

When Prison Officials Fail to Govern: Self-Governance in Mexico, Brazil, and Bolivia

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The inmates kept the Big House running and without them it would have been chaos.

Drauzio Varella, Brazilian prison doctor¹

Latin American countries have experienced significant increases in their prison populations since the 1980s. However, the procedures and practices of confinement – the way that prisons operate – has not followed the same trends seen in other countries with rising prison populations, like the United States (Useem and Piehl 2008; Birkbeck 2011). In the United States, corrections work has become increasingly professionalized. Prison officials bring a vast amount of state and federal funding and cutting edge technology to the administration of prisons. These resources facilitate prisoner classification and the regimentation of daily life. Housing units are often monitored with video surveillance. Prison officials isolate residents from each other and from family and friends, and they limit and control prisoner work within the facility closely. Prisons in the United States and Europe are also held accountable to a broader range of governmental and non-governmental

¹ Varella 1999, 163

organizations, and there is a high degree of formalization in prison management and procedures. In Latin America, by contrast, each of these characteristics is significantly less common or entirely absent.

Studying cases of Latin American prisons provides an opportunity to assess one of the main empirical implications of the governance theory of prison social order. In particular, given the extremely low quality of official governance that exists in many of these prisons, the theory predicts that there will be a significant investment in extralegal governance institutions. Of course, not all prisons in Latin America are poorly governed and there is variation both within and across countries. However, I will argue that these regimes, on whole, tend to have relatively few resources, their administrations are ineffective, overwhelmed, or simply absent, and they do a poor job of governing the prisoner community. These prisons demonstrate a significant lack of state capacity. As a result, there is a proliferation of extralegal governance institutions that are created and operated by the prisoners themselves

I start by providing a brief overview on the nature of material conditions in Latin American prisons and documenting the diversity of extralegal governance institutions that operate within them. This aggregate evidence is consistent with the theory and is the first step in establishing that there is a systematic relationship between official governance and extralegal governance. The next chapter examines prisons where official governance is high-quality and there are few extralegal governance institutions. Taken together then these two chapters show that there is a correlation between the quality of official governance and the importance of extralegal governance. In addition, each chapter examines specific prisons to show that how these relationships operate on the ground. Finally, the evidence available in these cases shows that the mechanisms that emerge are consistent with the underlying intuition of the theory. Taken together, the combination of

aggregate correlations, detailed cases studies, and identification of mechanisms provide support for the governance theory.

In this chapter, I focus on three particular cases, which were chosen because they vary in the type and quality of governance that officials provide, so it provides an opportunity to see how prisoners act in response. First, I briefly discuss a case of a co-governing Mexican prison from the 1960s, where officials were present and played a role in administering the prison, but they also allowed an extensive prisoner-economy. Prisoners turned to private economic activity because officials provided too few resources to them. Second, I examine a Brazilian jail where officials have delegated a large number of administrative responsibilities to prisoners. Unlike the Mexican case, prisoners do much of the daily administrative and governance work. This discussion is based on research by criminologist Sacha Darke who has conducted extensive ethnographic research in co-governing Brazilian prisons and jails. In addition to his articles, his book *Conviviality and Survival: Co-Producing Brazilian Prison Order* (2018) provides a compelling account about the origins, nature, and challenges facing many Latin American prisoners. His fieldwork has taken him to more than 30 Brazilian prisons and jails, where he has interviewed prisoners and staff and observed prison operations (Darke 2018, 26). Finally, I discuss the case of Bolivia's San Pedro Prison, where officials provide neither governance and administration nor economic resources. It is an extreme example of a self-governing prison regime, where officials rarely even enter the facility. Instead, prisoners create associations and committees to govern the community, and they participate in a thriving prison economy, both of which promote order amidst a state-created sphere of statelessness.

Table 2.1: Descriptive Statistics of Latin American Prison Systems

Country	Prison Population ^a	Prison Use Rate (per 100,000) ^a	Occupancy Rate ^a	Number of Institutions ^a	Average Population per Prison	Prisoners per Staff ^b	Percentage of National Budget ^c
Argentina	72,693	167	106.2%	285	255	1.66	0.56%
Belize	1,443	410	87.3%	1	1443	4.99	
Bolivia	14,598	130	253.9%	61	239	11.74	
Brazil	659,020	319	163.9%	1424	463	7.76	
Chile	42,639	235	110.9%	103	414	2.19	0.79%
Colombia	115,878	229	147.3%	136	852	7.83	0.68%
Costa Rica	17,440	352	139.4%	33	528	4.32	1.1%
Ecuador	26,421	160	114.4%	52	508	17.37	0.33%
El Salvador	38,159	586	348.2%	25	1526	14.76	0.70%
Guatemala	22,184	130	296.2%	22	1008	8.87	0.50%
Guyana	2,113	278	128.8%	5	423	4.33	
Honduras	17,253	200	162.8%	27	639	10.05	
Mexico	233,469	192	111.6%	379	616	6.41	0.23%
Nicaragua	10,569	171	128.0%	9	1174	8.36	0.45%
Panama	17,165	421	121.1%	24	715	13.89	0.35%
Paraguay	12,741	180	178.6%	16	796	8.38	
Peru	83,639	262	232.8%	69	1212	9.09	0.38%
Suriname	1,000	183	75.2%	31	32		
Uruguay	10,228	297	112.5%	29	353	3.82	0.21%
Venezuela	54,738	173	153.9%	58	944		

a. World Prison Brief 2018.

b. Based on data about prison staff numbers from United Nations Office on Drugs and Crime. Data are from 2015 or are the most recent estimate available.

c. Inter-American Commission on Human Rights (2011, 21-22)

The Dismal State of Latin American Prisons

In general, the quality of official governance in Latin American prisons is far lower than in more developed countries. Table 2.1 provides some basic measures of prison size and operation for many of the continent's prison systems. The average prison population across the sample of countries is 72,670 people, but there is a significant amount of variation. They range from a low of only 1,000 people incarcerated in Suriname to a high of more than 659,000 people in Brazil. The average prison use rate is 254 prisoners per 100,000 residents, with a low of 130 in both Bolivia and Guatemala and high of 586 in El Salvador. The average prison occupancy rate is 159 percent of designed capacity. El Salvador, Guatemala, Bolivia, and Peru have the highest levels of overcrowding – with facilities packed with between two to three-and-a-half times the designed capacity. Brazil's occupancy rate is about 164 percent of designed capacity, and overcrowding has long plagued the system. In 1998, Human Rights Watch concluded that “severe overcrowding is perhaps the most basic, and most chronic, problem plaguing Brazil's prison system” (Mariner 1998, 32). The size of prisons varies too. Across the sample, there is an average of 707 people per facility, with five countries (El Salvador, Belize, Peru, Nicaragua, Guatemala) exceeding an average of 1,000 prisoners per facility. The ratio of prisoners to members of staff is largest in Ecuador (17.37 to 1), El Salvador (14.76 to 1), Panama (13.89 to 1), Bolivia (11.74 to 1), and Honduras (10.05 to 1). With fewer than five prisoners per member of staff, staffing is highest in Argentina, Chile, Uruguay, and Costa Rica. Finally, for those countries that responded, only one spends more than 1 percent of the national budget on the prison system, and on average, prisons receive only 0.5 percent of the national budget.

