

ORIGINAL ARTICLE

Rival Carceralities: Legitimising Discourses of Prison Regime Formations in Bolivarian Venezuela

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Abstract

Venezuela has two types of prisons: a prison regime ruled by a hierarchical organisation of armed inmates and the securitised ‘New Regime’ system under the control of the Ministry of Penitentiary Services. This article uses a comparative approach to examine how legitimacy is constructed in these competing yet co-existing prison regime formations in Venezuela. Both the Venezuelan state and the prisons under ‘carceral self-rule’ legitimate their respective carceral orders through discourses of left-wing emancipation that correspond with different phases of the Bolivarian project. Yet contradictions emerge from these legitimising discourses and neither regime conforms to its respective discourse of participation or socialism. In the state-abandoned, violent and hierarchical prisons under carceral self-rule, prisoners are only partially empowered, while in the New Regime prison types predation at the hands of one’s fellow inmates is replaced by the violence of the ‘humanising’ state.

Keywords: prisons; penitentiary; Venezuela; inmate self-rule; prison reform; discourse

Introduction: *Visita de cachorros*

A man is selling *arepas* (maize patties); down the corridor from his cart, others sell popcorn, *empanadas* (savoury turnovers), *cachapas* (maize cakes) and ice cream. Smiling children are jumping in an inflatable castle while others have stripped down to their underwear and are splashing around in a temporary swimming pool. A tall jovial man is making balloon animals to the delight of a crowd of giggling children. In the courtyard, a little boy flies a homemade kite that his father has made from pieces of plastic bags. Couples are walking hand in hand and children are sitting on their fathers’ laps.

This is not a birthday party or a park on a Sunday afternoon. This is a scene from El Rodeo prison the first time that I entered, during a *visita de cachorros* (children’s visiting day) in October 2014.¹ Contrary to the portrayal of Venezuela’s

¹ I conducted my fieldwork in two phases. During the first phase I visited the Internado Judicial Regional Capital El Rodeo I (although El Rodeo has three separate facilities, I refer to this prison as El Rodeo

notoriously violent prisons as ‘hell’,² this prison on the outskirts of Caracas was transformed – even if just for a few hours – into a place of amusement, where children and family members spent the day eating, playing, dancing, snuggling and chatting. When visiting hours ended at 4:30 pm, on cue, those who had guests stood up and ushered their visitors to the main gate. Kids screamed for their fathers and cried as their mothers and grandmothers pulled them away. A few men discreetly wiped away their own tears. After the visitors exited, all of the inmates would report to the ruling prison organisation, the *Carro* – comprised of armed inmates – to pay the obligatory weekly tax, ‘*la causa*’, due each Sunday evening.

Venezuela’s prison population began to increase dramatically following the 2008–9 economic austerity, which resulted from a decline in oil prices.³ Since the *Carros* tax each body in the prison, during the 2008–14 prison population boom the surplus generated through the growing populations contained in the overcrowded penal facilities has enabled the *Carros* to amass significant economic power and an arsenal of weapons to enforce their rule. In addition to monopolising violence, the *Carros* have earned legitimacy through their success in delivering concrete benefits to the penal population following the decades of state abandonment during the neoliberal period (late twentieth century).

In 2011, the Venezuelan government attempted to retake the prisons and remove or minimise the influence of the *Carros*. The result was a series of violent confrontations, most notably a month-long standoff in El Rodeo prison between inmates and the National Guard.⁴ The standoff concluded with the National Guard assuming control of El Rodeo and transferring all its prisoners to other penal facilities. The ripples from the El Rodeo diaspora were felt in the nearly three dozen prisons that comprise Venezuela’s national penitentiary system. Following this period of bloody confrontation, President Hugo Chávez created the Ministerio del Poder Popular para el Servicio Penitenciario (Ministry of Popular Power for Penitentiary Services, MSP).⁵ He appointed long-time militant Chavista Iris Varela to lead the contradictory charge of both retaking control of the prisons while also ‘humanising’ them in accordance with the socialist values of the Bolivarian Revolution. Institutionally, the MSP could function autonomously

throughout this article), the Internado Judicial de Yaracuy (which I will refer to by its usual name of San Felipe) and the Internado Judicial Bolívar (commonly known as Vista Hermosa); during the second I visited the Centro Penitenciario Sargento David Vilorio and a carceral self-rule prison on the outskirts of Caracas.

²*Cárcel o infierno (Jail or Hell)* is a popular animated web series created by the late formerly incarcerated animator Luidig Alfonso Ochoa. See ‘Prisons in Latin America: A Journey into Hell’, *The Economist*, 22 Sept. 2012; Patricia Clarembaux and Alonso Moleiro, *A ese infierno no vuelvo: Un viaje a las entrañas de las cárceles venezolanas* (Caracas: Ediciones Puntocero, 2009); Donald MacNeil, *Journey to Hell: Inside the World’s Most Violent Prison System* (Preston: Milo, 2006); Frank Kane and John Tilsley, *In the Shadow of Papillon: Seven Years of Hell in Venezuela’s Prison System* (Edinburgh: Mainstream, 2007).

³Between 2008 and 2014, the number of people incarcerated in Venezuela doubled, bringing the penal population to an all-time high of 55,000 people. See Table 1.

⁴The National Guard operates under the control of the Ministry of Defence. Venezuelan law acknowledges the ‘military’s inherent unfitness for prison duties’ and reserves its involvement for circumstances that are ‘exceptional’: Human Rights Watch (HRW), ‘Punishment before Trial: Prison Conditions in Venezuela’, 1997. Available at <https://www.hrw.org/legacy/reports/1997/venez/index.htm> (last accessed 27 Dec. 2019).

⁵Decree No. 8,266 (*Gaceta Oficial* no. 39,721, 26 July 2011).

Table 1. Prison Population in Venezuela, 1958–2015

Year	Prison population	<i>Procesados</i> (pre-trial detainees)	<i>Penados</i> (convicts)
1958	6,021	?	?
1968	13,089	?	?
1978	14,661	?	?
1988	29,364	18,177	11,187
1998	24,833	15,791	9,042
1999	22,914	13,074	9,840
2000	14,196	6,338	7,858
2001	16,751	7,058	9,693
2002	19,368	9,348	10,020
2003	19,632	10,295	9,328
2004	19,951	9,632	10,019
2005	19,853	9,633	10,220
2006	19,257	10,651	8,606
2007	19,700	10,700	7,864
2008	23,299	14,044	7,779
2009	32,624	21,825	9,287
2010	34,270	22,838	9,971
2011	48,602	29,199	16,090
2012	48,262	30,274	14,912
2013	53,566	34,073	16,010
2014	55,007	35,512	17,369
2015	49,664	31,503	17,374

Sources: Data for 1958–2006 come from Morais de Guerrero, *El sistema penitenciario venezolano*; post-2007 statistics come from the annual reports of the OVP (see note 31). Those not accounted for as *procesados* or *penados* were probably on work release.

from the established Ministry of the Interior, Justice and Peace; however, the MSP faced structural limitations in carrying out reforms because it had no jurisdiction over the police, the courts, or the jails themselves. If the mission of the MSP was to create a new carceral regime to replace the *Carros*, its ability to do so was hampered from the start.

The violent conflicts between prisoners and the state armed forces are not simply the result of the quelling of unrest; rather these conflicts symbolise the competing models of carceral rule in Venezuela. The *Carros* operate a system of ‘carceral self-rule’ within facilities that prisoners call ‘*penales abiertos*’ (‘open prisons’), whereas the MSP have installed a ‘New Regime’ system within the newly constructed or recently conquered prisons that it controls: these are often referred to

as ‘*máximas*’ (from ‘maximum security’) by prisoners and as ‘humanised’ prisons by the government. Both models are built on the exertion or threat of violence, but force alone is not enough for the long-term formation of prison regimes; force also needs legitimacy. In this article I trace how legitimacy is constructed in the competing yet co-existing prison regime formations in Venezuela. I explore how competing discourses are employed in the legitimisation of these rival forms of carceral regimes and the contradictory tensions that emerge within and between these prison types. I argue that both the *Carros* and the Venezuelan state legitimate their respective carceral orders through discourses of left-wing emancipation that correspond with different phases of the Bolivarian project. The *Carros* closely follow the kind of participatory discourse that characterised the early stages of the Bolivarian Revolution, while the MSP utilises the ‘new socialist man’ as its legitimising discourse, embodying the ‘twenty-first-century socialism’ paradigm that becomes more pronounced from 2006 onwards.

In the next section, I will describe the methods that I employed in my research. Then, I explore how the *Carros* have utilised left-wing discourses of protagonism and participation to legitimise governing regimes by examining the historical development of carceral self-rule in Latin America and Venezuela. In the following section I relate how Venezuela’s most notorious prison boss built his authority on a discourse of the benevolent leader. I then contrast these examples with the New Regime prison, which I locate within Venezuela’s punitive turn. In my Conclusion I argue that neither the quasi-empowerment of prisoners (in the state-abandoned, violent and hierarchical prisons under carceral self-rule) nor the new prison regime type (where predation at the hands of one’s fellow inmates is replaced by the violence of the ‘humanising’ state) conforms to the respective systems’ discourses of participation or socialism. By examining these cases through a comparative lens, I highlight the limitations of progressive discourse and the power of entrenched social, political and economic structures; these findings are not only relevant for analysing carceral regime formation but they also highlight the contradictions of the employment of left-wing discourse in the Bolivarian project.

