
Book Review Essay:
**LATIN AMERICAN AND LATINA AND LATINO
EXPERIENCES WITH PRISONS AND POLICE**

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Gender, Ethnicity, and the State: Latina and Latino Prison Politics

By Juanita Díaz-Cotto

(Albany, NY: State University of New York Press, 1996. Pp. xvii, 480)

The Birth of the Penitentiary in Latin America:

Essays on Criminology, Prison Reform and Social Control, 1830-1940

By Ricardo Salvatore and Carlos Aguirre (Eds.)

(Austin, TX: University of Texas Press, 1996. Pp. xxi, 279)

Justicia en la Calle: Ensayos Sobre la Policía en América Latina

By Peter Waldmann (Ed.)

(Madellín, Colombia: Biblioteca Jurídica Diké, 1996. Pp. xv, 444)

A standard lament among scholars interested in the comparative aspects of criminal justice is that measurement and observation are much more abundant for some cultures than for others. In this regard, Latin American culture is undoubtedly at the sparse end of the scale. Although some countries (e.g., Mexico) rate better than others (e.g., Paraguay) in the availability of information, researchers usually find precious little of direct relevance to their chosen line of inquiry. The compilation of basic descriptive information is therefore a frequent obligatory task in Latin American criminal justice research projects. In a similar vein, Latin Americans in the United States have received relatively little attention, either as the perpetrators of crimes or as the objects of social control.

For that reason, the recent publication of three books on Latin American and Latina and Latino experiences with prisons and the police is welcome. Salvatore and Aguirre's book offers eight essays by North American and Latin American scholars, primarily historians, on selected aspects of Latin American prison policy, prison reform, and prison life during the period that stretched from independence to the beginning of the Second World War. Waldmann's book draws together

work by European, North American, and Latin American scholars on historical, institutional, and contemporary aspects of policing in Latin America. Both of these books represent important resources for other scholars interested in these topics. Although scattered material has been available on Latin American prisons and police, both in English and in Spanish, no comprehensive publications have been prepared since Rico's general study of the region in 1977, and none have been so detailed. Similarly, Díaz-Cotto's study provides an extensive description of the social and political organization of Latino and Latina prisoners in New York's prison system between 1970 and 1987. Prior research on prisoners of Latin American descent in the U.S. had been limited to a handful of short articles.

Obviously, these books offer a variety of objectives, subject matter, and perspectives. Salvatore and Aguirre's book presents seven essays on prisons in one or more Latin American countries between 1830 and 1940, prefaced by an introductory chapter that attempts to provide a theme for the volume. The editors' chosen theme is the penitentiary in social and political discourse, their interest is in the perspectives on society, class, and conflict that were reflected in and reinforced by the changing discourse on prisons, and their principal argument is that the penitentiary model was adapted to local conditions and conflicts in an evolving penal history whose content and timing differed appreciably from the developments documented in western Europe and North America. This editorial strategy is quite successful. What remains from the past is largely discourse—mainly political or scientific, occasionally bureaucratic—about the prisons, not the gradual accumulation of logs, registers, dockets, inspection reports, and so on that would allow us to build a more penetrating analysis of the character and internal functioning of prison establishments and (equally important) of the criminal justice system that fed defendants to the prisons. Thus, all of the contributions to Salvatore and Aguirre's book are based on the presentation and analysis of one or more discourses about prisons. If there is a weakness to this book, it lies in the difficulty that the authors have—collectively and individually—in turning a chronological compilation of accounts, reports, and proposals into a more coherent analysis of social visions and penal ideologies and their links to social structure and social conflict. And if there is an omission in the book, from the perspective of criminal justice scholars, it derives from the historians' treatment of penal discourse as a means of access to social and political thought: The book tells us far more about society and politics in Latin America than it tells us about prisons and punishment.