These data give us some sense about the size, scope, and funding of Latin American prisons, but they do not say much about the conditions of life inside of them. For instance, I can

find no data on what percentage of prisoners receive adequate food, water, health care, and clothing from prison officials. Likewise, we do not know how safe or sanitary these prisons are. The consensus in the literature is that Latin American prisons are often in a poor state, but we don't have systematic data documenting this across countries (Birkbeck 2011). In lieu of that, I'll briefly mention findings from a variety of studies and reports that give us snapshots of some of these aspects.²

Prisoners often have insufficient access to health care, clothes, food, and water. For example, in a 2007 survey of 1,615 Mexican prisoners, 53 percent reported that the food was insufficient, 41 percent reported it was of poor or very poor quality, and 29 percent reported they did not have a sufficient amount of clean drinking water (Azaola and Bergman 2007, 105; on drinking water, see also Inter-American Commission on Human Rights 2011, pages 168-171). In Peru, half of the prisoners did not have access to health services and there was an average of one doctor for every 885 inmates (Ungar 2003, 913). They also found that prisoners rely heavily on their families to bring them food (90 percent of respondents), medicine (49 percent), money (64 percent), and clothes or shoes (85 percent) (Azaola and Bergman 2007, 106). At the *Penitenciaría del Litoral*, Ecuador's largest federal prison, one scholar reports, "food and medicine always ran in short supply. The inmates themselves protested bitterly over the horrendous quality of their meals, as well as the general absence of medicine throughout the complex" (Garces 2010, 478).

The inability to maintain even the most basic level of cleanliness compounds the misery of poverty and overcrowding. One Brazilian prisoner told Human Rights Watch, "Everything is dirty and infested. There are little bugs there—*muquirana*—that live in your clothes and make your skin

² Interested scholars can consult the Inter-American Commission on Human Rights report (2011), which offers an extensive report on qualitative findings based on a survey of a sample of Latin American countries.

itch all night. It's impossible to sleep. Every Friday [the staff] have a "geral" (full search). There is a big patio there. Everyone is forced to strip naked and wait in the patio, often in the cold. They turn on a hose and wash down everything. But it doesn't keep the bugs away" (Mariner 1998, 74). Access to clean water, soap, and showers are also limited. When showers are available, they often consist only of a pipe coming out of a wall with no showerhead and no hot water (Mariner 1998, 81). In 2003, in Venezuela's *El Rodeo* prison, there was no working plumbing and improper electrical wiring caused several deaths (Ungar 2003, 913). Because of overcrowding, prisoners often install drapes and partitions to create some privacy, but given the poor quality of electrical work, this can also present a serious fire risk (see Inter-American Commission on Human Rights 2011, 103-105).

Prisoners in Paraguayan prisons describe a similar setting: decaying building, suffocating overcrowding, lack of hygiene, and little access to food and health care (Cavallaro 2008, 36-47). One prisoner likens their treatment to animals, saying "there is no difference between a zoo and this place, but animals have mothers and I am alone" (Cavallaro 2008, 41). A study of Mexican prisons concludes that, "almost all of the prisons in the study were in a sorry state, with deteriorating installations and furnishings and limited prisoner access to basic goods and services" (Azaola and Bergman 2007, 106).

Sociologist Loïc Wacquant, writing about the Brazilian prison system, describes "the appalling state of the country's prisons, which are more akin to *concentration camps for the dispossessed*, or public enterprises for the industrial storage of social refuse, than to judicial institutions serving any identifiable penological function" (Wacquant 2003, 200). He describes a prison system in crisis, with "staggering overcrowding resulting in abominable living conditions and catastrophic hygiene, characterized by lack of space, air, light and food...denial of access to

legal assistance and basic health care, the result of which has been the dramatic acceleration of the spread of tuberculosis and the HIV virus” (Wacquant 2003, 200-201).

Prisons are often extremely understaffed. Table 2.1 shows that for the entire sample, there is an average of eight prisoners for each member of staff, but this overstates staff presence in two ways. First, it includes all employees, not just those in a custodial role. Some people who are hired as guards instead work in administrative roles (see, for example, Mariner 1998, 100). Second, many of these prison systems have a high proportion of staff on medical leave or face chronic absenteeism (Mariner 1998, 100).

There is also significant variation in staffing within countries. For example, in Ecuador’s largest federal prison, there were approximately 32 guards responsible for about 4,000 prisoners (Garces 2010, 480). Perhaps as a way to cope with being outnumbered, anthropologist Chris Garces explains, “the guards quickly employ force to maintain their aura of sovereign violence. They often fire their weapon of choice, the sawed-off shotgun, in a dramatic display” (Garces 2010, 480). Human Rights Watch’s visit to a Brazilian facility in Rio Grande do Norte found that three prison staff were responsible for 646 prisoners (Mariner 1998, 102). In Venezuela in 2006, eight staff guarded more than 1,400 prisoners (Darke and Karam 2014, 7). In 2009, the United Nations Committee against Torture (cited in Darke 2013, 273-274) found that, on a visit to a lock-up in Rio de Janeiro, there were only six officials responsible for 1,405 prisoners. At a prison in Recife, Pernambuco, five prison officers oversaw a population of 4,200 prisoners (Chamber of Deputies 2008; cited in Darke 2013, 273-274). Wacquant (2008, 64) reports that only twelve guards worked at any time at Casa de Detenção of São Paulo, and they were responsible for overseeing about 1,700 prisoners.

Visitors to Latin American prisons often see the lack of resources and formal control and assume that it leads to chaos, violence, or complete destitution. In 1998, Human Rights Watch argued that “with the meagre guard presence in many prisons, there is very little to prevent tougher, stronger, richer and more well-connected inmates from threatening, intimidating and sometimes violently abusing their more vulnerable fellows” (Human Rights Watch 1998, 105). While violence and abuse does occur, this doesn’t always happen. Prisoners have an incentive to respond to the harsh conditions they face. Sacha Darke and Maria Lucia Karam, criminologists and Latin American prison experts, explain that despite their plight, “for the majority of prisoners life goes on with some degree of everyday normality—meals are distributed, rubbish is collected, families visit at the weekend, minor illnesses get treated, disputes are usually avoided or settled” (Darke and Karam 2014, 8).

