

## **Life and punishment: Young people convicted of murder in Ciudad Juárez, Mexico**

### **Vida y castigo: Jóvenes en prisión sentenciados por homicidio en Ciudad Juárez, México**

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#### **Abstract**

This article presents the results of a research project in which the symbolic construction of life and death in young people is analyzed within a context of violence in Ciudad Juárez, Mexico. It particularly analyzes the stories of the life experience of young male inmates at the state Center for Social Reinsertion (Centro de Reinserción Social - CERESO) No. 3 in this border city who were involved in the crime of murder in the 2008-2012 period. This study shows the national and state scenario of juveniles convicted of this crime in recent years, focusing the analysis from a sociocultural perspective on the subjective production of punishment and from a criminal law perspective by discussing the figures of the citizen and the enemy.

*Keywords:* convicted young people, punishment, prison, violence, precarious life.

#### **Resumen**

El artículo presenta resultados de un proyecto de investigación en el que se analiza la construcción simbólica de la vida y la muerte en jóvenes, bajo el contexto de violencia en Ciudad Juárez, México. Se analizan, en particular, narrativas de la experiencia de vida de jóvenes varones internos en el Centro de Reinserción Social (CERESO) Estatal No. 3 de esta ciudad fronteriza, vinculados al delito de homicidio en el periodo del 2008 al 2012. Se muestra el panorama nacional y estatal de jóvenes sentenciados en los últimos años por este delito, para centrar su análisis desde una perspectiva sociocultural en torno a la producción subjetiva del castigo y la perspectiva del derecho penal que discute las figuras de ciudadano y enemigo.

*Palabras clave:* joven sentenciado, castigo, prisión, violencia, vida precaria.

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This article analyzes the stories of young people convicted of or in the sentencing process for murder and located in the state penitentiary system of the Center for Social Reinsertion (Centro de Reinserción Social - CERESO) No. 3<sup>1</sup> in Ciudad Juárez, Chihuahua. The considered period from 2008 to 2012 is characterized by increased

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<sup>1</sup> At the end of the year 2012, there were eight Centers for Social Reinsertion in Chihuahua located in several municipalities. These institutions, together with the rest of the country's prisons, have taken on the *reinsertion* proposed in the 2008 constitutional reform as a prevailing project in the dynamics of everyday life within prisons.

murders and sentences related to this crime and others<sup>2</sup> and the existence of a security strategy promoted by the Mexican State through joint military-police operations. Although interesting literature on the penitentiary system in Mexico has been generated from an anthropological perspective (Azaola, 2008; Calveiro, 2010), this study focuses on the analysis of the narratives generated by young people involved in murders and serving a prison term in this northern region of Mexico. First, punishment is defined, not as a legal-regulatory concept but as a symbolic construction generated by the subjectivity of young inmates, bearing in mind the recent context of the Criminal Code of the State of Chihuahua (Código Penal del Estado de Chihuahua) and the modality of life sentencing.

Punishment, which, in our case, refers to the experience of young convicted inmates or those in the sentencing process, is a central concept that goes beyond the role of the penitentiary systems. However, we cannot lose sight of the fact that beginning in the eighteenth century, the prison consolidated its position as a social institution (Garland, 1999) that eventually pervaded other institutional frameworks such as family, school, and factory. It punished anyone who stood against the established order. Focusing the analysis on the life experience of young inmates provides the opportunity to more closely examine a punitive approach used in the penitentiary system of Mexico.

In recent years, Ciudad Juárez and the incidence of violence, exemplified by the growing number of homicides, kidnappings, and extortion, have been a key issue for understanding what has led to the increased harshness of punishment strategies against those responsible for committing these crimes. Although the complex structure of violence that characterizes this border city is not limited to these acts, this study will focus on understanding the story of the punishment recounted by young people facing "life sentences".<sup>3</sup>

The life histories<sup>4</sup> are recounted by young male inmates from the Center for Social Reinsertion (CERESO) No. 3, located in the city of Ciudad Juárez, Chihuahua. A strategy of life history was not easy to implement, given the connection of the young people interviewed with gangs that control various areas of the prison and their close relationship with drug cartels. To facilitate access, the study's author was incorporated as the member of a work project with people living with HIV in this prison coordinated by Mexico's National Center for HIV/AIDS Prevention and Control (Centro Ambulatorio para la Prevención y Atención en SIDA e infecciones de transmisión sexual [CAPASITS]).<sup>5</sup> The secrecy requirement when working with patients made it possible to conduct interviews with young people between 18 and 29 years of age who were sentenced for involvement in murders during the 2008-2013 period.

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<sup>2</sup> Since 2008, the "life sentence" has been incorporated into the criminal codes of several states for the crimes of homicide, extortion, kidnapping, and/or rape (see Zapata, 2013).

<sup>3</sup> In October 2010, given the strong social pressure from political and business actors and some civil society organizations whose interests were affected by the increased violence, the Criminal Code of the State of Chihuahua was amended:

Prison is the deprivation of personal freedom. This Code provides for either temporary or life imprisonment. In the first case, its duration will be no less than six months and no more than seventy years. The second case is known as life sentence or life imprisonment and involves the deprivation of personal liberty for the entire lifetime of those responsible for a crime (Código Penal del Estado de Chihuahua, 2010, art. 32).

<sup>4</sup> Nine life histories were told. The selection criteria were young men aged between 18 and 29 years of age who met the following criteria: a) being involved in any of the crimes of homicide, kidnapping, and extortion, specified in the Criminal Code of the State of Chihuahua for a conviction of "life sentence"; b) being located in different areas of the state penitentiary system CERESO No. 3, given the connections they have with any gangs and drug groups; and c) being incarcerated for no more than five years at the time of the interview.

