

# Confounding Borders and Walls

Documents, letters and the governance of relationships in São Paulo and Barcelona prisons

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## **Abstract**

Spanish women arrested in São Paulo, and Brazilian women arrested in Barcelona, often carry letters and documents in folders, plastic bags and envelopes, well protected in pockets, purses or knapsacks. The papers tell of events in the lives of these women, and provide clues and legibility to relationships maintained with people and places outside prison. In this paper, I analyze how letters and documents are products of family and transnational relationships that they can also produce. The paper looks at how they are used as evidence of families and loving relationships that each day are evaluated, and recognized or rejected, by public safety authorities, prison wardens, prosecutors, public defenders, consulates and immigration police. The letters and documents tell stories that are used to substantiate the deportation or immigration of Spanish women imprisoned in São Paulo and Brazilian women imprisoned in Barcelona.

**Keywords:** Prison, Migration, Letters, Documents and Love.

## **Resumo**

Cartas e documentos são papéis que espanholas presas em São Paulo e brasileiras presas em Barcelona carregam em pastas, saquinhos, envelopes, sempre bem protegidos no bolso, na bolsa ou na mochila. São papéis que as identificam e que produzem evidências (ou são evidências produzidas) das suas histórias. Cartas de família podem ser documentos de Estado. Documentos que tornam legíveis relações mantidas com redes e lugares externos à prisão. A partir de dados da pesquisa de doutorado em curso, feita com pessoas

presas em penitenciárias femininas de São Paulo e de Barcelona, proponho analisar suas trajetórias com enfoque nas cartas e documentos que, escritos e trocados, tornam-se, concomitantemente, produto e produção de laços familiares e relações transnacionais. Histórias que são avaliadas e avalizadas por instituições estatais de justiça e de fronteira, como prisões, promotorias, consulados e oficinas de *extranjería*; histórias que podem fundamentar processos de expulsão ou de imigração de espanholas presas em São Paulo e brasileiras presas em Barcelona.

**Palavras chave:** Prisão, Migração, Cartas, Documentos e Amor.

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## Presentation

Relationships between matrimony, migration, “help” and documentation have been closely analyzed by researchers interested in South-North flows related to markets for sex, matrimony, care workers and other forms of labor (see, for example: Parreñas 2002, Assis 2004, Piscitelli 2007, Togni 2011). By means of an ethnography conducted in prisons in the cities of São Paulo and Barcelona, I propose a different perspective on transatlantic population movements, in particular the transnational drug market which leads to the imprisonment of Spaniards in Brazil and Brazilians in Spain.<sup>3</sup>

I began the research in women’s prisons in the city of São Paulo, which led me to work with networks established by women in the Penitenciária Feminina da Capital [Women’s Penitentiary of the Capital] and the Penitenciária Feminina de Santana [Womens Penitentiary of Santana]. I also followed similar networks in the Women’s Prisons of Can Brians and Wad Raz in Barcelona. The text below refers mainly to field data collected at the Women’s Penitentiary of the Capital, in São Paulo, and at the Can Brians and Wad Raz prisons in Barcelona.

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2 Doctoral candidate in the Graduate Program of Social Anthropology at UNICAMP under the supervision of Prof. Dr. Adriana Gracia Piscitelli. Grant recipient of the Fundação de Amparo à Pesquisa de São Paulo [Research Support Foundation of São Paulo] – FAPESP, number 2010/08618-5.

3 This article presents part of a doctoral study being conducted in the graduate program in social anthropology at UNICAMP.

The Women's Penitentiary of the Capital (PFC) is the oldest female penitentiary in São Paulo state. Conceived and constructed to be a women's prison, at first administered by nuns, it was long considered a model institution (Padovani 2010, Angotti 2011). Since the decade 2000 - 2010, with the sharp growth in the population of female prisons, and particularly with the intensification of policies to suppress drug trafficking and the increased imprisonment of foreigners, the Women's Penitentiary of the Capital came to be populated almost exclusively by women from countries such as Bolivia, South Africa, Angola, Thailand and Spain.

Can Brians is Barcelona's main prison. It is a closed regime penitentiary<sup>4</sup> with separate accommodations for women and men. It's name comes from the farm that occupied the land where the modern Catalanian prison now stands in a rural region of Barcelona, high in the mountains. Wad Raz is one of the oldest prisons in Barcelona and in contrast with Can Brians, is located at the center of the city, very close to the beach and Olympic village, neighborhoods where there is considerable tourist, commercial and industrial activity. It is reserved for temporary prisoners or those in what is known as a semi-open regime. It also has areas for women and men. Can Brians and Wad Raz are ironically called by men and women prisoners, and by the employees and volunteers who work at the units: "the house in the mountains and the beach house."

At the time of the study (from March 2010 - March 2012) there were twenty-seven Brazilians imprisoned in women's penitentiaries in Catalonia and thirty-five Spanish women in São Paulo's penitentiaries.<sup>5</sup>

### **Situating flows and fixity in the transnational prison processes**

The interest in taking a concomitant look at prison spaces of São Paulo and Barcelona stems from the intense relationship established between Brazil and Spain by migratory flows related to an international drug trade that also

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4 A closed-regime is understood, in both Brazil and Spain, as incarceration experienced entirely within a prison. Those sentenced to a closed regime work, sleep and live all their daily activities within the penitentiary buildings. Those sentenced to a semi-open regime can work, study and spend some days outside the prison. It is important to note that, in this article, I make specific references to the Catalan prison system due to the fact that the study has been conducted with Brazilians imprisoned in Barcelona. The prison structure of the city of Barcelona is based on laws and regulations specific to Catalonia, the only autonomous Spanish community with criminal laws that are different from national Spanish law. It should therefore be clear that the Spanish and Catalanian prisons have different contexts.

5 Of foreign women imprisoned in Spain, according to data from a study by Natalia Ribas Mateos and Alexandra Martinez, in 2003, Colombians represented 56.9% and Brazilians 6.5% of the total, including women from Morocco and Portugal. See: Almeda 2003, Mateos and Martinez 2003, Juliano 2012.

brings to Brazilian prisons, especially those in the country's southeast, people from other countries of South America, Europe and Asia. Data produced by the Brazilian Ministry of Justice and published by InfoPen in June 2012<sup>6</sup> indicate that in São Paulo's male and female prisons the largest contingent of European prisoners is Spanish. Moreover, in absolute terms, the Spanish are the fifth main nationality of foreigners in female prisons in São Paulo, behind only Bolivians, South Africans, Angolans and Thais.

During my field work, I witnessed a continuous series of romantic exchanges and relations between Brazilian and Spanish women inmates, and of the "casos" (affairs) and "casamentos" (marriages) established between them. Affairs, the term used to refer to relations ranging from simple flirtations to more serious relationships, come to be called marriages when a couple begins to share a cell, when the relationship thus becomes socially recognized. Some marriages established outside the penitentiary are broken off in favor of affairs that are established within the prison. On the other hand, heterosexual affairs initiated outside of prison, and according to the interlocutors of the study, considered in the prison to be of little importance, acquire centrality to the degree to which they become essential for creating opportunities for getting by and having a place to stay and other assistance at the end of a sentence. During the period of the study in the São Paulo penitentiaries, "marriages" between Brazilian and Spanish women were more common than marriages between Brazilian women and Bolivian, South African, Angolan or Thai women.<sup>7</sup>

Marriage within prisons involves issues of race, class - and in the case of transnational prison contexts - nationality, just as it does in the outside world. Attributes that identify the Spanish women as "white" and "European" can make them preferred partners for Brazilian women inmates in the São

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6 The data are from June 2012. The last consultation was made in August 2013. See: <http://portal.mj.gov.br/main.asp?View=%7BD574E9CE-3C7D-437A-A5B6-22166AD2E896%7D&Team=&params=itemID=%7BC37B2AE9-4C68-4006-8B16-24D28407509C%7D;&UIPartUID=%7B2868BA3C-1C72-4347-BE11-A26F70F4CB26%7D>

7 The doctoral study underway in the Department of Social Anthropology at Unicamp, under the supervision of Adriana Gracia Piscitelli, entitled *Sobre Casos e Casamentos: Relacionamentos amorosos e experiências de conjugalidade nas penitenciárias femininas paulistas e catalãs* [Affairs and Marriages: Romantic relationships and experiences of conjuality in women's prisons in São Paulo and Barcelona] is part of the international cooperative research project about urban and migratory flows between the Center for Gender and Sexuality Studies of UNICAMP/PAGU in the graduate program in social sciences at UNICAMP and the Anthropology Department of the Universitat Rovira i Virgili de Tarragona / Catalonia. The project involves studies conducted in São Paulo state and in the Autonomous Community of Catalonia. The study conducted in Barcelona had the support of Priest Jesus - from Prison Pastoral Care -, Yolanda Bodoque and Jordi Roca and was financed by the Brazilian higher education finance agency the Coordenação de Aperfeiçoamento de Pessoal de Nível Superior (CAPES).

