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THE PUNITIVE STATE: THE MAKING OF JUVENILE DELINQUENTS IN PORTUGAL

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Abstract

In what appears to be the staging of a Foucauldian drama on crime and punishment, the police, judiciary and penal system in Portugal work, albeit unintentionally, hand in hand in the production of juvenile delinquents. Young sub-citizens from the socio-economic periphery are penalized as much for their state of marginality as for their deeds, transforming petty crooks into habitual offenders, doomed to spend their youth behind bars. Based on ethnographic fieldwork in criminal courts and prisons in the Lisbon metropolitan area, the article discusses the role of law enforcement, the judiciary and prisons in the forging of criminal identities. It is argued that Portugal's punitive approach to criminal justice, despite its low crime rates, is rooted primarily in the history of its institutions and the criminologies of their agents, preserving class boundaries in a persistently unequal society.

Keywords

crime, justice, police, police violence, Portugal, prison, punishment, violence, youth, youth justice

Introduction

Portugal's recent history is marked by its accession to the European Economic Community in 1986. The country's economy grew substantially over the following decade, with a per capita Gross Domestic Product growth rate almost twice that of the European core economies (Lains, 2003: 373). However, the overall increase in income was accompanied by a sharp rise in inequality of household incomes and labour returns (Alvaredo, 2009; Cardoso, 1998). Between 1989 and 2009, the real household income of the top 5% grew more than twice as fast as that of

the bottom 5%. In 1985, the top 1%, the top 0.1% and the top 0.01% received respectively 5 times, 9 times and 15 times more than they would have if wages had been equally distributed. By 2005, their share had risen to 7, 15 and 37 times the proportional value.¹ A slight decrease in inequality at the turn of the century was halted when the global financial crisis hit Portugal in 2008. From today's perspective, it is clear that the country's economic growth has mainly benefited the upper classes, whereas the living conditions of the low-income population have remained largely unchanged.

While Portugal brings up the rear in economic statistics, it tops the European rankings in public safety. In 2019–2021, its homicide rate (the most reliable indicator of violent crime, as deaths in Europe rarely go unrecorded) was slightly lower than that of Germany and Denmark, and nearly a third lower than that of France.² Portugal's capital, Lisbon, is more than twice as safe as Copenhagen, more than three times as safe as Berlin, and more than nine times as safe as Paris, according to the same indicator.³ Looking at the flip side of victim statistics, however, the picture is reversed again. Countries with low crime rates also tend to have low imprisonment rates, and vice versa. Germany and Denmark, for example, have incarceration rates well below the European median (by 26% and 27%), and France's higher incarceration rate (close to the median) corresponds to its higher crime rate. The three most violent European countries in 2020 (the Russian Federation, Lithuania and Latvia) are all at the top of imprisonment rankings, with rates that are 243%, 108% and 78% above the median.⁴

The common-sense rule that less violent crime means fewer people in prison does not apply to Portugal. Despite its low crime rate, it boasts a high imprisonment rate, which is 58% and 60% above those of Germany and Denmark respectively. A closer look at the data reveals two striking features of the Portuguese prison population: a high proportion of young citizens held in adult prisons, and a very long average length of imprisonment. In 2022, the imprisonment rate for young people (aged less than 30 years) was 182% that of Germany, and the average length of imprisonment in Portugal was higher than anywhere else in Europe: it was almost three times longer than in France, six times longer than in Denmark and seven times longer than in Germany.⁵

Prison statistics, while difficult to compare directly for several reasons, thus suggest a more punitive approach of the Portuguese criminal justice system. However, the underlying causes and mechanisms at work remain elusive. In what follows, I will attempt to shed light on these by anatomizing Portuguese criminal justice from a bottom-up ethnographic perspective, building on the narratives and criminal records of young offenders. The findings presented here are based, first, on fieldwork that was conducted over three months in the Criminal District Court of Amadora and the Criminal District Court and Central Criminal Court of Sintra (both near

Lisbon, Portugal). Of the large number of trials observed, the complete case records (police and court files) were analysed in 19 of the criminal proceedings, including the entire case history from the beginning of the police investigation.

Second, participant observation fieldwork was carried out for five months over the course of three years in two adult prisons with a young inmate population in the Lisbon metropolitan area, named after the districts in which they are located (Caxias and Linhó). While in Caxias Prison I was able to move around freely and visit the inmates in their cells, in Linhó Prison my access was more limited, being restricted to certain areas (such as the prison school and the inner and outer courtyards), which nevertheless allowed me to interact and have confidential conversations with a significant part of the inmate community. With 28 of the inmates with whom I was able to establish a good rapport, I conducted semi-structured, recorded interviews, focusing on their 'careers' as offenders and their interactions with and views of law enforcement, the justice system and prison. Some of the findings presented here are also informed by an earlier study in a juvenile prison (see Zoettl, 2017a; 2017b; 2018).

The case files and narratives of Lisbon's accused and convicted suggest that the three main institutions responsible for dealing with crime (police, judiciary and prisons) fuel rather than curb the criminal careers of young offenders. To understand how this happens, this article examines the workings of the criminal justice system in relation to its main clientele: young people from the socio-economic periphery. First, it considers how police targeting of deprived neighbourhoods leads to the preferential referral of members of certain communities to the criminal courts, and why this same group of citizens finds itself in a particularly vulnerable position before the judge.

Second, I look at how organizational issues of criminal justice and a particularly punitive stance towards property offences result in very long custodial sentences for non-violent crimes, so that even youths who had stabilized their lives (e.g. by taking up employment) end up behind bars. Third, I show why, despite the harsh conditions of incarceration, most of them quickly become accustomed to their prolonged confinement, and how their habituation to the prison system, together with the lack of vocational training and the revolt generated by the conditions of detention, leads the young people to resign themselves to a delinquent life. Finally, in the last section, I attempt to explain why the punitive attitudes of the police, the judiciary and the prison system have become entrenched, despite Portugal's low and falling crime rates, by examining the ways in which they are intertwined with the internal dynamics and history of these institutions.

Policing delinquents

As has been observed, policing in Portugal is highly selective (Cunha, 2002; Durão, 2010), targeting mainly disreputable neighbourhoods in the urban periphery with high proportions of low-income and/or ethnic minority residents. Portugal's Public Order Police (PSP), the force which is responsible for policing cities, classifies urban spaces according to their 'degree of dangerousness' into low-risk 'green zones', medium-risk 'yellow zones' and high-risk 'red zones' (Coelho, 2012: 8).⁶ Each neighbourhood is assigned a numerical score, based on its architecture, its history of 'public disorder' and 'aggressions against the PSP', its level of 'immanent criminality' and, with a triple weighting, the characteristics of its population (Machado, 2010: 44; Coelho, 2012: xiii).