<sup>5</sup> HIV & STD Care and Prevention Clinics, integrated in the Health System of the State of Chihuahua.

## Young men in the sentencing process or convicted of state crimes in the state of Chihuahua, Mexico

Before addressing the analysis of the stories of young male inmates,<sup>6</sup> it is important to characterize the overall context of violence in the context of this border city. In recent years, increasing homicides, kidnappings, and extortion, among other crimes, are significant factors that facilitate understanding the reactions by the Mexican State regarding the tightening of sentencing standards in the criminal codes of the different states in the country. In this regard and specifically regarding the crime of homicide in the state of Chihuahua only, the reported data are striking: a total of 2 601 homicides occurred in 2008 and 3 671 in 2009; they increased to 6 407 in 2010, and slightly decreased to 4 500 cases in 2011, reaching 2 772 in 2012.<sup>7</sup>

In light of this context, which provides a clear view of the number of homicides in this border city in recent years, the Table 1 shows the number of young people between 18 and 29 years of age who were in the sentencing process or were sentenced in 2012 at a national level.

**Table 1. People convicted of state or federal crimes by gender, recorded crime, and age**

Crime	18 to 19 years old		20 to 24 years old		25 to 29 years old		Total	
	Men	Women	Men	Women	Men	Women	Men	Women
<b>- Total crime</b>	<b>8 560</b>	<b>541</b>	<b>21 334</b>	<b>1 671</b>	<b>19 261</b>	<b>1 670</b>	<b>49 155</b>	<b>3 882</b>
- Robbery	5 298	310	11 777	800	9 666	690	26 741	1 800
- Assault and battery	724	76	2 297	356	2 114	410	5 135	842
- Motor vehicle theft	516	21	1 228	41	1 137	38	2 881	100
- Homicide	397	17	1 101	62	994	54	2 492	133
- Damage to the property of others	208	8	740	73	806	68	1 754	149
- Narcotics	259	22	583	33	523	30	1 365	85
- Unlawful acts with firearms	168	6	487	6	524	13	1 179	25
- Rape	178	1	431	7	423	1	1 032	9
- Sexual abuse	105	-	277	3	312	7	694	10
- Kidnapping	56	7	210	25	195	28	461	60
-Other <sup>8</sup>	651	73	2 203	265	2 567	331	5 421	669

Source: Judicial Statistics in Criminal Matters, National Institute of Statistics and Geography (Estadísticas Judiciales en Materia Penal, Instituto Nacional de Estadística y Geografía [INEGI], 2012a).

The crime of theft ranks first, with a significant number of both men and women between 18 and 29 years of age. Examining the gender category, cases for which young women are convicted represent 46% of all crimes. Regarding homicide, the greatest number of cases occurs in the age range of 20-24 years. This crime generally ranks fourth among young people, after theft, assault and battery, and narcotics.

<sup>6</sup> Hereafter, our subjects will be referred to as "young inmates" and not as "young prisoners" or "prisoners" because we consider these two terms to be highly stigmatizing.

<sup>7</sup> Mortality Statistics, Deaths due to homicide (INEGI, 2013).

<sup>8</sup> The database of the survey of Judicial Statistics in Criminal Matters by the INEGI (2012a) presents nearly 96 crimes related to the categories considered by the various state governments as part of their local criminal codes.

However, it is noteworthy that juveniles are the greatest number of people convicted throughout the country. With regard to all crimes for which a sentence was enforced, 92% of the population 18 to 29 years of age at a national level corresponds to the population of young men. This figure is similar to what occurs with young women, with whom the crime of theft has the highest percentage in young people, with 54% of the sentenced population. Crimes of assault and battery are lower in percentage at 10%, vehicle theft at 6%, and homicide at 5%.

In the case of the state of Chihuahua, Table 2 shows the five recorded crimes with the highest number of cases in the 2009-2012 period for young people between 18 and 29 years of age.

**Table 2. Total convicted population between 18 and 29 years of age according to crime committed in the state of Chihuahua, Mexico, between 2009 and 2012**

2009		2010		2011		2012	
Total	1,106	Total	1,039	Total	707	Total	489
- Theft	630	- Theft	677	- Theft	450	- Theft	244
- Homicide	128	- Assault and battery	99	- Homicide	97	- Homicide	96
- Assault and battery	109	- Homicide	80	- Assault and battery	61	- Assault and battery	47
- Damage to the property of others	65	- Rape	43	- Damage to the property of others	30	-Kidnapping	31
- Rape	56	- Damage to the property of others	37	- Rape	25	- Rape	22

Source: Judicial Statistics in Criminal Matters 2009-2012, INEGI (2012a).

Although theft is the greatest crime among convicted young people in the state of Chihuahua, the number of people convicted of homicide ranks as the second largest number of cases in the state. Regarding young men and women, the dynamics are similar to the national context: the percentage of young women is lower compared to that of men. Table 2 shows that there is a decrease in cases for 2012, which is interesting compared to the national context, given that other states show a substantial increase in young people convicted of murder in this year.<sup>9</sup>

In the National Census of the Government, Public Security, and State Penitentiary System 2012 (Censo Nacional de Gobierno, Seguridad Pública y Sistemas Penitenciarios Estatales, INEGI, 2012b), 4 385 inmates involved in a state crime were recorded for the specific case of the state of Chihuahua. Only 1 231 inmates were convicted, which is equivalent to 28% of the total population. Although this figure refers to the entire inmate population, the percentage is similar in terms young people between 18 and 29 years of age.