In the face of limited resources, incompetent, overwhelmed, or absent administrators, and poor governance, prisoners govern themselves. In surveying the literature on Latin American prisons, Darke and Karam (2013, 10) document numerous forms of prisoner governance that have emerged. These include *directivas* (directors) in Bolivia; the *cabos/delegados de pabellón* (heads/dormitory delegates), *jefes de patio o pasillo* (heads of patio or corridor)/*gremio* (management), and *polipresos* (inmate police) in Venezuela; the *nueva mafia* (new mafia) in Honduras; *delegados* (delegates) in Peru; the *comités de orden y disciplina* (committees of order and discipline) of Guatemala; the “cellblock bosses” of Mexico; the “internal chiefs” of Colombia; the *capataces* (foremen) of Paraguay, and the *limpiezas* (cleaners) of Argentina. In 2012, a Mexican human rights commission found that sixty percent of Mexican prisons are “self-governed” (Reuters 2012). As these examples show, extralegal governance it is not limited to only

a few countries. Likewise, these are not one-off examples within a generally functioning prison system, but instead they are endemic. In Latin America, extralegal governance is not extraordinary.

In Honduras, at the National Penitentiary *Marco Aurelio Soto*, anthropologist Jon Carter describes what it feels like to enter the prisoner-run barracks. He explains, “crossing the threshold for the first time was like walking through an electrical current, where one body of law recedes and another begins, and where the surrender of oneself as subject to that law is absolute” (Carter 2014, 490). He reports that “entering was an experience of loss in which one was stripped of legal protection and instantaneously vulnerable to unfamiliar institutions with the potential for wielding arbitrary violence” (Carter 2014, 490). Inside these facilities, prisoners make the law. These diverse governance mechanisms vary in their quality and desirability, but they are alike in that prisoners play a major role in governing their conditions of confinement. Prisoners do not passively accept their fate in the face of state failure, but instead devise a multitude of co-governance and self-governance mechanisms to establish some degree of order.

Co-Governance in a Mexican Prison

One common way that prisoners respond to the scarcity of resources in prison by engaging in market exchange, either with other prisoners or with people in the free world. The very lack of control and official presence means that markets can arise and flourish. One example, drawn from ethnographic and interview research from 1968 to 1970, is the *La Mesa Penitentiary* in Tijuana Mexico. The prison's most prominent feature, according to anthropologist John Price, was its free enterprise system (Price 1973). This case shows how, when officials fail to provide economic resources, prisoners can fill the gap if given the freedom to do so.

The prison held about 800 people. The warden's main job was "simply to keep the prisoners contained, alive, and at peace with one another" and he was relatively successful at doing so (Price 1973, 220). The prison employed fifty guards, each of whom worked alternating 24-hour shifts, suggesting that there were 32 prisoners per guard at any time. Serious acts of violence were uncommon, although less serious assaults and fights occurred more frequently. Fighting was usually motivated by the need to punish thieves, in response to verbal insults, and to establish one's status in the social hierarchy (Price 1973, 224).

Officials provided food for all prisoners who wanted it, and meals consisted of bread rolls, oatmeal, soup, and beans. Prisoners could also work in the prison's workshops making carved wooden furniture, bed frames, tambourines, bongo drums, and miniature carved wooden ships (Price 1973, 223). This provided a source of income for prisoners, who could then use it in the informal economy. No one was required to work, but for those who did, officials collected *mordidas* ("little bites") from the wages and profits of workers and companies (Price 1973, 223, see also Wilkinson 1990). Guards also collected the "*talacha* (the weekly upkeep-and-repair donation) and money from prisoners purchasing blankets, beds, apartments, and the use of shower facilities" (Price 1973, 221). These jobs and "donations" illustrate how co-governance can operate in practice.

Despite officials' presence and role in administering some aspects of the facility, material conditions were still relatively limited. In response, prisoners engaged in market exchange to improve their standard of living. If the food was deemed insufficient or unappetizing, prisoners with money could purchase food from prisoner-vendors in the prison, which included six prisoner-run grocery shops, two restaurants, a tortilla shop, and four food carts (which sold tacos, soda, ice cream, and fruit) (Price 1973, 222). Prisoners could also buy better sleeping arrangements, with

options ranging in quality from a bedroll for the floor, a cot, and a traditional bunk. If a prisoner was willing and able to pay more, he could even purchase his own private apartment (a *caraca*), of which there were about fifty-five in the prison (Price 1973, 221). These were small cells, roughly nine foot by seven foot, and could be modified and remodeled by the prisoner, depending on his means and preferences.

There was also a substantial demand for drugs in the prison, especially heroin. There were between 200 and 300 prisoners who were regular users (about a quarter of the prison population). There were two major drug suppliers in the prison, with territories in the north and south sections of the prison (Price 1973, 223). Each day they sold about one hundred small packets of diluted heroin for \$1 each. There were also several smaller drug dealers in the prison.

Because of the extensive reliance on market activity, the researcher describes the prison as a “free market economy” (Price 1973, 218). A 1990 study with Mexican prisoners likewise reported that “the respondents indicated that money could indeed be used to buy almost anything one could buy on the outside,” and this included improved housing and even air conditioning (Wilkinson 1990, 120). Overall, the author explains, the prison was fairly well ordered and tolerable. He writes that “while La Mesa Penitenciaría has very serious problems, such as its heroin trade, for most of its inmates it is a humane prison” (Price 1973, 218). When given the freedom to do so, prisoners can rely on commercial relationships to ease the pains of imprisonment arising from lack of resources. They operate in the open and with the support of prison officials. This case also shows us that co-governing prison regimes are not new, but instead have a significant historical precedent.

Co-Governance in a Brazilian Jail

In addition to markets that supplement limited official resources, prisoners can also contribute to the prison's administrative needs. In the United States, this is now relatively rare. Over the last 70 years, there has been a significant decline in the extent to which prisoners help run the prison (Birkbeck 2011, 315; in Texas, see Crouch and Marquart 1989 on the role of informal "building tenders"). However, in Brazil, research by criminologist Sacha Darke reveals that prisoners sometimes play a major role in administering jail lockups.³ Based on his ethnographic research, he finds that Brazilian jails are often administrated capably by prisoners whose authority is acknowledged by both staff and other prisoners, who play a key role in maintaining the physical structure of the facility, and who gain compliance by other prisoners, mainly, through voluntary assent.

Partly because of low staffing levels, thousands of Brazilian prisoners have jobs as prison *apoios* (support staff) (Darke 2013a, 276). According to official data from June 2011, more than 15,000 prisoners worked as support staff in the São Paulo prison system (about 9 percent of prisoners) and 270 support staff in Rio de Janeiro (about 1 percent of prisoners) (Darke 2013a, 276). In addition to these official prisoner workers, there are also numerous unofficial positions created for prisoner leaders and trustees.

