



Introduction. Sociology of law and prison studies: The social uses of law within the prison's legal field

ONATI SOCIO-LEGAL SERIES VOLUME 15, ISSUE 4 (2025), 1147-1161: SOCIOLOGY OF LAW AND PRISON STUDIES: THE SOCIAL USES OF LAW WITHIN THE PRISON'S LEGAL FIELD

DOI LINK: <https://doi.org/10.35295/OSLS.IISL.2363>

RECEIVED 8 MAY 2025, ACCEPTED 15 MAY 2025, VERSION OF RECORD PUBLISHED 30 JULY 2025

LUCA STERCHELE* 
FRANCESCA VIANELLO*

Abstract

This article examines the role of law and its social uses within the carceral field. Prisons are institutional settings saturated with official legal norms, yet their operative application is deeply shaped by the prison's distinct social, symbolic and moral order. Introducing the contributions collected in this Special Issue, the article explores how law is practically mobilized, reinterpreted, or rendered ineffective in everyday prison life. It calls for an empirically grounded sociology of law that shifts attention from abstract legal frameworks to the situated practices through which legal norms are invoked, contested, or bypassed. Legal resources are thus conceptualized as part of a broader repertoire of normative tools deployed to exercise institutional control or articulate practices of resistance. By adopting a socio-legal perspective, the article aims to reframe the relationship between formal legal structures and the lived normative orders that emerge within carceral institutions. It contributes to bridging Prison Studies and the Sociology of Law by addressing fundamental questions about the role of law in highly regulated yet socially complex environments.

Key words

Prison; law; cultures; ethnography; empirical research

Resumen

Este artículo examina el papel del derecho y sus usos sociales en el ámbito carcelario. Las prisiones son entornos institucionales saturados de normas jurídicas

The present contribution is the result of joint reflection by the two authors starting from the sharing of their respective research work. Specifically, Luca Sterchele wrote chapters 2, 3 and 4; Francesca Vianello wrote chapter 1.

* Luca Sterchele, Department of Law, Università degli Studi di Torino. Email address: luca.sterchele@unipd.it

* Francesca Vianello. Department of Philosophy, Sociology, Education and Applied Psychology (FISPPA), Università di Padova. Email address: francesca.vianello@unipd.it

oficiales, pero su aplicación operativa está profundamente determinada por el orden social, simbólico y moral propio de la prisión. Al presentar las contribuciones recogidas en este número especial, el artículo explora cómo se moviliza, se reinterpreta o se hace ineficaz el derecho en la vida cotidiana de las prisiones. Hace un llamamiento a una sociología del derecho con base empírica que desplace la atención de los marcos jurídicos abstractos a las prácticas situadas a través de las cuales se invocan, impugnan o eluden las normas jurídicas. Los recursos jurídicos se conceptualizan así como parte de un repertorio más amplio de herramientas normativas desplegadas para ejercer el control institucional o articular prácticas de resistencia. Al adoptar una perspectiva sociojurídica, el artículo pretende replantear la relación entre las estructuras jurídicas formales y los órdenes normativos vividos que surgen dentro de las instituciones carcelarias. Contribuye a tender puentes entre los estudios penitenciarios y la sociología del derecho al abordar cuestiones fundamentales sobre el papel del derecho en entornos altamente regulados pero socialmente complejos.

Palabras clave

Prisión; derecho; culturas; etnografía; investigación empírica

Table of contents

| | |
|---|------|
| 1. Introduction | 1150 |
| 2. Prison studies and the marginalization of law..... | 1151 |
| 3. Law and normative systems in the prison field..... | 1153 |
| 4. Reclaiming law in prison studies | 1154 |
| References..... | 1156 |

1. Introduction

Since the 19th century, the progressive establishment of the prison as the primary site of punishment has been accompanied by its legitimization through the lens of a “rehabilitative ideal,” which, in turn, has contributed to framing prisons as paradigmatic sites of legality (Vianello 2012). Prisons are, in fact, environments “saturated” with official norms (Benguigui *et al.* 1994), where many of the most ordinary daily actions are preemptively codified and regulated by standardized legal procedures.