Methods

The following study draws from over two years of participant observation and action research during a decade of massive transformation in the Bolivarian Republic of Venezuela. This includes extended periods in Venezuela from 2005 to 2011 and targeted fieldwork on prisons in 2014–15. The practical challenges of entering prisons made certain methodological approaches, such as sustained ethnographic research at one ‘site’ or recorded interviews with a large sample size of inmates, extremely difficult. Studying concealed forms of human exploitation often requires methodological plurality and a rigorous flexibility.⁶ I could not rely on pre-existing data for my research and so, throughout my fieldwork, I utilised a diversity of qualitative methods of data collection such as interviews,

⁶Nicola Phillips, ‘Doing Research in the Shadows of the Global Political Economy’, in Johnna Montgomerie (ed.), *Critical Methods in Political and Cultural Economy* (London: Routledge, 2017), pp. 115–20.

observation during prison visits and group discussions. When relevant, I gathered additional data from documents such as official government communications, NGO reports, scholarly publications and media accounts. I adopted this ‘maggie’ approach in order to understand how discourses from within Venezuelan prisons function to legitimise the rival carceral regimes.⁷

One of the greatest challenges was gaining access to the prisons for my research. After nearly two months trying, I finally received official authorisation to enter three prisons (see note 1) as a visitor. This meant that I could not take recording equipment into the prisons and so I largely relied on my observations and field notes, some of which I was able to verify through follow-up text messages and phone conversations. While I made multiple visits to some prisons and regularly communicated with my ‘hosts’ (incarcerated people) on the inside, I entered Vista Hermosa and San Felipe only once and attempts to enter other prisons were unsuccessful.

Some time later, I received authorisation from the MSP to visit two additional prisons. I entered a highly restricted New Regime prison (the Sargento David Viloría Penitentiary) for a day-long visit curated and accompanied by government officials. I interviewed over 15 incarcerated people, both men and women, and spoke with dozens more. While serious questions may be raised about the validity of the content of interviews conducted under the watchful eye of armed authorities, narrators provided the exact data that I sought to analyse: the legitimising discourses of the state. Through these supervised interviews, inmates not only performed their knowledge of the official discourses but they also spoke in frank terms as to how discourses departed from daily life inside the prisons. I also joined Venezuelan scholars Andrés Antillano and Iván Pojomovsky in a prison under carceral self-rule – the site of their multi-year ethnographic research – on the outskirts of Caracas. During my first visit there, I entered as a researcher and then I returned to give an audio editing workshop to hip-hop artists. This created an opportunity to make a small reciprocal gesture and it enabled me to bring my audio recorder into the prison so that I could record semi-structured interviews with a few additional people on the inside. In total, I conducted 16 recorded semi-structured interviews with people who were incarcerated at the time.

The men’s prisons that I entered were dictated by a heavily gendered and highly policed code of conduct that posed particular challenges for me as a female researcher. For example, my seeing a man’s bare torso could put *him* at risk of punishment. In an attempt to adhere to the basic ethical standards of ‘do no harm’ in research, I found that entering prisons during visiting hours, when female visitors were anticipated, was the best approach based on my being a woman (despite the fact that this meant that I was subjected to a full-body strip search each time). This methodological and ethical choice had implications for my research, since I could not control when visiting days would be nor could I be guaranteed access.

To complement the interviews I conducted on the inside I conducted long-form open-ended interviews, drawing from oral history practice, with formerly incarcerated people and their relatives, which allowed the narrators to offer testimony of the

⁷*Ibid.* Phillips defines this as ‘pursuing a wide variety of methods for collecting information, taking insights from wherever they are to be found and relying on the cumulative results’.

injustices that they and their loved ones had faced.⁸ Through these interviews, I gathered data on daily life inside and outside of prisons, regime formation, legitimising discourses and the dehumanising effects of prisons. News articles and long-form journalistic accounts of prison life filled in some gaps where scholarly literature had yet to catch up, especially as it pertained to how the competing carceral regimes engendered armed conflict between prisoners and the National Guard. I used this mixed approach to overcome the methodological constraints that can discourage researchers from investigating difficult-to-access and highly exploitative relations. The combined results provided valuable evidence to support the following account of the competing legitimising discourses of prison regime formation within Venezuelan prisons.

I used content analysis of government documents, of interviews with penologists and representatives of human rights NGOs and of media and scholarly works to understand the evolution of carceral regime formation.⁹ In the case of the interviews and conversations that emerged from within the prisons, I employed discourse analysis to interpret the linguistic forms and meanings embedded in the language used to legitimate the *Carro* and the state within the respective prison regimes. In particular, I examined how incarcerated people legitimised the new highly securitised prison regime formation and the hierarchical rule of the *Carros* with discourses that resonated with a leftist political project. I operationalised legitimacy through positive associations like ‘good leader’, ‘positive leader’ and ‘benevolent’ as well as through statements of gratitude towards or respect for the incarcerated individuals in charge; conversely, I analysed how language was used to describe power, as a system of hierarchy or as a horizontal system of power-sharing such as the concept that all prisoners were ‘equals’. In examining how power, authority and legitimacy are discursively constructed, I used qualitative coding to highlight themes of participation, protagonism, self-rule, democracy, autonomy, freedom, rehabilitation, redistribution, authoritarianism, equity and socialism. For this article, I compared these differing carceral formations but also allowed the ‘contradictory forces and tendencies’ between and within these models to emerge.¹⁰ This method also allowed for a plurality of voices from inside Venezuelan prisons to be represented.

Carceral Self-Rule in Latin America

With the growing mass incarceration in the region, Markus-Michael Müller confirms that the ‘penalisation of poverty’ – as evidenced by rising crime rates and punitive policing in the face of increasing social and economic insecurity in the neoliberal era – is applicable to Latin America.¹¹ Building on the work of Loïc

⁸Michael H. Frisch, *A Shared Authority: Essays on the Craft and Meaning of Oral and Public History* (Albany, NY: SUNY Press, 2011 [1st edn, 1990]).

⁹While my research focuses on the empirical data collected during prison visits, debates surrounding the implementation of Article 272 of the (current) 1999 Constitution (regarding rehabilitation and respect of prisoners’ rights) and the accompanying popular discourses around prisons in the media are also ripe sites of analysis; but they are beyond the scope of this article.

¹⁰Vladimir I. Lenin, ‘Philosophical Notebooks – Summary of Dialectics’, in *Collected Works*, trans. Clemens Dutt (Moscow: Progress Publishers, 1965), vol. 38, pp. 220–2.

¹¹Markus-Michael Müller, ‘The Universal and the Particular in Latin American Penal State Formation’, in Peter Squires and John Lea (eds.), *Criminalisation and Advanced Marginality: Critically Exploring the*

Wacquant, Müller argues additional factors have shaped penal state formation in Latin America such as the ‘internalisation’ of the ‘war on drugs’, and the particular impacts of neoliberal restructuring on Latin American urban centres. Many scholars emphasise informality in Latin American prison craft, as opposed to the massive high-tech surveilled and highly formalised prisons of the United States.¹² In the light of these informal structures and their local varieties of internal practices and forms of organisation – many of which have grown in the face of the retreat of the state – ethnography has been particularly useful for revealing the complexity of power and daily life in prisons in Latin America.¹³ Scholars who theorise regime formations based on distinct ethnographic accounts are currently debating how to conceptualise the internal informal structures of prison management found in Latin America,¹⁴ but the debate extends to regime formation outside of prisons as well.

Some researchers connect their work to existing scholarly literature on prison gangs and theorise the hierarchical formations as such; for example, Camila Nunes Dias and Fernando Salla see the Primeiro Comando da Capital (First Command of the Capital, PCC) in Brazil as providing an example of ‘inmate self-rule’ under the authority of a gang.¹⁵ In contrast Antillano, in reference to Venezuelan prisons, argues that gangs may control certain territories within a prison, but he describes carceral self-rule as ‘a cultural code regulating inmate activities’ as well as a political structure built on internal governance and an ‘economic order’ that regulates markets and can provide material support to prisoners.¹⁶ Prison governance in Latin America has also been theorised as a ‘proto-state’, ‘self-governance’ and a ‘co-production’.¹⁷

These endogenous forms of prison governance may share certain commonalities like informality, the regulation of internal markets, violence and a basic struggle to survive but they are shaped by particular contexts. This poses challenges for how to conceptualise internal forms of prison organisation and governance: are these horizontal embodiments of autonomous self-rule by the subaltern or hierarchical

Work of Loïc Wacquant (Bristol: Policy Press, 2013), pp. 195–216; Loïc Wacquant, *Prisons of Poverty* (Minneapolis, MN: University of Minnesota Press, 2003).

¹²See articles in the Special Edition ‘Informal Dynamics of Survival in Latin American Prisons’ of *Prison Service Journal*, 229 (2017): Sacha Darke and Chris Garces, ‘Surviving in the New Mass Carceral Zone’, pp. 2–9; Jon Horne Carter, ‘Neoliberal Penology and Criminal Finance in Honduras’, pp. 10–14; Julienne Weegels, ‘Prisoner Self-Governance and Survival in a Nicaraguan City Police Jail’, pp. 15–18; Camila Nunes Dias and Fernando Salla, ‘Formal and Informal Controls and Punishment: The Production of Order in the Prisons of São Paulo’, pp. 19–22; Andrés Antillano, ‘When Prisoners Make the Prison. Self-Rule in Venezuelan Prisons’, pp. 26–30. See also Markus-Michael Müller, ‘The Rise of the Penal State in Latin America’, *Contemporary Justice Review*, 15: 1 (2012), pp. 57–76; Sacha Darke, *Conviviality and Survival: Co-Producing Brazilian Prison Order* (Cham: Palgrave Macmillan, 2018).