These data allow us to observe a significant trend towards an increasing number of cases of convicted young people connected to these crimes. Although a more comprehensive study is required, our study will specifically focus on the analysis of the subjective construction of punishment by young people who were involved in murders and who face a life sentence. Subsequently, this subjective construction will be linked

<sup>9</sup> At a national level, if we take into account the rate of young people 18 to 29 years of age convicted of murder in 2012 per 100,000 inhabitants in that population range, Sonora ranks first, with a rate of 25.41, followed by Mexico City with a rate of 17.10, then Sinaloa with 19.48, Baja California with 17.11, Jalisco with 16.24, Guerrero with 13.95, Guanajuato with 1.32, and Chihuahua, which ranks eighth with 10.32 (INEGI, 2012a).

to the debate in criminal law regarding the figures of the enemy and the citizen raised by the German jurist Günther Jakobs. This reference is relevant because it helps outline how increasing convictions are closely linked to the social production of fear and threat.

### **The symbolic construction of punishment. Narratives of young people convicted of murders in Ciudad Juárez, Mexico**

The data consisted of nine life stories of young inmates *in the sentencing process or convicted* of murder. The strategy lasted several months and involved interviews and participant observations through several days of meetings coordinated by the HIV Prevention Program of the Ministry of Health of the State Government of Chihuahua (Programa de Prevención al VIH de la Secretaría de Salud del Gobierno del Estado de Chihuahua).<sup>10</sup>

Our main assumption is the *double hermeneutic* of Giddens (1987), which explains the task of scientific thought in the interpretation of what is already interpreted by these young inmates themselves to articulate the meaning of each story. It allows us to observe the symbolic construction of punishment. We shall use recurring figures in these different life stories: family, the neighborhood, the drug trade, death, and the body. These stories are the expression of a dense process of subjectification, which refers to the appropriation and interpretation of social actors with regard to the objective conditions of the world (Reguillo, 2000).

#### **Family, the neighborhood, and the drug trade**

Luis is a 26-year-old young man sentenced for the crime of kidnapping. At the time of the interview, he had spent 4 years and 3 months in prison. He is the eldest son of a couple who had lived for some time in a consensual union, and he has 3 younger stepbrothers. He did not remember his father, who abandoned his mother when he was 7. When asked about his family, the answer specifically revolves around the mother figure and his younger siblings:

I have always been close to my mother and my younger brothers; they are the most important to me. I never knew who my father was because he abandoned us. My mother suffered a lot, but she found a good man who cares for her. So, I am reassured. She and my brothers have not forgotten me; they visit me every visiting day, on Thursdays and Saturdays. I do not feel alone because I know that when I get out, she will be out there (Salazar, 2013c).

In the field experience, the days for visits from the inmates' families draw attention, with the strong presence of women, especially those fulfilling the role of wife, partner, or sister, or an older person, generally the mother or grandmother. There were also small children running across the yard and through the halls of the buildings where the cells are located, interacting with their father, brother, or uncle, depending on the family bond with the inmate. In their stories, the family environment is reduced to these figures: mother, children, grandfather, grandmother, sister. Inmates make no reference to other people, using the following phrase: "About them, who knows; they

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<sup>10</sup> In the past few months, the CAPASITS has been asked to work directly with inmates to detect positive cases or to work on prevention through the use of contraceptives and a strategy of sexual education. Approaching its staff allowed the study's author to have access and take the time to conduct interviews with the inmates. These were justified as part of the strategy that had to be followed by the prison regarding inmate care.

are out, and I am here inside". In addition to the social times when young inmates "go to the dance", meaning when they leave their cells to go outside, they are allowed two days for family visits. Several inmates are visited by their mother, grandmother, sister, wife, partner, or girlfriend, thus revealing the prevailing presence of the female figure in their stories. However, a feeling of loneliness also stands out in the life experience of young inmates who face gradual separation from or neglect by their family.

A second feature to be considered is the role that the "clique" or neighborhood plays in the young inmate's surroundings and trajectory. Considering that one of the indispensable strategies for controlling the prison at the CERESO is locating the people who enter the prison according to their connections to a group or neighborhood, it is a key question. When inmates are approached, most deny their connection to some rival gangs. However, as a result of the approach and dynamics of the interview, the figure of the neighborhood is presented as a key feature when referring to not only their identity but also their visibility and even their survival, given the constant confrontations with guards and other inmates that inmates face.

I grew up in the neighborhood, this is where I come from. The 15 aztecas hood, Juaritos 365 ... The hood is like family, you know, they are always there for you, and you know you're there when they need you ... And all these years in prison, I don't hear about those who are outside, but I knew that by being here, I would be with people from my hood, so everyone knows that... Right now, I don't think about when I'll get out, it is still a long way off, but I know that I'm here with my people, and if there is a fight in here, I hit back at those from other sections, everybody knows that... (Salazar, 2013c).

The neighborhood, a significant figure in studies on youth cultures in the 1980s, currently presents a fundamental shift in its internal and horizontal dynamics. In the classical conception of the "hood", hierarchical positions are temporary and less formal, and above all, they are a result of the roles of survival and taking root established within the "clique" or gang. In recent years, what stands out and is linked to the context of violence and the growing presence of an extralegal order<sup>11</sup> in the life of young inmates is the establishment of a new logic of collective grouping that has been co-opted by the formal and highly organized structures of drug trafficking.

I do not know the people in the *Linea*, I know they live in the hood, but I don't care about anybody... When the police caught me, it was for kidnapping a girl they had asked money for... They told me and my other buddies from the neighborhood that's the way the job would be, that they would give us the order to kill her if they were not paid, and we just had to obey without asking ... If you happen to ask who the boss is or if you refuse, they kill you, disappear you, wrap you in a blanket and with your head somewhere outside your town ... (Salazar, 2013d).