Paulo penitentiaries. In turn, to be in a relationship with a Brazilian, can imply, for foreign inmates, the production of an assistance network that tends to facilitate access to meals, personal hygiene products and cosmetics, which when sent by mail, sustain commerce and relations for providing “help” (Piscitelli 2008: 29-63) in the penitentiaries. Moreover, a relationship with a Brazilian can imply having a “home” to stay in during periods of conditional release or semi-liberty, for example. “Romantic” relationships lead to the establishment of ties that indicate to prison, immigration, and court officials that an inmate has some kind of tie to the territory.

All foreigners imprisoned in Brazilian territory and accused of committing a crime under Brazilian law, respond, in addition to criminal charges – for “international drug trafficking” for example – to an administrative process for deportation moved by the Ministry of Justice.<sup>8</sup> This process, however, is different for each detainee. Some of the women I interviewed in the Women’s Penitentiary in the Capital, were able to get their sentences reduced to a semi-open regime, or conditional liberty and to delay the deportation orders until after they had been granted such changes, but some do not.

Nevertheless, during the years of my research in prisons and among networks of foreigners leaving the prisons in the city of São Paulo, I witnessed situations in which the approval of the sentence reduction to a semi-open regime was granted, only to be revoked due to the publication of a deportation order by the Ministry of Justice during this period of temporary leave. For this reason, for example, a judge decided that an Italian woman sentenced in Brazil for international drug trafficking, but who was temporarily at liberty, was in effect a fugitive. When she presented herself once again at the gates of the penitentiary at the end of the temporary leave, she was immediately returned to a closed regime, where she remained until completing her sentence. Despite this, other foreigners who received deportation orders had their rights to reduced sentences and conditional liberty recognized by judges. This makes it difficult for observers and foreign inmates to understand the criteria used by judges who issue sentences, concerning the rights, benefits and prison regulations for non-Brazilians. The fact that different

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8 See: Site of the Ministério da Justiça. Acesso dia 01 de julho de 13. <http://portal.mj.gov.br/main.asp?View={0428DBCE-69A9-4197-B4FF-849D177F9B7E}&BrowserType=NN&LangID=pt-br&params=itemID%3D%7B332D78E0-6C88-43B2-9437-5C9012D65C71%7D%3B&UIPartUID=%7B2868BA3C-1C72-4347-BE11-A26F70F4CB26%7D>

judges rule differently on these issues means that there are many requests for transfers to jurisdictions where judges regularly grant foreigners with or without a deportation order the right to complete a sentence in a semi-open regime and conditional liberty.

Similarly, Catalanian prison policies also do not recognize the foreigners who are imprisoned as legal immigrants. Upon leaving the prison system, they enter an intersecting network of (ir)regularities, (il)legalities and (il)legitimacies, through which they feed the illegal markets of sex, labor and drugs, which are subject to repression by the Catalan (and Spanish) police.

Foreigners without legal papers in Spain are detained in Centers for the Internment of Foreigners, or CIEs, to await deportation.<sup>9</sup> Conditions in these centers, are the foci of constant criticism by human rights groups and frequent newspaper articles. Internment in the CIEs can be as long as sixty days, yet not all the interns are in fact deported.<sup>10</sup>

The CIEs occupy a central place in the text of a report—*Estrangers a les presons catalanes*<sup>11</sup>--on foreigners in Barcelona penitentiaries produced by the Catalan Department of Justice in 2010. The report classifies imprisoned foreigners along a continuum between those with a strong probability of returning to their home countries and those with weak ties to their countries of origin. The report showed that 71.2% of the foreign inmates were from Central and South America, and that at the time of the study 81.4% of them had been imprisoned for crimes against public health, as drug trafficking is classified.

The ethnography of Brazilians imprisoned in Catalonia reveals the strategies of these women to avoid immigration laws. As the stories presented will illustrate, romantic, family and labor relations established in prison and during conditional leaves often change the plans of these inmates to return

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9 Brazil has no internment centers for foreigners like the CIEs.

10 The process of deportation to the country of nationality, in this case, to Brazil, is subject to Spanish and also Brazilian laws. Entrance in Brazil requires that the person have some kind of document, passport or authorization for return issued by the consulate. In situations in which the passport of a Brazilian in an irregular situation in Spain is missing, the deportation requires that this Brazilian declare that he or she wishes to return to Brazil, given that the Brazilian Consulate only issues an authorization to return with the consent of the person who will return to the country. If the Brazilian does not make this declaration, the Consulate does not issue the authorization to return and the Spanish state cannot deport the person. After sixty days of interment in the Centers for Internment for Foreigners, this person returns to the streets of Spain with a deportation order issued by Spain. In addition, for extradition, the Spanish government must pay the airfare of the people interned in these centers. For this reason, increasingly fewer people have effectively been extradited and more people have left the period of internment with a letter of expulsion.

11 Foreigners in Catalan Prisons.

to their country of origin. “To want to stay” in the country in which they are serving a sentence after being released creates a transposition from imprisonment to migration. This transposition is subtly woven into the narratives of the women I interviewed.<sup>12</sup>

In addition to these narratives, I examine the letters and documents produced and then shown by these women to glimpse the efforts they make to cross walls and borders.

### **Marta Téllez and Eduardo Deán: Writing documents, plotting familiarities.**

I, Natália Corazza Padovani, bearer of Registro Geral n° 12345678-X, anthropologist, married to Douglas Gonçalves, bearer of Registro Geral n° 87654321-X<sup>13</sup>, artist, resident of Santo André, SP, declare to have knowledge that the rehabilitant Marta Téllez, matriculated under n°. 123456, lives in a stable union with rehabilitant Eduardo Deán, matriculated under no. 654321.<sup>14</sup> I also declare that I know that Marta and Eduardo met in Spain, their native country, when they both were 16 and that, since then, have maintained a stable, conjugal loving, relationship.

Santo André, June 2011.

Signature of the declarant recognized by similarity.

In this document which was sent to the Secretariat of Penitentiary Administration and to the Penitentiary of Itaí, both in São Paulo state, two

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<sup>12</sup> About “stereotypes of isolation” that compose the prison I would like to thank my colleague and friend Bruna Bumachar who has been conducting doctoral research in the graduate program in social anthropology at UNICAMP entitled *Nem dentro nem fora: a experiência prisional de estrangeiras na Penitenciária Feminina da Capital*, [Neither in Nor out: the prison experience of foreign women in the Female Penitentiary of the Capital], in which she analyzes the theme of foreigners jailed in São Paulo focusing on maternity. I would like to thank her for the exchanges that we have had about the commonly accepted understanding that prison is a “parenthesis” a hiatus in the life of the women inmates. In her research, Bruna reveals that the uses of technology and the permanent communication with the “outside” of the walls of the prison make them porous. I suggest Bumachar (2012).

<sup>13</sup> The ID numbers are fictitious.

<sup>14</sup> Marta Téllez and Eduardo Deán are personalities in the novel *Mañana em la batalla piensa en mi*, by Javier Marías. I have borrowed their names to tell the story of another family from Madrid. In the story that I tell, Marta Téllez does not die as happens to Marta Téllez de Marías. Here, Eduardo Deán was also far away, not because he was traveling to work, but because he is in jail in a different penitentiary unit from that of Marta Tellez. In the relationship of this Marta Téllez and this Eduardo Deán, there are no matrimonial documents, children or home. In the relationship of Marta Téllez and Eduardo Deán from Marías, the marriage is legitimate and made legible by all instances. In both the relationships, the adultery and the promiscuity are presumed. The identification numbers mentioned are, clearly, fictitious.



conjugal unions are present, my own with Douglas Gonçalves, and that of Marta Téllez with Eduardo Deán. About the first, there is nothing to be declared, only affirmed and above all, identified. The second, needs to be more legible (Das and Poole 2004: 25-26) and particularly, to be deemed legitimate. I made an effort, as a legally married woman, to produce a declaration that attests the civilly recognized conjugal relationship of Marta and Eduardo.<sup>15</sup> The declaration, which encompasses in the text the conjugal and heterosexual legitimacy of the declarant, seeks to validate another conjugality, which is also heterosexual: that of Marta Téllez and Eduardo Deán, Spaniards who are imprisoned in São Paulo.

Marta's sisters and Eduardo's mother sent similar declarations and the correspondence that arrived from Spain was signed and registered by a Spanish notary and bore the imprint of the General Consul of Brazil in Madrid guaranteeing its veracity. They also included photos of family occasions. The documents say little about Marta Téllez and Eduardo Deán; only providing their ID numbers, their complete names, and old photographs. In the brief and colorless lines, however, the declarations depict the long-term nature of the relationship. The length of time of the relationship is emphasized to attest to the conjugality established between Marta and Eduardo. Initiated in Spain, far from the São Paulo jails, the relationship of the two imprisoned people comes to be certified by reference to a prior history of two young and innocent white and heterosexual Europeans.

