end of economic gain, but as a “balancing act” of sorts, which can be both productive of and detrimental to their relations with prisoners. Here then, rather than assuming that authority involvement in prison markets (especially of prohibited and illegal commodities) and prisoner compliance are motivated only by calculated economic interest (that is, to be able to trade), I argue that it is much more useful to consider these practices of collusion more structurally as a way in which prison governance is brokered, which I then discuss in relation to the management of prohibited goods (particularly cell phones and alcohol). Through their involvement in distinct markets the authorities clearly demonstrate their willingness to mitigate the “pains of imprisonment” (Sykes 1958), and attempt to maintain (disruptive) power over markets that are to a large extent regulated and dominated by prisoners. Following on this discussion I examine the drug trade and how it is embedded in everyday prison life. The drug trade namely holds an indispensable role in governance relations, but its workings also produce particular tensions and disruptions. Altogether, the movement and rules that govern these markets, as well as their continuous (dis)organization, begin to shed light on the on-the-ground configurations of the co-governance arrangements in place. By drawing on divergent experiences and relations that my research collaborators had with these markets, I hope to demonstrate how through them we can observe how prisoners deal with the navigational tensions and opportunities that these markets produce in their everyday performances of prison.

Making money

Contrary to what one may think, spending time in prison is expensive. Prisoners require a steady income, be it in commodities or in cash, to guarantee that their basic needs inside prison are met. From soap and deodorant to clothing and toothbrushes: none of it is provided by the state. In Nicaraguan prisons, legal commodities (food stuffs, hygiene products and cigarettes) were both sold at the commissary (prison store, when there was one) and gifted by visitors, after which they could be resold or bartered. As such, prisoners with frequent visits generally had access to more goods and cash than those who did not. Many prisoners depended fully on their loved ones, usually their mothers, to supply them with such commodities or cash to buy them with. Having one’s own money to buy was much preferable to borrowing from fellow prisoners, as loans of both commodities and money were generally incurred at high interest rates (e.g. borrow one cigarette, repay with two – borrow 100 pesos, repay 200). For those who did not have a family to fall back on, that is, for the so-called “donados” (literally “donated ones,” used as short for abandonados – the abandoned ones), it was of the essence to produce one’s own income.\footnote{There were also church and other organizations that donated personal hygiene products and clothes, especially to abandoned prisoners, but the coverage and frequency of these donations was not optimal. Few prisoners depended entirely on these donations.} Legal job opportunities of some social standing – like in a state working scheme (such as La Modelo’s license plate press) – were few and
far between, as well as clearly underpaid. For prisoners on the ‘straight and narrow’ the upside to these scarce state-provided jobs was that they allowed them to spend most of the time outside the cell, largely disconnected from the rules and hierarchies that governed the cell spaces. For most, however, a ‘formal’ job was impossible to obtain and the cell’s hierarchy impossible to escape. This entailed that most resorted to making money by doing informal work for other prisoners.

Such money-making activities could be legal or illegal, but were in most cases considered perfectly licit means for making money by the prisoner community. Tadeo, for example, washed clothes for other prisoners to be able to pay for his basic needs. While in gendered and classed terms this work was of low social standing, his fellows at the community center respected him for it. Importantly, as Tadeo was a donado it also helped prevent suspicion of stealing from falling on him. In general, donados are treated with suspicion inside prison and they are particularly discriminated against, as most prisoners consider it a liability for a person not to have his own (outside) means of providing for their basic needs. Donados were often “left behind” when their families could (no longer) provide for them, when they lived too far away, or when they were “fed up” with them – that is, when they had drug addiction issues or got into fights with their loved ones. Being a donado thus placed one in a position of precarity, largely at the mercy of the prison(er) system. Due to their personal and economic situation, donados were generally believed to be more prone to resort to illegal (and illicit) activities, including stealing from cellmates. They were also believed to be drawn into prison’s illegal economy more easily. Javi noted that,

“Generally, the donados are the first que van de cabeza (to fall [into the drug trade]). They don’t have anything to lose, much less if they’re in for a long sentence. They consume or they get into the trade. And that’s dangerous, because [the people in charge] will tell any [consumer] ‘I’ll give you 20 puros (marihuana joints) if you stab this guy for me, me cae mal (I can’t stand him),’ and así así (that’s how it goes). Or they rob whatever they want only because they like it and they want it, too.”

Of course, donados were not the only ones to participate in the drug trade, threaten, extort, stab, steal, or resell stolen items to make money – and any one of these activities were subject to many rules in order to ‘pass’ as licit. As the previous chapter pointed out, those in the gallada could get away with much of this under the guise of jodedera or intimidation against “weaker” prisoners (paradoxically often donados). Consider, for instance, that Tadeo was forced to stash drugs up his rectum (entabarse) as part of his welcome to the cell. When he recounted this in a matter-of-fact way during a laidback group talk at the community center, Marlon could hardly believe his ears. “They made you what?!” he threw his hands in the air, “no jodás maje (no shit man), me tocan un pelo y les caigo con todo (if they’d touch a hair on me I’d beat them blind).” Tadeo, aware that he might be taken for a cachón (effeminate gay man), having had his behind violated against his will, stressed that he resisted but, getting up from his chair, offered “y qué iba a hacer? (so what was I to do?) I didn’t know anyone, it was all of them against me, and they could’ve done worse.” Leaving Marlon, Norbin, and Araña wide-eyed, Tadeo walked out of the room and continued washing the clothes he’d been paid for.

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113 Wages were moreover not paid out in cash but became available as credit at the commissary.
117 See Van Schendel and Abrahams (2005) for a discussion on the distinction between legal-licit and illegal-illicit.
119 Javi, former SPR, 2016, interview on Whatsapp.
hid under Tadeo’s death-inspired tattoos? Marlon’s eyes trailed him, “Julia, man, I tell you that’s the ugly stuff that happens inside,” he sighed, “te ven fuera de onda y te caen, peor donado” (they see you out of place and they assault you, worse if you’re a donado). Norbin nodded. It was the law of the gallada. Yet, taking into consideration Tadeo’s position of precarity and his efforts to make an ‘honest living,’ openly mitigating for his masculine standing, Marlon added “lots of people have their rough patches inside.” Did they ever have to entabarse? I asked. “Ni quiera Dios,” God no, “jamás,” never, they stressed. They had never had the need to.

While donados were then perhaps more easily caught up or forced into the drug trade, these activities were definitely not restricted to them. Many prisoners with family support also sought to complement their income by engaging in both legal and illegal money-making activities. Given the fact that legal avenues were slender and their profits paled in the face of illegal activities, a significant share of the prison population engaged in making (additional) money on its prohibited and illegal markets. This included not only the storing and moving of (small quantities of) drugs, but also the stashing of other illegalized commodities (such as cell phones), and the provision of sexual services. Javi noted,

“There were guys who would tell [the sellers] ‘dame cien varas y te la capeo (give me 100 pesos and I’ll ‘dodge it’ for you, i.e. hide the drugs for you).’ Those would entabarse. There was one gay guy who did that with cell phones too, she’d even fit two up there!”

Depending on the legal or illegal(ized) nature of the activity, authorities would or would not meddle in these money-making enterprises. Generally, legal activities (such as washing clothes, making artisanal hammocks, or repairing legal commodities) were of no interest to authorities. Sexual services involving prisoners of the same sex, considered a private affair in a ‘public domain’ as well as a health risk, were subject to a little more scrutiny, and drug-related activities (to which I return shortly) were both secretly aided and actively disrupted. Wilfredo noted that beside prisoners some guards engaged in sexual exchanges with prisoners. Wiz noted that there was a police officer at the CPJ who regularly brought one of the prisoners weed in exchange for his sexual services. It is important to keep in mind here that generally the active man in a sexual relation (the macho or cochonero) is not considered gay, but the man on the ‘passive,’ receiving end is, and it is to him that the ‘cochón’ label sticks (Lancaster 1992). Wiz held that in order to keep the men at the CPJ in check, the cochones and travestis (effeminate gay men and cross-dressers) were held at a different police jail across town, so that they would not be sexually engaged with (i.e. violated) or prostitute themselves. “Se armaría un solo relajo (it would be one hell of a disorganized situation) if they’d be in there with us, just imagine,” Wiz said cracking into a laughing spell, “half the guys already have their dicks hanging on by a string for por andar de chanchos (for being ‘pigs,’ i.e. having unprotected sex).” Notably, Javi distinguished

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174 One must keep in mind as well that prisoners are officially only allowed to be in the possession of money in specific (small) quantities. This regulation, however, is frequently bent due to both the instability of visits (i.e. one of the only legal ways money may come in) and the fact that none of these markets (legal, prohibited or illegal) can function entirely without the circulation of money.

175 Javi, former SPR, 2016, interview on Whatsapp.

176 When a male identifies (or is identified) as feminine or effeminate, they often come to be referred to in the female form (not only inside prison).

177 Wilfredo, former SPR, 2015, private conversation, similarly noted that a gay man stashed many of the cell’s cell phones against the right price.
between two types of cochones: the degenerados (‘degenerate’ ones, i.e. those who have many sexual relations) and the decentes (‘decent’ ones, i.e. those who stick to one marido, husband). He noted that in fact Wilfredo was a “gay decente” and that Jaime, who had participated in the theatre group, had slipped from decente to “degenerado, cross-dressing and all.” Javi explained that some wardens at the SPR took a stronger moral stance against homosexual relations than others, and that this was to prevent “el degenero” – the ‘degenerate’ unbridled business in same-sex sex. In this way, the degree of openness and proliferation of same-sex sex and sexual services among prisoners varied across prisons and over time.

Interestingly, a more sustained attempt was made by the authorities to regulate prisoners’ heterosexual relations and visitor sexual services contracted by prisoners. Notably, this created a market in privileges upon which bribes could be received. At the SPR, prisoners often noted down the name of the girl or woman they wished to engage in sexual relations with for their next conjugal visit. In 2013 Barahona, the SPR’s reeducational director, noted that the SPR was trying to impose stricter rules regarding conjugal visits. Marginally voiced through concerns for health and security, his viewpoint was above all moral:

“You have prisoners who want to change parejas (sexual partners) every couple of months. They come in and request that fulana de tal (such-and-such) be erased from their list and they want to note down another (apuntar otra) instead. But that’s not what those visits are for! They exist to ensure the continuity of a serious, conjugal relationship, for the psychological tranquility of the prisoner. Not to change sexual partners a cada rato (all the time). […]. So we’re going to enforce a new rule: that new couples spend at least three months of noviazgo before they’re granted a conjugal visit. Because most of the guys, that’s what they want, just to get in bed with a woman – not to have a real relationship. And there are women que se prestan para eso (who ‘lend’ themselves for this, i.e. who engage in this practice, including sex workers), you know what I’m referring to, right? And that’s dangerous too, also for their regular intimate partners. So that’s what we want to prevent.”

This discursive concern for a monogamous morale projects a particular family ideal. In this sense, it is part of the political discourse evoked in prison regarding “correct” family and community life. Projected through reasonable concern, Barahona reiterated the stereotypical image of the imprisoned man as the promiscuous sexual partner and failing husband. Again we see that the authorities considered themselves in the position to morally police prisoners’ outside intimate relationships. In fact, authorities wielded considerable power over the circumstances and frequency with which imprisoned men could see their free, female partners and engage in sexual relations. The (right to) conjugal visits and their frequency was also frequently at the heart of dispute and barter between prisoners and authorities. In effect, the arrangement of visits (both regular and conjugal) were often the prime object of bribes. Javi noted it was not uncommon to slip one hundred, two hundred or five hundred córdoba notes to guards along with visit requests so that these would be more quickly honored. Given this situation, Javi laughed wholeheartedly when I told him about the above conversation and Barahona’s intentions to instate a period of noviazgo: “Sure they can try! But I tell you there are multiple ways in which a prisoner can have sexual relations during regular visits, too….”

That corner hidden from sight in the crowd, the toilet booth (with the possible hand-to-hand of money from prisoner to guard to look the other way), hands that slide under
the table, “and they pretend they don’t know,” Javi snickered, “the two-faced bastards.” While there were ways in which authorities attempted to regulate (contracted) sexual services, then, this often started and stopped at the discursive level, as it appeared that they benefitted from the breaking of their own regulations, too. In what follows, it is exactly the authorities turning a blind eye that is central.

**Prohibitions and turning a blind eye**

Much in the way that bribes, turning a blind eye, and (half-hearted) attempts at regulation were purposely shifted to legal, yet restricted, activities, these feed into the handling of prohibited and illegal commodities and activities inside prison. Importantly, relations established with particular guards (taking a bribe or turning a blind eye) are built on and stretched to meet more illegal ends. For example, Javi noted that he had had five cell phones over the course of his eight and a half years in prison. Although the first phone was brought to him during a visit, he bought the others from a guard at thrice the rate of a cellphone outside. Similarly, prisoners of the CPJ purchased bottles of alcohol from officers for (Catholic) holidays such as the city’s patron saint, Virgin Mary, Christmas or New Year’s Eve celebrations. At the SPR, fruit (with which prisoners were able to make bootleg prison *guaro*) managed to make its way in, too.

“It’s nasty! But it’ll do the job,” Junior and Zopi laughed, mimicking the disgusted face and body twitch after the first sip. It gave them a bad hangover. Taking note on its normalcy, I took the existence of alcohol at the CPJ for granted and we frequently joked about collective hangovers after festivities. In this sense, the market in prohibited commodities (most importantly cell phones and alcohol) is a vital stepping stone to the market in illegal substances. It is of lower risk for authorities to engage in, because the commodities that they bring in are legal to acquire on the outside.

Interestingly, these (well paid) ‘favors’ that authorities gave prisoners frequently occurred in the run-up to festivities and appeared to be geared at alleviating the stress and resentment that these times of year produced for prisoners away from their families. At both prisons, discontent always grew before Christmas. By colluding to introduce prohibited commodities during such periods authorities were in a way able to catalyze frustrations away from more violent alternatives to partying in one’s cell(-block). As mentioned in the previous chapter, many court hearings took place in the weeks before the holidays. It was a popular time to grant release petitions and pardons. The frustration over negative results were part of the reason that discontent tended to grow around this period. Yet another important factor was that most reeducational activities paused for Christmas break. Beside the religious activities on the 7th, 24th, and 31st of December, most reeducational programs would discontinue during the regular school holidays, encompassing December, January, and a part of February. At the community center, for instance, the theatre program was the only program that continued activities throughout this period. When the courts closed for Christmas, I sat with Norbin, Araña, and Tadeo on the benches outside. After Araña had digested the news that I discussed earlier, and while waiting for the police van to arrive, Tadeo sighed “it’s my third Christmas here, and I just pray to God it will be my last.” Notably, the center’s police officers seemed conscious of the mood that afternoon. “They’re being

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178 Javi, former SPR, 2016, interview on Whatsapp.
179 SPR, 2011, group conversation.
nice because they don't want us to raise hell over Christmas," Araña noted, “they know the situation [resulting from the riot] is still tense.” Officer Aliya offered that the police would hardly have a Christmas either, as some would be on duty at the CPJ. “We’ll have to spend our Christmas seeing your ugly faces!” she laughed, putting her arms around one of the younger prisoners. Interestingly, over Christmas and New Year, the police granted various much-coveted 24-hour day-leaves. They also made space for two additional rounds of general visits. When I saw the participants on the CPJ’s front yard on December 31st then, contrary to their spirits running up to the festivities, they seemed uplifted. Many were attending the activities that an evangelical foundation had organized on the yard. Where activities at the jail were ample during the day, alcohol, I heard, flowed abundantly at night. “The whole jail is banging on their portones,” a midnight text joyously announced, “raise a cup in our name!” No incidents took place.

The markets and networks through which alcohol and cell phones circulate in prison are sizable and their impact should not be underestimated in comparison to the drug trade. What can be taken from the above situation at the CPJ – the granting of various day-leaves, the presence of alcohol, and the decrease of the frequency and intensity of requisas over the holidays – is that the market in prohibited commodities is the market where authorities can present themselves favorably to the prisoner population to mend broken relations, conduct business, or facilitate a blind eye. After the riot at the CPJ, knowing that the unrest had not settled by Christmas in spite of various pardons, early releases, and traslados (transfers), the authorities appeared to be purposely more permissive of small infractions to prevent larger ones; balancing permissiveness with control. Facilitating access to prohibited commodities inside prison clearly also provided particular guards with direct economic gain. Yet it was not only instrumental, economic calculations at play in the more structural negotiation of this market. Authorities also turned a blind eye considering that prisoners need a little “distraction,” so that a level of control could be (re)established. Especially in times of tension, as at the CPJ, authorities more readily ‘allowed’ for breaches of the regulations regarding these commodities. The use of a cellphone, after all, generally does not negatively affect the authorities’ position in a prison’s governance arrangement – its transformative capacity was, in most cases, small. A certain level of permissiveness (the blind eye) instead appeared to be quite beneficial to the authorities. As prisoners appreciated and credited leniency it often enhanced everyday compliance.

Interestingly, this consideration applied – to a certain extent – to the blind eye turned to drug consumption as well. Where trafficking and selling was usually considered a serious problem and generally cracked down upon more roughly (though this varied), consumption was considered less detrimental to the authorities’ position. Importantly, while consumption was considered detrimental to the consuming individual’s reeducational trajectory and potentially harmful for those he might affect (that is a potential assault for a next fix), from the authorities’ point of view, the consumer – when he got out of line – was dealt with by the prisoners themselves. That is, either by the sellers, if he owed them money, or if he had assaulted the wrong guy and had to endure a beating.

180 Accompanying the mother and stepfather of a participant to request his dayleave, I was at the jail throughout the morning and afternoon of December 31st, and estimate that about 30 day-leaves were granted for that day. Most of them were released at 9:30AM, the late exceptions at 3:30PM. All prisoners on day-leave were required to return by 4PM on January 1st, and all returned. There were multiple activities going on at the CPJ on the front courtyard throughout the day, including an evangelical culto with upbeat music, the handing over of donation packets to elderly prisoners, donados, and minors, and an additional lunch packet donation for the minors.

181 Ironically, perhaps, I greeted them through the brand new, 3-meter high, chain-linked fence that had been commissioned following the September riot.
In general, authorities did not meddle in these “prisoner fights.” At least in part this was why self-governance regulations were enforced with such rigor. On the other hand, that the prisoners themselves regulated the downside of each other’s consumption in part explains why the authorities focused their attempts of disruption more actively on higher levels of the trade. Unlike a dependent “fumón,” the power that “those in charge” and the drug sellers wielded, their organization, and the quantities of money involved in the trade were perceived to more readily destabilize the authorities’ position at the top of the power balance. Before I move into the organization and disorganization of the drug trade, it is important to explore in a little more detail the backdrop against which drugs are consumed.

Of cell phones and drugs

Perhaps paradoxically, the commodities prohibited in prison were in part those that most helped prisoners to endure. Cell phones, for example, were considered absolutely pivotal to the wellbeing and survival of most prisoners. Javi noted that “el celular es tu mejor sicólogo” (a cellphone is your best psychologist). To him his cellphone was his lifeline. With it he was able to keep in touch with his mother, girlfriend, friends and different lawyers. In the face of the “cemetary of the living,” many prisoners repeated that being able to communicate with the outside world on a cellphone “keeps you sane,” chatting “distracts you [from the prison environment],” and “you don’t feel alone, you know, like left behind.” Interestingly, CPJ prisoners frequenting the community center were allowed to keep a cellphone there. Of those, quite a few maintained updated Facebook pages and used Whatsapp to chat on. A few also kept cell phones inside the CPJ to be able to chat at night and on the weekends. With the increased availability of smartphones and internet packages many remained in touch with the outside world through social media. At the SPR, which I frequented before smartphones became increasingly popular and accessible, many participants had flip cell phones that could be taken apart and easily stashed.

These typical prisoner cell phones were small and worn, the text pad frequently fell off, and the backside (which gave access to the battery) were easily opened so that the battery could be released for charging and the SIM card taken out for separate stashing. Taking out the SIM card before storage guaranteed that the prisoner did not lose his contacts if his cell phone was seized. It also made cell phones (partially) unidentifiable. Practically speaking, batteries needed to be removable because there were no regular power sockets or cell phone chargers in prison cells. Instead prisoners recharged by connecting the plus and minus poles of their batteries to makeshift power outlets. Though cell phones were strictly prohibited at the SPR, some would take their phones to the class hall, taking advantage of the absence of guards and the number of prisoners present in the hall to lend (or rent) their phone to others and make calls from the little toilet booth at the back of the hall. Though cell requisas (searches) were frequent, guards did not seem to be as much preoccupied with policing the reeducational spaces.

Marlon’s new prison cell held almost all other prisoners attending the commu-

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182 Most prisoners that frequented the community center also had such cell phones inside the CPJ. Some would bring them back and forth to the center, which entailed a risk of getting caught with it upon inspection at the CPJ.

183 Sometimes, however, authorities will mark the TCI for every prisoner of a cell if no one comes forward to claim the seized object.
nity center, except for the minors. The police had moved the participants there in late 2015. The cell had room for about twelve to fifteen prisoners, but they were there with double the number. They held that the placing of (almost) all community center privileged prisoners in a single cell saved the “time and hassle” of going cell to cell calling out their names. The prisoners themselves held it was more likely that they wanted to keep a “close eye on us,” as it was well known that drugs circled in the prison quite generously. Many CPJ police officers suspected the group that visited the community center of smuggling. Putting them in a cell together was one way to disrupt the influx of contraband; after all, if drugs were found in their cell, the police could terminate the community center program. This now leads me to the trade in drugs, its organization, and the ways in which a segment of the authorities attempts to disorganize it.

Moving drugs in(to) prison

“Bienvenidos al Mundo de la Fantasía” – welcome to the world of fantasy – a prison mural inside La Modelo announces. The world of fantasy that the mural alludes to is one in which quemar cable can be replaced by fantasy. In the opening quote of this chapter, Yair noted us “you can get anything here. Anything, whatever you ask for. The guards themselves are the corrupt ones –crack, marihuana, alcohol, cocaine, any hallucinogenic drug, you can find it here.” In effect, Eric Volz, a U.S. citizen who was wrongfully imprisoned on murder charges in 2006-7 and later wrote a book about this, mentioned that the second-hand smoke of the bañados that his fellow prisoners smoked at La Modelo “turned the already-oppressive atmosphere poisonous” (2010: 159). Interestingly, Araña – who had never set foot in La Modelo, but had been involved in the drug trade on the outside, as most other CPJ group members had – referred to world of the drug trade itself as “el mundo de la fantasía.” According to Araña, it was a world of fast money, flashy motorcycles, expensive clothes, fake friendships, frequent highs and illusive respect – a world that invoked a type of awe that seemed all-encompassing within the trade, but boiled down to “nothing in the real world.” Araña often expressed regretting to have entered that world, but his regret appeared to have less to do with the fantasy itself than with the fact that his fantasy had been broken. “Did you really think you wouldn’t get caught?” I asked him once, out on the community center’s basketball court. We were filming a rap song he had written. “I swear I never thought I would caer preso (go to jail),” the song lamented. For Araña, the smoke-hued reality of the mundo de la fantasía invoked a chilling awareness of the limits of this ‘fantasy,’ but simultaneously held the possibility of reaping and living (albeit temporarily) the economic and social benefits that fantasy brought. Throughout his involvement in the drug trade the prospects of the latter had always outweighed concerns for the former:

“The first time I accompanied [his boss] to the border to conduct an exchange, motorized police officers suddenly appeared. There was a tiroteo (shoot-out). The sound of the gunfire was so loud, I dropped to the ground to hide in the bushes, and I think that people were hit, but I don’t even know who. […] We sped off. When they dropped me off at home I didn’t

184 Yair, La Modelo, 2016, conversation through chatting.
185 As the CPJ is much smaller (and located adjacent to a large police station), Wiz explained that they exhaled into empty soda bottles rather than straight into the prison air (which gave prisoners who could not afford drugs the ‘perk’ of inhaling second-hand smoke from the bottle).
leave the house for a good while, *me pasó temblando el cuerpo todo un mes* (I was shaking like a straw all month).”

He noted that he was about thirteen, fourteen at the time, but instead of getting out of the situation, Araña got in deeper. It was not much later that his boss was imprisoned and he came to manage a share of the trade in his neighborhood. “I was proud, I made myself respected and I could finally help the family [his mother and siblings] out. […] I won’t deny that I didn’t get high, I loved the coke – *pero aportaba* (but I brought money to the table).” At the time of our conversations, he realized that his involvement in the trade probably hurt his mother more than she appreciated the money, but stressed that what he brought to the table was not only for his own benefit but for the family as a whole. Of course he engaged in conspicuous consumption, but he also invested in the house. It was not long, however, before Araña found himself in custody. Contrary to most newcomers, he was rapidly able to establish himself at the top tier of the prisoner hierarchy due to his connections to the drug trade. Exploiting his street experience, the knowledge he had of the prison system based on the stories of his peers, and mobilizing his connections to the drug trade he noted,

> “Julia, do you think I ever slept on the floor? [Clicks his tongue] I got a camarote (bunk) on the first day because I made a win (*coroné*) that same day. […] I took on the jefe’s right hand man. We fought and tied, of course, because you’re supposed to demonstrate you have it in you not to go over the top. But I hit him good!”

Araña was taken under his cell leader’s wing who demonstrated his respect to Araña’s approach by assigning him a bunk. Clearly, getting a bunk at the CPJ on the first day of one’s prison stay is synonymous with a very rapid ascent. As this ascent inevitably inspired jealousy, Araña took on various of his cellmates over the following weeks to make sure that he was respected in his own right: “one by one *les pegué su turqueada a toditos* (I beat all of them up), pla-pla-plá! But easy, you know. They respect me.” To the leader, it was not Araña’s fists but his wit that interested him. Unlike him, Araña had a direct connection “*para meter droga*” (to smuggle drugs inside). Araña explains, “this guy moved drugs, you know, but he bought them from another cell. He didn’t have his own connection (*conecte*).” Noting that “back then, I still thought like a *tráfico* (trafficker), I was thinking, how could we make a business out of this?” Araña offered his connection so that they could make (more) money. When his predecessor was released, after patiently being the right hand man for a number of months in which he also obtained the respect of his cellmates, Araña was left in charge. “I know I wasn’t the only one *metiendo droga*, [at the prison], there were probably about three others, but I can say that I was the fastest and most efficient,” he smiled, “you can ask anyone.”

In this sense, Araña’s position as one of multiple ‘traffickers’ in charge of the smuggling of drugs into prison agreed with Javi’s account of the ways that drugs entered the SPR:

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186 Araña, CPJ, 2016, private conversation outside the community center.
187 Araña, CPJ, 2015 and 2016, combination of private conversation and follow-up interview.
188 I never asked anyone to directly corroborate Araña’s role in the trade. Quite problematically, the people he mentioned that could corroborate his story were themselves later caught with drugs. Suffice it to say that several hints, including this one, pointed to Araña’s position. His exact activities, however, were treated somewhat as a public secret and were, at the very least, guarded by the no-snitching code. If he had not talked with me about his past in the trade himself, no one would have told me about it. Clearly, as Araña was still serving time when we had this particular conversation, and as he had never been caught with drugs inside prison, his account brought with it its own problems in relation to the knowledge that it implicated me in.
Between 2007 when I arrived and 2008, 2009, drugs were already being sold, but without any quick turnover (ya corría la droga pero sin aceleración). Just marihuana. “X” brought it in (lo metía) with a guard. [...] He would bring in a pound and give [the guard] a thousand córdobas (about 50 USD at the time). Later on another guy and this guy that they had nicknamed El Callejero who were already there in 2012, 2013, 2014, and all of 2015, they brought in more drugs, and not just marihuana – also crack. There was also an ex-Contra who brought in his part. But the guards always brought in their part too, a little bit, puchitos (small bags), only weed. Then, for some prisoners’ personal consumption, their women would bring in small quantities, in their vaginas, but only for el toque (a hit, i.e. small-scale consumption). Others would pressure their wives or mothers to bring in drugs with their food. They would put it in the sugar, the oil, the rice, a pie, anywhere, they would change it all the time because every time one caleta (stash) would be discovered the prisoner would invent another. These guys would negotiate with the guards: ‘look my wife’s coming and she’s bringing me some [drugs], ahí te aliviano (‘alivianar’ is slang for bribing or ‘sharing,’ either profits or product), but you know, hacérmela una requisa champú (do a fake search on her).’ Then [later] the guard would come by [the cell], midnight on their round with their nightstick – to look up the guys who paid them off, I mean, [to claim their part] or to smoke their bit.

Here, we see that drugs entered prison in a variety of ways and quantities. We also see that the involvement of the authorities was pivotal, both as they willingly turned a blind eye and also brought in drugs themselves. Importantly, Araña and Javi occupied very different positions in relation to the indoor trade in drugs in their respective prisons. Yet they appeared to have a similar level of knowledge about the trade. As Araña claimed to have been part of the CPJ’s trade for about a year, prior to his engagement in the community center rehabilitation program, the amount and level of detail that he shared seemed logical to me. When I spoke with Javi about a year after my conversations with Araña, curious to know if there had been such a flourishing drug trade at the SPR as there appeared to have been at the CPJ, I was somewhat surprised about the amount and level of detail Javi was able to provide about the drug trade from an outsider’s position. Clearly, Javi had spent a significant amount of time in prison (almost nine years), but the way that he discussed the trade proved what I had suspected: that it all happened much more out in the open than one would imagine. As such, the situation at the CPJ appeared not to be an exception. There, Wiz had recalled how a group of his cellmates would quickly roll the weed into joints and bag these, usually by the ten, as soon as a packet would arrive in his cell. Once the drugs were smuggled in, he explained that they were distributed to individual dealers in different cells via “flechas” (literally: arrows): shoes thrown from one cell to the other and back (a method also used for sales). Clearly, in order for this system to work, both the rewards and the threat of violence from those in charge had to be large enough to ensure the payment was returned to the sender as well as to ensure the silence of potential sapos – an issue that I will return to shortly. Contrary to being found in possession of a cellphone or alcohol, drug possession inside prison (especially in larger than one portion quantities) can lead to an additional conviction for drug possession, distribution or trafficking – possibly adding multiple years to one’s sentence. In this way it was of the essence to quickly cut, distribute, and consume. Not only does this situation problematize the authorities’ claimed ignorance, but it also explains the detailed knowledge that non-involved prisoners can have of the trade. Specifically, in accordance with the above, Javi detailed that,
Once the drugs were inside the cell, the guys would start rolling *churros* (joints). They were really small, imagine that with one cigarette they made two, and a *chelín* (joint of marihuana) would cost 25 pesos. They put them in small plastic bags, heated the ends of the bags with a candle and glued them with their fingers, in that way they made long strings. Each one of the main guys who brought in drugs had his dealers. El Callejero was in one block and would send his dealers, who were in blocks four, two, and three, [drugs] from there. And he gave them their percentage [of the profit], two hundred pesos, three hundred pesos, depending.

[...] The *mero* will also get his sellers a phone so they can communicate with him, and they communicate daily to keep tabs on how much is sold, how much is left, the money, who owes them. When there’s no more drugs left in a cellblock they’ll go to another block to buy. One of the *meros*, I think you saw him, had his bunk by the cell door. They’d communicate to him with sign language when they were out of drugs. One would touch his teeth, for example, twice if he needed two packets, thrice if he wanted three. In the hallways, you remember what the hallways were like, right? The guys who were in charge of particular *áreas* would be free to move about, and some of these were *muleros de pase* (passing mules), just for bringing the stuff from one block to the other. The best time to move was at five in the morning, when they’re let out for cleaning [the hallways] and the guards change shifts, so there were hardly any guards out at that time and they’d take advantage [to move the drugs]. They wouldn’t catch you unless someone would snitch on you (*a menos que te bombearan*), it was the perfect time to move it. And I tell you that the *meros* walk around *tuánis* (cool), well dressed, they stash the money with certain people, and send it outside to build a house or set up a shop. They made good money. But all of that is psychologically killing you, it’s like you have a hundred enemies and all of those one hundred enemies live in your neighborhood. You don’t sleep, you’re tense all the time.

I ask Javi if, in sum, the structure of the trade is: those who bring in the drugs, the *meros* on top, then those who sell it, and then those who stash it and consume it. He explains,

Well yes, but those who sell can also bring it in, stash it, and consume it. And some consumers will also stash it, or work as mules. *Los meros caminan su pandilla* (those in charge have their gang), when they go out for visit day it’s like a mob movie, imagine, the *mero* has his number one, two, three, and all of them watch each other’s backs; the two for the one, the three for the two, etcetera. Some even talk like Mexicans. *Es todo como un gobierno* (it’s all like an administration). They go through the hallways like they’re presidents, with their deputies, their mayors, *su gente* (their people). *Así meramente* (exactly like that). [...] Ah, and there’s always the guys that will tell those in charge when they hear about a pending search, *son ‘oreja’* (they’re all ears). And if the guard can’t be *comprado* (bought, i.e. bribed) they’ll send him an *‘amigo’* (a friend), ha-ha, that’s the prisoner who’ll become the guard’s friend *al suave-suave* (slowly) but is actually doing this so he can pass on information [to those in the trade]. They’ll come by the cell calling “*vienen caliente para acá* (they’re hot on their way),” and [those involved] make everything disappear, “*me la capiés*” they say – everyone who has *tratos hechos* (deals made) [with those in charge] has to hide the drugs.”

Then particular prisoners would stash either the weed or small bags of joints in packets up their behinds (*entabarse*) when drugs needed to be moved or a search was on its way. Wiz noted that the stashers would practice their abilities in the cell’s shower. While Tadeo was forced to do this, other prisoners were ‘professional’ stashers more voluntarily. Wiz recalled with admiration that one of his cellmates was like a “*rástra*” – a
heavy-duty truck – because he could stash packet after packet up his behind. Bobby, former prisoner of La Modelo, noted that one of his friends was left without control over his rectal sphincter muscle after having served as a drug stasher in La Modelo for too long. Araña, who was adamant about not using his behind for those purposes, noted that when a ‘pase’ (pass) would be made during a visit, “when it’s busy and everyone’s moving around,” the drugs were easily smuggled from a visit by hand to the one who would entabarse and take the stash to the cell undetected. If they did their jobs right, regular searches (generally held after visits) yielded no results. It wasn’t unless someone had been spotted or behaved suspiciously that a strip or body cavity search would be carried out (which, as pointed out by Ezequiel, did not happen with care: ‘one good smack and whatever you have up your ass will come flying out!’). Using good stashers were pivotal as the prisoners in charge of the trade were able to remain largely out of the picture. After all, when drugs were found, they were found among the belongings or in the body cavities of the stashers. While good stashers were important to the trade then, they were also those most easily ‘sacrificed’ and readily replaced. It was most often consumers who filled this position – either voluntarily or due to debts to dealers.

**Leadership and its consequences**

As the trade in drugs is illegal both inside and outside of prison, prices and profits were much higher than those that can be obtained from the markets in prohibited commodities. The stakes of the indoor drug trade, however, were also higher than outside because the trade took place right under the noses of the authorities, involving people who were already in prison and risked adding more time to their sentences, as well as non-prisoners (including authorities) who engaged in illegal smuggling activities for which they could, in turn, be imprisoned. Where an average guard made about 250 dollars a month, the day revenue of a small jail or large cellblock could be multiple times higher. With prisoners having close to no income aside from what their families were able to spare to support them, one can imagine the lure of large profits from what they might earn working in prison or by engaging in unregulated but ‘tolerated’ money-making activities, especially for those engaged in drug consumption. Only prior experience and networking appeared to provide access to the top tier of the drug trade in prison, but good stashers could ascend to becoming sellers. Often, it was small quantity stashing that was made available as an ‘entry level’ job in the trade for those without prior networks. The larger profits, as outside, were reserved only for the top tier. Javi noted that,

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Bobby, former La Modelo, 2015, private interview.

Unlike on the outside, where no dealer/pusher in his right mind would keep his drugs in storage with a known consumer, much less one with debts. Inside, however, debtors had nowhere to run and most sellers did not want to stash drugs themselves, as it was the person caught with the drugs who would be charged with an additional felony. Clearly, in the event of an apprehension, pressure was exercised on stashers not to turn on their higher-ups (becoming sapos). Many sellers, Araña explained, had a drug habit too, but so long as they paid their dues to him he did not require them to be clean. Generally, the definition of ‘clean’ was a loose one – it entailed not being an addict.

This happened regularly and especially women often found themselves behind bars for attempting to smuggle drugs to their loved ones. By comparison, smuggling or keeping prohibited commodities in prison (such as a cell phone or alcohol) could have consequences for a prisoner’s acquired position within the privilege system. These could be the withdrawal of privileges, revoking of a regime advancement, time in isolation, etc. Such infractions could also be noted on one’s TCI (Tarjeta Control del Interno), leaving them visible to the courts. Though punished then, it did not put one at risk of an additional prison sentence. Guards who were caught smuggling prohibited commodities ran the risk of losing their jobs. If they were caught involved in the drug trade, however, punishment could be more severe – including imprisonment.
The little boxes of crack come with lots of piedras (stones, crack crystals), and it’s much more lucrative [than marihuana]. With a box worth 800 pesos they make 8,000 pesos. Cutting up 300 stones they make 1,000 [pesos], every piedra is worth fifty. The same goes for the weed, with 2,000 pesos worth of weed on the outside they make 25,000 on the inside. The guys that manage the trade make anywhere between 5,000 and 10,000 pesos a day. You see the other guys [consumers] crumbling their crack over the weed, making their bañados (joint of marihuana with crack), sometimes one to share (entre varios), discussing you know ‘you chip in 10, you 20, you 10.’ The guys in charge give the sellers 200 or 300 a day each, and some are paid in drugs.”

Araña noted that he put out about 5,000 pesos worth of marihuana per day (about 200 dollars at the time), which was the equivalent of 100 pre-rolled joints selling at 50 pesos each. In terms of consumption, this means that he catered to roughly a quarter of the prison population if that population would consume one joint per day. Araña underlined that quick distribution was of the essence. After receiving the “mercancía,” he distributed it in small packets to dealers in other cells, and collected 40 pesos per joint. He noted that these dealers were in charge of paying their own stashers from the profits that they made, and that he, in turn, paid for the raw product and arranged the smuggling. Clearly, it was not possible to display his profits in the same way that he may have done on the street. Money was only allowed in prison in specific quantities, so it had to leave jail much the same way as the drugs came in:

Julienne: So what did you do (cómo hacías)? Did you keep it all under your pillow? [laugh] Or did you have friends who helped you hide it?

Araña: Na-ah! And have them ‘lose’ it? [laughs] I would send it out, but of course my cell-mates knew I had cash, and that I kept it inside the cell. […] I’d buy them stuff every so often you know, make sure que no les hacía falta nada (that they were well taken care of). A celebration here and there, sodas, cake, the occasional ‘joint on the house’ [laughs].

Taking into account the overcrowded conditions of his cell and the envy that his position could inspire, Araña mixed tough and softer leadership skills, demonstrating a willingness to use violence against those who crossed him, while engaging in cell-based solidarity, too. He made a point that as a good leader one has to assure “que le quieren (that they love you), pero que le temen también (that they fear you too).” Being too “bue-na onda” can lead to the danger that others “se te vayan arriba” (go and take advantage of you). In short, it was important for leaders “que te respeten” (that they respect you). This effect was believed to be more sustainable when you were fair, but your wrath was feared.

For regular prisoners, the hierarchies and (violent) order that the drug trade produced nonetheless presented certain detrimental effects for the conduct of their everyday business. Javi noted,
Now, what were the consequences? The consumer, low on drugs, desperate for another *toque*, starts selling his all his stuff. He sells what his visitors bring him, his shoes, his food, everything. Sometimes they don’t have *con qué pagar* (anything to pay with) and they indebt themselves to the seller, they convince them to give them a loan until their next visit. I never smoked, but I can tell you I have seen some things! They have a thirst, Julia, a thirst for smoking drugs! Many times they don’t even enjoy their visit anymore, because maybe their mom or wife comes and they’re only thinking of the moment they can get the package they bring along, which maybe [the visitors] *con costo han recogido* (they managed to get together with difficulty) – soap, toothpaste, maybe some flipflops, food, just to go and sell it off to pay off their debt and *volverse a enjaranar* (indebt themselves again).

[...] Another thing is that if you’re a consumer the guards can *quemarte con tu mujer* (”burn you” with your wife, meaning they ‘snitch’ on you to your wife), and the *pleitos de pareja* (couples troubles) start, ‘ah, es que vos le agarras vara a ese tipo (you believe that guy’s [guard’s] story)? Why don’t you get with him then!’ Some women will leave their partner over these things, or their family leaves them, because they don’t want anything to do with them anymore *y queda donado* (and he’s left behind as a donado). Because of the consumption the old man [reeducational director Barahona] also told the people who brought in the big donations of things that they shouldn’t bring those anymore – everything that was coming in was going back out. While some of the donados kept their things, others would sell everything to other prisoners for the money or the drugs, and some would give their donated items to their family members so that they could go and sell it on the outside.