However, despite the progressive bureaucratization and rationalization of penal execution, the relationship between the moral and symbolic environment of prison and legal norms remains uncertain (Mosconi 2001). On the one hand, law is internally received and operationalized by the prison administration through the prolific production of circulars, service directives, and internal orders which do not merely “adopt” the law, but enrich, reproduce, and transform it in a stratified manner across different local contexts. On the other hand, the particular social and moral environment constituted by the prison significantly influences the application of law, requiring a degree of flexibility and field-level discretion that tends to systematically generate states of exception not fully encompassed by normative provisions.

As much research has shown, the lived realities of prison do not align with their symbolic and celebrated ideals. Picking up on Drake (2018), we could argue that “far from being a cornerstone of the rule of law, prisons systematically and foundationally undermine it, both in their daily practices and structuring foundations” (2; cf. Wacquant 2012).

This special issue aims to contribute to the understanding of the space of law within the prison context—that is, the forms of its actual and instrumental use, as well as the practices through which it is neutralized. In this sense, it responds to the proposal put forward by Salle and Chantraine (2009) to react against juridicism (Bourdieu 1987), that is, the “tendency (...) to describe the social world in the language of rules” (Bourdieu 1987, 40), by advocating for “an empirical sociology of the social uses of law in prison.”

Such an approach to the study of law within the prison setting compels us to broaden our focus to encompass the complex set of informal negotiations constantly enacted by actors in order to ensure institutional stability and internal order. Legal resources thus emerge as one among many social resources that can be mobilized to produce and maintain internal order, to manage the inevitable adjustments required by external social transformations, and, of course, to assert formal legitimacy.

A genuine understanding of the space of law in prison seems possible only through “direct observation of social life, of exchanges, customs, and usages of all groups—not only those recognized by the law, but also those ignored or overlooked by it, or even condemned by it” (Ehrlich, cit. in Santoro 2010, XV).

Within the web of informal social relations that underpin the maintenance of internal order, promote adaptation to external ‘disorder’, and sustain institutional legitimacy, the use of legal resources presents itself to actors as one option among others. However, the social consequences and costs of such use are not always predictable.

To contextualize the analyses presented in the various contributions, we draw on the concept of the field, as theorized by Bourdieu (1987), and apply it to the prison setting (cf. Maculan 2023). The decision to employ the concept of “field” is aimed at acknowledging the broader social and institutional network within which the prison is embedded. While this does not entail disregarding the significant insights offered by the perspective that views prison as a “total institution” (Goffman 1961), we maintain that the dynamics unfolding within it are, at least in part, the condensation of processes that originate outside its walls (see, for example, Combessie 2002, Sbraccia 2007, Melossi *et al.* 2018).

The concept of “field” thus allows us to articulate the analysis within this broader social fabric, highlighting the power dynamics that traverse it and the “internal rules” that structure its functioning. Pierre Bourdieu, in fact, defines the logics and dynamics characterizing the legal field as follows:

The social practices of the law are in fact the product of the functioning of a ‘field’ whose specific logic is determined by two factors: on the one hand, by the specific power relations which give it its structure and which order the competitive struggles (or, more precisely, the conflicts over competence) that occur within it; and on the other hand, by the internal logic of juridical functioning which constantly constrains the range of possible actions and, thereby, limits the realm of specifically juridical solutions. (Bourdieu 1987, p. 816)

2. Prison studies and the marginalization of law

In contrast to the extensive body of legal-philosophical literature that celebrates the progressive affirmation of law and rights within the prison context, Prison Studies—distancing themselves from penitentiary criminology and focusing on the *infradroit* of custodial practices (cf. Carbonnier 2004)—have traditionally emphasized the lack of correspondence between the legal design of prison and its empirical reality. They highlight the importance of ideological, economic, and historical factors, as well as the everyday and systemic actions of both prisoners and staff (Garland 1990).