These documents were written after Marta, having completed two years of her sentence, had been granted semi-liberty. In practical terms, Marta could spend a few pre-determined days outside of the prison. Contrary to what happened with many of her Spanish companions who Marta met in the penitentiary, her deportation order never arrived and thus, while the Ministry of Justice remained silent about the issue, she could continue to plan her life out of prison, within Brazilian borders. On the days of temporary leave from the penitentiary, she would sleep at the houses of friends and, if she could get a job "in the

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15 This is based on the text by Viveiros de Castro and Ricardo Benzaquen, *Romeu e Julieta e a Origem do Estado* (1977) which among other issues treats the "unifying" and "depersonalizing" ability of *Love* when considered as a foundation for the Modern State. I also work with the considerations of Strathern in *O Gênero da Dádiva* (2006) [*The Gender of the Gift* (1988)] about the metaphor of the "eclipse" which speaks of the exchanges that contain relationships, even those which they hide. In the case of the document produced by, and for, Marta Téllez and Eduardo Deán, I consider that the conjugalities are encompassed one in the other to produce the effect of unification, contention of the relations to establish legitimacy of a relationship of one with the other.

street,” she would also have the right to leave the prison to work and return only to sleep. The completion of her sentence in a semi-open regime might allow her to visit Eduardo, but only if she could prove a conjugal relationship with him.

Under the Penal Execution Law of 1984 prisoners have the right to visits from “a spouse, companion, relatives and friends on determined days.” However, prison regulations refer explicitly to “family ties.” The first paragraph of official communication 2191/2001 about intimate visits to women’s penitentiaries in São Paulo and article 102 of resolution 144, of June 2010, published by the Secretariat of Penitentiary Administration states:

- The visit, in particularly an intimate visit, *has the purpose of maintaining and strengthening family relations* with the person deprived of liberty (First paragraph of ofício 2191/2001, p.6. Emphasis by the author.).

- Art. 102 – For a visit to be registered on the list of the prisoner’s visits, the following documents should be presented:

I – agreement, in writing by the prisoner, about the convenience or not of the visit;

II – *proof of the condition of being a spouse, companion or the kind of relative;*

III – copy of the original identification document of the visitor;

IV- copy of the original Identification Card;

V – *copy of proof of residence for the past six (06) months;*

VI – two recent and equal photos;

VII – *certificate of criminal record*

(Resolution 144 of 29/06/2010 of the Secretariat of Penitentiary Administration of São Paulo State. Emphasis mine.).

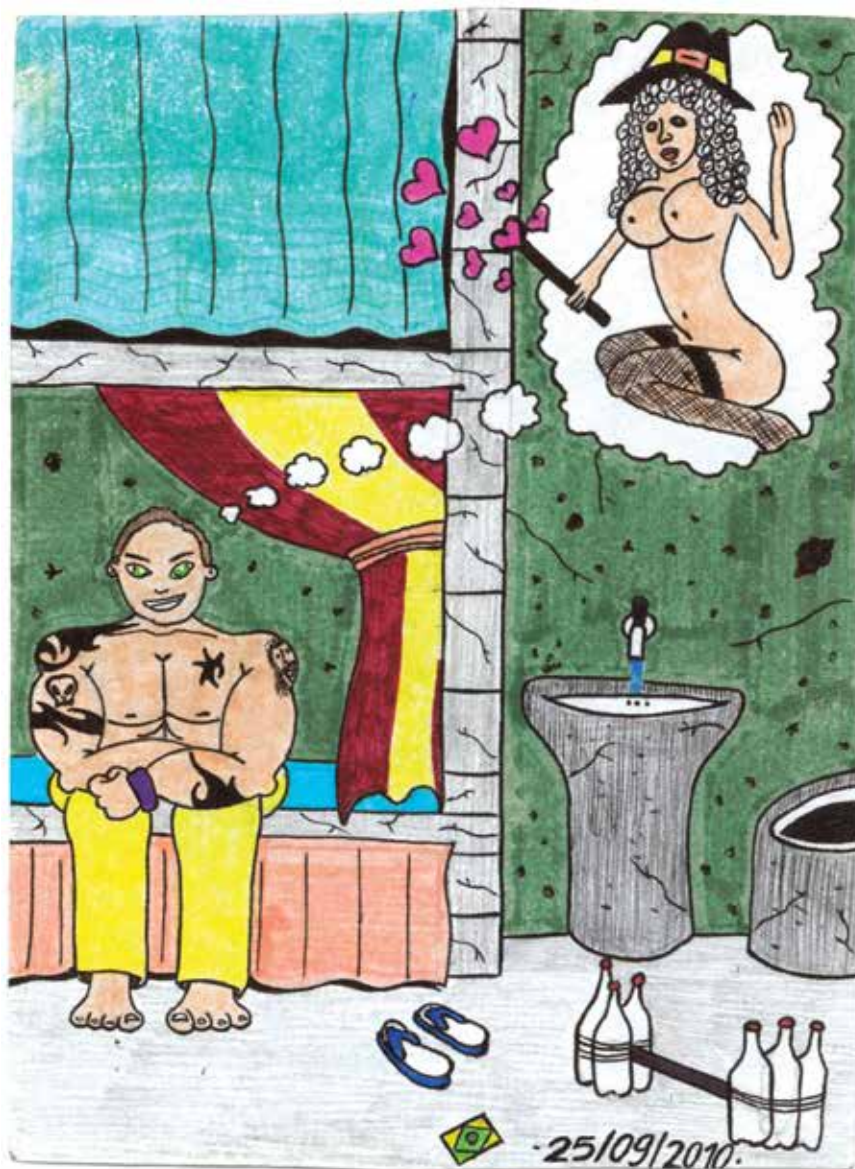
In this text, visits are defined as means to *maintain and strengthen* family relations *proven by the visitors’ documents who must also prove they have no criminal record*. Marta and Eduardo’s conjugal and familiar relations shape an apparent contradiction in the legal framework described by the paragraphs of the official determinations and regulations. What does this relationship, that is heterosexual, European, white and mainly grounded in family artifacts, serve in the São Paulo prisons? How does it mark the right to family based on the conjugality of two imprisoned people?

The illusory incoherence in which Marta and Eduardo’s marriage appears to be classified, is, however, much less obscure and much more ordinary than may appear. Heterosexual couples, composed of Brazilians, Spaniards, Bolivians, or Nigerians, with or without children, fill the mailboxes at men’s

and women's prisons with letters exchanged between people incarcerated in the institutions. Wives and husbands, lovers, fathers and mothers attest to the family ties recognized by the state. But these family ties that the Secretariat of Penal Administration is concerned with *maintaining* and *reinforcing* according to the texts that it publishes, do not necessarily correspond to a presumed opposition to crime and prison.

The effort to document, make legible and legitimize Marta's and Eduardo's relationship attempts to express a specific familiarity; a familiarity separated from the prison. This is what is involved in documenting the relationship: To remove it from legal incongruence and attest that it is a family relationship that deserves legal recognition. Marta's effort goes beyond the documents with official seals, signatures and stamps. In her day-to-day speech, she classifies her marriage with Eduardo as "different from relations you find *here*," it is "*true* love." Marta defends her marriage. She is concerned with demonstrating that it is *solid, true*, "*different* from the relationships based on letters that the female inmates have with correspondents": "How can you say that you love someone without knowing this person, without feeling it in the skin?" For Marta, her relationship with Eduardo is based on "*pure* love," while the relationships that she witnesses in prison are "amusements," "crazy" "unrealistic passions," "they aren't love."

Marta prepares her narrative to differentiate her relationship with Eduardo from the other prison affairs, romances and marriages. By so doing, she simultaneously converges with and diverges from the effort of the Secretariat of the Penitentiary Administration to define family ties that are worthy of the right to a visit. She produces a documentary and narrative foundation that is concerned with affirming, on one hand, the long term and official nature of the relationship, and on the other, the love and reality that ground it. She imbues the narrative about her marriage with proof and evidence of the kindness and care that Eduardo has for her and that she has for Eduardo, even if this proof is part of a prior history with criminal records complete with adventures evaluated by the state as transnational crime. In any case, Marta makes an effort to prove that her marriage is not a fleeting affair, that it remains alive despite all the contingencies of prison and goes beyond the prisons. She affirms that it is *pure* because it is not contaminated by the prison, by betrayal. Marta responds to any questioning with her letters.



Drawing from a letter Eduardo sent to Marta, a Spanish couple imprisoned in São Paulo. The illustration is a caricature of the cell in which Eduardo spends his time thinking of Marta as a witch. The cracks on the walls, the “stone”bunk, the barbell made from plastic bottles and a broom handle, the faucet with running water and a man sitting down wearing yellow pants (the São Paulo prison uniform), depict details of the environment and artifacts of penitentiary life. The “curtains” are noteworthy. Known as the “quieto”, which means “quiet,” they protect the intimacy of those who share the same cell. Eduardo’s “quieto” is a Spanish flag. On the ground, close to his sandals, a small Brazilian flag indicates the land in which both serve their sentences.