Waldmann's compilation is more diverse and therefore ultimately less successful than Salvatore and Aguirre's. To be sure, this editor faced a more challenging task. While prisons have attracted the attention of not a few commentators and researchers, the police have largely gone unstudied. Perhaps this unequal treatment is a result of the different social or political locations and functions that are accorded prisons and the police. For all their concerns with

security, prisons have been more open to observation than the police, especially in Latin America. A cardinal principle of policing is secrecy, especially when the agenda is primarily set by the ruling political elite. Thus, in proceeding toward his stated objective, that of providing a general profile of the Latin American police, Waldmann had fewer researchers whom he could choose from, and they in turn frequently had but scant information on which to base their contributions. The result is a collection of uneven nature, ranging from relatively superficial and formalistic reviews of police administrative structure and evolution to two detailed empirical studies of selected aspects of police activity. The extent of the difficulties involved in compiling sufficient research on Latin American police is perhaps most clearly manifested in Waldmann's decision to include two chapters that deal exclusively with policing in Germany. Although the editor's justification is that these chapters provide useful points of comparison for understanding or reforming the Latin American police, even he is ambivalent about the value of such comparisons. Overall, the diversity of contributions impedes generalization. Waldmann's introductory essay offers some tentative observations regarding relatively unique characteristics of the Latin American police: their integration with the armed forces, their low salaries and lack of resources, and their propensity to engage in violence. But these can be no more than initial and relatively obvious findings, perhaps of more salience to those who (like Waldmann) are interested in police reform than to those who are interested in understanding Latin American policing. Nevertheless, Waldmann's book is obligatory reading for those who would study the Latin American police, if for no other reason than that it reveals how little we currently know.

Díaz-Cotto's book provides a recent history of prisoner organization in New York. The main focus of the study is Latina and Latino prisoners at two facilities, but the primary narrative structure is provided by events in New York's prison system (beginning with the Attica rebellion) and the organizational activities of prisoners (mainly minority groups). Díaz-Cotto's main objective is to examine the treatment, experiences, and responses of Latina and Latino prisoners, paying particular attention to policies instituted by the New York Department of Corrections and to organizational activities undertaken by and on behalf of minority prisoners. A secondary objective is to compare the experiences of Latina and Latino prisoners. These objectives are met in extraordinary detail. In more than 400 pages of text, the author provides exhaustive descriptions to reconstruct the subject matter of her study. We learn, for example, about the cell arrangements and lockdown times at the Green Haven prison; we follow the fortunes of a bewildering myriad of groups both inside and outside prison; we hear about almost every program and its administrators in each facility. But the detail ultimately strangles the study in its own description. The general conclusions that Díaz-Cotto is able to draw—for example that multiple nationalities were a barrier to unity, that outside support was crucial for gaining

concessions, that Latina prisoners had less support than Latino prisoners—could have been illustrated with perhaps a tenth of the material. Moreover, these are conclusions that do not derive from or contribute to an overarching analytical framework regarding the roots and dynamics of prisoner organization. For most readers, except those personally involved in the events described, the introduction, conclusion, and a sample chapter from the middle of the book will probably suffice.

Despite the heterogeneity implied by these three books, their near simultaneous appearance prompted me to examine them for a common theme. Specifically, I was interested in a question that derives from a central object of comparative criminal justice research: the extent to which the formal or informal institutions of criminal justice show similarities and differences when examined cross-culturally. This matter has received some attention among criminal justice scholars interested in Latin America (Birkbeck, 1993), and the publication of three new works, parts of which explicitly or implicitly address the same question, provides an opportunity to assess the answers that we have and the continuing lines of inquiry that these answers prompt, at least for the Latin American case.

Similarities between Latin American and North American or European institutions of criminal justice are, of course, guaranteed by common cultural traditions. They are also apparently reinforced by a tendency for Latin Americans to appropriate models from North America and western Europe. Julio Maier from Argentina, one of the contributors to Waldmann's book on the police, subscribes to this view: "We are a country that receives institutions; our official culture has done nothing else than, in general, repeat the political models of those civilizations that conquered and colonized our territory" (p. 127). Examples can be found that suggest support for this interpretation of events. The Chilean military attaché in Rome wrote and later published an extensive description of the Italian *Carabinieri*, which was the main source of ideas for the creation of the Chilean *Carabineros* in 1927. The Peruvian reformer Paz Soldán visited the United States in the mid-nineteenth century and returned with elements from both the Auburn and Philadelphia systems as the basis for the newly planned Lima penitentiary.

