

**A LOOK AT THE VICTIMS
VICTIMOLOGY AND THE
CHALLENGES FACING
PRISON CHAPLAINS**

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In modern times, the victim of a crime² is the forgotten person in police investigations, judicial process, sentence serving and the pastoral concerns of the Church. This was not true in Antiquities or the Middle Ages.

As the Spanish jurist Antonio Garcia-Pablos rightly says: “Protagonism, neutralisation and rediscovery are the three words that reflect the status of the victims of crime throughout history”.³ I will briefly describe each of these three:

Protagonism

In ancient times, the victims or their immediate families took justice into their own hands, particularly in the case of homicide. Since they were directly affected by the author of the crime, they were called upon to redress the injury. In the Bible we can see that the widely debated principle of an eye for an eye (Ex 21: 23-25, Lv 24: 17-21, Dt 19: 21) is intended to limit excessive vengeance by the victims by stipulating that it must not be harsher than or out of proportion to the injury committed. Although not always properly interpreted, this principle seeks to restrict and moderate the rights of victims and not, as is often believed, to justify or sanction vengeance and the taking of the law into one’s own hands.

Neutralisation

When the democratic rule of law came to dominate the political and governmental spectrum in most Western countries, an immense change occurred in the role played by victims in the entire judicial process. In practice, they have been turned into witnesses in the process and are completely voiceless when it comes to determining

punishment. The State, by attempting to establish order and justice that is equal for all has unduly appropriated the anguish, voice and redress of victims. It has become lord and master of the entire penal and penitentiary process. Ever since the modern penal system replaced private vengeance with public intervention by the State, victims have been almost completely excluded from the judicial process.

Rediscovery

In recent decades there has been a rediscovery of the role of victims. Little by little they are being allowed to participate in the judicial process and in determining the punishment of the author of the crime. From different standpoints - not just judicial - concern is growing to restore to them the attention they merit in the treatment of the problem and the leading role they should play in judicial understanding of the crime. Although the 'victimological' outlook is still not the prevailing one in modern criminology, much less in modern criminal law, efforts are being stepped up⁴ and progress is being made to ensure that the study and treatment of crime does not focus solely on the delinquent but on the victims as well. As Elias Neuman said "victimology is a kind of reverse criminology".⁵

The German Von Henting has long been considered the pioneer in this academic focus on victims, with his book *The Criminal and His Victims* (New Haven, Yale University, 1948). But it was not until 1956 that the Israeli Benjamin Mendelshon coined the term 'victimology', which he defined as 'the science of victims and victimism'.⁶

As can be seen, victimology is a very recent discipline, which only began to gain importance in the final decades of the 20th century. It can be defined in the classical words of Guglielmo Gulota, as follows:

Victimology is the discipline whose purpose is to study the victim of a crime, his personality, his biological, psychological, moral, social and cultural characteristics, his relations with the delinquent and the role he played in the genesis of the crime.⁷

But this definition, as we will see later, was limited to analysing the complicity and participation of victims in crimes, rather than examining the injury and suffering caused. As a result, today we define victimology as the study of victims in general without restrictions.

When we study ‘victims’ from a criminological and victimological standpoint, three processes of victimisation are mentioned:

Primary victimisation, which is committed against the direct and indirect victims of a crime.

Secondary victimisation, which is committed against people who are already crime victims during the police investigation and judicial process.

Tertiary victimisation, which is suffered by the criminal during the judicial process and during his prison term.

We should keep these three processes of victimisation in mind in our pastoral work in prison, since they form part of a single and progressive chain of suffering. Therefore, I would like to offer a brief explanation of these three processes of victimisation, stressing the third, since it is the field where we do the most work. After this brief description, I will suggest some of the challenges we should be aware of in the pastoral treatment of ‘victims’ in prison work.

THREE PROCESSES OF VICTIMISATION

Primary victimisation

As mentioned, this victimisation refers to the injury suffered by the direct and indirect victims of a crime. It has been the most widely studied in the field of victimology.