¹³Francesca Cerbini, *La casa de jabón: Etnografía de una cárcel boliviana* (Barcelona: Edicions Bellaterra, 2012); Chris Garces, ‘The Cross Politics of Ecuador’s Penal State’, *Cultural Anthropology*, 25: 3 (2010), pp. 459–96; Karina Biondi, *Junto e misturado: Uma etnografia do PCC* (São Paulo: Editora Terceiro Nome, 2010).

¹⁴See note 12.

¹⁵Nunes Dias and Salla, ‘Formal and Informal Controls and Punishment’.

¹⁶Antillano, ‘When Prisoners Make the Prison’, p. 27.

¹⁷See, respectively, Carter, ‘Neoliberal Penology’ and Weegels, ‘Prisoner Self-Governance’; and Darke, *Conviviality and Survival*.

criminal organisations whose aims are to maximise profit? Sacha Darke and Chris Garces capture this debate well in the introduction to the *Prison Service Journal's* January 2017 Special Edition on 'Informal Dynamics of Survival in Latin American Prisons':

What remains in dispute is the extent to which the power wielded by Latin America's hegemonic 'prison gangs' should continue to be regarded as hierarchical and imposed ... or as customary, autochthonous, and emerging from interpersonal relations formed among ordinary prisoners ...¹⁸

While Karina Biondi's captivating ethnography on the PCC in Brazil makes a compelling case for the latter,¹⁹ my own research and observations suggest that it is a hybrid of the two. Like Antillano, I argue that theorising the *Carros* as 'gangs' is insufficient despite some overlap in their use of violence, management of territorial controls and regulation of markets.²⁰ But in addition to these functions, the *Carro* is itself a governing body and Antillano notes that inmates conform to the internal governance not only out of fear of violence but also because they (may) believe that it is 'good government'.²¹ This article examines how this legitimacy of 'good governance' is discursively constructed by prisoners themselves, both in prisons managed internally by inmates as well as in the new prisons that are under control of the 'socialist' state.²²

The Birth of Carceral Self-Rule in Venezuela

On my subsequent visits to El Rodeo, the guys whom I had met introduced me to others as the *gringa* researcher who had been there at the last kids' visiting day; with that introduction, faces lit up and people asked whether I enjoyed myself on *that* day. As if we were talking about a wedding, people recounted the food, the entertainment, the swimming pool, how folks seemed to be really enjoying each other's company. To their delight, I confirmed that it had been a very lovely visit. I noticed the bleak grey concrete and sewers flowing with filthy water; the prison now felt sad, dirty and empty. Through public meetings, budget proposals and prison-wide planning, members of the carceral world (*el mundo* – 'the world') had utilised some version of participatory budgeting – mimicking the practices of communal councils in Venezuela – to allocate the funds pooled through the obligatory weekly payment in order to pay for the activities of the visiting day. As a result, there was a sense of collective pride about the day; some described it as 'our' visiting day.²³

¹⁸Darke and Garces, 'Surviving in the New Mass Carceral Zone', p. 7.

¹⁹Biondi, *Junto e misturado*.

²⁰For a more in-depth examination of the structure of the *Carro* see Andrés Antillano, Iván Pojomovsky, Verónica Zubillaga, Chelina Sepúlveda and Rebecca Hanson, 'The Venezuelan Prison: From Neoliberalism to the Bolivarian Revolution', *Crime, Law and Social Change*, 65 (2016), pp. 195–211.

²¹Antillano, 'When Prisoners make the Prison', p. 28.

²²Whilst Venezuela is not officially a socialist state, its discourse is that of a socialist state.

²³For the economic and social life of prison gangs in the United States, see David Skarbek, *The Social Order of the Underworld: How Prison Gangs Govern the American Penal System* (New York: Oxford University Press, 2014). For more on the communal councils, see George Ciccariello-Maher, *Building the Commune: Radical Democracy in Venezuela* (London: Verso, 2016).

The visible presence of weapons in the hands of certain prisoners – pistols, semi-automatic weapons and rifles – stood in direct contrast with the carnivalesque atmosphere of my first visit. There were few places on the ground floor where guns were completely out of sight. An armed inmate guarded every hallway, corridor and ‘*esquina*’ (vantage point/corridor junction). The governance structure that manages the incarcerated population inside the prison is a hierarchical organisation that ‘emulates a state’ (*el Carro*), with a president (*pran*), advisors, senators, armed forces (*luceros*), citizens (*malandros*), peacekeepers and civil servants (*cristianos*) and those who live on the margins (*abnegados*), all of whom are themselves prisoners.²⁴ The scholarly literature on carceral self-rule in Latin America points to state abandonment and understaffing combined with overcrowding as factors in the birth of these prison regimes²⁵ but, in Venezuela, an additional factor was the heightened contact between the military and prisoners.

In the late 1990s and early 2000s military-issue firearms began showing up inside Venezuelan prisons. Because these are military-issue weapons, the assumption must be that members of the National Guard were their source. While the National Guard had played a security role within and outside of prisons during earlier decades, in 1994, following unrest caused by overcrowding, some prisons were formally ‘militarised’ and National Guardsmen were tasked with managing the internal security of the facilities.²⁶ The military’s occupation of seven prisons officially concluded after a few months; nonetheless, the National Guard has maintained some level of military control over prisons since then: today they mainly police the perimeter. Knives, blades and homemade weapons like *chuzos* and *chopos* have been common in Venezuelan prisons for over a century, but in the early part of the 2000s they were augmented by assault rifles, revolvers, C4s and UZIs (Argentine and Israeli submachine guns, respectively), explosives and grenades.²⁷ As Teodoro Petkoff, an ex-guerrilla and journalist noted, ‘The only source for such weapons is the military’s own arsenal.’²⁸

The presence of firearms inside Venezuelan prisons marked a ‘milestone’ in the formation of the *Carro*: access to guns cemented the power of long-existing hierarchies, so that small groups of incarcerated people could now have control over the broader population through violence.²⁹ In 2003–4, as deaths increased, photographs began to surface of military-issue weapons.³⁰ Between 2004 and 2008, over 400 people a year were killed in prisons in Venezuela, an extremely high rate in view of the total prison population (roughly 20,000 in 2004 and 24,000 in

²⁴ Andrés Antillano, ‘Neoliberalismo desde abajo: Orden carcelario y orden social en Venezuela’, Congress of the Latin American Studies Association, New York, 30 May 2016.

²⁵ See note 12.

²⁶ HRW, ‘Punishment before Trial’.

²⁷ In 2007, 3,825 arms of various types were confiscated from people in prison; this includes ‘bladed weapons, pistols, grenades, submachine guns, revolvers, and teargas bombs’: Lucía Dammert and Liza Zúñiga, *Prisons: Problems and Challenges for the Americas* (Santiago: FLACSO, 2008), p. 107. Tom Phillips reported in *The Guardian* that a 50-calibre anti-aircraft machine gun was allegedly inside El Rodeo prison during the 2011 standoff: ‘Venezuela Prison Siege: El Rodeo Directors Arrested’, *The Guardian*, 28 June 2011.

²⁸ ‘¿Quién mete las armas?’ [‘Who’s Bringing in the Weapons?’], *Tal Cual*, 23 Jan. 2008.

²⁹ Interview with Neelie Pérez, criminologist, 20 Nov. 2014.

³⁰ *Ibid.*

2008).³¹ While 2013 and 2014 saw a decrease in the number of fatalities in prisons, this was from an all-time high of 591 inmate deaths in 2012, a 24 per cent increase since 2010.³² In 2013, the United Nations human rights office declared that the levels of violence in Venezuelan prisons were ‘alarming’ when compared to those in other Latin America countries, especially considering the average toll of more than one death per day for the last ten years.³³ The authors of a report on prisons in Latin American commissioned by the Facultad Latinoamericana de Ciencias Sociales (Latin American Faculty of Social Sciences, FLACSO) concluded that, as a result of the high levels of violence in Venezuelan prisons, ‘the death penalty [was] administered by proxy’.³⁴

The 1998 implementation of a major penal reform called the ‘*Código orgánico procesal penal*’ (Organic Criminal Procedure Code, COPP) dramatically reduced overcrowding and thus understaffing but it did not divert more funding to the prisons. A general abandonment of people in prison persisted through the early 2000s, despite a policy of decarceration early in the Bolivarian Republic. The lack of resources provided by the state, such as food, cleaning supplies, educational programmes and staffing, created an opportunity for internal prison organisations, which had long regulated social relations on the inside, to replace the state as the main governing body, thus assuming authority over nearly all aspects of internal prison life.³⁵ Their emergence resulted from the concrete material living conditions inside prisons – and the need to manage the distribution of limited space, goods and resources. With little or no financial support from the state, the *Carros* began to tax the prison population in order to have an operating budget to cover the costs associated with governing, thus formalising their power and authority. In attempts to legitimate their extension of power, they borrowed prominent discourses utilised in the early stages of the Bolivarian process: ‘participation’, ‘protagonism’ and redistribution of rents. Just as Chávez was often portrayed as the Supreme Commander and generous redistributor, charismatic prison leaders emerged who replicated his paternal and charismatic leadership style.

