DEPRIVATION OF FREEDOM, DEPRIVATION OF DIGNITY?

UNDERSTANDING *INCARCERATION VIOLENCE*

Deprivation of freedom, deprivation of dignity? Understanding incarceration violence

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Abstract

This article examines male inmates' experiences and narratives on violence in prison confinement, namely in its discriminatory, physical, and psychological dimensions and impacts. Departing from the idea deprivation of freedom-deprivation of dignity, the article explore how inmates are simultaneously agents and subjects of violence, the way they evaluate and understand their crimes and their victims, and lastly, how prison fails to secure and maintain fundamental rights.

Keywords: prison confinement, dignity, discrimination, violence, abuse

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"The State is entitled to deprive freedom, but it has no right to deprive dignity." This statement was proffered by the Minister of Justice at her first hearing by the Portuguese Parliament's Rights, Freedoms and Guarantees Committee in February 2016[1]. Discussing the Government's presentation of its reform plan of the judiciary, the Minister drew the audience's attention to an old issue which nonetheless, whether for political, ideological or circumstantial reasons deriving from the country's economic and financial situation in recent times, seemed to have been neglected. On this occasion, the Minister was alluding specifically to the poor conditions of most Portuguese prisons: to the resulting phenomenon of prison overcrowding; to the (apparent) discrepancy between the high number of convicted or remand prisoners and the low crime rates registered in Portugal. The Minister's forceful comparison between "deprivation of liberty" and "deprivation of dignity" would be supported by the Director-General for Reinsertion and Prison Services (also during a hearing in Parliament[2]) a few months after taking office.

Deprivation of liberty, whether in prison or house arrest, amounts to a legal measure that holds the offender accountable for the crimes committed, for "damages caused to society", as stated in so many judicial rulings. It is a form of punitive justice - which "punishes" - but also of retributive justice – which "compensates". By finding the

[1] http://www.canal.parlamento.pt/?cid=727&title=audicao-da-ministra-da-justica
[2]http://www.canal.parlamento.pt/?cid=905&title=audicao-do-diretor-geral-de-reinsercao-e-servicos-prisionais

offender guilty and imputing the penalty of deprivation of liberty, society is satisfied that the law has been applied and order restored. But the deprivation of dignity mentioned to by the agents responsible for prison services is far more controversial, namely in terms of public opinion, as it refers explicitly to the rights of prisoners, to the conditions endured during incarceration, to their status as persons and human beings after being convicted of crime.

This article proposes to think of violence within walls as manifestations of attack on dignity that go beyond what appears to be the reductive view discussed by both the Minister and the Director General of Prison Services. In their intervention they reflected above all on the urgent need to invest in the rehabilitation of prison infrastructures, that is, the basic conditions to which prisoners are entitled, namely cells and common spaces with hygiene, safety and health conditions. As we will see over the next pages, directly related to security within walls, there is the question of discriminatory, physical and psychological violence that inmates experience in their daily lives and how they adapt, resist or "conform" to it (Crewe 2009; Frois 2016; Ugelvik 2014).

While the subject of violence is broader and more complex than the analysis proposed here, this article nevertheless aims to observe the different ways in which violence in prison corresponds to what Scheper-Hughes and Bourgois (2004) called the "violence continuum". Broadly speaking, the authors propose that, in view of the variety of manifestations and implications of violence, and taking into account the scale in which they occur, as well as the historical, geographical and cultural context under focus, it is important to keep in mind that it is more common and varied than it appears to be “the most violent acts are part of a conduct which is socially tolerated, encouraged or even celebrated as a moral right or duty.” (2004: 5) In other words, the authors' proposal seeks to encourage us to reflect on the legitimacy or legitimation of violence, not considered as

a deviant act but as an integral part of socially, economically and politically valued norms and practices in a given time period and context space.

I believe that the prison is a privileged setting to explore the existence of the violence continuum, allowing us to observe its manifestations in the prisoners' day-to-day life, and the strategies they find to cope with it. It also allows us to understand, through their narratives, how they identify and place themselves, either as agents of physical and verbal aggression (before and after incarceration) or conversely as victims. This comprehensive view on the subject of violence also draws on another claim made by Scheper-Hughes and Bourgois (2004a), when they state that violence cannot be understood only as a physical expression or aggression to the other. It can also imply - and invariably does - an offense to the dignity of the person who is subject to it and an attack on its own individuality (see also Bourdieu and Wacquant 1992).