Several studies and investigations within the field of Prison Studies stress that the dynamics that take shape inside prisons can only be understood by taking into account the complexity of a highly specific social context. Once law enters the prison field, it becomes embedded in material and symbolic frameworks that significantly influence its shaping and practical implementation—to the extent that it appears effectively subordinated to extra-legal interpretative frameworks.

Historical and sociological studies inspired by materialist perspectives have strongly challenged the presumed correspondence between Enlightenment ideals and the actual development of the prison over the past centuries (Foucault 1975). These studies emphasize how the prison took shape in close relation to the economic upheavals marking the emergence of industrial capitalism (Rusche and Kirchheimer 1939, Rothman 1971, Melossi and Pavarini 1977, Ignatieff 1978).

More recent research— while adopting positions that range from critical engagement to partial alignment with the aforementioned frameworks —has produced detailed and theoretically significant insights into the role of prison in contemporary society, including in-depth analyses of the intricacies of penal execution behind prison walls.

Often reclaiming the heuristic potential of ethnography (cf. Wacquant 2002), these studies have highlighted the stark power imbalance characterizing the relationships between the incarcerated population and the prison staff as a whole (Bowker 1983, Pollack 2005, Warr 2007, Scraton 2020), the limited accountability of an institution historically resistant to external scrutiny (Scraton *et al.* 1991, Sarzotti 2010), and the self-referential nature of an institutional mission increasingly reduced to the maintenance of internal order and security (Drake 2012, Torrente 2016).

With regard more specifically to prison sociology, since its inception the discipline has documented how the production of intramural social order is strongly shaped by normative elements of subcultural origin. These norms emerge either as a response to the afflictive nature of the institution itself (Clemmer 1940), or through the importation of value systems and codes of conduct linked to external criminal affiliations (Irwin and Cressey 1962), giving rise to now-classic conceptualizations such as “prison culture” and the “inmate code” (Sykes 1958, Wheeler 1961).

Subsequent sociological studies have followed the paths laid by these foundational works through further explorations, extensions, or critical reworkings of the concepts they introduced (see, for example, Crewe and Bennett 2012, Sbraccia and Vianello 2016, Kalica and Santorso 2018). These studies have tested and reinterpreted those notions, including in analyses of the everyday practices of prison staff (Sim 1990, Bennett *et al.* 2007, Ronco 2018, Torrente 2018, Vianello 2018, Sterchele 2021, Maculan 2022).

If the elements analyzed significantly contribute to shaping a field in which legal norms interact—and at times clash—with established informal practices (Vianello 2018), giving rise to localised modes of managing intramural social relations and the conflicts that may emerge from them, then the two opposing positions (the celebration of legal rule vs. the assertion of carceral power) risk overlooking the value of a socio-legal approach that seeks to reconcile the empirical study of law with the social context of the prison.

It is within this framework that Sarzotti’s notion of the “legal field of the penitentiary” becomes particularly relevant—as a privileged domain for socio-legal studies (cf. Santoro 2010). This field incorporates not only the legal norms that regulate the execution of penal sanctions, but also the *infradroit* of custodial practices (Carbonnier 2004)—that is, all those “informal and factual relationships (which nonetheless engage with normatively legal messages) that develop among the incarcerated population, prison staff, and actors external to the prison institution” (Sarzotti 2010, 183).

Eloquent examples of research conducted in this direction include numerous studies on the discretionary power of prison staff, which highlight how the law may constitute just *one* among several reference points to which social actors turn in orienting (and, in some cases, legitimizing) their daily actions (Liebling 2000, Torrente 2018, Gariglio 2019, Haggerty and Bucerius 2021); or contributions on the governance practices within prisons, which reveal the strength of conservative forces aimed at preserving the existing order, often prioritizing local and immediate objectives at the expense of goals officially endorsed by national and supranational regulations (Drake 2012, Torrente 2014); or again, studies on the processes of prisonization that also affect legal professionals themselves (Torrente 2014, Vianello 2018), as well as on the limits of the very use of law (Rostaing 2014, Durand 2014). What emerges weakened, in the end, are the very social functions the prison claims to fulfil—functions that end up being nullified by a logic of

merely retributive action, oriented toward institutional self-reproduction (cf. Coyle and Scott 2021).

