

**Against the Carceral Worldview:
Death, Life, and Violence in Colombian Prisons**

But are not all prisons islands? And what could be more mythological than a modern prison? A calculated science of incarceration and cruelty cannot but embrace myth, and that myth cannot but embrace nature. Whether it be a concrete fortress on the mainland or an isolated island, the idea is that society extrudes and isolates its evil across the stormy sea on some rocky fastness. (Taussig: 2004, 273)

Colombian prisons are bursting at the seams. By the most recent available statistics, 120,914 people are incarcerated in Colombia, a country with the “official capacity” to house only 78,077 prisoners (World Prison Brief “Colombia”). These people are locked together (and increasingly, in isolation) in cells, holding rooms, and prison yards, behind razor wire, barred windows, and tons of poured concrete and reinforced steel, in 137 different institutions scattered from the torrid Caribbean coast to the windblown reaches of the Andean highlands (World Prison Brief “Colombia”). This overcrowding—which reaches as high as 463% in in some prisons—is neither accidental nor necessarily purposeful (Bello Ramírez and Gallego: 2015, 375). Rather, it is the product of a specific history and of particular political, economic, and social policies, many of which exceed the boundaries of Colombian territory, and all of which function to protect certain lives at the expense of others.

Most directly, the carceral situation in Colombia is the result of massive growth in prison architecture and rates of incarceration as the country’s imprisoned population has quadrupled over the past 20 years. Beyond simple expansion, however, “the Colombian prison system has gone through significant alteration *in both scale and in nature*,” largely as a result of accords signed with the United States at the very beginning of the twenty-first century (de Dardel: 2015, 183, emphasis added). Those accords—under the title “Programa de Mejoramiento del Sistema Penitenciario Colombiano” (hereafter referred to as “the Programa”)—promised to “[i]dentificar,

estandarizar, normalizar e implementar las mejores prácticas de administración y operación del Sistema Nacional Penitenciario y Carcelario” (“Proyecto”). The Programa modeled its best practices upon US Bureau of Prisons techniques and blueprints and funded the project with an initial grant of \$4.5 million USD, in cooperation with Colombia’s Instituto Nacional Penitenciario y Carcelario (INPEC) (“Proyecto”).

The Programa set out to fundamentally transform the way in which Colombia imprisons people by establishing and enforcing a “*New Prison Culture*” (de Dardel: 2015, 183, emphasis in original). What is perhaps most striking about this project is the way in which it frames US models as worthy of emulation, as effective and humane methods for reducing crime, preventing violence, stopping the trade of illicit drugs, and punishing offenders. In fact, as has been extensively documented over the past decade and a half, the US prison model is a social catastrophe, inextricably entwined with racism, sexism, transphobia, and classism (Alexander: 2012; Davis: 2003; Gilmore: 2007; Law: 2012; Mogul: 2011; Spade: 2011; Walia: 2013). What is more, prisons do not work, at least not in the way they claim, and across the long history of their adoption in Latin America, penal technologies have been a frustration and disappointment to those who have invested them with the power of reform (Salvatore and Aguirre: 1996). It should be no surprise, then, that the changes set in motion by the Programa have met stiff and ongoing resistance, both by prisoners themselves and by an array of organizations focusing on human rights and anti-violence work.

This essay will seek to understand how the New Prison Culture reforms fit into the Colombian carceral landscape by interweaving three major analytic threads: theories of power, specifically carceral power, biopower, and necropower; the history of the relationship between incarceration and other forms of violence in Colombia; and a transnational feminist approach to

questions of subjection and inequality. In the end, I argue that, in Colombia, prisons achieve their coherence and their power by mobilizing a narrative of protection that justifies their destructive effects. This narrative is founded upon inherited inequalities that trace and reactivate processes of racialization, gendered violence, and colonization. I refer to this as “the carceral worldview.”

Methodological concerns

Central to each analytical thread of this essay is the role of violence in structuring and disrupting life. By its very nature, violence cannot be represented with written words: it bears and transmits enormous affective weight, and so it overflows interpretation. In Colombia, violence takes many forms, from the sharp crack of gunshots to rape, from cavity searches to the oppressive thirst of imprisonment in the tropics with only intermittent access to water. Violence is a machine that fabricates fear and fury, retaliation and resignation, death and desolate pain. As Winnifred Tate explains, the “multiple meanings, the excess of emotion and rationalization produced by violence, cannot be reduced to categories” (2007, 22). In this essay, I will try to better approach the meaning of violence in two ways. First, at the level of style, by breaking from an academic register at irregular intervals. This is real life and real death: whether they mean to or not, academic words can sugarcoat how fucked up this world has become. Second, I intersperse images in the text, accompanied by brief explanatory captions. I do not try to fully unpack these images’ layers of signification, but rather leave them as artifacts to speak mostly for themselves, or at least to gesture toward the gaps left by the inevitable incommensurability of writing and lived violence.

In this, I am inspired by the work of Kathleen Stewart on “ordinary affects,” because in this age of mass incarceration, prisons are nothing if not ordinary:

The ordinary is a shifting assemblage of practices and practical knowledges, a scene of both liveliness and exhaustion, a dream of escape or of the simple life. Ordinary affects

are the varied, surging capacities to affect and be affected that give everyday life the quality of a continual motion of relations, scenes, contingencies, and emergencies. They're things that happen. They happen in impulses, sensations, expectations, daydreams, encounters, and habits of relating, in strategies and their failures, in forms of persuasion, contagion, and compulsion, in modes of attention, attachment, and agency, and in publics and social worlds of all kinds that catch people up in something that feels like *something*. (2007, 1-2, emphasis in original)

The experience of reading about prisons—however persuasive or compelling the words may be—is altered and made *more* by imagery and by the coexistence of multiple modes of understanding such images can provoke, from empathy to confusion to rage.