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In this article I focus on narratives of men imprisoned in several Portuguese prison facilities, to account for the multiple expressions that violence assumes in confinement, which I consider to evince practices of discrimination, stereotype and condemnation - both among inmates, as between guards and inmates. Analyzing the multiplicity of meanings and experiences of violent acts (physical or verbal) in a prison context allows us to observe what may be underlined as one of the main weaknesses of the penitentiary system (Foucault 1977) as the place which proclaims - politically and ideologically - the rehabilitation and the change in the behaviors of the offending subject that is confined.

This research, which ran from 2014 to 2017, included interviews and fieldwork observation of daily life in 11 Portuguese prisons, both male and female. Having secured authorization for the study by the Directorate General of Reinsertion and Prison Services, the methodology consisted of monthly visits, lasting between one and two weeks, in

which in-depth interviews were conducted with prison officers, inmates, and members of the correctional treatment staff. Given that audio recording was authorized, clarifications were provided for the purpose of this study, and all participants signed the informed consent document, a copy of which was included in the individual file of the inmate. The degree of collaboration of the prison officers varied depending on their willingness to participate, and although it should be noted that a large percentage did not consent to the recording of the interview, the overwhelming majority cooperated readily in answering the questions posed and provided clarifications when asked to.

It is important to emphasize that although it is almost commonplace to think of violence as a distinctive feature of prison environments, its manifestations can be differentiated and have different implications in prisoners' daily lives, as evidenced by the abundant literature produced on penitentiary contexts (e.g. Jewkes, Bennet e Crewe 2016; Jewkes e Wright 2016; Drake, Earle e Sloan 2015). Put differently, the complexity inherent to the prison system - insofar as it requires a daily management and weighing of the needs of numerous agents - is contextual and must be accordingly observed in situ, avoiding generalizations and stereotypes. Consequently, the experiences and manifestations of violence being analyzed here must not be extrapolated or considered as illustrative of general features in all prisons and, ultimately, of other dominant issues underlying the day-to-day experiences of those who are deprived of liberty and those whose professional duties are performed in a specific facility. This site-specificity, however, does not preclude the fact that other reflections, still within the scope of this article, would certainly be different if we would be observing, for example, the Nordic prison environment, described in the literature as benefiting from "exceptional" material conditions or, at the opposite extreme, the Brazilian carceral system, managed in several of its states by organized criminal gangs. (Biondi 2016; Pratt and Erikson 2013)

Thus, the idiosyncratic dimensions that must be taken into account when we reflect on violence cannot be dissociated from other elements: incarceration rates; overcrowding (a constant feature of the Portuguese prison setting since mid of the 90s); the ratio of guards per inmate and the general shortage of human resources in prisons; the number of staff who monitor daily the execution of sentences; the existing labor and occupational activities which have a direct impact on the way inmates occupy their day-to-day (Cunha 2008; 2015).

I propose to focus on three distinct dimensions of violence, considering that, though interrelated, have different expressions and impact on inmates. Firstly, *discriminatory violence*, perpetrated through practices of segregation and discrimination of the inmates, both by their peers and by prison officers. Secondly, the *physical violence* that is expressed in aggressions among inmates, as well as the strategies they find to respond or avoid latent conflict, especially when related with issues related to drugs, money, debts. Lastly, *psychological violence* suffered by those inmates who, to use their own words, consider that they do not "belong" to the environment they are inhabiting, because they do not recognize themselves with the "criminal spirit" they consider personified in others. This analysis of violence allows a reflection upon the perception of the violent act as such, which implies simultaneously a relationship of domination, acceptance and submission.

***Discriminatory Violence*. "If they ask you why you were put inside, tell them it's for theft, or they will do a number on you"**

During fieldwork in a high security prison, I was told by inmates convicted of sexual offences (child abuse, rape, pedophilia) that upon admission to the prison they were

frequently instructed by the chief of guards not to divulge the reason for their incarceration to other inmates. Prison officers confirmed this practice explaining that the measure was intended to minimize physical and verbal confrontations within the prison establishment. Therefore, the inmate is advised to omit the motive for his conviction, offering instead a less censurable alternative - in the eyes of his peers - such as theft or drug trafficking. Among the several dozen inmates I contacted, I was able to verify that crimes of a sexual nature were unanimously deemed as the most serious and were least tolerated by the rest of the prison population who cannot find reasons to justify such acts - unlike other crimes punished with more severe sentences, such as homicide.