When we begin to study victims within the judicial process, we do so by placing the victim in the famous ‘penal association’ (term coined by Mendelshon in counterpoint to ‘criminal association’), the duo formed by the author of the crime and the victim. We start with the victim’s participation and complicity in the commission of the crimes (since victims are not always completely innocent), avoiding other issues such as anguish and the right to redress. Within this earlier outlook, also called ‘victim dogmatics’, there are two trends. The radical theory argued that in a clear victim dogmatics situation (when the victim ‘provokes’ the crime), the responsibility of the author of the crime is considerably limited. The moderate theory argued that regardless of how naive and ‘provocative’ the victim was, his responsibility could never be comparable to that of the author of the crime.

All these early ideas and approaches to victims gave rise to different victimological classifications, since it was clear that we could not talk about victims in general and furthermore, their participation in the commission of a crime was extremely diverse. Thus we arrive at the classifications made by Mendelshon, Von Henting, Jimenez de Asua, Fattah, Marchiori, Neuman, etc., which for reasons of space, cannot be examined in this short study.

Secondary victimisation

Secondary victimisation refers to treatment of the victim during the police investigation and judicial process, since those processes focus on demonstrating the guilt of the perpetrator and not on responding to or mitigating the anguish of the victim.

Police and judicial practices often add further suffering to the anguish caused by the perpetrator of the crime, i.e. the functioning of the legal system can also victimise (secondarily) people who have already been victims (primary) of a crime. Victims are doubly victimised, since legal operators and mechanisms (designed to pursue the perpetrator) victimise the victims a second time. This victimisation is more serious (although often unnoticed) because it is the rule of law that victimises through the legal system.

This largely happens because the existing legal system neutralises the victim and robs him of his prominence in the process, with the State taking over. The victim is only granted status as a witness and the judge determines responsibility and the sentence, and often the judge does not understand or value the contributions of modern criminology, much less those of victimology.

In view of this situation, efforts have been made by criminologists to overhaul completely today's judicial approach. They propose that the victim should become a protagonist and not just the bearer of a legal good. Today we speak of 'restorative justice' (in contrast to 'retributive justice') where the protagonists are the author of the crime, the State and the victim. The victim is not only considered at the time the crime was committed but also when it comes time for restitution for the crime, allowing him to be a player in the response or solution applied to the delinquent. Both the victim and the criminal participate in the solution, with the State acting as guarantor. Along

this same line, 'recreative justice' proposes, among other things, a new notion of crime as a 'virtual triangle' that should include the victim, the criminal and the social or community authority.⁸

As a corollary, this new approach has a major repercussion in the penitentiary sphere, since it vehemently proposes that alternative punishments to imprisonment be used more frequently and that a prison term no longer be viewed as the queen of all punishments, as it is today. As Michel Foucault rightly said years ago, using jails as the only form of punishment for all crimes is just as absurd as arguing that a physician should prescribe the same medication for all his patients.⁹

Tertiary victimisation

The victim of tertiary victimisation is the criminal. It is the victimisation that the aggressor suffers during the judicial process and while serving his sentence, which in most cases is imprisonment.¹⁰ Here, generally, we speak of victimisation in the legislative, police, judicial, incarceration and post-incarceration stages.

With regard to this extensive process of tertiary victimisation, in which the prison is involved, I would like to point out just three of the aspects that are most closely linked to chaplaincy work:

Sentencing

It is well known that the outlooks of the jurists who write the codes and the judges who have to apply them are often highly politicised. Public pressure in the form of political demands plays a very important role when it comes to establishing the penalties for different crimes and their subsequent application in concrete cases. Criminals often become scapegoats for authoritarian regimes that seek to justify and legitimise their rule. This is why the law is not always objective or neutral, as is commonly believed, but is designed to follow the course set by the policies of different governments regarding state security and citizen security. We also know that justice is not the same for everyone, but often hinges on the skills and 'bargains' made by lawyers. Anyone who lacks the means to obtain a good defence is more likely to be found guilty and receive a sentence that is not a short one.