The Leading *Pran*

One such was Wilmer Brizuela, Venezuela’s most notorious prison boss. In the news coverage following his 2017 murder, one journalist referred to him as ‘the leading *pran* of Venezuela’.³⁶ In 2008, to bring attention to the plight of their

³¹Dammert and Zúñiga, *Prisons*, p. 105; Observatorio Venezolano de Prisiones (Venezuelan Prison Observatory, OVP), *Informe anual 2015*, table ‘Muertos y heridos 1999–2014’ (all the OVP’s reports are available at <http://oveprisiones.com/informes/>, last accessed 13 Jan. 2020); María G. Morais de Guerrero, *El sistema penitenciario venezolano durante los 50 años de la democracia petrolera, 1958–2008* (Caracas: Fundación Empresas Polar, Universidad Católica Andrés Bello, 2011), p. 276.

³²OVP, *Informe anual 2013*, table ‘Muertos y heridos (1999–2013)’.

³³Fabiola Sanchez, ‘UN Agency: Venezuela Prison Violence “Alarming”’, *The Seattle Times*, 29 Jan. 2013; Dammert and Zúñiga, *Prisons*, p. 104; OVP, *Informe anual 2014*.

³⁴Dammert and Zúñiga, *Prisons*, p. 104.

³⁵Antillano *et al.*, ‘The Venezuelan Prison’.

³⁶Ibsen Martínez, ‘Muerte de un “pran”’, *El País*, 5 April 2017. Clarembaux and Moleiro (*A ese infierno no vuelvo*) note that the word ‘*pran*’ originates from prisons in Puerto Rico in the early 1990s; in Venezuela the term is said to stand for ‘*preso rematado, asesino nato*’, something that could translate into ‘born killer,

incarcerated loved ones, Brizuela – at the time in Vista Hermosa – orchestrated a kidnapping in which family members of prisoners agreed to be taken hostage within the prison. This stunt escalated; gunfire was exchanged, resulting in the death of a prison official and, eventually, Brizuela surrendered and agreed to be transferred to the Coro Community Penitentiary.³⁷ Six of his *luceros* accompanied him voluntarily but they remained in Coro for only two months before being sent back to Vista Hermosa, where the prison population had mounted protests for his return. In 2009 he organised a five-day hunger strike '*por la paz*' ('for peace') to draw attention to violence inside and outside prisons. Since Brizuela was an established leader among the prison population, the then Minister of the Interior and Justice Tareck El Aissami invited him to give a talk about 'the myths and realities of the prison system' during a policy gathering at the Universidad Católica Andrés Bello Guayana in June 2009. Apparently, El Aissami and Brizuela met in private amid hopes of negotiating a solution to reduce violence in prisons. This was a progressive response to the high incidence of violence, especially considering that past regimes had sent government forces in to slaughter prisoners, as during the infamous massacre in Retén de Catia prison in 1992.

Brizuela successfully bargained for the establishment of the *pernocta*, an overnight visit that would allow family members to spend the whole weekend with loved ones in prison. Using the argument made by many penologists, Brizuela contended that there would be less violence if informal conjugal visits were permitted.³⁸ After the implementation of the *pernocta* in prisons throughout Venezuela, Brizuela, affectionately known as 'Wilmito', became a folk hero. It was not until I visited Vista Hermosa that I began to grasp his importance in the evolution of the contemporary prison regimes. I first caught a glimpse of his face, among three others, on a mural above the swimming pool in the bar area of the prison. Unlike El Rodeo, Vista Hermosa had fresh coats of paint, decent infrastructure, and neat tile work in the interior; it was a far cleaner facility despite the oppressive heat in the southwestern city of Ciudad Bolívar. A man in his mid-forties who had been incarcerated in at least four different institutions for the past decade said that Vista Hermosa was the 'best prison' in the country – '*gracias a Wilmer*' ('thanks to Wilmer'). This phrase was repeated religiously throughout my interviews and conversations at Vista Hermosa prison. All of the positive changes, such as decent conditions, educational programmes, the making and sale of craft products, the right to

top prisoner'. Neelie Pérez Santiago and Christopher Birkbeck claim that it is an onomatopoeia aimed to mimic the sound of a machete hitting the ground: 'Corrections in Venezuela', in Kent R. Kerley (ed.), *The Encyclopedia of Corrections* (Hoboken, NJ: Wiley-Blackwell, 2017), p. 1045.

³⁷The Coro Community Penitentiary opened in 2008 (three years prior to the formation of the MSP) and represented the model prison within the government project to 'humanise' prisons by reinserting a rehabilitative framework into penal policy. Despite lively debate, press and an investment of over US\$62 million into this 'community penitentiary', the people whom I interviewed who had been interned there did not see this prison as distinct from the securitised New Regime prisons managed by the MSP. See Agencia Bolivariana de Noticias (ABN), 'Primera cárcel modelo será inaugurada este jueves en Coro', 8 July 2008, available at <https://www.aporrea.org/actualidad/n116631.html> (last accessed 27 Dec. 2019).

³⁸The *pernocta*, unlike a formal conjugal visit, placed no restrictions on access to the prison and no formal documentation of marriage was required. Shortly after the conclusion of my fieldwork in 2015, the practice was ended in most Venezuelan prisons.

vote from prison, the sports, and the ‘relative comfort’, were credited to Wilmer.³⁹ Brizuela’s notoriety and track record of deliverables was legendary in Ciudad Bolívar and beyond. According to associates, he identified as a ‘positive leader’ (as opposed to a *‘pran’*), thus legitimising his rule by affirming himself as a benefactor.

Wilmuto’s redistributive efforts (albeit they enriched him and the *Carro*) conformed to the discourse of the leader as benefactor, a common trope in oil-rich Venezuela, when boom times tend to be marked by policies that mildly redistribute oil rents while enriching those on top. As a formerly incarcerated man explained, ‘This [redistribution] is the business, the business of prison.’⁴⁰ Nonetheless, Brizuela’s ability to deliver concrete gains to the inmate population in Vista Hermosa prison and beyond solidified his authority and affirmed that the *Carro*, under the ‘positive’ leadership of someone like Brizuela, was capable of legitimacy through ‘good governance’.⁴¹ Brizuela also used the discourse of ‘humanising’ the prisons,⁴² language that was later adopted by the MSP.

The case of Brizuela illustrates the central political thesis of the early years of the Bolivarian project: a strong leader in a position of power does not negate the political agency of the subjects that he governs. In fact, many argued that this power from above could serve to empower those who were active participants or protagonists in the governing process, even if this participation was manifested in simply following orders mandated from above. Hugo Chávez and Wilmer Brizuela were largely celebrated by their supporters as good leaders because their subjects actively collaborated in the construction of some forms of horizontal governance within vertical power structures. It is important to understand that, drawing from the popular political discourses shaped by Chávez’s leadership, the participation and protagonism celebrated in the discourses of prisoners could co-exist with hierarchy.

The Politics of the Punitive Turn

In 2008, unrest in the prisons and the rise of Wilmuto coincided with a shift in the security policies pursued by the Chávez administration. Increasingly, the government took a punitive turn in response to popular outrage over violent crime.⁴³ At the turn of the millennium, European and Latin American governments were following the punitive paradigm adopted in the United States by ‘surrendering to the temptation to rely on the police, the courts, and the prison to stem the disorders

³⁹Interview with inmates at Vista Hermosa prison, 19 Oct. 2014. Even though Brizuela was not physically incarcerated at Vista Hermosa when I visited in October 2014, I was assured that he would return. (It is not known whether he did or not.)

⁴⁰Interview with formerly incarcerated person, 14 Sept. 2014. The weekly tax varied between prisons but during my fieldwork in 2014, when inflation was roughly at 64 per cent, *la causa* ranged from 2 to 35 per cent of the monthly minimum wage. The *Carro* also had a monopoly on the sale of drugs and weapons, which was probably more profitable than the surplus extracted through *la causa*.

⁴¹Interview with Pérez, 20 Nov. 2014.

⁴²Clarembaux and Moleiro, *A ese infierno no vuelvo*.

⁴³Robert Samet, ‘The Subject of Wrongs: Crime, Populism, and Venezuela’s Punitive Turn’, *Cultural Anthropology*, 34: 2 (2019), pp. 272–98.

generated by mass unemployment, the generalization of precarious labor, and the shrinking social protection'.⁴⁴

However, in Venezuela, President Chávez had firmly rejected the criminalisation of poverty⁴⁵ and over-reliance on the penal system; instead, building on a massive reform to the penal process that pre-dated his rule, he instituted a series of sweeping reforms to the penal codes aimed at 'humanising' the criminal punishment system largely through the expansion of social services for incarcerated people.⁴⁶ The first decade of Chávez's presidency (from 1999) was marked by a 50 per cent drop in the poverty rate and a reduction in extreme poverty from 21 per cent of households in 1998 to 6 per cent in 2009.⁴⁷ The expectation was that decreased poverty and less punitive policies would lead to lower crime rates, thereby taking pressure off the prisons; but, even to criminologists, the results were 'surprising' and paradoxical: inequality dropped yet homicide rates rose, both dramatically.⁴⁸

Official crime rates have not been released in Venezuela since 2003 because, as one government official noted, 'they could be used in the media to increase a feeling of insecurity'.⁴⁹ Therefore, while it has been difficult to gather precise data, it can be stated that, since 2006, Venezuela has had high homicide rates relative to its Latin American neighbours and Caracas has consistently ranked among the deadliest cities in the world (more than 100 homicides per 100,000 inhabitants).⁵⁰

The fear for personal safety in Venezuela is widespread, regardless of whether the perception of violence reflects reality. According to a 2013 Gallup Poll 74 per cent of Venezuelans 'feel unsafe and fearful to be in the street at night', the highest rate in all of Latin America.⁵¹ In May 2014 Edgardo Lander, a well-known intellectual and sociology professor at the Central University of Venezuela, discussed the

⁴⁴Wacquant, *Prisons of Poverty*, p. 1.