Being deemed "guilty" of unacceptable crimes by inmates with whom they share the spaces and routines, those convicted of sexual crimes thus belong to a prison population that is doubly marginalized, penalized, and subjected to frequent physical maltreatment and psychological abuse. Despite the efforts to conceal the true motives behind their conviction, this is often made impossible due to the public attention that these cases have been attracting in Portugal in recent years. Since there is only one prison in Portugal that holds in its majority, convicted for sexual offenses, in every other facility the responsibility to manage their accommodation and minimize their exposure falls upon each prison's warden. To this end, specific wings are created to enable their separation from the rest of the prison population, even if in some cases this implies being deprived of the routines standardized for all inmates.

This was precisely the situation I observed in 2016 in one of the largest prisons in the country's northern region. Here, men convicted of sexual crimes were housed in what had once been the bar facilities for one of the wings, now converted into an improvised dormitory. In the absence of proper infrastructure, the place which now housed around 30 men, had neither a patio where they could safely enjoy outdoor periods nor any

bathroom or shower facilities. The toilets and showers these men could use in a nearby hall were marked differently from the rest, with pre-defined hours to avoid the possibility of any contact with the pre-release inmates with whom they had to share them. Separated from the remaining prison population, they were inhibited from attending other spaces such as school or gymnasium, to participate in occupational activities, and only a minority (six out of 34) were employed in any kind of work activity, and incidentally even this took place in an area mostly used by guards. These limitations and segregation of space also made it impossible for them to take their meals in one of the common dining rooms. The space they inhabited, ended up serving as bedroom, living room, dining room, and leisure area.

In this prison, sexual offenders were instructed to move in pairs or in groups of three so that they could more easily defend themselves against potential attacks by other inmates and seek help if necessary. But while this latent threat somehow became customary, they did not attribute it only to the public visibility which they received during their trial, but also to the conduct of the prison guards, who they found to be "the first" to discriminate them and to make the reason for their detention known to other prisoners. These men were nicknamed "violas" - diminutive of rapists, in Portuguese *violadores* - regardless of the sex offense involved. They were what the literature designates as a "particularly vulnerable population"; constantly reminded of this condition, which revolted them. They acknowledged having committed a crime - even though disagreeing with the victim's versions accepted as valid by the authorities - but claimed that their trial had already been made in court. They asked themselves (and they asked me) what was the use of the prison in these circumstances? To "live hell", to "be in hell"? Did they not have rights like the others inmates?

Let's look at a day-to-day account of a 32-year-old man, sentenced to 6 years in prison for rape of a 16-year-old girl. In spite of assuming the sexual act between both, it was with reticence that admitted its description as a sexual assault. He explained that the young woman, who was 15 years old at the time of the events, was a regular visit at home. On the day in question, a "hug" followed a sexual relationship that he characterized as consensual, but which the victim presented to the authorities as a forced and violent act. He claimed to be "partly guilty" for having sex with a minor. As the adult, he should have refrained from going through with it. However, he only believed that he was actually going to be sentenced with an effective prison term when the judge pronounced its verdict. To underline the unlikeliness of this sentence – which in his view was evidence of its questionability - he explained that he still counted on the support of the woman he had married after the incident, as well as of family and co-workers. He considered that he had been wrongly convicted, but that now he just wanted to “do the time, get out of here and never hear about it again." He detailed the revolt he felt for the daily subjection to discriminatory and prejudiced situations:

> This crime is very badly received in a jail. One who kills, who steals, who gives drugs to children is well accepted, but this crime ... one has a hard time here. There was a time when we had to be accompanied by an officer all the time; we could never be by ourselves. The officers say: "Put a plastic bag over their heads and throw them in the river” or “Put a rope around their necks," and so on.