“El día 15 de noviembre de 2016, en horas de la tarde, en la Carcel de Chimita fue víctima de lesiones paerosnales [sic] y agresiones verbales la prisionera política ASTRID CAROLINA LONDOÑO BETANCOUR” (Fundación Lazos de Dignidad: 2016).

While INPEC composes hymns to its role in ending violence and sharing love, the institutions it oversees and administers are rife with abuse. Astrid Carolina Londoño Betancour’s black eye and bruised lip are the all-too-ordinary face of this abuse, but they are also

Himno de INPEC

CORO

Reclusos y guardias, cambiemos las rejas por fe y disciplina, estudio, trabajo y amor para que en Colombia cese la violencia y empiece de nuevo una gran nación. (Bis)

Es desgracia humana cometer delitos, el odio y el vicio desatan maldad destruye los hombres, los hace proscritos, arruina familias, matan la verdad. (Bis)

Luchemos ahora porque haya justicia porque no perdamos nuestra libertad y que si caemos en sombras que asfixien Colombia nos brinde solidaridad.

Cerremos el paso a la delincuencia, salvemos la patria del odio voraz y que con el juicio de nuestra conciencia luchemos sin tregua, por ganar la paz. (Bis)

CORO

Reclusos y guardias, cambiemos las rejas por fe y disciplina, estudio, trabajo y amor para que en Colombia cese la violencia y empiece de nuevo una gran nación. (Bis)

(INPEC)

something else: as she stares out at us, “*something*...throws itself together in a moment as an event and a sensation,” as an emergency, perhaps, or as an interruption; as a pang of guilt or a stab of fear; as a question or an attraction; as *something*, at least, that is *more* than the sum of the words “violence,” “abuse,” and “Astrid Carolina Londoño Betancour” (Stewart: 2007, 1, emphasis in original).

Astrid Carolina Londoño Betancour’s pummeled face leads me to the second methodological frame I bring to this essay: transnational feminist analysis. To understand the history and current operation of Colombian prisons, it is necessary to draw connections between many related, if dissimilar, phenomena, from the borderless and seemingly intractable Wars on Terror and Drugs to the “prison industrial complex,” from the “parastate” to the history of colonialism, and from ideologies of gender to tactics of punishment. Throughout this wide-ranging analysis, however, I work to center the lives and experiences of those people who, like Astrid Carolina Londoño Betancour, are most caught up in this interlocking network of repression and subjection. To do this, I deploy Julia Sudbury’s understanding of transnational feminism. Her definition is worth quoting at length:

Transnational feminist practices parallel antiracist feminism in theorizing the intersections of gender with race, class, and sexuality. However, they differ from many feminisms of color because of a central concern with how these processes articulate with the cross-border flows of goods, people, capital, and cultures associated with globalization... this approach focuses on the linkages that emerge out of transnational networks of economic and social relations. The operations of multinational corporations, International Monetary Fund (IMF)-led structural adjustment policies, free trade agreements, export processing zones, and outsourcing practices are therefore redefined as ‘women’s issues,’ dramatically expanding the scope of feminist concerns... Transnational feminist practices assist us in unpacking the global prison by drawing our attention to the ways in which punishment regimes are shaped by global capitalism, dominant and subordinate patriarchies, and neocolonial racialized ideologies. In so doing, they place the experiences of women of color and third-world women at the center of our analysis of prisons and the global economy. (2005, xiii)

This approach is both analytically and ethically rigorous, as it combines multiple levels of interdisciplinary investigation (from the macro to the intimately micro) with a concern for the concrete well-being of the most vulnerable people. By looking beyond national borders, transnational feminist analysis helps to break down the blinders that prevent scholars from acknowledging the ways in which problems of violence—and their solutions—are embedded in a globalized world. Colombian prisons are rooted in Washington, D.C. and in colonial Spain as much as they are in Bogotá or Cali. Furthermore, this analysis refuses to accept at face value the claims made by leaders, the law, or institutions, but rather insists on tracking the ways in which power plays out behind the scenes and on the ground. For this reason, it is profoundly skeptical and anti-ideological.

To the extent that it contests the dehumanization that is foundational to the logic of incarceration, transnational feminism cannot avoid taking a political position when applied to prisons. As Ruth Wilson Gilmore explains, “[d]ehumanization names the deliberate, as well as the mob-frenzied, ideological displacements central to any group’s ability to annihilate another in the name of territory, wealth, ethnicity, religion. Dehumanization is also a necessary factor in the acceptance that millions of people (sometimes including oneself) should spend all or part of their lives in cages” (2007, 243). By understanding incarcerated subjects as people deserving of safety, respect, life, and even freedom, and pointing out the ways in which prisons rob them of these things, transnational feminist analysis challenges the story prisons are built to tell, namely, that certain people *must* be locked up. In the Colombian context, this analysis also refuses to accept the “myth of the disposable third world woman” and so it necessarily “disrupt[s] the capitalist [and, I would add, the carceral] systems that require that story constantly be told”

(Wright 2006: 93). In this disruptive spirit, I turn now to a discussion of the work performed by prisons.