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Marta came to meet me carrying a block of colored envelopes, carefully opened on the side and closed with an elastic band. She wants to show me the letters that she received from Eduardo that month. We sit at one of the tables in the yard of the Women's Prison of the Capital and she begins to read the letters with flowers and bombs designed on the envelopes. Each illustration provides a clue to the content of the letter: if it is loving, erotic or angry. A flower penetrated by a thick stem, a witch with a garter belt flying on a broom, a present with chocolates. Marta wants to show me the letter that has a bomb on the envelope. A letter with a quarrel. "These are the best!" she said. In the letter, Eduardo complains that he got a picture of Marta, taken during a mother's day party by the photographer hired by the prison:

Very well, dear Marta. To tell you the truth, I don't know why you sent me the photo. To *mess* with me, to make me feel bad? I realized that you are fooling me, and that you are taking those *shitty* drugs that they sell there. I, for my part, am still strong, dark and tanned and don't have the face of a *junkie* that you have in this cursed photo!<sup>16</sup>

Eduardo's letter ends with his signature and the drawing of a strong dark and tanned man. Marta says that she had to explain to Eduardo that she lost weight because she wasn't used to prison food and that she was not taking drugs. She added: "see how we take care of each other? He loves me. He cares for me." The "letter bomb" documents Eduardo's love. Marta wants to exhibit it, show it, to publish Eduardo's love and make the relationship legible.

But the correspondence exchanged between Marta and Eduardo is more than documents. The flower, the stem, the bomb, the witch and the broom denote codes that go beyond the liturgical language of the legal documents. Marta certainly uses them as proof of the relationship she has with Eduardo, but also carries them close to her. Eduardo's letters are the touches, the kisses, the fights, the pleasure, the affliction the fear, the

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16 Marta gave me all the letters she received from Eduardo so that I could copy and store them. Eduardo and Marta authorized me to use them as research material. It is important to mention that I only had access to letters that Eduardo wrote to Marta, and not those that Marta wrote to Eduardo. The text of the letter mentioned is in Spanish, I translated it freely and made some changes to protect the identity of the interlocutors who compose the characters of Marta and Eduardo.

support that Marta feels in her body. She puts them on the wall of her cell. With Eduardo's letters, Marta lives her marriage and proof that he exists inside (outside) the prison.

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After nearly two years serving a sentence in a closed regime, Marta's sentence was reduced to a semi-open regime. She could finally visit Eduardo. But she would need to prove the existence and legitimacy of her marriage, to plot the family ties demanded by the prison institution. Marta armed herself with letters, official documents, signed and notarized declarations in letters, papers and stamps, that made the matrimony of Marta Télles and Eduardo Deán legible. The paperwork was intended to remove from Marta and Eduardo's relationship the apparent incongruence of their being foreign inmates who were also married: a family with a transnational criminal record.

The circumstance of being a family with a criminal past established room for negotiation, agreements that could lead to the approval or denial of Marta's visit to Eduardo. The documental portfolio that Marta carries would open her negotiations with the Secretariat of Penitentiary Administration (by means of resolutions), the judge, public defender and the Penitentiary of Itaí and the Women's Penitentiary of the Capital (in the person of social workers, directors and lawyers).

Resolution 144 published by the Secretariat of Penitentiary Administration in 2010 does not specify that spouses or family members with criminal records should be prohibited from visiting their incarcerated spouses, daughters, siblings or mothers. The resolution only indicates that those requesting visits in São Paulo prisons must declare their criminal records. There is, however, a common practice of denying visits to imprisoned spouses by anyone who is an ex-convict or still serving a semi-open sentence, whether they are hetero- or homosexual (Padovani 2013: 185-218). The denial is cyclical. The request for a visit is sent, at times by the social workers and psychologists *from* the penitentiary from which one part of the couple has been released, in this case, Marta, *to* the penitentiary where the other spouse is located, in this case, Eduardo. The officials in Eduardo's penitentiary alleged that Marta had to request authorization from the public defender who, in turn, sought a judge's permission. The judge in turn



declared that each prison institution was responsible for granting or denying the visits.<sup>17</sup> Marta appealed, once again, to the social workers at the unit where she was serving a sentence in semi-liberty. The social workers then requested that Marta send documents that prove her conjugal relationship with Eduardo.

This brings us to the documents produced by the family, by Marta and by Eduardo. These documents were used by the social workers to form a small dossier that was sent to the sector for rehabilitation and discipline of the Penitentiary of Itaí, where Eduardo was incarcerated in a closed regime. After a period of analysis, Marta was finally granted permission to visit her husband, in an administrative visit. Marta traveled the two hundred fifty kilometers from São Paulo to Itaí to spend about an hour with Eduardo in the conference room which is divided in the middle by a grate or a glass and is usually reserved for meetings with lawyers. After two years of prison, without physical contact, two years exchanging letters, Marta and Eduardo could see each other. But only see: there was a glass between them, a prison guard, two entrance gates, a metal detector, two hundred and fifty kilometers, documents, approvals and denials. The administrative visit allowed the encounter, but denied touches. The conference room is the space of the relationship, properly documented and made legible for and by the state, of two imprisoned people. The letters continued to play the role of hands.

### **The paths of Lola and Rosa: transnational prisons, families, commerce and love.**

Natália, I have so many things to tell you! I got my semi-open sentence! I can't wait to have my *escape* to be glued to my computer, talk with my mother! I am not going to ask for a transfer to the prison where Lola went. It's not worth it anymore. I will wait to get out and I will see her in the street. About your question in the last letter, if I want to stay in Brazil: Yes! The response is yes! I really want to stay with Lola, I want to have a steady relationship with her. Can

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17 It is emblematic to say that, during the doctoral research, I have accompanied the recurrence of this determination by judges. Each of the three times that I accompanied the processes for requests for conjugal visits for people leaving prison, this was the response issued by the judge, a fact that allows questioning the reasons for which it is believed that the request for a visit by former inmates to incarcerated spouses passes must be handled by a public defender and approved by a judge.

you help me? *It won't be the prison walls that will stop me from following my heart!* (Emphasis mine).

I met Rosa from Barcelona and Manuela from Zaragoza at the Women's Penitentiary of the Capital during the first year of my doctoral research in 2010. These two Spanish women were accused of trying to board a plane leaving from the International Airport of Guarulhos (São Paulo) with cocaine paste in their bags or on their body. Soon after we met, Manuela was released from the PFC after serving a two-year sentence. She had been in a penitentiary in which there were still a significant number of Brazilians in the cells. While serving her sentence, Manuela, who was then twenty-five, met the Brazilian Lola, who, together with her mother Lúdia, was also serving time in the Women's Penitentiary of the Capital, both accused of coordinating a drug trafficking network between Brazil and Spain.

Like Manuela, Lola had been detained at the departure gate of the airport, where the federal police were waiting after months of investigation that included tracing her telephone calls. Lúdia, in turn, was arrested at home, in the city of São Paulo. After having spent years in Spain, Lola met Manuela while imprisoned in Brazil. They fell in love and mounted a "cafofo," a home in a cell<sup>18</sup> in the penitentiary where they lived together for more than a year; until Manuela was granted liberty after promising to wait for Lola to get out of prison to return with her to Spain. Lola's fourteen-year sentence, however, interfered with the couple's hopes. Manuela, without telling anyone, returned to Zaragoza after months of freedom, and rejoined her ex-husband with whom she had left her daughter during the years she was imprisoned in Brazil. Lola, in the Women's Penitentiary of the Capital, upon receiving news of Manuela, went on a rampage in her cell. She fought with inmates and security guards who tried to restrain her. She was punished and lost her job at one of the workshops. The job had offered decreased prison time, given that for every three days of work, one is reduced from the sentence.

Lola's marriage and affair ended with the liberty and departure of Manuela. She had to rearrange her life inside prison. She lost weight and grew depressed from thinking about the extra years she would be jailed, while what she heard in the corridors was that Manuela had done the right thing. Other inmates said it was better to leave behind everything related

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18 "Cafofo" is a term from the São Paulo urban periphery, used by women in the prisons. It means home.



to her past life in the cells of the Women's Penitentiary of the Capital. The cell that Lola would learn to call "cafofo" where she had "mocosado"<sup>19</sup> – or stashed away – the years and yearning for life in the "big world," in Spain, with Manuela.

One year later, in September 2011, I said goodbye to Lola when I left for five months of research in Spain. I noted the addresses of her family members in Catalonia, Madrid and Valencia. Rosa was one of those who gave me phone numbers and addresses, but she also told me about the cheap stores, the best bars and the tattoo artists she knew. She told me about the places she liked to go to in Barcelona, gave me travel tips and designed maps to guarantee a good stay in the city in which she had lived for a few years. She was my host in Barcelona, although she was sitting on a concrete bench in the pavilion of the Women's Penitentiary of the Capital. Before I left, she also gave me another recommendation: whispering, she told me that she was having an affair with Lola but wasn't sure yet if they were firm lovers. For this reason, Rosa did not tell anyone in her family. She also said that I could not talk about it, not even when I met with Manuela who, after returning to Spain, had made friends with Raimunda, Rosa's mother. Lola smiled as she sat by my side.