In this excerpt, the inmate emphasized several aspects that in his view justified the anger he felt about the treatment received in prison. One of the elements he underlined was related to the apparent impunity for perpetrators of crimes that he considered more

serious, such as homicide, robbery, and drug trafficking. He thus referred to a duplicity of judgment which, in his view, made no sense. On the other hand, the inmate's words also point to prison guards as agents of censorship and stigmatization. Lastly, it adds an important factor: that there was even suspicion within this small community of men convicted for crimes of a sexual nature, and that the nuances or contexts in which the crime was practiced were devalued or minimized. This man also spoke about the daily organization of the wing and the segregation system in force: "We only have an hour to shower, and we cannot go at our discretion or we risk a beating by other inmates. Sometimes we go to the bathroom, there are three toilets and we can only use two because the third is marked for common population inmates, so we cannot use it. "

The following cases were documented through conversations held with three individuals simultaneously. This was an involuntary focus group, since these men, who had accepted to participate in the study, were "forced" to circulate within the prison in a group. Had the conversations been individually held (as usually done) the remaining two would have been put in a vulnerable situation while they waited, as they would have risked encounter with other prisoners in a prison area that was out of bounds to them precisely due to this risk. Embarrassed by a situation thus inadvertently created, I asked if they had any reservations about this collective interview model. Laughing, they told me they did not care: "We're all in the same class [convicted of sexual crimes]! Had it included others, then that would be a problem. "

These were three distinct criminal cases: a 22-year-old man who was at the end of a 3-years and 9-month sentence for raping a girl he had given a lift to with a friend of his. In his opinion this version (i.e., the rape) was a distortion of the real event: "She was already completely wasted, so how does she know what happened!" Therefore, he considered his conviction unfair. At the time of our conversation, he was just a few weeks

away from his prison term, and about to be released on probation. I questioned another of the inmates, a 33 years old professional chef who had been sentenced to 12 years of imprisonment. about the reason for his imprisonment, to which he responded with evident outrage, claiming that:

> It's my daughter's fault, she was the one who put me here because I had pictures of her on the computer, and because she saw me naked. I did not show remorse in court and I said more than I should [meaning that he disagreed with the judge on the charges against him] and I was even given a longer sentence. She accused me of trying to rape her, and other such lies.

At the time of the facts, the daughter was 13 years old. These charges - which he claimed to be unfounded - were made even harder for him to accept, as his daughter wanted to continue visiting him in prison, claiming that he had "forgiven" him. For this man, this attitude was a clear indicator that the alleged crime had never occurred, and had been nothing more than the typical fabrication of a teenager whom he described as "disturbed."

The third inmate in this conversation was 30 years old. He was serving six years as a result of a formal complaint filed by a Ukrainian woman who accused him of rape. He said that this accusation was "totally illogical", since moments before she had been in a brothel and agreed to have sexual relations outside, in a street corner nearby. What started as straightforward arrangement, resulted in his indictment (and subsequent conviction) of rape and aggravated assault. He explained to me that the aggression resulted from her breaking-off the arrangement they had made for sexual intercourse. The woman filed a complaint with the police. She admitted working in a nightclub but claimed

that sexual practices were not part of her activity. As a result, the inmate was sentenced to prison, as well as to the payment of 30,000 euros for the assault.

Despite for different reasons and with some significant variations, all these three men considered that their sentences had been "exaggerated" in comparison with the crimes they committed, and they repeatedly emphasized the hardships endured in their daily prison lives. These difficulties arose as much in the relationship with guards as with inmates of the general population, a characteristic underlined by several studies focusing on the subject of sexual offenders in prison. Regarding their sentences, they assumed the acts committed but rejected its classification: rape or sexual abuse are deemed "overly strong" accusations for the situations in question (Merry 2008; Ugelvik 2012).

Let us look at these arguments in a little more detail: in the case of the inmate who had been involved with the woman at the nightclub, his line of reasoning went thus: since there was a payment made in return for sex, the consequent “breach” of the agreement justified his extreme reaction, even though he now admitted that it had been an extreme reaction under the circumstances. In his view, his sentence (6 years) mostly reflected the prejudices of the female judge who condemned him, and who certainly censored a man’s recourse to prostitutes. He undervalued the whole situation. In fact, to him it seemed preposterous that a prostitute would ever file a sexual assault complaint and was adamant that the judge was biased.