Carceral Power and Biopower

Whereas the New Prison Culture reforms frame the prison—or at least a certain type of highly regulated prison—as a tool to combat drug trafficking and grave criminality, an extensive body of scholarly and activist literature traces the prison’s role in perpetuating a wide array of harms. In these works, the prison emerges not as a solution to violence, but as its perpetrator. In other words, prisons hurt people, often badly and sometimes irrevocably. They cause illness and death, and their deleterious effects are not equitably distributed: certain people, especially people of color, women, trans people, queer people, indigenous people, migrants, disabled people, and those addicted to substances, are more likely to be hurt by prison (Spade: 2011). Because of this, the effects of prisons must be approached at two levels: at the level of individual prisoners, and at the level of populations. Furthermore, while much of the literature most critical of prisons focuses on the United States, the country with the largest prison population and highest rates of incarceration in the world, the critiques it raises are applicable in the Colombian context as well, all the more so as the Colombia state continues to model its carceral institutions on those of the US (World Prison Brief “United States of America”). In addition, the spiraling growth of prisons in Colombia is tied inextricably to the War on Drugs, and, more recently, the War on Terror, both of which suture political and historical developments in the United States to Colombian lives and communities. It makes sense to “transnationalize” prison abolitionist theory developed in the United States because the two countries are already entwined.

Therefore, in the following section, I will attempt to tell a complicated story, one that braids the transnational history of Colombian prisons together with numerous denunciations of

the prison model, and one that positions events in individual Colombians' lives within the ideological and discursive terrain that both constitutes and restricts their existence, that, in a word, subjectifies them (and, of course, you and me as well). Here, I follow Dean Spade's use of "subjection" because it "captures how the systems of meaning and control that concern us permeate our lives, our ways of knowing about the world, and our ways of imagining transformation" (2001, 25). He positively opposes subjection to "oppression" because the latter conveys an understanding of power that is too simplistic, that reduces power to a relationship of domination operating in binaries like "top/down," without grasping the complex pathways whereby we become participants in structures of control and coercion (2011, 25). This distinction returns us to the world of theory about prisons.

French philosopher Michel Foucault's theorization of the work of power has been extraordinarily influential, and, tellingly, much of it is grounded in excavations of the history of the prison. His canonical *Discipline & Punish: The Birth of the Prison* is dedicated to understanding the arrangement of power he calls "the carceral," a form of discipline both coercive and subtle that seeks to control how people live their lives; indeed, it seeks to control the way in which people can even *imagine* living their lives (1995, 298).¹ In his account, beginning in the eighteenth century, carceral techniques began to replace earlier, often spectacularly gruesome forms of punishment—such as public torture and executions—as governments' preferred mechanism for both responding to and preventing illegal (or otherwise proscribed) behavior. Carceral power is not only punitive: it also productive and subjectifying. It

¹ Foucault might insist that power does not "seek" to do anything, that instead it *does* control the subjects it creates, but I prefer to use the more conditional phrase (even if it runs the risk of suggesting, incorrectly, that there is an intentionality behind power relations, like some grand wizard behind the veil) because power never creates a seamless totality. Rather, ideological and material forces are always unstable, always in tension, always in the process of unravelling and of being reconstructed. To return, once again, to Stewart's words, "[t]he notion of a totalized system, of which everything is always already somehow a part, is not helpful (to say the least) in the effort to approach a weighted and reeling present" (2007, 1).

is exercised by an “archipelago” of interlocking and overlapping institutions, exemplified by the penitentiary, but replicated in schools, hospitals, military barracks, “orphanages... charitable societies, moral improvement associations, [and other such] organizations that handed out assistance and also practiced surveillance” (1995, 298). This archipelago exercises power over (and through) subjects by observing and conditioning their bodies—in this way, it converges with “biopower,” or “that domain of life over which power has taken control” (Mbebe: 2003, 12). In schools, for example, carceral power encourages obedience, docility, and a certain kind of work ethic, while it punishes any refusal to abide by the rules through a calibrated regimen of detention, suspension, and expulsion, or, in some cases, through arrest and juvenile detention. Prisons, in turn, confine and isolate people in an effort to produce more normative subjects and counter crime. In the process, carceral power configures both “the criminal” as an object of study and intervention, and, at the same time, it creates, sustains, and reproduces a diffuse and bureaucratic state authority. Born alongside the idea of the criminal was the need for the criminologist, just as with the prisoner came the prison warden, the prison psychologist, and the prison architect. Together, these bureaucrats and the institutions in which they work make up the fabric of the state, and so Spade calls this process—a process both ideological and material—the production of “stateness” (2011, 113).