A key element for understanding the context of vulnerability in the life of young inmates is the presence of the narco world (Valenzuela, 2012) both inside and outside the prison. This term refers not only to the logic of the extralegal market that characterizes drug trafficking but also to its pervasiveness in various areas of the everyday life of a growing young population in the country that views it as a possibility

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<sup>11</sup> With this term, Reguillo (2012) refers to a parallel order of codes, norms, and rituals that have been growing in the lives of young people, especially those in contexts of vulnerability, with the clear and predominant presence of drug trafficking and organized crime.

to embrace some life expectations that traditional institutional channels simply do not guarantee. The neighborhood is an affective and introspective environment, whereas drug trafficking has been responsible for establishing a predominant hierarchical structure that constrains the bonds of solidarity and identity that the neighborhood used to generate. Along with the dynamics of defense, internal protection, and affective bonds that characterize the neighborhood, other logics are incorporated in which hierarchy, criminal acts, and the receipt of payment in return provide an overview of a complex redefinition of the concept of "neighborhood" in the everyday environments of young inmates.

### ***Death awaits, death approaches, death protects***

Death refers to the moment of passing away, to the loss or annulment of the possibility of existence that is the nature of any living being (Abbagnano, 1998). In this sense, I am interested in pointing to death as a sociocultural point of reference. That is, it is a figure, element, or resource of a reality that is socially and symbolically constructed in a context dominated by punishment and the temporality of the sentence in the life of young inmates.

Ever since I was little I had to face my mother's death ... I went to live at my grandmother's place, and then I got involved with people in the hood ... We repeatedly got in fights with other hoods... Once, we were celebrating a girl's birthday, and the people from another hood arrived and started stoning the house; we got angry and a bunch of us went out. I carried a gun, a revolver, I shot several times at everybody, all I wanted was revenge and to make them know that they couldn't mess with the hood ... I spent several months at the youth detention center for murder. In the shooting, I killed someone who I found out later wasn't from the other hood; the stray bullet hit him, well, too bad, I killed an innocent who was not supposed to be killed, but that's the way it is, that was his turn, and it will be mine some other time... (Salazar, 2013b).

During the various interviews, death appears as a recurring element in reference to clashes with rival groups or simply as a moment that occurs because of ties to a criminal organizational structure. Although the number of young inmates sentenced for murder caused by their direct participation and not as a result of a careless act has increased in the specific case of the state of Chihuahua, it must be remembered that the figure of "death" is present in all life histories<sup>12</sup>. In this regard, it stands out in stories related to homicides by assault, the settling of accounts, extortion, or simply from orders from above, with the constant argument that "I did not know him, but I had to do it [the job]". This affective detachment from the "other" whose life one takes is one of the main cores of analysis in the growing practice of contract killings. Death becomes relevant as a condition related not only to knowingly and intentionally depriving another of life but also to the very life experiences of young inmates.

The truth is, I'm not afraid to get out, I know they are waiting for me ... but nobody better mess with my family because then it WILL go down ... I do not want to die, but I am not afraid to die, there is no other way... You know you are with the hood until it is your turn... (Salazar, 2013c).

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<sup>12</sup> In our specific case, intentional homicide is where our interest lies because it is a crime characterized by the deliberate pursuit of killing another person.

In addition to the concept of death considered as elimination, in which intention is a central characteristic in the act of depriving someone of life, there is another interpretation of death that is referred to as a figure or referent in religious worship. In a study on the creation of religious images in the complex scenario of narco culture, Valenzuela (2012) refers to the cult of "Santa Muerte" (Holy Death) to understand not only its penetration in the dominant network of drug trafficking but also its close connection to the vulnerability and exclusion that most young people experience in the country. The cult of Santa Muerte, a significant figure in the life of young inmates, is linked to an integral ritualized setting of suffering as a necessary condition for receiving favors. The numinous aspect of its worship, that is, its magical nature or its supernatural powers, is an essential resource when facing a life that is considered to be wasted, resorting to the holy figure as a connection to an external world. As part of the interviews, in most cases, the cult of "Santa Muerte" is highlighted with reference to a personal situation in which some family member is endangered or threatened, especially women or children. The following extract is a composition written by an inmate as a token of gratitude for the birth of one of his sons:

I always devote faith to my Santa Muerte,  
Mother, I can't stop singing, saying that you are divine,  
You cover all my family with your cloak because you love everyone  
Girl, you inspire me to sing everything I feel,  
Thank you, my Bony Lady, for taking care of me, although I do not deserve it,  
Here in this world, and also in your world, I surrender,  
Day and night, early and late, all your devotees request protection,  
They ask that in everything they do, they will not make mistakes,  
And you fulfill their wishes, all we need to do is ask with faith and devotion,  
I bow at your feet, always grateful for the favors you have given,  
I come with offerings, I pray the rosary for you, and I devote my love to you,  
My beautiful Bony Lady, through thick and thin, always with you... (Salazar, 2013a).

Those who have studied the cult of "Santa Muerte" have largely broached the subject from the perspective of cultural studies and specifically as a practice inherent to a popular culture, as opposed to a hegemonic and dominant culture that would characterize institutional religiosity.<sup>13</sup> We should emphasize that the figure of "Santa Muerte" in the setting of deprivation and life imprisonment for inmates refers to the desire or request to protect what is considered valuable: one's mother, son, or daughter and one's own life. In the various visits to CERESO, the worship of images linked to "Santa Muerte" could be observed, ranging from the improvised drawing of a silhouette on the wall of a cell to a tattoo somewhere on the body to a makeshift altar with figures created by the inmates themselves.