The man convicted for possessing images of his daughter in underwear (images he later shared with other internet users), as well as for indecent exposure to his daughter, claimed his whole case was based on a misunderstanding brought about by the daughter herself. His arguments rested on his allegation that the daughter was the author of the pictures, which she had taken of herself, and furthermore, he saw no problem in a father being naked in front of his daughter. "It was my word against hers, but hers had more

weight". He concluded that it was her fault that she was now in a state care institution; "I have letters from her saying she's sorry, but what I know for a fact is that she ruined my life." (Sykes and Matza; Ugelvik 2012)

The younger inmate, less participating in the conversation, said he did not rape anyone, only watched his friend rape the girl. And several times repeated: "She was drunk, what does she know?!? What she really deserved was a kick in the teeth. This is all her fault!" Regarding his daily life in prison he added: "We are deprived of everything; we cannot go to the gym, we cannot play football, we cannot have lunch or dinner in the refectory. When we have visits, we all go together, and the others shout: 'Look, the gang is coming, the *violas* are here.'

From the experiences shared by these men in this particular prison, we can draw another pertinent observation on the impact of imprisonment. We can say that in fact, it is really as if they were imprisoned within the prison itself, doubly secluded, from the outside world but also from their would-be peers. Judgement by the court is followed by the constantly renewed trial conducted by those who share their daily life, but now within a different moral and conduct code, where taking someone's life is no longer considered the most heinous crime (considering under penal law, homicide is punishable with the most severe condemnations), and in its place are sexual attacks on defenseless people, particularly children. For men in this situation, prison is not a place for "rehabilitation", but a place of humiliation.

Physical violence. **"Punching, slapping, stabbing; we have everything here, you just need to ask!"**

The idea that situations of physical violence in the form of direct confrontation are a common occurrence is one of the widest held perceptions regarding daily life in prison. Bouts of aggression, fabrication of artisanal weapons, later found in prison raids, conflicts between members of different ethnic groups or neighborhoods; all seem to be part of the popular imagination when it comes to prison. While this perception has to a large extent become a stereotype, it does not mean that it bears no relation to the actuality of prison life, which indeed often materializes into serious offenses against the physical integrity of prisoners, thus turned into victims. Here too, there are differences between prisons, or even in specific wings inside a given prison. How do prisoners explain the recurrence of aggression as a common means of resolving conflicts? The first response I usually got to this type of questioning seemed self-explanatory: "This is filled with thugs, what did you expect?" In other words, the use of violence was explained by the violent nature. As "Outlaws," it was to be expected they should have that type of reaction.

The actions perpetrated on others while in freedom - robbing, trespassing, assaulting, invading other people's personal and physical space, seizing other people's property with more or less violence and confrontation -, continue to exist within walls. The difference being that inside, precisely because the prison is a confined space with no possibility of escape or to avoid retaliation, it becomes more clearly a manifestation of power, status, conquest and maintenance of respect (Bourgois 2003; Sykes 1958).

The motivations for the behavior that materializes in physical and verbal confrontations may seem unreasonable or even unconceivable to an outsider, but we cannot forget that in prison, being an "inmate", beyond the condition of physical

reclusion, means that is there is no remaining on the "outside", that is, disengaged from the reigning rationale of things. Everyone is vulnerable and has to constantly camouflage or conceal their fragility. There is an assumed principle that reactions must be immediate and proportional to actions, with no place for no hesitation or weakness – we might say, for reflection. That principle may decide how someone will be treated by the remaining inmates – as a whole – from then onwards. Either someone is found to have the power of reaction, or one is found to lack it and thus implicitly to allow abuse.

Certain moments in prison everyday life are particularly propitious for such assessments. The queue for the bar, for instance, is one such moment, since inmates are under the additional pressure of limited time, and everyone is in a hurry. Every minute spent there is a minute less of time in the courtyard, to enjoy being out of doors, in the open. On the other hand, relinquishing your place in the queue reduces the possibility of buying products which are hard to access otherwise (at least legally): cigarettes, hygiene products, candies. Meanwhile, outside the football game also presents more than a sporting challenge. Besides being a moment of leisure, it provides the possibility of physical contact, which becomes a “delicate” affair, since a tackle, a push, a protest, can find a stabbing for response. There is no referee, there is no cheerleading. The majority of inmates choose not to play, they don’t want the "stress”.