⁴⁵The criminalisation of poverty was carried out through the *Ley de vagos y maleantes* (Law on Vagrants and Crooks), a 1956 law established by the Pérez Jiménez dictatorship, which criminalised loitering, gambling, informal workers, sex workers and homosexuals. In 1997, a year prior to Chávez's election, the Venezuelan Supreme Court declared the law to be unconstitutional, but the concept remains shorthand for the criminalisation of the poor.

⁴⁶In 2000, the partial reform of the *Ley de Régimen Penitenciario* (*Gaceta Oficial* no. 36,975, 19 June 2000) established the rhetorical goal of preparing people in prison for 'social reinsertion' instead of 'rehabilitation' and also mandated the immediate release of anyone who had been incarcerated for more than two years and had not been sentenced: this resulted in an abrupt drastic reduction in the prison population, which plunged from 22,914 in 1999 to 14,196 in 2000 (Morais de Guerrero, *El sistema penitenciario*, p. 276).

⁴⁷Gregory Wilpert, 'An Assessment of Venezuela's Bolivarian Revolution at Twelve Years', *Venezuelanalysis*, 2 Feb. 2011.

⁴⁸Chris Arsenault, 'Venezuela Crime Soars amid Declining Poverty', *Al Jazeera*, 23 Oct. 2012. See also: David Smilde, 'Crime and Revolution in Venezuela', *Nacla Report on the Americas*, 49: 3 (2017), pp. 303–8.

⁴⁹2014 Crime Rate Drops in Venezuela', *TeleSUR*, 8 Sept. 2014.

⁵⁰Dorothy Kronick, 'How to Count our Dead', *Caracas Chronicles*, 1 July 2016; International Crisis Group, 'Violence and Politics in Venezuela', Report no. 38, Aug. 2011. However, in his [article](#) 'Caracas: The Most Dangerous City in Latin America – or Is It?', *Christian Science Monitor* (21 Aug. 2012), Robert Samet explores the inaccuracies inherent in crime statistics in Venezuela. The 'official 2010 homicide rate' incorrectly claimed that Caracas had 109 homicides per 100,000; but, adjusted for the actual population, the rate goes down to 71 per 100,000. These rates exclude those killed by police or security forces, which was calculated to be 3,482 in 2010.

⁵¹Programa Venezolano de Educación – Acción en Derechos Humanos (PROVEA), *Situación de los derechos humanos en Venezuela: Informe anual enero/diciembre 2013* (Caracas: PROVEA, 2014), p. 437.

issue of crime on the Real News Network's programme *Reality Asserts Itself*. He cited five components that he believed accounted for the high crime rates in Venezuela: 1) a corrupt and repressive police force; 2) a prison system that bred crime; 3) deficiencies in the courts which had led to a severe backlog; 4) the easy availability of weapons; and 5) the impact of increased drug trafficking as Venezuela became the main route for transporting cocaine from Colombia to US and European markets.⁵² The International Crisis Group reported in 2011: 'While many of these problems precede the current government, it cannot wash its hands of them.'⁵³

The government did, however, take action; in 2006 the Comisión Nacional para la Reforma Policial (National Commission on Police Reform, CONAREPOL) recommended the creation of a civilian police force trained in 'revolutionary consciousness' through the Universidad Nacional Experimental de Seguridad (National Experimental Security University, UNES), and the notoriously corrupt Caracas Metropolitan Police (MP) force was dissolved following the alliance of some of its senior members with the 2002 coup plotters who temporarily ousted President Chávez.⁵⁴ The Venezuelan government launched numerous disarmament campaigns and the *de jure* guarantees of basic human rights, access to a speedy trial and the rehabilitative aim of the penal system were reaffirmed and expanded in Article 272 of the 1999 Bolivarian Constitution. Amidst policy changes, discourses coming from President Chávez signalled changing attitudes about crime and punishment rooted in the assumption that most criminal activity was a survival strategy born out of poverty and necessity.⁵⁵

Government and popular discourses on criminality shifted following the mild austerity brought on by the 2008 plummet in oil prices. After a decade of progressive reforms, the Venezuelan government took a punitive turn, relying more heavily on prisons, courts and police and touting this *mano dura* (tough-on-crime) approach as a socialist response to the problem of crime. Antillano notes that government officials started portraying criminals not as victims of capitalism but as agents of the capitalist system who represented greed, individualism and consumerism, rhetorically separating the 'deserving' from the 'undeserving' poor.⁵⁶

⁵²The Modern History of Venezuela, Why Still So Much Crime? – Edgardo Lander on Reality Asserts Itself, 18 April 2014, at <https://therealnews.com/stories/elander140402raipt7> (last accessed 31 Dec. 2019).

⁵³International Crisis Group, 'Violence and Politics in Venezuela', p. 30.

⁵⁴In 2009 the then Justice Minister Tareck El Aissami estimated that the police were involved in 15–20 per cent of criminal activity in Venezuela. In his 2009 article in *The Guardian*, 'Deadly Force: Venezuela's Police Have Become a Law unto Themselves' (6 Sept.), Rory Carroll reported the results of one poll which showed that 70 per cent of those surveyed said that 'police and criminals are practically the same' and that human rights groups had estimated police involvement in an average of 900 killings a year. A US State Department report noted that, before the dismantling of the MP, of its nearly 9,000 officers 1,800 were under investigation for criminal activity such as 'arbitrary arrests, torture, and unlawful detention': Bureau of Democracy, Human Rights, and Labor, 2009 Country Reports on Human Rights Practices: Venezuela, 11 March 2010, available at <https://2009-2017.state.gov/j/drl/rls/hrrpt/2009/wha/136130.htm> (last accessed 25 Jan. 2020).

⁵⁵See blog of popular criminologist Freddy Perdomo Sierralta: <http://criminologiaucab.blogspot.com/> (last accessed 30 Dec. 2019).

⁵⁶Héctor Bujanda, 'Andrés Antillano: La recesión económica y el aumento de la represión son una chispa eficaz para los estallidos sociales', *Contrapunto*, 27 Aug. 2015.

These new tough-on-crime policies – backed by a poor and working-class electoral base – were attempts to show voters that the government was responding to the soaring violent crime rates, especially in the urbanised north-central region of the country. Security was a central component of President Nicolás Maduro’s campaign platform during the 2013 elections, which he narrowly won following Chávez’s death from cancer. Those on the margins of poor and working-class communities, especially unemployed and under-employed youth of colour from the barrios, were represented as a threat to the honest socialist worker, the citizenry and the nation, thereby heightening race-, class- and gender-based divides among the popular sectors.⁵⁷ While this discourse about criminality is not new in Venezuela or elsewhere, the ‘castigatory shift of public discourses on urban disorder’ in Venezuela, as in Europe, was increasingly ‘pronounced among socialist and social-democratic officials’.⁵⁸

The result was rapidly increasing rates of incarceration following on from more arrests combined with much slower criminal trial proceedings.⁵⁹ Following the 2000 mass exodus from prison due to the implementation of the COPP (which predated Chávez), there was a slow and steady increase in the prison population until 2009, when the total population started reaching and then surpassed the highest levels of incarceration that the country had ever seen.⁶⁰ The growth in the prison population put an increased burden on the system and by 2008, just before the prison population started to swell, overpopulation was already at 38 per cent.⁶¹ By 2014, 63 per cent of Venezuela’s prison population were pre-trial detainees (*procesados*).⁶² The majority of people being arrested were young brown and black men from poor neighbourhoods.⁶³

The New Regime Prisons

By 2010 the model of carceral self-rule was in full swing in prisons throughout Venezuela. The government of Chávez – which had played an at times passive

⁵⁷Antillano suggests that the lack of universality of the social programmes – which were largely administered on a grassroots and opt-in basis – produced inequalities among poor communities by excluding certain sectors, particularly ‘poor kids who are brown and male’, and that this was a contributing factor in increased crime rates, violence and a general social breakdown. Some of the language used to describe the most excluded sectors seems to reflect conservative narratives built on moralism, which point to the ‘culture’ of the poor, for example casting blame on single mothers for crime: Andrés Antillano and Rachael Boothroyd Rojas, ‘Andres Antillano: “The Revolution Has an Outstanding Debt to the Socially Excluded”’, *Venezuelanalysis*, 1 March 2018.

⁵⁸Wacquant makes these claims specifically in relation to socialist leaders in Europe: *Prisons of Poverty*, p. 4.

⁵⁹The goal of the 1998 COPP reform was to speed up criminal proceedings (although it had the opposite effect, perhaps by creating more legal opportunities for hearings, appeals and alternative sentencing). Interview with Pérez, 20 Nov. 2014.