### ***Punished bodies, narrativized bodies***

Attachment relationships regarding the family, the gang, or drug trafficking were analyzed in the first narrative theme; the second theme was based on the significance that death acquires in such an intentional and conscious act. The third narrative theme proposes a reading of the body not only as an instrument for punishment, resistance, or protection but also as a resource to narrate moments, figures, or connections in inmates' lives. The body as a territory is on display (Nateras, 2010), and it is through

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<sup>13</sup> The distinction between hegemonic culture and popular culture is one of the key themes in the tradition of cultural studies. In this sense, based on Gramsci's approach (as quoted in Payne, 2002), hegemonic culture is understood as the dominant set of symbolic practices that prevail in a group, whereas popular culture refers to that produced or generated by a subaltern class.

the body that inmates' position in the world is put into evidence. Narrativizing the body through tattoos on any limb, the head, back, or chest refers to the intention to make those who are physically absent present again, and the tattoos are elements of appreciation and hope, in addition to belonging and rootedness:

[...] I have la Lupita [Our Lady of Guadalupe] tattooed on my back and the Bony Lady [Santa Muerte] tattooed on my chest ... the name of my girl on one arm and the names of my daughter and my son on the other one (Salazar, 2013a).

[...] Here they are with me, although I do not physically see them, 656 Barrio Azteca on my right arm, a watchtower of the CERESO on the left arm, my mother's name along with my daughter's name on my chest, and a skull on my neck (Salazar, 2013c).

[...] I already had most of them (tattoos), I had them done in the hood... Only when I got here, 7 years and 3 months ago, I had the r15 machine gun and the 656 Barrio Azteca [Aztec hood] done on my leg (Salazar, 2013d).

Tattoos are the stories of the marginal conditions of life in prison. The strategy of confinement aims to contain the possibilities for using and manipulating bodies, expressed not only in the physical boundary characterized by the cell but also in confinement as a punitive approach produced by penitentiary institutionality. The corporeal grammar represented by the tattoo is the inmates' own resource of recognition. Beyond the victimized body, the tattoo is a device of self-worth because it narrates all that is cherished by inmates who face the deprivation of life itself.

However, in the field experience, it can also be observed that the body is similar to a container of the punishment, the assimilation of guilt, and the years of the sentence. It is the mold from which the punishment extends as a project of subjective annihilation. As part of the ritual of punishment, penitentiary institutionality uses permanent confinement for anyone who is considered to be a source of conflict and disorder in everyday prison life. The so-called "punishment cells" are spaces limited to two cement slabs that serve as beds for inmates, with a toilet with no water, in which bodies are piled up; inmates must spend a period of no less than 30 days in confinement, sharing the cell with eight or nine other inmates.

These journeys —the family, the neighborhood, the drug war, the death that awaits and protects, the body that becomes a narrative— allow us to move to the next level, which focuses on the subjective construction of the punishment, without losing sight of the prevailing context of punitive institutionality and the strategies of containment.

### **Between confinement and oblivion: The common denominator of punishment and life in prison**

The prevailing fabric that unites the vulnerability of life, the violence that occurs in the biographies of the young inmates, and, in recent years, the inclusion of life sentencing in several criminal codes of the country's states are key issues that facilitate understanding how the sense of the punishment is created in young inmates.

With the purpose of placing the life stories in a context of enunciation, we will use three central themes below that articulate the subjective level, referring to the narratives of these young inmates: internalized guilt, with structural conditions; the increasing imaginaries of helplessness and threat; and the symbolic labeling of young people as the enemy. These themes belong to the increasingly harsh punishment

strategies within the prison institutionality that is present in the experience of life while in prison:

- a) The subjective production of risk and guilt that prevails in the lives of young inmates.
- b) Fear and the progressive criminalization of life, leading to strategies of labeling and stigmatizing deviant subjects beyond a state of mere abnormality, burdened with an entire rhetoric of guilt, which translates in terms such as violent, marginal, strange, and monstrous.
- c) The punitive distinction made between citizen/enemy and the legal/criminal approaches to punishment.

These three themes are not reduced to a unique view of the complex network generated by the subjective construction created from the life histories of young inmates and the institutional level that characterizes the prison system in Mexico. They are interpretive keys that result from an intentional reading by the researcher and are based on experience in the field, focusing on the production of the sense of punishment in the life experiences of young inmates.

### ***The subjective production of risk and guilt***

The first theme that enables us to connect the narratives referred to in the previous paragraph to the context of violence in this border city in northern Mexico is the sense of risk and guilt that prevails in the biographical trajectories of the young inmates. In their stories, the constant references to uncertainty and risk are present in their life experiences both inside and outside prison. Social time<sup>14</sup> while in prison is a key component for understanding the transition from risk as a prevailing sense in the life of young inmates to guilt, which becomes dominant.

Guilt, as opposed to crime<sup>15</sup> or "*dolus*", which involves projected transgression (Abbagnano and Fornero, 1998), is the acceptance of an act as a voluntary decision. Although it refers to the internalization of experience, it is important to highlight how it is articulated together with risk in a predominant temporality of the punitive project surrounding life in prison. Taking the blame and assimilating the sentence are the strategies of a penitentiary system in which young inmates assume their lives as a residual condition. In this regard, the daily dynamics of the penitentiary system implemented in the lives of the young inmates at the CERESO located in Ciudad Juárez are isolated from the reintegration project of modern penal institutions and are presented as a permanent strategy of guilt that permeates inmates' subjectivity.

The individual appropriation of guilt is a process in which individuals must produce, represent, and integrate their own life stories for themselves (Beck, Giddens, and Lash, 1997); individualization becomes a fate, not a choice. Although risks are socially produced, the individual must bear the responsibility of confronting and overcoming them: individuality becomes something predestined (Bauman, 2002).

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<sup>14</sup> The term refers to one of the key observations in the study of youth cultures, in the sense that the "youth" category cannot be addressed outside of "social time", which refers to differentiated life processes (Valenzuela, 2009).