To go further, carceral power operates to distinguish between worthy and unworthy forms of life, between those people who are correct and whose way of life should be protected at any cost, and those who are wrong and, as such, are ignorable or disposable. That distinction, of course, is a moral one: it is invented, unstable, and subject to change. Carceral power is key to making and remaking the division between good and bad subjects, and as such it is powerfully involved in the unequal “distribution of life chances” (Spade: 2011, 113). As Spade explains, this

process cannot be extracted from the specific contours of national imaginaries, contours that are both racialized and gendered:

Foucault helps us understand how producing stateness through population-level programs (including taxation, military conscription, social welfare, education, immigration) always entails the mobilization of ideas about what kind of life must be promoted and what kind of life is a threat and must be left out, rooted out, or extinguished. Because these population-level policy programs, even if they do not explicitly name race and gender in their texts, are actually mobilized through racialized-gendered ideas of the nation, and because they produce and reproduce racialization and gendering of populations as they come to exist, it is not surprising that these programs have racialized-gendered effects. (2011, 113)

For example, punitive responses to issues of school discipline do not affect all students equally. Students of color are much more likely to be suspended from school than white students; in Seattle, at least, this begins as early as kindergarten (Rowe: 2015). This is fucking preposterous. It should, however, help to clarify how power subjectifies. Imagine yourself as a child of color (for some readers, of course, this will not be an exercise in imagination, but one of memory). Imagine being punished at dramatically higher rates than your peers, starting at the age of five. How can you avoid learning the lesson that your mind is worth less? And what about the teachers and administrators who see you and children who look like you as unrulier, as less teachable? What lessons are they to draw from their participation in a system that has racist results? Do they mean to be racist? Does it matter? And what about the articulation of racism with classism, that nexus of exclusion that makes it more likely that you, a child of color, have not had breakfast? And what about the greater likelihood that one of your family members is caught up in jail or in immigrant detention, and so has not been around to help you learn to read? Do any of these conditions mean that you are less human, less deserving of respect and love than your peers? If not, then why are you treated this way? Lastly, how should this inequality be transformed, and how does your experience of suspension inform the way you envision change?



“A kindergarten class listens to Spokane psychologist Natalie Turner speak at West Seattle Elementary School recently” (Rowe: 2015).

There are different questions to be asked about prisons and prisoners in Colombia, but the theoretical framework is the same. How does carceral power crystallize in such a way that certain people are harmed, while others are helped? What are the consequences? And what can be done about them? Perhaps the most transparent arena for tackling these questions in the Colombian context is place where incarceration meets the War on Drugs.

The War on Drugs, the Parastate, and the Prison-Industrial Complex

“Declared” by U.S. President Richard Nixon in 1971, the War on Drugs has metastasized into a transnational struggle, seemingly without end (Sirin: 2011, 83). Under the rubric of ending drug production and use, the War on Drugs has deployed manifold tactics, including military instruction, surveillance, interdiction, defoliation, incarceration, deportation, property forfeiture, denial of social services (such as public housing, food stamps, and disability benefits), creation and support of armed groups, and pitched street battles. It has militarized (and paramilitarized) what were previously civilian tasks, especially in border and customs enforcement and policing, on six continents. The Colombian government has been a foremost partner in US-led War on

Drugs battles, especially since the implementation of Plan Colombia, a titanic aid agreement between the United States and Colombia that “began funneling more than \$1 billion a year to Colombia in 2000, making it the third largest recipient of U.S. military assistance in the world” (Tate 263).² As Diego Nieto explains, the War on Drugs diverges fundamentally from other wars because its putative rationale is not the destruction of an enemy, much less the resolution of geopolitical difference, but rather the wholesale eradication of substances perceived to be a threat to the well-being of nations. As he writes, “security apparatuses are deployed beyond the nation-state, not to wage war in the classical sense of the term but in biopolitical terms, to defend the life of populations” (2012, 147). This emphasis allows us to evaluate the War’s effect on lives, which is helpful, because its effects on drugs have been so bad as to make the whole project appear senseless.

If the War on Drugs were serious about doing what its name proclaims, we would have no choice but to consider it an abysmal failure. The War on Drugs has not reduced access to or production of drugs, but has in fact made drugs easier to obtain. As Ethan Nadelmann documents, “today [28 years after the start of the War on Drugs], global production and consumption of those drugs [marijuana, crack/cocaine, and heroin] are roughly the same as they were a decade ago; meanwhile, many producers have become more efficient, and cocaine and heroin have become purer and cheaper” (2007, 24). For him, drug prohibition’s failures are consistent with earlier attempts to control addictive and mood-altering substances by making them illegal: “the criminalization of drug markets has proven highly costly and often

² Plan Colombia is overwhelmingly, though not exclusively, a military aid package, as evidenced by the fact that “approximately 80 percent of the funding was earmarked for military assistance and training” (Tate 132). However, its allocations reveal a more complex story. “[M]illions of dollars were appropriated for human rights funding through the Plan Colombia assistance programs...administered through USAID,” but many human rights NGOs questioned the effectiveness of this aid and refused to accept it, as they were concerned it would endanger the impartiality of the organizations tasked with investigating abuses perpetrated by the institutions funded by the same source: the Colombian military, police, and (covertly) affiliated paramilitaries (Tate 123).

counterproductive in much the same way that national prohibition of alcohol did” (1997, 292). Furthermore, the War on Drugs often exacerbates drug addictions or propels people into addiction. As Juanita Díaz-Cotto notes, “[i]ronically, a significant number of women arrested in Mexico for drug trafficking... have become addicted to illegal drugs while imprisoned” (2005, 142). Criminalization not only fails to prevent drug abuse; it causes it.