For two weeks in Barcelona I tried to contact Manuela through Facebook, or by telephone. But she did not respond to my calls or requests. Her silence made clear that she did not want to know anything about what remained in Brazil. The cells, the cafofos, the romances and the letters all stayed behind. Raimunda, in turn, Rosa's mother, was anxious for my visit. She wrote me, called me and said she was waiting for me with a special dinner, which finally was set for a rainy autumn night. Raimunda waited for me at the bus station of Calatayud, a small city in Zaragoza province a five-hour trip from Barcelona. She was holding her youngest granddaughter with her left hand and smoking a cigarette in her right. Raimunda had long blond hair, red lipstick, tight jeans and high-heeled boots with which she walked through the streets, stairways and cobblestones to her house. On the way, she showed me the school where Rosa and her other two children studied, the church where they were confirmed and learned the catechism, and the park where she took Rosa to play. The route took us to a housing project on a dead end street, in

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19 "Mocosado" is the term prisoners use for hiding their most cherished items.

front of an abandoned lot. Ten people lived in the two-bedroom house: in addition to Raimunda, there were Rosa's older sister and brother with their spouses and children (three children in all), and a cousin who had recently lost a job in Madrid, which required him to return to the small city that he had left. Only Raimunda was employed, working as a nurse in the local hospital and doing odd jobs caring for the elderly. Her earnings supported the family at home and Rosa in prison. In the kitchen, making diner and smoking, Raimunda asked:

And this Lola? What's she like? I ask because Rosa fell in love so easily! I have no problem if she wants to be with a woman, but they have to come here and present themselves to me. What does Rosa think? Her family has to come first.

Letters, messages and information had traveled much more quickly than I had. Through Raimunda, I found out that Lola and Rosa were together, and had publicly assumed the relationship, even against the wishes of Rosa's family members, who were waiting for her to return to her old companion, Antônio, who was still in the Penitentiary of Itaipá in São Paulo; the same male penitentiary for foreigners where Eduardo Deán was incarcerated.

Before they were arrested, Rosa and Antônio lived in a small apartment in Barcelona. They worked in stores in the tourist zone of the city and sold marijuana and cocaine to augment their monthly income. Rosa wanted plastic surgery and Antônio wanted to visit Brazil. Together they decided to go to São Paulo to look for the raw material for the drug and take it to Spain. In addition to earning more than four thousand euros each through the enterprise, they could also spend two weeks visiting beaches like Ilha Bela and Parati. That's what they did, but on the day of their return, they were caught by the Brazilian federal police with more than ten kilos of cocaine paste. Raimunda said she would never forget the telephone call she received at four in the morning. Her daughter was crying on the other end of the line telling her what had happened: that she was in jail in Brazil, and that she would not get to Barcelona the next day.

At the time, Antônio assumed responsibility for all the drugs and in court said that Rosa did not know what she had in the bag. But the judge simply understood that he was pleading guilty and Rosa was not. For this reason Raimunda's daughter's sentence was two years longer than Antônio's. Both were convicted and in the Women's Penitentiary of the Capital Rosa

tattooed Antônio's name on the nape of her neck and below had written "amor eterno" [eternal love]. It was a love that cooled of over time because of the affairs Rosa had before assuming her relationship with Lola. This love testified to her relationship with a Spain where she no longer wanted to return. Her love for Lola, in turn, made her a bit Brazilian, and placed her in a circuit of other neighborhoods, other streets, other stores, other possibilities for work and family. It was this love that Rosa wanted to make legible in the letters sent to her mother.

Rosa, still in jail, no longer remembered to speak of Antônio, except to say that she wanted to cover the tattoo of his name. Rosa tattooed Lola's name on her arm, but this time, without writing "eternal love." In 2012, her semi-open sentence was granted, so that she could spend four days in August, weekends, in the street, out of prison. On these days, Rosa stayed at the house of someone in Lola's family, where her sister, aunt and the son of the aunt's current companion were living. But this temporary leave, which was granted in August 2012, would be her last. A judge understood that because Rosa's deportation was already decreed, she would be illegal in Brazilian territory, outside of prison. The news of Rosa's deportation reached Lola by a letter written from the Resocialization Center of Itapetininga, 200 kilometers from São Paulo, where Rosa has been transferred after the publication of her permission for a semi-open sentence, after the publication of her deportation order.

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After returning from five months of field work in Barcelona, I passed a few more times through the gates of the Women's Prison of the Capital. But, Lídia, Lola and Rosa were no longer there. Mother and daughter had been transferred, along with the large majority of Brazilians in the PFC – which gradually came to be a penitentiary nearly exclusively for foreigners imprisoned in São Paulo – to the Women's Penitentiary of Santana. Rosa, in turn had gone to the Resocialization Center of Itapetininga to terminate her sentence in a semi-open regime, which in practice, would be closed.

Without legal recognition of the relationship with Lola, Rosa's deportation was decreed in April 2013, while the request to sign the declaration of her stable union was still being reviewed on the desks of the public defender's office in the court of Barra Funda in São Paulo. This declaration, however,

would not change Rosa's situation, since according to article 75 of decree 98.961 - which concerns "deportation of foreigners convicted of trafficking narcotics and related drugs" - would only not occur if "the foreigner had: a Brazilian spouse from whom she or he was not divorced or separated, in fact or by law, and as long as the marriage had been celebrated more than 5 (five) years ago."<sup>20</sup> If Manuela's release and departure had, one day long ago, imprisoned Lola to a special holding cell in the prison, and thus complicated her sentencing options even more, it was now Rosa's imprisonment and fixity that placed Lola deeper inside the prison building: as punishment, at the end of the psychiatric ward of the Women's Penitentiary of Santana, the largest women's prison in Latin America.

### **Someone who lives by the lake doesn't lose to a frog: Cristal making relations (il)legible**

That's what Cristal would say: "Me, huh, living by the lake and losing to a frog? No way." Cristal wouldn't lose a thing to a frog. Like Rosa, she traveled across walls, cells, national borders and through drug dealing, love and in Cristal's case, the sex market. The prison walls did not prevent her from getting around.

The first time I saw her was on a day I visited the Can Brians Penitentiary in Barcelona. Cristal was serving the end of her six-year sentence in a semi-open regime in the Wad Raz prison. Every weekend that she had a temporary leave, she would go to the bus station at seven in the morning to get in the line for the buses heading for the distant penitentiary of Can Brians. Cristal had spent more than four years there imprisoned in a closed regime. It is where she met her boyfriend, who she was going to visit; and she was not alone. The temporary leaves on weekends, for most of the Brazilian inmates in a semi-open regime, became visiting days at Can Brians. I accompanied the visitors. I got on the bus with them and spent the day in the waiting line so that, at last, they could spend 20 meteoric minutes talking with their boyfriends through perforated glass.

Among the activities for men and women inmates together that occurred at the Can Brians penitentiary, Cristal told me most about the movies: "Since

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<sup>20</sup> The same decree also determines that deportation is not realized "when the foreigner has: a Brazilian child, that is proven to be under his or her care and depends on he or she economically."

it was always dark, it was easy for us to escape to the bathroom, or do things right there. We planned everything and one covered the other, to distract the tutors.”<sup>21</sup> It was at one of these movie sessions that Cristal met her Peruvian boyfriend:<sup>22</sup> “but I had to play hard to get, right? So I only gave him my cell number. So you see, we only exchanged letters.”

Cristal began her relationship with the Peruvian through letters they exchanged between the modules. After exchanging letters for some time, she asked her tutor to authorize a *vis-à-vis*, or that is, conjugal and family visits between them. Unlike São Paulo penitentiaries, in Barcelona prisons intimate visits are allowed between jailed couples, including homosexuals. The couple does not need to prove family or matrimonial ties. The only condition is that both parties declare a desire to have the *vis-à-vis*. This is what Cristal did, and three weeks later, she was allowed to meet with “her” Peruvian in the intimate visiting room.

The rules and regulations for the visits in the prisons of Barcelona are quite flexible. For a person to visit a prisoner they only need authorization from the inmate and a photo ID. The number of Brazilians who entered the prison system of Catalonia was impressive. Although they were in irregular situations in Spain, they went to prison to visit boyfriends, girlfriends, friends and family members, simply carrying a long outdated passport. The process was even more surprising when compared with the complex and sophisticated procedure for approvals and denials of visits that I discovered in Brazil. It was also paradoxical that those foreigners, mostly Latin American women in an illegal situation in Spain, had free access to prison, while at the same time they hid on the streets of Barcelona wary of the immigration police: the feared *extranjería*. Employees, volunteers and prisoners with whom I spoke about the facilitation of *vis-à-vis* visits in the Catalan prisons said that they made it easier to control the penitentiaries: “The inmates are

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21 Tutor is the name used for the intermediary employees of the Spanish prisons, those between security guards and social workers. They are teachers, instructors and at times psychologists who accompany the prison routine up close, like a prison guard, but they are not responsible for security but for *behavior*. It is the tutors who make reports to the social workers who, in turn, grant or deny punishments, benefits and sentence reductions. Unlike the São Paulo prison system, the Catalan prison system appears to have a structure more similar to a public health agency that provides treatment and less like a repressive police agency. This difference says nothing about the “effectiveness,” “better conditions” or “efficiency” of the imprisonment.