The levels of violence present in these descriptions are proportionately contrasting with the attitude witnessed in conversation as inmates address their crimes. Some inmates seemed almost amused when they had to explain to me in more detail activities that where obvious to them. The following excerpt is taken from a conversation with a 24-year-old prisoner, imprisoned since the age of 17. His prison trajectory had already taken him through five different prisons, which he invariably handled adopting aggressive behavior with both guards and other inmates, thus motivating his repeated transfer. He immediately

disclosed that ever since he had entered prison he had continued with his "business", meaning that drug trafficking was a means to maintaining the economic status he had secured while outside of prison. He proudly pointed to his Nike tennis shoes, "worth 150 euros", which he actually compared with my €20 sneakers – in his view unbecoming of a "university professor".

Over an hour, he detailed several episodes of his life before prison. He spoke of his personal and family life from the age of 12, when his parents divorced, and he began to commit crimes, by himself or with a group of friends. The escalation of violence that accompanied this trajectory was notorious, and characterized both as inevitable and as evidence of his perfecting criminal proficiency. As he got older, his crimes became more sophisticated:

> I was arrested for traffic, kidnapping, robberies and theft. Sometimes I used a gun to threaten, some people feel more threatened with a gun. Imagine a kid of 12, 13 years saying "This is a robbery", you must have a gun! I stole to get my things, my clothes - anything I wanted I took. Later I abandoned robberies and started to deal drugs. The money was more regular and there was less risk involved. But one day there was a raid in the neighborhood and they [the police] destroyed everything they found in their way. My mother didn't know what I was up to, and I realized that if my house was ever raided like that and my mother found out about me, it would be a great humiliation. That's when I decided to move into kidnapping and into ... what's that word? Extortion. Extorting. I extorted.

At this point in our conversation he became amused with my doubts and questions, laughing when I confessed my ignorance about that kind of activity. He was pleased to

be able to describe to me how these robberies and extortions were planned. He went on to explain how the kidnaps and subsequent extortion process worked.

> You can tell by the looks. Imagine, there was me and two people. We were in the car and passed nice a “set of wheels”. We would follow, pick it up and take the person, the car, take everything. Then we would put the person in a place, tie him up and tell him what he had to do. He had to give us money, otherwise he would be tortured.
>
> CF – Torture? What do you mean by torture?
>
> (laughs) Torture. Torture is torture, in so many ways: beating, burning, beating some more, until the man gives what we wanted. The man does not want to give up his things but he has to. Then when the man gave it up, we would leave him on the street. There was this a guy who was left in a coma; had to spend a lot of time in the hospital; I heard he’s not been good in the head ever since.

The way he described these situations did not show any kind of feeling or reaction. In a sense he seemed almost uninterested, as if he were recounting some boring episode. The objectives proposed to him by the reinsertion technicians, psychologists and prison social workers were totally absent from this narrative, especially regarding what they designate as "internalization of harm", meaning the operation of a change in the individual’s perception of his/her action’s effect on third parties. Years of delinquent practices; of crimes in which he got involved - and continued to get involved in prison - conflicting interactions with others, became banal and an integral part of everyday life.

When I questioned the guards about the importance of violent acts, amongst the problems caused by inmates, and how they dealt with it, the answer was ambiguous. On

the one hand, they recognized that the prison in question had a shortage of guards for the total number of prisoners, in a proportion of 5, 6 guards for 200 inmates. As a result, when cells are opened, the prison officers avoid circulating among inmates or engaging in direct contact. If a conflict arises in the yard, for example, they wait to see if things calm down on their own. Only if the situation eventually gets out of hand do they ask for support from other officers and then intervene. Regarding this procedure, a guard described an episode in which an inexperienced colleague detected a prisoner using a mobile phone in the courtyard. Since possession of mobile phones is strictly prohibited, this guard approached the inmate to confiscate the item. The ensuing reaction was aggressive. The inmate “jumped on his back and started biting his neck!". In the aftermath of this incident, the chief of guards rounded up the newly arrived officers to explain that in that kind of situation, the guard should limit himself to make a record of the inmate´s number. Only after they were all in their cells would this man be approached, and the situation clarified.