The latter is determined by its population density, its 'ethno-social composition' and the prevalence of 'residents with criminal records' (Coelho, 2012: 44). The higher the risk score, the more police attention a neighbourhood is bound to receive: urban areas considered 'sensitive' by the PSP are meant to be 'a focus of special attention [...] because of the potential for disorder and violence they represent' (Machado, 2010: 35). In red zones 'the presence of the police should be as permanent as possible' and during the day patrol cars should 'pass through the localities intermittently, so that the population gets used to their presence' (Coelho, 2012: 21-22). The Portuguese model of policing thus emulates in its spirit the 'spatial turn' in law enforcement in the US and elsewhere (Comaroff and Comaroff, 2016: 41).

The PSP's 'proactive' approach is part of its institutional strategy (Machado, 2010: 57) and in practice largely targets young residents from economically deprived neighbourhoods. From a police perspective, these areas are conceptualized as 'places of immanent criminality' that 'house young delinquents' and from which 'delinquents and crime' are 'exported' to other metropolitan areas (Machado, 2010: 30, 58-59). From the point of view of my interlocutors in Lisbon's prisons, however, the incessant intervention of the police in their daily routines keeps them trapped in a life-world on the fringes of the law, where they are criminalized not only for what they do, but also for their place of residence, their habits and their appearance. The mere fact of being in the 'wrong' place (their neighbourhood) at the 'wrong' time (when the police happen to be passing by) may trigger questioning, body searches, temporary detention or even worse:

I have to get out of this neighbourhood [where I come from]. If I don't ... sooner or later, it will happen that I'll be out shopping with my family and they'll ask me for my ID. They like to do that. It has happened to me that I went to the ATM with my grandmother and they put me against the wall, because they thought I was going to rob the old lady. (Bruno)

They kept beating me, beating me. [Then] the victim came. 'So it was him?' 'Ah, no, no. I don't know him, it wasn't him.' They let go of me. They let me go. Saying, 'Ah, you got away scot-free today. You've been lucky again.' (Afonso)

In the youths' narratives, it is often simply their age, the way they dress and the company of similar-looking youths that causes them to be stopped and frisked:

It's enough to be young, wear a tracksuit or simply dress differently. There and then you're a potential criminal. *But most young people there wear tracksuits, don't they?* Here we have it, that's why things go badly for all of them. (Bruno)

The police's routine of frisking residents of 'red' neighbourhoods or youths who appear out of place in 'green' neighbourhoods, reflects the PSP's self-imposed ethos of making the 'necessary distinction between assiduous and dependable people, and those others who [...] disturb order and normality' (Machado, 2010: 32). It points to what has been characterized in other regional contexts as 'patrol[ing] the boundaries of citizenship' (Waddington, 1999: 41) or 'defend[ing] the line between citizen and anticitizen' (Comaroff and Comaroff, 2016: 115).

By establishing the social boundaries between 'assiduous' citizens and those deemed to be disruptive to order, the PSP not only reminds 'those on the receiving end of their effective non-citizenship' (Waddington, 1999: 55), but also engages in the 'construction of threatening and "evil" subjectivities' (Mavelli, 2016: 124). As Durão notes in her detailed ethnography of the PSP, the so-called *mitras* (dregs) constitute 'the central figure of the police universe'. Many officers, Durão writes, 'assume that the main part of their work is to go around "hunting for dregs" or, in ethnic neighbourhoods, "hunting for niggers"' (2006: 238, 242). However, the PSP's selective approach to policing is not only the product of a particular categorization of space and social identities, but also of administrative pressure to produce statistically countable 'results' (Durão, 2010: 149).

The quest for quantifiable outcomes, combined with the self-fulfilling prophecy that these are easier to achieve in certain neighbourhoods than in others, marks out what are known in Portuguese police jargon as 'referenced' spaces and people, that is, areas of the city and certain segments of the population that are under general suspicion. Those who have come into contact with the criminal justice system at some point in their lives experience being 'referenced' as a brand that seems to stick to the body, directed not at 'the perpetrator of an act defined by law, but at the delinquent subject himself' (Foucault, 1979: 100). When they return to their neighbourhoods after their release from prison, they are certain to receive the same special attention from the police as before:

I was already referenced by the PSP. I still am a bit today. When I was on furlough and [police] cars drove by, some of them stopped, 'What are you doing here? Are you out already?' I replied: 'No, here it is, look at the permit, five days [furlough].' It had already happened the other time. (Afonso)

When you get out of prison, the police are always after you. You don't realize it, but they're always after you. When I was in prison and got out in 2010, the police were always after me. I used to go to Cova da Moura [near

Lisbon], they took photos of me, and later, when I went to the police station one day, they showed me all my photos. (Duarte)

For the ‘referenced’ youth from the ‘referenced’ periphery, a change of residence is often seen as the only way to escape the ‘karma’ (Bruno) of being conceptualized as a lawbreaker. A number of inmates voiced their desire to move elsewhere or, in the case of immigrants, to return to their country of origin after their release. ‘It is not about changing your life. It’s about getting out of Cacém [near Lisbon] for a while. So that the police are not always after you’ (Duarte). Although some of them, like Cristiano, resisted their spatial labelling (‘Just because I was born there [a social housing estate near Lisbon] doesn’t mean I am like that’), for most, being treated – and often mistreated, through recurrent police violence (see Zoetl, 2017b) – as a perpetual criminal generated a fair amount of resentment that ultimately entrenched any pre-existing tendency towards a deviant life course.

Judging delinquents

Modern power, according to Foucault, is a machinery ‘that no one owns’ (Foucault, 1980: 156). Though it is intentional in the sense that it pursues specific goals, it is not guided by ‘some directing hidden hand’, but is the result of the practices of multiple, uncoordinated agencies (Hunt and Wickham, 1994: 28). Power, Foucault (1980: 93) argues, is exercised through the production of ‘truth’, that is, dominant social discourses that establish and consolidate power relations. The law, and the Penal Code in particular, are manifestations of such discourses, and the passing of a sentence is an act of producing what Foucault calls ‘penal truth’ (1979: 38; 1980: 93). The courts not only decide on the validity of an accusation, but also establish, through the administration of justice, their opinion as a legal – and, by implication, social – ‘truth’.