Then, he tells me of the *meros* offering drugs to prisoners for them to stab other prisoners, and I tell him that I didn’t get the impression that there were a lot of stabbings at the SPR. He exclaimed,

Oooh! No, there were stabbings all the time! They come and warn you “*cuidado que ya sabés cómo corre el agua* (watch out, you know how the water runs)” and when you’re warned you have to find a way to arm yourself [...] And then there’s the fights (*se arman broncas*). Oooh! The fights, Julia... *Bien fumados* (really stoned) they sharpen their *chuzos* (shanks) *y van buscando a quién caerle* (and they go looking for who to assault). Who has money on them from their visit, who has things, *y lo peinan* (and they rob them). They assault them *pues*, they rob them of everything. The guards let them go to other cellblocks, *porque los alivianan* (because they’ll pay them).

[...] The guys that sell [drugs] also do satanic stuff on the holidays, on 7 December, or on Father’s Day, and Christmas, you know. Those who consume, some of them *ya con 5 piedras adentro* (really high on crack), *bien pero bien fumados*, would dance naked or wearing a woman’s bikini in the cell. Manly men (*hombres hombres*) I tell you, drugged up would do this stuff, *se hacían mujer* (they would act like women). It was the drugs that corrupted them. The ones who weren’t gays, the machos (*los que no eran gays, los machos pues*) high on drugs or drugged by someone else, worse if they were donados and addicted *papá*, uh-huh! ‘*Metete a mi cama y cerramos la caleta*’ (come to my bed and we’ll close the curtains) and that way many would fall. I tell you honestly it was *un solo Sodoma y Gomorra* (one big Sodom and Gomorra). *Al que no sea sólido lo hacen mujer a la fuerza, le ponen una vagina por atrás* (whoever isn’t “solid” they ”make him” a woman by force, they ”put a vagina” on his backside).

[ [...] But anyone who was caught by the guards with drugs was given one hell of a beating, sister, *una turqueada*! They’d manhandle you and kick you, any guard who wasn’t a boxer yet would become a boxer with you, they’d become Bruce Lee, as we say, *te pegaban una madre*
mayugada (beat the living shit out of you). Whoever’s caught with drugs would also be ‘rewarded’ with three or five years more in prison, just for the crime [not the quantity] of finding it on you. They can even send you one or two years to the calabozo (solitary). Premiado, no jodas. In sum, beneficiado él que vendía, perjudicado él que consumía (the seller profits, the consumer is harmed). They lose their visitors, their families, their women.

Bobby and the other four former La Modelo prisoners present during our group interview, just like Joey, had also lamented how the drug trade appeared to benefit them at first, with its highs and fast money, but then took them down. They noted that “you’re so high all the time that you don’t realize it, you know, that in the end you’ll be the next one screwed over, to take the fall for a bigger carga (shipment).” Similarly, Javi’s account much explained the trade as an arena in which the authorities and the meros colluded to profit at the expense of the regular prisoner, underlining the importance of the threat and occurrence of violence for the maintenance of power hierarchies (and the way that this violence is gendered). On the one hand then, drugs ‘helped’ particular prisoners make it through (though Javi framed consumption more negatively than most of my other interlocutors), by providing a way out through the ‘world of fantasy.’ On the other, the trade actively transformed power relations between prisoners as well as prisoners and authorities. In general, both drug consumption and these trading hierarchies negatively affected those who were not involved in the trade. In this way, the position of the uninvolved prisoner largely mirrored that of the uninvolved favela resident that Penglase describes in his ethnography of living with insecurity in a Rio favela. Regular residents are ‘stuck’ between the (dis)organizing forces of both the drug traffickers (los meros or la gallada) and the police (la guardia). The authorities and the gallada or the mero-meros – those prisoners “in charge” – were mutually constitutive of the surveilling, governing and (dis)ordering practices occurring in prison. As such, following Marlon’s advice, the only way to navigate through this insecure environment without being pulled into the gallada, the drug trade, or snitching for the authorities was by steering clear of anything related to these groups and standing one’s ground – vivo and hombre.

### The authorities and the (dis)organization of prison drug markets

In Javi, Araña, and Wiz’s accounts we see a similar movement of smuggling, selling, and consuming – and a similar hierarchy – all in broad daylight for the general population to see. Most clearly, however, Javi and Wiz underlined the involvement of the authorities in the trade, specifically noting the importance of ‘bribable’ guards. Javi’s account also shows the clash between the involvement of particular guards in the trade and the effort of others (who conducted searches and beat up those involved in the trade) to curb the trade, actively disorganizing “prison as usual.” The detail Javi provided to this end was not without hesitation. In fact, I was worried to have scared him off entirely when I proposed this topic for an interview and did not hear from him for over a month. Once

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193 Five former La Modelo prisoners, 2015, group interview in Managua.
194 All of my interviews with Javi lasted at least an hour and a half, at times three hours and even then there would still always be topics we would agree to discuss in a follow-up. It was highly uncommon, of course, for a former prisoner to be in touch with a researcher who both frequented the prison they had spent a third of their life in, and who got to know them on the inside, and was still interested in the intricacies of their experiences both as a prisoner and rehabilitated former prisoner. My interviews with Javi, as well as extensive conversations I had with former SPR prisoners Wilfredo, Beto, and Ramón outside the SPR between 2014 and 2016, helped significantly to supplement my knowledge of the dynamics of life inside the SPR that I had been able to observe during and around the workshops in the penitentiary proper from 2009-2013.
he decided that he was okay with talking to me about this, having established that I
would fully anonymize his account including the names of those he mentioned, he still
stopped a couple of minutes into our phone call – after he mentioned the involvement
of particular prisoners and guards in the marihuana trade. I told him that I did not need
(or want) the names of those involved, as I was more interested in the dynamics and
hierarchies of the trade rather than in individual traders. He was planning on writing
his own book, he said, from which he would be sure to omit any reference to the drug
trade, “es demasiado chiva” (it’s too dangerous), he said. Yet he underlined the impor-
tance of the topic “for your book,” specifically in relation to the (power) “relations with-
in the galerías.” His desire to explain everything he had seen and lived in the “lost years”
of his life then again appeared to take over from the rules that had governed his time
on the inside. Notably, however, he spoke without any reference to his own position
within or vis-à-vis the trade. When I asked him about this he vehemently underlined:

> Yo vivía mi tabo yo solo (I did my own time all by myself). I didn’t say anything to anyone.
Not to the guards, not to my visitors, and not to my friends. Because you know that you
can keep information, but you don’t know if the other person might be loose-lipped (suelto). Y la
guardia es maldita (and the guards are two-faced). They can tell el mero (the person in charge
of the trade), in exchange for some money, who told them – who snitched. They stabbed
people all the time [at the SPR]. En la cárcel date cuenta que sos ciego, mudo y sordo, no ves ni
oír nada aunque pasó frente a vos (you understand that you’re blind, deaf, and mute in prison,
that you don’t see or hear anything even if it happened right in front of you).”

For Javi, who was unrelated to the trade, it was pivotal to live by the no-snitching rule.
As such, he left prison with a suitcase of unspeakable knowledge. As Wiz had spent
time in a federal prison in the United States, much of what he noted about the trade
was in a tone of amazement over the way it all transpired in Nicaragua. My interactions
with him on the topic were expressed in the inconsequential ‘everyday’ talk of drugs
at the prison from the viewpoint of a consumer. It pertained much less to the intrica-
ties of the trade’s workings than it did to his own experience of the prison. As such,
he mostly revered its highs and even though the lack of control also affected him, he
found it a much more livable prison experience than the one he had gone through in
the United States. Araña, from his former position at the top tier, disclosed particular
dynamics of the trade on the level of its leadership and profits, but left other issues un-
touched. Importantly, Araña spoke from inside prison. While this meant that I became
increasingly worried about knowing ‘too much’ about him, he did not waver in his
confidence to share not only what he knew but what he had been involved in. Still, he
hardly discussed the negative consequences of the trade in prison, which Javi so clearly
underlined. And while Wiz had smirked about an officer who exchanged drugs for
sexual services, Araña also abstained from naming officers or fellow (former) traffickers.
Clearly, neither did I ask.

Following from the above, and given that the drug trade (and consumption) oce-
curred to a large extent in full view of the general population, it can be said that the workings of the indoor illegal markets were largely veiled in and guarded by practices of public secrecy. It was something everyone knew about, but nobody talked about – at least not publicly, directly, or openly. For me, as I slowly became more familiar with the prison environment and as I came to know the trade through the prisoners, hints to its existence became perceptible and the language through which to address it available. Clearly, no markets as extensive as these could exist without the involvement of the authorities – if not collectively, then individually, if not through corruption, then through blatant ignorance. Given the authorities’ degree of complicity in the trade and how much they stood to lose with its revelation (especially politically and in terms of moral authority), they treated not only the workings but the even the existence of the trade as a public secret.

This secrecy manifested itself particularly in the institutional policing of discourse about the entry and circulation of drugs in prison. Even though they frequently flat-out denied the circulation of drugs in prison and, at the very least, publicly presented themselves as completely uninvolved, there were times that the ‘inevitable’ was revealed. Interestingly, when this happened questions were hardly asked. Not that they were not posed, they simply remained unanswered. I provide two short examples. First, an interaction from my field notes with a guard at the SPR, then a news item about weapons (but not drugs) seized after a prison riot.

One morning, as a guard and I were standing outside the class hall at the SPR, waiting amongst prisoners for another guard to open the gate to the hall, I joked how I found it funny that some prisoners would miss class for having “other things to do.” I was inferring that I knew they would go about the corridor making rounds and running errands, taking the chance to interact with prisoners from other cells or cellblocks. Prisoners were rarely escorted right up to the class hall gate. Instead, their names were called at the cell, where they would be released, then the guard would move on to the next cell and the next, and the released prisoners would go ahead and congregate in the corridor or at the doors of other cellblocks. When classes were held inside the large class hall rather than in the lab on the courtyard, or when staff was unusually low (due to other activities being organized at the same time), I accompanied the guard on this round, which was the case that morning. At the end of the round we were standing in the middle of about thirty prisoners all waiting to enter the class hall – many others had congregated in the hallway. Three prisoners of the group stood close by, which they usually did in case the guard would wander off. While my remark about the “other things to do” was intended as small talk, the guard thought I was referring to something quite different and answered,

"Yeah, many [prisoners] have disciplinary issues, there’s a lot of drugs (hay mucha droga). They prefer smoking [marihuana or crack] to an education." He grinned at me over the inference that all prisoners were druggies. What he did not realize, was that this was the first time that I heard a guard effectively confirm that there were drugs in the prison. When I looked at him and repeated, “ah, hay mucha droga?” he suddenly realized that he had substantiated a previously unconfirmed fact to me. I could now possibly take this statement to my outside world and convey that there were actually drugs in that prison and, worse, that the guards knew about it. Unable to retract, he quickly said "yes, but we have it under control (sí pero lo tenemos controlado),” and then stepped through the prisoners toward the class hall’s gate.

197 SPR, 2013, based on field notes and conversation.
Even if it may seem ridiculously obvious that drugs were being circulated in prison, especially given my explanation how the trade was organized, the authorities often convey another image to the outside world – and this happens in almost every prison across the world – that there are no drugs circulating in ‘their’ prison.

This attitude was taken to an extreme in the second example. Early 2014 a prison riot shook up a provincial city police jail. After riot police had it under control, various confiscated prison-made weapons were displayed on the news. When reporters asked the local chief of police about the course of events and why there were so many weapons circulating in the prison, he answered that they had not been able to access “two of the cells to conduct searches for three months.” According to his account, two cell leaders at the jail, who allegedly engaged in extorting newcomers and also allegedly started the riot, had told the police that if they attempted to search their cells “there would be deaths.” Pointing to the amount of weapons, the chief of police noted that “if this was not resolved in the way it was,” that is, through a “dialogue” in which he gave “my word as chief of police that they would not be hurt” (adding, “I don’t see where they would get the idea that they would be beaten”), he stressed in a circular fashion that “officers could have gotten hurt [by the prison-made weapons].”

Later, we see a police officer going through the empty cells. Effectively, this officer picks up various prison-made weapons and prohibited commodities (like scissors), including two small bottles of “toxics,” but these are not displayed with the weapons in the main news item. Neither do we see any drugs, money, or cell phones. This begs the question, if these cell leaders and their “following” had armed themselves to extort others, where were the fruits that they had reaped? Where were the cell phones with which they (or their victims) allegedly communicated their threats to their victim’s families? If these cell leaders wielded such power (having a “following” and being able to prevent police from searching their cells), they in all likelihood moved drugs, too. But where were these? Why were they not displayed? It appeared that the police were only showing one part of the seized commodities on the news – the part that could justify their lack of intervention and (could) substantiate their claim that the cell leaders were in effect “highly dangerous prisoners” who extorted “even their fellow cellmates.” Conveniently, another part of the indoor trade was left out of the picture. After all, this part could underline either the police’s incompetency to govern the prison or give way to a public consideration of their potential collusion on its illegal markets. In a La Prensa newspaper article following the riot, however, the point was stressed that the prisoners had been denouncing local police for a full year over alleged drug trading, beating prisoners, and demanding payments from visiting family members. Unfortunately, this situation sounded all too familiar.

The authorities’ denial of the drug trade then reveals what is morally and politically at stake for their legitimation as authorities. Contrary to the deployment of violence against prisoners, the involvement of authorities in the prison system’s illegal markets is clearly not considered legitimate. It undermines the supposedly ‘natural’ divide between criminal and law-enforcement, prisoner and authority. It implies a confluence or collusion between the two, a perversion of one by the other. Yet, as we have seen, this collusion is pivotal for the indoor circulation and consumption of illegal

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198 Crónica TN8, 15 January 2014 (available on https://www.youtube.com/watch?v=dceUZ8Q4r2g). Note that the riot took place shortly after Christmas.

199 The word used in the article is “coima,” which is a kind of payment between a bribe and extortion in the sense that it is an illegal payment requested by the authorities, which differs from a bribe (as bribes are payments illegally offered to authorities).
commodities (mostly drugs, but also weapons, alcohol, cell phones, and money). The
guard’s answer to my question (“we have it under control”), given to provide me with a
sense of security (they are doing their jobs), only leads to further questions. What did ‘under control’ mean? Did this mean that they had no previous knowledge but ‘now’ had the situation under control? Did it mean that the authorities had the consumption patterns of prisoners mapped out? Were they intervening in the influx? Did they offer counselling to consumers? The fact that the guard stepped away from me clarified that he was not going to answer any of such questions. Perhaps he was aware that there are only two conclusions that a ‘civilian’ may draw when they know drugs circulate in a prison. First, the authorities are not doing their jobs right and are failing to intercept incoming illegal commodities (i.e. they are incompetent). Or second, the authorities are partially or completely involved in the trade (i.e. they are corrupt). In effect, the trade illustrates that authorities must be a combination of both.

**The authorities give and take**

As noted above, traders only needed the right people to look the wrong way at the right
time to achieve the failed interception of drugs. The absence of an electronic surveil-
lance system and low level surveillance of prison cells made it easier to bag, sell and
smoke the drugs soon after entry. ‘Looking the wrong way’ (or turning a blind eye) does
not require the complete corruption of the system, but it does require a systemic lack
of surveillance and the (systemic) “bribeability” of a segment of the guards. Given that
drugs passed from one prisoner to another almost continuously (from visitor to pusher
or stasher, from stasher to dealer and back, from dealer to consumer, and from con-
sumer into the prison air), it can be said that both the lack of routine surveillance and
the scale of studied ignorance was significant. Javi noted that the trade in marihuana
blossomed under a particular warden at the SPR – “un solo relajo” for which this warden
was promptly replaced. Norbin, who spent three years at La Modelo prior to his novel
sentence at the CPJ, noted that La Modelo offered a larger variety of illicit goods than
the CPJ, and that drugs were easier to come by. Yair, quoted above, explained that any
illegal substance could be obtained in La Modelo at any time, and that the authorities
were the ones who were “the corrupt ones.” Though the scale of the trade at La Modelo
is undoubtedly much larger and more organized, the drug markets at the CPJ and SPR
were considerable.

Most importantly, the dynamics of the trade (though divergent in scope, largely
similar in character) appeared to be deeply entangled with governance relations and
contingent on arrangements both among prisoners, and between prisoners and author-
ities. On both, the engagement of the authorities with prison markets is pivotal. Wiz
noted the involvement of police in the drug trade at the CPJ, and Javi intimated their
involvement in the trade at SPR on multiple levels. While this involvement appeared
to relate to specific officers, the trade itself and (potential) authority involvement in
(aiding or tolerating) it appeared as a systemic aspect of prison life. If we then see cor-
rupption, following Sykes, as the condition under which the total power of the authori-
ties is shared, then the collusion that takes place to run the drug trade presents itself as
a clear instance of such corruption. While public secrecy is key to keeping this system
hidden, we can again see that the limits of this shared power arrangement are enforced

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200 Javi, former SPR, 2016, interview on Whatsapp. Most likely this was a warden who briefly worked at the facility in 2013.
through violence. As the authorities engaged on the one hand in the (systemic) turning of a blind eye, they clearly maintained the means to disrupt the drug trade on the other. Notably, they deployed both announced and surprise *requisas* (searches) to this end. Javi noted that,

> The ugly part [of the drug trade] is not just this [for the consumers], but that there are consequences for everyone. Looking for one little package the guards will search 180, 200 prisoners and they’ll search everything! Your clothes, your stuff, all your belongings.

Prisoners at the CPJ would often lament that their cell phones had been seized during such requisas. In less than three years, Araña had to change his phone numbers more than six times. As Javi noted before, however, when drugs were found during a requisa, the prisoner it was found on would receive “one hell of a beating.” In the previous chapter I discussed the taped beating of a group of prisoners who had been stripped naked and taken outside their cell by the guards of La Modelo. Most probably this scene occurred during a requisa that had yielded results. The corporeal punishment and humiliation of all of the prisoners in the cell was then deployed in the absence of a single available scapegoat (i.e. when no single prisoner will take responsibility for the encountered contraband). Oftentimes the authorities considered it pointless to prosecute consumers for the encountered contraband (especially small quantities), unless, as Marlon noted, they were looking for a reason to “*refundirle a uno*” – extend a particular prisoner’s prison time. At the CPJ, as part of the pardon that Wiz was released on, Jay was about to be released when drugs were found in his shoes and his release was revoked. Instead, an additional *causa* (charge) appeared and – even if Jay vehemently argued his innocence and despite multiple attempts to repeal these charges with court visits and letters of recommendation attesting to his good behavior – he was “*refundido*” with another three years. To demotivate consumers (or sellers), the authorities thus resorted to a combination of legal and extralegal measures. In a way, this can be seen as a “strategy of abnormalization,” which, as I discussed in the previous chapter, serves to prove that the authorities need not abide by the law themselves, but that they stand outside of it.

Generally, and across the world, a little consumption of drugs in prison is not considered an issue when it can be passed off as unnoticeable and keeps prisoners “calm” (Crewe 2009, Fassin 2017). But when drug consumption is so rampant that it becomes impossible to disguise, as was the case at the CPJ, authorities may resort to other explanations and ‘solutions.’ At the community center, the Juvenile Affairs police officers blamed the intensity of the trade on the type of offenders housed at the prison, and the large amount of young men imprisoned for drug-related offenses. The captain would worry about particular prisoners at the community center due to these sentences, yet he seemed to worry more about continuing *consumption* than about the smuggling of drugs into prison. In late 2015, however, a former narcotics officer (*anti-narcótico*) joined the police’s Juvenile Affairs team at the community center. He was the one who had an increased interest in prisoners smuggling drugs back into the prison, and he made a sustained attempt to disrupt the trade.

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201 This was much a result the police’s own anti-drugs program, Plan Coraza Popular, against small-scale drug sales (*narcomenudeo*) and consumption in the city and surrounding towns. The community center program and Juvenile Affairs’ work itself was much focused on the prevention of drug sales and consumption both with the prisoners and in the city’s *barrios populares*, including the one in which the center was located.
Inspector Danilo, mid-thirties, fashionably shaven and much into the same music as the prisoners at the center, was a timely addition to the team of officers working there. He claimed that he was “retired” from the Narcotics Unit, and had “no interest” in that line of work anymore (“me topó,” it burned me out). He regretted that his previous specialization had occupied him completely, taking its toll on his family life. He noted that, as such, he felt that he had failed “como marido, como padre y como hombre” (as a husband, father and man). Still, even as Danilo projected himself as retired from Narcotics, all prisoners at the center kept an eye on him as a Narcotics officer. Formerly working both undercover and as an encapuchado, a hooded trooper, he had been part of crackdowns that had landed quite a few of the participants of the community center program in prison. And here at the center, while the other officers mostly sat inside or outside of their offices by the front of the building, Danilo walked around and chatted with the prisoners. It could hardly be a coincidence that this inspector, with his professional history, was to supplement the ranks of the Juvenile Affairs unit exactly then – in what may quite possibly have been an attempt of the police to curb the flow of drugs to the CPJ after the riot had demonstrated the power that the gallada wielded inside prison (which we will see in the next chapter).

The unfenced community center was visited daily by a variety of prisoner family members and friends. No visitors were ever searched and the center – with its kitchen, shed, workshop, toilet, washing pantry, and community gardening plot – had plenty of places to hide contraband. Moreover, prisoners were allowed to use cell phones at the center, which could also be used to arrange drops. Given these conditions, the center could easily be used as a transportation hub for trafficking drugs into the CPJ. The police’s attempt to disorganize the drug trade from the community center did not come as a surprise to the prisoners in the program. The relatively informal situation at the center was bound to be regulated at some time, they noted. About half a year into Danilo’s deployment to the center, the police’s attempt to disorganize the trade started showing. Wilber, who only started attending the center a few months before his release in 2016, noted that it started with participants being subjected to unannounced body searches upon arrival back at the CPJ after a day’s work at the center. “Danilo anda sobre (is on top of it) […] they busted a number of the new kids [attending the center] with marihuana, and sanctioned them. They caught Skinny, you know? He was damn good in entabarse [stashing].” Wilber said of Araña, who usually got out from under allegations of drugs found on his bunk by claiming his reform and saying that anyone could have stashed them there, that “el otro día lo desnudaron (they stripped him naked the other day).” The “pressure (presión)” was on the trade from all sides, and smuggling appeared to have come to a halt. It was not long before another riot shook the CPJ. Araña held it erupted because “there was no more marihuana, ha-ha! Everyone was going berserk quemando cable. The guardia dried up all entry routes, so there was nothing to get by on.”

With Danilo’s deployment to the community center, the authorities attempted to disorganize the drug trade and regain control of this aspect of prison’s life. Inside prison, the number of requisas increased. The prisoners responded by deploying their disorganizational capacities and disrupted everyday prison life with another riot. In this

202 Danilo, Juvenile Affairs, 2015, conversation.
203 Danilo, Juvenile Affairs, 2015, conversation.
204 Wilber, former CPJ, 2016, group conversation on Facetime. Wilber had been released less than a month earlier.
205 Araña claimed to have gotten out of the trade about a year earlier. Though he was suspected, he was never caught with any drugs.
case, the riot backfired and the ensuing crackdown was hard. While I will go in to the pivotal functions of prison riots for the (re)configuration of co-governance arrangements in the next chapter, the important aspect to note here is that the authorities do not merely collude in the trade (though they do this most of the time) but also engage in the active disruption of everyday prison life. Remember how Junior noted that “[t]hey have the power and this is how they control you, by trying to get you where it hurts.” Oftentimes then, the disorganization of everyday prison life (or “prison as usual”) by either the gallada or the authorities produces the “tough patches” that prisoners need to (learn to) navigate, and it is traversing such patches that they exert their agency. Or as Junior said, “I’ll tell you what, I’m strong. Simón. I do my own thing.”

Distrust, corruption, and the workings of justice

Beside the more violent crackdowns on the indoor drug trade, there were multiple other ways in which the authorities in effect disorganized prisoners’ everyday lives. Most importantly, they exacerbated the perceived economic partiality and manipulability of the criminal justice system. At the CPJ it was well known that, charged with the same crimes, some detainees were released while others were prosecuted. Prisoners noted that it this was a part of “el negocio” (the [authorities’] business). Officers would often take substantial bribes (“mordidas”) to drop fines or charges. In fact, they argued, some police would only threaten with arrest before taking you down to the precinct if they knew you could afford a bribe. Others, they noted, would take you in knowing that your family would shortly come to (pay to) get you out. In fact, paying a bribe to the police to get out of an arrest or fine is normalized to such an extent that family members of detained youth will first seek to release their loved ones ‘directly’ (i.e. by “negotiating” with the police) rather than seeking a lawyer (see also Rodgers 2006b). The bigger the crime one is accused of, the higher the offered bribe should be. In this sense, bigger cases do not only involve police: when ‘sticky’ charges pend it can go up to the prosecutor or judge at the courts, too (where money may be offered through the lawyer of the accused). Similarly, there was the negocio in privileges. Some prisoners obtained certain privileges while others (in spite of their good behavior) did not. In the penitentiaries, ascent in the privilege system could on occasion be sped up with the right economic “incentive.” At the SPR there was a wealthy prisoner imprisoned on drug charges who briefly participated in the group. Even though he had only been in prison for a year, he was confident that he would soon be released. In fact, Junior noted that “he doesn’t even think of himself as one of us,” that is, he did not consider himself to be a delincuente, much less a reo (prisoner).

But “working the system” did not always work. At times the crime committed had received too much attention in the media. Despite having a ten to fifteen year sentence, Jaime for instance, expected “to do only six years,” yet when Javi left the prison he told me that Jaime was still looking at more time.²⁰⁶ Sometimes lawyers took off with the money, like Javi’s lawyers had.²⁰⁷ More often, however, it turned into a power game. Police know that desperation will inspire detainees’ loved ones or relatives to “lose their heads” and sell anything they own to come up with the money to find a good lawyer

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²⁰⁶ Javi, former SPR, 2016, private conversation and Jaime, SPR, 2011, conversation. After this conversation with Jaime he also provided a detailed account of the crime he had committed, and a picture of himself in women's clothes. He expected the city's gay movement to rally for his release on his behalf.

²⁰⁷ Remember how Javi threatened to kill a lawyer from prison who “robbed me,” and held that “that made him pay up fast enough” (2016, interview on Whatsapp).
that might “work the system” for them before they are sentenced. For this same reason some will “buscar ponerle trabas” (look to place obstacles) on a prisoner’s way out. Such ‘trabas’ can be both financial (i.e. higher bribes) or involve (political) connections to “refundirle a uno” (make sure one does not get out). This occurs, for instance, when the accusing party pulls political strings and/or pays off the prosecution (or judge) to ensure a harsh sentence and/or the denial of early release. Taking advantage of the desperation that detainees’ loved ones feel with the lives of their partners or relatives on the line, some authorities will also make ‘indecent proposals’ to prisoners’ partners which they know will not be refused – especially when it concerns women they know do not (or no longer) have the money to honor a (larger) bribe. And who can these women turn to when this occurs? Their imprisoned husbands? The police…? Knowing what their loved ones may have sacrificed for their freedom, and being sentenced in spite of it, leaves many convicted prisoners holding quite a grudge toward the sistema. It is clearly not for failure failing to acknowledge the crimes that they had committed, but because they are sentenced for them while others get off the hook.

In this light, the fact that prisoners at the CPJ had policemen as their custodians rather than penitentiary officers exacerbated the tensions between ‘police and criminal,’ which are arguably more ingrained than that between ‘guard and inmate.’ Per job description, police are more preoccupied with ‘fighting crime’ than guarding prisoners, much less reforming them (for which they have neither the institutional ideology, the manpower nor the financial means). The fact that many of the officers at the CPJ were also the arresting officers of the prisoners at that prison further blurred the already barely existent line between their experience with police on the street and the police guarding them in prison. This fed into the way that the sentenced prisoners serving time at the CPJ perceived the “va y ven” (coming and going) of detainees at the jail. The wide sense of sharing a similar grudge toward the ‘system’ provided a common ground for prisoners’ own organization into “more just” social arrangements. Their perception of the unpredictability, corruption, and injustice of the ‘system’ drove their framing of prisoner norms as fair and clear, as much as it explained the harsh treatment of those who deviated from them (the sapos) and the lack of respect for corrupt officers – even if they partially depended on them for their economic survival.

Conclusions

In this chapter I set out to explore what ‘prison as usual’ consists of and, more specifically, the role that prison markets play in the construction and maintenance of ‘usual’ practices and power relations between prisoners as well as prisoners and authorities. Taking compliance and collusion as both usual and ideal practices, I sought to demonstrate how particular prison markets and the actors involved maintained the (evolving) ability to alter and transform power relations. I explained how these markets and the activities that keep them moving are normalized and integrated into the daily manifestations of the co-governance arrangements in place at the different facilities. While some markets and activities existed relatively unfettered, and some of the authorities’ power to regulate was hence easily shared, others proved much more challenging. The prison drug trade, for example, affected power relations profoundly, not only between prisoners and authorities but also among prisoners. Its (joint) organization and disorganization impacted every prisoner attempting to spend a minimum of time in prison with a minimum of
trouble. But the drug trade did not exist in a vacuum, and the ways in which the other markets were organized in many ways provided and prepared the conditions under which the drug market evolved and devolved.

The area of legal commodities and the market in them pointed not only to the primordial issues that institutional poverty raises, but also to the basic inequality between prisoners. A series of norms regarding the circulation of legal commodities (especially primary necessities) is forwarded and regulated by the prisoner community, which prides itself on principles of solidarity and sharing. It is, however, not only the conditions and situations in which legal commodities may be shared or gifted, but also those under which they may not that are of the essence to the functioning of this market. An understanding of what is considered ‘private property’ and how others should treat it is exerted through the prisoner hierarchy. Stealing is posed as the prime threat to prisoner property and potential thieves thus become the object of social prevention (enforced by their fellow prisoners), resulting in the scrutiny, distrust and ‘policing’ of particular groups of prisoners more than others (most of all the donados and drug consumers). This provokes an inherent imbalance in the practice of prisoner solidarity, limiting the size of groups in which prisoners may practice solidarity through the sharing or gifting of their goods. While there appear to be basic norms regarding property that are shared across prison institutions, there are differences in their enforcement from facility to facility.

The small cells of La Modelo, where six to fifteen prisoners share a cell with people from their same area of residence on the outside, are often regarded by their inhabitants as tight-knit communities, in which food stuffs and other (especially legal) commodities are readily shared through clearly established and shared notions of solidarity. The large dormitory-style cells at the SPR, often holding diverse and populations (of on average 60 prisoners per dorm), may account for the looser identification of prisoners with one another and lead to the prevalence of smaller groups that shared commodities with one another and watched over each other’s belongings (in the face of potential thieves and other groups). Similarly, the large amount of prisoners held in the small cells of the CPJ magnified the need for the tight regulation and enforcement of prisoner norms in the face of potential norm violators. Combined with the high turnover of the population, this situation created both the potential for an effective organization of cell-based leaderships, as well as an ‘every man for himself’ mentality. These prison-specific conditions feed into the dynamics of the power relations on the markets in prohibited and illegal commodities (especially drugs), too.

With compliance linked to notions of legitimacy, justice, and respect, configurations of co-governance balanced between different understandings of these notions by different stakeholders in the power field. The tensions this produced were part of the dialectic construction of “prison as usual.” Though an instrumental or solely material explanation for compliance with both prisoner norms and authority regulations (in the form of costs and benefits of participation or resistance) may be compelling, such an explanation would omit the normative dimension in which prisoners are entangled. Moreover, such an analysis cannot account for the (at times seemingly counterproductive) prisoner and authority practices of compliance and collusion.

This does not mean, however, that there are no economic interests involved in the maintenance of compliance or the securing of one’s perceived legitimacy. It does en-

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Norbin (CPJ, 2015, private conversation) emphasized that this different ‘mentality’ about sharing property in prison was what most baffled him about the social dynamics at the CPJ in comparison to his experience at La Modelo. He related this to the difference in gang-based organization.
tail, however, that social and political norms and interests may come to outweigh these. In the case at hand, compliance appears as ‘business as usual’ between prisoners as well as prisoners and authorities and, importantly, as the only condition under which business may be conducted. Clearly, in the case of non-compliance, both forces upheld the use of (potentially lethal) violence. As such, within co-governance arrangements, both authorities and prisoners invest in assuring one another’s compliance. While the rules of the ‘prisoner society’ press for compliance on a normative basis, authorities offer rewards to those who comply through the progressive privilege system.

The prisoner’s two main goals (spending a minimum of time in prison with a minimum of trouble) thus motivate him to comply with both authority regulations and prisoner norms. As compliance is relational and situational, and in this sense twofold and at times contradictory (most clearly in situations of confrontation when violence can also be compliance), it is most useful to consider compliance as constituted by situated performative acts of legitimation (Beetham 2013). It is of the essence, however, that the right audience bears witness to the right acts. In this way, one can be both a smuggler and a compliant prisoner. Member of a consejo and a respected cellmate. Violent cell leader and encargado de área. Being able to situationally alter or ‘hide’ one set of performances from the view of the opposite audience ensures that the prisoner’s goals are met; ensures his survival. In constant company, however, this hiding and stashing can only be achieved in cooperation and is, to some degree, collusive. Shared agreements (and public secrets) arise then to manage the insecurity that the interaction with ‘the other’ brings along. These are normative agreements such as those described in the previous chapters, like the no-snitching rule, the fundamental suspicion of consejos, and not openly questioning another prisoner’s ‘change.’

Prisoners will point out that successful navigation of the power field (‘coming out on top’) requires “viveza” (cleverness): knowing when, how, and in front of whom to do what. Being vivo then, is way of being compliant that ensures maximal benefit for one’s own navigational trajectory. Araña, Wiz, Bobby, and Javi each navigated this environment in their own way. Still, all of them were confronted with the need to perform acts of legitimation and the establishment of social if not economic relationships with ‘the other side’ to cope with prison life. In this way, they were able to live as usual “sin acalambrarse” – without freaking out.

Though the majority engaged in some form of sustained interaction with authorities and other prisoners throughout their sentence, not all prisoners performed before two audiences continuously (some decided that it was safer or easier just to remain in one’s cell as much as possible). Yet all prisoners inevitably engaged in interaction with ‘the other’ at some point along the way.
Chapter 6

“They can’t run the prison without us”

Violence, co-governance and prison’s public secrets

“Secrecy magnifies reality.”

– Georg Simmel
One afternoon at the community center I screened a documentary about Tupac Shakur’s life as a gangster-rapper and sat in the back of the room to be able to note the prisoners’ reactions. Having screened *Carandiru* and *Cesar Must Die* in similar contexts, I was interested to see at what point the movie might resonate with them and provoke reactions that could later serve as a group discussion. But it was not the movie that proved to be a turning point that afternoon; it was the secrets that one of my research collaborators confided in me during the screening. When Araña spoke to me about his prior involvement in the drug trade that afternoon and on a number of occasions afterwards, everything began to fall into place at the same pace as it started to fall apart. Those whispered revelations pulled me under water, into a tense realm of manipulation, disguised threats, hushes and suspicions, and exposed me, unintentionally, to the violence of immersion. To speak with Simmel’s words, they irreversibly magnified my sense of reality.

The dynamics that governed Araña’s secrets, the process of concealment that they set in motion, and the powers and violence that they involved – directly and indirectly – were revelatory of an undercurrent of public secrecy that I had known existed, but had been reluctant to engage with, or rather, had learned to leave untouched. Over the years I had become well acquainted with the public secrets that lingered in the corridors, offices, and cells of Nicaragua’s prison facilities, as well as along the bureaucratic path to the MIGOB. Through numerous unfinished hints – “it’s the way things work,” “blocking the sun with one finger,” “the system only benefits the system” – I knew of the existence of the Sistema, but had left certain questions unasked. Afraid to harm those who collaborated with me and afraid to find myself interfering in the Sistema, I had classified even my own knowledge as unspeakable.

Even if prisoners and authorities might argue over who is actually in charge in prison, the secrets that they keep involve each other to such an extent that they depend on one another for their safety and keeping. As Elias Cannetti pointed out, “secrecy lies at the very core of power, not only because power imposes secrecy on those whom it dominates, but because it is perhaps just as indispensable to the latter” (in Taussig 1999: 57). Immersed in evolving relations of loyalty, one becomes aware of the extent to which life in prison is not only subject to a politics of concealment, but that secrecy and power are intimately related to one another. In this thesis I hold that in Nicaraguan prisons both prisoners and authorities are engaged in governing practices that complement, contradict and yet depend on each other to such an extent that one can speak of a de facto co-governance system. Though it is based in part on an established legal framework, this system leans heavily on myriad violent relations and interactions as well as negotiation and collusion between prisoners and authorities, usually articulated through public secrecy.

To be able to explain the workings of this de facto co-governance system, I explore it through those secrets revealed to me by prisoners and former prisoners. I conceptualize co-governance by considering it in relation to prisoner self-government and prisoner concerns with the security and order of their cell spaces. These concerns are heavily entangled with attempts by authorities to control prison life. I focus especially on prisoner and authority performances of violence and control, considering the authorities and prisoners largely as the opposing forces that they generally position themselves to be. First, I explain the formal system of prisoner consejos (councils) set up to assist the authorities in monitoring the prison population. I then zoom in on the overcrowded cell space where, beyond and despite the consejos, the prisoners in the backlight of the formal system establish particular internal rules and hierarchies.
Between prisoners, physical violence seems to be deployed to define and enforce ‘the rules’ or prisoner ‘law’ (la ley de la selva or la ley de la gallada), consisting of three cardinal commandments: no snitching, no stealing, and respect those higher up. Whether and how fast one ascends in the prisoner hierarchy depends on one’s capacities to deploy violence and guarantee solidarity, which is often intimately tied to one’s reputation for violence and access to cash and other commodities (either legal or illegal). Prisoners, however, are certainly not alone in using violence as a governing practice, and this is where we return to the vested political interest in concealment. In the final section of this chapter I will consider how authorities (both prison guards and police officers fulfilling that role in police jails) engage in the extralegal use of force against prisoners. Though authority use of violence may seem volatile or marginal, I hold that it is part and parcel of the co-governance system, as it appears to be deployed to maintain the power balance in favor of the authorities, rather than ‘merely’ to adjudicate disciplinary punishment to particular prisoners (even if it usually disguises itself as the latter). In sum, while authorities are more frequently envisaged as ordering or organizing prison life, and prisoners as counteracting these attempts to organize, it is more fruitful to conceive of these forces as both organizing and disorganizing, which interact against and alongside one another within the co-governance arrangements.

Conceiving of co-governance

If we understand governance as “a set of interactions (conflict, negotiation, alliance, compromise, avoidance, etc.) resulting in more or less stabilized regulations, producing order and/or disorder (the point is subject to diverging interpretations between stakeholders) and defining a social field [i.e. prison], the boundaries and participants of which are not predefined,”210 then we can analyze prison governance by investigating the interactions between prisoners, the regulations these result in, and the relations that these interactions produce. At first, based on what I had seen in the SPR and the CPJ, but blindsided by my own involvement in the politics of concealment, I believed that prisoners in Nicaragua to a large extent self-governed both their prison spaces and each other. When I convened a conference panel211 on the question of self-governance in Latin American prisons I found, however, that in comparison to other countries Nicaraguan prisoners are governed almost to the same extent by the authorities as by each other. Importantly, prisoners were also directly involved by the authorities in governing each other (through the consejos de internos, prisoner councils). Soon, it became clear to me that if prison governance in Nicaragua was based on the cooperation (both overt and covert) between prisoners and authorities to organize prison life, it could be more adequately conceived of as co-governance.

This co-governance structure, however, is not entirely formally established. Its existence is more de facto and in varying articulations, but is underpinned by the legal framework for prisoner-authority cooperation through prisoner consejos, which involves particular prisoners monitoring others’ behavior inside their cells, and their participation in reeducational activities. In a way, the consejos are the authorities’ eyes and ears when they are not present. While their usage is instrumental, the existence of prisoner consejos also implies that authorities are somehow dependent on the involvement

211 For the annual Latin American Studies Association conference, held on 25-27 May 2015 in New York City.
of prisoners for the governance of the prison space and population. At the same time, “regular” prisoners most usually position themselves normatively against the authorities and often consider the consejos to be sapos (snitches). Most prisoners participate in, and a segment of the prisoner population runs, a significant shadow economy (including anything from telephone minutes to marihuana and crack cocaine). In prison, economic prosperity is power, and the prisoners in charge of the illegal economy are often the de facto leaders of their prison cells and cellblocks. Interestingly, though their spheres of interest definitely overlap, neither governing “force” seems to be particularly interested in either full control or a stand-off. In effect, the formal authority-consejo relations of cooperation barely disturb the power that these prisoners wield. In turn, these influential prisoners do not seem particularly interested in disturbing this configuration either – at least not until it suits them, as we will see in chapter 7. Given this context of shared power, I consider co-governance to comprise the full spectrum of governance practices – from visible to hidden, legal to illegal, spoken to secret – engaged in by multiple forces with equally high interests in full control of the governable space and population, in a situation in which none could ever govern these exclusively.