However, while the shortage of human resources to deal in real time with the problems that can arise when 200 inmates are together, makes guards have to be very conscious that their first concern must be for his or her own safety, they are the first to recognize that this limitation also has implications on their ability to protect inmates themselves. Bound by a self-imposed "code of silence", inmates will rarely seek the help of guards on their own initiative. When prison officers detect that an inmate is fragile or being physically and psychologically assaulted by other inmates, he is already in a post-aggression situation.

Psychological violence. "The worst thing about being in prison is having to cohabitate with people like these on a daily basis.

> I'm here as a punishment for screwing up; I assaulted my ex-wife. But [in here] I suffer hundreds of punishments. They call me aside, they ask me if I have money. They tell me I should have killed her. They say: "You will get the same sentence, so you might as well have her killed; you pay me, and I do the job". This is real.

Several of the inmates I contacted expressed that for them the feeling of inadequacy in the prison environment derived from their inability to deal with the most negative elements in their day-to-day. For instance, they explained, sharing their daily life with people who were indicted or convicted of crimes which they considered to be more serious or hideous than their own. This forced coexistence was thus felt as humiliating and degrading (Frois 2016; 2017). Even though in theory there should be a separation between preventive and convicted inmates, between first-time offenders and recidivists, in practice it is not always possible, mostly because of prison overcrowding.

In the case of the author whose excerpt is reproduced above, the "hundreds of punishments" meant all the people with whom he shared the cell and the prison space. He referred in particular to the "monster" he shared the cell with: a man arrested a few weeks earlier for stabbing his wife and one of his daughters to death, leaving another daughter seriously injured (both minors). This coexistence was intolerable for him. He was a family man, a businessman, he had cars, money, houses. He was in custody for "having had a disagreement with his wife", an argument, as he put it. But it so happened that during this "argument" with his wife, which was brought about by jealousy (which was often the

cause of many other previous episodes) he threw acid onto her body, leaving her disfigured from the neck down.

In his view, his actions were not comparable in seriousness to those of others imprisoned there. He was constantly harassed by fellow inmates, who tried to persuade him to pay them to "finish the job", that is, to kill his wife. In other words, they encouraged him to go through with what they imagined had been his initial intention: killing the woman who was cheating on him with another man. They figured that despite his failure, that objective was still easily within his reach: all he had to do was say the word and pay accordingly.

> They tell me “You have money, man, stick with us and we protect you.” They just want other people's money. A gypsy once came to me looking for a deal, putting a price on everything. There’s one price for a broken arm, breaking a leg has another price. "You want her to disappear? She disappears”. She or he. "Want a broken arm? It's 500 euros; you want both? 1000; Do you want to put them in a wheelchair? 1500”. Having them killed will cost you 5000 euros.

During our conversation he cried, said he missed his grandchildren, his daughter; he claimed feeling "disgusted" by his ex-wife, despite maintaining that he wished her “no harm". He said he just wanted to get out of that place: "I would rather be here for 10 years in a windowless cell, but in a cell by myself" than share the cell or to be in the patio with other inmates. This man was nicknamed "The Acid", as the motive for his arrest was common knowledge. In fact, upon arrival in the prison, he was welcomed by two other inmates who had replicated his crime with their partners, due to the wide media coverage it had received. This feeling of being cast into an undesired a role model, and sharing a

common identity with others he did not know, was making those first months of pre-trial detention an agony. It was a price he considered too high, especially regarding a crime that he had somehow devalued, explaining: "I was careful not to get her in the face. She's at home, she is fine".

For many inmates who spoke openly about this difficulty sharing their lives with people they considered so different from themselves, their emotional exhaustion was notorious. Their "punishment" (Rhodes 2004, Mann 2016) was not imprisonment itself, but imprisonment under those conditions. This sentiment was to a great extent rooted in the differentiation they made between inmates, their crimes, ages, or shared interests. Regarding younger inmates, for instance, they were described as being only interested in boasting about their robberies, drug trafficking, and planning future crimes upon release. Another group that made coexistence particularly unbearable was comprised of inmates accused of crimes involving children – for example, child murder or sexual abuse of minors. Ultimately, the only people they considered "normal" were prison officers, whom they identified with as "working men with responsibilities." Having privacy to think, to be alone, and a job or occupation that could make their everyday more like the life they had out of prison were mentioned as what could bring them emotional stability.