A judicial judgment is thus both revelation and pronouncement of what is right (or wrong): ‘Not only do the procedures of law [...] provide authorised means by which the truth is discovered, but once enunciated law provides the guarantee of this truth’ (Hunt and Wickham, 1994: 41). The criminal court is the discursive intermediary that ‘justly’ commits the suspect brought in by the police to the prison system: it transforms the accused into a criminal by means of a verdict that is based on its authority to term a citizen’s behaviour a criminal offence. As Bourdieu puts it, the law ‘is the quintessential form of the symbolic power of naming that creates the things named, and creates social groups in particular’ (1987: 838).

In her work on a women’s prison, Cunha shows how ‘certain collectivizing mechanisms’ of law enforcement in Portugal are set in motion as a result of both of ‘the judicial treatment of the accused and the proactive focus of the police’ (2002: 26). Charges of drug dealing – part of the

informal economy of many low-income, suburban neighbourhoods – are particularly susceptible to these mechanisms, and still account for almost a fifth of all prison sentences in Portugal (DGRSP, 2022: Quadro 09). As Cunha notes, when police searches lead to the seizure of drugs in a house, its backyard or on its doorstep, frequently ‘all those present – and sometimes even the residents who were not present at the time – are arrested together and subsequently remanded in custody’, and may be sentenced to imprisonment, regardless of actual or proven possession of drugs (2002: 97-107).

The stories of the male prisoners from Lisbon show that the same groups of citizens who are most likely to be brought before the judge by the police find it particularly difficult to escape the clutches of the criminal justice system. The vast majority of suspects from ‘problematic’ neighbourhoods are represented by court-appointed lawyers, at both the investigation and trial stages. With some notable exceptions, the quality of their representation is of a very low standard, with public defenders regularly displaying complete indifference towards their clients. In many of the cases I witnessed, the only intervention by the defence lawyers was to deliver a closing argument consisting of a single sentence: ‘Let justice be done’ (see Zoettl, 2016a). In some hearings, the court-appointed lawyer did not even turn up or left before the end of the proceedings and was replaced by another without further ado.

Several inmates reported similar experiences: Eduardo, for example, recalled that his defence lawyer ‘didn’t even speak, didn’t even look me in the face’. In the eyes of my interlocutors, court-appointed lawyers often seemed to represent the other side rather than their clients: ‘The lawyer wasn’t much help either. These lawyers, they look like they’re cops’ (Francisco). However, regardless of the quality of the defence, it is often the organizational shortcomings of the criminal justice system itself that lead to harsh sentences, even for first-time prisoners: because of the frequently year-long delay between the time a crime is committed and the start of the trial, defendants regularly accumulate a large number of charges for lesser offences which, when tried together, may result in very long prison terms.

Guilherme, for example, began committing thefts and burglaries at the age of 22. He received his first effective prison sentence when he was 26. While he was already behind bars, other property offences in which he was involved were gradually brought to court, increasing the initial sentence of 7 years to a final concurrent sentence of 17 years. The most serious offence included in the final sentence – which the Portuguese Penal Code defines as the lower limit of the concurrent sentence – was an aggravated theft for which he was sentenced to 4 years and 3 months. Despite being a first-time prisoner, he was thus punished for a handful of non-violent property crimes with a sentence that exceeded by one year the Portuguese maximum sentence for second degree murder.

The idea of individual deterrence (to discourage offenders from committing future crimes) obviously misses its mark if successive sanctions relate to offences committed before the first sanction could have any effect. This is particularly the case for young offenders. To take another example, Afonso was first imprisoned at the age of 17 for a series of robberies committed over a two-year period. While the most serious individual offence was assessed at 3 years, his final sentence was 11 years in prison. When I met him, Afonso was 26: ‘I spent my whole youth here’, he reflected. ‘I should not have been given so much [...]. I was a child [...]. I didn’t even have a beard on my face [then].’

Like most of his juvenile peers, he was denied the statutory reduction in sentence for 16–17-year-old offenders,⁷ on the grounds of the ‘requirements of general prevention’ and the ‘social disquiet and insecurity caused by this type of crime’ (reasons for judgment). Afonso was heavily addicted to drugs at the time he committed the judged offences. He began smoking cocaine at the age of 12, shortly after learning that he had been abandoned by his parents at birth and given to his grandmother: ‘That gave me a shock of reality, and I started doing a lot of crap.’ Before he was imprisoned, he spent up to €500 a day on drugs. ‘I hardly ate anything’, he recalled. ‘I was just smoking this stuff [...]. I was a skeleton. I was really skinny then.’ His drug addiction was mentioned in court, but did not result in a reduced sentence or the possibility of avoiding prison time by starting withdrawal treatment.

Crimes against property currently account for around a quarter of all prison sentences in Portugal (DGRSP, 2022: Quadro 09). In their opinions, judges regularly portray property crime as a growing threat to Portuguese society that must be met with severe penalties: ‘The requirements of general prevention [in this case] are very high, given the increasing number of theft offences, which creates a sense of vulnerability of property that is of great concern to citizens’ (Kevin’s sentence). Another court opinion states that robberies ‘are mushrooming in our country, and it is therefore urgent to reaffirm before the community the validity of the norm that censures and punishes this degrading behaviour’ (Guilherme’s sentence). In fact, however, the number of thefts and robberies in Portugal has fallen sharply over the last decade. Between 2012 and 2021, the total number of thefts fell by 50% and burglaries in private homes by 67%. Petrol station robberies have fallen by 63%, street robberies (*esticação*) by 75%, bank robberies by 83% and jewellery shop robberies by 93% over the same period (SIS, 2022: 39, anexo 37: 64-65).

Despite this background, not only have prison sentences in Portugal become longer, but, as Cunha notes (2002: 53-54), changes in legislation and court practice have also led to an increase in the time actually served. While the 1982 Penal Code understood parole as part of a ‘policy to combat the criminogenic nature of custodial sentences’ (CP, 1982: introductory note 9), the 1995 reform established a new rationale for punishment, stressing the ‘seriousness of crimes and the

social alarm they cause’ and the need to ‘strengthen the protection of personal legal assets’ (CP, 1995: introductory note 8).

Under the former Penal Code, prisoners could be released on parole after serving half their sentence if they had shown ‘good behaviour’ and the ‘ability to readapt to social life’ (CP, 1982: Art. 61.1). Since the tightening of criminal law in 1995, the courts are required to examine, among other things, ‘the offender’s previous life’, ‘their personality’ and ‘the way it has developed during the period of imprisonment’ in order to determine whether ‘it can be reasonably expected’ that the convict will refrain from committing crimes in the future. Even then, parole can only be granted after at least two thirds of the sentence has been served, if early release is deemed detrimental to ‘the defence of the legal order and social peace’ (CP, 1995: Art. 61). In practice, most offenders are not released on parole until they have served five sixths of their sentence (see also Cunha, 2002: 54).