Certain aspects of co-governance, then, compare to the situation of “semi-official self-government” described by sociologist Gresham Sykes in his classic work *The Society of Captives* (1958). As Sykes participated in the institutional life of a maximum security facility in New Jersey in order to understand the nature of power and order within the institution’s walls, he quickly noticed that power in the institution was not total, or one-sided, but rather shared. Analyzing this situation, he argued that prison’s “structural flaws” created strong pressures on the authorities’ control of the prison and resulted, almost inevitably, in “the corruption of authority: i.e. the imperfect enforcement of the organization’s regulations and orders with the tacit acceptance of the officials” (Sykes 1958: 127). As power is corrupted, Sykes holds, it is partially transferred from the warden and his guards (the “system”) to the prisoners, creating a shifting “equilibrium” or power balance (ibid.). Sykes holds that this means that prisoners in effect come to control a share of institutional life. This starts with the parameters of each other’s daily behavior (the establishment of a particular prisoner hierarchy and code of conduct that is enforced amongst prisoners by prisoners). But when the “semi-official self-government” penetrates further into the system, the sphere of (informal) control can come to include official tasks of the administration and decision-making processes, such as (advising) when and who privileges are granted to, and (deciding) who stays in what cell (ibid.: 122). These governance practices are, however, most usually not legally established. As such, Sykes noted that this system of semi-official self-government was comprised of constant “balancing acts” between two forces that depended on each other for an “easy bid” (ibid.: 128). Accordingly, the extent of self-government varied over time, depending on the structural institutional situation and resources, cohesion, and organizational capacities of both stakeholders. Changes in prison ideology, administration, prison population, and/or material conditions could constantly shape and re-shape the evolving equilibrium between prisoners and authorities. To a large extent, the situation in Nicaragua’s prisons resembles the situation of “semi-official self-government” described by Sykes, which allows for an analysis of balancing acts as governance interactions, and co-governance arrangements as a system that seeks equilibrium (or purposeful disequilibrium) between stakeholders.

Interestingly, Sykes holds that an “easy bid” involves securing the safety of guards from prisoners’ “wrath” as well as prisoners from authorities’ abuses of power.
Sociologist David Skarbek (2012, 2014) analyzes the rise of prisoner organizations, or prison gangs, in California’s state prison system in this light of security provision from an economic organizational vantage point, emphasizing the pivotal role that security plays in the construction of self-governing norms and organizations. He holds that surveillance practices realized by authorities often do not provide the level of security required by prisoners, especially in situations of rapid changes in the composition of the prison population, such as overcrowding (2012: 98). To fill this security deficit, prisoners themselves start organizing a large part of their own security and the distribution of scarce resources. Skarbek underlines that this will occur in a strongly normative way, where prisoners enforce a particular order or prisoner code with clear sanctions for misconduct and clear benefits for participation. All over the world there are examples of such prisoner organizations (usually prison gangs) that determine much of life within confinement and provide security for their membership. Beside the California-based prison gangs, such as the Mexican Mafia (la “M”), which Skarbek discusses (ibid.), famous prison gangs include the South African number gangs (Lindegaard and Gear 2014), and the Brazilian PCC (Primer Comando do Capital; Biondi 2016), among others. While Sykes and Skarbek analyze self-government from different theoretical vantage points (functionalism and rational choice theory, respectively), both underline the importance of the normative dimension to prisoner organization.

Where opposing stakeholders maneuver for control, qualifications of effective security can diverge strongly per viewpoint. What prisoners may consider the establishment of order in an insecure environment, the authorities may be consider the undermining of their control over what they consider to be a previously secured environment. Similarly, while some prisoners might readily exploit situations of minimal surveillance, the norms established in the (relative) absence of the authorities may be equally threatening to other prisoners. Jusionyte and Goldstein (2016) have argued that the production of security is often “contingent on invisibility,” yet “security-making is itself predicated on visibility” (ibid.: 3, 5). In prison, the capacity of both authorities and prisoners to keep their regulatory practices evident and hidden at the same time defines their co-governance interactions. Public secrecy, then, as it is intimately tied up with prison governance, is also a security practice.

On the surface, prisons in Nicaragua appear to be governed, on the one hand, in a straightforward, open and legal way, where authorities abide by the penitentiary law and its ideology of reeducation. This open governance system incorporates a particular group of prisoners to help govern prison: the consejos de internos (prisoner councils). This institutionalized collaboration between authorities and prisoners constitutes the institutional framework for co-governance. Yet it is but the tip of the iceberg – of the Sistema – and to consider only this would be to neglect what is hidden, metaphorically, under water. From the outside looking in, there are three pivotal aspects of the co-governance system that remain hidden from view: 1) the prisoners’ self-governing
practices, which may be very extensive depending on the facility at hand, 2) the illegal and extralegal governing practices that the authorities engage in, and 3) the collusion between the authorities and prisoners to ‘run’ the prison. Cross-cutting these is a shadow economy headed by the indoor drug trade, which I explored in the previous chapter.

In the next sections I will examine the official arrangement, then the self-governing practices that prisoners engage in based on a particular set of rules surrounding the use of violence and the level of solidarity among the colectivo (the prisoner collective). Finally I examine the authorities’ use of violence against prisoners, which I hold is geared most directly at ‘reminding’ prisoners that, in the end, the authorities are los que mandan (the ones in charge). Through this extralegal violence, combined with the habitual denial of court-ordered releases and the economic pressures of prison time, a climate of arbitrary distribution of justice is created and the Sistema is enforced. In desperation, prisoners readily subject themselves to all kinds of twists and turns (and exploit their families’ economic resources) to shorten their stay in the cementerio de los vivos (cemetary of the living), thereby setting the stage for a permanent Agambean “state of exception.” In this way, violence can be understood as the Sistema’s foremost regulatory and boundary-defining governing practice as it is engaged in by both prisoners and authorities, and mediated by normative regulations surrounding its deployment and concealment. Alongside prisoners, authorities can then also be understood not only as organizing forces, but also as actively disorganizing life inside prison.

On the face of it: Co-governance, privileges, and prisoner consejos

The reeducational system is the prison’s official governance system – a progressive privilege system – and as such the only aspect of prison governance that can be openly discussed (and even then, only through politically approved channels). Officially, prisoners are sanctioned and disciplined through the privilege system, which allocates or withdraws privileges that are progressively accumulated or similarly stripped. Every prisoner’s conduct is monitored in a personal booklet (the aforementioned TCI) that keeps track of the prisoner’s good and sanctioned behavior (participation in reeducational activities, as well as incidences of conflict with guards or fellow prisoners). This booklet is kept by the reeducational officers, with the help of consejos de internos (prisoner councils), and made available to the warden, chain of command, and supervising judge (juez de ejecución de la pena) on a regular basis. As I explained in the previous chapter, the TCI is of direct influence on the approval or disapproval of one’s early release; it is for many prisoners of vital importance to keep the booklet sanction-free.

At first glance it may seem like the privilege system is working perfectly in Nicaragua’s prisons. Prisoners comply with prison regulations most of the time, at least on the face of it, and refrain from using force against the authorities, despite their numbers and great potential for collective action. As a privilege is assigned individually, every prisoner has something to lose if they would engage in collective action against the system. Goffman has argued that the individual assignment of privileges both conditions and explains prisoner compliance; “the over-all consequence is that cooperativeness is obtained from persons who often have cause to be uncooperative” (1961: 54). Cheliotis (2014b) has explained that in this way, and by playing into gendered conceptions of ‘good behavior,’ authorities are able to maintain order even when the allocation of privileges is inconsistent or arbitrary. Effectively then, it appears that the privilege
system reduces the potential for collective action against the authorities. In Nicaragua, according to the penitentiary law, every penitentiary (regional facility) is under the obligation to establish consejos de internos (prisoner councils). Every prisoner on the consejo is elected by the general prison population (referred to as el colectivo) to overlook a specific area, such as orden interior (internal order), sports, sol, religious activities, and visits. The area that an individual consejo (the individual prisoners on the prisoner councils are also called consejos) is in charge of thus mirrors the authorities’ division of areas. Every prison cell or dormitory has a consejo consisting of one to six members, depending upon how large the population of that cell is.

The SPR, for example, has 5 galerías (cellblocks). Galerías 1, 2 and 5 had dormitory-style cells with 60 to 70 prisoners in each cell, and five to six consejos per cell. Galería 3, consisting of cells 11 and 12, had up to 200 prisoners in each one. Galería 4 consisted of 12 smaller cells with 8 to 12 prisoners per cell and only one consejo per cell. In this way, a total of about 150 consejos monitored a prisoner population of around 1100. I say monitor, because when prisoners leave their cells for sol (sun time on the courtyard), for example, the consejo in charge of sol will check who went out and who stayed inside and keep a tally for the guards. The same goes for participation in reeducational activities, visits, and so forth. Formally, then, the consejos are in charge of monitoring prisoner participation in different arenas, and as such, it is a body of control. Javi, a former prisoner of the SPR of eight and a half years, explained that “con el consejo el asunto es que con el mismo reo te controlan (with the consejo the authorities keep you under control through the prisoners themselves).” When I asked him if he had ever aspired to be a consejo himself, he inferred that there is a normative difference between prisoners who become consejos and those who don’t:

Cuando sos consejo prefieres la protección del guardia en vez de la familia ahí. No reconocen que están en el mismo mar, en el mismo barco. Yo cuidaba mi vida y ser consejo es estar esperando la muerte [...] Es cierto que hay consejos que son buena onda pero incluso salen perdiendo porque otro [sapo] lo chupa. La cárcel es otro mundo, un mundo difícil. Ellos [los consejos] son los ojos de la guardia dentro de la celda, hasta se desvelan… unos buenos trabajos hacen (ríe).

When you’re a consejo you prefer the protection of the guards instead of the family inside. They [the consejos] don’t acknowledge that they’re in the same boat, in the same sea. I looked out for my life [in prison] and to be a consejo is to be awaiting death […] Sure, there are consejos that are cool, but they even end up losing [more than they had] because another [snitch] will rat on them. Prison is another world, a difficult world. They [the consejos] are the eyes of the guards inside the cell; they even stay awake all night… they do some good jobs [for the guards] (laughs).

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216 The dormitories had three showers/toilets each. Smaller cells had one. The other six regional facilities are similar to the SPR, with barrack-style one-story buildings and mostly dormitory-style cells. The capital city penitentiary, La Modelo, consists only of small cells (and even smaller ones, referred to as chiquitas). The SPR also had a number of these smaller isolation-style cells, referred to as calabozos, which I address in Chapter 7 on riots.

217 The number of consejos depends partially on the prison population. I say partially because small cells will always have one consejo, and large dormitories will have at least five. On average then, the prisoner to prisoner-consejo ratio is 7:1. It is difficult to discern the guard to prisoner ratio, as the total number of prisoners is not publicly disclosed. In the 2016 Presupuesto General de la República, mention is made of 13,007 prisoners (excluding prisoners in remand facilities) and 1,906 positions for prison workers (including administration and management). According to these numbers the prisoner to prison worker ratio is also 7:1. However, if we take into account that not all workers are guards, and that guards work in shifts, the ratio is much lower. On the prison worker bus and/or during a regular formación (morning debrief) I would count on average 30 prison workers. About two thirds would enter a day shift as a guard (either on the watch towers or inside). This makes a prisoner to guard ratio of about 50:1, which more or less equals one guard per dormitory cell.

218 Javi, former SPR, 2016, private interview on Whatsapp.

219 Idem, 2016, follow up interview on Whatsapp.
It appears that Javi considered being a consejo on a par with being a sapo (snitch), and indeed there are many parallels. Both have closer relations with authorities and both provide them with information the authorities would otherwise not be unable to obtain. Perhaps the main difference between a sapo and a consejo is that the sapo offers his information on the sly — information that is of direct interest to the authorities and damaging to other prisoners — whereas a good consejo will try to walk the fine line between watching out for the collective’s best interests without betraying the authorities’ trust in them to monitor the prisoner population. After all, consejos are elected and known to the general population (which is why Javi considers being a consejo like walking around with a target on your back), and sapos are hidden among their ranks. According to some, then, consejos and sapos both engage in these ‘informative’ relations with the authorities for the sake of their own advancement. Nevertheless, the consejo has a public position to fulfill with the colectivo: they are elected by the colectivo to represent them, not only in monitoring their participation, but also in communicating quejas (complaints) between prisoners and authorities. When a consejo loses support of the colectivo (when more than 75 percent of the colectivo wants to discharge him, as Javi explained), a new consejo has to be appointed in his place. This is in the best interest of the collective as the consejo is appointed, from the prisoner’s point of view, on the one hand to minimize interaction with authorities and on the other to facilitate fluid interaction when this is necessary (arranging medical check-ups, for example). When a consejo is ineffective, the authorities can argue “but you chose him yourselves” and decide not to deal with complaints. Javi made it clear that he found it very insulting to be lectured by the authorities that you as prisoners “have organized badly.” In their role as brokers, consejos are also sought out to resolve internal conflicts without getting the guards involved. “The consejo of discipline will seek a solution to the conflict, and then only report to the authorities that the situation has been resolved,” Javi explained. The best consejo, as such, is one who deals with authorities minimally, providing them with the basic information they request but never duping the colectivo (i.e. not “snitching” much desired information to the authorities, for example, about secret stashes of prohibited commodities). Interestingly, however, the prisoner to be elected consejo for a cell is usually proposed by the authorities.220 Again, this enhances notions of consejos being snitches. As Javi explained cynically:

Llegaba el jefe de sección [a la celda] a proponer a fulano para que fuera el nuevo sapo, y ahí está el sapo al mero lado del estrelludo. Pero la guardia siempre llega con el timo que ‘necesito que le den el visto bueno’, porque saben que el colectivo manda.

The section chief would come [to the cell] to propose so-and-so to be the new snitch, and the snitch would be right there by the star-clad officer’s side.221 But the guardia always come with the chitchat that ‘I need you to approve him’, because they know the collective is in charge.

In Javi’s statement an interesting dynamic appears: prisoners know that the consejos are snitches, and the authorities know that the colectivo is actually in charge. This way, the consejo himself can be understood as a balancing act, as a catalyst mediating between the pressures of the authorities and the prisoners to both “run” the prison in the way they deem best. On the balance is “quien manda” (who is in charge). Due to this role

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220 Prerequisite for being elected consejo is that one has completed at least 40 percent of his sentence and has advanced into the regimen laboral (work regime), the stage before the regimen semi-abierto (semi-open regime) and regimen abierto (open regime). Those imprisoned on drug charges or for rape are excluded from being elected.

221 Estrelludo translates literally as “starred one”, referring to the stars or stripes indicating rank on an officer’s uniform. Stripes are low-rank, stars rank higher. An estrelludo is thus slang for a high-ranking officer.
in the middle, consejos often endure a lot of pressure. Clearly, both prisoners and authorities keep a close watch on them. They are expected by the prisoners to act on their behalf, yet the authorities also expect them to “think along with us.” When the authorities planned a cell requisa (search), for example, consejos were expected to know it and pass this information on to the colectivo so that everyone could make sure their valuables were safely stashed away. Authorities, however, would offer individual consejos more privileges (estímulos, as they are referred to) if the search produced results, which is when the sapo-consejo line became blurry. At the SPR, Manuel, an elderly prisoner sitting out a maximum prison sentence, who participated in various reeducational programs including the theater group, often warned the colectivo not to trust the authorities as “they’re always out for their own best interests.” At one point, however, he became a consejo himself. Even though he initially enjoyed a good reputation, his cellmates kicked him out of his cell in 2013. The day he was kicked out the authorities had searched the cell and found everybody’s cell phone except for Manuel’s – and conclusions were easily drawn. “Manuel was lucky not to be stabbed,” Junior said, grudgingly, “the sapo.” The incident underlined that as both “sides” expect the loyalty of the consejo this often comes at the expense of the safety of the consejo himself.

Yet the exchange of information between prisoners, prisoner-consejos, and authorities is pivotal to the functioning of the prison. Or, as Javi formulated it, “Si el reo no abre la boca no se sabe nada” (if the prisoner doesn’t open his mouth nothing is known). Interestingly, he made this remark not in relation to snitching, but in relation to the higher-ups not knowing what the guards on the ground do. In fact, to this end, the warden organized an obligatory quarterly meeting with the prisoner collective and all of his staff in which all prisoners could (if they liked) air their complaints. Yet, as most formalities, this meeting was more ceremonial than effective. Many complaints, Javi recalled, would be about medical attention, for example. But the prison doctor would also be at the meeting to verify whether or not the prisoner voicing the complaint would be speaking the truth. They would promise improvement, “but still prescribe the same Ibuprofen and sueros.” Javi used this as a metaphor for the whole system: “es pura sicología (it’s all psychology) to make the prisoner believes he’s being heard.” During the meeting the authorities would hand out “estímulos” (incentives, i.e. privileges), “así trabajan al reo (that’s how they work the prisoner).” Having spent eight and a half years in prison himself, much of which was in charge of an educational area (that fell under the supervision of the MINED, rather than the prison itself), Javi knew how arbitrary and inconsistent the allocation of privileges was, and how much the authorities really depended on the cooperation of the prisoners to run the prison system:

Without the prisoners the authorities wouldn’t be able to run the prison, so they pretend to have your best interests at heart. They talk to you, te trabajan con sicología (they ‘work’ you, psychologically). You think they’re doing you a favor, but the system doesn’t favor anyone. For example, you haven’t seen your jaita (girlfriend) for a while and really want a [conjugal] visit. You get along with your jefe de sección [the guard in charge of your cell] and talk to him, you know, slip him 200 pesos maybe, to ensure he’ll take your petition higher up. Of course, paying a guard is against the law, and it’s not pre-established [the prices], but this happens en confianza, when you know you

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222 The Nicaraguan maximum sentence is 30 years, and even if you are sentenced for multiple crimes, the law does not allow you to sit out more than 30 years in one go.
223 Manuel, SPR, 2010, group discussion.
224 Junior, former SPR, 2013, private conversation. Javi also commented on the incident. Manuel nonetheless continued to participate in the theatre group and never mentioned the incident himself.
This system, according to Javi, is one where the authorities retain control over the prisoner population by a give and take of privileges and (pseudo-)governance relations that will always maximally benefit the system itself, also, or perhaps especially, financially. Prisoners and authorities should never get “too close,” but shouldn’t be on hostile terms with each other either. Following this logic, prisoners and authorities always stand on the opposite side of an imaginary moral divide. For the authorities, if the prisoners are too comfortable they start abusing the system. Instead, prisoners should be under the impression that they always need to work for their privileges. This opens up a space for sapos, wishing to get on ‘the good side’ of the authorities, and sharpens the mistrust prisoners hold toward each other of turning sapo, as they well understand the individualizing effect of estímulos (that is, the privilege system). Authorities and prisoners monitoring one another through the consejos is not the only side to the co-governing system in place, however. While the “psychology” underlying it pictures prisoners as interested mainly in obtaining privileges for softening or shortening their time, more violent dynamics provide both authorities and prisoners with ordering mechanisms to control one another and life behind bars.

(In)security and self-governing practices

Nicaraguan penitentiaries are not built as panopticons and they do not have electronic surveillance systems. Though the outer perimeters are secured by guards armed with AK-47 automatic weapons, rounds are walked in the corridors of the cellblocks by unarmed guards bearing truncheons. Similarly, police officers patrolling police jails do not bear weapons inside prison. During rounds they peer through doors of metal bars (or metal bar fronts of cells), yet visibility is usually impaired by hammocks and bags with personal belongings hung from the bars and ceiling. Officers usually do not enter cells unannounced on their regular rounds, except during surprise requisas (strip-searches). Hence a prisoner spends much time under little or no surveillance in a space with other men, many of whom could be hardened strangers possibly serving longer sentences. This makes personal security a prime concern for many prisoners (Frois 2016, Skarbek 2012, Weegels 2017a) and accounts for most of the ordering and governing practices that prisoners engage in to secure this space of insecurity. This situation of low-level surveillance thus exposes the dialectic between in/security and in/visibility (Jusionyte and Goldstein 2016).

In the Nicaraguan case, norms rather than organizations regulate the cell-based prisoner governance system. These norms “are endogenously determined in environments where [the prisoners] seek to maximize their welfare compared with the efficiency of alternative mechanisms” (Skarbek 2012: 98). They are reflected in codes of prisoner solidarity
(for example toward “donados” – prisoners abandoned by their families) that dictate when physical violence may be legitimately used against fellow prisoners, and determine the speed and level of ascent a prisoner may accomplish in the cell-based hierarchy.

Even in La Modelo, where cellblocks are called by the name of the prisoners’ barrio of origin (Reparto Schick, Dimitrov, Bolonia, Ciudad Sandino, etc.), usually homologous with imprisoned gang member areas of origin, these barrios or gangs are not organized to such an extent that we can speak of a clear prison organization. Rather, one could speak of territorially conglomerated associations of individual street gang members from different groups within these larger barrios. A particular cell, then, often represents a particular outside block, group or street gang. Yair, a La Modelo prisoner of three years, explains:

We don’t steal from each other, we’re all from the same block […] on the outside in the r.p.t. [Reparto Schick]. Our motto is: we’re all family and we don’t fight amongst each other (todos somos familia y entre nosotros no peleamos). 227

Perhaps it is due to the street gang mentality that the different cellblocks of La Modelo, representing different barrios, have not organized into a larger prison organization. Traidos, gang feuds between individual gang members, still flare up occasionally. The logics of retaliation and darse a respetar (imposing respect) seemed to overpower economic interests in La Modelo: none of the barrios held a majority share in the indoor trafficking of drugs or other contraband. In this way, not organization but a set of shared norms regulated the prisoners’ self-governance system.

Though the cell may initially be a space of violence for the newcomer, it can then come to constitute the only space where one really feels secure. Bobby and Carlos purposely did not participate in activities on the La Modelo’s courtyards and, as such, spent little time outside their cell. Carlos, an eighteen year-old former prisoner of La Modelo’s juvenile detention facility, 228 explained that he preferred staying in his cell “empernado” 229 to stay out of harm’s way:

Five days after arriving in the CPA a group of other inmates threw me down in the corridor and kicked me all the way into a cell. They wanted to joderme (shank me), but the guards came just in time. Since then I spent pretty much the full year empernado (locked in). I wouldn’t even go out on the corridor. I would just sit by the bars on the corridor side of the cell to talk to people walking by. 230

Unfortunately, not leaving his cell did not keep Carlos entirely safe from other prisoners. Moments later, he explained that he had “an issue” with a cellmate and that the cellmate stabbed him with a barrilla (thin iron bar, taken from the bed base). He was not badly injured, but the jab scarred him on the left side of his ribs. Similarly, Bobby, who was a La Modelo prisoner for six years on-and-off, recounted a time that he had

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227 Yair, La Modelo, 2016, written interview over Facebook.
228 La Modelo’s juvenile detention facility Centro Penal de Adolescentes (CPA) is a separate, new building and the adolescents do not share any spaces with La Modelo’s regular population. This is contrary to the city police jail and the SPR, where adolescents are held in a separate cell (gallery in the SPR) but share the same outside area for sol and receive visits and take classes in the same hall. At the SPR and CPJ both groups I worked with were mixed (adolescents and adults).
229 Empernado is a term inmates use to refer to the perno (bolt) with which the barred cell door is locked. Many prisons still use bolts that the guards will screw and unscrew to let prisoners in or out as there are no electronic doors. So when you are empernado, you’re bolted in, so to speak. Many will speak of ‘doing time’ as sitting out ‘el perno’.
230 Carlos, former CPA (La Modelo juvenile detention), 2015, private interview.
to run out of his cell because a cellmate had told him that there were plans to stab him. He recalls they told him “mira, pedí tu traslado porque te vamos a puñalear” (look, request your transfer, because we’re going to stab you). As soon as the guard came to open the cell for roll call the next morning, he ran out into the hallway to the door of the galería (cellblock), where he explained to the guards who ran after him that he had to be transferred to another cell because they had threatened to kill him. The guards transferred Bobby that same day.

The imminent danger of getting stabbed (apuñaleado) seemed to preoccupy La Modelo’s prisoners more than it did those of the SPR or CPJ. Both the threat of, and actual stabbings led to significant myth-making around the levels of violence purportedly ‘normal’ to La Modelo. Of all Nicaraguan prisons, La Modelo’s tough reputation was the most dreaded. For example, both prisoners and guards of the SPR would say La Modelo stood in no comparison to the relative “tranquility” of the SPR. Nobody wanted to be transferred there, not for doing time or for work. La Modelo’s own former prisoners pointed out that learning how to deal with the threat of the puñal was real, however, and has to be done quickly (“uno tiene que ser listo”; one has to be clever). Though most had not experienced a stabbing firsthand, they had heard about previous stabbings, and spoke of the ease with which someone could “joderte” (shank you). When I naively asked Bobby, “but when they stab you they don’t mean to kill you, just to hurt you right?” He shook his head and answered, "Well, their idea is to kill you. There are guards who have been stabbed in these fights […] [so] when there’s a confrontation they [the guards] get nervous. They see that you’re being stabbed and they can’t even open the door. That’s when you’re going to get killed. When there are five or ten [prisoners] following you, and all of them have a puñal, how are you supposed to live […] if all of them stab you?"  

These warnings and stories of past stabbings (and resulting deaths) keep the threat of the puñal alive to subordinate, sanction, or scare fellow prisoners out of stealing from or snitching on their cellmates. Fellow prisoners punish both stealing and snitching in the most severe way in any prison. They constitute the two “cardinal crimes” that breach the norms of sharing and solidarity, and as such threaten the integrity of the self-government of the cell space. Important to note here is that most (former) prisoners knew of weapons being concealed in their cells, but simultaneously pretended they did not, and would hardly ever refer to their own cells when talking about this, especially when they were still in prison. As such, the presence of weapons inside prison cells is treated as a public secret among the prisoner collective. Obviously, possession of any type of arma blanca (stabbing weapon) is strictly prohibited as this puts at risk not only other prisoners but also the unarmed guards. Even so, most prisoners will have a weapon at their disposal (as part of being “ready”) made from a sharpened piece of plastic, to a razor blade taped to anything that will hold it, to a barrilla, puñal, puya, or chuzo (all different sizes of sharpened metal bars).
At the SPR, a brawl among the inmates of two cells revealed the concealed weapons in both cells. After the brawl, two participants in the theatre group (temporarily) had their privileges suspended as they had actively taken part in the fight. While one of them had “just thrown some good punches,” the other had seriously injured (stabbed) an opposing prisoner, adding several years to his sentence. The participants laughed that “El Mono was probably worried he’d get out too soon and needed a reason to stay” (they pointed out that he was a donado and had been in and out of prison since he was a glue-sniffing street kid; “he doesn’t have any family, I don’t think he knows how to live on the outside,” one of the participants reflected). Similarly, after the CPJ riot, during which many prisoners were assaulted by fellow prisoners, they actively sought to acquire or manufacture chuzos to “protect ourselves with.” Nevertheless, weapons were meant to remain secret, as “verga, even if I would have one [a chuco] I wouldn’t tell you.”

“Mortification” and violent rites of initiation

Though I discuss the violence that authorities engage in toward prisoners later on, it is a mistake to assume that the mortification process occurs only at the hands of the authorities, especially in contexts where prisoners have established their own governing practices. In prison, one might be subjected to mortifying practices at the hands of one’s own cellmates, such as the threat of the puñal described above, or to violent rites of cell-initiation. Simultaneously, one’s “civilian” self may be deployed to obtain a good position on the inside, sidestepping such humiliating, and yet essentially ordering rites. Rather than mortification processes, it may be more agentic to speak of adaptation processes – be they in the form of submission or domination. This is not to say that prison is not “mortifying” or that all prisoners adapt successfully as many endure various forms of abuse. What most speaks to Goffman’s conceptualization of mortification (being stripped of one’s outside identity) is how long-sentenced prisoners refer to the prison as a “cemetery of the living” where, as I explained in the previous chapter, “for those on the outside, you simply don’t exist.” Survival, or adaptation, in the cemetery of the living implies learning one’s “place” – when to dominate and when to submit, how to ascend up the hierarchy and how to keep good relations with one’s fellow prisoners as well as the authorities. Keeping good relations does not necessarily mean avoiding violence, but enduring it in the right way and resorting to it at the right time. Former CPJ prisoner Joey’s rite of initiation and subsequent process of adaptation illustrates this. Remember that the police beat Joey upon his arrest, too. At the CPJ, prisoners outnumber on-duty guards by as many as 80 to 1, and its overcrowded cells warehouse on average 35 prisoners per 25 square meter cell. Joey explains,

The start for me was ugly. When I came in [to the cell] they [other prisoners] made me strip and beat me. […] They put on music and had me walk up and down the corridor naked, whistling at me and smacking me on the butt, with their slippers or hands, to make me dance.
Joey recounted his experience of cell-initiation as we sat in the back of my car on one of our trips to the former prisoner radio show. He had been released from prison on parole a couple of weeks earlier, after serving one year out of a three-year sentence at the CPJ. It was rare for a (former) prisoner to discuss his own initiation: those kinds of stories were usually anonymized, starting with “in the cell they used to…” or “I heard that…” I had heard such generalized stories about sexualized rites of initiation, like the “baile de la botella” before. The baile de la botella (dance of the bottle) is an event that every city police jail prisoner will assure exists but no one will acknowledge to have suffered, as it clearly exhibits characteristics that feed into the (re)production of specific, machista dominant masculinities. Another prisoner of the CPJ had explained to me before that,

When a group of guys in the cell gets together to make another guy dance la botella they’ll turn up the radio, put a bottle on the floor, and the guy made to dance has to get naked and lift this bottle up by inserting the top of the bottle into his ass […] Then he has to dance with the other guys, with the bottle, you know, and they’ll say sexual stuff and smack him on the butt. If they don’t like how you dance, like if you don’t do it right, or if you drop the bottle, they’ll beat you.

Though the baile de la botella is a highly sexualized and cruel type of hazing, there are rules to it:

They won’t make just anybody dance, but if they don’t like you, or if they think you might be a perrita (i.e. gay) they’ll make you dance […] If you refuse, you have to measure your fists (i.e. fight) with the guys that wanted you to dance, which will be the toughest guys in the cell, and they’ll beat you.

As the event Joey described resembled the initial build-up to a baile, I looked over at him thinking that he could have been forced to dance la botella. I hesitated, afraid he might be offended or clam up, but I went ahead and asked him if there was any bottle involved. He directly assured me of the contrary:

No way! Back in the cell they beat me hard and made me sleep by the side of the toilet. I spent like two weeks on that spot, I even thought of killing myself back then. But slowly I moved further from the toilet, to other spots on the floor, then to a hammock, and the last half year I was on a bunk.

It may seem strange for Joey to move so abruptly from the harrowing experience of his initiation to discussing the spot where he slept, but he did this to indicate his rapid ascent in the cell-based hierarchy. The hierarchy in a CPJ prison cell – as for most of the prison system – is quite often spatially reflected, and most directly evidenced in the place where a prisoner sleeps. The most powerful prisoners and those who have spent

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238 A similar type of initiation rite is practiced in La Modelo and referred to as the baile del egipcio. This baile is more like the one Joey endured, and while it does involve a “walk of shame” it does not involve a bottle. In fact, Yair and Bobby were quite surprised about the much more sexually (abusive) nature of the bottle-version of the baile.

239 The baile de la botella definitely exists, though, as two prisoners of the CPJ were tried and sentenced for rape in 2013 after a baile went rogue. For a discussion of machismo, see also chapter 3 of this thesis, Weegels 2014, or Lindegaard and Gear 2014 for a consideration of the gendered dynamics of prison violence in South Africa.

240 Wiz, former CPJ, 2015, conversation. I had heard this story before on various occasions, as early as 2010, when we happened upon a friend who spent two months in pre-trial detention at the CPJ during a bus ride back from the SPR. He said he witnessed a baile in his cell and only barely escaped being forced to participate.

241 Ibid.
the most time there will be on bunks, followed by those in the hammocks, and then the
floor – first those under the bunks (in the gabeta, ‘drawer’, as they call it), then those in
the middle of the floor, and last those on the floor closest by the toilet or in the shower.
According to this rule, Joey explains that eventually,

I got even with the guys that organized the beating, ha-ha! All four of them were released, but
three of them were caught again and came back. That’s when I was on top and they were on
the bottom [rung], so it was my turn! I had my little group of bróderes (brothers, friends) then,
and me la desquité (I took revenge).

By then, Joey had made friends (bróderes) and formed his own “barrio” with them.
They beat his returning former cellmates and made sure they slept on the floor this
time. Prisoners often formed bonds over the guarding of the minimal amount of “own”
space they had available to them. Wilfredo, a former SPR prisoner of four years, had
explained to me that in this context the bed is a house (“casa”) and a grouping of beds a
“barrio” (neighborhood), “bróderes of your barrio watch over your casa” (chante, or cale-
ta – stash) when the owner is absent from the cell, to prevent others from robbing one’s
belonging or appropriating one’s space.242 Similarly, a bróder will ask for your permission
to use your casa while you’re out. As mentioned in relation to La Modelo, barrios on the
inside and outside often come together: for example, in the CPJ, Araña shared his bunk
with his friend Ezequiel from his barrio on the outside. Due to their friendship on the
outside and Araña’s good position inside, his cellmates did not haze Ezequiel when he
came into the cell, and did not have to compete for a place to sleep. Instead, Araña let
him sleep with him on his bunk. At first, when Araña would be out at the community
center, Ezequiel would watch over his chante. Later Ezequiel himself was also allowed
out to the community center.

Despite the violence and coercion used by prisoners to position themselves in
relation to others along the lines of “who is toughest,” many prisoners also recall their
cells as being spaces of sharing. Former La Modelo prisoner Bobby talked of his cell
as being a “small community in which we would rotate cleaning and cooking duties
and share food brought in by visiting family members.”243 Yair spoke of his cellmates as
“family.” Prisoners from the CPJ and SPR engaged in a similar dynamic of sharing food
and cleaning duties, and only cell leaders would be exempt from complying with the
latter. Yet much of the respect that cell leaders garnered derived from their generosity
in “taking care” of their cellmates. At the CPJ, cell leader Araña occasionally indulged
his crew with food and marihuana, like on his birthday and local festive holidays. Such
practices of solidarity, however, always hinged on the simultaneous disposition to de-
ploy violence against rule-breakers. Araña noted that “they respect me, but that’s only
because I’ve beat them all.”244 In the CPJ this balance between the use of violence and
sharing, between subordination and domination – always striving for the latter – had a
special name: the ley de la gallada, or law of the roosters.

242 Wilfredo, former SPR, 2015, conversation.
243 Bobby, former La Modelo, 2015, private interview.
244 Araña, former CPJ, 2016, private interview.
Los ladrones, la jodedera & la ley de la gallada

Whereas initiation is done mostly to see where the newcomer places himself on the pecking order through some kind of test that acquaints him with the mortifying effects of prison (intimidation, fighting, or sexual harassment), the jodedera (screwing around) never stops. Jodedera stands for both screwing around as having fun, though it also refers to a potentially violent type of fun. The jodedera (or vulgareo) encompasses everything from picking fights, smoking drugs, annoying guards, playing loud music, hanging out, or joking around. As it equals disorder it goes directly against the type of order that the authorities wish to impose, yet it constitutes a particular type of disorder endorsed by the prisoners — one that is very much bound to the order of domination and intimidation.

Prisoners of the CPJ many a time referred to each other as ladrones (thieves) without any disapproving undertone, the take-away point being that of the ‘bond of thieves,’ that is, “no se roba entre ladrones” (thieves don’t steal from one another). In the jodedera, however, picking an easy target to steal from, for example, one that won’t fight back, being down low on the pecking order, is qualified as a fun pastime. Taking other people’s possessions is part of the power game: “si te dormiste te fuiste” (if you don’t watch out, you’ll be stolen from). The ladrón is dominant, crazy, and respected. According to Wiz, a good ladrón never lets his guard down, is always in for a good hit, will defend his turf, and never rats on his own mates — at the CPJ these were phrased (by those who considered themselves ladrones) to equal the traits of a good prisoner. Following this logic, Marlon explained, “when the opportunity presents itself to rob something from someone, then, the ley de la gallada says you take it,” after all, “anybody would.”

CPJ prisoners, however, also referred to a particular segment of the prisoner population as the gallada. Those with the biggest mouths, the largest dicks, and the most provocative, dominant bunch — the gallada are “those in charge” (los que mandan). They could coerce others and impose the ‘law’ but simultaneously possessed the prerogative to break it. Similar to the order that Rio’s favela traficantes impose, the prisoners of the gallada both dictated the rules and broke them: “[this] ability to produce order and disorder, to shift from what is ‘normal’ to a state of emergency where the rules are suspended, is constitutive of drug-trafficker power,” or in this case, of the power of the gallada (Penglase 2014: 115). Though ladrones don’t steal from one another, the gallada would dispossess newcomers, for example. Upon inquiry, Wiz explained to Mick, taking himself as an example, that:

“When you’d come in [be imprisoned], I’d immediately check out what you’re wearing. If I like your pants you’re gonna give them to me, and I’ll give you a pair of my shorts. If I like your shirt, you’ll hand it over and I’ll give you a camisola (muscle-T),” he stands wide and laughs, “If I like your shoes, which by the way I like, you’re gonna wear my chinelas (flip-flops). And if I think you can get me money, I’ll try.”

“What if I don’t want to give you shit?” Mick asks.

“A turquearnos (we fight), ha!”

In this case, the appropriation of another man’s clothes has a particular dynamic to it that fits in with the testing that prisoners subject each other to during initiation (such as
the baile), to find out what the standing is of the new man they are to share a cell with. It also includes a (rather coercive) dynamic of sharing: a newcomer should not think he is ‘better than’ anyone already inside, and must accept his intimidator’s clothes in exchange for his own. As Wiz’s final remark indicates, if you challenge those who wish to enforce this kind of initiation you can count on a beating, because those you challenge are either the cell leaders or count on the leader’s blessing. Ezequiel later explained,

Sure, you can come in pretending to be the shit (el más chulo), but you’re likely to get your ass kicked by the whole cell si no bajas tu huevo (if you don’t tone down). If you manage to stay standing you’ll be respected, claro, but most kids just get the shit kicked out of them when they try to act tough.

Even the jodedera has its limits, though. At the CPJ, for example, Brayan screwed around so much that he was repeatedly kicked out of his cell and endured quite a few beatings in the process. He would achieve a certain level of confianza (trust) within a cell and then act out again, thinking it would be funny to pull a chuki on a cellmate. A chuki is made by rolling up a piece of paper, usually toilet paper, and putting it between the toes of another prisoner while they are asleep. Then it is set on fire. The burn wakes the other prisoner, and though this is mostly used to pester prisoners already low on the hierarchy, or between equals (who can then have it out taco a taco, fist to fist), Brayan would do it to guys who did not appreciate his jodedera, and he would get his ass kicked. “Jode demasiado (he screws around too much),” the group members would complain, “en la celda ya no lo aguantamos (in our cell we can’t stand him anymore).” Even though his jodedera got him beaten every so often, Brayan absolutely saw himself as the best and most loyal ladron on the block. He would “hold it down” for anyone, and “have it out” with anyone for that matter, too. The fact that he was often punished for his jodedera, however, shows that he was not part of the gallada, of those in charge. He did not give orders; he took them.

It must be understood here that the gallada is not a particular gang, but rather constituted the top layer of (violent) enforcers of the prisoner order at the CPJ. The gallada engages in jodedera, but they also manage the prison’s illicit economy. They bring in the drugs, push them and reap the benefits. They can take you and make you, or break you. On the one hand, the gallada is ostentatious and in your face, as Wiz would act, oozing masculine dominance and readiness to “throw down.” Accordingly, everybody owes the gallada their dues because they are in charge (ellos mandan). They can exercise pressure to take a share of your food, your clothes, or your money, either on the basis of solidarity or of coercion. The moment one has anything to do with the prison’s illegal economy, one has to do with the gallada. Some prisoners are able to escape the dominance of the gallada, at least part of the time. Most prisoners participating in the community center program, for example, would advise how “keeping to oneself” keeps one out of trouble. But keeping to oneself neither challenges the gallada’s power, nor submits to it entirely. What is more, being able to keep to oneself can usually only be achieved after going through an initial period of confrontation, as Joey did, in which one manages to establish an agreement or respect, often by abiding by the same practices as the gallada does (remember how Joey took revenge). Araña, for example, held that he would not have enjoyed the respect that he did at the CPJ, if he would have

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246 Ezequiel, CPJ, 2015, conversation.
247 Exempt from this are those who preach Evangelism, but they are often left outside the hierarchy all together.
acted “this way” (i.e. ‘changed’) from the beginning. One afternoon after the 2015 prison riot at the CPJ, Marlon explained the participatory dynamics of the jodedera:

If you’re in the jodedera: aguantá (endure it). If you’re with them [the ladrones, los de la gallada], you’re gonna drink with them. If you’re with them, you’re gonna rob with them. Si ellos te hacen vuelo (if they run an errand for you, i.e. do you a favor), you have to do them a favor. Ahí está el pedo (that’s where the problem is). If they do you a vuelo and you don’t do them a vuelo: Sos sapo (you’re a snitch). Why didn’t you do that vuelo? That’s why it’s better to see it all de largo (from far away), as far away as possible. ‘Yeah man,’ [Marlon pretends to speak to a cellmate] ‘we know each other from the street pero yo caí solito (but I felt alone).’ I was caught alone [he underlines]. So what if nobody gives me food? That doesn’t matter, I won’t eat. […] Why would I want to eat well for a second and then be all oshhh [fucked up]. […] Sure, you can go around en la loquera (literally, the craziness), te mata el calambre (it’ll take away your prison stress), time passes like this [Marlon clicks his fingers], but do you think you’ll be able to sleep well? You’ll be cagado (scared shitless) for going around in the vulgareo. Why do you think they have chuzos? Because they’re cagados. […] Es el encierro (it’s being locked up). Confinement makes you fight about everything. […] So how do you make yourself feel better? Jodiendo al otro (screwing over someone else).