22 That’s how Cristal always called him, “My Peruvian.” He had no name. Just a nationality. Cristal’s friends followed suit and said “Cristal’s Peruvian.”

calmer,” they told me. This supposed liberal attitude in the Barcelona prisons eclipses highly capillary control mechanisms, which are exercised by penitentiary employees, and also by the inmates.

It was through the network for the control of information and exchanging letters that Cristal’s affair with the Peruvian ended some time after I met her. On the afternoon that Cristal would sign her conditional liberty, she called me and asked if I could accompany her and if, later, we could go out to celebrate. I answered, promptly, yes. Cristal continued: “Do you know about the “scandal?” I already knew, I had received e-mails and calls from other Brazilian women inmates warning me of the end of Cristal’s relationship with the Peruvian.<sup>23</sup> Still on the telephone, Cristal said, “I’ll tell you everything over a beer.” When we met later she told me about the “scandal”: A Colombian woman, also imprisoned in Can Brians, was interested in Cristal’s boyfriend. The Colombian sent letters and more letters to Cristal’s Peruvian who, after a few forays by the Colombian, responded. Cristal found out about this flirting between the Colombian and her boyfriend because an employee at Brians, “who liked her a lot,” showed her the records of the letters sent and received between the modules. The employee, according to Cristal, wanted to warn her of the betrayal by her boyfriend.

The records of the letters sent and received, and mainly the fact that the prison employee warned Cristal about the “suspicious” letters exchanged by her boyfriend outside the relationship, and exposed a network of control made possible by the correspondences sent between the modules and to or from the prison. This network for controlling information, however, is sustained by relationships and gossip, more than by records. Cristal knew this, and for this reason, she studied affinities, words, clothing, gestures and even the letters she exchanged. On the day I met her, visiting day at the penitentiary, Cristal was wearing tight jeans, high heels and a plaid shirt open to the middle of her chest, which she exhibited with pride. She placed her hands

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23 The semi-open regime in the Catalan prison is quite different from the semi-open regime in São Paulo. Any person in a semi-open regime could spend the day in the street and return for lunch, dinner and to sleep in the prison. If they had formal work outside the prison, the male or female inmate could spend the day outside the penitentiary, returning only to sleep. Inmates in a semi-open regime who work, also have the right to spend ten straight days per month outside the prison and only return at the end of this period. During my field work in Spain, I regularly went out with women serving a semi-open regime in Wad Raz to lunch, dinner, drinks and even to a *forró* [Brazilian dance]. Many of them rented houses or rooms in houses of relatives of Spanish or Colombian immigrants, illegal immigrants who they met in prison. A network of residence was constituted through the prison.

over her breasts, adjusted them and said: “Ah, I turbo-charged these woman!” On the afternoon that I met Cristal to sign her conditional release, however, I barely recognized her. She seemed shorter, wearing sneakers and a loose sweat suit; her nails weren’t long or painted. When we reached the rehabilitation sector of the secretariat of justice of Catalonia, where Cristal would sign the “divorce,” as she liked to call her conditional liberty, she promptly introduced me to the social workers and police officers who accompanied the process: “This is my Brazilian friend, she’s an anthropologist.” Cristal added: “I told you, I have friends in Brazil who’ve never been arrested! Here she is, my Brazilian friend, she’s an anthropologist.”

The way that Cristal dressed and introduced me explained the importance of my presence for her on that day. It wasn’t certain that she would gain conditional liberty. She would first have to prove to the rehabilitation employees that she had “a circle of relations and support outside the prison.” Moreover, she had to prove that her ties to the prison were weak. That’s what Cristal did. When asked by the social worker about her boyfriend in prison, she responded that she was very disappointed with him and would stop visiting him. “You can see there that I don’t even write him anymore.” Two hours later, after a long deliberation by the social workers, Cristal signed her conditional liberty. While we walked through the streets, she said: “it’s easy. I say everything that they want me to say. I answer correctly. I say that I have friends in Brazil, I write to my family, I say that I want to return to visit my mother, “me, huh! That’s all I need, to live by the lake and lose to a frog!”

After it all went well, and her “divorce” was signed, Cristal told me in detail about the “scandal” of the end of her relationship.

It’s like this, I’m a hooker. When I was arrested for drug trafficking, I had already been living here in Spain and when I went to visit my family, I took things that I sold to my clients. The Peruvian, poor guy, didn’t know anything about this. In my semi-open I was already working, but that Colombian girl found out and wrote to my Peruvian and told him everything. Then, he wanted to break up. But then I thought: It’s better like this, this way I don’t have to justify the relationship with him in rehab. The tutor told the social worker that we are no longer together and that’s it. Later I’ll work it out with him. I’ll mount my décolletage, go visit him, and say that I’m never going to turn another trick. Its a lie right?

Letters, gossip and documents. Cristal assembled her clothes and her

“correria” [scheme] to work out the signing of her “divorce” from the Catalan prison system. She organized a dossier with papers and words that allowed her to remain in Spain to work in the sex (and drug) market. Working as a prostitute during the temporary leaves under the semi-open sentence, Cristal saved money to buy false pay slips and receipts from the owner of a cafeteria. These documents “proved” that she was working legally in Barcelona, a fact that authorized her to spend more time in the street. More hours in the street were more hours working, and therefore, more hours receiving the money needed for the production of documents, ballasts of legality and legibility of her migrant situation in Spain. Cristal plotted at the “margins of the state” (Das and Poole, 2004), arming herself with legality, mixing the licit and illicit in what she called a single “caminhada.” “Caminhada,” which means a walk, and “correria” [literally a rushed situation, but used to refer to a scheme] are words used in the prisons and peripheries of São Paulo, from where and to where the people that I bring to this text come and go. From where and to where they pass, walk, run and scheme. The “caminhada” or walk is used to refer to a person’s history, to her background and behaviors: the “caminhada” is a thief’s prior history. The “correria” is the activity. That which must be done to achieve the objective. Cristal maintained the walk in calm steps to execute the necessary “correria” or scheme and change her documentation as a prisoner to that of a legal migrant.

### **Waiting for a husband: being an (il)legal immigrant.**

The section below is divided into two brief ethnographic narratives about Marta and Luz, characters who do not know each other, but whose trajectories interlace in parallel directions that are geographically reversed. Both are waiting for an imprisoned husband. Both are anxiously planning for freedom from their situations based on provisory documentation.

### ***Waiting for the “jumbo”: roads, rooms and cafés.***

During the semi-open regime, on temporary leaves granted by the judge who had not received Marta’s deportation order from the Ministry of Justice, Marta Téllez became familiar with the São Paulo rap music that she heard in the penitentiary as well as the Brazilian pop rock played on television. She enjoyed the deep-fried pastries that she ate in the street markets. She



easily switched ice cream for açaí and finally would adopt Corinthians as an alternative football team to Real Madrid. During the months that I spent in Barcelona, I took a few days to visit Marta's sister in Madrid, she was an elementary school teacher, who was married, and at the time, pregnant. She took care of the bills for the house that Marta and her partner Eduardo had purchased with money they earned from trips they made through the world - a house that they had decided to sell. Both I and the sister knew that Marta and Eduardo would not return to Spain. In the letters sent to Madrid, they said they were both tired of the adventures and the risks.

Spain is in crisis, I am more than forty years old and have a criminal record. What am I going to do there? It's better to stay here, get a job while Eduardo is in jail and later with the money that we have saved, go to the northeast and live by selling coconut water. Here, anyone can sell sandwiches on the beach. In Spain, it's not like that. There we would be arrested again. I don't want to be arrested again. I want to be able to have a dog!

Without a dog, without coconut water, without savings and without a husband, Marta gained the right to finish serving her sentence in an open regime. She had saved part of the money she earned in the workshops of the Women's Prison of the Capital.<sup>24</sup> It would be enough to live on for about six months and pay rent in a small room in the house of a Brazilian woman who, like her, had just left prison, but she would soon have to get a job. Completing her sentence in an open regime, therefore, Marta was not exactly in a position to be easily employed. With her passport held by the federal police, Marta's only identification was as a former prison inmate. The best she could do would be to create a base of false documents, "as if I was Argentine, Uruguayan" and this way get a job. But she knew that she could not go to any country in South America or arrange false documents to work. Any step could interfere in Eduardo's already complicated criminal proceedings.<sup>25</sup>

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24 At the time of the field research, nearly 80% of the people jailed at the Women's Penitentiary of the Capital worked producing hospital goods (such as serum bags), rugs or even doing cleaning, cooking and maintenance for the prison. The minimum payment for the prison work established by the Penal Execution Law is one-third of a minimum wage. Prison work in São Paulo is administered by the Fundação Professor Doutor Manoel Pedro Pimentel, or FUNAP, which is tied to the Secretariat of Penal Administration [www.funap.sp.gov.br](http://www.funap.sp.gov.br) About prison work see: Salla1991, Espinoza 2003, Moki 2005, Padovani 2006.