Serving the sentence

Although the purpose of imprisonment is, at least nominally, readaptation and resocialisation of the delinquent, it is well known that the real effects of imprisonment are completely the opposite. Jails are often an effective agent in training inmates in crime. Discussion in the corridors and in society at large has very little to do with the actual alternatives for resocialisation that exists in jails. There is even talk of ‘hidden objectives’ in jails that are very different from those appearing in codes and regulations and which are carried out to the letter in the current penitentiary system.

Life in Jail

This is a process of victimisation that has received very little study, since there are very few people with direct access to daily life in jail. Apart from the studies by Donald Clemmer¹¹ and Erving Goffman¹² on imprisonment processes in a total institution, we should give consideration to victimisation, not by prison employees or the institution, but by the prisoners themselves.¹³ In many jails around the world, particularly the most overcrowded and the most understaffed, prisoners with more power, experience, strength or money victimise other prisoners, who have no opportunity to protect themselves. In many prisons, there are prisoners who act as domestic servants and even as sex slaves,¹⁴ scapegoats for other people’s wrongdoing,¹⁵ tradable commodities in jail,¹⁶ etc. These prisoners are the most marginalised of the marginalised, the most victimised in an atmosphere of victimisation.¹⁷

Apart from these three types of victimisation, during my pastoral work I have seen the following victimising situations in some jails, particularly in Latin America:

- Overcrowding and lack of suitable triage of prisoners
- Poor hygiene and sanitation systems
- Unreliable and insufficient medical care
- Strong feelings of ‘prisonisation’
- Arbitrary application of institutional rules
- Learning or reinforcement of criminal behaviour

- Deterioration or break down of family ties
- Poor or unbalanced diets
- Insufficient psychological staff and treatment
- Insufficient alternatives for education and job training
- Slowness in trying the accused
- Social stigmatisation of prisoners and their families
- Indifference to the damage caused by long sentences, which is not addressed or mitigated by the penitentiary or any other government agency

Apart from these victimising situations which affect all prisoners in jails, there are certain situations or particular groups that are the victims of special discrimination by the judicial authorities and penal institutions. Certain sectors of society which are the most likely to fall into the hands of justice and prisons can be singled out.

Criminalisation of certain economic sectors

As is known, the poorest sectors of society are most likely to fill the jails. As a graffiti in a cell in a Spanish jail says, “In this Godless place where sadness reigns, not crime but poverty is the root of our pains”.¹⁸ In the last report on prisons issued by the Holy See on the occasion of the Jubilee (9 July 2000), based on a questionnaire administered around the world, the Vatican asks, with subtlety and irony, rather than ingenuousness “Why are the poor the ones in jail?” To explain, we can call on the valuable contribution of critical criminology or the so-called labelling approach, which I cannot describe in detail here for reasons of space, but which is conducting very illuminating research on these criminalisation processes.

The criminalisation of ethnic, religious or national groups

In many places people are criminalised on account of ethnic or religious traits, by linking them to delinquency. It is enough to compare the percentages of Blacks and Latinos in American jails, which bear no relation to their percentage of the population. The constant searches and interrogations of Colombians at airports and immigration offices because it is ‘presumed’ that they may be involved in drug trafficking is another example, as is the

criminalisation of immigrants in Europe, such as the Moroccans and Gypsies in Spain, Algerians in France, Turks in Germany, Albanians and North Africans in Italy, etc. These groups are immediately suspected of crimes, simply on account of the colour of their skin, their ethnic traits, their passports etc.