Interesting in Marlon’s reflection on the dynamics of the jodedera is that he sees it as ‘natural’ given the circumstances of confinement. Marlon’s own “ladron heart” (literally, as he is in prison for robbery) understands why they act this way. Prison is all about knowing how to aguantarla, how to endure the lock-up, the violence, the injustices. The jodedera provides relief from the daily reality of confinement. Smoking and having fun with the gallada, feeling backed by them as a group, maybe getting on top of things yourself, makes time pass faster and relieves prison stress (“mata el calambre”). But Marlon warns that whatever they do for you, you’re expected to do for them. Their enemies (the authorities, the snitches, those they have crossed) become your enemies. There is no such thing as freeloading on others, and you cannot outsmart the gallada. Even those of the gallada are not exempt of the logics of revenge. The violence they produce, eventually takes its toll on the ladrones themselves – remember the ley del hierro, what goes around comes around – they have to watch their backs constantly. For Marlon, it is this aspect that kept him from joining them. Still, Marlon made it more than clear that even if he disagreed with how the gallada worked, he would never openly critique, much less snitch on them – that would go against all prisoner codes. In this way, he made himself respectable, and they left him alone. Others, like Wiz and Araña, made it quite clear that if they were going to endure prison, they were going to do it from the top. Wiz had acquired ample prison and gang experience in the United States, and used his physique and reputation to ensure that he was well respected. He actively identified as a ladrón and often laid out the rules of the gallada, even though he was enrolled with the community center program. At first I thought he did this to intimidate us, but I realized soon enough that conferring his knowledge of how to live this way – in the “man’s world” of gangs and prisons – was simply how he had gone through life and managed to survive.

Though at this point prison might seem exceptionally intimidating, which it of course is to some extent, I hope to have shown that all of this violence has its own

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248 Araña, former CPJ, 2016, private interview.
particular logic. There are particular actors who impose and dominate according to particular norms. Practices of violence or solidarity, while they are distributed differentially among the prisoner population, ultimately depend on these norms. Not every prisoner will manage to get on top, nor will every prisoner be subordinated, but the way in which the hierarchy is constituted and enforced is very clear to all those locked inside. Contrary to the often arbitrary or corrupted allocation of privileges and administration of punishment by the authorities, this particularly norm-based and gendered order lays out the speed and level of ascent within the prisoner hierarchy (leading to privileges of a different sort). All prisoners acknowledge these internal power structures, and most subscribe to or even enforce the *ley de la gallada* themselves (in other prison’s mostly referred to simply as the *ley de la selva*; the law of the jungle).

Interestingly, the logics of prisoner violence have become so engrained in the workings of the prison system that authorities often rely (or arguably depend) on these self-ordering principles among prisoners, for the distribution of scarce resources as well as for disciplining particular prisoners (especially newcomers). The story of authorities placing prisoners in particular cells to ensure they will have a “rough time,” for example, was related to me repeatedly. When I asked Joey if the police did anything about the initiatory beatings going on in the cells, he grinned, 

The police? They don’t do anything! […] They rather put you in a particular cell to ensure you get a beating. Like with guys that’ve done nasty stuff, they’ll put them in the worst cells.

Realizing that in this way they catered to the authorities, some prisoners of the CP] said that they stopped beating newcomers in their cell because they noticed that it was what the police wanted them to do, and argued that it went against prisoner solidarity. The (purposeful) lack of confrontation with prisoner-to-prisoner violence on part of the authorities, or even its clear usage to their benefit, demonstrates how engrained these practices are in prison governance dynamics. As (part of) the disciplinary function of the authorities is delegated to the prisoners, the de facto condition of co-governance is sustained. To maintain the upper hand in this system, however, the authorities deploy violence themselves as well. Yet for the system to work this is concealed, and it is guarded through the systemic denial of its occurrence.

**The heavy hand of authority**

Hay dos formas de que [los funcionarios] te reciben en el penal. Uno [es] que no te golpean, solo te rasan la cabeza, te dan un número y te toman foto. Dos, te pegan una madre garroteada y pateada y te tiran enchachado al calabozo. Eso más que todo lo hacen con los que son peligrosos o vienen con condenas largas, para que entiendan que el funcionario manda al reo y no el reo al funcionario.

There’s two ways in which the authorities receive you at the penitentiary. The first is that they don’t beat you, they just shave your head, give you a number and take your picture. Second

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249 Darke (2014) explains that in the context of a Brazilian police lockup, it would not be possible for the jail to operate without inmate collaboration and self-ordering.

250 Joey told me of his cell initiation before he told me of the beating he endured at the hands of the police upon his arrest.

251 Javi, former SPR, 2016, private interview on Whatsapp.
is that they beat and kick the shit out of you and throw you cuffed into the calabozo. They do this most of all with the dangerous guys, or those coming in on long sentences, so they understand that the officers are in charge of the prisoners and not the other way around.

I had mentioned earlier that most prisoners were beaten by the police before or upon arrival in lock-up, and a long time I thought this practice did not occur at the penitentiaries that operated under the ideological banner of reeducation (claiming, in their institutional slogan, to be humanist, whereas police are more widely known to engage in the use of force against detainees). Yet when I asked Javi about what entering the SPR was like, he told me the above. His last point is pivotal: prison officers also use violence to make sure that prisoners understand who is in charge (quien manda). In this way, then, it can be understood as a governing practice. As it is recurrent and instrumental, it can be understood as a systemic aspect of the co-governance system. According to Javi, especially “dangerous” and long-sentenced prisoners are received with violence. These prisoners, who come in on high profile crimes such as first degree murder and organized crime, including (international) drug trafficking and armed robbery executed “en banda” (in a group, or gang context), are those prisoners who might easily attain a high standing within the prisoners’ own hierarchy due to their presumed knowledge of violence and/or the illicit economy. Given the weight of self-governance within prison it becomes vital for the authorities to clarify that, despite what these prisoners may see or hear, they are in charge. Beside “playing” with prisoner privileges, extralegal force is the authorities’ foremost resource of demonstrating their advantage.

The use of violence by authorities then acts as a kind of security clip on co-governance arrangements, to prevent the equilibrium from shifting too far in the direction of the prisoners. In this way, authority use of violence constitutes a ‘balancing act’ of sorts. Yet it is a balance of extremes, as it is used directly to subject and subordinate prisoners. As such, it antagonizes, coerces prisoners into obedience, but also reveals to them their existential vulnerability. Just as the gallada is allowed to break its own rules, the authorities – through the use of extralegal violence – demonstrate that they can break the rules that bind them, too, and without any consequences. This leaves room to interpret the co-governance system as approximate to a state of exception (Agamben 2005). Behind closed doors, and in guaranteed secrecy, prison has all the preconditions to evolve and devolve into situations where law itself is lawless. That is not to say that life in prison is entirely unpredictable, to the contrary, I hope to have shown, but rather that this predictability is not provided by the rule of law. Instead, prisoners have carved out a space for themselves to provide a level of predictability for themselves and their fellow cell mates. Authority use of violence, in this sense, serves the purpose of disrupting the balance of daily life as much as it is considered part and parcel of prison life by prisoners – a possibility always to be taken into account.

Significantly, while the use of physical violence as a disciplinary tool by prison authorities is against the law, this does not mean that it is not considered legitimate. Popularly speaking, authorities “should be able” to teach a prisoner a “lesson” or to physically reprimand transgressions, especially when these transgressions negatively af-

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252 Calabozos are small, one- or two-person isolation cells where prisoners are kept when they are sanctioned. When in the calabozo you only get sun time once a week. Usually more than the amount of prisoners they were built for occupies the cells.

253 In this vein, extensive beatings were also used to reestablish el mando (the order, or command) after the 2009 riot at the SPR, as we will see in chapter 7.

254 “The state of exception is an anomic space in which what is at stake is a force of law without law […] in which potentiality and act are radically separated” (Agamben 2005: 35).
fect a particular officer or ‘the system’ itself. It is pivotal to understand, then, that seeking social order and applying the force of law are not the same thing (Parnell and Kane 2003: 6). Numerous studies of policing and prison governance around the world have demonstrated that law enforcement does not necessarily occur in a law-abiding fashion (Beek et al. 2017; Denyer Willis 2015; Fassin 2013, 2017; Gutiérrez Rivera 2013). This manifests itself in the disdain or disregard of human or prisoner rights by police forces, special units, and penal institutions across the globe – affecting particular intersections of gender, race and/or class disproportionately. In this sense, the deployment of violence by authorities in Nicaragua’s prisons is no exception. What is exceptional, perhaps, is that these corpo-disciplinary practices coexist with reeducational practices and ideologies. The use of extralegal physical force against prisoners then becomes telling of the discrepancy between the politico-ideological discourse (reeducation) and the reality of practice, face-to-face with the “offender.” This also manifests itself in the dehumanizing remarks of the prison guards that I remarked on in the previous chapter.

According to this logic, officers of the law, penitentiary personnel, police – in short, authorities – “sirven,” they serve, they function; they work. They are men (and women) of honor standing up for society. Prisoners, criminals, those who have transgressed the laws established by society, are of low moral standing – no sirven para nada. Why should they be cut any slack? As they pay for their wrongdoing, prisoners need to aguantar – to sit it out, endure it. If we follow such logics, basic jurisprudence such as prisoner rights loses its practical standing. In a video clip sent to the newspaper Hoy, filmed by a prisoner with his cell phone, we can see how eight prisoners have been taken to stand against the wall outside their cell so their cell can be searched. There, the penitentiary officers, who outnumber the prisoners, order them to strip naked and face the wall with their hands on their heads. Two types of officers are present: white-and-green uniformed penitentiary officers, and dark blue uniformed guards. One of the officers, in white-and-green, proceeds to beat all of the (naked) prisoners, presumably with a baton or a doubled belt, while the dark blue officers stand grouped around the prisoners. The prisoner who filmed the scene from his cell across the hallway repeatedly states “See, see what they do to us, this is so you can see, you hear that [the whipping]? They’re beating them up, see? Look, so you see that we prisoners don’t tell lies.”

While this violence is so integral to the co-governance system, what is at stake in concealing violence committed at the hands of particularly the officers of Nicaragua’s penitentiary system is not the perceived legitimacy of a particular violent “incident,” but the discourse surrounding the entire reeducational model. The ideologically incorruptible nature of the prison officer is paramount in the construction of this discourse. To keep it in place, authority abuses and authority collusion in prison’s illicit economies must remain concealed. Pivotal in this vein is that Nicaragua’s system of penal reeducation is not just a prison system or penal ideology but is also projected as political

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255 See especially work on Brazil’s police and prison system (Biondi 2016, Darke 2014, Denyer Willis 2015, Penglase 2014). I have been trying to argue that much the same dynamics count for Nicaragua (Weegels 2017b, 2018).

256 “Reos denuncian abusos en Penitenciario Nacional La Modelo,” retrievable on newspaper Hoy’s YouTube channel: https://www.youtube.com/watch?v=jdQL2Kl_tIQ (published on 21 December 2015, last viewed 27 September 2016). In another prisoner-made video from La Modelo, a prisoner appears with his mouth sewn shut to denounce abuse at the hands of the authorities (“Reos protestan en penal de Tipitapa,” also retrievable on newspaper Hoy’s YouTube channel: https://www.youtube.com/watch?v=5NxRZeH0U1Q published 17 March 2016, last viewed 27 September 2016).

257 With their backs to the camera, however, one can clearly see that they are penitentiary officers, as the uniforms read “DGSPN” (Dirección General del Sistema Penitenciario Nacional). At the SPR I never saw this type of officer in dark blue. There, the patrolling guards (those of orden interior), are also in white-and-green, usually of lower rank than the officers working inside. Because the dark blue uniforms have no indication of rank they are probably either guards normally on patrol, or officers in training. They were probably deployed to the cell to help secure the site of the requisas.
Perhaps even more than is the case with the communitarian policing model, which I have argued elsewhere justifies the use of police violence against particular transgressors of “community” (Weegels 2018), the integrity and efficacy of the prison system is not to be questioned. As I mentioned earlier, Nicaragua’s foremost human rights organizations – the independent Comision Permanente de los Derechos Humanos (CPDH) and Centro Nicaragüense de Derechos Humanos (CENIDH) – have been barred from accessing the prison system as of 2008. The number of reports of human rights violations at the hands of state authorities, however, has only increased, and these organizations have not refrained from publicly denouncing the prison system.

Recently, for example, the even the state-organized Procuraduría para la Defensa de los Derechos Humanos (PPDH) held the Ministry of Governance responsible for obscuring prisoner deaths occurring, according to them, due to the lack of medical attention, torture, and suicide, at the rate of one death per month.

If we consider this in combination with the 533 denouncements of police abuse in 2016, we can understand authority deployment of violence against prisoners as systemic. In this sense, while human rights violations are concealed at all costs, if one only looks beyond the discursive façade, they are clearly no secret. Moreover, on rare public occasions, worst case scenario manifestations of these systemic abuses and neglect become manifest. At dawn on 29 December 2017, a squad of ten armed police officers arrested 38-year old Juan Lanzas and his 23-year old nephew at his home deep in the mountains. He was accused of having robbed about US$200 worth of equipment and foodstuffs. Holding his family at gunpoint, the police beat him severely. Then they stuck him and his nephew in a damp and cold cockroach-infested cell for three days before transporting him to the regional city police jail. There he was separated from his nephew and held in an overcrowded cell where he was given a spot on the floor by the toilet. Lanzas noted that he was physically in very bad shape, and that his cellmates tried to call the attention of the police to his situation on multiple occasions. The police officers, Lanzas holds, replied that he was just being fussy. Less than two weeks after his arrest, on 11 January 2018, Lanzas collapsed in court at his first hearing. In the hospital, the medics discovered that he was covered in horrendously infected bruises and a rash, and that, in reality, his flesh had started to rot. His physical condition was so bad that they had to amputate both of his feet. In the meantime, his family sought to settle with the initial accuser of the robbery, paying him US$200 for the stolen goods to get Lanzas and his nephew out of prison. Poignantly, when the accuser had received goods confiscated by the police from Juan Lanzas’ property, he noticed that in effect they were not his, and went to the hospital to apologize to Lanzas. Afraid of retaliation prior to the official acquittal of Lanzas and his nephew, the Lanzas family did not denounce his grave maltreatment and neglect to the CENIDH until February 2018.

The case of Juan Lanzas reflects every painful detail of what the development of a worst case scenario of the current prison system looks like. He was beaten upon arrest, held in inhumane conditions, transported to an overcrowded city police jail where he inevitably acquired a spot on the floor as a first-timer, denied medical attention by the police, who actively sought to conceal his condition to his family, until he collapsed in

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258 Prisoners and their families continue to denounce maltreatment and failure to comply with release orders to these human rights organizations, see also the newspaper articles mentioned below (after references).
260 I provide this example on the basis of the news report and CENIDH denunciation of Juan Lanzas case (“La historia real tras la amputación de Juan Lanzas,” special report in La Prensa, 18 February 2018).
court. Unfortunately, his case is neither unique nor surprising. Many other prisoners suffer disease, injury, and even death from the institutionalized neglect of their right to food, hygiene, and health – in some cases even disavowing release orders signed by the courts to free prisoners in complex medical conditions. Rather than an atrocious surprise, Juan Lanzas’ case is yet another instance when institutional practices of concealment fail short and the public secret temporarily comes to light. Nevertheless, in addition to protests in the form of mouths sewn shut, hunger strikes or prison riots, there is very little prisoners can do in the face of these injustices, and there is excruciatingly little popular support for the family members who stand outside the jails with their cardboard signs denouncing the maltreatment of their loved ones. Those who do speak up wish to remain anonymous out of fear for retaliation against themselves or their loved ones, which is an omnipresent yet hushed threat that government authorities mobilize to instill a profound sense of insecurity in those who dare to question.

Conclusions

In this chapter I explored the way in which prison is co-governed by prisoners and authorities in Nicaragua. This co-governance system balances power relations between prisoners and authorities through a complex set of interactions, which result in more or less stabilized regulations. Throughout, I analyzed violence as the foremost regulatory and boundary-defining practice of governance. Its deployment can be understood as integral to co-governance arrangements as both prisoners and authorities use it both as a disciplinary tool and as a means to demonstrate quien manda (who is in charge). As Ben Penglase accurately phrased it, “rather than seeing the police and drug traffickers as opposites, one group acting arbitrarily while the other functions according to clear rules, it is more accurate to see the two as symbiotically related, acting together to produce (in)security, which they can attempt to manipulate for their own interests” (2014: 155-6). The authorities and the gallada – or those prisoners “in charge” – then, are mutually constitutive of the surveilling, governing and (dis)ordering practices occurring in prison.

On the one hand, prisoners engage in a range of self-governing practices that establish a particularly gendered hierarchy amongst them. Most of these practices of self-government are organized in the absence of state surveillance practices, some in spite of them. A prisoner’s position in this structure is never fixed, but ever-evolving and in need of (re)affirmation. As such, learning the ley de la gallada is tantamount with survival in the overcrowded cells. While prisoner self-government is productive of a variety of violent practices, it is set up exactly to organize this violence along particular lines but also to promote solidarity. Scarce resources, including sleeping spaces, are controlled through tight, hierarchical systems based on reputation, the amount of time one has served, and one’s economic position—be this derived from receiving money and goods from the outside or by involvement in illegal prison economies. Much of the violence that occurs between prisoners results from the distribution and protection of scarce resources within this system. On the other hand, a legal system exists that involves prisoners in exercising their own control through prisoner consejos (councils). Consejos walk a thin line between monitoring participation and snitching, on which a death sentence pends. Though they uphold the formal end of prison governance together with re-education, they are but the tip of an iceberg of relations and interactions
that remain beneath the surface. Thus, I see this consejo set-up as the legal framework for the co-governance of the prison space and population. It provides a formal avenue through which disagreements between prisoners and authorities might be expressed and even settled. Nevertheless, most prisoners see the consejos as puppets that dance to the tune of the authorities. Hence, the consejos do not reflect who is “truly” in charge, and the authorities know this. This is where prisoners assert that the authorities “can’t run the prison without us,” and where they simultaneously enter the realm of public secrecy.

In the power play of establishing who is in charge of the prison and those in it, both authorities and prisoners engage in practices to disorganize the formal attempt at dictating prisoner-authority relations. Prisoners do this through the enforcement of clear consequences for undercutting this order (for the sapos nothing but el puñal). The authorities promote disorder by engaging in the extralegal deployment of physical force against prisoners, especially those presumably involved in the drug trade. In prison, the capacity of both authorities and prisoners to keep their regulatory practices at once clear and hidden defines their interactions of co-government. Public secrecy, then, is intimately tied up with prison governance. If no information about the way authorities wield power over prisoners is supposed to reach the outside world, then secret-keeping of the type that is shared and known, but unspoken, is imposed on all who find themselves in direct contact with the system. If authorities use violence against prisoners to ensure that these understand “quien manda” (who is in charge), but this is extralegal and undermines the reeducational paradigm (turned rhetoric), then authorities must both keep this hidden and resolve that prisoners keep this to themselves, too. As such, there must be significant leverage authorities can hold over prisoners, and they do: their freedom or the possibility of an early release. Similarly, if prisoners set up normative alternatives or shadow economies, they must ensure sufficient leverage with the authorities, too. They are able to do so by the same system of public secrecy, within which the authorities have much to lose with the revelation of the inner workings of prison exactly due to the maintenance of their “exceptional” public image. There is a power imbalance here, however, as the authorities possess the discursive means to further criminalize prisoners (rendering them socially questionable) and are able to mobilize significant coercive means. In fact, by way of both these means, they are able to undermine prisoner denunciations of violence and corruption.

The co-governance arrangements at hand, then, are made up of on-the-ground situations of structural institutional poverty and overcrowding, an institutional framework that establishes collaboration between prisoners and authorities for the prison's governance, multifarious prisoner practices of self-governance, and extralegal governing practices that authorities engage in both to control and discipline prisoners. Branching out underneath and throughout the official and unofficial co-governance structures is the indoor trade in contraband. Each prison’s co-governance arrangement then varies along the lines of prison conditions, institutionalized relations between prisoners and authorities, strength of prisoner self-government, of the shadow economy, and extralegal governance practices on the part of the authorities. In this way, for example, the City Police Jail (CPJ) counted on a more clearly distinguishable group of prisoners “in charge,” which was termed the gallada. As the facility is police-run rather than part of the penitentiary system there was no prisoner council. Instead, the CPJ had “encargados de celda” – prisoners responsible for their own cell. At the moment of my research the internal trade in drugs (especially marihuana) was considerable. At the Regional
Penitentiary System (SPR) consejos were more clearly present, though their role as mediators was considered to be more on par with being snitches than with wielding any real power inside the cells. Located in a rural province outside its provincial capital it held a very mixed prisoner population in which the “urban” segment of its population, however, had an advantage in the internal hierarchy and on the illicit indoor markets over its “rural” population. Not only did they often have more access to money coming from (more frequent) visitors, they were also usually already “violence entrepreneurs” in their lives outside prisons (Rodgers 2016). Exceptions to this balance were local rural strongmen, one of which, for example, was a former Contra who ran much of the indoor marihuana trade. The exact configurations of the co-governance arrangements and the levels of violence and collusion that sustain them, then, varied over time as well as across the prison system.

The systemic use of violence by authorities exposes an important tension between “soft” and “hard” line approaches to the disciplining of “delinquent subjects,” present also in the contradictions of the community policing model and penal reeducation. The supposed moral superiority of authorities is invoked not only through disciplinary violence, but, as we have also seen, through the reeducational discourse itself – after all, who is doing the “educating” and who is being made to learn? The concealment of the actual power relations and governance practices at stake in Nicaragua’s prisons, after all, directly affects the credibility of the “soft” governance discourses expressed by police and prison authorities, and up the chain of command to the Ministry of Governance and national government. Public negation is deployed to obscure this situation, and public secrecy the oil keeping the machine running. This is not only to hide the violence deployed, but also the levels of collusion manifest in the day-to-day interaction between authorities and prisoners. When guards sell prisoners alcohol three to five times the price it sells for outside, when guns (not handmade, but actual guns) can be found among prisoners, when 200 pesos can compel a guard to request a meeting, when oral sex is exchanged for marihuana, and when cell leaders are left unchallenged, it can be said that the authorities undoubtedly take part in the prison’s shadow economy, and have a vested interest in keeping this secret.
Chapter 6

“They can’t run the prison without us” Violence, co-governance and prison’s public secrets
Chapter 7

“¡Motín!” Prison riots, disorder and the (re)articulations of co-governance
It’s 8.30AM on a Tuesday morning in September 2015 and we have just arrived at the community center. The first vanload of community center participants from the CPJ have also just arrived. While we wait for the van to return with its second load, we hang around the table on the indoor patio with the prisoners. Mick and fellow actor Marvin are making recordings. Giovanni, a friend from the city, accompanies us. It’s my first day back at the center after a three-month visit to the Netherlands, and I’ve brought a big banner announcing the prison theater play. Norbin, Marlon, Oscar, Efraín, and Luis are among the first to arrive. As they walk onto the patio and spot the banner, they smile and brighten up. Greetings are extensive. Standing around the table waiting for the rest of the group, Mick gets down to business and asks them about the riot that occurred at the CPJ over the weekend. It was all over the news. Riot police had to swoop in from Managua. What exactly had happened, we were curious, and how had they felt?

Oscar was brief, almost indifferent: “I didn’t even leave my cell. I stayed in, to tell you the truth. _Que se debatan los payasos_ (let the clowns wreck themselves). […] [The rioters] were throwing stones; everybody was running around, robbing… They took down the ceiling in the office, like trolls from the movies, acting stupid; looking for the guys they had _traídos_ (feuds) with, all tense. […] What am I gonna go out there for? For all I know I get my head busted open, or my eyebrow, or a _picón de pura onda_ (a stabbing for nothing). […] It’s not good to go out into that shit.”

As Oscar gets up from the table, Norbin provides his point of view. Contrary to Oscar, he is wide-eyed with excitement over the altercation. In fact, over the course of that morning, we would notice that the prisoners’ emotional reactions to the situation differed significantly as they made sense of what had happened. During the riot Norbin and fellow group member Jay had been robbed and stabbed at. Reminiscent of his street days as a Managua _pandillero_, where he was both on the giving and the receiving end of a number of beatings, Norbin acted out the parts of the rioters as they barged into his cell apparently looking for Wiz. As he speaks, Marlon, on cleaning duty, hangs around the table sweeping the patio.

Norbin starts, “We were all in our cells _maje_, because we _know_, you know [what's going on]. We’re in our _onda_ you understand, we don’t want to get in trouble. […] I’m in my hammock, and suddenly I see ‘ffffú!’” Norbin balances back, making himself big, like he’s carrying a machete. “This _maje_ comes in alone with a big machete in one hand and a knife in the other. Another _maje_ [comes in behind him] with a stone in his hand, and the first one goes ‘Where’s Wiz?’”

“Where’s Wiz?” Mick asks, “They were looking for Wiz?”

According to Norbin, the group out for Wiz was composed of prisoners from the _Desierto_ cell – a windowless cell in the middle of the prison, allegedly the most violent cell, but also the one most affected by the water shortage that had been causing unrest among the prison population. Apparently, the _Desierto_’s gallada had initiated the riot and went on a rampage, breaking into various cells, intimidating, beating and robbing fellow prisoners. Group members explained that they were looking for Wiz because he had been transferred from that cell to another the night before. They suspected him of snitching, and were ready to apply the death sentence for his defection. Norbin and Jay had helped Wiz get out of this cell, but Wiz was not in their cell at the time of the riot. Instead, he was in the visiting hall. Helping Wiz out nonetheless ended up coming at a high cost for Norbin and Jay. Putting on a crazy face Norbin continues, “Wiz, Wiz! …The guys are looking for Wiz _porque lo iban a palmar, loco_ (because they were gonna kill him, man). This guy is _malo_! Then all of them come in, like ten

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At the time, Marvin and I were filming to make a short documentary of the theater-making process. As such, all conversations in this section are transcribed from the video material.
or fifteen majes with machetes, sticks, stones, all of it... bien enmarihuanados, piedras... los majes bien tapiniados (high on weed, crack, and drunk) ...

Efraín adds, “It was like they were smoking cigarettes!”

“Yeah, cuz they got ahold of …”

Efraín interrupts him “… they got ahold of a bojo of marihuana this size,” indicating about the size of a soccer ball.

Norbín chimes in. “They got marihuana, booze …”

Mick asks, “From [the] evidence [room]?”

“Yeah. And gasoline, they took that out of the motorbikes,” Efraín adds.

Norbín continues, “Los majes andaban bien jodidos! (They were high out of their minds) They came into the cell,” he claps his hands, looking high, “dirrecto peinando la celda (directly combing out the cell), looking for the sapos (snitches), supposedly, you know… The guys came in with these big machetes.” Posing as one of the rioters he now directs himself to his real self, up in his hammock, “and they look at me.… They robbed poor Jay, man, they robbed all of his money, like 120 varas,82 they took another 400 from another guy, a cellphone from another … you know? So they look at me like this,” he looks up, ready to rumble, “they’re down there, and I look back at them, you know. I have a chuzo on me, but it’s small you know. I’m tranquilo but I’ve got my weapon, too. But it’s nothing compared to the ones [machetes] they had. Then the guys say ‘Qué onda Norbin?’…”

Mick repeats, “Que onda …”

“Yeah, you know! They say ‘remember back in cell five, que no sé que que no sé cuanto (blah blah blah).’” He paces back and forth, between his assailant standing underneath his hammock and himself, safely above him. “So I say ‘look, I got nothing to do with that shit, don’t pull me into anything. You know how I am, ando en la calle, no ando con esas debilidades (I’m from the street, I don’t have those weaknesses).’ And the guy goes ‘ah you know,’ he says, and then he goes pá, pá, pá!” Norbín winces like he’s being stabbed from underneath, “tres goles me metió el maje (he hit me three times).”

As Norbín doesn’t appear to be bandaged, Mick is quick to ask “Where, in the mattress?”

“In the hammock.”

“The hammock? …”

“Yeah, but because I was prepared [I didn’t get hurt]. I had two cushions, one here and one here.” He signals his hips and torso, “right, and one on this side,” laying his hand on his chest.

“To soften the blows?” Mick enquires.

“Yeah, but he stabbed me nonetheless! I was on my side waiting, right, so I just move like this you know,” he dodges the jabs, wincing like they did hit him. He laughs, “the guy thought he’d jabbed me because he throws in three, pâ, pâ! I feel it you know, pero no me cabreo mucho (but I don’t get mad). ‘Yay maje qué onda’ I say, ‘clase mate el tuyo’ (what’s wrong with you, putting on that act). They leave going ‘Negra maje (no man), come on, this guy isn’t with that shit, and blah blah blah, daie pues’ (there you go).” Looking at his captivated audience, Norbín concludes, “They robbed us y todo bacanal, loco (and the full party, man).”

Moments later, without discrediting the veracity of the events that Norbín described, Marlon disagrees with Norbín’s rendering of the motive for the occurrences. According to him the rioters weren’t just going around randomly robbing fellow prisoners. He stops sweeping the floor for a minute, broom in his hands, and leans in to the conversation:

“Those guys weren’t out robbing, iban a cobrar cuentas (they were out to settle scores), that’s all.”
“They were out settling scores?” Mick asks. Norbin looks at Marlon.
“That’s all. ¡Yay, si te llevas un premio (and if you get lucky, literally take a prize)!” he hovers over Norbin, expecting an answer from him.
“You take it,” Norbin agrees.
“You take it. Anyone would.” Marlon lifts his hands. It’s the ley de la gallada.
“Yeah, man.”
“Those guys weren’t out robbing, maje,” Marlon underlines.
“They came in to rob,” Norbin tries, but Marlon interrupts him.
“If all they’d been doing was robbing they’d have been stopped! They aren’t gonna go around all seven cells just for that.”
“But the guys mugged us in our cell por pura vara (for nothing).”
Curious, Mick asks Marlon, “Were they settling scores?…”
“They were just settling scores,” Marlon replies.
“The guys say ‘we’re cobrando’,” Norbin says.
Visibly annoyed, Marlon interrupts him again, “They even went out, bijueputa. It started in cell two. […] They went out like this,” Marlon says, moving his hands, indicating a cell-by-cell evolvement of the breakout. Luis clarifies “They came and opened the other two cells in a matter of seconds, and then a bunch of them barged into the cell we were in. They broke open the lock of the Sol cell too, because there are guys in there que se las tiran de locos (who act crazy), too. [In Sol] they were all like ‘come on, dale!, open up, open [ours] up!’ and they got out… I just went to wet my towel.”
Mick enquires “because of the [tear]gas?…”
“Yeah, last year it was like that, they shot teargas at us.”
Marlon concludes, “No es lo mismo estar ahí que platicarla (it’s not the same thing to be there as to talk about it).” Taking out his cellphone, Luis shows us a video he made, “Look how we’re without water…” Looking at the video, on Luis’s small cellphone screen, and back up at the guys, Mick agrees “It’s like Marlon says, loco, it’s not the same talking about it as being there.”
“No, I sincerely tell you loco, it’s horrible there,” Norbin says, still smiling.

The situation of institutional and structural poverty in Nicaragua’s penitentiary system has been presented as a key motive for prison riots for at least the past twenty years, yet the stories prisoners tell about riots paint a much more complex picture. The arguments they present indicate that riots appear not (only) due to material conditions – which are constant – but also due to tensions that the co-governance arrangements produce between powerful prisoners, authorities, and the colectivo. While authorities repeat that the prison conditions and overcrowding combined with the “violent attitudes” of prisoners turn prisons into “powder kegs” that need but a spark to explode, this characterization of both the conditions and the motives for rioting does not do justice to the complexity of the issues at stake. Importantly, it does not allow for an interpretation of riots as embedded in prison governance structures. Neither does it explain why, in spite of the extent of overcrowding and the persistent and structural poor prison conditions, riots in fact remain rare events.

In his classic work *The Society of Captives* (1958), sociologist Gresham Sykes provides an analysis of the 1953 Jersey State prison riot that goes against the usual rendering of prison riots as sudden and random outbursts. After all, such analyses cannot account for the fact that no riots occur in the majority of the prison system most of the time (Carrabine 2005, Sparks and Bottoms 1996, Sykes 1958). Importantly, in his analysis of the riot, Sykes holds that at the Jersey State prison “[t]his illicit form
of inmate self-government [in place] contains [...] the seeds of its own destruction” (1958: 128). Given the previously explored parallels between the “semi-official self-govern- ment” that Sykes describes and the Nicaraguan co-governance system, it is useful to explore whether Sykes’ account for riots helps us understand the occurrence of prison riots in Nicaragua. To this end, it must be stressed that prison riots are in fact quite rare in Nicaragua, and that they have never resulted in fatal injuries on either side of the stick. In the period of my research (2009-2016), I did not find news reports of more than one riot per year across all eight penitentiaries and at least three times that number of multiple-cell police jails. This comes down to less than one riot per facility every seven years. Nonetheless, some facilities experience more riots than others, and some prisons may never experience one at all. There was never a riot at La Modelo in this time, for instance, and the riot that shook the SPR early 2009 was the only riot to take place there to date since its construction in the late eighties. By comparison, the 2015 riot at the CPJ was the second of three riots that would shake the facility in only a two-year timeframe (one early 2014, one late 2015, and another early 2016). If prison riots are related to the evolvement and devolvement of self- or co-governance relations, then the occurrence of these riots reveal the changing nature of the arrangements in place.

In this way, riots in Nicaragua can be interpreted as being about order, governance, legitimacy, the corruption of authority, the use of coercive force and creative violence, and the making explicit of public and hidden transcripts. They are situations in which diverse actors mobilize with and against each other, each to forward their own story, resulting in a multiplicity of performative acts that each shed light on a particular share of the power arrangement. In the end, the dominant portrayal of the situation (by the press, on-site authorities and/or the government) is most usually a rendering that can coexist comfortably with the established order and its public discourse; one that raises as little questions as possible about the why and how of the situation. In this way, poor prison conditions, the “violent nature” of inmates, the presence of weapons, or the presence of certain “dangerous” prisoners, are all deployed as explanations for particular riots, so long as these explanations draw the attention away from more complex underlying issues pertaining to the de facto sharing of power in prison.

Somewhat different from reeducational efforts, the indoor drug trade and co-governance arrangements, which I have discussed in the previous chapters as situated and ongoing relational phenomena, riots manifest as events. Here, I thus conduct a situational analysis of the riots that took place at the facilities where my research collaborators were held. I reconstruct the riots and their aftermath based on the reactions and reflections that my research collaborators offered after they experienced the riots first hand. For the 2009 riot at the SPR, I rely on a post facto account from Javi, which I sought to corroborate with newspaper reports. In the description of the 2015 riot at the CPJ, I use the interactional accounts that my research collaborators expressed at the community center, where I was present shortly after the riot. Interestingly, both riots appeared to have been started by particular, relatively small groups of powerful prisoners. While the poor conditions of imprisonment served to expand the riots and

263 Contrary to other Latin American prison riots, which often end in several deaths or even prison massacres (think of the 1992 riot at Carandiru in Brazil, or the 2003 riot at La Ceiba in Honduras). In Nicaragua, violent deaths do occur, however, in confrontations between prisoners (like the stabbings mentioned by Bobby). Clearly, there are also natural and suspicious deaths that point to medical neglect or suspected authority involvement (see, for example, “Reo se ahorca con calzoncillo en Matiguas asegura la Policía Nacional”, La Prensa, 9 April 2018). As far as I was able to find out, no DGSPN prison officers or police officers ever died inside prison at the hands of prisoners.

264 The early 2016 riot was the last to date (May 2018).
justify them to the outside world, my research collaborators indicated that the riots actually occurred over matters much more contingent on the state of the co-governance arrangements in place at the facilities. In this way, the dynamics of the prisons’ illegal markets, internal power hierarchies, authority attitudes toward prisoners, and co-governance arrangements in place can all be taken to inform why particular prisoners emerged as riot instigators, why the riots easily expanded and resonated with sections of the colectivo, and why particular public explanations were given after the fact. Importantly, these dynamics also account for the divergent post facto effects and (re)articulations of power that the riots provoked.

Prisoner power and altered “mentalities” at the SPR

Javi speaks with me from the other end of a WhatsApp connection at his newfound home in Spain. His working days are long, but Javi is excited to talk. Minutes before, I had explained to him that the 2015 riot at the CPJ made me curious about the dynamics of the 2009 riot at the SPR. I knew it had occurred at the SPR a few months before Mick and I started working there. If Javi had been in prison for eight years and six months, the riot at the SPR had occurred somewhere toward the end of his first year at the penitentiary. And though the riot had taken place over seven years earlier, Javi was quick to offer his reflections. It had been the only riot that had taken place at the SPR and had left quite an impression on him. Importantly, he noted that it was an event that marked a definitive change in the way that the prison was run, especially in terms of the relationship between prisoners and guards. In what follows, he explains how these relations changed and why. I started by asking him what had caused the riot to happen,

It’s not what you heard on the news… The riot had one sole motive. At the time, there were three prisoners from Managua in the penal who wanted to be transferred back to La Modelo. They were the most respected prisoners of the penitentiary (los más respetados del penal) back then: Freddy ‘El Sucio’, El Viejo and Pancho. El Sucio and El Viejo were from Managua; Pancho was from the North. They were all in for long bids. They were dangerous; Freddy was killed about a month after being released from La Modelo, he was shot to death. […] They were originally in prison in La Modelo, but had been transferred to the SPR because they had killed someone there. They threw him down [from the second floor] onto their chuzos (shanks), le dieron y le dieron hasta matarlo (they stabbed him repeatedly until they killed him).

The stabbing that Javi mentioned was no prison fabrication to enhance these men’s reputations. I found a newspaper article dating from June 2003 that implicated El Sucio and a series of others in the murder of a 23-year old fellow prisoner in La Modelo. In effect, he was stabbed 26 times. In January 2006 another group of prisoners attempted to avenge this murder and organized a type of cellblock breakout to be able to get to the murderers. They managed to assault and take a guard hostage, taking his keys to open their adversaries’ cell, after which they took two of their adversaries hostage, beating

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265 Javi, former SPR, 2016, interview.
266 I have chosen to keep El Sucio’s real apodo (nickname) in the text because his criminal history was much reported on in the printed press, which is how I could corroborate Javi’s account. The other names are pseudonyms.
them up severely. It could very well be that El Sucio and El Viejo were transferred to the SPR after this fight. Unfortunately for El Sucio, however, his criminal history followed him out of prison, cutting his post-release life short. Only a month after leaving prison, on 7 December 2012, he was shot in a car and left for dead outside his home, passing away on the way to the hospital. His assailant was shot to death less than two months later. El Sucio was no “small fry.” In effect, Javi underlined that with these Managua “pandilleros” a new “mentality” had come to the SPR:

It was the first riot in the penitentiary. Up until then the SPR was known as a calm penitentiary. There weren’t any people al descobije like them. Many of the population were campesinitos (little peasants), no offense intended. It was a passive penitentiary. There were hardly any drugs yet, just a bit of marihuana. But they introduced crack; those three were de calle (from the street). They came with other things in their heads, things that people from there [the region] wouldn’t even think of. Of course there were also sus peligrosos de la zona (dangerous guys from the region), like Harold who was doing 18 years y tiene todo un cementerio (and killed a cemetery full of people). But there was nobody like those three, descobijados (street-wise)... pandilleros (gang members).”

Javi explained that the three quickly garnered a following amongst the prisoners and came to run much of the prison’s illicit economy. Their following consisted of both “workers” (people that would store and sell drugs) and “users” (who would sometimes be sellers too), many of them pandilleros from the adjacent city. By the time these three “meros” initiated the riot, they wielded enough power to pay off a guard to ignore them bashing the cell lock, to lead a significant uprising, and to coerce reluctant others into participation. Javi explained that they had been requesting a transfer back to La Modelo, but that their official requests had been denied. In response, the three decided to organize the riot to strong-arm the system into a transfer. Javi noted that he could see El Sucio from his cell, which was across from his, separated by the corridor that ran down the middle of the gallery. The day of the riot,

El Sucio started bashing the lock on his cell, the dos-siete, around 6PM with a big piece of wood. Ban-ban-ban-ban! Le daba y le daba y le daba (he hit it and hit it) until he managed to break it. It was around seven when he managed to open his cell. It seems that one of the guards was in on it. El Sucio went out of his cell crazy, aggressive, like they say violento (violent), and he went directly to the kitchen to get an axe [the SPR kitchen works with firewood] to open the cell where El Viejo was. He was sitting in a calabozo in gallery 4, empernado (under lock and bolt).