25 The criminal proceedings, or execution as it is known, refers to complying with the rights and responsibilities of those who are wards of the state in penitentiaries. The criminal execution is governed by the Penal Execution Law published in 1984 and by the regiments and resolutions published by the Secretary of

She put up posters in schools, colleges, bakeries, and *Internet houses*, offering private classes in Spanish and every day she would check her e-mails in a cafe that had Internet access, which was close to the house where she rented a room. After getting some negative responses, the owner of the cafe offered Marta a job under the condition that he would not sign papers that proved she was working. As a former inmate, Marta moved along the border of migration, at times legal at times illegal. She would have to complete the rest of her sentence in Brazil, therefore she was not illegal in Brazilian territory. No institution or state agency, however, would provide documents that would establish her presence in Brazil. In practice, Marta worked, resided and got by from devices that are not illegal but illegible. In the effort to make her work legible, like Cristal, Marta produced documents to send to the public defender of São Paulo state. These documents would prove that she supported herself and had a place to live and means to live by while she waited for Eduardo to get out of prison.

In this way, the release of foreign prisoners, whether in Brazil or in Spain, can ironically signify the loss of a certain social security and documental legibility provided by the prison institution. At the same time, São Paulo criminal justice agents, that is public defenders, prosecutors and judges, require that foreigners who leave the prison system prove their financial means to rent a home or a room. If laws and processes of the state are produced each day, based on incongruences, all the interlocutors in the study, in São Paulo and Barcelona, are both products and producers of the state's inconsistencies. Knowing this, Marta continued to work in the possible realm of the incoherent by using a computer in the Internet shop to print receipts for Spanish classes that were signed by neighbors and friends. She thus produced relations that established her *bona fides* she would present to the public defender.

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Penitentiary Administration of São Paulo. It is this law and these regiments and resolutions that define violations of disciplinary behavior, and sets standards for granting and denying benefits such as the reduction of a sentence to a semi-open regime and the dates of the temporary leaves. When two or more people are judged and sentenced in a single criminal process, as is the case of Marta and Eduardo, their executions are related. In this way, if Marta leaves Brazil, for example, it is possible that Eduardo would have to complete his entire sentence in a closed regime given that, due to Marta's departure, he would be suspected of an attempted escape. I call attention to the fact that, while the sentences and their executions are related, they are not the same thing. The fact that Marta had gained liberty before Eduardo reveals this difference. In this case, having been imprisoned in women's penitentiaries that offer jobs and school courses, led to the reduction of her sentence with remission for work and study (for every three days of work one is subtracted from the sentence). The male penitentiaries offer fewer jobs in proportion to the male population imprisoned in the state. For Eduardo, therefore, it was more difficult to reduce his sentence and earn benefits.

With her work in the cafeteria and the receipts for Spanish classes, Marta came to circulate through state institutions of the justice system, through the banks where she began to deposit money, and mainly on the buses and roads that led to the conference room of the Itaí Penitentiary. All her efforts to become legible according to the limits of legality, the national borders and the margins of state incongruences were reflections of the monthly encounters that took place in the glass-walled room that separated her from her husband, the effects of the letters that joined them and made legible, if not legitimate, their marriage.



Drawing from a letter Eduardo sent to Marta, a Spanish couple imprisoned in São Paulo. The prison uniforms are in the color of the Brazilian and Spanish flags. Sad and detained in Brazil, Eduardo imagines being happy if jailed in Spain: “at least there you could visit me”, he writes referring to the different rules for intimate visits in the two countries.

*To be an illegal immigrant in Spain is worse than being an international criminal! Luz between prisons, internment centers and peripheries.*

What Marta waited for in São Paulo, Luz was anxious for in Barcelona. On March 1, 2012, a Thursday, I arrived in São Paulo after five months of field research in Catalonia. On Saturday, March 3, I received a call from Luz's sister. Francisca called me from her home in Sapopemba, a neighborhood in the São Paulo periphery. She wanted to know if her sister Luz was coming home, if she was healthy, ate well and lived with some comfort, and mainly to know who was the boyfriend with whom Luz said she would stay in Spain. "She's like a daughter to me," said Francisca, "I raised her after our parents died." After assuring Francisca by phone, I told her briefly about Luz's relationship with her Colombian boyfriend, Carlos, whose face Luz had tattooed on her left breast. We agreed we would meet to continue our conversation. The following week, however, even before our meeting, Francisca called me again. She now had greater reason for concern: Luz had been detained by the Spanish immigration police known as the *extranjería* and was detained in an Internment Center for Foreigners. Furthermore, Luz was pregnant.

To be caught by the *extranjería* and held in an Internment Center for Foreigners was Luz's greatest fear after leaving prison. She decided to stay illegally in Spain to wait for Carlos' release. On the day of her release, I waited for her at the penitentiary exit. Luz walked out of prison apprehensively, looking to the sides to be sure that there were no *extranjería* police: "ok, now I am illegal. All I need is to go to a Center for the Internment of Foreigners (CIE) after five years in prison." While serving her sentence in a semi-open regime, Luz had studied on the Internet and in newspapers all kinds of information about the CIEs and sought to inform her friends, who were also leaving the Catalan penitentiary system and were illegal immigrants, about the risks and living conditions of a CIE: "to be an illegal immigrant in Spain is worse than being an international criminal! In prison we have a doctor, a bathroom. I read that in the CIEs there are no facilities."

In this study, the CIEs are highlighted in the speech of the Brazilian women who, like Luz, manage, articulate and negotiate the reasons for and against remaining in Spain or returning to Brazil. The CIEs were the antagonists of the option to remain in Spain after the women gain their freedom. It is curious that the end of a prison sentence is directly related to the end of a secure status established by the prison. Luz's decision to leave prison

and not go immediately to the airport, had to be considered in light of the material loss of the identification document that would allow her to circulate freely through the streets of Barcelona. Liberty without deportation is a liberty without guarantees of rights that were assured by a prison sentence.

But Luz did not even consider an exchange of her conditional liberty for deportation, an option offered by Catalan courts to all foreign prisoners. She would wait, at any cost, for the end of Carlos' sentence so that the two could return together to South America and live in Sapopemba, São Paulo.<sup>26</sup> While we headed toward the beach to celebrate her freedom with sparkling wine and plastic cups, Luz received calls from Carlos' relatives in Colombia. They wanted to be sure that Luz was released. She also received other calls. Proposals to travel through Europe, by bus, carrying drugs. For each trip, she would receive about three thousand euros. Luz hung up the phone: "it's illegal, but what they'll offer me is to carry drugs or work as a hooker. I want to work as a caretaker. I don't want to run the risk of being arrested again!" Aware of the loss of security provided by prison documents, Luz knew that the exit through the penitentiary gates implied her entanglement in a network of illegalities, illegitimacies and irregularities. Nevertheless, she did not consider breaking the agreement she made with Carlos. The couple planned to live in Brazil, but they had agreed that the first to gain freedom would wait for the other before returning to Latin America.

The news of Luz's detention and pregnancy combined fear and a dream come true. Luz and Carlos wanted to have children, she had become pregnant once earlier while she was serving her sentence in a closed regime, but, when she was seven months pregnant she discovered that the fetus had died. Luz had to stay with the fetus for another month until doctors could remove the dead baby from her body. Since then, Carlos and Luz continued to try to have children. They used the medical resources of the prison to conduct fertility treatment and purchase medication with part of the payment Carlos received inside prison.<sup>27</sup> Now detained in a CIE, Luz could not

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26 Of the ten interlocutors in this study, six were residents of São Paulo state, and of these, only one did not live in the Greater São Paulo region, but in Santos. The others came from Guarulhos, Diadema, Santo André and the city of São Paulo.

27 There are abundant workshops and job offers within the Catalan prisons, according to the statements of those interviewed, and they are very important in the maintenance of daily life. What called my attention in the narratives about the work in the prison workshops is the salary offered. In the case of the shops in the male modules, those interviewed said that wages could exceed one thousand euros per month. This is a striking

communicate with Carlos, she ran the risk of being deported and having to wait in Brazil for her companion to be freed. Moreover, without the necessary medical care, Luz could lose her baby once again. The situation placed her pregnancy at risk. Francisca asked for help to remove Luz from her situation as a pregnant illegal immigrant in a distant country and to reintegrate her into a network of documents and civil legibility that could only be made possible by the Brazilian consulate. Luz was released from the CIE one month later.