⁶⁰Morais de Guerrero, *El sistema penitenciario*. By 2014, the prison population was 55,007, marking a 77 per cent increase from the previous all-time high of 31,086 in 1991, which was directly related to heightened rates of poverty caused by neoliberal restructuring. However, in 2015 the total prison population decreased to 49,664, halting the six previous years’ dramatic increases: OVP, *Situación carcelaria en Venezuela / Informe anual 2015*. Some of the decrease in prison population was due to an increase in the use of police jails for holding pre-trial detainees.

⁶¹Dammert and Zúñiga, *Prisons*, p. 53.

⁶²OVP, *Informe anual 2014*, p. 5; Antillano *et al.*, ‘The Venezuelan Prison’.

⁶³Dammert and Zúñiga, *Prisons*, p. 53.

and other times active role in the formation of this carceral order – suddenly decided to assert its control. The reasons for trying to up-end carceral self-rule were shaped by two concurrent issues: first, the punitive turn in response to popular demands to address growing crime rates and, second, the vulnerability of the Venezuelan state in the face of mounting international pressure from human rights NGOs and international institutions. Despite a rejection of the punitive paradigm in the early years of the Bolivarian process, heightened murder rates, increased economic insecurity and popular demands for tough-on-crime responses encouraged policy-makers to adopt castigatory measures.

Even politicians who had made prior attempts to implement progressive reforms, minimise jail sentences, increase early release and support alternatives to incarceration found themselves at odds with an electorate desperate for solutions to Venezuela's crime problem. Additionally, the major reforms instituted in the COPP prior to Chávez's presidency had been slowly eroded over the 2000s. While the law had aimed to speed up criminal trials and create possibilities for provisional release, several reforms made bail and early release harder to access, and thus the initial drop in the prison population that corresponded to the early years of Chávez's presidency had been undone in the following decade. Despite the many practical problems that the government confronted, its work came to have increased political urgency, as the treatment of prisoners fuelled the highly polarised conflict between the government and the opposition. The sense of urgency was heightened by sensationalist exposés on prison life in the national and international press.⁶⁴

When formed in 2011, the MSP announced its goal to change penitentiary culture, but it was forced to contend with a prison population armed by the government's own military. The MSP's main objective was to take control of the penal facilities within the country – either by constructing new prisons or by disarming the prison population in existing internment centres – and by instituting a New Regime aimed at 'humanising' prisons in Venezuela.⁶⁵ The MSP called this a 'Penitentiary Revolution';⁶⁶ it encompassed the complex task of bringing the prison population under state control and also aimed to legitimise its new authority through discourses associated with good governance and particularly those affiliated with the larger political project of 'twenty-first-century socialism', which became prominent in Venezuela starting in 2006. These included (revolutionary) 'discipline and order', the 'new socialist man' and the 'humanisation' of prisons.

The transition from carceral self-rule to the New Regime involved bloodshed. One of the most violent conflicts took place at Uribana prison in Barquisimeto:

⁶⁴For a journalist's accounts from the inside see Steve Inskip, 'Inmates in a Venezuelan Prison Build a World of their Own', *NPR*, 11 June 2013. For a photo essay and report on Wilmer Brizuela and Vista Hermosa prison see Jorge Benezra, 'On the Inside: Venezuela's Most Dangerous Prison', *Time Magazine*, 6 June 2013.

⁶⁵Brian Fonseca and Pamela Pamela, 'Organised Chaos: Venezuela's Prison Crisis', in Jonathan D. Rosen and Marten W. Brienens (eds.), *Prisons in the Americas in the Twenty-First Century: A Human Dumping Ground* (Lanham, MD: Lexington Books, 2015), pp. 115–27.

⁶⁶See <https://www.mppsp.gob.ve/index.php/noticias/3382-revolucion-penitenciaria-contribuye-a-la-produccion-nacional> and <https://www.youtube.com/watch?v=Y4Edjw0Ofw> (URLs accessed 12 Jan. 2020).

In January 2013, it became known that the Penitentiary Service was going to conduct a search of the facility, which housed approximately 2,400 inmates ... fighting broke out between different groups of inmates during which the most prominent *pran* was killed. There followed an internal power struggle for control of the whole facility, during which 59 inmates and one National Guard officer were killed ...⁶⁷

Through this violent confrontation, the government took control of the prison. It transferred all of the inmates to other facilities and searched the prison, finding 106 firearms and over 8,000 rounds of ammunition.⁶⁸ When the prison was reopened by the government under the New Regime system, it was symbolically renamed the Sargento David Viloría Penitentiary, after the officer killed during the takeover.

I entered the Sargento David Viloría Penitentiary with a group of prison officials and security personnel, all in civilian clothing. Our shoes and cell phones were inspected before we entered the internal core of the prison; we were permitted to bring in our phones (with cameras) and I also carried a digital audio recorder.⁶⁹ When the large blue prison doors to the heart of the prison were opened, a drum corps marched triumphantly in our direction and, once its members were within 10 metres of us, they came to a halt, standing at full salute. With the Venezuelan flag flying and the incarcerated people holding fake swords and machetes, they recited a call-and-response chant that I would hear repeatedly throughout the day. The uniformed inmates loudly chanted 'discipline and order' and '*patria o muerte*' ('fatherland or death'), which prompted the authorities present to chime in with '*venceremos*' ('we will be victorious').

It was hard to ignore the militaristic feeling evoked by the uniforms, shaved heads, salutes, chants, war drums and marching drills. A staff member of the MSP conceded that the New Regime prisons were militaristic but he said that this was because 'when you ask a Venezuelan what discipline is ...', he placed his hand at his forehead in a gesture of salute as if hinting at his response: 'they will say, the military'. The military is the model of discipline that Venezuelans know, he argued.⁷⁰

The 'order and discipline' ethos permeates all aspects of life in the New Regime prisons. As in maximum-security prisons in the United States, cell phones, newspapers, weapons, drugs, alcohol, televisions and personal property (outside of a

⁶⁷Pérez Santiago and Birkbeck, 'Corrections in Venezuela'. Many eye-witnesses whom I interviewed estimated the casualties to be much higher.

⁶⁸Six months earlier, a similar standoff took place at La Planta prison and, upon gaining control of the prison, the government recovered over 125 weapons, 27 explosive devices, more than 64,000 rounds of ammunition and 6 kg of drugs: 'Weapons Stash Uncovered at Venezuelan Prison', *The Telegraph*, 4 June 2012.

⁶⁹The following interviews were conducted during a prison visit on 9 Feb. 2015. Since many interviews took place in the presence of prison administrators, I did not ask people to tell me their names; instead, I asked them to tell me about themselves. None of the interviews from this visit reported here will include names.

⁷⁰Interview with Yorval Estévez, Coordinator of the Directorate for Social Integration with the Family of the MSP, 3 Oct. 2014.

small range of permitted items) are forbidden. Many people whom I spoke with inside the Sargento David Viloría Penitentiary expressed dissatisfaction at this tight control of daily life and restrictions on personal belongings. An elderly black woman who introduced herself as a Dutch national forcibly explained why she preferred Sabaneta prison to the New Regime: 'There you are free, you can have your television, your radio, you can have your TV and your chair.' A male prisoner accused of robbery echoed this sentiment when he explained that the difference between the New Regime and prisons under carceral self-rule was that 'Here [in the New Regime prison], there is no freedom.' When referring to the New Regime prisons, one incarcerated person at El Rodeo said, 'Those prisons are like PRISONS.' Others referred to the brand new, state-of-the-art maximum-security Fénix Penitentiary, located directly next to the Sargento David Viloría, as a 'gringo prison'.

Despite claims made by MSP staff that the militaristic model of discipline is an endogenous cultural trait to Venezuela, these new prisons were largely perceived as imports. A Canadian national charged with drug trafficking described the New Regime prisons as 'a dream, a desire of the Chavista government to have a replica of the prison system in the United States'. The new model of enclosed cells, extreme isolation (solitary confinement), lock-down, uniforms, highly regulated behaviour and limited contact with the outside world mimics prison practices in many US prisons and stands in opposition to the fluidity, relative ease of communication with the outside world and toleration of private property in the prisons under carceral self-rule. But the prison officials with whom I toured the facility proudly asserted that 'discipline and order' were values that were core to the Revolution and also central to their New Regime prisons, and the inmates were forced to adopt this discourse in their chants.

Throughout my interviews with government workers and prisoners alike, many mentioned that the aim of the New Regime prison was to create Che Guevara's 'new socialist man',⁷¹ implying that the role of the prison is to rehabilitate inmates by creating a cultural change towards a more 'communitarian attitude' and away from individualism and self-advancement.⁷² Making the 'new man' is often associated with Cuba's urban youth, who volunteered to teach people to read in poor rural communities during the 1961 literacy campaign, or the international 'Venceremos' Brigades that volunteered to cut sugar cane in 1969–70 as an act of moral and political commitment following the Cuban Revolution. The basis of those actions was voluntary, so adapting these principles to the claimed rehabilitative aims of involuntary internment is not an easy fit. But the concept of making a 'new man' or 'new woman' did resonate with some of the people whom I interviewed; they largely interpreted this discourse as acknowledging a possibility for redemption which aligned with the Christian values that many people subscribed to.

While 'order and discipline' and the discourse of building a 'new man' were attempts to build an ideologically rooted legitimacy for the new prison regime,

⁷¹A mural in the administrative block of the Sargento David Viloría Penitentiary features Che Guevara.