In this regard, while we may accept the hypothesis that law permeates and influences all relations within the prison, we cannot assume that it ensures the predictability of social actions that legal knowledge would typically attribute to it. If we indeed recognize the pervasiveness of positive law within the context under consideration, we must also acknowledge—as the contributions included in this special issue demonstrate from various perspectives—that it often fails to perform a genuinely regulatory function over social relations. These relations frequently unfold in accordance with normative frameworks, routines, and informal practices that are wholly or partially alien to legal provisions themselves (Vianello 2017). The infra-law, in other words, leads to a possible “autonomy of the carceral” from judicial power and any interference from the grammar of law. We might even say that, in the face of an overwhelming legal presence—somehow paradoxically—the relationship between prison and law tends to appear as antinomic (Salle and Chantraine 2009).

3. Law and normative systems in the prison field

In order to investigate the social uses of law within the prison field, a preliminary reflection becomes necessary—one that allows us to identify the specificities, and thus the potential, of a socio-legal perspective on the issue. As already noted, prison is a social institution marked by a high density of norms, within which regulatory devices governing social action coexist. These are not only rooted in the legal sphere, but also in forms of knowledge, (sub)cultures, and differentiated frameworks of meaning.

It would therefore be problematic to give in to a pan-juridical temptation—one aimed at “imagining law everywhere, in every relationship” (Carbonnier 1976)—by postulating its primary regulatory effectiveness a priori. Even when law is indeed present in intramural social relations, it does not necessarily serve as the sole or primary source of orientation for social action.

What is instead crucial is to recognize that “the participants themselves have an internal perspective on their rules, ‘legal’ or otherwise, and that in that sense those rules exist in their society” (Griffiths 2017). In such a context, the legal positivist would establish a clear normative hierarchy, considering only the rules stemming from official law as truly binding. From a sociological perspective, by contrast, it becomes necessary to consider the interaction between different normative systems without presuming, in advance, the primacy of one over the other. Law, in short, is but *one* among the many “languages of interaction” (cf. Ehrlich 1936) practiced by the social actors who inhabit and traverse the field. It is a “foam on the surface of social or interindividual relations” (Carbonnier 1976, p. 24), something that is always present but whose significance in orienting behaviour may vary greatly—and may, in some cases, be entirely irrelevant.

In this sense, it would be overly reductive to limit our perspective to a conception of “law” defined solely through the narrow boundaries set by legal positivism, which restricts the field of inquiry to positive law alone. At the same time, referring exclusively to a radical interpretivist approach—focusing only on what social actors in a given context define as “law” — may prove disorienting. The task of univocally defining what is meant by “law,” thereby sharply distinguishing it from other normative frameworks

present in the field, is undoubtedly arduous, and we do not claim to provide a definitive delimitation. Rather, taking up Griffiths' (2007) insight, we find it more effective to embrace a socio-legal perspective that abandons any taxonomic ambition, and instead considers the distinction between law and other normative systems not as a dichotomous reality, but as the interaction of continuous variables. In other words, we find it fruitful to observe the lines of continuity and the ruptures that emerge between legal provisions and the other normative systems that permeate the prison field. From this perspective, adopting "a concept of law that permits continuous variation avoids the distortion of social reality that takes place when (...) one struggles to force social control into a dichotomy such as 'formal'/'informal' or 'legal/not legal'" (Griffiths 2007, 105), allowing us to fully grasp the normative complexity that characterizes the field under investigation.

The particular attention paid to the cultural and material horizon of the institution by research in the field of Prison Studies seems to move precisely within this kind of "decentering" of law in favor of other elements deemed to be more relevant in the social organization within prison walls. While these contributions are commendable for having clarified normative processes other than law, they have simultaneously contributed to a marginalization of law itself in the relevant socio-legal literature. Indeed, as previously noted, although the presence of law within the prison landscape remains substantial, it is often treated as a mere contextual factor, with limited impact on the core workings of the penitentiary apparatus.