Calabozos are smaller cells, for isolation. There are two types Javi explains, “one is the size of a grown man standing up and stretching his arms, you know, with his arms out

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268 “Reos de La Modelo cobran venganza por ‘El Chayul’”, La Prensa, 25 January 2006. Without knowing it when I met him, one of the former La Modelo prisoners I interviewed allegedly participated in this revenge act.
271 At that time, street gangs were still quite prolific in the area – every one of the city’s hilltop barrios had at least one. About a third of my research collaborators at the SPR belonged to such gangs when they were imprisoned.
272 In prison, cells are referred to with two numbers, first the number of the gallery, then the number of the cell. The usual way of writing cell numbers down is 2/7, 4/8, etc.
273 Javi often referred to names of prison personnel but I omit all names or use pseudonyms. I do not know whether these people continue to work at the facility.
he can touch the walls all around. It’s dark and you’re in there alone.” The other type is a size bigger, “and they’ll fit up to five prisoners in there. It might have small window, but you’re in there 23 hours a day, and there are only two beds.” El Viejo, the prisoner El Sucio was out to liberate from the calabozos, had been in a bigger one for a while. Javi noted that it appeared that they had concocted this plan in advance together with Pancho, who was in a regular cell in gallery 4. When El Sucio left his cell, all of his 35 cellmates broke out with him. They were armed with chuzos and punzones. They took the machetes and axes from the kitchen before entering gallery 4. By that time, the guards that might have seen the armed group break out probably sought cover and warned the direction. After all, they patrolled the inside of prison unarmed. Then:

El Sucio smashed the bolt on the calabozo with the axe [to free El Viejo]. After that, he opened the 4/14 where Pancho was. Then they started opening the other cells. […] They raided the kitchen and took various knives and machetes. They told everyone to leave their cells. That’s when it started.

By “it” Javi refers to the chaos of the riot that ensued. The first scenes had been the preparation. It was quite the sight, Javi laughs, “they [all participating prisoners] completely pillaged the place! They robbed all foodstuffs from the kitchen and the commissary, including barrels of oil and rice, can you imagine? Dragging all that stuff back to their cells.” Javi noted that as the riot spread some prisoners engaged in it eagerly and others more reluctantly.

The instigators appeared to capitalize both on their ability to coerce others into participation (“they told everyone to leave their cells,” weaponry in their hands) and on the fact that there was discontent among many prisoners about the water shortage, the irregularity and shortening of regular and conjugal visits, and the substandard quantity and quality of the prison meal (la chupeta, cooked rice with beans), among other issues. From there, the situation quickly escalated. The riot involved all prison galleries and in one way or another almost all prisoners, with the exception of the elderly, the gallery of the minors, and the women’s dormitory located on the opposite side of the courtyard. Javi noted that he did not actively participate in the riot. After all, he was already in charge of an área (reeducational working area) and figured that if the guards would see him participate that they could take that away from him.

While the disorder grew, phone calls were being made to la Nacional (the Managua-based DGSPN). Prison officers from all of the offices were gathered on the courtyard to prevent the rioting prisoners from exiting the main building. Armed with AK-47’s some of them peered out of the prison’s watchtowers. Riot police and the military were underway. In response, the rioters piled their mattresses, chairs and desks from the education hall, and other items against the barred-doors to the courtyard, setting these on fire to prevent the authorities from being able to come in. The noise of shouting and yelling prisoners, the continuous banging on the bars, was overwhelming.

Soon the guys from la Nacional and Gobernación (the MIGOB) came to negotiate. The director of internal order was there, the first constable was there, and the reeducational director. The military had circled the penitentiary, the riot police was there, a news channel had come, all to negotiate. That’s when the other story came out, that the riot was for better

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**274** Guards patrol the inside of the penitentiaries with wooden batons and it’s most likely that there were no more than seven guards on patrol inside the prison at that time.
Pancho, El Viejo and El Sucio wanted to show the administration who was in charge. If they weren’t going to get what they wanted “a las buenas” (on good terms), then it would be “a las malas” (on bad ones). A transfer back to La Modelo was now inevitable. The first canisters of teargas were fired into the prison at 8PM. Javi recounts that he stuck his head in a bucket of water. Others wetted their towels and tried to sit out the inevitable standoff. The vice minister of the MIGOB arrived shortly after and negotiated on the scene, while the military circled the prison in case a violent intervention was warranted. The smoke from the prisoner-built fire and teargas filled the evening sky.

The standoff took several hours. At midnight, Javi took advantage of the situation to move from his cell in gallery 2 to a cell in gallery 4, “to be closer to my brother,” who was in prison at the same time. Meanwhile, the vice minister conceded to the rioters’ most basic demands and promised that they would receive better treatment, better food, and more visits. These were not the demands posed by the three instigators, but those that they had created the opportunity for to be heard. Given the extent of the damage done to the facility and the duration of the stand-off, they probably knew that they would be transferred back to La Modelo a las malas now. Javi noted that there was no way that the prison management would leave these three instigators in the facility.

“Around 3 or 4AM,” he explained, “la guardia had everyone back in their cells, but they didn’t strip-search anyone for weapons or contraband that night.” Searching the cells one by one the next day would prove much more advantageous, also for dealing with the instigators:

Early in the morning empezaron a caernos con las requisas (they started strip-searching all of us). […] El Viejo was pulled out of his cell early. Lo manearon fuerte y lo llevaron de pata y hueso! (He was given a hell of a beating and taken with them “by the balls”). He and El Sucio were transferred to La Modelo that same morning, practically naked, I mean, in their boxers with no personal belongings, cuffed hand and feet. Pancho [the prisoner from the region] knew what was awaiting him; he didn’t want to leave his cell. When they [the guards] came to take him he resisted and said that he wouldn’t come out [of the cell] for anything. His gente (people, i.e. following) interceded on his behalf, but they [the guards] insisted every day and al suave, suave (slowly) they managed to tease him out of the cell. In the end they gave him one hell of a beating too, dragging him by the balls all the way to the calabozo, and then beat him some more. They transferred him to La Modelo from there.

The time had come for the authorities to take back the control of the penitentiary and they did so by cracking down hard not only on the instigators, but also on all others allegedly involved. Javi estimated that almost one hundred prisoners, close to a seventh of the prison’s population at the time, were locked up in the calabozos following the riot, most of them for holding contraband, prohibited items (such as cellphones and puñales), and stolen goods from the looted commissary.

But the guards also took advantage of the opportunity to place other leaders of the underground economy in the calabozos, as a warning, Javi held. Almost all prisoners were taken in for “entrevistas” (questioning). This went on at all times as the administration pressed prisoners to snitch on each other to find out who was hiding weapons, contraband, or had participated in the riot: “The consejos (prisoner councils), you know,
the *sapos* (snitches), started ratting everybody out, and then everybody was snitching on everybody to save their own asses,” Javi explained. Everyone wanted to hold on to their own privileges. Remember that prisoner attempts at bond formation, according to Goffman (1961: 59) are usually quite directly met by the disarticulating powers of the institutional authority. Clearly, however, for a riot to take place significant bonds must exist between prisoners. Still, Goffman holds that top-down disarticulation (such as that occurring after the SPR riot) is not the only thing that undermines potential prisoner solidarity. He also holds that “there is usually little group loyalty [among prisoners, while] the expectation that group loyalty should prevail forms part of the inmate culture and underlies the hostility accorded those who break inmate solidarity [i.e. the *sapos*]” (ibid.: 61, my emphasis). Prisoners are often organized into smaller groups, like the previously mentioned *barrios*, which are in turn embedded somewhere on the prisoners’ hierarchy. We can see the fragility of group loyalty reflected in the way that the majority of participating prisoners, according to Javi, began “snitching on everybody to save their own asses.” Importantly, this is intimately tied to the individualistic character of the privilege system itself, which is quite probably the most undermining factor of potential prisoner solidarity.

Javi also noted that in the aftermath of the riot the guards “took advantage of the opportunity to take absolutely everything” out of the cells, seizing not only stolen goods and prohibited items, but also personal items. “After the riot they had all of us strip naked, doing squats, while they searched us and the cells.” In all of the strip- and cell-searches Javi lost many of his personal belongings, but the authorities did allow him to stay in his new cell. He concluded that,

> There were a lot of negative consequences. Not only the general *requisa*. […] We were free to go to the courtyard before; sun time was every day, because it was a passive penitentiary. But after that [the riot] they had us on lockdown. Those who had an *área* (a work assignment at a particular space) lost it. Lots of people went to the *calabozos*, *por agarrar la vara* (for following the crowd). El Mono [one of the other underground *meros*] lost his parole. And the way the guards treated us changed. They started using handcuffs to bring us anywhere […]. They kicked, beat, and interrogated a lot of us. They would come into our cells at any hour and take us out for questioning, and you wouldn’t know what you were in for. They restricted all visits for 15 days, only passing on the items the visitors would bring. They had us without communication with our relatives. […] They put people in the *calabozos* for 25 days.

In all, Javi held that “they [the guards] started using more *presión* (pressure).” The direct aftermath of the riot took up about a month, with the authorities reasserting their power over the prison population before privileges were slowly handed back to the prisoners. The co-governance system then, was rearticulated. The guards and management had clearly shown that they were in charge now that the reign of the Managua *meros* was over. They had given a demonstration of how things could be if a new level of cooperation was not established. Stretching the situation of continuous repression was undesirable for the system, however, and would arguably have been untenable in the long run. Still, the administration made it clear that if the prisoners did not comply on a basic level they could make them do so *a las malas*, by making their time in prison considerably more difficult.

As a result, Javi emphasized that what changed most after the riot was the *relationship* between guards and prisoners. This relationship had formerly been characterized by a form of mutual agreement and relative harmlessness, including a fair share of cor-
roboration on both ends of the stick. The evolving presence and power of the Managua three, however, had pushed the arrangement to a limit that eventually stressed the equilibrium too much. The riot had proven that prisoners were willing (and able) to use violence against the guards, and vice versa. This unsettled the relations between prisoners and authorities irreversibly. The once “most passive” penitentiary had been the scenario of a violent confrontation. While a police officer and a prison guard were injured by stone-throwing prisoners, the rubber bullets, tear gas, and batons that the riot police used to force the prisoners back into their cells left an unknown number of them injured. Still, this did not make it to the press.

**Tearing at the public transcript**

Riots are extraordinary events that entail, as a defining characteristic, the authorities’ temporary loss of control over the prison or sections of it, which warrants the intervention of armed forces (riot police or military). Due to their extraordinary character, riots unequivocally reach the public eye, either by means of the prisoners or the authorities, and as such require public explanation. As the previous chapter already pointed out, these explanations usually consist of after-the-fact reassurances on the part of the authorities to the wider public that they were knowledgeable of the motives for the riot, applied a justifiable amount of repression, resolved the situation, and are back in control. Statements like these are usually considered sufficient, after which the public eye moves on to other events.

As the SPR is quite secluded from the rest of the city, which is in turn quite far from the media’s centralist focus on Managua, the riot was not widely reported on and few images circulated. At the time, smartphones were moreover still nonexistent at the penitentiary. Only one short article appeared in the national newspaper, and the local news devoted a bit more attention to the event. No prisoners were interviewed, however, and the official version of the riot was circulated as “35 prisoners [the count of El Sucio’s cell] broke out of their cell to riot for better prison conditions, destroying prison property and injuring two officers.” No mention was made of the large number of prisoners that had participated in the riot, nor of the transfers that occurred after it finished. Invariably, the vice minister was heralded as having negotiated a positive end to the riot. He promised improvement of prison conditions. Regarding the prisoners’ demands, however, “little changed,” Javi noted, “the only positive thing to change was the food. They actually did make it a bit better, you could spot an onion or a tomato in the rice now,” he laughed.

James Scott contends that it is preferable for the dominant to exercise their power in a euphemized way, through “public transcripts” so that it will not be necessary to use force (1990: 56). The adherence to a public transcript is not the same as ideological hegemony in the sense of subjective (or “active”, as Scott calls it) subordination or consent (ibid.: 66, 77-78). Instead, “it is the show of compliance that is important and that is insisted on” (ibid.: 58, my emphasis). Much like Beetham’s third component of legitimacy – performative acts that confer legitimacy or from which it can be derived by authorities – “what all these actors offer is a show of discursive affirmation from below, which is all the more valuable since it contributes to the impression that the symbolic order is willingly accepted by its least advantaged members” (ibid., emphasis in original). In this way, “[e]lites may give a credible performance of authority, and subordi-
nates, a credible performance of subservience” (ibid.: 66, my emphasis).

Scott pushes the notion of public and hidden transcripts to give domination a performative character. The former encompass the discourse and praxis that legitimizes the power relationship or system at hand, and the latter the daily resistance of this transcript by subordinates, even if on an imaginary level. A hidden transcript, then, does not necessarily lead to open, public resistance or contestation of domination:

It is this systematic frustration of reciprocal action in relations of domination which, I believe, helps us understand much of the content of the hidden transcript. At its most elementary level the hidden transcript represents an acting out in fantasy – and occasionally in secret practice – of the anger and reciprocal aggression denied by the presence of domination (ibid.: 36-7).

Borrowing from Goffman’s idea of frontstage and backstage performances, Scott holds that the hidden transcript can only be conveyed directly “offstage, outside the power-laden domain” (ibid.: 164), as between Javi and me. To speak with Scott,

It would thus be misleading to say that a form of domination creates social sites for a dissenting hidden transcript. It would be more accurate to claim that a form of domination creates certain possibilities for the production of a hidden transcript. Whether these possibilities are realized or not, and how they find expression, depends on the constant agency of subordinates in seizing, defending, and enlarging a normative power field (ibid.: 132).

As Scott refined his theory of domination and resistance by introducing the public/hidden transcript, Lila Abu-Lughod argued against romanticizing resistance to such a point that it no longer includes a discussion of power. She suggests that “we should use resistance as a diagnostic of power,” and notes that in this way “studying the various forms of resistance will allow us to get at the ways in which intersecting and often conflicting structures of power work together” (1990: 42, emphasis in original). What this point of view brings back into the picture is that the “subordinate” may very well constitute, or come to create from their hidden transcript, a conflicting structure of power, much as might be the case when they come to figure as (informal) co-governors of a particular space, as occurs throughout the Nicaraguan prison system.

Is rioting then part of the “hidden” transcript? I would say that it is the point at which the hidden transcript becomes overt or public as it deliberately makes visible the flaws of the public transcript and tears open the public secret. However, this moment of overt resistance can be born from the same “frustrations of reciprocal action” that constitute the hidden transcript. Riots are often events aimed at uncovering much of what the authorities attempt to keep hidden from the public eye. In this way rioting might best be considered as a form of “creative violence” (Goldstein and Castro 2006: 381) geared against the public transcript to make visible a situation of domination:

From an elitist perspective ‘violent people’ are those incapable of living according to established social norms, as demonstrated by their propensity to lash out violently and in contradiction of state law, basic cultural codes of decency, or universal conceptions of shared humanity. […] But violence can also be understood as positive, in the foucauldian sense of a force that produces, motivates, incites […] Through violence, people find expression, calling attention to situations and relationships that have previously been obscured or carefully made invisible to the public eye, or unthinkable in the public imagination (ibid.).
Riots, therefore, can be seen as creatively violent expressions or performances against the dominant power system or public transcript. This explains why, after the riot, authorities will seek to restore the public transcript, either through the solution of justifiable issues that they identify as having led to the riot or by discrediting the claims made by prisoners during the riot. In the Nicaraguan case, it is geared at restoring co-governance, the Sistema, and its code of public secrecy. In this way, riots can also “backfire” on prisoners, however, as exactly due to their explosion onto the public domain, they break their equilibrium with the authorities. Sykes holds that due to this, semi-official governance arrangements contain the “seeds of [their] own destruction” (Sykes 1958: 128).

According to Sykes, due to the illegal nature of such governance systems, its illicit characteristics will slowly expand until they cross a limit that authorities must enforce, so that prison authority is not collapsed altogether. Enforcement then typically occurs when rules or regulations that have been subtly bent over the course of various months or years to the benefit of both prisoners and staff, which still clearly benefit staff, are broken; or when loose, informal or illicit agreements are discovered by higher-ups or third parties. Accordingly, riots are most prone to take place when this limitation is enforced. Sudden repression, however, calls the entire co-governance arrangement into question, propelling the prison’s equilibrium into a state of crisis. As such, even years into a situation of de facto self- or co-governance, control can forcibly be taken back by the prison authorities. Sykes holds that this will not come at a random point, however, but that it will inevitably come to the point when the scale tips too far toward the benefit of prisoners. Prisoners, on the other hand, will generally not let the arrangement implode without consequence. If the situation of repression or reversal is grave enough, it will warrant a riot. In this way, Sykes demonstrates that prisons “move in a cyclical rhythm form order to disorder to order” (ibid.: 110), which produces the two paradoxes he describes: first, that the system breeds its own resistance, and second, that illicit governance systems contain the seeds for their own repression as “[t]he system breeds rebellions by attempting to enforce the system’s rules” (ibid.: 124).

Sykes builds this explanation of prison riots against the common refrain that prisons are “powder kegs” and can hence burst at any moment. If we are to take seriously the organized nature of prison life, he argues, the powder keg theory cannot hold (ibid.: 121). Not because prisons do not explode into violence at times, but because riots or other violent events will not occur at any given point in time for any given reason. The distortion of the equilibrium, which he holds to be inevitable at some point, will not result in a riot at any random point. For if prisons were really powder kegs, then why would they not be in a continuous state of uprising? By focusing on the cycle of order and disorder, emphasizing that with every incident of disorder that occurs the structure of prison life is readjusted, his analysis holds that changes in prison control are part and parcel of the institution’s life rather than exceptional incidents after which things “go back to normal”. In this way, “insurrections do not end with the return of official control but become a part of the structure” (ibid.: 110).

Contrary to the conceptualization of the prison climate, then, Sykes makes a strong case for the inclusion of riots in the analysis of the structural workings of prisons. They are not mere “showers and storms” with only “immediate effects” (Martin et al. 2014: 6), but rather “whatever may be the immediate drama of riots, such events have a long-range influence on the structure of the prison” (Sykes 1958: 110). As such, “riots – those most obvious, startling expressions of disorder, are a logical step in a pattern of repeated social change” (ibid.). Thus with Sykes we see the groundworks for an un-
standing of prison order through a navigational framework in which not only the agents (prisoners, guards) move and change through space and time by events, but the structures (institutions and governance arrangements) that they are embedded in move and change in space and time by way of those same events as well (Vigh 2009). Prison riots constitute rearticulated co-governance arrangements, thus altering the prison’s structure through the agentic movement they push. Later, in the analytical discussion of the riots that occurred at the SPR and CPJ, I will come back to this. First, I will return to the riot at the CPJ.

**From the SPR to the CPJ**

The reason I asked Javi about the riot at the SPR was because I wanted to know whether its dynamics had been at all similar to the riot that took place at the CPJ in 2015. Interestingly, akin to the SPR riot, the riot at the CPJ was initiated by a group of powerful prisoners. Similarly, the state of the co-governance arrangement in place and the structural conditions at the prison informed both the way in which the riot took place and what occurred in its aftermath. That year, hardly any rain had fallen in the wet season. The heat in the cells was close to unbearable. The prison was short on water, meaning that the CPJ’s main faucet remained closed most of the day. The last riot at the facility still lingered in the memories of many prisoners – it had occurred around a year and a half earlier, and despite the promises made to meet the prisoners’ demands, not much had changed since. Due to the persistent overcrowding, an expansion was being built at the front end of the building with a new cell and washing space inside it. The addition of this new women’s cell, and remodeling of the cell for the minors meant that the former women’s cell on the inside would become available for the adult male population. But, if anything, the overcrowding had worsened. The prison had held over three hundred prisoners at the time of the previous riot, but now held closer to five hundred. Moving the women out of their single 10-person cell was hardly going to alleviate this situation. The prisoners protested that conjugal visits were down to twenty minutes. Regular visitors had to wait outside in the visitors’ queue for hours on end, even when they were only there to pass food on to their imprisoned relatives. This food was highly necessary as the prison population largely depended on it for their survival. Yet prisoners argued that much of the food relatives sent inside was “lost” on the way to the cell. Fingers were pointed at the police.

Unrest began early that Saturday morning. As explained in the opening vignette, a group of prisoners managed to “pop the lock” on their cell (by heating the padlock) somewhere between 8 and 10AM. They managed to do the same on two other cells. The prisoners that broke out were armed with chuzos, hand-sharpened shanks fitted with a cloth grip and a piece of rope slid around the bearer’s wrist. Moments after the breakout, the few police officers that were inside the jail ran out of the building. The rioters proceeded to arm themselves with large cuma machetes that they retrieved from an evidence and storage room. While one group of the prisoners that broke out focused on voicing their demands and concerns regarding prison conditions to those gathered outside (at the front of the jail), another group focused on an entirely different task: settling scores with other prisoners.

While the riot shares some basic characteristics with the SPR riot, it also reveals

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275 The CPJ’s grille doors are secured with regular padlocks rather than the lock nut and bolt-system more common to the penitentiaries.
significant differences in the co-governance arrangements in place at both facilities, especially regarding the position of the prisoners vis-à-vis the authorities and among each other. As I explained in the previous chapter, the governance arrangement in place at the CPJ had a much higher degree of prisoner enforcement (through the gallada). Direct violence between prisoners played a defining role as ordering mechanism. This dynamic fed into what group of prisoners initiated the riot at the CPJ and for what reasons they did so. Interestingly, however, contrary to the riot at the SPR this riot considerably ameliorated rather than deteriorated the prisoners’ leverage over the jail’s day-to-day governance. In the aftermath of the riot, the administrating police clearly appeared more interested in the reestablishment of a balance with a certain leniency toward the prisoners rather than risking another confrontation. After all, that would be harmful to their public image. Prisoners readily played this situation out to their benefit. Perhaps inevitably, at least if we follow Sykes, this leniency led to another riot a little over half a year later, which effectively reversed the police’s stance. In the following section I provide a detailed account of the dynamics that fed into the 2015 CPJ riot and the impact it had on the co-governance arrangements in place, as well as on prisoner experiences of insecurity at the facility.

**Internal scores and contested legitimacy at the CPJ**

One of the issues that stood out during the riot at the CPJ was the force with which the gallada went about the “settling of scores” as intimated in the opening vignette. While most of my research collaborators could appreciate the police’s uninvolved stance at the prison most of the time, the utter lack of effort on part of the police to defuse the force of the gallada during the riot had Jay, who was threatened, beaten and robbed, seriously questioning the whole point of being imprisoned under such conditions. He was frustrated and angry about the “lack of security” provided by the state at the prison, which became painfully clear during the riot. Just like Wiz, Jay had spent part of his life in prison in the United States and appeared to use his experience there to argue for a more secure environment for everyone inside Nicaraguan prisons. Sitting in a circle with the whole group to discuss the riot before the start of the theatre practice, Jay emotionally recounted how the riot had affected him. Contrary to Marlon and Norbin, who through their accounts of the riot attributed some legitimation to the actions of the gallada exactly due to their top tier position on the hierarchy of prison enforcement, Jay questioned the state’s lack of intervention:

“We iban a pegar un machetazo (they were going to slash me with a machete), loco. They came in with chuzos for shit that I don’t have anything to do with; you know what I’m saying? Absolutely nothing. I was in a corner, apartado (uninvolved), but those guys came in with other intentions and it’s me they fuck over, you know what I mean. They came in with a machete this size!” He gets up and measures about a meter from the floor up. “And with knives and chuzos… ‘What’s going on here?’ I ask myself, ‘where’s one’s security?’ I’m in a place where I can’t just go and buy a gun and bring that in! I can’t do that because I’m in prison. I want to go home [be released]. I have thousands of goals in my life, you understand me?” Jay is visibly shaken. The group, sitting around in a circle as we start class, nods their heads in agreement. “Yes,” Mick replies.

“Look, they were gonna kill me, loco, and I don’t know why they didn’t stab me or chop me
up with that machete. Maybe because I gave them my stuff, you know. I had a chuzo in my hand when those guys came in. But a small one,” he measures 15 cm between his fingers, “and they came in with those fucking huge machetes, so I say in my mind: ‘I could jump the guy who just came in’ – a guy came in looking around. And bam-bam-bam [stab him], but he comes in and he looks at me and doesn’t say anything. Then there’s another guy that comes in, a hijueputa that lives close to my house [outside], he’s walking around encapuchado (hooded), with a pair of sunglasses on. He stands there looking at me, at my chain [necklace], and I take it off, you know. [...] What would you do if a guy comes up to you with a machete that size saying ‘dale hijueputa quitáte eso’ (come on son of a bitch take that off). I would’ve liked to say ‘Qué te pasa loco, que me quite qué? y qué es lo que te pasa? Porqué andas con esa camisa? Si yo sé que sos vos, jodido’ (what’s wrong with you, man, you want me to take off what? Who do you think you are? Why you got that shirt on [covering your face] if I know it’s you). But, huá!” He makes a stabbing movement. “There you go bróder. What am I gonna say to him?”

“Did he hit you [with the machete]?” Mick asks.

“Yes he hit me, but I was in my hammock, which is made of thick canvas so it didn’t cut through,78 but imagine! [...] I look over to one side and to the other side; they got him [Norbin] too, in his leg,” Jay pauses, “I definitely feel defraudado (disappointed).” He sighs, gesturing with his arms, “I feel defraudado by my country, by my government. [...] I feel disappointed because I was there and nobody was gonna brincar por mí (jump in for me/care about me). Who was gonna jump in for me? What, like they’d stand in between me and a guy that has a machete, who wants to hit me with it? Huh? ‘This is it for me,’ was my thought. Over shit I had fuck-all to do with! You understand? That’s why I definitely feel disappointed. I feel worried about my security.” The group nods and Jay continues, “The next day these guys came back into our cell! Those same motherfuckers, and they took a shitload of stuff with them again. So where’s the security?” He signals toward the office on the other end of the community center, “These people [the police] don’t offer you security Mick, you know what I’m saying? So what am I supposed to do? I want to be released, but I have my chuzo [now]. I have a machete this size in my cell now. You see? If those guys come back in and all hell breaks out I’m going to fight those guys to the death because now I do have my machete. I have a real machete in my cell. And I shouldn’t have that [in jail]. I should not be living my life like this. Why? Because I’m in prison!”

Jay’s story forwards a number of issues. First of all, it underlines the fact that the police are unable to provide the level of security that the prisoners need. The riot exacerbated this issue, and led to a rise in weapons, quite literally, among prisoners to be able to defend themselves, quite unfortunately, from each other. This in turn pointed at the level of violence prisoners (those of the gallada) were willing to use to enforce the established governance arrangement. In this way, the riot was a clear demonstration of just how much power certain prisoners were able to wield over others, how little commitment or “inmate solidarity” existed between prisoners to stick up for each other, and how little the police involved themselves in the provision of security for “weaker” prisoners. While the latter seemed a contradiction to Jay, whose only previous prison time had been in the United States, it seemed obvious to everyone else. For the others, it was especially the second issue – the lack of interest among prisoners to stick up for each other – that became painfully clear through the riot.

276 When machetes are used to intimidate a (mugging or assault) victim, its bearer usually first “smacks” the machete flat against that person’s body, which usually will not cut them, indicating that if they do not hand over what the assailant wants the next blow will be with el filo (the sharp edge of the machete).
Norbin, who had sat out a previous three-year sentence at La Modelo, found this aspect of prison life at the CPJ most difficult to deal with. “You don’t have anyone to fall back on here,” he expressed in a later interview, “it’s not like you have your barrio and if you touch one of us you touch all of us, there’s none of that solidarity.” The riot underlined this more than clearly, and what Norbin said that morning exemplified it:

“If they [the rioters] would have caught him [Wiz] they’d have killed him, loco. […] Because maje,” he throws up his hands, “you know, first of all I wouldn’t have done anything, because yay I want to get out of there too, you know. Yay, it would’ve been bad to see the guy dead there…” He lowers his hands, looking at the floor as if to see Wiz stabbed to death there, “it’s for sure that we would’ve had him dead in there because the police was nowhere to be seen, they were all clustered out by the station.”

Nobody would have interfered on Wiz’s behalf against the group of armed prisoners, not only because of the odds of getting hurt in the process, but also because getting involved went against the usual way of dealing with fights in the CPJ. Remember how Jay rhetorically asked “quién iba a brincar por mí?” (who would jump in for me) – he knew that no one would. If the gallada picks a fight with you, you’re on your own. Moreover, defending a fellow prisoner could entail adding a crime to their record that would in most cases be worse than the ones the prisoners at the CPJ were imprisoned for. Adhering to “the way it is” at the CPJ appeared to outweigh saving a fellow prisoner’s life. Norbin later clarified, “of course I would’ve jumped in for Wiz if I knew the cell would back me, but everyone thinks individually in there, they don’t think like a cell.” There was no guarantee that Norbin would not end up just like Wiz could have, if he would have been in the cell during the riot.

Luis mentioned that the group of rioters who had barged into his cell “looking for the sapos,” gave one of his cellmates, who was known to have collaborated with the police, one hell of a beating. As the gallada went from cell to cell, focusing on beating and harassing fellow prisoners rather than breaking out of the prison, the riot seemed to have much more to do with the enforcement of the prisoners’ order than with a fight for the amelioration of prison conditions. Luis and Marlon held that the gallada’s score settling did not occur randomly, but had its own particular logic. Most of the gallada, Luis argued, were getting even for past wrongdoing. Some of them had been robbed and beaten when they just got in by the guys they were now robbing and beating. “That’s why in my cell, I don’t allow that stuff. When I came in they took my clothes too, and gave me a set of theirs. Why humiliate a newcomer? […] I always tell people that one day that’ll come back to bite you,” he explained. Though many agreed with him, Luis’s approach was against the grain; it was just not how things went. As Joey’s story in the previous chapter shows, the cycle of going from the bottom to the top and avenging previous wrongdoing was an important part of the prisoners’ own regulatory system.

Earlier, Marlon underlined that water was a bare necessity in prison, but his sympathies with the riot(ers) did not seem to stem only from his agreement with the fight for better prison conditions. In the opening vignette, he expressed agreement with the logics of the evolvement of the riot; if the opportunity presents itself to rob something from someone, the logics of the ladrones says you take it. After all, “anybody would.” It’s the ley de la gallada. Even though Marlon did not want to lose the privilege of leaving prison to the community center every day, the rush of the moment had almost got the better of him, he explained:
On the one hand, it appeared that Marlon could imagine, almost taste, the rush of going out and joining the rioting “combo”, especially as many of his cellmates appeared to be active participants in the riot. The sensatory attraction of the moment almost pulled him in and he justified his potential involvement in terms of the ley de la gallada. Yet he kept his “head on” and appeared to weigh the negative consequences that participation in the riot could have on his personal circumstances against his deeper understanding of the dynamics that regulated la jodedera, the “fun” of prisoner violence. He noted that his participation in the jodedera could draw him into the gallada, and that this was precisely what he had been so careful not to become involved in.

You think [that after something like this] you’ll be able to sleep well? You’ll be cagado (scared shitless), for going around in the vulgareo. Why do you think they [the gallada] have chuzos? Because they’re cagados.

Marlon’s account highlighted how the inside structure of prisoner governance influenced the way that the riot was carried out. He legitimated the riot on the basis of both his sympathy with the rioters for bringing to attention the water shortage issue and the prisoners (‘ladrones’) who were on top of the prison hierarchy settling scores with other, ‘lesser’ prisoners in accordance with the rules of the gallada.

A little earlier, when Wiz arrived with the second load of the community center’s van, he seemed surprisingly relaxed. Smiling at the sight of the banner, Mick asked him how he felt. “Tranquilo, maje, I have my God that watches over me.” Giovanni asked him what it was like for him to know that a group of prisoners was thirsty for his blood. He must be glad he escaped them, right? Wiz shrugged. He was his usual boisterous self. Once we were all inside, discussing the riot, Mick asked him again after Jay had shared his story.

“How did you feel, Wiz [during the riot]?” Mick asks.

“Asustado (scared).”
“Scared?” Mick tries.
Wiz nods, “yeah.”
“Your body, was it shaking?”
Wiz smiles, “Claaaro! (Of course!)” He knows Mick wants to draw out more of his feelings, but offers, “Those are feelings that you can’t, you can’t describe… only in that moment you can feel them. Sí hombre, I was cagado (scared shitless),” he laughs.

Later, he gave Marvin a short rap,
This is a fucked up Saturday, the day the riot broke out.
Hijueputa, they say, there were three kids walking around with machetes.
They say, hijueputa, they wanted to rip off my head.
That’s okay, nothing happened, because I’m a soldier, enslaved by the streets and drugs, but now I leave my legacy, because look who – God – came into my life one more time, ha-ha.

Though at the time Wiz’s short answers felt a bit like an anti-climax compared to the long, vivid stories that the others had told about their own sufferings and Wiz’s possible fate, his attitude made sense. Wiz had been part of his cell’s top tier and he still considered himself to be part of the gallada – if not of that particular cell, then of the gallada in general terms. Sapo is probably the last word with which he would have described his position in the prison. Still, that was the allegation that his former cellmates were making. Locked safely behind the grille door to the visiting hall, accidentally stuck between the police and the rioters, Wiz was left without a chance at defending himself. There was no pride to be taken in not having participated in the action. While there had been a group out there thirsty for his blood, he had not been able to confront them. So aside from thanking God for keeping him alive, he downplayed the issues at hand so as not to position himself as a riot victim.

Interestingly, and contrary to what had happened at the SPR following the riot, the police did not crack down on the prisoner population once the riot was controlled. Instead, they held off on organizing cell- and strip-searches. This was not just until the next morning. Four days had passed when we spoke with the prisoners and the police still had not searched their cells. In effect, this is why Jay held on to that machete and everyone else held on to their chuzos. Marlon offered his own view on the police’s lack of engagement:

“They [the police] were so cagado [during the riot] that they haven’t even come in to search the cells. […] But they aren’t that scared, you know. They’re thinking: ‘que se maten’ (let them kill each other). That’s what they’re saying in their minds.”
“Let them kill each other,” Mick repeats.
“Let them kill each other, we’ll just take them out [the bodies],” Marlon continues. “No te creas [don’t be fooled], they’re intelligent, they’re thinking let them kill each other now.” But wouldn’t the police be afraid to search the cells exactly because they know that there are so many weapons circulating now? I ask. “The thing is that they don’t find them [the chuzos],” Marlon explains.
“They’re encaletados (hidden)?”
“Hidden away?” Marlon smiles like ‘no,’ “they’re everywhere.”
“Puta…” Mick sighs. Marlon leans in,
“Where do you think they [the police] look? They only look where they can touch. […] Just like when they search the people. They can search a guy, find nothing on him, turn around,
and he’ll stab someone. Then they’ll search [him] again and he won’t have it on him anymore. That’s how it goes.”

There were definitely plenty of *chuzei* in the prison, not just that week or in preparation of the riot, but for a long period after the riot, too. Contrary to the way in which the authorities took back power and demonstrated who was in charge at the SPR, the police at the CPJ took a more hands-off and strategic approach after the riot, so as not to entirely unhinge the existing governance arrangement.

**Riot aftermath**

Even if the riot at the CPJ caused a situation of increased insecurity, most prisoners I spoke with four months later assured me when they recalled the event to understand what its long-term effects had been that the riot had caused more positive than negative changes. This had much to do with how they perceived it to have leveraged the power balance to their benefit. On the one hand, the negotiated end to the riot brought significant direct benefits. The cry for running water was directly taken up by the first lady and government spokesperson Rosario Murillo, who arranged for the direct deployment of the national water agency to the jail. Works on the water administration system commenced early Sunday morning and by Monday the system had been fixed. Even though a small group of rioters was transferred to the regional penitentiary following the riot, the police (in hindsight strategically) placed another group of prisoners on a list for pardon to facilitate the fast-tracking of early releases and decongestion of the jail.

The existence of this list was announced shortly after the riot and fostered widespread rumors as it was highly unclear who would be on it. As a result, the prison population kept calm – engaging in self-policing as they all wanted to be on the mysterious list. Within a month the first round of releases took place. Some prisoners who were released had spent little sentenced time while others had spent much of their sentenced time; some had participated in reeducational or work programs while others had not. What the exact criteria for receiving a pardon were was thus unknown and this enhanced the (silent) critique of early release being applied arbitrarily. Wiz, who had been sentenced to three years in prison, appeared on the list even though he had only spent eight months inside. Jay was on the list too, as was Joey, who had spent the greater part of his time inside already. Awaiting the composition of this first list and later of an announced second list, Araña was told that he would be released, but was not. Araña later attributed the secrecy surrounding the composition of these lists to the police fearing another riot at Christmas, as there were still issues left unresolved, such as the quantity and quality of the food, and the frequency and length of conjugal and regular visits.

At the same time, the police seemed to nourish the sense that the violence and intimidation deployed by certain prisoners against others was legitimate. They “got even” for snitching and wrongdoing – considered part of “the way things are.” The police did nothing to follow up on the muggings, for instance. Even though the riot proved both the fragility of the police’s hold over the facility and the strength and easiness with which a riot could be organized, violence toward the police had been minimal. This changed, however, when another riot shook the CPJ mid-2016. As the

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278 As mentioned earlier, drugs were later found among Jay’s possessions, which both obstructed his early release and revoked his privilege to participate in the community center program. Joey was released on the same day as Wiz.
police sought to disrupt the prison’s drug market, requisas (cell and strip-searches) slowly increased from January 2016 onwards. In effect, after having been lenient to reestablish order at the prison in the aftermath of the 2015 riot, the police now increasingly appeared to crack down on the flow of “prison as usual.”

During the 2016 riot, the rioting prisoners were able to break out of the jail proper, held back only by the chain-linked fence that had been built after the earlier riot. The riot was significantly shorter, however, and lasted only an estimated four hours. Unlike the previous riot, rioting prisoners now directed their violence at the police. Stones and sticks were thrown at officers surrounding the gates. In order to negotiate a peaceful end to the riot, police general commissioner Velázquez entered the prison alone and unarmed. “I respect that man for having the balls to do that,” Araña said when I spoke to him shortly after the riot. But as the commissioner attempted to negotiate, one of the rioters hurled a rock at him and hit him square in the face. When the rock hit the facility’s top-ranking official, however, it proved the final blow for the rioters. As the commissioner left the premises holding a bloodied handkerchief to his nose and eyelid, riot police shot teargas into the crowd and poured through the gates to violently push back the rioters. Reporters attempted to record the event from the outer wall (surrounding the CPJ and adjacent police station). There, family members, alerted by cellphone calls from their imprisoned relatives, had gathered to ensure their relatives would not be hurt. The mostly female gathering called the police out for keeping their relatives in “inhuman” conditions. Tensions ran high. From the other side of the wall, Araña noted that the riot police “beat everyone right back to their cells, *si es que les dieron con odio* (and they beat them with hate).” Araña’s cell had not been involved in the riot. In fact, none of the community center participants took part in (nor fell victim to) the riot this time. Officially the riot left nine people injured: four prisoners and five police officers. Prisoners reporting to news sources via cellphone, however, held that the number of injured prisoners was likely to be more than twenty.

Although this riot once again demonstrated the ease of prisoner organization in the light of persistent grievances, the violent reaction of the prisoners protesting the tipping of the balance away from them due to the increased requisas worsened rather than ameliorated their position to negotiate. Prisoners who contacted local reporters made a point to underline that the riot was about the continued situation of overcrowding, bad food, and poor treatment of visitors – in sum, the persistence of poor prison conditions. Yet almost directly after the riot had taken place the authorities took over the public script, disassociating it from the previous riots by holding that it was organized by “a group of six to eight prisoners awaiting sentencing for multiple high-level crimes” (homicide, armed assault and “*banda*” – criminal organization). These (unconvicted) prisoners allegedly instigated the riot to break out. After the riot they were transferred to the infamous Chipote police jail in Managua. Requisas swept the prison; the judicial assistance offices had been ransacked. Unlike the previous riot, the harsh intervention of the riot police was seen as a legitimate end to the riot – even by prisoners, and especially after the commissioner was injured.

Later, Araña noted that everybody had been “going berserk *quemando cable*” because the police had “dried up” the marihuana. In this way, it is likely that the crackdown on the indoor drug trade at least partially motivated the riot. At the very least, it explains the rioters’ focus against the police rather than on internal score settling. If we consider the deployment of inspector Danilo to one possible entry route (the community center) and the increased body and cell searches at the CPJ, after a period in which...
authorities had shown a friendlier face, then we can see the processual build-up leading to this riot as part of the continuous rearrangement of power relations at the CPJ. This riot, however, swung the balance back into the hands of the authorities.