<sup>15</sup> Classic criminology, founded in the eighteenth century by the Italian philosopher Césare Beccaria, refers to the crime as any act that violates the socially established contract or agreement. From a contractual perspective, it supports the necessary agreement, resulting in a contract whose purpose is to preserve the rights of individuals.

In the exclusive fabric of individual responsibility, there is no place for public debate on the creation of a political community that acknowledges the precariousness of the life of young inmates. The burden of guilt is embodied in sentenced inmates, constituting one of the most visible resources in the rhetoric of self-misfortune.

### ***Fear and denial of criminalized life***

Risk defines not only the condition of precarity of young inmates but also the increasing promotion of fear as a key strategy in new frameworks for the construction of a city. The media setting has favored victimization and threat based on the production of the figure of the young criminal connected to drug trafficking and organized crime. Scenes of young people detained by some police or military agency behind a stage with weapons, communication devices, and drug packages, followed by images in which violence results in bullet-riddled bodies, beheaded and abandoned on a street on the outskirts of the city, have become a constant in television reports. These scenes reveal how the threat of crime is an excuse to tighten punitive strategies on various sectors of the population. In this sense, young inmates fall within the generation of a cultural anguish (Martín-Barbero, 2000) and uncertainty that seeks to vent the burden of insecurity through the construction of the monstrosities<sup>16</sup> connected to these acts of barbarism. In the specific case of the state of Chihuahua, the criminal code was amended in October 2010, establishing a life sentence for all those who commit acts of kidnapping, extortion, and homicide of two or more individuals in a single event. In addition, initiatives to make sentencing harsher were shaped in various state congresses based on the argument of reducing these crimes.<sup>17</sup> There is even a close connection between these intentions to tighten sentences and the heavy-handed strategies implemented by various governments.

The government labels and stigmatizes sentenced young people who do not fall within the legitimate recognition framework under late capitalism but come to the forefront as a necessary resource of exclusion in the prevailing context of exception. It is an inclusive process of exclusion, in which convicted juveniles are a containable resource in light of the growing threat of sovereign vulnerability. Drug trafficking and organized crime are two crucial figures spreading across an imaginary of uncertainty and distress for the inhabitants of Ciudad Juárez who are desperate to identify these "monsters" who must be confined and destroyed through the use of an exclusionary punitive strategy. Harsher sentencing, or the growing strategy of making visible detained, beaten, humiliated young people, constitutes a punitive containment strategy that is implemented not only in penitentiary institutions but also in the dominant strategy of the precarization of life (Butler, 2010) that characterizes our societies.

In general, young people face an exacerbated criminalization of their life projects, which results in discrediting their identity through the use of terms such as savage,

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<sup>16</sup> It would be worthwhile to recall the case of "El Ponchis," a 14-year-old boy arrested in the city of Cuernavaca in December 2010 for connection to the crime and beheading of five persons, or the cases of young inmates in the CERESO of Ciudad Juárez involved in crimes as members of a group of hired assassins. They are characters who had a significant presence in the media and were particularly burdened with the figure of threat that must be contained with all of the police and military weight of the Mexican state.

<sup>17</sup> In this regard, it would be interesting to refer to the article of María Del Pilar Espinoza (2012), titled "Life imprisonment. A meaningless punishment. Life sentence in Veracruz ", (La cadena perpetua. Una pena sin sentido. La prisión vitalicia en Veracruz), in which the author describes the legislative landscape of life imprisonment in Mexico. Its legality and legitimacy are questioned in the context of interdisciplinarity, with brief references to the international arena and with particular attention paid to legislation in Veracruz.

criminal, and barbarous, referring to those excluded and burdened with the stigma of threat.

### ***The citizen-enemy punitive distinction***

The third interpretive theme focuses on the approach of the German Günter Jakobs regarding *enemy criminal law*<sup>18</sup> (Jakobs and Cancio, 2003). It becomes relevant because it defines the relationship between the concepts of the citizen and the enemy acquired by the position of young inmates, above all and to a large extent by those who serve a life sentence for being involved in a crime under the Criminal Code of the State of Chihuahua.

I would like to note here that this type of legal measure acquires presence from an imaginary of threat and helplessness and that it especially affects young people vulnerable to organized crime and drug trafficking. According to this author, enemy criminal law is part of the State's obligation to safeguard security and is held in "the artificial creation of identity criteria among excluders through the use of exclusion" (Jakobs and Cancio, 2003 p. 93). Its purpose is not to raise a legal framework regarding prevention but to demonize certain groups of offenders; therefore, it is a criminal law of the crimes' authors —of the enemies— more than a criminal law of the crime (Jakobs and Cancio, 2003, p. 102). According to Mancera (2009), it is characterized by: *a*) the prevention of preparatory acts —future acts— justified by cognitive guarantees,<sup>19</sup> *b*) a disproportionate punishment regarding a behavior that has not occurred, and *c*) its proposal as a legislation of combat struggle.

In recent years, the presence of this legal model has been sustained based on the presence of individuals who were stigmatized as a threat to the prevailing legal framework in the state. Since the events of September 11, 2001, various governments have proposed amendments to their criminal codes against those who destabilize or disrupt the social order. In this sense, the distinction between the citizen and the enemy becomes relevant:

... ordinary criminal law applies to citizens, both in material and formal terms, given that in its legal role, this ordinary law is intended for the purposes of punishment, for limiting purposes, and classical dogmatic constructions. By contrast, *the others, the non-persons, the enemies* are under a specific criminal law, a law that has other purposes, essentially of combatting, isolating, and removing them from the social environment (Mancera, 2009, p. 586).