One example where this occurs is in a jail lock up that Darke studied in Rio de Janeiro (that he refers to as Polinter prison), which has since closed. The jail held about 600 people, and prisoners outnumbered members of staff by ten to one (Darke 2013, 18). The cells made up two

³ Brazilian prisoners are housed in several types of facilities: prisons (where they serve a sentence), jails and houses of detention (where they await trial and sentencing), and police precinct lockups (where one is first taken after arrest) (Mariner 1998, 15).

wings, with a total of nine dormitories (Darke 2014, 58). There was a general wing and a *seguro* wing (a segregation wing), for prisoners who would not be safe in the general population (Darke 2014, 58). Each cell had a prisoner leader, called the *representante de cela* (cell representative) and each of the two jail wings had a *representante geral* (general representative) (Darke 2014, 58). These representatives were not appointed by officials, but instead, prisoners selected them (Darke 2014, 62). Leaders were chosen in several ways, including by vote, being one of the most experienced prisoners in the jail, or arising as “natural leaders” (Darke 2014, 62). The representatives worked with official to co-govern the jail.

The prisoner leadership role did not significant material compensation. In the secured wing of the prison, being a representative provided the benefit of more time spent outside of the dormitory during the day, but few other perks. These positions did not create substantial material inequalities. Importantly, strong, influential prisoners did not unilaterally declare themselves to be the leader. For a representative to maintain his position, the prisoners held him accountable for fulfilling his responsibilities. According to Darke (2013a, 277), it was not gang affiliation or status that determined who becomes a representative. The representatives “owe their position to the confidence of the *coletivo* [the collective] as much as to other prisoner representatives” (Darke 2013a, 277).

Representatives oversaw the work of about 45 prisoner trustees, known as *colaboradores* (collaborators). These trustees were responsible for nearly all of the administrative operations of the jail, including receiving and transferring new prisoners. One of the most important tasks was to decide which prisoners should reside in the jail—which was based on their willingness to go along with the prisoner community—and which new arrivals were deemed dangerous and disruptive enough to be sent to a higher-security facility.

If a new arrival would not be accepted by the prisoners – for example, because of being a sex offender or member of gang not represented in the jail – he was sent to the segregation wing of the jail (Darke 2014, 57). The Povão de Israel (People of Israel), a group that formed for prisoners who were not affiliated with a criminal gang, governed this part of the jail. Unlike with some Brazilian prison gangs, affiliation with The Povão de Israel is limited entirely to within the prison setting, the group has little influence outside of the prison, and membership did not oblige prisoners to continue working for the group after release (Darke 2014, 57).

Trustees in the jail performed a wide range of custodial tasks. They were in charge of cleaning the jail, cooking and distributing meals, making repairs to the facility, serving as porters, and providing medicine, cooking utensils, toiletries, and bedding and clothing. Prisoners also built furniture, fixed fans, and even repaired police cars (Darke 2014, 60). These prison workers were often colloquially called *faxinas*, which is derived from the word *faxineiras*—cleaners (Darke 2013a, 276). Writing about Brazil’s Carandiru prison, Drauzio Varella explains, “the cleaners were the backbone of the prison. Without understanding their organization, it is impossible to comprehend the day-to-day events, from the ordinary moments to the most exceptional ones (Varella 1999, 109).

The cleaners at Carandiru did more than administer the prison. They governed it as well. Varella explains that in Brazil “the cleaners were absolutely fundamental in keeping internal violence in check” (Varella 1999, 112). They created rules for adjudicating disputes. He explains, “If an inmate didn’t honour a debt, his creditor couldn’t knife him without first consulting the pavilion leader, who would listen to both parties and set a deadline for the resolution of the situation. Before this time was up, woe was the creditor who dared attack a debtor” (Varella 1999, 112). More generally, “without the acquiescence of the pavilion leader, nothing could be done”

(Varella 1999, 112). One prisoner explains, that the prisoner leader in “the one who keeps a handle on everything that happens in the pavilion. At that moment, they might be digging a tunnel, planning an escape, and a poorly timed stabbing throws a spanner in the works” (Varella 1999, 112). As in the jail that Darke studied, the leaders at Carandiru did not attain their position because they were simply the physically strongest prisoners. Instead, they were the people who had the respect and the skill needed to maintain order in the pavilions (Varella 1999, 114).

In Polinter jail, prisoners organized mutual aid efforts. They welcomed new prisoners to the facility, helped them find a place to sleep, and provided essential goods like food, toiletries, medicine, and the prison uniform (which consisted of Bermuda shorts, a white T-shirt, and sandals). Cell representatives often collected items left from departing prisoners (who were expected to leave everything but the clothes they were wearing) and give them to new or needy prisoners (Darke 2013a, 277; Darke 2014, 64). Prisoners who received family visits were typically better off than prisoners who did not, so it is was expected that they would contribute to a *caixinha* (collection box) for needier prisoners. These funds were used “among other things, to provide a welcome kit for new prisoners and bus fares for freed prisoners, and to buy communal items such as cleaning products, electric ovens, cooking utensils, fans, and televisions” (Darke 2014, 64). One trustee explains, “It’s like a religion inside. Those that have the least, that do not have visits, that are ill, the old, they get priority in everything...I am obligated, if I have visits, to share what I have with him...If he comes to ask for an instant noodles, a soup, and I have two and don’t give him one, I may pay...I may be beaten by the *colectivo*” (Darke 2014, 65).

In addition to administrative and custodial tasks, trustees were also in charge of vital security responsibilities. It was their job to handcuff and escort prisoners through the facility. They ensured that everyone was in their cell when required, that prisoners were not excessively loud,

did not curse, and were silent after midnight (Darke 2013, 18-19). Trustees were also responsible for end-of-visit strip searches and the evening *confere*, when they did a head count, cell check, and final lockup (Darke 2013, 19). In addition, officials mainly communicated with prisoners through the representatives and rarely entered the cell areas (Darke 2013, 18).

To give a sense of the trust and authority vested in prisoner trustees, Darke (2013b, 19) recounts what happened after a trustee found another prisoner trying to escape, “One of the head trustees took him into the office, where I was sitting, and assaulted him in front of the deputy director” (Darke 2013b, 19). After placing the prisoner in a van for immediate transfer to a higher-security facility, the trustee realized that one of the officers escorting the prisoner had forgotten his rifle. Acting swiftly, “as the van was leaving, the second head trustie rushed to the arms cabinet, loaded the rifle and passed it to the officer through the window” (Darke 2013b, 19). This example shows that trustees were not marginal participants in prison administration, but instead held a high level of trust and freedom among officials.

When the prison director was not on site, Darke reports, “the head trustees were effectively left in overall charge of security at the jail. Both carried keys to the cell block and back gate (used as a tradesmen entrance and as an exit for visitors), and carried mobile phones to speak to the director and arrange deliveries to the jail” (Darke 2013, 19). A prisoner representative explained, “We try to do everything to avoid confusion... to maintain calm for everyone... There needs to be one person in charge... one person to talk for everyone, for everyone to obey” (Darke 2013a, 280). Another Brazilian prisoner explained the importance of prisoner co-governance. He notes, “there needs to be someone who organizes, a leadership for everything not to get messy. Because there needs to be rules and norms for everything to function well... No one eat someone else’s

food...have a shower [at the wrong time]...take someone else's cup...use lots of swear words...fight with one another" (Darke 2014, 65).