Criminalisation of drug addicts

Although the relationship between drugs and delinquency is quite complex, ¹⁹ mention should be made of criminal sanctions against drug users who are poor. A well-off addict goes to a private clinic for treatment, while a poor one goes to jail. The so called ‘drug delinquents’ (those who steal to get drugs) are doubly criminalised since, first of all, they should not be sent to jail but to a treatment or rehabilitation centre and second, because they do not kick the habit in jail and can even resort to prostitution to obtain the drugs to which they are addicted which, paradoxically, brought them to jail in the first place.

Criminalisation of certain political groups accused of terrorism

Without wishing in the least to advocate terrorism, I refer here to political groups tagged by the State as terrorists but which are not. In countries where the scourge of terrorism exists, it is very common for governments to take extreme measures of doubtful legality, introducing an ‘emergency criminal policy’ to put an end to this evil. As an example, the existence of faceless tribunals and military courts during the worst period of terrorism in Peru (in the early 1990’s) and summary trials and condemnations without convincing proof.²⁰ Another policy used is to transfer prisoners to maximum security institutions, hundreds of kilometres away from their homes in sub human climatic conditions (for example the Yanamayo prison at an altitude of 3,800 metres and the Challapalca prison at 4,400) which leads to unnecessary social uprooting.

SOME PASTORAL CHALLENGES FOR PRISON WORK

Turning from my discussion of the three types of victimisation, I would like to present just three pastoral challenges which, in my opinion, should form part of chaplaincy work in prisons. They are not the only ones, but rather a small sample or general indication of what chaplains must contextualise and prioritise in prison.

Social problems

“ There is a divorce between society’s view of prisoners and the view held in general by pastoral agents and prison chaplains’

Much of society is only interested in its own security and does not look beyond its right to live in a society that is safe and free from all dangers. This social demand, which is absolutely legitimate, leads to a ‘functional’ view of delinquency and prisoners. In other words, society is not interested in the person but only in his anti-social actions. Society’s only interest is that prisoners do not re-offend and do not threaten their personal security or property. If to achieve this objective, governments have to lock people up, sentence them to life imprisonment, torture them or apply the death penalty, this is secondary. The main thing is to keep them from re-offending.

In prison pastoral work, on the contrary, we do not look at crimes, files, sentences or accusations, but fundamentally at people. This ‘existential’ vision of prisoners leads us to learn about their emotional needs, their economic needs, their anguish, which allows us to see the other side of delinquency. This perspective allows us to take a more human view of prisoners but often it is a biased and selective one, in which we try to understand, if not justify, the injury caused by prisoners.

While society sees prisoners only as the perpetrators of crimes (and not as victims of tertiary victimisation), prison pastoral workers only see them as victims (and not as the perpetrators of primary victimisation). This divorce between the view of society and the pastoral view means that chaplaincy work in prisons is not understood, even by prison employees.

Ecclesiastical problems

“Prison pastoral work is one of the areas most forgotten, most neglected, least understood and with the least support from the Church”.

Just as our pastoral work is often not understood by society, the Church itself generally does not provide the support and encouragement that it deserves. Prison pastoral work is widely known as the ‘Cinderella’ of pastoral missions and is viewed as a fruitless

investment since no positive or effective results are expected from it. Many bishops accept prison pastoral work as a testimonial work of the Church in prisons, but they do not give it the real weight that such a special and difficult mission merits. This lack of attention is mirrored in the scant number of chaplains and the very small number of half-way houses or rehabilitation centres for prisoners operated by the Church, in comparison with the number of orphanages and shelters it maintains.

In short, socially and ecclesiastically our mission is not, from any standpoint, a priority pastoral work, nor does it enjoy prestige. Even within the social pastoral mission, people prefer to work with street children, the elderly, immigrants (for whom considerable support and assistance, even from governments, is available), than with prisoners, since it is a labour that is virtually lost.