### **Plotting flows and fixity: producing papers and the foundations of (il)legibility of relations**

To be without documents is to be documented in a specific way. The absence of documents impeded Luz from circulating through the streets of Barcelona, but not through Catalanian prisons. Without documents, Luz continued to visit Carlos in prison. Moreover, she continued to have the right to stay with Carlos once a month in a private room, the right to realize the conjugal *vis-à-vis*. This right was denied to Marta despite her effort to produce documents that legitimated her conjugality with Eduardo. Marta and Eduardo's conjugality was classified by government agents in Brazil as suspect and criminal. This classification made it difficult for the couple to exercise their right to maintain family ties. Luz, in turn, only had the right to maintain her family ties through the punitive institutions. The only spaces available for her circulation in Barcelona. These spaces localized, limited and circumscribed her relations: her identities. They were spaces that documented and therefore identified Luz and Marta.

Individuals are governed through their social relations. Subjects are classified as normal, pathological, or criminal through their relationships. They are localized through blood, nominal and family registrations that weave their identities (Foucault 1979: 37-49). People must obtain the documentation needed to establish an identity. Proof of residence, the name of a father or mother or a birth certificate, are thus objects of subjection and subjectivization that produce the subjects' nominal "truths."

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amount in a country in economic crisis. The interlocutors in the study also said that many prisoners had better conditions to support their families inside the prison than if they were free.

Nicole Constable (2003) used an ethnography conducted with couples of U.S. men and Philippine women to illustrate how requests for residence visas for the United States made by the women are permeated by fantasies, or “fairy tales” that administer productions of identities - identities that are woven by the investigation of the conduct of individuals who are evaluated based on understandings about “good family values.” A good Philippine woman - “not very young, not very old,” single, childless, educated and with identifiable family ties - has a better chance to gain permission to live with and therefore marry a specific male U.S. citizen. He should have a fixed job and residence, not be very young and or very old, white and with a documented history of matrimony and divorce from U.S. women, as if this were proof that he was intent on marriage again.

In Brazil, authors such as Adriana Vianna and Juliana Farias (2011) and Gabriel Feltran (2008), have also reflected on the production of identities of subjects based on what they call “state techniques” that document their relations. Feltran’s ethnography, conducted in Sapopemba, a neighborhood in the eastern zone of the city of São Paulo, reveals that information networks used to map individuals in the peripheries may not necessarily pass through the formal production of papers that document them, but through interpersonal relations between families and police agents who know who are the relatives of people serving sentences or are involved in the local drug trade. Families are therefore “contaminated” by the registers of the criminal past of children, brothers and neighbors. Vianna and Farias analyze, through observation of the social movements of families whose members have been victims of police violence, the complex efforts undertaken by mothers, wives, brothers and lawyers to identify the bodies of people killed by the police as bodies of “subjects with rights,” honest workers, who are not involved in “crime.”

These studies identify layers of power and agency of subjects, who strategically activate them in their particular negotiations with state institutions or even in their intimate relations. As Nicole Constable expresses, it can not be said that there is no agency but that it should not be romanticized. It should be considered in relation to the asymmetrical tensions and positions of power materialized in the bodies of the individuals who, in another form, identify and use them; as do, for example, the mothers of the victims of police violence about whom Vianna and Farias speak. They rearticulate attributes such as “*favelada*,” [slum dweller] “*negra*,” [black woman] “poor” in the

production of discourses that identify them as “good mothers who struggle for justice.” The recognition of this identity, however, is based on a specific maternity that intersects class and race: “It’s this poor black son of a bitch, community resident (...) who will put you all in jail’, Celeste shouted in front of the institution where her son was killed” (Vianna and Farias 2012: 95).

Veena Das and Deborah Poole (2004) recall that the exercise of state power of administration and control is constituted, in large part, by written procedures that emphasize some characteristics and ties over others. The words shouted by Celeste in a “public scene,” as described by Vianna and Farias, although they weren’t written, make visible both her maternity and the police violence against her son. It was a statement of unquestionable family ties that are registered in documents produced by the state: a birth certificate, working papers, and death certificate. The papers strategically chosen to be presented by the couples that Constable speaks of play a similar role, as to those used by Marta Téllez and Eduardo Deán.

But according to Das and Poole, the production of legibility can also produce illegibility: ties or qualities of relations that may be hidden by what is focused on in the letters, by the official stamps and records.

In relation to this ethnographic composition, the documentation of “loving” relations, also involves evidence of the letters exchanged between spouses. These give visibility to the relationships that approximate imprisoned men and women to addresses, family ties and emotions, which, at times, are outside the prison walls. To receive letters and food wrapped in boxes, which they call “jumbos,” involves allowing the tracing of family ties, proving that someone is waiting on the outside, that a person’s relationships are not limited to the penitentiary.

For a Spanish woman imprisoned in São Paulo, a conjugal romantic relationship with a Brazilian woman places her in a circle of nationally located family relations. For a Brazilian woman imprisoned in São Paulo, conjugality with a Spanish man inserts her in routes of transnational relations upon which each day are aggregated marks of social status different from those considered from the peripheries and prisons of the metropolitan region of the São Paulo capital. For a Brazilian imprisoned in Barcelona, the constitution of emotional ties is permeated by the documentation that allows, or not, altering the situation of imprisonment to that of transnational migration. But in all situations, it is also the establishment of conjugalities that



are judged by national hierarchies that intersect with statutes of class, race, and corporality.

The technicians of the Catalan judiciary, in producing reports about foreigners jailed in Catalonia, conduct a reading of the family, conjugal and emotional ties of the accused with their “country of origin.” This reading establishes either “good” or “bad” prognoses for foreigners jailed in Catalonia and Brazil. The more legible these ties are, the better is the prognosis written in the records that contain the evaluations of psychologists, social workers and tutors.

The relationships that Luz documented make visible the ties with her Colombian husband jailed in Catalonia and with their daughter who was born in the city of Barcelona. In this way, Luz is defined as a Brazilian, a former prison inmate, pregnant by a Colombian sentenced for “crime against public health,” and illegal immigrant with weak ties to her “country of origin.” Luz’s poor prognosis is due to the visibility created by the relationships that keep her in Catalonia despite her irregular situation. These relations – noted regularly by the penitentiary agent who registers Luz’s passport number at each visit made to Carlos in Can Brians – eclipse her ties with Francisca. Not by chance, then, her detention in the CIE triggered Luz to activate family and kinship ties with Francisca, also making them visible, legible and documented by the employees of the institutions of the Catalan government.

Cristal, in turn, plots legibility and illegibility. She tactically produces layers of registers that tie her to family in Brazil, to formal employment in a cafeteria in Barcelona and indicate the break of her ties with her Peruvian boyfriend imprisoned in Can Brians. Cristal speaks, writes and dresses “what they want.” She uses papers that facilitate the registration of a “good prognosis.” These papers are produced, however, by means of her work in the sexual market and in drug sales. Cristal creates shadows over those sexual and emotional involvements that could result in a “bad prognosis,” and throws light on the papers that she presents at the window of the penitentiary social worker who, finally, positively supports her conditional liberty: her “divorce,” her separation from the prison institution and her legal permanence in Spain. Using other means, this is also what Marta does. With an informal job, she creates receipts that place her in a network of documented work. These receipts allow her to prove she has the conditions needed to remain in Brazil, while she waits for Eduardo to gain his liberty. Marta strives to show that her conjugality establishes relations with a family and kinship network in Spain.

She creates firm ties with her country of origin through writings that bring together family, matrimony and love.

Rosa is not able to do this. Like Luz, who had Carlos' face tattooed on her breast, she tattooed Lola's name on her arm. But this writing reveals a tie without documentation. It is a relationship that cannot be established as matrimony. On the contrary, it identifies her with attributes of sexuality and class that inspire the worst prognoses by the penitentiary agents and those of the Ministry of Justice. These prognoses put her deeper into the prison buildings and, against her wishes, lead to transfers between prison units and ultimately deportation. Like Luz, Rosa makes herself visible through ties that place her at specific addresses in the peripheral neighborhoods in the eastern zone of the city of São Paulo. The residents of these border zones (Feltran 2008: 315-338) which lie between licit and illegal are treated with suspicion. By giving as her address Lola's residence in Jardim Elba, Rosa risks contamination from the criminal past of Lola's family.

Letters and documents register and define the people presented in this article. They either fix them or enable them to move. They present discursive layers of legibility and illegibility that, agencied according to attributes and asymmetries of power, produce prognoses and identities based on ties which, in the narratives and trajectories described here, are identified by the word "love." Love, as understood by the people I talked to, activates values that are linked to notions of family, kinship and conjugality in the production of documentation of relations. This documentation is used in the governance of individuals by the institutions that control borders. At the same time, it is deployed by the people in this article to create alternative routes to and from prison.

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