Prison officials' main concern was that the prison was quiet and orderly. According to Darke, the "director explained that so long as the wing remained quiet and no one was seriously hurt, what happened on the wings was 'their business'" (Darke 2013, 19). The prison director notes that, "I try to help them with everything they need...In return they give me discipline" (Darke 2014, 63). Given that officials administer few tasks, there were no stark divisions between the residents and the keepers (Darke 2013, 18). In fact, because of these entangled staff prisoner relations, Darke reports that "one of the most difficult tasks at the beginning of the study was to establish which of the people working there were prisoners and which were police" (Darke 2013, 19). This Brazilian jail lockup demonstrates how prisoners can play a pivotal role in administering daily life in a co-governing prison regime. Prisoners fill the administrative gap left by lack of staff and resources, and they do so with the approval and support of prison officials.

Self-Governance in a Bolivian Prison

These cases have shown that when a facility lacks the resources or staff that prisoners and officials need, that prisoners can supplement the formal administration of the prison and add to their inadequate resources. Bolivia's San Pedro Prison provides an opportunity to test the robustness of self-governance mechanisms to provide essential prison services. Whereas the Mexico and Brazilian case show co-governance in the absence of either resources or staff, San Pedro lacks both. The prisoners are in charge of nearly every aspect of the facility. Within the prison, prisoners participate in a thriving market economy, including even offering tours to curious visitors. Guards

restrict access to the facility and prevent escape. Other than that, the prisoners rule. Whereas the Brazilian and Mexican examples show that prisoners can complement official mechanisms, this case shows how self-governance operates in near total-isolation from formal institutions.

The city of La Paz, Bolivia is home to nearly 800,000 residents. It is the third largest city in the country and also the state capital. Many Bolivians are familiar with extralegal governance and the informal economy. According to estimates from the World Bank, the shadow economy in Bolivia is the largest in the world, equaling nearly 70 percent of official Gross Domestic Product (Schneider et al 2010, 20). San Pedro Prison sits on the edge of the Plaza de San Pedro on the bank of the Choqueyapu River. It looks like many prisons around the world. There are large, foreboding walls that lack aesthetic flair or stylistic design. There are a handful of guards milling about its main entrance. Women and children bustle about, waiting to visit incarcerated friends and loved ones. From the exterior, it reveals nothing special, but on the inside, we see a world where official governance institutions are almost entirely absent. Indeed, the guards milling about outside do little more than to regulate who enters and leaves. Their presence and influence on the interior activity of the prison is extremely limited. Their main responsibility is to prevent escapes from the prison and to conduct a roll call once a day (Romei 2003; Young and McFadden 2003, 141). Thus within the prison, according to the National Lawyers Guild, prisoners “have complete freedom of movement within the prison,” and they conclude that San Pedro Prison is “essentially self-governed” (Baltimore et al 2007, 23).

The National Lawyers Guild, a public interest association of legal professionals, reports the extent to which formal governance is lacking, noting that “the prison administration provides no rehabilitation services, no schools, and minimal health care” (Baltimore et al 2007, 24). It is common for prisoners to have to pay for their own medical services and treatment, and like other

Latin American prisons, the prisoners themselves often provide it (Young and McFadden 2003, 58; Mariner 1998, 86). Other than free use of electricity and water, prison officials provide almost no resources. Members of staff provide a minimal amount of low-quality food on which prisoners can subsist. According to the National Lawyers Guild “although the prison provides a gruel-like soup and bread twice a day (and meat twice a week), prisoners report that it tastes bad and causes ulcers and hepatitis” (Baltimore et al 2007, 24). The report raises concern about the cleanliness of the kitchen, noting that “the kitchen itself was filthy, and the prisoners working in the kitchen were there as a three month form of unpaid punishment, so they had no incentive to do their job well” (Baltimore et al 2007, 24). Quite reasonably, prisoners seek out alternatives to the gruel, and as the report explains, “all those who can afford it purchase or cook their own food” (Baltimore et al 2007, 24). Other organizations that have visited the facility come to a similar conclusion about the operation and state of the prison. The Inter-American Commission on Human Rights describes the situation, noting that the “food is not properly prepared, which might lead in many cases to epidemics and gastrointestinal infections, and that food is also insufficient, obliging many prisoners to pay for their own food, if they have the money to do so” (Organization of American States 2007, 54).

When a new prisoner first enters San Pedro, he will often be greeted by a reception committee comprised of prisoners. The Inter-American Commission on Human Rights explains that the group consists of volunteers who protect the “newcomer from abuse by other prisoners, and advise him of the rules he must respect within the prison, and the rights he will enjoy. The committee works with the newcomer to find him lodging” (Organization of American States 2007, 53, citing the Ministry of Government). Other religious and charitable organizations help new arrivals by providing information, money, clothes, antibiotics, and food (Young and McFadden

2003, 60). San Pedro is overcrowded. It was designed to hold only 250 prisoners, but various estimates put the prison population at between 1,300 and 2,400 prisoners (Ceaser 1998; Organization of American States 2007, 49; Estefania 2009; Batansky 2014).

Within the prison walls, officials do little to protect property rights. They adjudicate few of the conflicts that arise. They do not enforce property rights or agreements. According to many reports, the guards are simply not present at most times. One observer describes the guards as “cowed, outnumbered, or corrupt enough that their goal is merely to keep the inmates in, and leave maintaining the prison to [the prisoners]” (Gassaway 2004).

Prisoners use their cells as a source of protection. They provide a degree of autonomy, privacy, and security in an environment where it is lacking. The National Lawyers Guild reports that inside San Pedro, the “living units are unlike cells in that there are no bars. If there are locks on the doors, the keys are kept by the prisoner who can lock his unit at any time” (Baltimore et al 2007, 24). As Varella likewise explains, at Brazil’s Carandiru penitentiary, “some prisoners would weld a metal ring to the inside of their door, another to the doorjamb and padlock them together to lock themselves in” (Varella 1999, 36).

One of the primary governance mechanisms that prisoners rely on to establish order are democratically-elected representatives of each of the eight different housing sections within the prison (Young and McFadden 2003, 80; Estefania 2009). The prison lacks the uniform tiers, cells, and pods that exist in newly built American prisons. Instead, prisoners live in a mixture of styles of accommodation and housing. In fact, when a new prisoner arrives, he must purchase or rent his own cell; if not, he will end up sleeping on the ground in a corridor or courtyard (Baltimore et al 2007; Organization of American States 2007, 52; other studies observe the same practice, Wacquant 2008, 64-65; Varella 1999, 34; Inter-American Commission on Human Rights 2011,

26). Each housing section has committees responsible for resolving disputes and disciplining residents (Young and McFadden 2003). Housing sections sometimes have several different formal positions, including representative, treasurer, disciplinary secretary, culture and education secretary, sports secretary, and health secretary. These are mostly elected positions, and to be eligible, the person must have resided in the prison for at least six months, have an unmortgaged cell, and no debt (Young and McFadden 2003, 279). These are extralegal, but highly organized governance institutions.

