



Book Review

Libardo José Ariza (2023). *Tres décadas de encierro. El constitucionalismo liminal y la prisión en la era del populismo punitivo*. Bogotá: Universidad de los Andes-Siglo del Hombre Editores

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One of the things that pushed me to be a scholar was my obsession with understanding myself. Such a concern, mixed with little knowledge of social sciences, could explain why my first reading of *The Sociological Imagination* was a revelation. Wright Mill's central idea could be summarized in this passage: "The sociological imagination enables us to grasp history and biography and the relations between the two within society. That is its task and its promise. To recognize this task and this promise is the mark of the classic social analyst" (Wright Mills, 2000, p. 6).

Wright Mill's invitation to understand biographies within social and historical contexts enabled me to connect the epistemological traditions in which I was trained and defined how I approach my role as a researcher. Connecting Wright Mill's theoretical framework with the philosophical European literature widely extended in Colombia led me to an explicit concern: the impact of governance on people's experiences and the human condition. This is why I am reviewing Ariza's *Trés décadas de encierro: el constitucionalismo liminal y la prisión en la era del populismo punitivo*.

Ariza's proposal for understanding the prison condition in Colombia is a compelling mixture of Wright Mill's proposal for grasping people's experiences with a broader philosophical discussion about the types of identities that spatiotemporally located societies produce and reproduce. Drawing on a wide variety of theoretical and methodological strategies, Ariza explains how the *Homo Carceris* has been produced in Colombia through a combination of failed public policies, constitutional law narratives, and daily prison governance.

Tres décadas de encierro is based on a well-conducted ethnography of several Colombian prisons. After more than ten years working in prisons —and with inmates—Ariza's understanding of the Colombian prison experience is quite exceptional. The author shows how overcrowding, prison guards and inmates' co-governance, together with massive human rights violations, are crucial factors for understanding the social and political reality of prisons. The growth of the prison population, the



prevalence of criminal organizations that operate inside and outside prisons, and the State's inability to guarantee basic needs and security within prisons, have produced places brutally ruled by criminal landlords who share their power with guards.

The book shows how a complex interaction between constitutional law narratives, criminal policies, and the everyday prison experience shapes the *Homo Carceris*. On the one hand, constitutional law narratives organize the carceral question in Colombia by promising change. They define which rights should be guaranteed and acknowledge that contemporary Colombian prisons do not accomplish minimum standards. While the Constitutional Court calls for a humanitarian reform of the prison system, the criminal policies go in a punitive direction. The penal populism—understood by the author as an emphasis on the need for severe punishments to gain voters—has led criminal policies to rely heavily on imprisonment and to challenge the Constitutional Court's attempts to transform the prison world.

The book demonstrates how the *Homo Carceris* has been shaped by policies and legal arrangements that opened a space between factuality and norms. Such a space appeared when the State's failure to guarantee inmates' human rights met the constitutional legal narratives that have been trying to transform the prison realm. The Colombian Constitutional Court declared the "Unconstitutional State of Affairs" in several opportunities. Such a legal category has been trying to protect inmates' rights by recognizing the massive and systematic violation of human rights within prisons and requiring the Colombian Government and Congress to reform public policies regarding prison administration.

On the other hand, the society of captives create their dynamics within the frame provided by the Constitutional Court and the criminal policies. Inmates fear that criminal policies continue harshening their imprisonment, and they expect that the Constitutional Court may impose its humanitarian agenda. Simultaneously, they build their experience within a collapsed prison system. The outstanding ethnography in the book details how everyday prison life occurs and interacts with constitutional law narratives and criminal policies.

The Colombian society of captives produces a particular order governed by the so-called *Plumas* that decide how, when, and against whom violence must be exercised. *Plumas* decide over almost every aspect of prison life. They can have sex with inmates' wives and sisters, they determine who can eat or drink water, they decide whether someone sleeps in a cell or a bathroom, and they charge for every service they provide. Their rule is upheld by their power to decide who lives and who dies; their kingdom knows no limits to brutality. *Homo Carceris* lives every day in fear of violence, which may not always be used but is always present.

Ariza explains that violence is not reduced to *Plumas*' fierce governance. The fact of being imprisoned in Colombia is extremely violent. Being held in a Colombian prison means not being able to satisfy the most basic human needs. There is a short supply of water, food, beds, toothbrushes, toilet paper, healthcare, sanitation, security, and so on. Life in prison is so precarious that being imprisoned in Colombia is a long-lasting experience of violence engraved in the *Homo Carceris* body.

Despite the Constitutional Court efforts, the legal intervention of the prison realm has been a colossal disappointment. The Court's first ruling regarding the massive and systematic violation of human rights in Colombian prisons was issued in 1998, and little has changed. The Constitutional Court has shown that it lacks the power to transform prisons and its inability to protect inmates' rights. In order to maintain certain levels of legitimacy, the Court has explained that prisons need to be transformed gradually. Paradoxically, this well-intended graduality denies any adequate protection of inmates' rights while allowing human rights violations indefinitely.

The *Homo Carceris* arises from the interaction between the legal and institutional narratives that promise to reform the prison system, the criminal policies that continue to rely on harsh punishments, the brutal relations dominated by the *Plumas*, and the constant waiting for something to change. Ariza's *Homo Carceris* is trapped in an interstitial space between legal protection and unprotection. The legal order protects inmates by recognizing their suffering and promising a solution to the Colombian inhuman and violent prison factuality. However, the Constitutional Court's rulings have proved unable to transform prisons and have indefinitely blocked other solutions. Inmates pass through Colombian prisons waiting for the constitutional protection that never comes. This mixing of protection and unprotection creates a narrative called "liminal constitutionalism" [*constitucionalismo liminal*] that legally forbids any suffering within prisons while it does nothing to stop it.

Ariza's book provides an excellent opportunity to open transnational dialogues about punishment in contemporary societies. The intersection between the State's inability to govern prisons, the brutal orders assembled by inmates, and prison reform projects is a shared experience throughout the Global South. The type of subjectivities produced within Global South prisons might share several features and differ in many others. A fruitful line of research may explore these continuities and discontinuities among Global South countries.

Furthermore, Ariza's argument about Colombian prisons proposes a broader theoretical discussion. On the one hand, the *Homo Carceris* challenges liberal narratives about punishment, as well as the capability of law narratives to protect inmates' human rights. Ariza's critical approach to law narratives constitutes an invitation to think about how modernity produces imprisonment at an epistemological level and how such knowledge creates a specific experience across the Global South. On the other hand, liminal constitutionalism calls for deliberation about the role and limits of judicial institutions in transforming societies and legitimizing inhuman governance practices.

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Reference

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