⁷²Miguel Martínez-Saenz, 'Che Guevara's New Man: Embodying a Communitarian Attitude', *Latin American Perspectives*, 31: 6 (2004), pp. 15–30.

the delivery of material benefits proved to be far more effective. If the state can provide for the basic needs of incarcerated people, prisoners will not be dependent on an informal market or alternative regimes for accessing them. By providing food, the MSP asserts a 'humanisation' of the prison; but this also serves to undermine the potential of a *Carro* surging up to satisfy prisoners' unmet needs. Regardless, feeding people who are not free to leave is an indisputably rational (and statutory) policy and it takes pressure off the family members of incarcerated people. In prisons under carceral self-rule, if food is provided at all, it is paid for through the obligatory surplus extracted from inmates. One tall and soft-spoken man from Barquisimeto expressed relief at not being pressured to pay *la causa* in the Sargento David Viloría. From his cell he said:

Before, there was the question of paying *la causa*. Many of us come from humble families, who can't afford pay 1,000 *bolívares* weekly.⁷³ Now, it is different, now we don't have that pressure.

He also expressed relief from the constant threat of violence from armed inmates, a feature of the carceral self-rule regime, stating that 'Our lives were at risk because of *la rutina* [the highly regulated code of conduct set by the *Carro*] ... at least now our lives are safer.' But while armed guards dressed in navy blue fatigues patrol inside and the National Guard continues to police the perimeter of the New Regime prisons, abuse of inmates by prison officials has already been documented;⁷⁴ this does not happen in the prisons managed by the *Carro* because, as one *lucero* told me, 'We have guns and we'd shoot back.'

While the strict and rigid arrangements in the New Regime prisons financially unburden the families of incarcerated peoples because *la causa* is not required and the institution provides food, this comes at the high cost of less contact with family members. Visiting days do not take place regularly and prisoners at the Sargento David Viloría are able to alert their loved ones of a visit only 72 hours before it is scheduled. For family members who do not live nearby or cannot afford the time or financial cost of the trip this short notice makes visiting impossible. The women whom I spoke with in the prison's female annex reported that their children were not allowed to visit them (this was confirmed by MSP staff, who claimed that the facility was 'too small' for visits by minors). One woman explained that her five children had been split up between three households, her mother's, her aunt's and her mother-in-law's; with indignation in her voice, she asked how she was to choose whom to call for five minutes each week.

Alongside its restrictive and securitised policies, the New Regime prison is a nexus of contact with the social service complex created by the Bolivarian

⁷³The interviewee is referring to the old currency system, in which 1,000 *bolívares* was the smallest bill; this had resulted from runaway inflation. In 2006, the Venezuelan *bolívar fuerte* was introduced. Some people, especially those in prison, still refer to the pre-2006 *bolívar* and say '1,000 *bolívares*', which translates to 1 *bolívar fuerte*. As noted above, the *causa* represents 2–35 per cent of the minimum wage.

⁷⁴The inmates (allegedly in the Coro Community Penitentiary) were beaten with a wooden paddle. In the video, they show their bruised buttocks and denounce the abuse: Rafael Romo, 'Video Captures Alleged Prison Abuse', CNNI [2012], <https://www.youtube.com/watch?v=DIqecuZaBis> (last accessed 30 Dec. 2019).

Revolution. There are a myriad of education, healthcare, job-training, self-esteem building and cooperative-forming social programmes in Venezuela. The MSP approaches the incarcerated population as a key point of contact to build enrolment in these social programmes. Because the 1993 *Dos por Uno* (Two for One)⁷⁵ law allows incarcerated people to reduce their sentences by one year for every two years of work training or education undertaken, the greater the access to education or vocational training, the sooner sentenced individuals can be released. These social programmes formed the basis of the popular support for Chávez among the popular classes and their adaptation and application to a prison setting was the foundation of the MSP's claim to be humanising the prisons – along with improving some of the basic material conditions.

The most successful and positively regarded initiative of the MSP is a programme called Plan Cayapa. Initiated in 2012, it brings tribunals complete with teams of judges, lawyers, psychologists and social workers into prisons and reviews the files of incarcerated people. According to official government statistics, as of April 2015 the MSP had facilitated 35,699 of these visits; but because the teams can undertake 'comprehensive care' assessments with one person multiple times, it is impossible to know the percentage of prisoners who have been assisted by Plan Cayapa.⁷⁶ Beyond the legal aspects of incarceration, the teams also carry out a broader evaluation to integrate people into cultural, educational or athletic programmes or some of the other social programmes available. Plan Cayapa seeks to de-clog the prison system by ensuring release for those who have served their time and for releasing pre-trial detainees who qualify. Since the criminal judicial system is widely understood to be ineffective and corrupt, Plan Cayapa has earned the MSP some legitimacy in its authority over the prisons. While the government and inmates alike credit this programme for a slight decline in the prison population between 2014 and 2015, some experts say that it has in fact contributed little.⁷⁷

The MSP is advancing its goal to impose a New Regime in prisons throughout Venezuela but its claims of control over the prisons system can be deceptive. In the 2015 press release referred to above⁷⁸ it claimed to have imposed the New Regime in 86 per cent of the prisons in Venezuela, but at that time the most populous prisons – Aragua (a.k.a. Tocarón) and San Juan de los Morros (now closed), which alone represented around one-third of the total prison population – were still operating under carceral self-rule.⁷⁹ A young MSP staffer described the dilemma to me in the following way: although, 'militarily speaking, we can obviously take them

⁷⁵*Ley de Redención Judicial de la Pena por el Trabajo y el Estudio*, *Gaceta Oficial*, no. 4,623, 3 Sept. 1993.

⁷⁶These numbers come from an official MSP Press Release ('Ministerio Penitenciario trabaja para transformar y humanizar el sistema penitenciario en Venezuela'), May 2015 (copy available on request from the author). The inmates whom I interviewed at El Rodeo prison confirmed that around 200 people who had been charged with possession of under 20 g of drugs had been released the very day that Plan Cayapa came to the prison in early 2015.

⁷⁷Pérez Santiago and Birkbeck, 'Corrections in Venezuela'. The OVP has claimed that the tribunals are unconstitutional and has challenged the legitimacy of Plan Cayapa: interview, Marianela Sánchez, lawyer with the OVP, 9 Sept. 2014.

⁷⁸See note 76.

⁷⁹Interview with Estévez, 3 Oct. 2014; interview with Sánchez, 9 Sept. 2014.

over', there were stockpiles of weapons and ammunition inside the prisons and the prisoners were both surrounded and contained. In a military confrontation, their water and electricity could be cut off and, eventually, they would run out of food and ammunition, maybe before the unarmed inmates were able to withdraw their loyalty from the ruling *Carro* and advocate for a cease-fire.⁸⁰ So an intervention could not happen without a bloodbath resulting in the loss of many lives and this, the staffer explained, was not something that the MSP could afford politically, especially considering the international scrutiny that Venezuela was currently under.⁸¹ In an interview Maryelis Valdez, the Vice-Minister of Planning of the MSP, expressed confidence that the ministry could take control of the prisons: this was 'the easy part'.⁸² Her concerns rested with the MSP's ability to earn legitimacy with the prisoners and to maintain control of the prisons without fostering the conditions that had led to the development of carceral self-rule in the first place.

The promise of a veritable 'penitentiary revolution' – capable of bringing with it the democratic, redistributive and liberatory values of the Bolivarian Revolution – arrived late in Venezuela's 'process of Bolivarian transformation'; the financial resources simply are not there and policy makers guided by a radical experimental impulse towards the defence of the poor are scant. The social programmes are mere shadows of what they were at the beginning of the twenty-first century and the economic and political structures are failing. Gone are the days when high prices of oil infused a seemingly endless flow of cash into social programmes or provided salaries for a fleet of social workers, educators and organisers. The few who have jobs in the formal economy are paid in a currency that is rapidly decreasing in value and, for many Venezuelans, the brutal reality is that sourcing food and managing daily life has become an unpaid full-time job. To survive, it is necessary to engage in informal and illicit markets. This does not bode well for the future of the New Regime prisons.

In November 2014, just three months before I visited the Sargento David Vilorio Penitentiary, over 100 inmates had been hospitalised and 35 died after allegedly consuming alcohol and drugs from the prison pharmacy during a hunger strike.⁸³ And in March of 2016, violence broke out in the prison again: this time incarcerated people were found to have grenades, C4s and shotguns, and at least one prison worker was killed when a group of prisoners set off a grenade.⁸⁴ While the government forces may be able to defeat the *Carros* militarily, it is doubtful that they will win the ideological battle for hearts and minds of the prisoners. During the prison visits and interviews, many prisoners reaffirmed that they saw the rule of the *Carro* as more legitimate than that of the state (i.e. the MSP). Despite reducing economic

⁸⁰This exact scenario is depicted in a riveting episode of the NPR podcast *Radio Ambulante* entitled 'The Final Days of Franklin Masacre', produced by Mariana Zúñiga, 23 May 2017.

⁸¹Interview with Estévez, 3 Oct. 2014.

⁸²Interview with Maryelis Valdez, 17 April 2015.

⁸³Human Rights Watch, 'Venezuela: Deaths in a Prison Protest', 1 Dec. 2014. Available at <https://www.hrw.org/news/2014/12/01/venezuela-deaths-prison-protest> (last accessed 30 Dec. 2019).