However, both logic and events suggest that such appropriations could not produce exact replicas of North American or western European criminal justice institutions in Latin America. Under the dictates of logic, an imported institutional model would only look completely similar if (a) it were transported in its entirety and (b) local conditions were the same as conditions in the culture that spawned the model. Given that these requirements are rarely met, a culture that imports institutional models must differ somewhat from a culture that engenders its own institutional arrangements. And the subsequent fate of

imported institutional models in Latin America confirms that appropriation was selective and was accompanied by adaptation to local conditions.

For an example of selective appropriation of foreign models, we may turn to Aguirre's excellent account of the construction of the Lima penitentiary in the mid-nineteenth century. After Paz Soldán had returned from the United States, he devoted considerable time to a comparison of the Auburn and Philadelphia penitentiary models. His personal preference for the Auburn system was based on his ethnically grounded (and highly questionable) perception of character: He did not think that complete isolation would constitute a punishment for Indians, who made up the majority of Peru's population. A local physician, José Casimiro Ulloa, disagreed with Paz Soldán not only in his characterization of Indians but also in the advisability of adopting the Auburn system, which required considerable surveillance and control by prison guards. Ulloa thought that Peruvian prison guards would not perform the necessary tasks, and this was something in which he was to be proved right. The final design for the penitentiary therefore included elements from both the Auburn and Philadelphia systems.

The history of the Latin American police is replete with examples of appropriation from foreign models, ranging from the creation of *Carabineros* in several countries to the establishment of departments or special operations groups within the police under the guidance of European or North American advisers. However, researchers on the Latin American police have still to unearth and examine the materials necessary for a careful comparison of local initiatives and their inspirational foreign sources. Attention to the potentially selective nature of appropriation would bring to the fore local and foreign perceptions regarding the role of the police (allowing police researchers to produce studies akin to those compiled by Salvatore and Aguirre for prisons) and would help illuminate the as yet largely unanswered question as to why military forms of policing have been so popular in the region.

Turning from selective appropriation to adaptation, it is clear that local conditions often produced, and continue to produce, local institutions that differed markedly from the blueprints envisioned by their architects. Returning to Paz Soldán's project, four years were sufficient to show that the penitentiary would not be at all like what he had planned. The building soon became overcrowded, sanitation was a problem, and there was a lack of adequate clothing. Prisoners could not be subordinated by even the most severe penalties and in 1866 attempted a massive escape. One gets the impression that, by the time of this escape attempt, the only thing that distinguished the Lima penitentiary from other Peruvian prison facilities was its architecture. The Costa Rican penitentiary, described by Palmer in Salvatore and Aguirre's volume, was opened in 1909 and appears to have suffered similar, if not quite so dramatic, problems.

The same tendencies also are apparent in policing. Gabaldón's chapters in Waldmann's book reveal some interesting findings. The Venezuelan judicial police, who were organized along the lines of several European forces, do not act in quite the same way: They do not give greater priority to the more serious cases. This apparently happens because officers are required to work to a quota system and must prepare a minimum number of cases each month. The more serious cases may not necessarily be the easiest to prepare. Gabaldón also finds that Venezuelan uniformed police are very unlikely to use force, even when clearly authorized to do so, against higher-status citizens. Whereas these are examples of specific divergences from conventionally understood police procedures, Schmid (also in Waldmann's volume) draws together primarily journalistic accounts to suggest that Mexican politicians and police have by accident and design produced a wholesale subversion of the constitutionally declared police function. In Mexico, the police do not exist to maintain order or fight crime; they exist to extract money and other favors for themselves and others from an unwilling and largely hostile citizenry.