The quality of housing varies dramatically. According to the National Lawyers Guild and the U.S. Department of State, housing prices have been reported to vary between \$20 and \$5,000 (U.S. Department of State 2001; Baltimore et al 2007, 23). The least desirable, inexpensive housing consists of bare six-by-nine-foot rooms with no amenities (Ceaser 1998; Estefania 2009). The U.S. Department of State explains that some small cells have “no ventilation, lighting, or beds. Crowding in some ‘low-rent’ sections obliges inmates to sleep sitting up” (U.S. Department of State 2001). The most expensive housing, by contrast can include multi-story apartments, with internet access and other modern amenities (Batansky 2014). One prisoner built a second floor to his cell and purchased a piano (Young and McFadden 2003, 134, 231). While less luxurious, many prisoners have appliances, including televisions, stoves, refrigerators, microwaves, and other modern conveniences (Baltimore et al 2007, 24).

As in real estate markets on the outside, some prisoners rent and others buy. For those who purchase a cell, their property right to it exists for the duration of their sentence. This includes the right to sell it to another prisoner. To do so, an owner will sometimes hire an agent to advertise and negotiate the exchange. Freelance real-estate agents work on a commission basis. They advertise available units on restaurant menus and bulletin boards in each housing section (Young

and McFadden 2003, 81). Alternatively, an owner may simply place a “for sale” sign on the cell to indicate its availability (Baltimore et al 2007, 23). When new prisoners arrive at the prison, officials also offer to sell them a place to live (Young and McFadden 2003, 54). However, prisoners report that officials charge much more than the market rate within the prison, perhaps as much as 50 percent more than if purchased from another prisoner (Young and McFadden 2003, 80). Given that new prisoners are less likely to be knowledgeable about the prison real-estate market and officials control the initial access to it, it makes sense that they would attempt to exploit the asymmetric information and charge higher rates.

Purchasing a unit requires payment of a non-refundable fee, typically 20 to 25 percent of the purchase price, to the housing section (Young and McFadden 2003, 82). The fee is supposed to “cover section expenses such as maintenance, administration, cleaning, renovations and the occasional social event such as the Prisoners’ Day party every September, when the section delegates cooked a barbecue and hired a band for the inmates” (Young and McFadden 2003, 81). Gaining membership to a particular housing section is rarely refused, especially if a prisoner pays the fee and a cell is available (Young and McFadden 2003, 81). Although, the more expensive housing sections sometimes require a recommendation in support of an applicant. Some housing sections also have rules such as prohibitions on using drugs, the violation for which can include expulsion (Young and McFadden 2003, 94).

The legitimacy of claims to a particular unit are established and certified within a relatively simple record keeping forum. Each cell owner has a property title that describes the cell number, where in the prison it is located, a description of the unit, the name of the previous resident or owner, and the purchase price (Young and McFadden 2003, 82). The owner retains the original title, but many people also give a copy of the title to the housing section registrar. To transfer a

title, prisoners sign a purchase contract in the presence of the housing section delegate, who is responsible for verifying the transaction, stamping the contract with the section's official seal, and collecting the section fee. A witness will also be present to verify the exchange and sign the purchase contract. As the end of a prisoner's sentence approaches, an owner can sell it to a newly arriving inmate or a current resident of the prison.

Some prisoners cannot afford to purchase a cell and must either rent part of another prisoner's cell or rent a cell from someone who owns multiple properties. One prisoner explains "I can't afford to buy, so I rent it for 80 bolivianos [about \$12] a month. I am awaiting trial. I could be here another three months or two years—nobody knows. I am accused of drug trafficking. I have this cell to myself—it has a kitchenette and a tiny window to see the sun, so I guess it's not that bad" (Estefania 2009). For the poorest residents, some housing sections allow them to stay in the section in exchange for performing tasks like cleaning the bathrooms and making repairs (Young and McFadden 2003, 83). The most impoverished (and often drug addicted) prisoners sleep outside, exposed to the elements and victimization.

Buying or renting a cell often provides more than just a place to sleep. It can also provide access to a community and a particular type of neighbor. The nicer housing sections (named Posta, Pinos, and Alamos sections) function much like gated communities, restricting access for daily visitors (Young and McFadden 2003, 92). During the day, prisoners can move unrestricted throughout most housing sections, but at night, several of the nicer sections exclude non-residents (Young and McFadden 2003, 94; Baltimore et al. 2007, 24). The cheaper housing sections, perhaps not surprisingly, do not have gates to keep non-residents out, and these areas are of lower quality and cleanliness. Many of these residents use drugs (Young and McFadden 2003, 96). Violence within the prison, according to one resident, is clustered in these poorer housing areas. He reports

that this is “where all the stabbings occur... [but] it’s perfectly safe during the day. At night is when you have to look out” (Young and McFadden 2003, 96).

The National Lawyers Guild describes how each of these communities tends to operate. Their report explains that, “each section has the feel of a neighborhood or even a small village with its own courtyard plaza and shops. The committee in charge of each section manages the section, repairing the sidewalks or painting the walls. Each ‘*directiva*’ sets an assessment charge for prisoners in the section and each committee is responsible for its own budget. Inmates pay for all services” (Baltimore et al 2007, 23). Purchasing a cell provides access to that section’s amenities, which in some cases, includes billiard tables and sponsored inter-sectional soccer tournaments (Baltimore et al 2007, 24; Estefania 2009). Many prisoners enjoy gambling on the outcomes of these tournaments, and section leaders have offered skilled players nice cells as a way to recruit the best players and improve their chances of victory (Gassaway 2004). The Coca-Cola Company sponsors some of these sports teams, and they provide tables, chairs, and umbrellas to the housing section (Young and McFadden 2003, 233). The prison is also open in a political sense. Bolivian prisoners can vote while incarcerated. Leopoldo Fernández, a politician charged with several serious crimes, even ran for Vice President while incarcerated at San Pedro (Batansky 2014). With 26 percent of the votes, he came in second place.

The housing sections regulate who lives among them and on what terms. Violation of regulations can lead to expulsion from the section. In addition, prisoners sometimes seek the assistance of officials to help punish prisoners. They have the ability to send prisoners to isolation cells, which prison officials do control and operate (Young and McFadden 2003, 279). These cells are small and do not give prisoners the freedom to move about. While housed there, prisoners cannot make use of the prisoner-run shops and restaurants (Young and McFadden 2003, 293-306).

Isolation cells are not the only threat that section representatives have. If they deem a prisoner sufficiently disruptive or dangerous, they can work with prison officials to have him sent to a maximum-security prison, such as Chonchocorro Prison. In contrast to San Pedro, prison officials there actively control the facility, including using restrictive housing, regimented daily routines, and harsh constraints on a prisoner's ability to engage in commercial enterprises. The maximum-security prison also houses people who have been convicted of more serious and violent offenses. The ability both to use isolation cells and to banish disruptive prisoners provides graduated punishments that incentivize good behavior among prisoners.