This seemingly paradoxical result begins to reveal a hidden coherence if we do not take the War on Drugs at its word. Indeed, as Michael Taussig argues, the very name War on Drugs is misleading: “[t]he War Against Drugs is actually funded by cocaine and is not against drugs at all. It is a War *for* Drugs” (2004, 18, emphasis added). The reason for this has everything to do with the selective targeting of some drug producers for elimination even while other drug producers and traffickers are given arms, money, and support:

As of July 2000, some 70 percent of the paras’ [paramilitaries’] income... comes from the coca and marijuana cultivated in areas under their control north of the country, drugs that will make their way stateside. Yet up until that date, at least, the paras got off scot-free. Their coca was rarely subjected to eradication, and the government’s armed forces had never, ever confronted the paramilitaries. Instead, the thrust of U.S.-enforced war was to attack the south where the guerrilla are strongest and leave the north free. (2004, 18)

This situation is not unique to Colombia, but it is jarringly obvious there. Indeed, the divisions between paramilitary forces and the state have become so fuzzy and porous in some regions that it is difficult to distinguish one from the other, and it becomes necessary to discuss a new assemblage: the “parastate.” The effects of this have been bloody, terrifying, and a boon to the drug trade. As Lesley Gill explains, “regionally based paramilitary blocs, aligned with sectors of the security forces, politicians, and elites, seized power and effectively became the state in the areas under their control... The proliferation of regional sovereignties, or ‘parastates’ blurred the boundaries between politics and organized crime, and it intensified the violent spread of

neoliberalism and drug trafficking” (2005, 58). If the War on Drugs has not stopped drugs, but has actively done the opposite, then why is it still being funded?

Spade provides one answer when he suggests that the War on Drugs, as well as the War on Terror, into which the War on Drugs has morphed or merged in complicated ways since 2001,³ should be best understood as “rhetorical devices” that have “fueled” the “massive growth of structures in law enforcement, both in the criminal punishment and immigration contexts” (2001, 53). His analysis is astute and brings to the fore one of the concealed consequences of these Wars: they serve to justify, necessitate, and pay for the expansion of prisons, border patrols, police forces, and other arms of the carceral state. The consequence of this, in turn, has been more violence. In Colombia, much of the funding from the War on Drugs and the War on Terror is siphoned off into the parastate, which has become stronger and more fearsome as a result, allowing paramilitaries to “target trade unionists, peasant leaders and human rights defenders” and “forcibly displace peasants from thousands of hectares of land,” all in a context of “institutionalizing impunity” (Gill: 2011, 58-9). Paramilitaries have also used sexual violence against the people who live in the territories they have taken over; one paramilitary leader, Hernán Giraldo, was known by the nickname “taladro” because of his reputation as a serial rapist of young girls (NoticiasUno: 2014). Indeed, it is not only the parastate, but the entirety of the “prison industrial complex,” that has ballooned in the munificent wake of both Wars (Davis: 2003, 12). This is because many of the tasks of policing and imprisonment are not performed by public agencies, but instead by private and for-profit corporations, such as GEO Group (formerly Wackenhut) and CoreCivic (until recently, Corrections Corporation of America). Like the

³ Nieto has coined a descriptive, if unwieldy, term for this merger: “the paradoxical use of techniques of war in so many fields which were normally the competence of law enforcement authorities, and vice versa, has become even more explicit in the ‘age of terror.’ This is the constitution of what I call the *transnational police-law enforcement/military-security assemblage*” (2012, 160, emphasis in original).

paramilitaries, these corporations have been charged with harming the people under their control, by denying them decent food, healthcare, or sanitary conditions and by exposing them to “widespread abuse and sexual assault” (Fischer: 2013). By allowing both the parastate and the prison industrial complex to prosper, the War on Drugs conveys the following message: powerful corporations and armed actors are more important than the victims of their actions.

The prison expansion described at the beginning of this essay is the direct result of the War on Drugs for at least two reasons: the Programa was funded by Plan Colombia, and many people locked up in Colombia today are there because of War on Drugs policies, such as enhanced sentencing for possession offenses. However, incarceration and the War on Drugs converge in a more general way, too. Prison, like the War on Drugs, putatively exists to protect populations from a perceived danger. In real life, however, prison does not do this, in Colombia or anywhere else.⁴ Instead, again like the War on Drugs, prisons cause pain, suffering, and death. To understand why, and more pressingly, *for whom*, it is necessary to modify Foucault’s biopolitical theorization of the prison with a contribution from postcolonial scholar Achille Mbembe: the theory of “necropolitics” (2003).

Necropower and the prison in Colombia

For Mbembe, necropolitics names the form of power that is expressed by “*the generalized instrumentalization of human existence and the material destruction of human bodies and populations*” (2003, 14, emphasis in original). Unlike biopower, which concerns itself with

⁴ Gilmore provides evidence of this: “State by state, those jurisdictions that have not built a lot of prisons and thrown people into them have enjoyed greater decreases in crime than states where incapacitation became a central governmental activity” (2007, 15) Furthermore, “if we ratchet our perspectives down to an extremely intimate view and compare, we see that identical locations—in terms of social, cultural, and economic characteristics of inhabitants—diverge over time into different qualities of place when one of them experiences high rates of imprisonment of residents. And, more, the ‘tipping point,’ when things start to get really bad, is not very deep. Only two or three need to be removed from N to produce greater *instability* in a community of people who, when employed, make, move, or care for things” (2007, 16).

managing life, necropower oversees and guides the production of death. Colombia is, tragically, hideously, an ideal country to study how death is made:

Según la ONU, [in Colombia] a mayo de 2011 habían 57,200 víctimas de desaparición forzada durante las últimas tres décadas; a junio de 2012, cinco millones de personas desplazadas internas y 400,000 refugiadas; entre 2007 and 2008 se produjeron cerca de 3000 ‘falsos positivos,’ y la impunidad abarcó el 98.5% de los casos; en 2010 se descubre en La Macarena la fosa común más grande del mundo, con más de 2,500 cadáveres; para 2010 el 55% de los asesinatos de sindicalistas en el planeta ocurrió en Colombia, haciendo el país el más peligroso del mundo para ejercer la organización sindical; en 2011 Colombia fue considerado por el PNUD el tercer país más desigual del mundo.”” (Quijano: 2013, 299)

These statistics do not begin to convey the full meaning of the violence they quantify, but they do give us a sense of the staggering scale of loss in Colombia. This loss presses hardest on women and racialized people. “Displacement,” to take one example, “disproportionately affects indigenous peoples and Afro-Colombians, who together make up one-third of the displaced population; women account for more than fifty-five percent of all displaced people and more than half of displaced families are headed by women” (Reynolds: 2008, 80).



“Certifican existencia de fosa común más grande de Latinoamérica en Colombia” (Las Noticias de Valledupar Online: 2010)

The reasons for the unequal distribution of life chances to women and racialized people has to do with the origins of necropower, which, in Mbebe’s work, are to be found in relationships established by colonialism, the slave trade, and the plantation. In these contexts, “[v]iolence...

becomes an element in manners, like whipping or taking of the slave's life itself: an act of caprice and pure destruction aimed at instilling terror. Slave life, in many ways, is a form of death-in-life" (2003, 21). Pause for a second on that: slavery was founded upon the utter refusal to see enslaved people as people. It represented a despicable failure of the ethical imagination. For Angela Y. Davis, the modern prison was born in the same crucible, and this explains its necropolitics.

Prisons today represent the coming together of numerous inheritances, and their history is one of startling, bumpy, and even contradictory reform. In the eighteenth century, the development of the penitentiary model signaled a major change in the meaning of incarceration: "until the creation of this new institution...[imprisonment] served as a prelude to punishment... With the penitentiary, incarceration became the punishment itself" (2003, 26). This point bears repeating: the idea of imprisonment as a valid and valuable sentence for wrongdoing has not always existed. It is a modern invention. For Foucault, the adoption of the penitentiary signaled one of the most important stages in the evolution of biopower. In Latin America, the adoption of the penitentiary marked Latin American countries' attempts to embrace particular technologies of social control that promised to enable them to better regulate their unruly subjects and move towards a varying defined modernity. The penitentiary was not adopted in a smooth or unidirectional way, however, but rather as part of "a protracted process encompassing more than a century (1830-1940)," one that was "uneven in its evolution and nature" and "proceeded through short spurts of enthusiasm and activism, usually followed by periods of pessimism and indifference" (Salvatore and Aguirre: 1996, 1, 9). In Peru, for example, "the idea of reforming criminals through confinement, work and moral sermons was not really embraced by the authorities nor shared by the ruling groups, turning the whole project into a failure" and leading

to a prompt reversion to “corporal punishment” (Salvatore and Aguirre: 1996, 10-1). In Ecuador, under the vehemently Catholic regime of Gabriel García Moreno, “[m]ounting criticism of old prisons and jails” led to the construction of a new penitentiary in 1874, modeled on the panopticon, but with a distinct, hellish twist: the design of the Penitenciaría de Quito “combined modernity with terror. Its walls were painted black so that inmates would live in the shadows; its rules severely punished any violation of silence” (Salvatore and Aguirre: 1996, 11). The history of the prison in Latin America, then, is one of uneasy coexistence between multiple, frequently incompatible approaches to punishment and rehabilitation, of interplay between biopolitics and necropolitics. These ambiguities were held at bay, even if they were not resolved, by a shared belief that punishment should be enacted upon the body, in one way or another.

Davis’s history of prisons examines the particular conditions that gave rise to the massive proliferation of the prison in the United States, and therefore on questions of institutional racism and the aftermath of slavery; on questions, that is, of necropolitics as well as biopolitics. She traces the continuity between the Slave Codes before the Civil War and the Black Codes after, noting the means whereby the latter exploited a glaring loophole in the Thirteenth Amendment that allowed for involuntary servitude “as a punishment for a crime” (2003, 28). When “Black Codes proscribed a range of actions—such as vagrancy, absence from work, breach of job contracts, the possession of firearms, and insulting gestures or acts—that were criminalized only when the person charged was black,” they created the legal basis for condemning formerly enslaved people into forced servitude once again (Davis: 2003, 28). Crucially, the post-Civil War penal apparatus was not initially grounded in the penitentiary form. Precisely because it was concerned with controlling racialized labor, and not with individual rehabilitation or corrective discipline, it “recapitulated and further extended the regimes of slavery,” using whipping,

lashing, extreme deprivations, and hideous disfigurement such as riveting a “metal spur” to laborer’s feet to coerce work and subdue opposition (Davis: 2003, 32-3). Indeed, it was against this model that penitentiary reforms were seen as progressive or enlightened, just as formal legal procedures were cast as the antidote to the rampant extralegal killing—known as lynching—that stalked communities of color in the South throughout the decades following the defeat of the Confederacy. Davis’s key point, however, is that movement from one paradigm to another is messy and uneven, resulting in palimpsests and the resurgence of historic inequalities. The birth of the prison did not spell the death of the plantation, just as the jury trial did not erase the lynch mob. Rather, the earlier monsters donned new guises, pinned new nametags to their breast, and altered their behaviors in the light of day, but the old fangs still flashed under cover of darkness, and the same vulnerable populations were still the ones most likely to be snatched up in their claws.