⁸⁴Lucas Koerner, 'Hostages Freed from Venezuelan Prison after 4-Day Standoff', *Venezuelanalysis*, 22 March 2016. For more commentary on weapons inside Venezuelan prisons see <http://www.informeonline.com/pranes-han-ejecutado-a-4-internos-y-tienen-ametralladoras-para-destruir-tanques/> (last accessed 30 Dec. 2019).

pressures on family members of prisoners, the repressive and securitised practices in New Regime prisons – touted as a part of a revolutionary socialist project – co-opt the discourses of the revolutionary Left but are less effective than the claim to legitimacy of carceral self-rule.

Conclusions

Carceral self-rule developed as paternalistic leaders and informal markets rose to fill the vacuum in militarised prisons where prisoners faced abandonment by their government. This dereliction remained under the radar until the population of prisoners began to increase following falling oil prices, the punitive turn and the disintegration of the COPP. Internal leaders emerged by capitalising on the surplus extracted from the influx of prisoners and by utilising a hybrid popular rhetoric that infused gangster culture with the mighty political vision of self-determination and self-governance embodied in the growing experiments in ‘participatory democracy’ in the first decade of the twenty-first century. These legitimising popular discourses made it difficult for the Bolivarian government to discursively challenge the authority of the *Carros* without discrediting the principles by which their own authority had been constructed.

Despite having delivered an expansion in certain personal liberties (opportunities for recreation, more visits), improvement in personal security and an uneven record of infrastructure improvements, the *Carros* are hierarchical organisations that maintain power through violence, economic exploitation and the perception of ‘good governance’. They fail to employ the emancipatory or horizontal models adopted by the communes, communal councils and various other external bodies that have been at the forefront of theorising and actualising forms of self-governance in Venezuela. The *Carros*’ legitimising discourses of ‘protagonism’ and ‘self-rule’ stand in contrast with their authoritarian and violent governing practices, even if they have been (or have the potential to be) mildly redistributive. The government response to this situation was the introduction of a new militarised carceral regime, influenced by international models and legitimised by discourses of both humanisation and effective punishment of offenders. Both the *Carros* and the MSP aim to improve material conditions as a key strategy to gain the loyalty of their subjects but their ultimate goals beyond this diverge. The *Carros*’ aim is to preserve their authority over maintaining a lucrative monopoly on the trafficking of drugs, weapons and goods, and through surplus extraction from the prison population. The uneasy discourses of ‘humanising’ the prisons and creating the ‘new socialist man’ that were repeated by some prisoner-subjects of the New Regime operate to rationalise its authority by signalling a rehabilitative agenda. Those incarcerated in prisons ruled by the *Carros* rhetorically exaggerate practices within the prison – such as participation in the budgeting process – in order that they resonate with ideals embodied in the Bolivarian project, such as that of the ‘positive leader’, ‘participation’ and ‘self-rule’.

The legitimising discourses employed by the *Carros* and government alike fail to reflect the dehumanising conditions in Venezuelan prisons and, most importantly, the involuntary nature of people’s internment. Life inside prisons remains precarious and as long as shortages of basic goods persist and the economic and political

crisis deepens, both the government and the *Carros* will find it difficult to deliver on their promises of improved material conditions. The underlying context that engendered carceral self-rule persists; in fact, the growing economic insecurity creates a fertile terrain for government corruption and a continued battle for authority over Venezuelan prisons.

This article has explored how legitimacy has been constructed in the competing yet co-existing prison regime formations in Venezuela and reveals the contradictions in how both the *Carros* and the state attempt to legitimate their rival prison regimes through a discourse of left-wing emancipation that corresponds with different phases of the Bolivarian project. The rival prison regimes reveal another contradiction – while their discourses promise a transition away from the ancien régime, such as the violent chaos fuelled by neoliberal penalty in the case of the *Carros*, or capitalism embodied by a dehumanising form of market domination in the case of the MSP, they have never addressed the problems of political economy. As long as informal markets in the prison economy can better meet the material needs of prisoners than can central distribution by the government, it is likely that a leader or *Carro* will attempt to increase profit margins on the monopolistic supply of those goods and thus centralise power under a competing form of authority.

Despite attempts at reform, the collapse of the prisons back into patterns governed by market relations within a post-neoliberal context highlights the fundamental role of capitalism in prison regime formation. While recent scholarly work⁸⁵ examines neoliberal penalty stemming from austerity-induced heightened insecurity and a sharp punitive turn, my research demonstrates how exploitative forms of carceralities persist within a post-neoliberal state formation. Despite a context in which there is increased spending on social services and popular discourses of socialism are prevalent, capitalist social relations based on accumulation maintain the conditions for exploitative prison regimes. This raises questions about whether post-neoliberal prison regime formation will exhibit a substantive break from neoliberal penalty or whether austerity policies are necessary for maintaining a neoliberal carceral order. The Venezuelan case demonstrates that, despite volatility in the economy sparked by oil dependence and hybrid state formation in the post-neoliberal period, the increased social spending of the Bolivarian period and attempts to invigorate liberal ideals of rehabilitation could not prevail over the co-existing neoliberal tendencies that shaped the penal orders and the underlying capitalist logic of accumulation.⁸⁶

The *Carros* emerged due to the systemic abandonment of prisons that marked both the neoliberal period and the first decade of the Bolivarian Republic (1999–2009). But improvements to daily life under their rule were predicated on an extraction of surplus from an involuntarily interned population. Nonetheless, the discourses utilised by members of the *Carros* and prisoners who are subject to their rule reflect a perception of legitimacy that the government has not attained to

⁸⁵See note 12.

⁸⁶For an excellent overview of hybrid post-neoliberal state formation see Sujatha Fernandes, *Who Can Stop the Drums? Urban Social Movements in Chávez's Venezuela* (Durham, NC: Duke University Press, 2010), pp. 19–24.

the same extent. Despite attempts at a rehabilitative approach to incarceration by the Bolivarian government, the MSP's sometimes lethal wresting of prisons away from carceral self-rule has associated the New Regime with its own forms of violence, thus decreasing its legitimacy in the eyes of incarcerated Venezuelans.

This finding reflects the more entrenched limitations of the Bolivarian project itself; despite the adoption of progressive discourse and redistributive programmes, the 'socialist' Venezuelan state has been unable to break free from capitalism. The transformation of Venezuela's penitentiary system over the last two decades has not succeeded in uprooting the neoliberal penal model dominated by markets and a lack of social, economic and personal security, and driven by individual incentives to accumulate. My research documents how the government's attempt at reinserting a rehabilitative framework into Venezuelan penal statecraft was derailed by the punitive turn and by its failure to undermine the market incentives and material conditions that produced the *Carros*. Just as past attempts at prison reform could not be sustained in the face of neoliberal austerity, it is likely that the New Regime prison will crumble under the contemporary crisis. The failure to legitimate government authority over prisoners in Venezuela is not solely a reflection of the limitations of discourse or even of discourses unmatched by policies. The state has thus far failed to build the legitimacy of good governance into its management of prisons in Venezuela. Coupled with its inability to overcome the reality of political economy and the conditions that engendered carceral self-rule in the first place, it is unlikely that the MSP will succeed in ending the practice in Venezuela.

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Spanish abstract

Venezuela tiene dos tipos de prisiones: un régimen penitenciario dirigido por una organización jerárquica de prisioneros armados y el nuevo régimen securitizado bajo control del Ministerio del Poder Popular para el Servicio Penitenciario. Este artículo utiliza un enfoque comparativo para examinar cómo se construye la legitimidad en estos competitivos aunque coexistentes regímenes penitenciarios en Venezuela. El estado venezolano tanto como las prisiones bajo 'autogobierno carcelario' legitiman sus respectivos órdenes carcelarios a través de discursos izquierdistas de emancipación que corresponden a diferentes fases del proyecto bolivariano. Pero estos discursos legitimadores presentan contradicciones y ninguno de los regímenes está de acuerdo con sus discursos respectivos de participación o socialismo. En las cárceles violentas y jerárquicas abandonadas por el estado, los presos están solo parcialmente apoderados, mientras que en los tipos de cárcel 'Nuevo Régimen', el control depredatorio a manos de los compañeros de prisión es reemplazado por la violencia del estado 'humanizador'.

Spanish keywords: prisiones; penitenciario; Venezuela; autogobierno de prisioneros; reforma carcelaria; discurso

Portuguese abstract

Na Venezuela existem dois tipos de prisão: o regime carcerário governado pela organização hierárquica de presos armados e o novo sistema de regime securizado sob o controle do Ministério do Poder Popular pelo Serviço Penitenciário. Este artigo utiliza uma abordagem comparativa para examinar como a legitimidade é construída nestes competitivos, porém coexistentes, regimes de organização de prisões da Venezuela. Ambos o Estado e as prisões sob regime de 'auto-administração carcerária' da Venezuela legitimam suas ordens carcerárias através de discursos de esquerda de emancipação que correspondem a diferentes fases do projeto Bolivariano. Mas estes discursos de legitimação apresentam contradições e nenhum dos modelos realiza os ideais de seus discursos respectivos de participação ou de socialismo. Nas violentas e hierárquicas prisões abandonadas pelo Estado, os prisioneiros beneficiam de um empoderamento só parcial, embora nos tipos de prisões 'Novo Regime', a predação sob as mãos dos próprios colegas presidiários é substituída pela violência do Estado 'humanizador'.

Portuguese keywords: prisões; penitenciária; Venezuela; auto-administração; reforma carcerária; discurso

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