The punitive changes in the law have been readily endorsed by the judiciary. Many of the sentences handed down to Lisbon’s prisoners reflect what Foucault derides as the courts’ ‘furious desire [...] to judge, assess, diagnose, recognize the normal and abnormal and claim the honour of curing or rehabilitating’ (1979: 304). In the reasons given for judgments, the defendants are reprimanded not only for their crimes, but also for their ‘weak integration [...] into Portuguese society’ (Henrique’s sentence), their ‘lack of critical judgement [...] impulsiveness, low self-esteem’ and their ‘personality that deviates from the norm to a high degree’ (Ivo’s sentence), or their ‘truly criminal propensity’ and ‘mental-emotional weakness [...] that does not seem to indicate a good prognosis’ (João’s sentence).

In addition to the alleged shortcomings of the offenders’ personality, even their state of socio-economic marginalization is sometimes invoked as an argument for a negative prognosis – and thus for an aggravated sentence: ‘The defendants’ motives for their actions – lack of money – cannot be disregarded, as they show that such motives lead to the appropriation of the property of others in order to satisfy one’s own economic needs [...]’ (Kevin’s sentence). In another trial, the prosecutor referred to ‘the risk that in the face of their economic weakness, [the defendants] will continue their criminal activities’. Often, even for non-violent crimes, imprisonment is seen as the only means of deterring further offending: ‘it is considered that only a prison sentence adequately fulfils the objectives of the punishment’ (João’s sentence). Consequently, the courts’ opinions of the Lisbon inmates’ rarely refer to the ‘criminogenic nature’ (CP, 1982) of imprisonment, but rather to its supposed virtues:

If the accused is ‘a better person’ today, it is due to the fact that he was imprisoned, which prevented him from committing crimes and taking drugs. (Lucas’s sentence)

Deprivation of liberty has had an effective impact on the accused, enabling him to change his social attitude and initiate a process of change. (Martim's sentence)

Imprisoning delinquents

The belief in the curative effects of incarceration, combined with spatially selective policing and particularly harsh sentencing of poor people's crimes, has produced a uniform prison population comprised almost exclusively of underclass citizens. Several of the inmates in Caxias and Linhó had never worked in the legal economy. Others had been temporarily employed as construction workers, in a funeral parlour, in agriculture, woodcutting, olive picking and delivering advertising leaflets or pizza, etc. The only socio-economic indicator recorded in Portuguese prison statistics (level of education) discloses the homogeneity of the inmates in this respect: currently, only 14% of prisoners in Portugal have secondary education, compared to 62% of the general population (20–64 years old). While this proportion has remained virtually constant in prisons over the last decade, the proportion of citizens with secondary education in the general population has increased by two thirds over the same period.⁸

However, prisoners in Portugal are not only drawn from the same socio-economic strata of society, but also largely from the very same neighbourhoods in the urban periphery. As a result, even most first-time prisoners reported having met a great many acquaintances from the outside world in the first few days or weeks of their sentence. The number of inmates from disadvantaged neighbourhoods is such that, despite the initial shock of sudden deprivation of liberty, the majority soon come to experience prison as a home from home:

It was the first time [that I was in prison]. Not exactly pleasant. But the very next day I saw that there were people I knew. That made me feel a bit [better] ... I also met a cousin of mine who was imprisoned there, a hairdresser. It wasn't very pleasant, but ... I stood it, I stood it. (Cristiano)

It was a bit complicated. But I got through it. I got through it, thank God. I come from Amadora. And in Amadora, there are a lot of people in prison. What is not lacking in the prison are people from Amadora. [...] That's why, to some extent, I know the people from Amadora who are in prison. If I don't know them personally, we have friends in common. (Nuno)

In the women's prison studied by Cunha, at least half of the convicts had relatives serving sentences in the same prison, and 'the number of relatives [...] incarcerated in this and other prisons at the same time could reach a total of more than ten' (Cunha, 2002: 96). One of my interlocutors from the outskirts of Lisbon (sentenced to 12 years) remarked that a generation of new inmates from his neighbourhood was pouring in over the course of his term: 'Now the people I used to hang out with on the street, they are coming here now. Kids, younger guys, that I used to meet out there. They're all coming here now' (Pedro).

The Portuguese prison system thus replicates the ‘carceral continuum’ of deprived neighbourhoods and penal institutions that Wacquant (2001: 114) observed in the US in the 1980s and 1990s. As in the US, the Portuguese carceral complex has a strong ethno-racial bias. Nationals from Cape Verde (a former Portuguese colony off the coast of West Africa) are currently 15 times over-represented in prison relative to their share of the population (cf. Zoettl, 2016b).⁹ The ethno-racial bias of the prisons goes hand in hand with the socio-cultural marginalization of certain city areas: in Amadora (the Lisbon metropolitan municipality mentioned by Nuno), for example, in the parishes of Falagueira and Reboleira, where the Cape Verdean share of the population is about 12 and 20 times that of the inner-city Lisbon parish of São Sebastião da Pedreira, the general school drop-out rate is also four and six times higher.¹⁰ In the absence of micro-statistical data on prisoners’ place of residence, it is, however, not possible to establish whether the ethno-racial bias of the prison system exceeds, or merely reflects, its socio-economic slant.

Many of the young people incarcerated in Caxias and Linhó, of both Portuguese and foreign origin, grew up in so-called ‘resettlement neighbourhoods’. These are social housing estates built since the 1990s for inhabitants of shantytowns that were gradually demolished by the municipal authorities. Not least due to their composition of exclusively low-income citizens, some of these neighbourhoods turned into ghettos or ‘red zones’ (from the perspective of residents and the police, respectively). As such, they are paradigmatic of the spatial and hyper-punitive dynamics of late liberalism, whereby ‘social divisions are mirrored in spatial ones’ and peripheral areas of the city become fused with penal institutions (Herbert and Brown, 2006: 755-56).