Rearticulating co-governance

If we follow Sykes, prison riots can be considered not merely in terms of their immediate effects but in terms of their long-term influence on governance structures. Though the riots at the CPJ and SPR did not collapse the co-governance structure itself, they did rearticulate the arrangements in place, especially the terms on which both prisoners and authorities engaged in them. At the SPR, not just the riot but the arrival and affluence of the Managua three disrupted a governance balance that had previously characterized the penitentiary as one of the most “passive” in the country. In this case, the riot constituted the breaking point of a co-governance balance exhausted by the Managua three. The authorities reacted strongly by removing these particular prisoners and clearly reinforcing “who is in charge.” They did not do this to end the co-governance system, however, but to enforce a (new) balance – a balance that swung more favorably toward them rather than toward prisoner meros. In this way, following the “take back” of the prison, the SPR’s co-governance arrangement was rearticulated under the conditions of a higher imposition on the authorities’ end.

Despite the persistently “favorable” rioting conditions at the SPR, another riot never got off the ground there. Though the penitentiary steadily became even more overcrowded and new pressures on prison budgeting made the promised but only partly delivered changes by the MIGOB short-lived, no prisoners like El Sucio, El Viejo and Pancho ever took “hold” of the SPR again. Still, the indoor trade was significant and at times even exorbitant, as Javi explained. Perhaps those who remained doing business inside the prison, then, preferred a market with as little disruption as possible. Perhaps the authorities, too, preferred such a balance. Over the following years there were periods, which Javi attributed to particular prison wardens, when illicit economies were more booming than others, but the power balance never again broke. Perhaps, then, the balance at the SPR is characterized by a higher control of the authorities through more widespread relations of collusion to ensure lower levels of violence, rather than by violence to enforce authority control. Undoubtedly, the existence of an official system of co-governance through prisoner consejos (councils) and the presence of relatively stable, long-sentenced meros with their respective followings (who have a high interest in the tranquility of the prison to do business), works to the advantage of the authorities here as a large sector of the prison population favors a “peaceful” balance to a tense and continuous stand-off.

This general arrangement at the SPR, though it is definitely also capable of producing tension, stands in a scaled contrast the arrangement at the CPJ, which appeared to be much more characterized by distrust and violence. At least in part this was due to the (much) more strained relations between police and prisoners, the extralegal situation of convicted prisoners at the CPJ, and the jail’s highly overcrowded conditions. While the police attempted to copy the official co-governance system by appointing an encargado de celda (prisoner responsible for the cell) for each cell, they also depended heavily on the ordering capacities of the gallada inside the cells. Beside this, they deployed higher levels of violence to ensure that prisoners (especially those of the gallada)
would remember who is “in charge”. Their dependence on the gallada for a (large) share of the internal order at least in part accounts for the authorities’ lack of intervention in the 2015 riot, which seemed to have largely evolved around the prisoner gallada enforcing its own rules than the authorities impinging on theirs. Still, the authorities clearly felt the need to take pressure off of the jail due to the discontent of the general population – a need resolved by fixing the water system and compiling early release lists. This was done, however, not only to improve the “care” for the prison population, but also to strategically reestablish “good terms” with the discontented general population, while they simultaneously worked to disarticulate the gallada’s power through a crackdown on the internal drug trade. As the prisoner’s reaction to this crackdown was funneled through the subsequent 2016 riot, which was largely directed at the police, the police put their foot down. Rather than reestablishing the balance in favor of a more peaceful arrangement, as at the SPR, the police took the opportunity to authoritatively tip the balance in their favor. Upon his reimprisonment in 2017, Araña held that the authorities now deployed “more regimen” (that is, force). While the prisoners continued to govern one another in the CPJ’s overcrowded cells, the relation with the authorities remained largely characterized by tension, violence, and distrust. This means that the basis for the deployment of a riot as a form of creative violence to contest the public transcript and rearticulate the power balance remains present at the CPJ.

Conclusions

Paradoxically, riots are at the same time the most expected of events in a context of constant repression and control, and the least expected (moreover one of the least frequent) of events to actually come into realization within such a context. The combination of structurally impoverished conditions of confinement and prison co-governance arrangements both produces the usual “way things are” and provides the background to how prison life can become disorganized. We have seen above that the instigators of prison riots in Nicaragua usually stood at the top of the internal hierarchy, providing an opportunity for other groups to take up more structural struggles to better prison conditions as they sought the advancement of their own interests. Importantly, once riots took off they enjoyed sufficient legitimation to inspire a following – or, on the flipside, coerce others into participation. Consequently, without these prisoner leaders’ agitation, riots would arguably not get off the ground. At least at the SPR and CPJ it appears that no riots were organized on the sole basis of fighting for better prison conditions.

This is not to discredit the validity of the claims posed by rioting prisoners who do fight for better conditions, but to indicate that the forces at play in a riot, especially at its beginning, are different from what they are usually presented to be, and require the organizational capacity and following of cell(block) leaders to be successfully executed. Precisely which leaders will organize a riot and for what motives depends on the state of the current prisoner governance system and its relation to the official governance system (that is, the state of the co-governance arrangement). As such, despite structural (and worsening) prison conditions, prisons are not always ready and waiting to “explode” with a riot. The structurally poor conditions of confinement do nonetheless prove to be a powerful incentive for prisoners to join in the rioting. They are, however, by far not the only motivator: many personal grievances (also related to the arbitrary allocation of privileges), being fed up with guards or police, general bore-
dom, and the sensatory attractions of participation, as well as the rewards in terms of reputation, motivate prisoners to participate, too. As these conditions and motivations remain, Nicaraguan prison riots will continue to involve large sectors of their prison populations when they occur.

While the riots discussed here started out as “solo-operations” of high-ranking prisoners or prisoner collectives, they depended on the participation of a disgruntled “mass” in order for the riot itself to “work” and provide leverage to negotiate with. The prior organization of prisoners, based on norms surrounding the illegal economy and dynamics of prisoner violence and solidarity, gave powerful prisoners ample leeway to garner a numerous following, which they could mobilize during a riot (and which could be mobilized to coerce others into participation in the riot). In this way, both the police’s security system (or lack thereof) and the prison governance system left space for negotiations and rearticulations of the governance arrangements in place.

As the rioters presented themselves as “violent people,” producing a form of disorder that called attention to the institutionally neglected position they were in, riots can be understood as instances of creative violence. Through the riot, prisoners made visible to the public eye what public secrecy so vehemently tries to hide: prison’s structurally poor conditions, the authorities’ willingness to use violence, and the systemic fight for the improvement of their precarious position. Interestingly, this is reflected in the fact that even though most of my research collaborators said not to be actively involved in prison riots, they largely refrained from delegitimizing the various motives that the rioters fought for. Many of them, despite their personal losses during the riots, supported the riot as a creatively violent tool to bring to light the situation inside prison.

Despite the personal interests of riot instigators, on the other hand, the riots themselves generally quickly evolved into events that (temporarily) disorganized the authorities’ control over the prison narrative and the legitimacy that they publicly enjoy. Perhaps inevitably, however, the authorities actively sought to maintain the upper hand in public discourse by quickly disqualifying “pro-criminal” accounts. While they (discursively) honored claims to bettering prison conditions in the direct negotiation and aftermath of a riot (which were often only half-heartedly followed up), they discredited claims of the extralegal or unmerited use of force and the role of both this and their involvement in the drug trade in the build-up to a riot. While discussions around overcrowding and structural human rights violations then often followed the revelation of (part of) prison’s public secrets, these discussions were usually short-lived as they were invariably met by the closed-off stance of the state. Reports of recommendations and violations would be engabetados (drawered) until the next “incident” would take place. Clearly, however, riots can hardly be termed incidents, even if they are sporadic, as they appear to be integral to Nicaragua’s prison governance system.

Interestingly, a factor that points exactly to the extent in which riots are embedded in prison governance arrangements is a positive one. Despite the levels of violence deployed, the riots at the CPJ and the SPR fortunately left no dead. In fact, prison riots have not left any dead in Nicaragua (at least not since the start of my research in 2009). Even though various prisoners were beaten (or stabbed) during the riots described above, none of these acts of violence were lethal. Neither did prisoners direct lethal force at the

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279 Violent prison deaths tend to occur between prisoners in ambush set-ups, targeting a particular prisoner for a particular offense, either to settle a serious infraction against the illicit economy (snitching or a failed attempted take over), or to settle traidos (street scores between gangs or particular prisoners).
police or prison guards, or vice versa. I believe that this indicates and contributes to the performative character of the riots, following Beetham (2013) and Scott’s (1990) emphasis on the performative aspect of power relations and their legitimation. During riots prisoners openly demonstrate that they possess weapons, that they can willingly break out of their cells, and that they are organized. Through this performance they indicate that, if they would push for it, they could engage in a much more violent confrontation, but they do not. We should not mistake riots for a revolution against a power system with the objective to take it down. The authorities largely present a similar stance. While they clearly have the advantage in terms of means, which they do not ultimately deploy in a lethal way, they are not out to destroy the prisoner hierarchy or internal governance arrangements entirely. This is reflected by the fact that the authorities’ repression of prisoners always comes after the negotiation of prisoner demands. The point of riots then, is not to permanently damage or annihilate the other side, but to pressure them hard enough to make compromises and concessions as to the distribution of power in prison.

As Nicaraguan prison governance arrangements are sustained by an extralegal equilibrium reflected in its co-governance of prison life, this balance informs (rather than determines) the forms and times in which resistance might be expressed, both during riots and in other, smaller and more personal, acts of resistance (such as sewing one’s mouth shut). As explored throughout the previous chapters, co-governance arrangements require the cooperation of both authorities and prisoners to make prison a functional, livable, and even profitable space. Rather than viewing authority control as the norm, we should take this shared control as the norm. Against the notion that riots are incidents then, or episodes, I sought to provide the motives and workings of the prison riot beyond the public transcript, to see what these tell us about governance, order, and legitimacy in Nicaragua. As a result, I have explained them as both revealing of and integral to the governing structures, structures that are always inherently altered by their occurrence. In this way, riots do not occur as mere “showers and storms,” but can and do alter the co-governance arrangements in place, both temporarily and in the long run.

Riots, then, constitute those events when the struggle over a tipping of the power balance becomes manifest. Each riot at the SPR and CPJ had its own particular build-up, reaction, and outcome, which reconfigured the prison environment and the power relations that permeated it. Sometimes the outcome tipped the balance in favor of the authorities, at other times in favor of the prisoners. While Sykes underlined that a system in which balancing acts are required between those officially in power and those (to a large extent) practically in power produces alternative governance systems (such as co-governance), as well as the means by which to dissolve these, the Nicaraguan case proves that this dissolution is only temporary. Rather than collapsing the entire co-governance system, the co-governance arrangements in place appear to evolve along with the changing relations between both prisoners and guards, and among prisoners.
Chapter 8

Through the looking glass: Freedom and confinement reconsidered

“Te vas, pero no te vas (you leave, but you don’t).”

— Cholo in Fuera de Foco (2013)
“What you should never do is volver a ver atrás (look back). If you do, la galería te llama (the cellblock will call you), the whole block will call you.”

Bobby’s eyes widen with warning. At age 23 he has already spent the previous six years in and out of La Modelo on four separate sentences. “You shouldn’t take anything with you,” he continues, “what you have, you should leave it to those with long sentences. [...] No thinking ‘but that’s mine,’ no, nothing! You leave and move forward, keep moving forward until you get to the door. At the door they’ll ask you when you came in, when you obtained your release order, the name of your father, your mother – they’ll jolt down a million things, until they get you to the aguja (literally pin, here: release corridor), and there they’ll ask you the same all over again [...] You can leave tranquilo (calmly), all that matters is that you don’t look back. [...] [Think of] a dark alley that you’ll pass through, you’ll pass by twelve galerías; of all these twelve galerías you should never look back al fondo (to the end). If you do, they’ll call you from el fondo. I didn’t believe that was true, but I looked back, and they called me.”

“How do they call you?” I ask.

“Suddenly,” Bobby explains, “You leave, you can be in the barrio tranquilo, then some problem (i.e. crime) will blow up in your face that you maybe didn’t even commit, and then you’ll be back in the Sistema again. [...] There, the others, the prisoners, will tell you ‘look, you see that you came back, and I told you that you shouldn’t look back.’ Perhaps it’s the clothes I wore the day I got out and I put them back on…” Bobby raises his hands.

“[The thing is that] the galería calls you.” He sits back.

“So the clothes you wear, outside [upon release]…?”

“You have to burn them,” he answers sternly. “Burn them because it’s una sal (bad luck).”

Initially I wanted to call this final chapter “life after prison”, but the messy nature of freedom and confinement do not allow for that. It is not as simple as being put in a box for a definite period of time and then taken out of it, all ties cut. Obviously, prison leaves its mark – both literally and metaphorically. For many former prisoners the initial experience of physical liberation from corporeal restraint and the prison system’s other deprivations is soon overshadowed by personal frustration and difficult familial and familial economic realities. There are the structural inequalities reflected in one’s living conditions, intermittent poverty and un(der)employment, the often troublesome relations with fellow citizens and authorities. On top of this, one’s condition as a fichado (person with a record or otherwise in the police’s book) narrows an already bleak panorama for non-criminal post-release employment. As the police keep a close watch, social exclusion, delinquent stigma, and self-censorship begin to mix while economic opportunities lure on the other side of the feeble line drawn by the law. The ways in which post-prison life begins to resemble pre-prison life, then, implies an ever-present threat of return.

Building on Allspach (2010) and Moran’s (2014) understanding of the re-articulation of confinement in “transcarceral spaces” – through the extension of the prison space beyond its physical environment by way of remaining prison identifiers and stigma – I here propose a melding of the notion of the “transcarceral space” with Crewe’s (2010) conceptualization of the “carceral grip.” I believe that by drawing attention to the transcarceral grip of prison we might understand how former prisoners remain affected by their imprisonment through the “tightness” that post-release life acquires in the face of continued communitarian surveillance and state intervention. As au-
authorities keep former prisoners “en la mira” (in view), the carceral grip is extended, holding former prisoners tightly as they seek to rebuild their lives on the outside. This points both to the expansion of the “carceral state” in Nicaragua and to the limits of its “reeducational” premise. How can we approach life in the face of this transcarceral grip? And how might this grip be tightened, loosened, or contested through former prisoner practices of freedom?

After exploring the way in which the transcarceral grip articulates through post-release stigmas, which are deemed to give the former prisoner “color” (a delinquent stigma or bad reputation), and produce particular “carceral subjects,” I identify three different ways in which the transcarceral grip is dealt with by former prisoners, leading to different post-release trajectories. The first, in which prisoners seek to retreat from the Sistema’s transcarceral grip entirely by disappearing from view, was most difficult for me to research as their efforts to stay out of view largely included staying out of the researcher’s (that is, my) view, too. The second, similar to the first, is distinguished by the practice of restraint (avoiding color) in order to remain physically free and as far out of prisons’ grip as possible, without necessarily leaving one’s “old” life behind. The third is led by the practice of refusal (embracing color) through the taking of “delinquent freedoms” that reject the imposition of a constrained freedom (Rosas 2012).

Regarding the former, for those who plan a “straight life” on the outside, the severance of all ties to the prison space and its stigmas is paramount. Restraint then largely manifests through self-censoring practices, which reveal both the work necessary to be socially included and the confined character that freedom can take on. Self-censorship becomes a tool to reverse prison’s mortifying effects and to escape the authorities’ transcarceral grip. Many former prisoners thus actively seek to remain invisible as former prisoners (an attitude that frequently stands in marked contrast to the ways in which they attempted to become visible as changed men inside prison). Whereas penal reeducation then creates significant spaces for the appropriation of “change” inside prison, the notion of “change” appears to fall flat on the outside as self-censorship secures former prisoners against the transcarceral grip of the Sistema.

As former prisoners struggle to (re)build a “straight life” in the face of stigma and the transcarceral grip, however, some engage in a refusal of the persistent “mira” (watch) of both authorities and society over them through transgression. The freedoms that they take in the face of the transcarceral grip then acquire a “delinquent” taste. In this sense, when “doing” freedom on the outside former prisoners might in fact involve activities on or across the line of the legal, this brings them closer to the possibility of confinement. On the other hand, it allows them to appropriate their freedom as an opportunity to reject the state and its confining capacities and embrace their color. These delinquent freedoms that former prisoners take in their post-release lives clearly expose them to a tighter transcarceral grip – one that will likely end up with their re-imprisonment.

Having said this, just as inside prison, former prisoners may be engaged in both self-censorship and delinquent freedom. They may be highly focused on their “straight life” but still engage in moments of “release” through means, activities, or substances pertaining to the “delinquent” realm. Conversely, they may be fully engaged in the delinquent realm yet only partially project this. Trying to make sense of the intimacy and confusion of prisoners’ post-release experiences, I here seek to provide a close examination of prison’s transcarceral grip and the ways in which it redefines confinement beyond the prison’s walls.
Understanding color and the transcarceral grip

About half of my research collaborators were either previously convicted or would find themselves re-imprisoned after their release. While this seems like a high number, the rate of reimprisonment (alternatively termed “recidivism”, “relapse”, or “re-conviction”) lies above the 50 percent mark in the United States and around that same level in many other Western countries, too (see Deady 2014).\textsuperscript{281} Across the world only the countries with a smaller gap between rich and poor and an exceptional institutional focus on the social reinsertion of prisoners achieve lower reimprisonment rates (ibid.).\textsuperscript{282} Much as Foucault noted regarding the early critique of imprisonment, the most prevalent factor in reimprisonment that remains is having been sentenced to prison in the first place. Imprisonment itself, then, is a key element in the production of “carceral subjects” – that is, targets of state-meted punishment (Shabazz 2009, Brown 2014), specifically produced by “carceral states” (Sim 2009, Wacquant 2009b).

The identification of carceral subjects points to the idea that some people tend to be subjected to the state’s carceral apparatus more than others. Rather than transposing carceral logics from prison sites onto particular urban sites, in the vein of Wacquant’s “carceral continuum” (2000), an attention to the subject level of carceral expansion allows for a more fine-grained understanding of prison’s disciplinary power over society without losing sight of the wider power dynamics at work. Particularly, it allows us to expand our understanding of those subjected to the logics of a carceral state, but also to why not everybody is affected by the carceral state’s surveillance or disciplinary power in the same way. While delinquent stigmas then serve to frame any citizen that fits the delinquent stereotype as carceral subjects, I suggest that it is being in the vise of transcarceral grip that is decisive in determining who exactly is acted upon and who is not.

In Nicaragua, as explored in chapters 2 and 3, this situation is magnified on the local community level by the entanglement of policing with politics, which produces different modalities of (communal) surveillance. Prisoners are frequently granted a conditional early release (a form of parole) that includes months or years firmando (signing) with the judge on a weekly, monthly or bi-monthly basis. The conditions for this release are morally underpinned and surveilled in the community: no congregating in public spaces, no public drinking, prohibited access to bars, clubs, and billares (snooker halls), and clearly no run-ins with the law. In order to enforce these prohibitions, both police (especially the jefes de sector, district police chiefs) and barrio residents who may inform them\textsuperscript{283} participate in the surveillance of known fichados. This mesh of police and communal surveillance produces an “eye” on “delinquent activity” that is significantly larger than if the police were on their own. Again mirroring prison, the communal “eyes and ears” are frequently referred to by former prisoners as orejas or sapos (snitches). Yet significantly different from prison is that fichados are largely isolated in their barrios, towns, and villages of residence. Even residents who engage in crime frequently seek to dissociate from former prisoners, as they do not wish to agarrar color.

\textsuperscript{281} Though there are prominent exceptions, such as Norway, which at 20 percent has the lowest reimprisonment rate in the world. Deady (2014) also notes that it is quite problematic to compare reimprisonment rates globally as different countries often use different standards and time frames to categorize “reoffending” (1 year from release, 3 years, or 10 years, for example).

\textsuperscript{282} Unfortunately, the Nicaraguan authorities do not emit public statistics on reimprisonment. In this sense I do not know whether or not my group of collaborators is representative of the general prison population. Similarly, there are no statistics on the numbers of prisoners who obtain early releases (and why), the number of prisoners who are serving second or third convictions, what kinds of sentences are generally being served and how long, or any other demographic data (except the data collected and published by the OVESPA, Office for the Oversight and Execution of Juvenile Penal Sanctions).

\textsuperscript{283} Such as those participating in crime prevention committees (CPSD’s) or neighborhood councils (CPC’s or Consejos Familiares).
After all, as they are “en la mira”, former prisoners are believed to attract the unwelcome attention of the law. This explains why former prisoners, rather than readily discussing their prison time, largely attempted to avert both communal and police surveillance by blending in and staying out of view.

This self-policing to avoid color often took on quite literal forms. Beto hid his convict status from his employers, just like all others attempting to hold a job. Wilfredo would not dare tell his schoolmates that he was once convicted and could not return to his town of birth. Javi literally put an ocean between himself and his past, and Wiz no longer partied on the street with his buddies, keeping to the house instead. Similarly, Bobby could not leave his barrio, not only due to his pending feuds with other barrios, but also because he felt “looked at” the moment he stepped “into society.” In fact, as his color followed him from the prison to the street he even counted the months he spent in between sentences outside prison as part of his time inside the “system”:

I’ve done about seven years for the Sistema, counting some of the months I was out maybe as in, because when I would be out on the street everyone would look at me like I was chiva (dangerous). And I wasn’t chiva, I was normal. I left prison sin hacer mates de chiva (without acting badass); I left normally. I would say hi to people because they would look at me [signaling the tattoos on his arm], like ‘oe que onda chiva’ (what’s up badass), ‘yo no soy chiva man, yo soy buena persona’ (I’m not dangerous man, I’m a good person). They look at me like I’m gonna hit them, but I’m tranquilo, if you don’t touch me I won’t do anything to you. If you say hi, I’ll say hi. So long as you don’t mess with my family we’re fine. […] But my [criminal] record and the tattoos [most visible on his full left arm and right hand] make it very hard to convince an employer to hire me.284

Bobby’s account indicates how the delinquent and prisoner stigma envelop the former prisoner and hold him tightly. His perception of the time spent “for the system” then extended beyond his physical stays in prison, and is illustrative of prison’s transcarceral grip. Leaving prison as someone perceived to be chiva (dangerous), Bobby was unable to become free, remaining in this way subject to a tight transcarceral grip. Much like Bobby, many of my research collaborators from the SPR and CPJ adjusted themselves to this grip by restricting their movements, adapting their narratives, and curtailing their plans upon release. These were all ways in which they tried to stay both out of harm’s way and out of the authorities’ view (often related preoccupations), all the while being cautious about the potential revelation of their convict status and preparing for potential social rejection.

Prisoners’ attempt to protect themselves against the transcarceral grip prior to release, by trying to leave prison as lightly packed as possible, as Bobby explained in the vignette at the beginning of this chapter, is therefore an important ritual. This ritual that many former prisoners engage in before leaving prison to escape future interventions of the law by averting the “sal” (bad luck) involves “not looking back” and leaving behind belongings (gifting them to their cellmates) to become free. Bobby was not the only person to tell me about this ritual. Many former prisoners of the CPJ and SPR repeated the same belief – even if they had already been imprisoned multiple times. They maintained that they would leave their belongings with their cellmates and burn the clothes they were wearing when they got out.

284 Bobby, former La Modelo, private interview in Managua, April 2015.
This myth figured prominently inside prison, too. While the practice of leaving one's belongings behind appeared to be much more commonplace among urban residents and (former) gang members than among prisoners from rural communities, their gifting was nonetheless integrated into the prisoner solidarity system of gifts and debts enforced through the prisoner hierarchy. It is important to underline that by leaving behind their belongings without looking back, prisoners attempted to secure not only their release from the legal penal system, but also sought to absolve their debt to the hybrid Sistema. “After all,” Araña noted, “you never know if you might be back.”

Disappearing: Moving beyond el Sistema’s view

Former/prisoners are well aware that they leave prison fichados (marked), colorados (stigmatized), and with their records machados (stained). While all of these states of being refer to the presence of stigma, they also point to an unequivocal presence “en la mira” (in the view) of the authorities. As such, they are conditions against which former prisoners adapt their movement, appearance, and narratives. It was telling of the risks and caution enveloping post-release life that it was difficult for me to find former prisoners whom I had not previously worked with inside prison willing to discuss their prison experiences and post-release life with me. Therefore, most of the experiences reflected here concern former prisoners who were also my research collaborators inside prison. Yet even for prisoners whom I had known for years following them back to the outside was always difficult. I would never see the homes or meet their families of those collaborators who sought to hide their “ex-convict status” as much as possible, as I effectively represented a link to prison. Instead we met at busy parks, lunchrooms and diners, talked on buses or in the backseat of private vehicles as we moved to more official sites together, like the judicial complex or the radio station where I co-hosted a live talk show (about prisoner rights and against former prisoner stigmatization, with former prisoners). Even for former prisoners who were (relatively) open about their status, places where the police could be present in an effective capacity, or places where there could be other former prisoners, remained out of the question. As they put it, nobody wanted to “agarrar color de puro aire” – have someone else’s color (delinquent stigma or bad reputation) rub off on them “for nothing.”

Importantly, there were a number of prisoners who sought to break with prison entirely, most of whom I would never be able to meet on the outside. They frequently moved localities and focused entirely on a new “straight life” that would not cross paths with the Sistema or with those who had been in their lives prior to their
imprisonment. This trajectory of disappearance was taken mostly by those seeking to escape not only the authorities’ *mira* but also the vengeance of their (deadly) victims’ families. Wilfredo’s mother, for instance, moved towns and he joined her upon his release from prison. At a significant distance from his birth town, he focused entirely on his university education, where he did not tell anybody of his past. When I asked him if he would really never tell anyone, he noted that, “I wouldn’t even tell a girlfriend.” As Wilfredo participated in the radio talk show, we took measures to guarantee that he would not be exposed, like using a pseudonym and not announcing when he would participate. Still, Wilfredo did not even tell his mother that he was participating in the radio show, “so as not to worry her,” and would ask us to drop him off at a bus stop rather than his front door.

Perhaps most dramatically, one of my key research collaborators, Javi, similarly sought to break with his prison experience and moved across the ocean to do so, emigrating to Spain. As we knew each other from inside prison and he felt safely out of reach of the Sistema there, we have shared multiple long conversations about life both inside and outside of prison via Whatsapp – conversations in which he gradually felt safe enough to speak openly about the extralegal workings of the Sistema, but in which he nevertheless always omitted the reasons of his own imprisonment. The latter was significant, because although the former prisoners who manage to exit prison entirely and disappear are the ones who become most invisible to its grip, they are nevertheless those who impose the strictest of self-censoring measures on themselves, their discourses, and their movement. In many ways, disappearing involved not just physical invisibility but also a discursive transformation. This was something that many other former prisoners who had not disappeared also engaged in, albeit in less radical ways.

**Restrainment: La mira, self-censorship, and the dangers of exposure**

Once the sal of reimprisonment has been ritually averted, the next hurdle is to stay out of *la mira* (the view) of the authorities. For many former prisoners this meant attempting to blend in and keep a low profile from the moment of release onwards. Bobby recalled,

> The toughest moment is when you leave the prison [compound] and you’re suddenly out on the street. The *guardia* often release you from one day to the next without a heads-up for your family. So you don’t have anything on you when you leave. But you have to catch the bus away from there, ’cause if the police spot you they’ll pick you right back up just for the fun of it! There’s some bus drivers who are cool and will let you ride along for free. But some don’t, and then you have to walk, keeping your eyes down so no one calls the cops on you. The most important thing is getting away from the prison area as quickly as possible.

Even if this first attempt at escaping prison’s transcarceral grip goes well, prisoners are not yet ‘free’. Just remember how Bobby noted that he felt that people looked at him like he was *chiva* (dangerous). As a result, he restricted his movement as much as possible so as not to run the risk of being caught “*de puro aire*” (for nothing). After all, Bobby fitted the *pinta* stereotype from his shoes to his baseball cap. Previous knowledge of the weight of law enforcement then informs former prisoners’ fear of other people’s *color*. In a discussion with two former prisoners called Wiz and Joey about the difficulties of post-release life on my radio show, I openly wondered why former prisoners did not
self-organize outside prison as they did inside it to help each other out with basic needs.

“Loco, what I don’t understand sometimes is how despite the increasing level of incarceration, the overcrowding, and the systemic maltreatment of prisoners, there are no former prisoner initiatives, associations, or cooperatives,” I say. Wiz and Joey agree, laughing, “we’re like the only ones!” Yet then they explain the absence of more articulated former prisoner self-organization in the light of its dangers. “Estaría chiva eso (it’d be dangerous), you can’t [organize],” Wiz says, “solo para caernos sería (it’d be just to arrest us [literally fall on us]), after all we’re all in their view.” “Yeah,” Joey adds, “estamos claros que salimos todos con un gran color (we’re aware that we all leave [prison] badly stigmatized), and the thing is, how do we wash away that stigma? Sólo callándonos, si así están las cosas (Just by keeping our heads down [literally shutting up], that’s the way things are).”

One thing all former prisoners agreed on: speaking up against the stigmatization they face, against prison and police violence (or for prisoner and human rights, as they did on my radio show), could place one in la mira, expose one’s color, and hence increase one’s chances of being harassed and/or re-imprisoned. It was no coincidence that the program I organized with former prisoners ended up being a radio rather than a television program, guaranteeing the (relative) anonymity of the speakers. Similarly, an effort was clearly made not to talk negatively about the police or guards on the air (although this did happen occasionally, and almost always during the continuations of discussion after the radio show). Later, from his safe distance across the ocean, Javi would tell me something that made me attentive to the relation between the workings of public secrecy surrounding extralegal governance practices inside prison and outside of it,

El gobierno quiere pintar las cosas de cierta manera (the government wants to make things look a particular way, i.e. pretends to show how prison works), but it’s not like that, and we know it. The problem is that if you don’t want trouble [that is, be subjected to further intervention], you have to keep quiet.

In fact, as I coordinated the radio show initiative with my research collaborators I found out the hard way that my research collaborators were right to be highly vigilant of their presence in the authorities’ view. I was able to secure airtime for my radio show with a local “urban juvenile” radio station through and with Nilson, a former gang leader whom I had known for a number of years. He was a youth organizer and DAJUV volunteer, and aired a popular weekly two-hour music and talk show on a local radio station, and facilitated my obtaining airtime on it too. Nilson had participated in the set-up of a gang member movement for “sane recreation” together with the leaders of various other hillside gangs when he still led one of the city’s more notorious gangs in the late 90s and early 2000’s. Though he definitely had a color of his own, he had become connected with local authorities through the DAJUV and evangelical initiatives in the city as he worked as a soccer trainer and referee for barrio and prison soccer leagues. Learning first from the NGOs, then from the DAJUV, and then from the ministries, Nilson readily instrumentalized his tattoos and his gang history to voice a youth crime prevention-oriented discourse, embodying and expressing in this way the “soft
security” discourse that was originally directed at him, too (O’Neill 2014).

His radio program had broad appeal to a young audience and provided a platform through which to clarify prejudices and stereotypes about prison life and post-prison stigmatization. Yet Nilson’s relation to the local authorities proved not to be unproblematic. Even though all of my research collaborators who spoke on my show, which was entirely voluntary, were aware of this (and adjusted their narratives where they deemed necessary), there was a lingering sense of danger around the potential repercussions that revelations (be these of the speakers’ identities or of prison practices) could have. Attempting to discuss issues that we considered important, it became clear that we effectively placed ourselves in the authorities’ view due to the fact that we walked a very fine line between keeping and exposing the public secrets surrounding prison life. An incident that occurred while former SPR prisoner Beto spoke about police harassment underlined this. At the time Beto had already been out of prison for five years, though he had issues with subsequent police harassment. His post-release trajectory and a (minor) incident that occurred as we were live on air reflect both the more clearly repressive and the more insidious workings of the transcarceral grip, which also brings to the fore a challenging ethical dilemma regarding activism for prisoner rights in Nicaragua.

**Beto and the reach of the Sistema**

When I went to visit Beto the afternoon before one of the radio shows we joked about how life twists and turns. I told him about the radio show and invited him to come along downtown that night. I knew Beto had had trouble finding steady employment and had been let go from his job as a driver for a local NGO when they found out he had been in prison. Maybe he could discuss the way the prisoner stigma follows former prisoners around even years after release? Beto said he could talk about a lot of things, but appeared hesitant about coming to the show. He complained that aside from the difficulties finding a job, he continued to have his fair share of trouble with the police,

I’ve been arrested about eight times since I got out. Last time they had me spend ten days in the preventiva (police jail). It’s like every time something happens in the neighborhood I’m the first one they look at. Someone was assaulted? “It must’ve been Beto,” and vrrrm comes the police pulling up to my mom’s house. Even if they know it wasn’t me, they think I can tell them who did it. Like I would know anything now. Ni mierda tengo que decirles (I don’t have shit to tell them) is what I say.

Beto had been a gang member and he continued to enjoy a reputation in his barrio. In particular, when he drank, which he confessed he used to do in the classic binge fashion (“without breaks”), his bad temper would inevitably get him into trouble. “I don’t do drugs or drink hard liquor anymore though” he said to me that night, rubbing his belly. “Me hace daño (it’s bad for me) and I have this little guy to think about now,” he told me, tickling his ten-month old son, whom he proudly held on the seat of the motorcycle parked outside of the house.

Beto was not entirely sure if his last stint at the preventiva had been resolved or not. Even though the radio show was not a DAJUV show, due to Nilson’s affiliation to the DAJUV Beto reasoned that officers could still be tuned in, and he said, “no quiero
“agarrar color” (I don’t want to take on color). He did not want the officers in town to hear him discuss his personal post-release issues – he was afraid there could be repercussions in the form of harassment. Understanding his doubts, I told Beto to think about it for a future time as he sorted out his pending police issues. “Maybe you can just call in to the show anonymously rather than go?” I offered, “It would be great if you could give a shout out to all the bróderes still stuck at the SPR someday.” Beto’s eyes turned on to memory lane, “Yeah, I remember when all I had was the radio to feel connected to the world…” He reminisced about the time he spent inside with his barrio friend Samuel, who was “still doing life in there.” Wrapping up our conversation as I had to leave for the radio show, he picked his son up from the motorcycle and concluded, “We’ll see.”

Rather than call in anonymously, Beto ended up coming to the radio show that same night. He drove up on his motorcycle and surprised us – Wilfredo, Nilson and me – about fifteen minutes into our airtime. We discussed police harassment, or rather, it was the first thing Beto started talking about, shielded by the promise of anonymity. Just like every show, Nilson took live calls to the station, read out texts coming in on his phone, and honored song requests. A text came in from the SPR soon enough, egging Beto on. Then another text came. Nilson read it out, “Hey is that ‘Beto’? Tell him Carmelo says hi.” He then giggled, “ayyy, it appears you have an enamorado (someone in love with you)!" Beto laughed sheepishly in response. I was furious. It was not a flirtatious text. Not only had Nilson just outed Beto on air using his real nickname, the text was also from a police officer whom Beto knew all too well. It was one of the officers that regularly harassed him. As Nilson aired the next music request, Beto excused himself. We left the cabin together and peeked out of the radio station’s window to make sure “Carmelo” was not outside in a patrol car. In those few seconds, sharing his experiences on the radio, Beto’s life could have taken a turn for the worst. Stepping into the street with him I apologized profusely. Beto, keeping his calm, put on his helmet and said, “Anytime Yuli, I’m glad you always remember us, you know – don’t give that piece of shit [Nilson] too much mind – say hi to Mick for me!” He then sped off into the night.

“Es demasiado chiva,” it’s too dangerous, Wiz had said. After this encounter with the police’s mira, or omnipresent ear, Wiz’s words echoed in my head. Later Wiz, who had been tuned in to the show too, clarified that if this was a radio station that CPJ officers could tune in to he would also think twice before saying a word – but we were in a different city. “The thing is that you just don’t know who’s listening,” Wiz reasoned, “anyone might recognize your voice and say ‘ah! It’s that hijueputa…’ They can be plotting how to caerte the next show, you know.” Wiz’s “they” referred to both police and potential foes. We were a live show so the dangers were there, and though I had explicitly made a point to never announce speakers and strictly anonymize the participants in the show for this exact reason, I had not factored in the possibility of the police actually actively engaging with the show. Directed at a former prisoner with a history of police harassment as he spoke of that harassment, the “funny” message was a clear reminder saying, “we’re listening, shut up.” – a clear example of transcarceral grip.

Thankfully, Beto was not arrested after the show nor in any other way affected by his participation. Having said that, even if the incident may seem small, it is part of a systemic effort on part of the authorities to surveil, warn, and punish those who threaten to reveal prison’s public secrets. It also presented an ethical dilemma as it made clear that trying to create an audience for experiences of prison and stigmatization effectively put the interlocutors (that is, former prisoners) directly in the view of the
authorities, despite all the precautions taken to anonymize them. By speaking up, even if it was not directly about practices veiled by public secrecy, they broke an imposed code of silence, which put them into the authorities’ view, and thus subjected them to the potential effects of the Sistema’s transcarceral grip. The text directed at Beto in this way attested to the reach of this transcarceral grip but also to its tightness: the closer to the surface, the more in the face of the police, the tighter its grip could be felt. It also demonstrated that the system is no phantasmagoric construct and reveals the lengths to which the police will go to disqualify and silence the narratives of former prisoners by enforcing the code of public secrecy.

Refusal: The paradox of delinquent freedoms

While many former prisoners practiced restraint and patrolled the boundaries of their newly found freedom to stay out of la mira (at least most of the time), some of them (simultaneously) engaged in practices of release and refusal. By “release” I here refer to the active search of situations and relations geared at both symbolically and practically confronting the transcarceral grip and the confined or restrained freedoms that it produces. These practices could include using drugs (most often smoking weed), engaging in fights, or (temporarily) engaging in criminal activities. Refusal, however, took release a step further and indicated an embracing of one’s stigmatized presence – whether willingly or grudgingly – and a refusal to conform to presupposed social norms. In other words, refusal entailed the pursuit of a certain freedom through the (continued) engagement in crime. Posing a dilemma of a different kind, I noticed that my struggle to grapple with many of my research collaborators’ practices of release and refusal – their taking of “delinquent freedoms” – resembled the struggle that multiple ethnographers have had pushing through the complexity of “delinquency” and “criminalizing states” with a critical vocabulary. As Gilberto Rosas (2012: 118-9) phrased it in Barrio Libre, The youths of Barrio Libre are not protean revolutionaries. They do not embody nascent forms of anticolonialist consciousness, or politically immature, inarticulate forms of struggle. Nor are they the imagined soldiers of a latent cultural war. They are neither automatons of political and economic forces nor autonomous, self-caring subjects, fantasized by the architects and ideologues of this latest iteration of liberalism. […] Rather, the Free ‘Hood must be taken as a delinquent refusal […]. Such a refusal embraces the inevitably short and cruel nature of criminal lives […]. To embrace an imminent end to their young lives [or imprisonment] is to simultaneously embrace their delinquent freedoms, the violations of other bodies and boundaries, the abuse of street drugs, and the flowing through a transnational underground terrain and its both real and imagined channels.

Pushing the intimate entanglement between freedom and prison – freedom in the face of probable reimprisonment – some of my research collaborators mixed (imagined) restraint with illegal enterprise. Wiz and Norbin, for instance, both noted that they needed to smoke weed to stay sane. In this way, they framed the delinquent freedom they took to smoke weed as a mechanism to stay on the straight end of post-release life. As Wiz put it,31

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When I get up I roll a joint and I get up early, around 5AM. After I’ve smoked I go easy, I sweep the patio, give the dogs their food, help out my mom. Around noon I have another [joint], and in the afternoon one more… and of course before I go to bed, ha-ha. […] It helps me relax, to stay inside [the house]. When I smoke I don’t want alcohol, I don’t get myself in trouble.

Beyond the release to be found in the quotidian consumption of illegal substances, some of my other research collaborators walked paths more deeply steeped in illegal enterprise – even if their first intentions upon release were for a “straight life.” Araña’s post-release trajectory and subsequent reimprisonment illustrates the paradoxical effects of refusal and the embrace of delinquent freedoms in face of the tightness of the (trans)carceral grip and weight of recurrent state intervention very well, as the next section details.

**Araña and the weight of the Sistema**

Through initially illegal means, Araña planned to set up a legal economic initiative when he got out of prison,

> “When I get out… I have a plan for when I get out,” Araña said. We were sitting in the back of the room at the community center in 2015. He just claimed that he had “retired” from drug trafficking shortly after starting to attend the community center over six months ago. Leaning in, he explained his post-release plan in a hushed voice. “I have two guns buried, you know, I’m gonna sell them. Then I’m gonna use that money to help my mom set up a shop, to get ahead.”