Pastoral problems

“ We rely more on the good intentions of our chaplains and pastoral agents than on real and comprehensive knowledge of delinquency and incarceration.”²¹

Our knowledge about prisons is very limited and often we only see a very small part of the realities of delinquency and incarceration, without realising that penitentiary work calls for an inter-disciplinary view of the problem and all-encompassing pastoral work. Very few theological works have been written on prison pastoral work, although there is a vast amount of field work waiting to be organised and shared. However, our work is done in a special social context - namely delinquency - and in a predetermined legal and institutional framework - the judicial branch and the penitentiary system. We often do not understand these contexts which means that sometimes our work is not very fruitful. We also work with people who have very different characteristics and personalities, which calls for a deep understanding of the human condition.

Faced with these three problems - social, ecclesiastical and pastoral - what can we do? How can we approach the subject of victims and the different processes of victimisation in this context? Each of us must find his or her own answers to these questions within the particular context of prison work.

Social challenges

First, we must try to overcome the divorce between society's view and our own view of prisoners. We must gain a better understanding of the legitimate demands of society for security and we must make society aware that there can be no citizen security without true social rehabilitation of prisoners.

This opposition between the interests and rights of prisoners and the interests and rights of society and victims is nothing new. In 1985, Prins, at the Penitentiary Congress in Paris, said the following with heavy irony: "The guilty man, lodged, fed, heated, lit, kept at the government's expense in a model cell, leaving it with a sum of money he has legitimately earned, has paid his debt to society....but the victim has his consolation too, knowing that the taxes he pays to the government have contributed to the paternal care of the criminal during his time in prison".²² Even a century before that, Jeremy Bentham, the creator of the famous Panoptic System (which has had so much influence on jails the world over in the last two centuries) affirmed along the same line that in jails, one should not "... offer delinquents a better situation than they enjoyed when they were in a state of innocence, since that would be a temptation for weak and luckless men or, at least, it would not have the nature of punishment that should deter a person tempted to commit a crime".²³

On the other hand, in our pastoral work we seem to have forgotten the direct and indirect primary victims of crimes. We only see the victimisation of prisoners and do not see the victimisation that they committed earlier and we do not bring this topic up with them.²⁴ In other words, we have paid attention to Cain but we have completely ignored Abel. We have focused on the committers of crimes and forgotten their victims. As Father Antonio Beristain puts it, when referring to penitentiaries in the European Union: "Up to now, we have been single-mindedly concerned with the followers of Cain and have paid little or no heed to the offspring of Abel".²⁵

Furthermore, the victim is not just excluded from protagonism in criminal proceedings but is also excluded from the conscience of criminals. Prisoners often believe that they have paid society for their crimes with the years they have spent in prison, but they never worry about paying their debt to the direct victims of their actions.

Therefore, in today's criminal justice system, there is double discrimination against victims - first by the judiciary and then by the authors of the crime against them.²⁶

Our pastoral work cannot brush aside these realities and we must do something to alleviate and compensate in some way for the pain and suffering of all victims, since human rights are not limited to prisoners but apply to their victims as well. If pastoral agents and prison chaplains take on this challenge of understanding and weighing all the processes of victimisation and work on behalf of all victims (not just 'legal' victims)²⁷, society would gain a better understanding of prison realities and of our pastoral work.

The processes of victimisation are circular rather than linear. Often today's delinquents were yesterday's victims and it should come as no surprise that the victimisers we see in jails were previously victimised. Society needs to understand that it bears some of the blame for the appearance and rise of delinquency and that the existence of 'delinquent subcultures' and antisocial individuals calls social policies constantly into doubt. Most of the people in our prisons have previously suffered social marginalisation of some kind and even social victimisation. Therefore it is no exaggeration to state that in this circular view of victimisation, many of the delinquents in our jails come from victimising social and family situations, for which the whole of society bears shared responsibility.