Despite the homogeneity of the prison population, however, there is still a marked stratification based on the inmates’ access to financial resources from the outside. Those with no means at all (often as a result of having lost contact with their families) are forced to provide a wide range of services to fellow captives, in order to avoid, for example, living on prison food (‘I think even dogs eat better than us’, Guilherme), or to be able to buy basic toiletries or other amenities:

I would never have thought that there were people in this place who could do such incredible things. Out of misery, or whatever. Like eating cockroaches to smoke. There are guys who don’t smoke [for lack of money], and if you go and say: ‘Eat these two cockroaches and I’ll give you a cigarette’, he’ll eat them right away. He will put the cockroach or whatever you want in his mouth, right away. He will do anything. [...] A guy who is no longer here, XX, an Azorean, accepted to have oral sex with other guys in order to smoke a cigarette. [...] A simple cigarette. It’s not even drugs, no. Just a cigarette. (Bernardo, names omitted)

Inmates’ relations in prison are inherently strained, as it is difficult to avoid each other. Their greatest challenge, however, is to get along with the guards. Although the Portuguese penal legislation regulates the execution of prison sentences down to the last detail (‘The prisoner may

carry clothing and footwear in the quantity and type to be determined by the Director General by decree', DL 51, 2011: Art. 42.1), those who actually run the carceral institution have carved out a wide margin of discretion. In Linhó, for example, inmates were subject to an internal classification system not provided for in any prison law or regulation, being divided into 'active' or 'inactive' prisoners, with far-reaching consequences for their daily lives.

Those classified as 'inactive' were housed in separate prison blocks and were not allowed to take part in schooling, vocational training or prison work. Though there are prisoners who prefer not to participate in institutional activities (pay in Portuguese prisons is about one-fifteenth of the legal minimum wage),¹¹ being classified as 'inactive' greatly intensified the pains of incarceration, as it meant being almost constantly idle (see also Roseira, 2018: 283). As Bernardo (who himself was 'inactive' for three months) observed, 'inactives' would 'just sit around' and turn 'white, like this chalkboard, all pale'. According to Ivo, who was serving a long sentence for first-degree murder, the novel classification scheme introduced after his admission significantly augmented the disciplinary micro-power of the guards: 'There were people, guards, who wanted to fuck me. But they couldn't. Didn't dare, or whatever. [...] Since they started with the "inactives", I'm the one who bears the brunt.'

Ivo was sent to the 'inactives' for calling a school teacher 'incompetent' and was only readmitted to the 'actives' a year later. While the Portuguese Prison Code provides for a meticulously elaborated 'disciplinary regime' to sanction prisoners' behaviour (CEP, 2009: Título XIII), the disciplining of inmates through their classification as 'in/actives' took place entirely on the 'underside of the law' (Foucault, 1979: 223). Officially ordered by the prison administration, in practice it was the guards who 'proposed' a prisoner's transfer by filing so-called 'notifications' of misconduct. As Afonso explained, inmates are often transferred to the 'inactives' because 'they argue with the guard, or the guard doesn't like them'. As 'active' and 'inactive' prisoners were housed in different buildings at Linhó, there appeared to be a maximum proportion of prisoners who could be 'active' at any one time. However, for those who were kept 'inactive', the aggravated conditions associated with this regime occasionally provoked further unruly behaviour, which, in turn, reinforced the prison administration's view that 'inactivity' was not the cause but the result of a prisoner's rebellious nature.

Doing one's time in a Portuguese prison is not an easy task. As mentioned, the average length of imprisonment is longer than anywhere else in Europe, and while the median length of prison sentences in France and Denmark is between one and three years, in Portugal it is between five and ten years (Aebi et al., 2022: 52). Statistics also suggest that prison life in Portugal is much more gruelling: in 2020, the mortality rate was more than three times higher than in

Germany and more than six times higher than in Denmark. Prisoners in Portugal were more than three times more likely to commit suicide than in the rest of Europe.¹²

‘He just couldn’t take the pressure’ was the most common explanation given by inmates when commenting on the suicides of their peers. In Linhó, the most common causes of emotional and physical pressure were relationship problems with partners in the outside world, and conflicts with fellow inmates (e.g. due to debts from buying food or drugs) or prison staff. As for Caxias, Portugal was recently convicted by the European Court of Human Rights for inadequate conditions of detention, including ‘lack of fresh air’, ‘poor quality of food’, ‘frequent outbreaks of violence’ and ‘mouldy or dirty cell[s]’,¹³ confirming frequent complaints voiced by my interlocutors.

The idea that a prisoner’s experience should be one of suffering is, as Cunha and others have remarked, widespread among both guards and administrators, who expect inmates to ‘make up for their mistakes’ and ‘learn to be humble’ in the course of their punishment (Cunha, 1994: 33, 56; see also Roseira, 2018: 280). Several of my interlocutors reported episodes of violence (particularly in Lisbon Central Prison, where many had been held at some point), corroborating the evidence gathered by other researchers (Roseira, 2018: 315-16) and the European Committee for the Prevention of Torture (CPT), which concluded that the conditions in a number of Portuguese prisons ‘could be considered as amounting to inhuman and degrading treatment’ (2020a: 26). Disciplinary punishment, in particular, appears to escape the letter of the law, with repeated prolonged solitary confinement in especially grim cells for those perceived as troublemakers: ‘The one in Sintra is really disgusting. Really disgusting. There are rats and shit like that. [...] [In Caxias] it was a stone, a hole in the stone, half a sponge, and two blankets. Nothing else’ (Bruno).

The punitive state: past and present

During much of the last century, Portugal went through a long period of authoritarian rule, beginning in 1926 with a military coup that gave rise to the *Ditadura Nacional* (‘National Dictatorship’) and, from 1933 on, the *Estado Novo* (‘New State’) led by António Salazar. The bulk of the prisons currently operating in Portugal were built under Salazar’s rule, including Linhó Prison. Portugal’s autocratic regime did not end until 1974 with the Carnation Revolution of 25 April, led by lower-ranking officers of the Portuguese Armed Forces, and the elections held the following year. While Portugal sustained the longest dictatorship in Europe in the 20th century, the country’s re-democratization has recently celebrated its 50th anniversary, and it seems surprising that its criminal justice system still shows few signs of modernization. Santos,

for instance, points to the continuing adherence to the Estado Novo prison model ‘in organic, functional and doctrinal terms’ and a prison culture ‘of surveillance and expiation rather than reintegration and resocialization’ (Santos, 2004: 44).

A historical look at the country’s institutions may help in understanding how the punitive *modus operandi* was able to prevail virtually unaltered throughout a time in which other European democracies were undergoing periods of both liberalization and tightening of their criminal justice policies. Not long after the Portugal’s return to democracy, a prison reform was passed in 1979, that reflected ‘the spirit of the penal reforms that had been implemented in several European countries a few years earlier’ (Roseira, 2018: 109). In 1982, the country adopted a new penal code in which ‘sanctions began to favour the pedagogical aspect of resocialization’ (Roseira, 2018: 110).