A couple of days later we came back to the conversation and he would tell me that he was well aware that his “old work” was just a phone call away. “It’s going to be up to me to take that call or not. I know I will have to be strong.” After all, the economic benefits of the drug trade have “seduced me before” and could “llamarme de nuevo (pull me in again).” As he struggled to envision a “straight life” for himself, most of our conversations leading up to and following his release hinged on the (equally subtle and pronounced) awareness of alternative employabilities and possible extralegal means through which visions of a legal future might be achieved. A few weeks after his release, we spoke over Whatsapp.

> “How’s the newfound freedom?” I ask Araña.
> 
> "Ahi, pasándola (you know, getting by). Life’s tough. But I do feel free.”
> 
> "What’s it like to be free? I ask because I’ve never lost my freedom…”
> 
> "It’s tuani (cool), but difícil (hard) at the same time.”
> 
> "How’s that?"
> 
> "Gastos (expenses). Stuff. Deberes (obligations). All kinds of things.”
> 
> "And you didn’t have that inside [prison]?"
> 
> “Yeah, but yeah… Your family looks out for you. And you adapt yourself to what you have. There’s more pressure outside [to keep up economically].”
> 
> We continue talking, and a contradiction increasingly manifests itself between the way life

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295 From field notes, October 2015.
296 Private conversation, July 2016.
back on the outside is imagined from prison and the way it ends up being in reality.

“Do tell me the cool part too!” I end up interjecting, to which Araña laughs.

“There’s many cool parts! For one nobody tells you what to do. You don’t have to ask permis-

As we continued to talk over the next months, pictures of a small shop came to grace
his Facebook page. Araña appeared well dressed, sporting new hip-hop style clothes,
colorful snapback caps, and silver chains. He was rapping and recorded his first songs,
but he did not go back to school as he had planned while in prison. Then there was
a car in his pictures. He posed with it and drove it. I began worrying whether he had
taken “the call” and decided to ask him if it was his. He pushed back, “Why does
everyone assume that when something’s in your pictures it’s suddenly yours?” I re-
frained from asking about it again and most of our conversations revolved around rap
music. But I began to suspect that for Araña, the possibility or reality of a straight life
and the possibility or reality of trafficking co-existed rather than stood in opposition
one to the other.

Once outside prison, ex-prisoners continue to manifest as “different (meaning
parallel, rather than past) parts” of their life (O’Neill 2015: 42). In the same breath
that Araña would describe himself as humilde (humble) he would assure me that he
was sobre (on top of things) – “vago pero firme” (a “stand-up” thug). A constant slippage
appeared to exist between his projection of a straight life and the delinquent freedoms
he took. We hardly ever explicitly spoke of his involvement in drug trafficking. Was it
to present to me the part of his life that he had cultivated so arduously in prison? Or
was it his own attempt to keep potential (re)imprisonment and freedom separated?
There were cues, like particular gang signs, that I took as entry points for my attempts
to start a conversation about his delinquent engagements. He would laugh, shake his
head, and call me “bandida” drawing on a mutual understanding of what was going
on – “ya no sabés vos” (you know it) – yet never make his involvement verbally explicit.

A little over a year after his release, Araña was re-imprisoned for drug dealing.
His arrest pushed me to think about whether he had ever really been free from the
Sistema’s legal or extralegal effects, much like Bobby noted about his time done “for
the system.” His re-imprisonment, points to the paradox of refusal. Refusal, while it
provides a (temporary) release from the transcarceral grip through its denial of the
law, subjects one to a potentially much tighter and heavier grip once it makes itself
directly felt. This points back to the paradox pointed out by Bourgois regarding illegal
enterprise: “Although street culture [of which illegal enterprise is part] emerges out of
a personal search for dignity and a rejection of racism [or stigmatization] and subju-
gation, it ultimately becomes an active agent in personal degradation and community
ruin” (1993: 9).

When Araña was arrested, it was reported that the police had rounded up a
drug cartel. Between two properties rented in the city the police confiscated a pick-up
truck, a regular car – that car – a motorcycle, two handguns, and 22 kilos of marihuana.
Mugshots of Araña and his associates, taken close-up as they sat or stood cuffed against
a wall, were run across the local news. While this type of mediated representation is
typical, his eyes are blood-shot and wide, his face sweaty, and his hair tousled. The
pockets of his jeans stick inside-out from the side, the studs in his ears protrude as if

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297 See chapter 3 and Weegels 2018.
they were undone. His slightly pulled up T-shirt reveals not only his undershirt but also shows that he was made to sit down on the ground with his wrist cuffed to someone standing above him, outside of the frame. Looking up at the camera instead of straight into it his position is one of subjection. Ironically, the news slogan “sin censura” (without censorship) was stamped across the lower part of the pictures’ frames. Unintentionally, it alluded to Araña’s failed attempt at self-censorship as his parallel worlds publicly collided. But Araña’s arrest also brought my research to a painful full circle as it evidenced my suspicions, as the following conversation on Whatsapp after his arrest and conviction highlights:

“Were the drugs yours?” I ask. After a two-minute pause, Araña finally replies, “Yes.”

“Okay,” I answer, as I had not expected him to say they were. Denial, after all, was so common. “Thank you for being honest with me.”

“I wouldn’t lie to you, hermanita. […] Why did you ask?” He inquires.

“To tell you off, ha-ha. No man, because I guess I knew, but I wanted to hear it from you.”

“I understand…”

“But what were you thinking? What about everything we discussed about the world of fantasy…?!” It was how he had termed the “fake world” of drugs and fast money the previous time he’d been in prison.

“Look,” his tone was unusually stern, “I’d like to lend my shoes to someone [so they know what my life is like].” There was frustration in his voice. The entanglement was too thick. “I want to be different, sis. [I want] to study, my music… Ser otro [to be someone else].” He sighed, and there they were again: his parallel intentions.

The desire Araña voiced was not to be what he was – a trafficker, on his way to being a “hardened delinquent”. It resonated with his previous work on himself to change, but it also resonated with the place he found himself in again: prison. What kind of future could Araña aspire to? What could have been done to prevent his return to jail? Waist-deep in the prevention discourse, I sought answers to questions that would never point me in the right direction. Araña was not a “grateful subject of intervention” (O’Neill 2015). There were plenty of religious and civil society projects, as well as government programs, that had held out the promise of bettering the future lives of youth like him, programs that intervened in young prisoners’ lives on behalf of the law, society, family, or community. Young prisoners, after all, could still be “saved”. But none of these programs appeared to consider either the difficulty of facing stigmatization or the viable economic alternative illegal enterprise provided Araña with.

On his Facebook page Araña asked for support, for people to keep sharing the rap music he had been making before he was brought back in. A little later we spoke again. Everything was still “negotiable,” he said. The police wanted money. He was in over his head – twelve years, they had said, was the pending sentence. The legal and the extralegal weight of the Sistema collided over Araña’s future. Staking his hopes on the extralegal workings of the Sistema, then, he managed not to be transferred to a state penitentiary from the CPJ while he still awaits an official sentence. He notes about the prison, however, “esto está con más regimen (the control is stronger now).” The police regularly move him from cell to cell – “where I always get top bunk, of course!” If anything, even though he’s in a rougher spot, his position on the internal hierarchy has only improved. “They’re
stupid, *ahi voy dejando punto ciego en cada celda más bien,*” he grins, leaving a “blind spot” in every cell indicating a sales point for the business he excels at.

Refusing the law and embracing a very personal search for respect, Araña’s year outside prison was geared at preventing further intervention in his life. He did what he wanted, “without asking for permission.” He refused his *color* yet knew that as he was in the authorities’ view as a *fichado*. Even more so, he demanded respect by using his *color* and his prison time to his advantage, seeking to construct a life outside of poverty for his family on his own account through both legal avenues (music) and illegal avenues (drug trafficking). The delinquent freedoms he took, however, eventually subjected him to a heavy-handed intervention that pulled him back to prison, where he arguably faces a tighter carceral grip than before.

**Conclusions**

The multiplicity of layers that these post-release trajectories reveal is intimately related to the expansion of the Nicaraguan carceral state. Three key trajectories can be discerned here: 1) those who retreat from prison entirely and break away from the transcarceral grip by moving away from their pre-prison environments (be this by moving towns, like Wilfredo, or by leaving the country, like Javi did) in order to “disappear”, 2) those who return to their pre-prison environments, but engage in self-censorship in order to avoid both stigmatization and the authorities’ “mira” as much as possible (which is the largest category), and 3) those who return to their pre-prison environments and reject further impingement of law enforcement on their lives while (eventually) using and embracing their *color* to establish delinquent endeavors (such as Araña and Bobby).

It must be noted that the state’s transcarceral grip is present in all trajectories, despite the intentions curb or avert it as much as possible. The “tightness” with which the grip holds people, however, varies across these trajectories. Thinking about Wiz and his weed, then, or Beto and his drunken fights, or Araña and his drug dealing, and their simultaneous (parallel) appearances as victims and perpetrators, delinquents and changed men, urges for a fluid understanding of these trajectories across which individuals may move by alternately engaging in (degrees of) “delinquent freedoms” and (degrees of) self-censorship. As such, these practices should be understood as complementary rather than mutually exclusive. Much as doing change and taking part in the prison hierarchy did not mutually exclude one another inside prison, attempting to blend in and continuing to engage in “delinquent freedoms” does not mutually exclude each other outside prison.

While penal reeducation creates significant spaces for “self-improvement”, reflection, expression, and even appropriation inside prison, its promise to ameliorate prisoners’ post-release chances falls flat on the outside, where former prisoners are doubly stigmatized and as such encouraged to dissociate from one another. In order to understand the weight and reach of this prison beyond its site, I have argued here for an expansion of the “carceral grip” into the “transcarceral space.” This transcarceral grip of the custodial regime, enacted first and foremost by the National Police, can help to identify the ways in which prison both leaves its marks (*color* and *ficha*) and how these marks are readily deployed by the authorities to hold onto or press down on former prisoners. A focus on the transcarceral grip also allows us to pinpoint who is held more tightly by the carceral state and how stigmatization plays an intimate role in this
process. As former prisoners struggle to engage in a “straight life” as well as experience freedom, the freedoms they take to *resist* the transcarceral grip acquire a “delinquent” taste. This reveals an entanglement that directly relates back to prison. It points both to the expansion of the carceral state outside prison and to the limits of penal reeducation, as the repressive qualities of the (trans)carceral grip transcend any promise offered by the educational system in the prison itself.
Conclusions

El Sistema: Power and prisons in Nicaragua

“In prison you have to understand that you don’t see or hear anything, even if it happens right in front of you.”

– Javi, former SPR
Whereas reeducation is often understood as the epitome of moral imposition on the delinquent subject, or as the discursive reification of the state’s disciplinary power, this institutional force manifests as but one part of the institutional and discursive moral realm in which different local conceptions and performances of power and change are embedded. As the state operates both in the legal arena and through the logics of extralegal or “criminal” governance structures, political interests and affective (hybrid) networks of influence merge (Arias 2006, Jaffe 2013, Macaulay 2013, Rodgers 2006b). Through an analysis of my cross-carceral ethnographic engagement with prisons in Nicaragua between 2009 and 2016, I have sought to grasp and analyze the daily performances of power and agency inside Nicaragua’s prison system. These performances articulate through co-governance arrangements, which exist alongside the penal-ideological discourse of reeducation, and both organize and disorganize life inside prison.

Co-governance differs from well-researched cases of autogobierno (prisoner self-government; Antillano 2017, Biondi 2016, Darke 2014, Darke and Garces 2017, Macaulay 2013, Perez Guadalupe 1994) due to the formal inclusion of prisoners into the legal side of this governance arrangement, and the collusion of authorities with prisoners on extralegal prison markets. Concretely, co-governance systems engage particular (groups of) prisoners in surveillance and administrative duties on behalf of the authorities, while they also include particular (groups of) authorities in the management of prisons’ extralegal economies and the extralegal enforcement of order. Therefore, co-governance does not entail the absence of prisoner self-government, as the existence of prisoner hierarchies indicates, but rather includes an array of mutual and extralegal governance relations, practices, and arrangements that make authority control over prison at least in part dependent on prisoner self-governing regulations and vice versa. While both parties arguably depend on one another to make it through, it is on the extralegal side of the co-governance arrangement that it is most contested “quién manda” (who really calls the shots), as both parties attempt to (dis)organize and (de) legitimize one another’s attempts at control over the prison environment, its markets, and its population.

Paradoxically, especially where cell-based prisoner hierarchies are strong and they exert significant power over the general prison population, prisoner regulations can come to complement or replace state regulations to such an extent that they effectively function as proxy agents of carceral order themselves: punishing those who transgress the established rules while ensuring safety for particular fellows and for their (marketable) goods. In this sense it is difficult to draw a clear line between autogobierno and cogobierno. The danger of too simplistic a rendition of self-governance, however, is that it may obscure or omit how prison authorities might be dependent on or involved in the maintenance of such governance arrangements. Even in prisons where the authorities merely guard the outer perimeter of a prison compound there is arguably still a level of complicity to be discerned. I believe it is therefore especially important to look at the authorities beyond their actions as legal actors within governance systems to their potentially extralegal roles, which may reveal vested interests in a particular mode of governance.

Purposefully hidden beneath the reeducational surface and beyond the legal, the norms, rules, and regulations that take shape within co-governance arrangements reveal both conflicting moral orders and the hybrid nature of power in prison and beyond it. They are arrangements in which power is shared between prisoners and authorities in order to govern (Sykes 1958), but the extent of power sharing varies and is subject to
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El Sistema: Power and prisons in Nicaragua

change. They include both legal means of cooperation and control, including prisoner-consejos (councils) and the progressive allocation of privileges, as well as extralegal means of cooperation and control, including most importantly the systemic use of extralegal force and an equally systemic level of collusion between prisoners and authorities for the conduct of “business” inside prison (see chapters 5 and 6). In Nicaragua it is on this extralegal plane, in the tug-of-war over the control of prison markets and the (violent) assertion of the authorities’ power over prison, that prisoners and authorities engage in co-governance as a mutual attempt to exert power over one another, to (de)legitimize one another’s authority, and to (dis)organize prison life. In order to fully understand what is at stake in the emergence and maintenance of particular governance arrangements, future research should be attentive to the mutuality, collusiveness, and embeddedness of these arrangements within larger logics of state governance.

In order to do this, it is important to look beyond the political-economic dimensions of such arrangements to the way in which they are socially and morally embedded. These arrangements not only reflect but are also very much embedded in Nicaragua’s wider hybrid governance system, colloquially referred to by prisoners as “el Sistema” (the System) (see chapter 2). A focus on the struggle over and performance of legitimacy can help with this, as “legitimacy concerns the normative dimension of power relations, and the ideas and practices that give those in power their moral authority and credibility” (Beetham 2013: x). In particular, given the dangers that knowledge of these co-governance arrangements in prisons poses to the perceived legitimacy of the state, they are carefully veiled and vehemently guarded as a public secret (Penglase 2014, Taussig 1999; see Introduction and chapter 6). It is by looking at these normative dimensions that we might approximate how and why particular governance arrangements emerge the way they do, and – in the Nicaraguan case – why it is so important for their workings to be kept hidden.

My analytical focus on shared power and (d)evolving governance relations allows for a consideration of how seemingly fixed structures, such as prison and its power arrangements, are in constantly negotiated movement. This movement becomes observable through the everyday performances of prison that different involved actors are engaged in, as well as during the occurrence of extraordinary events, such as prison riots, which shed significant light on the contingent nature of structure upon agency and vice versa (see chapter 7). In this “moving environment” (Vigh 2010), prisoners carve out spaces of agency to “do freedom” (Ugelvik 2014), and work to avert the existential effects of “quemar cable” (worrying exceedingly about one’s stay in prison and future life). Important to underline is that my research collaborators engaged in such movement in both legal and extralegal arenas. Regarding the former, they largely sought to challenge authorities’ moral discourse of penal reeducation by appropriating prison’s educational spaces and performing their own understandings of “change” – mostly in an attempt to undo the double (delinquent and prisoner) stigma attached to them (see chapters 3 and 4). Regarding the latter, most prisoners engaged in smaller and/or larger extralegal activities (ranging from speaking with their loved ones on smuggled cell phones to managing the influx or sale of drugs inside prison), by which some simultaneously attempted to ascend along the prisoner hierarchy (see chapters 5 and 6). It is key that an engagement in the former, legal arena does not preclude involvement in the latter, extralegal arena, or vice versa. In fact, it appears that a parallel engagement in both arenas is paramount for prisoners to both counteract prison’s mortifying effects and make it through to their release.
Through my close engagement in prison’s reeducational spaces, particularly theater-in-prison, it became clear to me that prisoner understandings of change, however, differed from the penal reeducational push to change attitudes. In fact, it pointed out that prisoners sought to “do freedom” not only by rule-breaking (through engagement in illegal activities), but also by appropriating reeducational spaces in an attempt to undo the stigma attached to them upon imprisonment. Importantly, prisoners grasped their participation in reeducational activities as an opportunity for social valorization. Drawing on gendered notions of what it means to be a “good man” they claimed their moral value to society and by demonstrating that “we can be different.”

Through their navigational attempts to position themselves both within prison’s power field and within wider society’s moral realm, my research collaborators attempted to retain significant autonomy as subjects. This is reflected in their temporal, navigational trajectories both across the power field and up the hierarchy – through their contestations of the public discourse surrounding them; their attempted unhinging of the moral authority of their captors (contingent upon the authorities collusive engagement with the prisoner hierarchy); their overt resistance of both disciplinary power and the delinquent stigma; and their engagement in creative violence (like rioting) to tear at the public face of the state.

By producing a joint understanding of what “life as usual” inside its walls means prisoners attempt to navigate and mediate the power field that is constitutive of the prison environment (Martin et al. 2014, Vigh 2010). With compliance linked to notions of legitimate power, justice, and respect, however, the different actors on the power field balance their moral claims and (governance) interactions on different understandings of these notions. The tensions that these divergent understandings produce then dialectically construct the parameters of that field. Through my close consideration of prisoner governance interactions (both among prisoners as with the authorities), the importance of vertical ascent along the prisoner hierarchy became apparent. Yet while vertical ascent indeed appeared to ease life on the inside significantly, it also exposed a fundamental paradox for prisoner movement. The higher up the chain of the prisoner hierarchy, and thus the further outside the realm of the legal that one stood, the larger one’s gravitational pull on the power field, but also the further away one appeared to stand from the horizontal movement toward release. Many prisoners who engaged in reeducational activities, then, attempted to mediate this paradox by placing the prospect of early release over the possibilities for enhanced economic and social standing, limiting their ascent and minimizing their (visible) interaction with powerful prisoners. This does not mean, however, that their participation in reeducational activities equaled their legitimation of or compliance with the authorities.

Too much of a Foucauldian reading of the disciplinary power that the state exerts over those it targets for moral reform would then obscure the abovementioned dialogical relation between the prison and its prisoners; between authorities and “delinquents” who appropriate and subvert the state’s attempts to “change” and control them. It would bypass the prisoners’ claim that through penal reeducation the authorities merely try to “tapar el sol con un dedo” – block the sun with a finger, in other words, hide what is really going on. Prisoners are well aware that even as the state discursively promotes prisoner rights, penal reeducation, social reinsertion and preventive modalities of policing, these obscure the extralegal realities of corruption, collusion, and repression. The thorough process of stigmatization that prisoners are subjected to, however, means that their claims as to the real face of the state are unlikely to be heard. In
this way, processes of stigmatization play a large role in maintaining the public secrecy that veils *el Sistema*, as it prevents society at large from acknowledging the moral claims that “delinquents” make and questioning the state and its actors.

These spaces of agency are constrained, however. The dominance of the Sistema, including the code of silence it imposes through public secrecy (Taussig 1999) and the prison’s carceral grip (Crewe 2010), points to the pervasiveness of state power. This is the case even outside prison, where the carceral grip follows former prisoners, pointing to a forceful inevitability of the state and its capacity for legitimate (violent) repression. As authorities keep former prisoners “en la mira” (in view), the carceral grip is extended, giving way to what I have termed a “transcarceral grip” that holds former prisoners tightly as they seek to rebuild their lives on the outside (see chapter 8). While former prisoner’s self-censoring practices point to the confined character that freedom can take on, the “delinquent freedoms” that they (simultaneously) begin to take against the continued impingement of “law enforcement” on their lives reveals an entanglement—a parallel engagement—that relates back to prison, pointing both to the expansion of the carceral state in Nicaragua and to the limits of its “reeducational” premise, and also unveils the deeper reach of *el Sistema*.

### Co-governance and *el Sistema*

The configurations of power and practices of (co-)governance inside Nicaragua’s prison system provide a valuable entry point to understanding the hybrid nature of the country’s state power at large. Inside prison, beyond the artificial boundary between the legal and the illegal, both prisoners and authorities engage in extralegal governance practices. There, the interactions between (former) prisoners and authorities define the parameters of a moving power field, which both “sides” seek to control and legitimize, but also contest and undermine. These governance interactions permeate not only the prison system, but also Nicaragua’s larger system of political and state power, which, as noted previously, is commonly referred to by prisoners as “el Sistema.” The *Sistema* is held to represent an extralegal system of state power melded with political and criminal power, where mutual entanglements of (para)state and (para)criminal governance manifest in different configurations of state and non-state power on the ground (akin to the “criminal governance networks” described in Arias 2006, and the “hybrid state” described in Jaffe 2013). This *Sistema* encompasses not only concretely the *sistema penal* (prison system) and *sistema judicial* (judiciary), but also more abstractly the relational system of state and non-state political actors that are able to (legitimately) exert their power over and through the state apparatus, including its executive, legislative, and governing institutions. In this way, the powers that conflate under *el Sistema* are political and legal, as well as criminal and extralegal.

Much of the state’s moral authority is of course derived from its ability to provide security for its citizenry, particularly by neutralizing “threats” (including subversion and criminality) posed by non-state others. As Charles Tilly has pointed out, however, even though the state has forged a monopoly over the legitimate use of force, this monopoly is hardly ever forged through merely legal means and by no means uncontested (1985: 171). In this way, the fact that prison authorities in Nicaragua (both DGSPN and National Police) collude with powerful non-state actors (that is, prisoner leaders and their internal hierarchies) should not be considered entirely surprising, at least not theoreti-
cally. Still, knowledge of these arrangements constitutes a threat to the perceived moral leadership of state actors over non-state actors on the ground, as the state projects itself as a moral authority. In order to forge and maintain their moral authority, state institutions and authorities thus engage in a thorough attempt to hide their extralegal face through both the enforcement of a climate of public secrecy and by making particular claims to their own morality over the supposed immorality of their co-governors.

In Nicaragua institutional moral claims are largely organized under the banner of the “revolutionary state-building project” and can be discerned in the government’s and crime-fighting institution’s joint discursive and mediatized emphasis on communitarian “others,” that is, “delinquents.” It is important to note here that the coalescence between Nicaragua’s state institutions and its government reaches well beyond a joint media discourse to an extensive politicization of the institutional panorama, which has produced and consolidated what I term the Sandinista state. The Sandinista state, even though it harbors el Sistema, is envisioned to represent and guard a revolutionary, communitarian morality of inclusion and solidarity. Even though the Sandinista state has in effect been able to sustain both its political power and its hold over the state apparatus through its hybrid governance structures, including el Sistema, it still poses as a democratic state and is in this way at least in part dependent on its ability to legitimize its (near-absolute) power. It does so particularly by asserting a (discursive) moral pre-occupation for the poor and disadvantaged, all the while targeting a particular segment of this group for exclusion through their portrayal as morally deviant, anti-communitarian, carceral subjects. I use the term “carceral subjects” here to emphasize that these are projected and targeted to be intervened upon by the state’s penalizing capacities. It is important to underline that Nicaragua’s penal state is by and large directed at supporting the Sandinista state.

Exacerbating common delinquent stigmas surrounding marginalized youth in the public arena, in an allegiance with popular media, the Sandinista state has sought to expand its moral authority over the barrios through the projection of its police as “moral entrepreneurs” (Cohen 1972, Weegels 2018). With the increasing organization of the police along communitarian lines, combined with their numerical and material expansion, particular gendered and classed subjects are targeted for removal from the nation’s moral community to its prisons. Not only does this process clearly project a particular category of impoverished “noncitizens” as decidedly immoral, it also reflects a “spectacular” politics of exclusion, as it builds on the visual display of particular social groups by other, more powerful, social groups and actors “attempting to stamp society with their own agenda” (Goldstein 2004: 18). In Central America, such processes of exclusion have become engrained in discourses surrounding citizen security, which project particular “immoral” others as non-citizens – the highest cost of which is their reduction to expressions of “bare life” (Agamben 1998) that can be acted upon indiscriminately (see Rodgers 2009; for an exploration of Brazilian policing in this vein see Denyer Willis 2015). This logic points exactly to what is at stake for the state with the maintenance of public secrecy; that is, the legitimacy of the Sandinista state.

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299 Public secrets are secrets shared and known but rendered “unspeakable” (Taussig 1999).
300 The penal state is “made up of those governing institutions that direct and control the penal field,” that is, “those aspects of the state that determine penal law and direct the deployment of the power to punish” (Garland 2013: 475, 495).
Extralegality and state power

As the Sandinista state depends on the one hand on its non-state networks and extralegal governance practices, but on the other on the projection of being fully legally constituted, there is an inherent need for the state to 1) legitimize the involvement of non-state (politically aligned) actors in local governance, while also 2) involving yet covering its direct involvement of state actors and non-state (criminal) actors in extralegal governance practices. While Taussig’s conceptualization of public secrecy helps us understand how this double logic can coexist on the ground and existing prison scholarship on self-governance helps us understand its normative dimensions, there is a gap in the theorization of the extralegal dynamics of the state in the prison studies debate. In this way, the Nicaraguan case points to the need for a broader and more theoretical assessment of the extralegal movement of states in the debates around “carceral states” (Wacquant 2001, 2009a) and “penal states” (Garland 2013).

Conceiving the penal state as “made up of those governing institutions that direct and control the penal field,” that is, “those aspects of the state that determine penal law and direct the deployment of the power to punish,” Garland pushes for a more narrow definition of the carceral apparatus than Wacquant and his followers (2013: 475, 495). While this conceptualization is indeed useful to think through the exact locality of the state’s carceral qualities and apparatus (ibid.: 495-6), his U.S.-centered conceptualization fails to acknowledge the extralegal components of state penality and their locations. It is these components that can make a state and its penal field hybrid. I believe that Charles Tilly’s work can help here to push through the (inherent) hybridity and possible conflation of state and criminal actors on the penal field. Tilly (1985) pointed out that state hybridity is not a “third world” problem. Extralegal constructions of safety, authority, and profit have historically existed in Europe, too, and are arguably entwined with state making processes. Specifically, Tilly’s approach allows us to complicate the state and its power by not taking it for unison, unidirectional, legalist, or (pre)established as he notes the metaphorical and real similarity between state-making, war-making, and organized crime (ibid.). Taking Tilly to Nicaragua in his essay on “the state as a gang,” Rodgers (2006b) theorizes the heuristic relation between the changing governmentality of gangs, policing, and the Nicaraguan state at large. Critiquing a Weberian conceptualization of the state, he notes that “imperfectly effective state authority can viably and normatively coexist territorially with more localized non-state forms of social regulation,” which “allows us to think about the relationship between violence, order, and the state in a less epistemologically constrained manner, along a continuum where the boundaries between state and non-state forms of authority can become blurred” (ibid.: 317-8).

Following this premise and taking it to the prison context, a focus on the (evolving) hybridity of the state can allow us to complicate the types of “total” (unidirectional) power and institutional organization described by Goffman in Asylums (1961) and Foucault in Discipline in Punish (1975). Specifically, the Nicaraguan Sistema points to a simultaneous inversion and expansion of the totalizing effects that Goffman and Foucault held the prison system (and through it the state) to have. I say “totalizing effects” because in spite of the relentless impingement of the state upon its subjects, it still relies on a legitimation and sharing of its “total control” to effectuate its disciplinary power. In Nicaragua, however, these totalizing effects appear to be inversed. Here, state authorities appear not as concerned with a total control over every aspect of prison (as
is apparent through their involvement of co-governors), but rather for prison to serve as a mirror for the totalizing effects of the Sandinista state over society at large. While Foucault (1975) points to this societal function of the prison, followed by Wacquant who extrapolates and conceptualizes from this point of departure the “carceral state” and “carceral continuum” (popularly known as the “ghetto to prison pipeline”), the modality of control and disciplinary power that they suggest hinges on a transposition of the carceral onto the urban. This transposition, however, is not total, but partial, affective and performative. In other words, it is able to “viably and normatively coexist territorially with more localized non-state forms of social regulation” (Rodgers 2006b: 317) as it involves particular moral discourses and particular “carceral subjects” in a continued mesh of legal and extralegal (state) governance practices. In this way, we can dislocate Wacquant’s continuum from specific geographical localities (in particular impoverished urban peripheries) and instead extend (or narrow) it to those people who continue to be acted upon by the state. While there is definitely an overlap here (particular groups of geographically located people tend to be subjected to the state’s carceral apparatus more than others), not everybody in impoverished urban areas is affected by the carceral state’s surveillance or disciplinary power in the same way. Instead, particular “carceral subjects” are kept in view and acted upon – and not only by state authorities. While delinquent stigmas then much serve to frame any citizen that fits the stereotype as a carceral subject, I suggest that it is el Sistema’s transcarceral grip that is decisive in determining who exactly is acted upon and who is not.

By drawing attention to prison’s transcarceral grip we might also understand how former prisoners remain affected by their imprisonment through the “tightness” (Crewe 2010) of the hold of communitarian and state surveillance over their post-release lives. This can in turn be brought into conversation with current work in urban sociology and anthropology, such as Alice Goffman’s (2014) emphasis on the relational nature of surveillance practices in her work on the “fugitive life” of people held tightly by the state’s carceral apparatus, which forces many formerly imprisoned Black men into hiding. Even if particular policing policies and particular (gendered, racialized, and classed) stigmas are projected onto entire groups (who are mostly geographically distinguishable and impoverished), it is the (doubly) stigmatized carceral subjects within these groups who are held most tightly by the state’s transcarceral grip (those “en la mira,” in the authorities’ view) who bear the brunt of this disciplinary state effect. Much in the way that the ongoing surveillance of carceral subjects produces “fugitive life” in the United States then, it produces particular modalities of self-censorship and “delinquent freedom” in Nicaragua, too (Rosas 2012).

Performing the (un)rule of law

By seeking to understand how life inside prison is organized, and how (former) prisoners experience prison life and the effects of this life, I encountered both a social reality

301 Wacquant notes that “a brutal swing from the social to the penal management of poverty” combined with a “punitive revamping” of public policy concerning urban marginality, established a “single carceral continuum” between the ghetto and the prison (Wacquant 2000: 384).

302 Building on Allspach (2010) and Moran’s (2014) understanding of the re-articulation of confinement in “transcarceral spaces” – through the extension of the prison space beyond its geographical location at the prison compound by way of remaining prison identifiers and stigma – I proposed a melding of the notion of the “transcarceral space” with Crewe’s (2010) conceptualization of the “carceral grip” (see chapter 8).
that clashed (quite frontally) with public discourse and a series of extralegal governance practices (partially embedded in co-governance relations), organized under the logics of and veiled by a culture of public secrecy, specifically surrounding the hybrid nature of power inside prison. “Only if the veil covering this ambiguous zone is lifted,” Agamben notes (2005: 2), “will we be able to approach an understanding of the stakes involved in the difference – or the supposed difference – between the political and the juridical, and between law and the living being.” Unintentionally finding myself engaging with a state capable of enforcing an “state of exception,” that is, a “no-man’s-land between public law and political fact, and between the juridical order and life” (ibid.), I found myself both part of and witness to an “anomic space in which what is at stake is a force of law without law,” or in the least a force of law sustained with one foot inside and one outside the law (ibid.: 39).

As mentioned above, beyond Nicaragua’s official penal state a conglomerate Sistema of legal and extralegal powers operates largely on the margins of the law, dependent on a network of affective ties to the Sandinista state. While inside prison co-governance arrangements provide significant space for prisoner movement, they are also the relational spheres for the articulation of this Sistema’s hybrid power. According to Sykes (1958) this “sharing” of power on part of the authorities pointed to the “defects of total power,” yet I would underline that the authorities’ capacity to act outside, above, and beyond the law (in part by balancing or sharing their power with non-state armed actors, keeping Tilly and Rodgers in mind), in fact fosters a level of control that does not disrupt the totalizing effects of the “force of law,” but instead subjects prisoners to the carefully (and at times brutally) articulated sovereign power of the Sandinista state in coalescence with localized practices and understandings of (political) power, sovereignty, and justice. This means that we should consider the state of exception not just as a condition imposed from above, but also as a “political fact” articulated from below. This brings us, then, to the contingent and performative nature of prison – particularly to the acts that (de)legitimize both prisoner and state power and authority.

As a carceral institution but also a state of exception, prison needs to be performed by both prisoners and authorities. On the legal end, the custodial regime requires a performance of obedience from the prisoners, and the prisoners require a performance of the basic guarantees of the law from the authorities. On this premise, prisoners and authorities establish a basic organization of daily life inside of prison that provides basic tenets of security. It is in this light that reeducation is performed both by prisoners and authorities as the legal purpose of their imprisonment. On the other hand, however, the custodial regime seeks a control over prison life that exceeds the premise of the law and the limits of the legal. Similarly, prisoners seek a control over prison life that exceeds the limits of their confinement. It is in this sphere that both sides perform acts of (de)legitimation toward one another in order to establish quién manda (who is in charge). It is also here that the entanglement between the legal and the extralegal thickens, where the prisoner can perform his resistance to the Sistema, but where he is simultaneously unable to escape prison as this is also the arena where the full weight of the Sistema can

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303 The current situation builds on an established local trend of the precipitation of states of exception as “the strategic principle of power upon which modern state governmentality is based in Nicaragua” (Rodgers 2006b: 325) Interestingly, however, while this principle appeared to have been adopted “to promote an exclusive social order that implicitly constitutes a rejection the Sandinista revolutionary project” (ibid.), as it has become adopted by the Sandinista state it now appears to be a strategic principle of power adopted to promote an exclusive social order, period. Clearly, this points to the conflation of the modern Sandinista state with the traditional Nicaraguan oligarchy – reflected also in the adoption of a social conservative policy agenda (see chapter 2 and Weegels 2017b).
come to be exerted when and if necessary – pointing to an inherent paradox for resistance under a state of exception, as resistance itself is incorporated into the argument for the prolongation (or expansion) of exception.

The above points to the intimate articulations of hybrid power and (extralegal) agency, to a (delinquent) entanglement that exceeds the prison environment but also feeds back into it. The extralegal articulations of the Sandinista state (reflected in the Sistema), apparent in the prison environment and its governance arrangements, then point to the expansive qualities of this hybrid penal state – qualities that should not be underestimated as they manage to resonate with local conceptions of the legitimate exercise of power, authority, and sovereignty. While the Sandinista state continues to project a progressive rhetoric surrounding imprisonment and crime-fighting (that is, the discourse of penal reeducation and communitarian policing), the doubling of the police and prison population, and the way life both inside and beyond prison is governed, in fact points to the development of a carceral state that exceeds the legal and the political. Imposing, then, an exceptionalism directed at particular (gendered, racialized, and classed) social groups, this largely uncontested (para)state power provides leeway for an increasingly authoritarian state. These expansive and extralegal qualities of the Sandinista state and its Sistema project a worrying panorama for the future of not only imprisonment in Nicaragua, but also for political and social expressions that seek to break through the public secrecy that veils its most nefarious workings, or to challenge the established system of governing powers, as their very existence constitutes a threat to the Sandinista state and will likely lead to a violent response.
Epilogue

On 19 April 2018 the state dropped its mask in Nicaragua. All of the secrets so carefully hidden, and which this thesis has aimed to uncover in the carceral context, have suddenly come to the fore in dramatic fashion. Two months into what is now being qualified as a “popular uprising” against the Sandinista state, there are over 200 dead, over 1,500 injured, and many have been extralegally detained, beaten, and disappeared. It appears that the country is at a breaking point.

I purposefully say “breaking point” rather than tipping point as this popular uprising, while it appears to be working according to some of the logics I described in relation to prison riots – the use of “creative” violence, the (temporary) rupture of a co-governance arrangement, and the push to alter the balance of power between governed and governing – also appears to point to a much deeper rupture between governing powers. Nicaraguan prison riots, no matter how violent, have never left any dead. Instead, they appear to build on the knowledge of one another’s capacities for inflicting harm in order to negotiate, even when the authorities have a clear upper hand. This is not the case of the current uprising. In the face of what started with the shooting of two students during a peaceful protest, the state appears to have negated any possibility to rearticulate a co-governance arrangement as day after day, after day, their continuing lethal repression breaks the basic tenets of co-existence inherent in co-governance arrangements.

For the first time in public, then, the Sandinista state seems to seek to exert an absolute power over its people, effectively reducing to Agamben “bare life” anyone who dares to challenge it. This however breaks with localized (hybrid) conceptions of sovereignty, authority, and power. Spilling into the streets and erecting road blocks and barricades in an unforeseen uprising, people everywhere are seeking to exert their sovereignty, their right to life, in the face of the state of exception. In the face of this unprecedented bottom-up challenge, and its clear loss of legitimacy, the Sandinista state nevertheless continues to deploy its top-down power, and there is no clear sense of when this conflict will stop – an uncertainty that is terrifying, both personally and for Nicaragua.

It is 22 June 2018 at the time of writing. The official report of the Comisión Interamericana de Derechos Humanos (CIDH, Interamerican Human Right Commission) confirms this (CIDH 2018).
Digital Sources

Newspaper Articles (by date)

“Pasada de cuenta en la Modelo,” La Prensa, 14 June 2003
“Adios a los grados militares,” La Prensa, 24 March 2004
“Reos de La Modelo cobraban venganza por ‘El Chayul’,” La Prensa, 25 January 2006
“Narcos libres con orden falsa,” La Prensa, 22 January 2010
“Funcionarios de penal y abogados detenidos,” La Prensa, 23 January 2010
“Acusados por liberar a narcos,” La Prensa, 24 January 2010
“De los CDS a los CPC,” La Prensa, 16 June 2010
“Aparece con un tiro en la cabeza,” El Nuevo Diario, 11 December 2012
“Esclarecen homicidio de ‘Freddy El Sucio’,” El Nuevo Diario, 12 December 2012
“Capturan a autores del disparo al ‘Burrayo’,” El Nuevo Diario, 1 February 2013
“Un reo muere cada mes en las cárcel de Nicaragua, según procurador de DDHH,” El Nuevo Diario, 26 February 2015
“Reos de La Modelo reclaman trato humanitario,” Periódico Hoy, 25 March 2014
“Siguen apaleándolos,” Hoy, 10 April 2014
“Denuncian caótica situación de cárcel en Nicaragua,” AFP, 2 March 2015
“Desnudan y golpean a reos en la Modelo,” Hoy, 21 December 2015
“Nuevamente reos protestan en la Modelo,” Hoy, 17 March 2016
“Gobierno de Nicaragua mantiene silencio sobre situación en las cárcel,” La Prensa, 16 September 2016
“Centros de votación “vacíos” en León,” La Prensa, 6 November 2016
“Nicaragua president re-elected in landslide amid claims of rigged vote,” The Guardian, 7 November 2016
“Sistema Penitenciario Nacional de Nicaragua cambió solo fachada,” La Prensa, 30 December 2017
“Ciudadano mató a ladrón, pero la ley no lo justifica,” La Prensa, 23 July 2017
“Violencia electoral en Nicaragua deja siete muertos,” La Prensa, 9 November 2017
“Otra denuncia más por abuso policial y violación de los derechos de reos nicaragüenses,” La Prensa, 4 January 2018
“Abusos a reos nacionales y extranjeros se agudizaron en 2017,” La Prensa, 4 January 2018
“Informe de Subcomité Contra la Tortura de Naciones Unidas sobre cárcel, sigue en misterio,” La Prensa, 6 January 2018
“La historia real tras la amputación de Juan Lanzas,” La Prensa, 18 February 2018
“Reo se ahorca con calzoncillo en Matiguas asegura la Policía Nacional,” La Prensa, 9 April 2018
YouTube Videos (by author)


Crónica TN8, “Plan Policía en la Cárcel Juigalpa,” uploaded on 15 January 2014 (see: https://www.youtube.com/watch?v=dceUZ8Q4z9s, last visited 12 April 2018).


References


Cerbini, Francesca. 2017. From the panopticon to the anti-panopticon: The ‘art of government’ in the prison of San Pedro (La Paz, Bolivia). *Prison Service Journal*, No. 229, pp. 31-34.