Although it may seem obvious, society needs to realise that prisoners are 'people', not animals or things and that despite their failings, they have not lost their humanity. Society must understand that prisoners have been sentenced to imprisonment but not to the collateral punishments that often accompany their incarceration, for themselves and their families. As Aurelia María Romera says:

We should remember that prisoners, although they have committed crimes, continue to have the status of human beings and therefore they retain all the basic rights that have not been affected by the court's ruling.²⁸

Ecclesiastical challenges

As mentioned, not only is there a lack of knowledge, understanding and appreciation of penitentiary work by society, but we often do not

receive the support that our mission needs and deserves from our own religious community. We must make the same demand for shared responsibility on the Church as we make on society. Imprisonment is the end of a whole process and not the beginning and therefore we should ask where the Church was, when a person in jail can get the emotional support and appreciation that he could not get from his family or his society.

What should prevail in this pastoral work is not 'effectiveness' or social recognition', but the fact that prisoners have greater human and pastoral needs. The preference shown to the poor is not because poverty is good but because generally speaking, the poor have the greatest need. Jesus himself tells us that it is the sick who need a doctor, not the healthy. We should also remember that the only person who converted to Jesus when he had failed as a human being and all his friends had abandoned and rejected him was precisely a criminal condemned to death, Dismas, wrongly called 'the good thief' in Christian tradition. We sometimes forget that Jesus was a delinquent in his time, that he was held prisoner and tried and that, according to the laws of his day, he was 'justly' condemned to death.

In short, we should work to ensure that our Church realised that prison pastoral work should be a priority, not on account of the results or the number of prisoners (which is not large in comparison with other groups that also need the Church's help²⁹) but because of the greater need of our fellow prisoners and the difficulty of our pastoral mission itself.

Pastoral challenges

In my opinion, the greatest challenge for our work in prisons is not to bring preconceived ideas to our mission. Although the prisoners have committed a crime and are serving a sentence, they are not mentally incapacitated or children, but have their own voice, their own vision of things and often their own criminal subculture. Before talking to them, we should listen to them, as Jesus himself did with the disciples at Emmaus, "And it came to pass, that, while they communed together and reasoned, Jesus himself drew near, and went with them" (Luke 24:15). This 'drawing near them' and 'walking with them' as Jesus did is absolutely necessary to know, share and work with inmates. But we must not 'draw near' and 'go with them' as strangers

or superiors but rather as the author of the Letter to the Hebrews said “as if you were their fellow prisoners with them” (Hb 13:3). This empathy with prisoners - simultaneously victims and criminals - is the fundamental and principal attitude we must take in our pastoral work.

We must also understand that life in jail is very complex and diverse (individually, sociologically and culturally) which means that we should not make reductionist generalisations about that reality. Our pastoral work must be differentiated and not the same for everyone, since penitentiary and human realities in jail are also differentiated.

There are no general recipes for our work, since the situation in each jail and with each prisoner is very different.

Ideally, the pastoral team should include people who are knowledgeable about different issues, particularly criminology (viewed as an inter-disciplinary science) to be able to better understand (and serve) judicial, criminal and penitentiary realities. If not, we run the risk of doing superficial, insensitive and undifferentiated work. Part of this learning process necessarily involves learning from the prisoners themselves, not just about the world of delinquency and jail but, above all, about human beings and God himself.

References

1. Peruvian theologian and sociologist. Director of the Social Pastoral Mission of the Dioceses of Chosica (Lima-hst) . E-mail pasochosica@visualnet.com.pe.
2. Father Antonio Beristain, Director of the Basque Institute of Criminology, claims that we cannot speak of a ‘victim’ in the singular since the injury done by the author of the crime is never limited to a single person, but directly or indirectly affects that person’s family and social context. Beristain prefers to use the plural ‘victims’ to indicate that the process of victimisation always affects more than one person and that studies should make a comprehensive examination of the injury caused.
3. Garcia-Pablos de Molina, Antonio. *Criminologia. Una introduccion a sus fundamentos teoricos para juristas*. Valencia, Tirant lo Blanch Publishers, 1996, page 38.
4. It is true that the European Penitentiary Congresses at the end of the 19th century (London 1872, Stockholm 1878, Rome 1885, Saint Petersburg 1890, etc) there was already talk about the need for compensation for victims. But it was not until the end of the 20th century that a strong international movement arose for victim redress. The early International Symposia on Victimology (Israel 1973, United States 1976, German 1979, Japan 1982, Israel 1988, the Netherlands 1997, etc.) were important milestones in this movement, as was the establishment of the World Society of Victimology in Munster, Germany in 1979.
5. Neuman, Elias. *Victimologia*. Buenos Aires, Universidad Publishers, 1984, p.24.
6. There is a heated discussion between those who claim that it was not Mendelshon but Von Henting who first used the term ‘victimology; others even affirm that it was the American psychiatrist F. Wertham who coined it in his book *The Show of Violence* (New York, 1949). But Elias Neuman rises to the defence