However, notwithstanding the advances these laws brought in terms of prisoners’ rights and the possibility of alternative sanctions, such as home confinement, the reforms failed to prevent the swelling of the prison population. While the number of prisoners had steadily decreased during the last years of the dictatorship, it began to rise rapidly right after democratization (Provedor de Justiça, 2003: 50). Peaking in 1998, it declined and then rose again over the subsequent two decades. Today, the number of citizens held in prisons in Portugal is only one sixth below its all-time maximum; it is even slightly higher if those sentenced to electronic monitoring are taken into account.¹⁴

From a scholarly perspective, little is known about the workings of the Portuguese judiciary. Dias argues that Portugal’s transition to democracy ‘did not mean a radical break with the structures and, principally, the legal cultures and judicial practices inherited from the Estado Novo dictatorship’ (2016: 16). Judges’ careers, according to the same author, depend heavily on their standing within the institutional organs that are also responsible for disciplinary control, transfers and performance evaluation. ‘Movement through the various judicial bodies, higher courts or magistrates’ associations’, notes Dias, ‘presupposes compliance with certain rules and the assumption of certain behaviours’, resulting in ‘strong informal mechanisms for internal control’ (2004: 7).

The predominance of a punitive view in the courts’ reasoning may thus be due not only to the personal criminologies of the judges, but also to professional dynamics that favour conformity with the prevailing judicial opinions, which tend to be decidedly punitive. The ‘general orientation of jurisprudence’, notes Cunha, has not tended to mitigate the tightening of criminal law in Portugal since the 1990s: ‘On the contrary, the approach of the courts is draconian’ and their judgments ‘are often peppered with war metaphors’ (2002: 52). Indeed, in the Lisbon sentences analysed here, only one judge seemed to advocate a more humanistic philosophy of

law, insisting that ‘our legislation forgoes social revenge to build on the renewal of the individual [...] in the search for a society that reinvests justice and fairness of judgement in a better future for all and with all’.

Dias also suggests that the small size of the Portuguese judiciary and the resulting informal hierarchies ‘based on seniority, positions held in judicial bodies [...] or the performance of duties in higher courts’ at times amount to a ‘lack of independence in the exercise of their functions’ on the part of judges and prosecutors (2004: 10). Furthermore, magistrates’ careers intersect with those in law enforcement and the prison system: ‘Careers in the judiciary are not limited to judgeships’, but also include appointments in ‘other public institutions (police, prisons, etc.), which often serve as a stepping stone for advancement in judicial careers’ (2004: 5). This occupational proximity, which, according to my interlocutors, extends to public defenders, may provide another explanation for the coincidence of criminological beliefs, which often results in little credibility being afforded to those who have been arrested, tried or imprisoned before. Irrespective of the accuracy of the statements quoted below, the following two prisoners’ testimonies exemplify the impression of elective affinity between criminal justice actors from the perspective of the accused:

The inspector from Abrantes had studied together with the judge who had me arrested, or something like that. She was a new judge. It was all a game between all of them. And that’s how it went. I went to prison, my sentence went up and then I never managed to get out again.

My [public] defence lawyer came [to my police interrogation]. [...] I told her what had happened. [...] Then the cop, the policeman came in. She and the policeman are friends. They made remarks, they talked. [...] I said: ‘You’re my lawyer, but you talk more to the policeman than to me?’ [...] ‘Ah, we’re old friends!’ [...] *What did they talk about?* Where are you going on holiday? Oh, you were at Ana’s party? Office gossip ...

The historical continuities evident in the functioning of Portuguese criminal justice are particularly pronounced when it comes to the police. According to Palacios Cerezales (2008: 155), ‘historians agree that the police forces [...] were the backbone of the dictatorship’ in Portugal. All the police forces collaborated with Salazar’s secret state police (PIDE) and ‘openly expressed their support for the regime’s most controversial policies’ (2008: 155-56). During the Carnation Revolution, unlike the military personnel, ‘they sided with the [authoritarian] regime and were practically the only force that attempted to resist’ the country’s return to democracy (2008: 156). The success of the revolution thus left the police ‘in shock and on the losing side’ as, in the eyes of much of the population, they represented ‘the same “fascist” forces they had been under the dictatorship’. As a result, the ‘public no longer obeyed police instructions’ and ridiculed their officers, who consequently ‘refused to patrol the streets’ (2008: 158, 160).

Twenty days after the revolution, the National Salvation Committee disbanded the PSP’s anti-riot unit, which was known for its ‘ruthless action against strikes and demonstrations’

(Palacios Cerezales, 2008: 159). However, the provisional governments formed after the democratic elections of 1975 soon felt the lack of coercive state power, struggling with indiscipline in the armed forces and the need to maintain public order. They learned that ‘they had to accept some degree of police violence, and, at least in principle, to publicly back police actions’ (2008: 166). As a result, the planned reorganization of the country’s police forces was halted, the police were ‘provided with heavy weapons’ and the ‘infamous anti-riot shock Mobile Police unit’ was revived. Most of the officers in the ‘new’ anti-riot police (the PSP’s Intervention Corps, still active today) had ‘previously been officials of the authoritarian regime’s’ unit (2008: 165-167).

As Palacios Cerezales summarizes, the ‘police forces were again politically protected under the law-and-order frame’ and the ‘memory of the police’s loss of authority in 1974–75 served as an alibi for police excesses in the use of force’ to the post-revolutionary governments (2010: 441). The Portuguese executive’s indulgence with police excesses continues to this day and can be tracked in the reports of the European CPT. As early as its first visit to Portugal in 1992, the committee concluded that ‘ill-treatment of persons in police custody is a relatively common phenomenon’ (CPT, 1994: 12), a finding that the Portuguese Ministry of the Interior in its reply dismissed as ‘manifestly excessive’ (CPT, 1993: 5).

The same unwillingness to face up to the issue is reflected in all subsequent CPT reports, the second last of which states that ‘ill-treatment by Portuguese law enforcement officials is not infrequent’ and reinforces ‘the concerns raised [...] in its three previous visit reports’ (CPT, 2020a: 9). The most recent report finally observes that ‘ill-treatment of detained people by police officers in Portugal is a resilient phenomenon’ and that ‘the current system for investigating alleged ill-treatment [...] remains flawed from beginning to end’ (CPT, 2023a: 11, 18) – while the Ministry of Foreign Affairs, in its response, emphasizes that ‘Portugal has always analysed very carefully and studied in depth the recommendations put forward by [the] CPT in previous occasions’ (CPT, 2023b: 2).