References

Chicago: University of Chicago Press.
References


Martin, Tomas Max, Andrew M. Jefferson, and Mahuya Bandyopadhyay. 2014. Sensing prison


References


References


References


Appendix: Notes on Research Chronology
Field research periods in Nicaragua:

<table>
<thead>
<tr>
<th>Period</th>
<th>Research location and access:</th>
</tr>
</thead>
<tbody>
<tr>
<td>May-August 2009</td>
<td>SPR (masters research)</td>
</tr>
<tr>
<td>January-April 2010</td>
<td>SPR</td>
</tr>
<tr>
<td>November 2010-January 2011, short visit in March 2011</td>
<td>SPR</td>
</tr>
<tr>
<td>April-November 2013</td>
<td>SPR (start of doctoral research), MIGOB authorization as a cultural workshop provider.</td>
</tr>
<tr>
<td>November 2014-June 2015</td>
<td>Unable to access SPR, no MIGOB authorization; Meetings and workshops with former SPR prisoners and 'at-risk' youth; Interviews with former La Modelo prisoners; CPJ and community center starting April 2015.</td>
</tr>
<tr>
<td>September 2015-January 2016</td>
<td>CPJ and community center; Prison theatre tour; Former prisoner radio show, including former SPR and CPJ prisoners.</td>
</tr>
</tbody>
</table>

While I worked at the SPR, I enjoyed unofficial verbal permission to document what was said and done during the theater classes *in my capacity as a workshop provider*, but was never allowed to bring along any recording devices (cameras, phones, recorders) unless previously agreed upon, and in the presence of an officer (who would go through the photographs taken and often select a few for the annual reeducational report). After my initial research period at the SPR for my master's degree in 2009, I returned for two extended visits in 2010 and 2011, and we consolidated the theater-in-prison program. In April 2013, I took to the SPR for the first 8-month field period of my doctoral research. This was also the first time that I was required to request an access authorization with the *Ministerio de Gobernación* (MIGOB, Ministry of Government) in my capacity as a *foreign* workshop provider, which I was able to obtain. At the same time, the established familiarity between both myself and the theater group members, and myself and the reeducational direction, meant that I increasingly spent time with the prison theater group alone. Still, I had no official authorization as a researcher.

At the start of a planned second 8-month period in October 2014 this scenario changed. Despite various visits, letters, and calls to the MIGOB and SPR's administrative offices over the course of four months, I was not granted a new prison authorization as a workshop provider. Both the theater-in-prison program and my research on location came to a sudden halt. Struggling to continue my research, I decided to search for released participants of the SPR’s prison theater group. I figured that they might...

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305 As the authorities viewed those materials I never made any photographs for research purposes. When handling a camera at the SPR (occasions during which, as mentioned, an officer would always be present) I was not allowed to take “general” photographs of other spaces or activities than the reeducational (theater) activity at hand. In 2009 I was allowed to bring along a photo camera on two occasions, at both an officer was present, but the material was not reviewed.

306 This followed the implementation Law for the Execution, benefits and Jurisdictional Control of the Penal Sanction (No. 745, 2011, *Ley de Ejecución, beneficios y control jurisdiccional de la sanción penal*), which tightened the reigns between the DGSPN, the MIGOB and the judiciary. It took away significant discretionary power from individual prison administrations regarding, among other things, access to the facilities.

307 Officers were already rarely present at the theater practices when these were realized with Mick.

308 Neither was I ever formally denied an authorization.
have much to say about their experiences of prison in retrospect. These stories could then both supplement what I had gotten to know and shed light on those aspects of prison life that we had not been able to discuss inside prison.

With some difficulty, as most of my participants did not have social media profiles at that time (and there are no official post-release institutions in Nicaragua), I was able to locate three former participants of the theater group. Over the course of the next two years I would meet with them on multiple occasions and conduct a media study. Despite my ease with them, ‘snowballing’ into meeting former prisoners whom I had not previously met on the inside proved much more difficult than I imagined. As a result, I reached out to organizations working with (former) prisoners, which must be said are few and far between, and largely concentrated in the capital city. Through an evangelical foundation (which I call New Ways) and the Center for Violence Prevention (CEPREV) I was able to meet and interview seven former prisoners of La Modelo and the Centro Penal Adolescente (CPA, the Adolescent Penal Center located at La Modelo). Then, in March 2015, the prison theater program was granted funding for a (former) prisoner-stigmatization-awareness meets prisoner-cultural-rights project together with that evangelical foundation, New Ways. Surely this would reopen the doors to the SPR for me, I thought. But the SPR’s new warden could not provide access on his own mandate and sent us back to the MIGOB to request a meeting with the direction of the DGSPN. As the meeting never took place, we took the project two ways: to the judiciary and to the police, which would lead us to the CPJ.

Regarding the judiciary, we sought out the Oficina de Vigilancia y Ejecución de Sanciones Penales Adolescentes (OVESPA, Office for the Vigilance and Execution of Adolescent Penal Sanctions) in the city where the SPR was located. With the OVESPA and New Ways we organized three gatherings bringing together former prisoners, sanctioned and formerly imprisoned adolescents (still “signing,” that is, required to periodically appear at the judiciary), and “at-risk youth” from the city’s hilltop barrios.

Mick took the proposal to our city’s police jail, where they referred us to the captain of the local police’s Dirección de Asuntos Juveniles (DAJUV, Direction for Juvenile Affairs). This collaboration with us through this project, he figured, would shed positive light on the program at large and help the community center out financially. Once the general commissioner approved the project, pending an aval politico (political attest) from the local FSLN secretariat regarding our government sympathies, we were ready to go. Clearly, it was in this period that my multiple roles blended and merged most,

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289 I will go into this more at length in chapter 8, as it relates to former prisoner practices of self-censorship as well as safety (on both ends).

290 I met the founder of New Ways, who I call Don Francisco, in the waiting area of the MIGOB in Managua, when he was there to request a renewal of his foundation’s authorization. We had a good conversation, and he invited us to his foundation’s anniversary. Afterwards, we made plans for a barrio theater program in one of Managua’s more infamous marginal neighborhoods, which we brought into realization shortly after (November-December 2014). Making initial contact through the local preventiva (police office), we taught two-hour theater classes twice a week for six weeks on the barrio’s public square. Soon thereafter New Ways set up an (evangelical) “school of values” for the youth in the area, which met at one of the youth’s homes.

311 This ‘signing’ (firmar) is a form of parole or conditional freedom in the case of prisoners granted an early release. An early release can, however, also be granted without needing to ‘sign’ for a period afterwards, that is, when the judge shortens the sentence. When a judge commits an offender to alternative sanctions (not the deprivation of freedom), periodic ‘signing’ can be part of such sentences. All but one of the adolescents present at the three gatherings with OVESPA were serving such alternative sanctions. The one that was not, Wilfredo, had spent four years out of a six year sentence at the SPR and was required to ‘sign’ once a month for the two remaining years.

312 The latter were involved through a former member of Mick’s 2003 gang theater initiative. After participating in this initiative, Nilson went on to found his own organization, the Juvenile Movement for Sane Recreation (MJRS). Now in his early forties, he still hosted an annual barrio football competition, taught football at the SPR, and hosted a weekly radio show under the MJRS banner. For most of these activities he actively collaborated with the local police Direction for Juvenile Affairs (DAJUV).
causing significant ethical dilemmas, which I will turn to shortly.

At the community center, thirty to thirty-five convicted prisoners of the CPJ spent their weekdays – a privilege granted to them for good behavior. Most of the prisoners were young men and male adolescents (between 16 and 30 years old), though a small group of middle-aged women and men (between 35 and 45 years old) attended the center, too. All were serving shorter sentences, ranging from two to five years. At the center, which was unfenced, these prisoners were roughly divided into “workers” and “students” (though switching between the two was possible). Between 8AM and 4PM, when they arrived and departed, the workers would work on the community vegetable plot, in the kitchen, maintenance, or making handicrafts. The students would follow different technical and educational courses (such as cellphone repair, English, and cooking classes). Generally, cultural and religious courses were made available to both (like the theater project). Family members were allowed to visit the open premises during lunch hours (between midday and 2PM), when they could bring participants lunch. Soon, the theater course that we set up became a fixture at the center. The initial composition of the group occurred when we visited the center to present the cultural rights project and our theater initiative, and thirteen prisoners volunteered to participate. They stayed with us throughout the intensive theater training phase, which included near-daily three-hour to full day workshops and led to the creation of a prison theater play that was toured throughout the country.

Contrary to the SPR, the laidback environment of the community center provided ample opportunity to get to know the prisoners beyond the theater training classes. It was an ideal research setting. With the DAJUV police officers generally sitting in their offices or out front of the center, I was free to move about the center with the prisoners, spending nearly every weekday practicing theater but also chatting, hanging out, playing music, recording raps, accompanying the prisoners on errands, making fried beans and tortillas for lunch – all in all conviviendo (living along) with my collaborators. To support the workshops and record the theater-making process, we were moreover allowed to bring a video camera, laptop computer, and other digital equipment. With the prison theater play soon taking on concrete form, we collaborated with multiple FSLN-aligned organizations to host a departmental tour, promoting the stigmatization awareness project together with the police, the Sandinista Cultural Movement “Leonel Rugama” (MCLR), and the Sandinista Youth (JS-19J). The tour took the prison theater play to local public high schools, universities, town and neighborhood squares, and the “Rubén Darío” National Theater in Managua. As at the SPR, the theater-making process (and in this case also the tour) presented a unique opportu-

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313 To make sure prisoners do not escape from the unfenced premises, one of the prisoner’s family members has to sign as a garantía (guarantee). In case the prisoner escapes, the garantía is imprisoned in their place. Most usually it is the prisoners’ mothers who take up this role (and of course, most prisoners do not want their mothers to go to jail, so they stay put).

314 The center was located in a peripheral barrio popular located some 15 kilometers away from the CPJ. It was of municipal property and painted in bright new Sandinista colors. It was not only home to the local DAJUV, but also hosted a medical post, a child daycare room, and the local Sandinista consejial (counsellor). In front of it was a small public barrio cancha (sports court), to the side some benches and a playground, and to the back the community vegetable plot. Small houses surrounded it, some of them pulperías (grocery stores), one sold refrescos (juices), another tortillas, and another cooked beans. With the exception of the larger streets, the area and alleyways around the center were mostly unpaved.

315 I was present during the set-up of the program (April-May 2015) and for an additional five-month research period (September 2015 through January 2016), when the play toured. A core group of research collaborators evolved over this time, some of whom were released during that period, and many of which I continue to be in touch with. After I left, Mick continued with the program at the community center for roughly another year. He also prepared a small number of released prisoner-actors for a tour of the play to the Netherlands in March 2017, when the group spent two weeks at my house and presented the play at two theaters.

316 In fact, we footed the community center’s internet bills as the police, other organizations at the center, and the prisoners (who were allowed to keep a phone at the center) made extensive use of it.
nity to witness the appropriation and internalization of police and penal reeducational discourses performed through a repertoire of prisoner “change.” It also provided an opportunity to engage in extensive conversations with my research collaborators about the nature of imprisonment in Nicaragua, governance arrangements, drug trafficking, and their perceptions of the state.

Finally, during the last few months of my research I set up and co-hosted a radio show with former gang member Nilson about the experience of prison and stigmatization. It included two former prisoners of the SPR (Beto and Wilfredo) and two prisoner-actors who had been recently released from the CPJ (Wiz and Joey). Hosted on a local “urban juvenile” radio station in the SPR’s city, the radio show consisted of eight live Sunday evening transmissions of one hour each. It centered around themes that the former prisoners would bring to the table about their experiences. More than the shows themselves, the long rides out to the city (and back) and the meals after the shows provided ample opportunity to discuss post-release life and past prison experiences with these former prisoners, including those that had been difficult to discuss when they were still in custody. Bringing former prisoners from the SPR and CPJ together also provided opportunity to discuss the differences and similarities between the prison regimes that they had experienced. In all, “following” a number of my research collaborators across space and over time (in some cases over seven years), the two prison theater processes, the events that I co-organized, the interviews that I conducted with (non-theater involved) former prisoners of La Modelo, the SPR and the CPJ, and my own experiences with el Sistema (including numerous informal conversations with authorities) allow me to embed this research and its analysis in the wider moral concerns and socio-political realities of Nicaragua.

From January 2016 onwards I remained in touch with a number of prisoners and former prisoners via Facebook and Whatsapp. Three former CPJ prisoners traveled to the Netherlands in March-April 2017, and I conducted a series of interviews with former SPR prisoner Javi between his release in February 2016 and July 2017, as well as with (former) CPJ prisoner Araña between his release in April 2016 and his reimprisonment in September 2017. Due to the increasing prevalence of social media use inside prison and outside of in I remain in touch with many of my research collaborators, most of whom are now free men, to date.

317 To which I turn in chapters 3 and 4.
318 As part of the prisoner stigmatization awareness project, New Ways organized a diplomado (certified course) at the UENIC (Nicaraguan Evangelical University) in Managua. The diplomado, which centered around the social prevention of crime and reinsertion of prisoners (and at which I also taught), was in its majority attended by government employees – including two police officers, five judiciary workers (from the OVESPA and Ministerio Público), and two social workers from the Ministry of Family.
Summary
Performing Prison: Power, Agency and Co-Governance in Nicaraguan Prisons

In debates on security and insecurity scholarly attention has stressed Nicaragua’s reputed “safety” in comparison to its Central American neighbors. The country’s supposed communitarian policing strategies, putative citizen security model, and revolutionary past have often been mentioned as an explanation for this positive distinction. Yet other elements of Nicaragua’s “securityscape” belie this idea that it constitutes a regional exception. In particular, the country’s prison population has exploded in recent years, increasing from a reported 6,103 in 2007 to 13,007 persons in 2016. Such an increase is not inconsequential, and—similarly to other well-researched cases such as the United States and Brazil—is generally indicative of a “punitive turn” and the expansion of a carceral state in Nicaragua.

This, however, has occurred in a particular way, through the consolidation of a “hybrid state” (in this case, a Sandinista state) in which politics, policing, and governance are arranged in what prisoners colloquially refer to as el Sistema (the System). This Sistema encompasses not only the criminal justice system, but also a range of concrete state and non-state (political) actors that are able to exert their power over and through the state apparatus. Nicaraguan governance institutions thus present themselves contradictorily with two faces: on the one hand with an official, public face that seems law-making and law-abiding, and on the other, with an extralegal face that operates literally outside the law through a system of influence that is intimately linked to the Sandinista party (FSLN), Nicaragua’s historic revolutionary party that returned to power in 2007. These arrangements are shrouded in public secrecy, however. In prison, such public secrecy is present as a politics of concealment and also serves as a strategy to obfuscate the violence and collusion involved in prison governance.

This thesis seeks to understand this secrecy and to embed the prison experience in wider political, social, and moral arenas within Nicaragua, thereby making the processes and dynamics that permeate prison life in Nicaragua meaningful for debates beyond the prison arena. It builds on debates surrounding (hybrid) governance in Latin America and the anthropology of the state, as well as multi-sited ethnography in the Nicaraguan carceral universe. My ethnographic engagement with those who the state seeks to govern and control—prisoners and former prisoners—was embedded in a theatre-in-prison project (which ran at two prison facilities over eight years) that my husband (a Nicaraguan theatre director and actor) facilitated. My participation in prison as an assistant facilitator allowed me to conduct research with convicted prisoners, following them through their everyday navigation of the Nicaraguan prison environment, and observing how the (dis)ordering practices that permeate prison life imply a collusion between authorities and prisoners to manage both prison’s legal and extralegal dimensions. These arrangements involved both prisoners and authorities in the ordering of prison (that is, a sharing of power), and as they seemed to depend on one another for their maintenance, I termed them co-governance.

Co-governance includes an array of mutual and extralegal governance relations,
practices, and arrangements that make control over prison at least in part dependent on prisoner self-governing regulations and vice versa. As has been pointed out in research on prisoner self-governance, prisoner regulations can come to complement or replace state regulations to such an extent that they effectively function as proxy agents of carceral order. In this way, prisoners themselves punish those who transgress the established rules while ensuring safety for particular fellows and for their (marketable) goods. We should be aware however, of a too simplistic rendition of self-governance, because this can obscure how prison authorities might be dependent on or involved in the maintenance of such governance arrangements. As a carceral institution, but also an Agambean “state of exception,” prison needs to be performed by both prisoners and authorities. On the legal end, the custodial regime requires a performance of obedience from the prisoners, and the prisoners require a performance of the basic guarantees of the law from the authorities. On this premise, prisoners and authorities establish a basic organization of daily life inside of prison. It is in this light that reeducation is performed both by prisoners and authorities as the legal purpose of their imprisonment. On the other hand, the custodial regime seeks a control over prison life that exceeds the premise of the law and the limits of the legal. Similarly, prisoners seek a control over prison life that exceeds the limits of their confinement. It is in this sphere that both sides perform acts of legitimation and confrontation toward one another in order to establish “quién manda” (who is in charge). It is also here that the entanglement between the legal and the extralegal thickens. The prisoners can perform their resistance to the Sistema but are simultaneously unable to escape prison and the Sistema. This points to an inherent paradox, as resistance itself is incorporated into the argument for the prolongation (or expansion) of exception.

In order to fully understand what is at stake in the emergence and maintenance of co-governance arrangements in Nicaragua, this research tries to understand the mutuality, collusion, and embeddedness of these arrangements within larger logics of state governance. By looking at the way in which they are socially and morally embedded, and the ways they are legitimized, we come to a better understanding of how and why particular (extralegal) governance arrangements emerge the way they do. It is important to underline that these arrangements do not only organize power relations, but also produce tensions. The authorities systematically resort to the extralegal deployment of force and use their discretionary power to arbitrarily allocate and remove privileges. Prisoners therefore need to be on the authorities’ “good side” in order to move through their prison time relatively unscathed. At the same time, prisoners deploy “creative violence” to bring attention to excesses of authority power – ranging from emptying a bucket of cold water over a guard to the instigation of a prison riot. Most tensions however revolve around the profits and management of illegal markets inside prisons. It is in relation to these markets that co-governance relations serve to broker and regulate what can be seen as a mutual understanding of “prison as usual.”

In this “moving environment” prisoners carve out spaces of agency to “do freedom”. In this process my research collaborators move through both legal and extralegal arenas. They challenged the authorities’ moral discourse of penal reeducation by appropriating prison’s educational spaces and performing their own understandings of “change” – mostly in an attempt to undo the double (delinquent and prisoner) stigma attached to them. Instead, they grasped their participation in reeducational activities as an opportunity for social valorization. Drawing on gendered notions of what it means to be a “good man” they claimed their moral value to society by demonstrating that “we
can be different.” At the same time, most prisoners engaged in smaller and/or larger illegal activities (ranging from speaking with their loved ones on smuggled cell phones to managing the influx or sale of drugs inside prison). Some of them used these activities to ascend along the prisoner hierarchy. An engagement in the former, legal arena does not preclude involvement in the latter, extralegal arena, or vice versa, however. In fact, it appears that a parallel engagement in both arenas is paramount for prisoners to both counteract prison’s mortifying effects and make it through to their release.

It is clear, however, that these spaces of agency are constrained. Processes of stigmatization also play a large role in maintaining the public secrecy that veils el Sistema, as it prevents society at large from acknowledging the moral claims that “delinquents” make about themselves and their living conditions in the prisons. The dominance of the Sistema, including the code of silence it imposes through public secrecy and the “carceral grip” with which it holds prisoners, continues even outside prison. As authorities keep former prisoners “en la mira” (in view), they create what I have termed a “transcarceral grip” that seeks to control former prisoners as they seek to rebuild their lives on the outside. In the face of this grip, many former prisoners seek to disappear from view and restrain their conduct, while some (ultimately) refuse the grip’s attempt to control them by embracing a life in crime. The fact that former prisoners are most often unable to undo this grip, however, points to a forceful inevitability of the state and its capacity for legitimate (violent) repression.

This multifarious transcarceral grip highlights how while the contemporary Sandinista state continues to project a progressive rhetoric surrounding imprisonment and crime-fighting (that is, the discourse of penal reeducation and communitarian policing), the doubling of the police force and the prison population, and the way life both inside and beyond prison is governed, points to the development of a “carceral state” that exceeds the legal and the political, and even the prison system per se. These expansive and extralegal qualities of the Sandinista state and its Sistema project a worrying panorama for the future of not only imprisonment in Nicaragua, but also for political and social expressions that seek to break through the public secrecy that veils its most nefarious workings, or to challenge the established system of governing powers, as their very existence constitutes a threat to the Sandinista state.
Samenvatting

De Gevangenis als Theater: Macht, Zelfbeschikking en Gedeeld Bestuur in Nicaraguanaanse Gevangenissen

In wetenschappelijke debatten over geweld en onveiligheid in Centraal Amerika wordt vaak veel aandacht geschonken aan de vermeende “veiligheid” van Nicaragua. De zogenoemde “community policing” strategieën, het model van burgerveiligheid en het revolutionaire verleden van het land, worden dan genoemd als verklaringen voor dit positieve onderscheid. Andere elementen van het Nicaraguanaanse veiligheidslandschap ontkrachten echter het idee dat Nicaragua een “regionale uitzondering” is. De gevangenissenpopulatie is de laatste jaren enorm toegenomen; van 6.103 opgegeven gevangenen in 2007 tot 13.007 in 2016. Een dergelijke toename is niet zonder gevolgen en laat net als in de bekendere gevallen van de Verenigde Staten en Brazilië, zien dat er in Nicaragua een “strafgerichte draai” aan het plaatsvinden is, die heeft geleid tot een “gevangeniss staat”.

Deze dissertatie laat zien dat deze ontwikkelingen gefaciliteerd worden door de consolidering van een “hybride staat” (in dit geval een Sandinistische staat) waarin politiek, politie en bestuur in nauwe samenhang bestaan en op die manier een systeem worden, door gevangenen vaak simpelweg el Sistema genoemd. Dit Sistema beheerst niet alleen het strafrechtsysteem, maar omvat ook politieke actoren, binnen en buiten de staat, die via het staatsapparaat hun macht kunnen doen gelden. In dit hybride systeem presenteren Nicaraguanaanse bestuurlijke instellingen zich met twee tegenstrijdige gezichten: aan de ene kant een publiek gezicht, dat zowel wetgevend als uitvoerend is, en aan de andere kant een buitenwettelijk (extralegaal) gezicht, dat buiten de wet opereert via een invloedsysteem dat nauw verbonden is aan de Sandinistische partij (FSLN), de historische revolutionaire partij die in 2007 opnieuw aan de macht kwam. Deze bestuurlijke arrangementen worden zorgvuldig geheim gehouden, maar zijn tegelijkertijd algemeen bekend. Dit wordt in de dissertatie “public secrecy” genoemd. In de gevangenis dient die geheimhouding als een strategie om het geweld en de geheime afspraken tussen autoriteiten en gevangenen te versluieren.

Op basis van etnografisch onderzoek in verschillende Nicaraguanaanse gevangenissen probeert deze dissertatie deze geheimhouding te doorgronden en de bestuurlijke structuur van de gevangenis te begrijpen in de wijdere sociale, politieke en morele context van Nicaragua. Het probeert hiermee een bijdrage te leveren aan de debatten rondom (hybride) bestuursvormen in Latiijns-Amerikaanse gevangenissen en aan de antropologie van de staat. Mijn etnografische engagement met diegenen die de staat probeert te besturen en controleren (gevangenen en ex-gevangenen) vond plaats in de context van een theaterproject in twee gevangenissen in een periode van acht jaar. Mijn participatie als workshop assistente betekende dat ik onderzoek kon doen met veroordeelde gevangenen en hun dagelijkse leven in de gevangenisomgeving kon volgen. Dit stelde me in staat te observeren hoe verschillende (ont)regelende praktijken het gevangenisleven doordrongen, alsmede hoe er een vorm van verstandhouding ontstond tussen autoriteiten en gevangenen die regelmatig de grenzen van de wet overschreed. Omdat dit delen van de macht tussen gevangenen en autoriteiten ook een wederzijdse afhankelijkheid impliceerde, heb ik het een systeem van “co-governance” ofwel gedeeld bestuur genoemd.

Co-governance verwijst naar een breed scala aan wederzijdse en extralegale bestuurspraktijken, bestuurlijke relaties en bestuurlijke arrangementen, die de controle
over de gevangenis ten minste deels afhankelijk maakt van de zelfbestuurspraktijken van de gevangenen. Andersom maakte het deze zelfbestuurspraktijken afhankelijk van deze extralegale bestuurlijke relaties met de autoriteiten. Zoals onderzoek naar zelfbestuur in gevangenissen heeft uitgewezen, kunnen de afspraken van gevangenen officiële regels aanvullen of zelfs vervangen, soms in die mate dat de gevangenen effectief als bestuurders van de gevangenisorde functioneren. In dit soort situaties bestraffen gevangenen zelf medegevangenen die de regels overtreden, terwijl ze ook veiligheid garanderen voor hun medegevangenen en hun bezittingen. Een te simplistiche opvatting van zelfbestuur kan echter de mate waarop autoriteiten afhankelijk zijn van of baat hebben bij het ontstaan van zo’n bestuursvorm verdoezelen. Als een gevangenisinstelling, maar ook als een “staat van uitzondering” (Agamben), moet de legale orde van gevangenis uiterlijk door zowel gevangenen als autoriteiten gerespecteerd worden. De autoriteiten eisen een performance van gehoorzaamheid van de gevangenen en de gevangenen verwachten basisgaranties voor het dagelijks leven in de gevangenis. Op basis hiervan stellen de gevangenen en autoriteiten een basale organisatie van het dagelijks leven in de gevangenis vast. Aan de ene kant wordt heropvoeding door zowel autoriteiten als gevangenen opgevoerd als het uiteindelijke doel van de gevangenisstraf, maar aan de andere kant proberen de gevangenen, net als de autoriteiten, het leven in de gevangenis naar hun hand te zetten vaak op manieren die de grenzen van de wet overschrijden. In deze context zijn gevangenen en autoriteiten in een strijd verwikkeld om te bepalen “quién manda” (wie er de macht heeft). Die macht van de gevangenen heeft echter duidelijke beperkingen. Gevangenen kunnen zich wel verzetten tegen het Sistema, maar tegelijkertijd kunnen zij noch aan de gevangenis noch aan het Sistema ontsnappen. De paradox is dat hun verzet zelf deel uit gaat maken van de argumentatie voor het verlengen (of uitbreiden) van de “staat van uitzondering.”

Om volledig te begrijpen wat er op het spel staat bij het bestaan van gedeelde bestuurlijke arrangementen in Nicaragua, probeert dit onderzoek de wederkerigheid, verstandhouding en inbedding van deze arrangementen te begrijpen als een reflectie van de bredere logica van staatsbestuur. Door de manier waarin deze arrangementen sociaal en moreel ingebed zijn te doorgronden, kunnen we beter begrijpen hoe en waarom bepaalde (extralegale) bestuursvormen ontstaan. Het is belangrijk om te onderstrepen dat deze arrangementen niet alleen machtsrelaties vorm geven, maar ook spanningen produceren. De autoriteiten nemen regelmatig hun toevlucht tot het gebruik van geweld en gebruiken hun discretionaire bevoegdheid om schijnbaar op arbitraire wijze privileges aan bepaalde gevangenen te geven dan wel weg te nemen. Gevangenen hebben daardoor belang bij een goede relatie met de autoriteiten om hun tijd in de gevangenis te kunnen doorstaan. Tegelijkertijd gebruiken gevangenen “creatief geweld” om de aandacht te vestigen op de buitensporigheid van het gebruik van autoritaire macht. Dat zich kan uiten in het legen van een emmer koud water over een bewaker tot het organiseren van een opstand. De meeste conflicten ontstaan echter over de organisatie en de winsten van illegale gevangenismarkten. Gedeelde bestuurlijke relaties werken bemiddelend en regulerend in de context van deze markten.

In deze “bewegende omgeving” begaven de deelnemers aan mijn onderzoek zich in zowel legale als extralegale arena’s. Ze gebruikten het morele discours van de autoriteiten van strafrechtelijke heropvoeding om binnen de educatieve ruimtes van de gevangenis hun eigen invulling van “verandering” te geven — meestal in een poging om het dubbele (delinquenten en gevangene) stigma dat aan hen kleeft, ongedaan te maken. Daarmee grepen ze de heropvoedingsactiviteiten aan als een kans voor persoonlijke re-
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habilitatie en maatschappelijke erkenning. Op basis van gender–specifieke ideeën over wat het betekent om een “goede man” te zijn, claimden ze hun morele waarde voor de samenleving door aan te tonen dat “we anders kunnen zijn.” Tegelijkertijd waren de meeste gevangenen betrokken bij kleinere en/of grotere illegale activiteiten (variërend van het spreken met hun geliefden op gesmokkelde mobiele telefoons tot het beheer van de toestroom of verkoop van drugs in de gevangenis). Sommigen van hen gebruikten deze activiteiten om op te klimen in de hiërarchie van de gevangenis. Deelname in de eerstgenoemde, legale arena sloot deelname aan deze extralegale arena (en andersom) niet uit. In feite leek het erop dat een parallelle betrokkenheid in beide arena’s van het grootste belang was voor gevangenen om zowel de vernederende effecten van de gevangenis te bestrijden als hun vrijlating veilig te stellen.

De ruimtes voor zelfbeschikking zijn echter beperkt. Stigmatiseringsprocessen spelen een grote rol bij het handhaven van de publieke geheimen die het Sistema versluit. Zij beletten de samenleving de morele claims te erkennen die “delinquenten” over zichzelf en hun leefomstandigheden in de gevangenissen maken. Daarmee strekt de dominante van het Sistema, inclusief de code van stilte die ze oplegt middels haar geheimhouding en “carceral grip” (gevangenis houdgrip), uit tot buiten de gevangenismuren. Terwijl de autoriteiten ex-gevangenen “en la mira” (in het oog) houden, creëren ze wat in deze dissertatie een “transcarceral grip” genoemd wordt. Ex-gevangenen die hun leven opnieuw proberen op te bouwen, kunnen op die manier niet aan het Systeem ontsnappen. Veel ex-gevangenen proberen uit beeld te verdwijnen en hun gedrag aan te passen, terwijl anderen (uiteindelijk) aan het Systeem proberen te ontkomen door zich (weer) in een leven van misdaad te storten. Dat de meeste ex-gevangenen zich maar moeilijk aan deze houdgrip weten te onttrekken, wijst op de dwingende onvermijdelijkheid van de staat en haar capaciteit tot wettelijke (maar gewelddadige) onderdrukking.

Deze dissertatie ondersteunt hoe het ontstaan van een “gevangenisstaat” past in de algemene ontwikkeling van de staat in Nicaragua. Terwijl de Sandinistische staat nog altijd een progressieve retoriek over gevangenschap en misdaadbestrijding presenteert (met nadruk op heropvoeding en community policing), laat zij zien dat diezelfde staat de grenzen van het legale systematisch overschrijdt. De gewelddadige en buitenwettelijke, illegale effecten van de Sandinistische staat en zijn Sistema projecteren een verontrustend panorama voor de toekomst. Dit geldt niet alleen voor de situatie in de Nicaraguaanse gevangenissen, maar ook voor de politieke en sociale uitingen die proberen de publieke geheimhouding te doorbreken of het gevestigde systeem van bestuurlijke macht te bekritiseren.
Resumen

Desempeñando la Cárcel: Poder, Agencia y Cogobierno en las CárcelJapanese

En debates acerca de violencia e inseguridad regional la atención académica ha puesto énfasis en la presunta “seguridad” de Nicaragua en comparación con sus vecinos centroamericanos. Sus estrategias policiales supuestamente comunitarias, modelo de seguridad ciudadana putativo y su pasado revolucionario frecuentemente son mencionados como factores que explican esta distinción positiva. Sin embargo hay otros elementos del paisaje de seguridad que desmienten la idea de que el país constituye una excepción regional. En particular, ha incrementado desmedidamente su población carcelaria, según se informa de 6,103 personas en 2007 a 13,007 personas en 2016. Tal incremento es significativo y del mismo modo que en otros casos bien estudiados (como los Estados Unidos y Brasil) generalmente indica un “giro punitivo” en la política pública tanto como el arraigamiento de un “estado carcelario” en Nicaragua.

Esto ha ocurrido de forma particular tras la consolidación de un “estado híbrido” (en este caso, un estado Sandinista) en el cual la política, el mantenimiento del orden público y la gobernanza están organizados en un sistema de poder híbrido que los privados de libertad coloquialmente llaman “el Sistema.” Este Sistema abarca no solamente el sistema de justicia criminal (policía, justicia y penal), sino también a una variedad de actores estatales y no-estatales (o políticos) que pueden ejercer su poder sobre y a través del aparato estatal. Las instituciones de gobernanza nicaragüenses entonces se presentan contradictoriamente con dos caras: por un lado con una cara oficial y pública que aparenta ser legisladora y cumplir con la ley, pero por otro lado con una cara extralegal que opera literalmente fuera de la ley a través de un sistema de influencia que está íntimamente ligado al partido Sandinista (FSLN), el histórico partido revolucionario que volvió al poder en el 2007. Sin embargo estos arreglos están envueltos en secretismo público. Dentro de las cárcel, el secretismo público se presenta como una política de encubrimiento. Además sirve como una estrategia para ofuscar la violencia y la colusión implicadas en la gobernanza carcelaria.

Esta tesis trata de comprender este secretismo y de integrar la experiencia carcelaria en esferas políticas, sociales y morales más amplias de la sociedad nicaragüense, es por esto que el estudio trata de dar importancia a los procesos y las dinámicas que caracterizan a la vida carcelaria para debates más allá de la esfera penal. Está fundamentado en debates acerca de la gobernanza (híbrida) en Latinoamérica y la antropología del estado, tanto como en una etnografía multi-situada del universo carcelario nicaragüense. Mi compromiso etnográfico con las personas que el estado trata de gobernar y controlar (privados de libertad y ex privados de libertad) se integraba en un proyecto de teatro-en-la-cárcel (que fue llevado a cabo en dos cárcel a lo largo de ocho años) facilitado por mi esposo, un director de teatro y actor nicaragüense. Mi participación en el ámbito carcelario como una asistente facilitadora me dio el espacio de llevar a cabo un estudio con privados de libertad condenados, siguiéndoles a través de su navegación diaria del ámbito carcelario nicaragüense y observando como las prácticas (des)organizadoras en las que está envuelta la vida carcelaria implican una colusión entre autoridades y presidiarios para manejar tanto las dimensiones legales como extralegales de la cárcel. Ya que estos arreglos involucraban tanto a presidiarios como autoridades en la organización de la vida carcelaria, o sea en un compartir del poder, y cómo aparentaban depender el
uno del otro para el mantenimiento de estos arreglos, los llamo arreglos de cogobierno.

El cogobierno comprende una colección de relaciones, prácticas y arreglos de gobernanza mutuas y extralegales que hacen que el control carcelario sea al menos en parte dependiente de las regulaciones de autogobierno de los presidiarios y este último dependiente, en parte, de las relaciones, prácticas y arreglos de cogobierno con las autoridades. Cómo ha resaltado el estudio del autogobierno de presidiarios, las regulaciones de gobernanza de presidiarios pueden llegar a complementar o reemplazar regulaciones estatales de control penal a tal punto que efectivamente funcionan como agentes poderhabientes del orden penal. De esta manera los presidiarios mismos castigan los que traspasan los límites de las reglas establecidas al prestar seguridad para sus compañeros y sus productos. Una rendición demasiado simplista de autogobierno, sin embargo, confunde cómo las autoridades pueden depender de o estar involucrados en el mantenimiento de tales arreglos de gobernanza.

Como institución penal pero además como un “estado de excepción” (Agamben), la cárcel (como tal) tiene que ser desempeñado tanto por presidiarios como autoridades. Por una parte, del lado legal, el régimen de custodia requiere de un desempeño de sumisión de los presidiarios y los presidiarios requieren de un desempeño de las garantías básicas que propone la ley de las autoridades. Bajo esta premisa, los presidiarios y las autoridades establecen una organización básica de la vida diaria dentro de la cárcel. Es a este lado que se desempeña la reeducación penal y su requerido “cambio de actitud,” tanto por los presidiarios como por las autoridades, cómo el propósito legal de su encierro. Sin embargo, por otra parte, del lado extralegal, el régimen de custodia busca un control sobre la vida carcelaria que excede la premisa de la ley y los límites de lo legal. De igual manera, los presidiarios buscan un control sobre la vida carcelaria que excede los límites de su encierro. Es en ésta esfera que ambos desempeñan acciones de legitimación y confrontación para establecer “quién manda”. Es aquí también donde el enredo de lo legal y lo extralegal se complica. Los presidiarios desempeñan su resistencia al Sistema pero a la vez no son incapaces de escapar ni la cárcel ni el Sistema. Esto indica una paradoja inherente al estado de excepción, ya que la resistencia misma es incorporada al argumento de prolongar (o expandir) la excepción.

Para poder comprender plenamente lo que está en juego en la aparición y el mantenimiento de arreglos de cogobierno en Nicaragua, este estudio trata de entender la mutualidad, colusión e integración de estos arreglos a la lógica más amplia de gobernanza estatal. Al ver cómo estos están integrados social y moralmente, al ver cómo son legitimados, podemos entender mejor por qué y cómo ciertos arreglos de gobernanza (extralegales) aparecen de esta forma particular. Es importante subrayar que estos arreglos no solamente organizan relaciones de poder ya que también producen tensiones. Las autoridades sistemáticamente recurren al despliegue de la fuerza y al uso de su poder discrecional para arbitrariamente dar y quitar privilegios. Por lo tanto, los presidiarios sienten la necesidad de estar del “lado bueno” de las autoridades para poder pasar por su tiempo en la cárcel relativamente ílesos. A la vez los presidiarios recurren al uso de “violencia creativa” para llamar la atención sobre los excesos de poder de las autoridades – produciendo acciones que van desde vaciar un balde de agua helada sobre un funcionario hasta la provocación de un motín. Sin embargo, la mayoría de las tensiones se producen alrededor del manejo y las ganancias de los mercados ilícitos dentro de las cárcel. Es en relación a estos mercados que las relaciones de cogobierno sirven para mediar y regular lo que puede considerarse como un entendimiento mutuo de “la cárcel de costumbre.”
En este “ámbito movedizo” los presidiarios tallan espacios de agencia para “hacer libertad.” Los participantes en mi estudio se movían a través de esferas tanto legales como extralegales. Desafiaban el discurso moral de reeducación penal apropiándose de los espacios “reeducativos” de la cárcel para desempeñar sus propios entendimientos de “cambio,” generalmente en un intento de deshacerse del doble estigma (de delincuente y de convicto) que cargaban. Por lo tanto, tomaban su participación en actividades reeducativas como una oportunidad para la valorización social. En base a nociones de género acerca de lo que significa ser un “hombre bueno” reclamaban su valor moral para la sociedad demostrando que “podemos ser diferentes.” Sin embargo, a la vez, la mayoría de los presidiarios participaban también en actividades ilícitas de pequeña o gran escala (desde hablar con sus seres queridos con un teléfono ilegal hasta manejar la venta de drogas al interno de la cárcel). Algunos de ellos utilizaban estas actividades para ascender en la jerarquía de los presidiarios, otros solamente como sustento emocional o económico. Cabe destacar que participar en la esfera legal no impide una participación en la esfera extralegal o viceversa. De hecho parecía que una participación paralela en ambas esferas era primordial para poder tanto contrarrestar los efectos mortificantes de la cárcel cómo lograr salir de ella.

Está claro, sin embargo, que los espacios de agencia son restringidos en la cárcel. Procesos de estigmatización desempeñan un papel importante en mantener el secre ticismo público que encubre al Sistema ya que previenen que la sociedad reconozca los reclamos morales que hacen los “delincuentes” sobre si mismos tanto como sobre las condiciones de su encierro. El dominio del Sistema, incluyendo el código de silencio que impone a través del secretismo público y el “agarradero carcelario” con el que aprieta a los presidiarios incluso fuera de las instituciones carcelarias. Mientras las autoridades mantienen a los ex presidiarios “en la mira” crean lo que llamo un “agarradero transcarcelario” que busca controlar a ex presidiarios mientras ellos buscan reconstruir sus vidas fuera del encierro. De cara a este agarradero muchos ex presidiarios tratan de desaparecer de la mira y restringen su movimiento mientras otros (por último) rehúsan el intento del agarradero de controlarles subsumiéndose (de nuevo) en el crimen. El hecho que la mayoría de los ex presidiarios no logran deshacerse del agarradero indica una inevitabilidad forzosa del estado y su capacidad de represión.

Este “agarradero transcarcelario” resalta cómo la duplicación de las fuerzas policiales y la población penal, tanto como la manera de gobernar la vida dentro y más allá de las cárcel, señala el desarrollo de un “estado carcelario” que excede los límites legales y hasta el mismo sistema penitenciario. Este fenómeno se da a pesar de que el estado Sandinista contemporáneo sigue proyectando una retórica progresista sobre el encarcelamiento y la lucha contra la delincuencia (siendo este el discurso de reeducación penal y modelo policial comunitario). Las cualidades expansivas y extralegales del estado Sandinista y su Sistema proyectan un panorama preocupante no solamente para las experiencias del encarcelamiento en Nicaragua, sino también para las expresiones sociales y políticas que buscan romper el secretismo público que esconde el más nefasto funcionamiento del Sistema o que desafían al sistema establecido de poderes gobernantes, ya que su propia existencia conforma una amenaza al estado Sandinista.