This point is important to understand how inmates identify the weaknesses that the system is unable to solve, namely being forced to share an undesired intimacy for which they are not prepared (Marchetti 2002). These men corroborate one of the other existing clichés about prison, that it is actually a school of crime where "one learns nothing useful or good, only how to inflict more damage". Forced cohabitation implies that their only option as a means to distance themselves from "colleagues" and "scams" is either to isolate themselves from others by staying in the cell during the day) in cases where this is possible) or to avoid any kind of interaction with others while on the patio

or common areas; a strategy also enunciated by Drake (2012) in her study on security and imprisonment.

I knew several cases of inmates who chose to eat only one meal a day in the cafeteria, "skipping" the other, as they put it. That is, they either lunched or dined on alternate days, just to avoid being subjected to the "pushing, stinking and bad breeding" of other inmates at meal times. In the cell, and in the long periods they spend closed up - usually between 7 pm and 8 am - they tried to go to sleep as soon as the TV evening news ended, since they knew that from then on, all one could watch were uninterrupted hours of soap operas. This kind of day-to-day routine eventually become extremely stressful and prison professionals stated that all they could do was guarantee that these inmates were followed by the prison doctor or psychologist and given medication if medically prescribed.

Conclusion: *incarceration violence*

The analysis of violence in prison developed here, in its intention to provide a small contribution to the understanding of the phenomenon of violence, does nevertheless refer us to complex issues: the experience and discourse of inmates as passive or active agents - victims, aggressors or both – of violent acts before and/or during imprisonment. Even though the prison representatives are self-critical regarding prison's capacity or effectiveness to rehabilitate - for various reasons related to the lack of material and human resources, for example, or the degradation of prison facilities, overcrowding, etc. - it is urgent to observe how the dynamics within walls concur to perpetuate the opposite of this. In other words, it is so important to recognize that the prison does not serve to rehabilitate, as it is important to assume the damage it can do on those it confines.

By framing different experiences of inmates in prisons with distinct characteristics, it is now clear that the wider category of *incarceration violence* encompasses the different dimensions discussed and exemplified here. For there is no seclusion without violence, and incarceration by itself is unquestionably an aggression committed against the individual. Closing, separating, cloistering, depriving, are synonymous with coercion and violence inflicted on a third party. But it is a legitimated violence, insofar as it is based on the legal and penal apparatus that regulates life in society. (Martin 2014, Bennet 2016). To speak of prison confinement is to refer to offenders and to victims, and in this domain, we are not considering punishment as a purely objective measure, but to enter the sphere of emotions. This, in turn, refers to a notion of justice that lends itself to a host of ambivalent attitudes, whether on the part of those who experience it, or those who see it being applied. This is particularly relevant when we consider its manifold implications on inmate's behavior, past and present.

Inmates might be said to pass from one type of code to another – one legitimized by society and the other shared and reified within walls - with the contribution and endorsement of the system that oversees both. If the Penal Code defines, imposes, and applies a set of socially accepted and legitimized values, practices and behaviors, where rights and responsibilities are equated with benefits and penalties, within prison there is another code that is also made of rules - do not snitch, pay one’s debts, respect the other. Prison officers, whose primary responsibility is to maintain the safety of the premises and all those who are there daily – fellow colleagues, prisoners, administrative staff - are in some cases agents of discrimination and stigmatization, either actively or passively. Confronted with an application of the prison sentence, in some cases considered too "slight" or not "severe" enough, they are also the producers of judgments in relation to crimes committed by inmates - before or during imprisonment. In other words, they are

indifferent neither to crimes nor to people, and their professional and personal conduct depends precisely on their ability to manage emotions. When they take a position on the crime committed by the inmate, they know that they are breaking the rules of the profession, leading them to adopt or encourage the type of behavior they started out by condemning.

The omissions incurred by the prison as an institution begin as soon as we realize that a prison sentence can imply a double condemnation: first, by the justice system as it deprives of freedom, and second, by the system entered in prison as it demands complicity. However, it is necessary to go beyond the tautology that has been expressed on several occasions throughout this article when the limits of prison institutions' responsibility of (as well as that of the State which governs them) seemed to be exhausted in the diagnosis of its own faults. Because the right to non-discrimination, of not being afraid, of having physical, psychological and ontological security are an integral part of the right to dignity.

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