More recently, the long-standing problem of undue police exercise of force has at least found its way into public discourse. A landmark criminal trial in which eight PSP officers were convicted of mistreating six black youths from the Cova da Moura neighbourhood in 2015, which was amply covered by the national media, for the first time gave widespread visibility to the recurrent violence suffered by residents of the city’s ‘red’ zones, which usually appear on television solely as areas of trafficking and disorder (see Zoettl, 2013). The facts found to be proven by the court (the verdict was later confirmed by the Court of Appeal and the Constitutional Court) give an idea of the nightmare the victims were subjected to by the police:

Two other officers then surrounded the aggrieved YY, threw him to the ground and got on top of him. Despite the pleas of the aggrieved YY, who shouted that he was running out of air, the two officers remained on top of him, with one of them saying ‘you’re really going to die’. While the aggrieved YY was in this position, an unidentified officer kicked him in the face. When YY was handcuffed and lying on the floor of the police station, an unidentified officer kicked him in the head. Also on this occasion, an unidentified officer addressed the victims several times in the following terms: ‘Fucking niggers, you should all die!’ (TRL, 2020: 110, names omitted)

The court found 8 of the 17 accused officers guilty of crimes such as slanderous accusation, document forgery, aggravated kidnapping and assault, and sentenced them to prison terms ranging from two months to five years, all but one of which were suspended. Meanwhile, the body responsible for controlling police activity in Portugal (IGAI, Inspectorate General of the Interior), dropped most of the disciplinary proceedings it had instituted, imposing only temporary suspensions from duty of two and three months, respectively, in two cases.¹⁵ Although technically autonomous in its decisions, the IGAI reports to the same ministry as the police itself. In the years 2017–19, of the 251, 255 and 315 administrative proceedings opened by the IGAI following allegations of ill-treatment by the police, only one, four and six, respectively, resulted in unspecified disciplinary sanctions (CPT, 2020b: 15-17).

While the Portuguese case shares some characteristics with other European democracies, it is remarkable how little attention is paid to the dysfunction of criminal justice within the country itself. Fassin’s examination of French law enforcement, for example, demonstrates in like manner a targeting of specific populations and urban spaces by the police, the judiciary and the prison system (2017; 2013). However, while France boasts a long and vivid tradition of social movements (see, for example, Waters, 1998), civil society in Portugal is reluctant when it comes to raising its voice against institutions that represent state authority. As Cabral notes, Portugal’s post-dictatorship society is still marked by a ‘persistent form of authoritarian domination’ that neither ‘the liberalization of the political system nor the massification of education [...] have been sufficient to eradicate’ (2003: 49).

According to empirical studies conducted by the same author, ‘the vast majority of Portuguese would be [...] afraid to show disagreement with the decisions of those in power’, a fear that is ‘recognized – and often shared – not only by the general public, but even by segments of the population with higher education’ (Cabral, 2003: 40; 2006: 5). Given that two of the victims in the above-mentioned Cova da Moura case were well-known leaders of a respected grassroots neighbourhood NGO, this fear does not seem entirely unfounded: according to the evidence presented in court, before being beaten up and arrested, one of them was singled out by a PSP officer by saying ‘Get that one, who thinks he’s smart’ (TRL, 2020: 109).

Conclusion

The Portuguese criminal justice system is paradigmatic of the interplay between police, courts and prisons in the formation of criminal identities. The three institutions entrusted with criminal justice are primarily concerned with certain people from certain places, and their distinctly punitive approach contributes to the bouncing back and forth of large numbers of citizens with similar socio-economic characteristics (young, poor and often from ethnic minorities) between their neighbourhoods and carceral institutions that cater almost exclusively to them and their peers.

The narratives of the Lisbon inmates discussed here bear witness to a criminal justice system whose operation often resembles an unwitting *mise-en-scène* of Foucault's *Discipline and Punish* (1979). Urban areas identified as 'sensitive' and presumed to harbour above-average numbers of young offenders become the preferred targets of the police. The PSP's selective policing of particular neighbourhoods acts as a self-fulfilling prophecy and 'provides the prison with offenders, which the prison transforms into delinquents' (Foucault, 1979: 282) over the course of years-long sentences, imposed by a judiciary that tends to be particularly heavy-handed in dealing with the property and drug offences committed by the economically marginalized. The symbolic and physical violence exerted by a prison system that is 'supposed to apply the law, and to teach respect for it', but which often 'operates in the form of an abuse of power' (Foucault, 1979: 266) means these same citizens 'instead of changing there [...] come out angrier' (Santiago) and gradually internalize the ascribed identity that had originally justified their targeting by the police, eventually transforming 'the occasional offender into a habitual delinquent' (Foucault, 1979: 272).

The Portuguese case also shows that a punitive approach to criminal justice is largely independent of an actual fall or rise in crime rates. Although the punitive approach in Portugal has been nourished by legislative changes that responded to popular demands for tougher criminal laws, in practice it is deeply rooted in the dynamics and the evolution of the country's criminal justice institutions and the interacting personal criminologies of their agents, which remained unaffected by the brief period of penal liberalization that followed the end of Salazar's autocratic regime.

The concurring criminological beliefs of the institutional actors ensure that the young offenders, who from one sentence to the next grow into mature delinquents, are conceptualized – by the criminal justice system, by society at large and ultimately by themselves – as genuinely responsible for their fate. As Bruno noted, even the bruises from the police beatings he received from the age of 11 onwards, in court worked as evidence of guilt: 'Then they take you to the

judge, all beaten up. What do you think the judge will say? Wow, you must have done some shit!’

At Linhó Prison, while many inmates wondered why their lives had gone so wrong, most came to terms with both their status as delinquents and their personal responsibility for their fate: ‘I’m one of those guys who could have been anything he wanted to be. I really could have, I could have. If only I had taken my chances’ (Ivo). Nourishing the desire to belong to those ‘assiduous and dependable people’ who enjoy the accolades of the police, they nevertheless resigned themselves to being stuck in the underworld of suspended citizenship. ‘Once you’ve been in, it’s all the easier to get back in,’ Nuno reasoned. ‘That’s the way it is. It seems to be some kind of karma, I don’t know.’

Growing up in ‘problematic’ neighbourhoods, the youths from Caxias and Linhó had been targeted by the police from an early age, being subject to frequent arrests and, on many occasions, physical mistreatment. Some of them had passed through child care institutions or ‘educational centres’ for juvenile offenders. Charged as adults, their economic marginality and the resulting pro-forma representation they were granted severely undermined their legal standing in court. The harsh custodial sentences they received – even for non-violent offences – occasionally inflated by being summarily convicted of crimes that they had not even committed, and the sordid conditions of their incarceration gradually deepened their perception that the criminal justice system itself was devoid of justice.