- of the Israeli, affirming that prior to the appearance of Von Henting's book, Mendelshon had already used the term in a 1946 study (*New Bio-psychosocial Horizons: Victimology*) and in a conference given at the Coltzea State Hospital in Bucharest in 1948. On this point see Neuman, Elias, *op.cit.*, pages 27 and ff.
7. Gulota, Guglielmo and Mauro Raboni. "La Vittima" in *Tratato di psicologia giudiziaria nel sistema penale*. Milan 1987, page 304.
 8. See Beristain, Antonio. "El nuevo Código penal desde la Victimología" in *Victimología: nueve palabras clave*. Valencia, tirant lo Blanch Publishers, 2000, pp. 455-504.
 9. Foucault, Michel. *Vigilar y Casitgar. Nacimiento de la Prison*. Madrid, Siglo XXI Publishers, 1981(1975), p. 21.
 10. Mention should be made of the case of innocent prisoners who were unjustly convicted and whose innocence is proven after they have served time in prison, sometimes a number of years. In these extreme cases, the 'innocent prisoner' has suffered all three types of victimisation together, but with the aggravating factor that the chief perpetrator has been the State and the entire judicial apparatus.
 11. Clemmer, Donald. *The Prison Community*. New York, Holt, Rinehart and Winston 1940.
 12. Goffman, Erving. *Asylums. Essays on the Social Situation of Mental Patients and other Inmates*. New York, Doubleday Company, 1961.
 13. I have been studying daily life in jails and the phenomenon of information organisation inside prisons for a number of years now. For more information on this topic, consult: Pérez Guadalupe, José Luis. *Faites y Atorantes. Una etnografía del penal de Lurigancho*. Lima, FTPCL, 1994. *De Flaites a Cocodrilas. El cambio generacional de la delincuencia Chilena*. M.A. Thesis in Social Sciences, Santiago de Chile, ILADES, 1995. *La Construcción Social de la realidad Carcelaria. La organización informal en 5 cárceles latinoamericanas (Peru, Chile, Argentina, Brasil y Bolivial)*, Lima, Fondo Editorial de la Pontificia Universidad Católica del Peru, 2000.
 14. In the largest jail in Chile, the Ex-Penitenciaría in Santiago, the figure of 'Perkins' - a prisoner who is the servant of another prisoner or a group of prisoners - is very common. It is also common to find 'horses' who are raped continuously and are at the service of other prisoners, who may even decide who is allowed to abuse them sexually.
 15. In the Lurigancho prison in Peru, there are the famous 'donkeys' (so-called because they carry everyone's load) who are prisoners sentenced to very long sentences and who, as a result of intimidation or in return for money or drugs, confess to all the offences that are committed in jail.
 16. In July of this year, Fides, an agency of the holy See, reported that a minor in the Malawi jail could be 'bought' for a night for 30 cents. The most serious part is that the guards themselves, in collusion with older prisoners, directed this prostitution business.
 17. It goes without saying that seemingly everywhere in the world prisoners sentenced for rape lose their rights as human beings and can be mistreated and assaulted with the approval of the rest of the prison population and even of the officials.
 18. Quoted in Sesma, José et al. *La fábrica del llanto. Cárceles y sociedad democrática*. Barcelona, Cristianisme I Justicia Publishers, 1992, page 10.
 19. See Pérez Guadalupe, José Luis. *Nuevas drogas, nuevos delincuentes. La pasta básica de cocaína y la nueva delincuencia Chilena*. Master's Thesis in Criminology, San Sebastian, Universidad del Pais Vasco, Spain 1998.
 20. In recent years, an ad hoc commission had to be established in Peru, chaired by Father Hubert Lanssier, to review terrorism trials over the last decade, which found many violations of procedures. To date, over 500 people have been pardoned, many of them sentenced to 30 years and even to life imprisonment; the cases of an additional 1,500 inmates who were unjustly imprisoned and awaiting sentencing were expedited.
 21. There is an additional problem in some countries, which is the dependency of chaplains on the prison institution if they are its formal employees. Problems arise when both prisoners and guards have the same chaplain. In prisons with 'sociocultural delinquency' and seasoned inmates there is generally open rivalry between prisoners and guards, which means that inmates distrust anyone in contact with the guards, including the chaplain. On the other hand, even if there were chaplains only for inmates, if they