Evidently, distinction is the legal remedy for underpinning the framework of criminal law. Criminal law applies to citizens who do not persistently commit a crime and who mistakenly perform an act that violates the legally established order. However, enemy

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<sup>18</sup> The approaches of the German jurist are based on the distinction between contractual perspectives (i.e., Rousseau, Fichte) in relation to criminal law and those raised by Hobbes, whom he considered to be a philosopher of institutions. In this sense, he suggests that for Rousseau and Fichte, any malefactor is already an enemy that must be excluded or eliminated for attacking the existing social contract: "in the absence of status, the execution of the criminal is not a punishment, but only a security instrument" (Jakobs and Cancio, 2003, p. 28). Regarding Hobbes, he supported the idea that anyone who commits a crime is a citizen because the citizen cannot rid himself of his own status.

<sup>19</sup> Regarding this category, Jakobs refers to the distinction generated between a criminal who has committed a mistake and, for that reason, deserves punishment and those who deliberately seek to destroy the legal system. He notes Kant to offer: "those who do not offer the guarantee of cognitive security should not be treated by the State as people but as enemies and must be separated from it" (Jakobs and Cancio, 2003, p. 30).

criminal law is against anyone who consciously deviates from this order. Here, according to the approaches of the German author, the right to security is the priority regarding this distinction. On this basis, the criminal punishment of the life sentence has played a prominent role in recent years in various states of the country. This punishment aims to deprive individuals involved in a crime of their freedom for the rest of their lives. What is at stake here is not so much the reference to the criminal act performed by young people but rather their exclusion as a constant threat to safety and the social order. Article 127 of the Criminal Code of the State of Chihuahua provides that when there is "intentional homicide of three or more persons in a single or separate acts, the life sentence will be enforced" (Código Penal del Estado de Chihuahua, 2015, art. 127). In this sense, the intentionality of the grievous act is the basis that justifies the use of this punishment. As such, it is intended more to exclude or marginalize individuals on the grounds of their perversity than to maintain their status as citizens within the legal framework.

However, the limit and therefore the issue raised by this legal distinction lies in the contextual disconnection required for defining a socio-historical background in the lives of these young inmates. They are reduced to a figure of threat that destabilizes the prevailing legal system, which constitutes an interpretation limited to a condition of anomie. Given the punitive grounds for permanent exclusion in prison characterized by the life sentence, what is at stake is not the crisis of a prison system said to be viable within a "reintegration" paradigm but rather the selectivity criterion burdened by the symbolism of threat and the growing imaginary of insecurity.

## **Conclusion**

This study was structured around three themes: First, statistical data helped provide an overview of increasing sentences to young men and women involved in the crime of homicide. In the specific case of the state of Chihuahua, although thousands of cases of death due to homicide were reported between 2008 and 2012, the rate of young people involved in cases of murder for every 100 young inhabitants by state shows that the northern state ranks tenth compared with other states. The data do not seek to criticize the functionality of the existing penal system but address the second aspect of the study: the growing stigmatization that young people have to face regarding the perception of threatened security prevailing in Ciudad Juárez. In this sense, we cannot lose sight of two logics that are presented in the life experience of inmates while in prison. On one hand, they face the subjective process of the assimilation of the punishment, the internalization of a sense of guilt during the time they comply with the sentence. In addition, structural dynamics are observed regarding the imaginary of insecurity that takes hold among a large proportion of the population and that is linked to the increasing strategy of punishment to exclude the "enemy" that causes problems and affects "security". A third aspect focuses on the analysis of narratives generated by young inmates. They reflect the subjective construction of punishment, with three key scenarios: the social-emotional bonds regarding the family and the gang; death, with its constant and conscious presence in the life scenarios of these young people; and the body as a physical and symbolic container for the production of narratives of punishment. Narratives constitute a source of meaning, and they facilitate understanding precarious, vulnerable lives as life imprisonment produces inmates' exclusion from a society that labels them as a constant threat.

Studies related to young people and their dynamics of appropriation, visibility, resistance, or attachment to contexts of privilege set aside the analysis of those who simply do not fall within the social and cultural frameworks defined by those who

remain integrated. In this regard, there is an urgent need to extend the analysis to inmates of various prisons of the country, in light of the still prevailing violence that results from the growing strength of drug trafficking and organized crime, in addition to the increasing disengagement of the State in its commitment to social safety, which is reduced to mere punitive strategies that are only viable owing to the tightening of sentences and the symbolic production of threat. Addressing the context of young inmates is a key requirement, especially in a time when the rhetoric of *securitization* forcefully develops and promotes projects and strategies in which these young people are viewed as enemies.