Racism is the thread that ties the modern prison to its antecedents in slavery, and it is also one of the rationales through which necropower functions. Ruth Wilson Gilmore’s definition of racism is helpful in making this connection. For her, “[r]acism is the state-sanctioned and/or extralegal production and exploitation of group-differentiated vulnerability to premature death. Prison expansion is a new iteration of this theme” (247). Racism does not operate in isolation however, but articulates with other vectors of hierarchy, identity, and subjection, such as gender and sexuality. As Patricia Richards writes, “[g]ender does not just intersect with race and the experience of being colonized: it is constituted by them” (2012, 266). The inverse is also true.

To better understand the contemporary relationship between racialized constructions of gender and sexuality, criminality, and punishment in the Americas, it is necessary to wind the clock back to the first decades of colonization. As early as 1513,

Spanish conquistador Vasco Núñez de Balboa, traveling across the area now known as Panama...encountered the indigenous people of Quaraca. Upon discovering that some of the men ‘dressed as women’ and engaged in sexual relations with each other, he ordered forty of them thrown to his hunting dogs, to be dismembered to their death...This incident is reported to be the first recorded Spanish punishment of sodomy on the American continent. It certainly wasn’t the last. (Mogul et al.: 2011, 1)



“Theodor de Bry, ‘Balboa Throws the Indians Who Have Committed the Abominable Crime of Sodomy to Be Torn to Bits by Dogs,’” (Miranda 258).

In seeking to understand “the criminalization of LGBT people,” Joey L. Mogul, Andrea J. Ritchie, and Kay Whitlock (2011) begin with this episode not to claim that pre-colonization forms of indigenous sexuality and gender were the same as contemporary American expressions and identities,⁵ nor to suggest that colonizers simply imported virulent European practices of gender policing to the New World, but rather to illustrate the way in which perceived gender/sexual deviance has, for at least half a millennium, been a key site and rationale for the

⁵ Indeed, they offer a careful explanation for why this is not their purpose: “The temptation to subsume Indigenous sexual and gender expressions within modern LGBT identities is no doubt driven at least in part by a desire to be visible throughout human history, to claim a connection to Native peoples, and to frame homosexuality and gender nonconformity as naturally present in peoples uninfected by homophobia and transphobia. However, the interpretation of Indigenous cultures through a white, European, gay, or even queer lens, based on sodomy-soaked European writing and observation driven by larger agendas, is itself a colonizing act that must be challenged” (5).

forceful enactment of the power to maim, kill, and confine. This is necropower in action. It's really scary. In their words, the "construction of gender hierarchies and their violent, sexualized enforcement was central to the colonization of this continent," producing powerful "echoes [that] can be heard throughout the current criminal legal system" (2). Fundamental to this process was the way in which framing indigenous peoples as deviant enabled colonizers to justify or erase their own brutality: in their mind, theirs was a divinely ordained task, the struggle of the virtuous to eradicate sin, not (or at least, not *only*) a process of mass murder, enslavement, and land grabbing. Like the War on Drugs and mass incarceration, the colonization of the Americas was necropolitical to its core, but it proceeded under the mark of *promoting* life, if only the *right kind of life*. "Biopolitics," then, must be understood as "intimately wound into necropolitics, since governments protect the lives of some by justifying the deaths of others" (Wright: 2011, 709).

Biopower, Necropower, and the New Prison Culture

The Programa casts light on the relationship between biopolitics and necropolitics. Under the guise of creating a New Prison Culture, one that promises to foster biopolitical rehabilitation, the Programa has in fact intensified the necropolitics of Colombian prisons. The Programa represents only the most recent wave of reform in Colombia's prison system. Colombia was one of the last countries in Latin America to implement penitentiary reforms, but when it did so in 1934, it signaled its ambition by embarking upon a plan to "control an impressive carceral network—nine penitentiaries, eighteen *cárceles*, two agricultural colonies, and numerous local jails," all coordinated by a newly-formed Department of Prisons (Salvatore and Aguirre: 1996, 13-4). De Dardel calls the carceral climate that this earlier regime produced the "*criollo* culture," and describes how it "was historically rooted in practices of integration into the Colombian

society” (2015, 186). The new model, by contrast, emphasizes hypervigilant security and the loss of basic rights and freedoms:

Desde su construcción los nuevos penales se constituyeron en la negación arquitectónica de la reintegración social, dado el claro privilegio que estos otorgaron a la seguridad y a la retribución como fines del encierro carcelario. Así, en su estructura se establecieron mecanismos de control y vigilancia permanentes para los internos, funcionarios y visitantes, a manera de verdaderos panópticos tecnológicos; se edificaron áreas muy reducidas para el desarrollo de programas de trabajo y educación...y se reintrodujo el aislamiento celular en pabellones especiales, en contradicción con los estándares internacionales. En cuanto al régimen interno, el modelo instaurado se caracterizó por su alto contenido autoritario. (Sarmiento: 2004, 2)

As may be apparent, this model seeks to emulate high security prisons in the United States.

Indeed, one of the first prisons built under the Programa, La Tramacua, has been frequently compared to the detention center at Guantánamo Bay Naval Base (Brown: 2016).