depend on the prison for employment, it is very difficult for them to act as prisoner advocates and criticise aspects of the institution that has hired them. This potential conflict is very well described in the book *Pena de muerte* by Sister Helen Prejean (Barcelona: Editions B, 1996), that was later made into a film. When the official chaplain of the jail is unwilling to co-operate with the sister she replies "You receive your pay from these people, you work for these people and you agree with the death penalty. I do not need your help" (page 169) and later she adds "It's hard to oppose an organisation's policy when you're on its payroll" (page 295).

22. This text was cited by Gerardo Landrove Diaz in his book *Las consecuencias jurídicas del delito*. Madrid 1988.
23. Bentham, Jeremy. *The Panoptic*. Collection "Genealogía del poder" directed by Julia Varela and Fernando Alvarez-Uria. Madrid, La Piqueta Publishers, 1979, page 47.
24. Sister Ana Marzolo, Chaplain of the Lurigancho prison, is doing interesting work. This nun belonging to the Marist Order, with over 25 years of experience in this field, conducts well-attended therapeutic workshops based on the book by Robin Casarjian *Houses of Healing: A Prisoner's Guide to inner Power and Freedom*, Boston, The Lionheart Foundation, 1995. At those workshops, in addition to other subjects, an in-depth analysis is made of the victimisation that the prisoners have caused their victims. On many occasions, direct victims of crime have visited the prison to share their feelings and anguish with the prisoners.
25. Beristain, Antonio. *Protagonismo de las victimas en la ejecución penal (Hacia un sistema penitenciario europeo)*. Revista de Actualidad Penal, Number 32, September 2000.
26. We should also be asking whether in our own Church we have also forgotten and discriminated against victims by not offering them the assistance and priority they are entitled to.
27. As Antonio Beristain notes: "Some theoreticians who comment on and study the problems and horizons of victimology today, continue to adhere to the traditional criminal justice system, since they limit the concept of victim to crime victims (and those injured by the crime) ...and ignore the right of victims to play a larger role in police investigations, in trials and in the execution of punishments and security measures. Logically, all crime victims are victims but not all victims are crime victims". Op.cit., 2000, page 4.
28. Romera Coloma, Aurelia Maria. *La victima frente al sistema jurídico-penal. Análisis y valoración*. Barcelona, Serlipost Publishers, 1994, page 121.
29. Some years ago, I wrote that in most Western countries, the average number of prisoners to total population was between 1,000 and 1,500 per million. Logically these figures are only approximate and will depend on the type of penal and criminal policy applied in each country. For example, in Peru, with a population of 25 million, we have 28,000 prisoners while our neighbour Chile, with a population of 15 million has over 34,000. The figure is far out of line with the average in countries like Russia, China or the United States, which has almost 2 million prisoners out of a population of 280 million.

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