Like in many other prisons around the world, inhabitants of San Pedro do not tolerate the presence of sex offenders (Burnett 2003; Young and McFadden 2003, 176–81). One description of such an event involved a group of prisoners throwing the sex offender into a pit and beating him to death (Young and McFadden 2003, 176–81). A 2006 report from the U.S. Department of State explains, “Several deaths due to violence in prisons occurred during the year, including the death of a child molester/rapist who was killed by his fellow inmates” (U.S. Department of State 2006). Other tragic and disturbing acts of violence have occurred as well. In 1997, for instance, a prisoner raped and murdered a young girl during a New Year's Eve celebration (Ceaser 1998; Young and McFadden 2003, 328). Prisoners report that violence is relatively rare during the day, but that at night, altercations become more frequent. Drug use, which is rampant among some prisoners, often leads to knife fights (Estefania 2009). According to one observer, the most common reason that stabbings occur is drug users' failure to pay debts to prison drug dealers. However, he explains, “on the whole, [the prison is] fairly ordered” (Young 2009).

There is no single, dominant group controlling the prison social order. “There weren't any standover men demanding protection money from you,” explains a former prisoner, “but there

were certain powerful people who you knew you had to look after” (Young and McFadden 2003, 229). However, even relatively powerful prisoners were limited in their ability to control and intimidate others. For example, one of the prisoners who gives tours of the prison felt that the people who “controlled the economy of the prison liked to run everything themselves, so they tried to set up rival tour operations in order to run me out of business” (Young and McFadden 203, 217). If these men had substantial control, they could have simply shut him down, taxed him, or killed him instead of competing with him in the marketplace. This suggests that even the most powerful prisoners were constrained in what they could force other prisoners to do.

A free market flourishes behind the walls of San Pedro Prison. Precisely because officials do not have a substantial presence in the prison, prisoners face the ultimate *laissez-faire* environment. A market for goods and services of all kinds thrives, and it does so out in the open instead of covertly. There is no need to conceal it from officials. The freedom to exchange has several positive effects. A businessperson can openly advertise his wares without fear that it will alert officials. The prison courtyards display a variety of advertisements for goods and services. This gives people better information about the availability of different prison goods and services. Building permanent structures, accumulating an inventory, or making capital investments whose costs will only be recouped over time is a safer investment when the guards are unlikely to confiscate or destroy it.

The forces of supply and demand operate within the prison walls. One man reports, “everything [is] about money. And I mean *everything*” (Young and McFadden 2003, 81). He goes on to explain that “apart from being a social microcosm, is also a microeconomy that operates under basic capitalist principles. In fact, it’s probably more efficient than the whole Bolivian national economy” (Young and McFadden 2003, 107). Prisoners cannot rely on prison officials

“for anything, not even to maintain the buildings, so everything that needed to be done or bought was done or bought by the prisoners themselves. And because of this, anyone who wasn’t independently wealthy had to have a job” (Young and McFadden 2003, 133-134). For a small fee, people from the outside can bring in a variety of goods and services to sell to prisoners.

Likewise, in Brazilian prisons, prisoners often also rely on market exchange to augment staff’s meager provisions. In Carandiru prison, Varella reports that packets of cigarettes “obeyed the law of supply and demand: when there were a lot of cigarettes in circulation, the price would fall; when they were scarce, it would go up” (Varella 1999, 55). Prisoners earned money by offering “clothes washing services, others sewed, cut hair, built sailboats decorated with football team emblems, cooked (there was a pastry shop in a cell on the third floor of Pavilion Eight and an ice cream parlour in Pavilion Two), distilled *maria-louca* [prison-made alcohol] and set up stalls in the gallery, where they sold general supplies, used trainers, clothes, battery-operated radios, TVs and photos of naked women” (Varella 1999, 164).

Prisoners in San Pedro operate grocery stores, restaurants, food stalls, barbershops, butcher shops, carpentry services, and at least one copying center (Baltimore et al. 2007, 23; Baker 2009; Estefania 2009). One prisoner explains, “not everyone likes the food in the canteen, so we sell snacks and sandwiches here for inmates and for their families when they come to visit...The chorizo sandwich with tomato and salad costs three bolivianos...With the money I make, I pay my rent and keep a few bolivianos for cigarettes” (Estefania 2009). The prison’s economy includes “cooks, painters, restaurateurs, carpenters, electricians, cleaners, accountants and doctors. There were *artesanos* who sold their artwork and tiny handicrafts—such as paintings and figurines—to visitors. There was even a lawyer in for fraud, who, although he obviously couldn’t accompany them to court, offered cheap legal advice to inmates” (Young and McFadden 2003, 134). Even

those residents who lack experience with a specific trade or possess a specialized skill can perform simple services for a fee, such as shining shoes, serving as couriers, delivering food, and relaying messages. In short, one prisoner explains, “basically, anything you wanted done or anything you wanted to buy, you could, and if they didn’t have it, someone could get it in for you for a small commission” (Young and McFadden 2003, 134).

Though prisoners benefit from access to market opportunities, life in the prison is far from perfect. At a minimum, the prison social order offers safety to some of the least vulnerable. For many years, prisoners offered guided tours of the prison to interested travelers, and violence against them was essentially nonexistent. One prisoner claims that, in an isolated incident, a prisoner stole a visitor’s wallet. He found the perpetrator, assaulted him, and returned the wallet to its owner (Young and McFadden 2003, 273). Some estimates suggest that, at one point, roughly fifty tourists per day entered the prison and left unscathed, suggesting that at least for them, the prison is safe (Baker 2009). This should not be surprising given that prisoners benefit substantially from their presence.

Instead of looking at the least vulnerable people, it is more helpful to examine the experience of one of its potentially most vulnerable populations: the women and children who choose to live in the prison. According to Article 26 of Bolivia’s Law on the Execution of Criminal Sentences, prisoners with children who are under the age of six may live with them in the prison. Officials have not prevented either older children or wives from joining their families behind bars (Llana 2007; Organization of American States 2007, 55; Shahriari 2014). According to José Orias, a prison official, “It’s a custom that was permitted and no authority wanted to put a stop to it. The previous administrations wanted to ingratiate themselves to the prisoners rather than enforce the law” (Ceaser 1998). As a result, entire families now sometimes live in San Pedro, and spouses and

children can enter and leave the prison (apparently for a small fee to the guards) during the day (Gassaway 2004; Baker 2009).

One journalist writing about these families explains, “the arrangement provides a type of social security that the inmates’ immediate families don’t get from either their extended families or the state. Without the father working, women must find jobs, not act as caretakers... When whole families move in it’s often for moral support, to keep the family together, and because, in many instances, they have nowhere else to go” (Llana 2007). This phenomenon is not unique to Bolivia, and one observer reports, “it is common for children to be seen running and playing throughout Mexican prisons” (Olivero 1998, 104).