## References

- Abbagnano, N. (1998). *Diccionario de filosofía*. Mexico: Fondo de Cultura Económica.
- Abbagnano, N. and Fornero, G. (1998). *Diccionario de Filosofía*. Mexico: Fondo de Cultura Económica.
- Azaola, E. (2008). Crimen, castigo y violencias en México, *Ciudadanía y Violencias*. Quito, Ecuador: FLACSO, Municipio del Distrito Metropolitano de Quito.
- Bauman, Z. (2002). *En búsqueda de la política*. Mexico: Fondo de Cultura Económica.
- Beck, U., Giddens, A. and Lash, S. (1997). *Modernización reflexiva. Política, tradición y estética en el orden social*. Madrid, Spain: Editorial Alianza.
- Butler, J. (2010). *Marcos de guerra. Las vidas lloradas*. Mexico: Paidós.
- Calveiro, P. (2010). El tratamiento penitenciario de los cuerpos. Mexico. *Cuadernos de Antropología Social*, 32, 57-74.
- Código Penal del Estado de Chihuahua, 2010. Retrieved from <http://www.inegi.org.mx/est/contenidos/proyectos/aspectosmetodologicos/clasificadores/ycatalogos/doc/codigos/cp08.pdf>
- Código Penal del Estado de Chihuahua, 2015. Retrieved from <http://www.congresochihuahua.gob.mx/biblioteca/codigos/archivosCodigos/28.pdf>
- Espinosa, M. (2012). La cadena perpetua. Una pena sin sentido. La prisión vitalicia en Veracruz. *Letras Jurídicas*, (26). Retrieved from <http://www.letrasjuridicas.com/Volumenes/26/A4.pdf>
- Garland, D. (1999). *Castigo y sociedad moderna: un estudio de teoría social*. Mexico: Siglo XXI.
- Giddens, A. (1987). *Las nuevas reglas del método sociológico. Crítica positiva de las sociologías interpretativas*. Buenos Aires: Amorrortu.
- Instituto Nacional de Estadística, Geografía e Informática (INEGI). (2012a). *Estadísticas Judiciales en Materia Penal 2012*. Retrieved from <http://www.inegi.org.mx/sistemas/olap/proyectos/bd/consulta.asp?p=11017&c=15274&s=est&cl=4#>
- Instituto Nacional de Estadística, Geografía e Informática (INEGI). (2012b). *Censo Nacional de Gobierno, Seguridad Pública y Sistemas Penitenciarios Estatales 2012*. Retrieved from [http://www.inegi.org.mx/Sistemas/Olap/Proyectos/bd/censos/gobierno2012/CNGSPSPE2012/PobCPen.asp?s=est&c=31944&proy=cngspspe2012\\_pobcpen](http://www.inegi.org.mx/Sistemas/Olap/Proyectos/bd/censos/gobierno2012/CNGSPSPE2012/PobCPen.asp?s=est&c=31944&proy=cngspspe2012_pobcpen)

- Instituto Nacional de Estadística, Geografía e Informática (INEGI). (2013). *Estadísticas de mortalidad, defunciones por homicidio*. Retrieved from [http://www.inegi.org.mx/est/lista\\_cubos/consulta.aspx?p=adm&c=4](http://www.inegi.org.mx/est/lista_cubos/consulta.aspx?p=adm&c=4)
- Jakobs, G. and Cancio, M. (2003). *Derecho penal del enemigo*. Spain: Civita.
- Mancera, M. (2009). *¿Derecho penal del enemigo en México?* Retrieved from <http://biblio.juridicas.unam.mx/libros/6/2506/30.pdf>
- Martín-Barbero, J. (2000). La ciudad: entre medios y miedos. In S. Rotker (Ed.), *Ciudadanías del miedo* (pp. 29-35). Caracas, Venezuela: Nueva sociedad.
- Nateras, A. (2010). *Performatividad, cuerpos juveniles y violencias sociales*. In R. Reguillo (Ed.), *Los jóvenes en México* (pp. 225-261). Mexico: Fondo de Cultura Económica, CONACULTA.
- Payne, M. (Comp.). (2002). *Diccionario de Teoría y Crítica y Estudios Culturales*. Buenos Aires, Argentina: Paidós.
- Reguillo, R. (2000). Anclajes y mediaciones de sentido. Lo subjetivo y el orden del discurso: un debate cualitativo. *Revista Universidad de Guadalajara*, (17). Retrieved from <http://www.cge.udg.mx/revistaudg/rug17/4anclajes.html>
- Reguillo, R. (2012). De las violencias: caligrafía y gramática del horror. *Desacatos: Revista de Antropología Social*, (40), pp. 33-46.
- Salazar, S. (October, 2013a). *Entrevista con joven interno 1, ubicado en la sección 18 del CERESO núm. 3 integrante del grupo Artistas Asesinos*. La construcción simbólica de la relación vida-muerte en colectivos juveniles urbanos, en el contexto actual de la ciudad fronteriza del norte de México. Universidad Autónoma de Ciudad Juárez, Chihuahua, Mexico.
- Salazar, S. (October, 2013b). *Entrevista con joven interno 2, ubicado en la sección 18 del CERESO núm. 3 integrante de Artistas Asesinos*. La construcción simbólica de la relación vida-muerte en colectivos juveniles urbanos, en el contexto actual de la ciudad fronteriza del norte de México" Universidad Autónoma de Ciudad Juárez, Chihuahua, Mexico.
- Salazar, S. (November, 2013c). *Entrevista con joven interno 3, ubicado en la sección 15 del CERESO núm. 3 integrante del Barrio Azteca*. La construcción simbólica de la relación vida-muerte en colectivos juveniles urbanos, en el contexto actual de la ciudad fronteriza del norte de México. Universidad Autónoma de Ciudad Juárez, Chihuahua, Mexico.
- Salazar, S. (November, 2013d). *Entrevista con joven interno 4, ubicado en la sección 15 del CERESO núm. 3 integrante del Barrio Azteca*. La construcción simbólica de la relación vida-muerte en colectivos juveniles urbanos, en el contexto actual de la ciudad fronteriza del norte de México. Universidad Autónoma de Ciudad Juárez, Chihuahua, Mexico.
- Valenzuela, J. M. (2009). *El futuro ya fue. Socioantropología de los jóvenes en la modernidad*. Mexico: El Colegio de la Frontera Norte, Casa Juan Pablos.
- Valenzuela, J. M. (2012). *Sed de mal. Femicidios, jóvenes y exclusión social*. Mexico: El Colegio de la Frontera Norte, Universidad Autónoma de Nuevo León.
- Zapata, B. (2013). *Más estados piden prisión vitalicia, ¿al olvido la reinserción social?* Retrieved from website of Cable News Network (CNN) Mexico: <http://mexico.cnn.com/nacional/2013/10/07/mas-estados-piden-prision-vitalicia-al-olvido-la-reinsercion-social>