While acknowledging their actions and the need to ‘pay for the crimes’ (Pedro) they had committed, they also pointed to the incongruity between the claim of criminal justice to teach respect for the law and the physical and symbolic violence with which it acted upon them. From their point of view, the treatment they received behind bars was just the seamless continuation of the police’s disregard for their civil rights and their blanket condemnation by a justice system that is ‘strong for the weak and weak for the strong’ (Guilherme).

Beyond the inner rebellion caused by their institutional experiences, however, it was above all their forced habituation to incarceration that made them stick to a life on the fringes of the law. Prison ‘is almost like a second home’ for me, Santiago reflected. ‘When you go to prison, it’s like being in your neighbourhood.’ Their criminal identities, gradually shaped in tandem with the selective policing of poor people’s neighbourhoods and poor people’s crimes, reified by the courts along a legal ‘chain of legitimation’ (Bourdieu, 1987: 824), eventually solidified over years of incarceration. Many of them seemed to have forfeited the ability to imagine a future without prison. ‘I have lost my thoughts’, replied Rodrigo, who had started out as a small-scale drug dealer, when asked about his plans for the future. ‘I don’t even know what to think any more. My mind is empty. I’ve used up all my thoughts. And the projects I had. Even the hope.’

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Notes

- ¹ Calculation based on Rodrigues and Andrade (2013: 31).
- ² There were 0.77 vs. 0.78, 0.84 and 1.08 intentional homicides per 100,000 residents in Portugal, Germany, Denmark and France in 2019–2021 (arithmetic means), according to Eurostat data (<https://ec.europa.eu/eurostat/databrowser/bookmark/521ee9f5-4d3c-435c-805c-7c502c777ec7>, accessed 26 April 2024).
- ³ There were 0.43, 0.97, 1.43 and 4.07 intentional homicides per 100,000 residents in Lisbon, Copenhagen, Berlin and Paris in 2019–2021 (arithmetic means), according to UNODC data (<https://public.tableau.com/app/profile/unodc.rab/viz/Homicide-cities/City-homicide>, accessed 26 April 2024).
- ⁴ Adjusted prison population rate of 89.4 (median) vs. 66.3 (Germany), 65.5 (Denmark), 91.8 (France), 159.1 (Latvia), 185.6 (Lithuania), 306.6 (Russian Federation) and 104.7 (Portugal), according to Aebi et al. (2022: 32).
- ⁵ Germany: 8,589 (122 + 2,033 + 6,434) youths aged 18–29 years held in adult prisons at 31 March 2022; Portugal: 2,165 (50 + 107 + 600 + 1,245 + 2 + 11 + 43 + 107) youths aged 16–29 held in adult prisons at 31 December 2022. See https://www.statistischebibliothek.de/mir/servlets/MCRFileNodeServlet/DEHeft_derivate_00074908/2100410227005.xlsx (accessed 26 April 2024) and DGRSP (2022: Quadro 05). Population size of respective age group, according to Eurostat (DEMO_PJAN): 10,985,912 and 1,524,562 on 1 January 2022, resulting in a rate per 100,000 of 78.2 and 142.0 for Germany and Portugal, respectively. Average length of imprisonment in months (based on the total number of days spent in penal institutions) in 2020 was 31.8 in Portugal, compared to 11.1 (France), 5.4 (Denmark) and 4.7 (Germany), according to Aebi et al. (2022: 123-124).
- ⁶ All quotes originally in Portuguese have been translated by the author, and all names of interlocutors have been changed.
- ⁷ Offenders who are 16 years or older (at the time of the offence) are considered to have reached the age of full criminal responsibility. Up to the age of 20, they may receive a reduction in sentence ‘if there are serious grounds for believing that the mitigation will be beneficial to the rehabilitation of the convicted’ (Decreto-Lei n.º 401/82 de 23 de Setembro, Art. 4).
- ⁸ Relative growth from 42.5% to 62.0% from 2013 to 2023 in the general population, and from 9% to 14% in the prison population. See DGRSP (2012: Quadro 04), DGRSP (2022: Quadro

04) and

https://www.ine.pt/xportal/xmain?xpid=INE&xpgid=ine_indicadores&indOcorrCod=0011326 (accessed 26 April 2024). Growth of population is negligible (around 0.25%).

⁹ They number 449 (430 + 19) of 11,588 (10,774 + 814) prisoners (3.87%), compared to 27,144 of 10,343,066 residents with Cape Verdean nationality (0.26%) in 2021. See DGRSP (2021: Quadro 05) and

https://www.ine.pt/xportal/xmain?xpid=INE&xpgid=ine_indicadores&indOcorrCod=0011627 (accessed 26 April 2024).

¹⁰ Data from 2011. Cape Verdean population shares of 2.0% and 3.5%, compared to 0.2%. School drop-out rates of 3.4% and 4.7%, compared to 0.8%. See

https://www.ine.pt/xportal/xmain?xpid=INE&xpgid=ine_indicadores&indOcorrCod=0006351 and

https://www.ine.pt/xportal/xmain?xpid=INE&xpgid=ine_indicadores&indOcorrCod=0007139 (accessed 26 April 2024).

¹¹ A prisoner working in the prison laundry or library receives €48.40 per month (Gonçalves, 2019: Anexo V), compared to the minimum wage of €760 in 2023.

¹² Portugal: 65.7/18.4 deaths/suicides per 10,000 inmates, compared to 28.6/5.7 (median), 18.5/5.3 (Germany) and 10.3/10.3 (Denmark), according to Aebi et al. (2022: 117-118). The figures for 2021 indicate a relative decrease in the mortality/suicide rate, while the figures for 2022 indicate a relative increase, both compared to the previous year.

¹³ European Court of Human Rights, Application no. 15767/21 (Case of Nieuwolt v. Portugal), judgment of 30 November 2023, p. 4. See <https://hudoc.echr.coe.int/?i=001-229162> (accessed 29 May 2024).

¹⁴ The prison population was 14,598 in 1998 and 12,206 in 2023, when there were also 2,712 judicial sentences and measures monitored under electronic surveillance, both on 31 December. See <https://dgrsp.justica.gov.pt/Estatísticas-e-indicadores/> (accessed 8 April 2024).

¹⁵ Provedoria de Justiça, response to the complaint of the victims of the Cova da Moura case of 24 January 2023. See also *Diário de Notícias*, 1 February 2023 (<https://www.dn.pt/sociedade/provedora-de-justica-bate-com-a-porta-a-vitimas-dos-agentes-dapsp-condenados-15757198.html>, accessed 3 December 2023).

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