The U.S. Department of State estimates that the total number of children in Bolivian prisons ranges is about 800 or 900, and depending on the year this can sometimes rise to more than one thousand. (U.S. Department of State 2000, 2002, 2003; McFarren and Poslu 2009). One estimates in 2009 suggested that there were 211 children living in San Pedro Prison (McFarren and Poslu 2009). Of these, there were 118 boys and 93 girls. One hundred and seven of the children were younger than six years old (making them technically legal residents of the prison), seventy-four were between ages seven and twelve, and the remaining 30 were twelve or older. Around Christmas, social workers report that there is an influx of children, often to as many as 400, because “during vacation, they all come to visit an uncle or a brother” (Ceaser 1998). One child living in the prison explained, “I like it here...I have friends, there are lots of fruits and my dad’s here” (Ceaser 1998). A ten-year-old warns that in the prison, “there are thieves, rapists, murderers...In the mornings they’re high on drugs, at night sometimes they steal and the young men fight” (Ceaser 1998). But, he said, they also “have everything here, free lunches, free bread...We play soccer, jump into the pool” (Ceaser 1998).

Prisoners created a parent's association to assist in caring and providing for the prison's children (Llana 2007). The president of the association admits that it isn't necessarily the best environment to raise a child in because some prisoners abuse drugs and swear, but overall, he says that those people are a minority and their influence is not substantial. In addition to the housing section representatives, the parent's association holds prisoners accountable for their actions when it affects the children. The parent's association president explains that "If anything happens [to the children], we call a meeting, and [the prisoner responsible is] immediately punished...It is more secure in here than out there" (Llana 2007).

The community norms forbid prisoners from fighting in the presence of children. Rusty Young, who observed life in the prison, explains that he saw this rule in action. If a fight takes place and children are in the area, the inmates must stop fighting immediately (Young and McFadden 2003, 90–91, 333). He says, "That's one of the most important rules. I saw it happen myself. Mid-fight, they stopped, held their positions when a child went past, then continued belting each other when the child had passed" (Young 2009).

One woman, Rosy, has lived in the prison for four years with her five-year-old daughter. After her husband was incarcerated for assault, she felt she could not afford to pay the rent and utilities on the outside. "Necessity obligated us," she explains, "because outside there are so many expenses, and it's not possible to get by alone" (Shahriari 2014). She explains, "In the beginning I was afraid. I thought that anything could happen here, but the days went by" (Shahriari 2014). The parents of San Pedro strive to protect and care for their children. She says, "everything depends on the parents, how we organise to protect and take care of the children. Outside it's the same" (Shahriari 2014). The family lives in a small cell, which cost them £600. Rosy earns about £60 a month making and selling food to prisoners and visitors. Their child, who has lived in the prison

for nearly her entire life, says it is fun because she has many friends and can spend time with her father (Shahriari 2014). Rosy notes that the prison is dangerous, but she says that danger isn't limited to prison. She explains, "anywhere that you might trust [someone around your child], anything can happen, even within a family" (Shahriari 2014).

Despite a desire for parents to protect their children, horrific crimes have sometimes taken place. According to Bolivian Prison Director General Ramiro Llanos, in 2013, a 12-year-old girl who was living in the prison approached authorities and reported that her father, uncle, and godfather had raped her for more than four years, and that she was now pregnant (Batansky 2014). Llanos explains, "The parents don't want to leave their children at home with the fathers or to orphanages—they'd rather have their children close. If a child is with his father, there's a dual purpose—the child stays close and the child helps work. Sometimes, they use the kids to bring in drugs or alcohol so the children live in environments that harm them...There are many cases of fathers raising their daughters in San Pedro and after the father is released, the girls will stay in jail or act as prostitutes" (Fujimura-Fanselow and Wickeri 2013, 884 fn383).

Governance emerges in the political realm (in the form of housing associations), in the commercial realm (markets and exchange with the outside world), and in civil society (as with the parent's association). The mechanisms that have emerged within the prison have a variety of positive effects. Because prisoners can earn money engaging in productive economic activity, they have less incentive to steal from, abuse, and prey on others. As the return to productive activity increases, prisoners do more of it. Likewise, the ability to own and modify property creates good incentives. First, because prisoners are residual claimants, they capture the benefits of improvements to their cell and their housing section. Unlike American prisons, where prisoners have no ownership over their cell and no market for them exists, San Pedro prisoners can better

themselves by bettering their environment. If they make additions or renovations that other people value, then they profit from doing so. Likewise, if they devise better rules to govern their housing area, then their property will be worth more. A second benefit of home ownership is that it provides prisoners a level of control and autonomy over their lives. The ability to lock one's door offers security for themselves and their property. This means that the wealth and resources accumulated through economic activity can actually be protected and enjoyed. This makes prisoners more willing to engage in commercial activity and reduces the return to theft.

While these three cases show that that economic activity and co-governance can thrive, this doesn't imply that this is the ideal or best possible situation. Some of the prison's residents are still incredibly poor, with little food, health care, and sometimes no accommodations. Some prisoners become addicted to drugs. The rule of law does not exist for sex offenders, who are subject to mob justice. The accountability within the system is also limited. Prisoners have recourse to housing section leaders for disputes with other residents, but beyond that, there are few options. For those who can afford it, there is choice among competing housing sections, so if one section becomes irresponsible or abusive, there is some opportunity for exit. However, moving might be prohibitively costly. For prisoners of limited means, the freedom to choose does not manifest in practice. Perhaps most troubling is that life in San Pedro fails to live up to basic ideas about what responsibilities and actions prison officials should follow. Prisoners are forced to live in prison, and yet, they are left to fend for themselves.

In a more ideal world, well-intentioned staff would operate Latin American prisons with access to sufficient resources for prisoners to live safe, healthy, and secure lives during their incarceration. But to assume that this is the relevant alternative institutional regime would be a mistake. We must compare the real world experience of co-governing and self-governing regimes

with the actual alternatives potentially faced, rather than with some ideal form of prison organization (Boettke et al 2013). The most relevant alternative to self-governance in San Pedro is the type of governance provided in other Latin American prisons. As I have argued, many of these facilities are plagued with overcrowding, health risks, insufficient food, limited movement, and little access to fresh air.

Prisoners at San Pedro fare better than people in other prisons in at least one way: they are not subject to frequent abuse and torture by prison staff (Mariner 1998, 55-62, 129; Inter-American Commission on Human Rights 2011, 107-111, 126-135; International Bar Association 2010; Wacquant 2003, 200-201). Prisoners in a self-governing prison are not subject to systematic violence by powerful officials. No monopolistic power structure regularly and brutally metes out punishment. Abused prisoners have at least some chance to fight back against predators, while prisoners abused by staff often have little recourse—short of full-scale riot.