The New Prison Culture has been subject to a number of scathing critiques, mostly by Colombian scholars. As Manuel Iturralde writes, “the most worrying trend is the increasing number of prisoners who are neither working nor studying in the past decade (particularly from 2007), becoming the majority of the prison population in 2012” (144). For him, this statistic, alongside the fact that the majority of Colombia’s prisoners come from marginalized, impoverished, and uneducated communities, indicates the state’s increasing disinvestment from its prisoners’ futures, and exemplifies the way in which “prisons have been turned into core symbols and institutions of *authoritarian liberalism*...a form of government [that] protects the interests of the status quo—even if violence must be used—by sacrificing the rights of society’s poorest and most vulnerable groups (which in Colombia is half the population)” (141, emphasis in original). Implicitly, he draws a necropolitical link between the origins of Colombian prisoners in marginalized communities and their abandonment by the state, or perhaps more

precisely, their seizure by the state (in the form of imprisonment) followed by their forced subjection to conditions of boredom, loneliness, and isolation.

Drawing on Mbebe's work, Germán Parra Gallego and Jei Alanis Bello Ramírez analyze Colombian prisons as explicitly necropolitical institutions. For them, “[l]a cárcel en Colombia, como un lugar donde los derechos son suspendidos y los cuerpos de las personas presas son expuestos a la enfermedad, el sufrimiento, el abandono y el asesinato, nos permite trazar una lectura de esta institución como otra expresión de la necropolítica que opera en el país” (2016, 368). Prisons understood as necropolitical institutions oversee and surveil death; under the careful eye of a vigilant state apparatus, prisons kill through rampant human rights violations, terrible living conditions, lack of healthcare, and few if any viable options for life after incarceration. As Parra Gallego and Bello Ramírez are careful to point out, this process is “sostenida... fundamentalmente sobre líneas de raza, clase, género y sexualidad” (368). In this, their analysis overlaps with Spade's: policy decisions determine the distribution of prisoners' “life chances,” and therefore their death chances, too.

Furthermore, the political context is important: in Colombia, leftist guerrillas are subject to a particularly virulent form of necropolitical rule.⁶ They are exposed to heightened violence in prison and extrajudicial assassination outside it (Quijano: 2013). In this way prisons operate not as neutral arbiters of crime and justice, but as politicized weapons, and ones that endanger chances for the peace process, thus threatening to perpetuate Colombia's civil war and the fuel the necropolitical apparatus of displacement, assassination, torture, rape, and disappearance that makes up the muscles, teeth, and claws of the conflict (Ferrajoli: 2016).

⁶ This is akin to the repression exercised against radical activists in the United States by the FBI's COINTELPRO programs (Churchill and Vander Wall).

Finally, de Dardel's work puts Giorgio Agamben's theories of "bare life" into dialogue with insightful ethnographic study of prisoners themselves to show how Colombian prisons of the New Prison Culture are sites of both intense repression and creative resistance, as "a space of both subjection *and* subversion" (189, emphasis in original). She makes an important contribution: any discussion of prisons should be rooted in the experiences of imprisoned people themselves. Prisons, especially of the New Prison Culture model, make it very hard to generate knowledge in authentic collaboration with imprisoned people. This is not to downplay the important contributions made by incarcerated scholars, journalists, and activists: indeed, Davis herself is a former prisoner, and iconic figures such as George Jackson (1970), Mumia Abu Jamal (1995), and Leonard Peltier (1999) have contributed substantially to understandings of incarceration even while behind bars. Jackson, for example, understood the necropolitical nature of prison long before Mbebe coined the term. However, these prison scholars have only been able to get their ideas out through sustained resistance to a system that does not favor their free expression.

Against the Carceral Worldview

The preceding sections of this essay have laid out the connections between violence and incarceration in Colombia. Through analyses of carceral power, biopower, and necropower, as well as a comparison between incarceration and the War on Drugs, I have sought to show that prisons target some people for death and destruction even as they claim to be promoting life. Here, I would like to put forward a term to name the ethical blind spot that makes this possible: the carceral worldview. The carceral worldview accomplishes a few interlocking tasks. First, it ahistorically presumes that prisons are necessary, just, neutral, and effective, even though they are none of those things. Second, it remakes social exclusions (along lines of gender,

racialization, class, ability, and sexuality) by a process of double robbery: it participates in creating carceral institutions that lock marginalized people up disproportionately, robbing them of their homes, families, and communities, and then it refuses to see this as a problem, thereby robbing them of dignity and humanity itself (this is intimately related to Gilmore's concept of dehumanization). Third, it frames all social problems in carceral terms, thereby equating punishment with justice. It is a harmful thing.

What can be done to overthrow the carceral worldview? Here, I once again defer to Gilmore's wisdom. She writes, "in scholarly research, answers are only as good as the further questions they provoke, while for activists, answers are as good as the tactics they make possible. Where scholarship and activism overlap is in the area of how to make decisions about what comes next" (2007, 27). In this paper I have focused on the path that has brought us here. As to what comes next, I can only offer the words of Harsha Walia, prison abolitionist and migrant justice activist: "All movements need an anchor in a shared positive vision, not a homogenous or exact or perfect condition, but one that will nonetheless dismantle hierarchies, dismantle concentrations of power, guide just relations, and nurture individual autonomy alongside collective responsibility" (2013, 10). Insofar as the carceral worldview impedes the sort of vision Walia describes, it is an obstacle to the creation of a safer and more just world. Hopefully this essay has helped to reveal its skeletal grimace so as to better fight against it, and for a world that is better for us all.

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