Divergence between legal or administrative models and the practices they engender is, of course, inherent to all institutions (and provides a continuing stimulus to the sociologies of law and organizations). What is interesting in the Latin American case is not so much the quantity of divergence (that is a question that is ultimately unproductive) but the character and origins of divergence. These are matters about which we currently know very little but whose examination would provide important material on the characteristics and determinants of criminal justice procedures and institutions in Latin American culture. The books reviewed here all touch on these lines of inquiry in varying but largely superficial ways. They suggest some initial pointers and exemplify the need to go much farther.

As Salvatore and Aguirre would be quick to acknowledge, the discourse of politicians, reformers, and bureaucrats must be recognized for what it is: the articulation of a perception of how things are and of a vision of how things should be. But when it comes to prisons and the police in Latin American culture the perceptions may be questionable and the vision unrealized. Thus, although study of this discourse can tell us much about the values and worldviews that guide the actions of the ruling class, it can tell us almost nothing about the criminal justice institutions that are the object of the discourse. For all Aguirre's excellent and careful research, he can tell us more about Paz Soldán's intentions than about life in Peru's prisons at mid-nineteenth century; Palmer acknowledges that how the Costa Rican penitentiary actually functioned is a question that awaits further research; and many of Waldmann's contributors can only recite the laws and decrees that created or reformed the police, while telling us nothing about recruitment patterns, day-to-day activities, or interactions with citizens.

Thus, one of the contributions of these books, by default as much as by design, is that they caution us against too literal a reading of the discourse that they present and analyze. They also reveal occasional glimpses of what was and is actually happening in Latin America's criminal justice institutions. One dimension of organization appears to be grounded in inequalities of wealth and status. A Brazilian prison in the 1920s is described as a city, complete with social classes that occupied "noble palaces" (halls), smaller "houses," and the humblest galleries (Bretas, in Salvatore and Aguirre). Santiago-Valles (in the same volume) reports on the existence of "preference rooms" in Puerto Rican prisons of the turn of the century for prisoners who, in the words of one mayor, "do not wish to be in the same quarters with the rest and for which prisoners have to pay" (p. 142). And, as I have already mentioned, Gabaldón (in Waldmann's volume) reports cases where the police resist using force against higher-status citizens, even when the situation allows or requires it. These occasional examples are congruent with a handful of other empirical studies that attest to the powerful role of social inequality in affecting the workings of Latin American criminal justice institutions (see, for example, Van Groningen, 1980).

A second dimension of organization is the precarious support for the public interest. Decisions and resulting behaviors are often made on the basis of values and interests that pertain to individuals and their personal or political clan, not the collective values and objectives enshrined in the normative arrangements underlying criminal justice institutions. Aguirre reports that prisoners frequently arrived drunk at the new Lima penitentiary because the soldiers in charge of their custody allowed them to drink in taverns along the way. Paz Soldán found that one of the main obstacles to penal reform was the authorities, guards, and employees of the new establishment. Schmid suggests that police behavior in Mexico is primarily guided by the need to ensure additional income or favors for officers or their superiors. And, to turn to a very different example and context, Díaz-Cotto describes the efforts made by Latina prisoners to get permission for family members and children to visit on at least one day of the year under more relaxed conditions (more typical of Latin American prison visitation programs) than those that normally prevailed in New York's Bedford Hills facility. As these examples suggest, some departures from the rules could be seen as beneficial, others as prejudicial, but they all indicate a desire or willingness to set aside the practices normatively assigned to criminal justice institutions in the pursuit of other values or interests. It is thus the tension between formal principles and informal practices that may be a special characteristic of criminal justice institutions in Latin American culture.

In sum, these books offer diverse contributions for students of comparative criminal justice. They each provide information that was previously unavailable for their respective topics. They suggest that Latin American culture is characterized not so much by its wholesale appropriation of criminal justice

models as by selective appropriation and adaptation of models from western Europe and North America. And they reveal that discourse and practice may be sharply at odds with each other. Marked social inequality and the weak role of abstract collective interests may be key variables that affect criminal justice practices in Latin American culture. Not only can we use more empirical research on Latin American criminal justice in general, but specific attention to these variables looks as if it would be both fruitful and interesting.

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