This special issue stems from the idea that, despite the considerations outlined so far, it would be overly simplistic to dismiss the question by asserting the total irrelevance of law in the face of endogenous and independent normative frameworks. While research helps us navigate a context marked by high normative density—both legal and non-legal—we believe it is important to recover the often-neglected legal appendix within the prison field and bring it to the center of critical analysis of the institution in contemporary society.

Against such a backdrop, the key question that remains is: what is the role of law within the prison field? We maintain that a thorough analysis of the legal dispositifs that shape and traverse the prison system is crucial to fully understanding the dynamics at play within the institution, as well as its broader role in contemporary society.

4. Reclaiming law in prison studies

The legal dispositifs that regulate the intramural execution of penal sanctions appear to align primarily with the formal objectives the institution claims to pursue—objectives that, however, cannot be taken at face value as necessarily effective. Research highlights how certain aims, particularly those linked to the maintenance of internal order, tend to assume a tacit priority. These aims are pursued through ongoing processes of negotiation between legal assumptions and the cultural and material elements that shape prison life (Sparks *et al.* 1996, Drake 2012, Rostaing 2014; see Stroppa 2025).

In this sense, the interaction between a law that is at times "unwelcome" and normative frameworks rooted in professional cultures (Maculan and Sterchele 2022, Sbraccia and Vianello 2022; see Torrente 2025, Sterchele 2025), criminal cultures (Irwin and Cressey 1962; see Miravalle 2025), performances of masculinity or, more generally, gender

(Ricciardelli *et al.* 2015, Symkovych 2018, Maguire 2021), implicit norms concerning working tranquility (Torrente 2016, Di Marco and Venturella 2016), and the prison's own cultural and material horizons (see Kalica 2025, Allegri 2025), gives rise to hybrid governmental solutions. These are difficult to identify if not through close observation of everyday practices.

Rejecting both naïve legalism and nihilistic fatalism, the challenge lies in understanding whether and how the law—despite being subjected to distortions and conservative interpretations—can nonetheless serve as a potential vehicle for the transformation of the prison context. In moving in this direction, we foreground the constitutive ambivalence of the law itself, which can simultaneously operate as an instrument of social and institutional control in the hands of the administration, and as a lever through which the incarcerated population can claim and open up spaces of autonomy and resistance (cf. Mathiesen 1965, Chantraine 2013).

In the former case, it becomes essential to investigate the role of legal provisions in making prison control dispositifs more or less “tight” (cf. Crewe 2011), through an analysis of the impact of state-level legal production in its interaction with sociopolitical and economic transformations (cf. Rivet 2025), as well as of “internal” legal artefacts such as circulars and operational guidelines (which are themselves strongly shaped by the structure of the “field” in the Bourdieusian sense). Although these may be considered “minor” normative productions, they are highly significant in shaping the forms of penal execution within prison walls—sometimes even assuming a more prominent role than state or supranational legal sources.

In this regard, empirical research is able to reveal how the officially established hierarchy of legal sources is concretely and situationally redefined, shedding light on how social actors in the field actually engage with the law (cf. Rivera Beiras 2025). This dimension contributes to illuminating the dynamic nature of law (Luzzati 2011), “whose superior norms are rendered effective [or ineffective, Author’s note] through an open series of interpretations and implementing decisions adopted by subordinate authorities” (p. 169). These decisions are often the result of strategic action unfolding in the grey areas of law, thereby redefining the contours of the “confused galaxy of illegalisms” (Foucault 1975; cf. Giamberardino 2025).

In the latter case, it is particularly relevant to explore the ways in which law may function as a “weapon of the weak” (Scott 1985, Durand 2014; see Maculan 2025), becoming a tool capable of challenging—albeit partially and not without contradictions—the power hierarchies that permeate the field. In certain circumstances, the law may serve as an instrument that enables transformations within the prison environment, even in favor of those social actors who occupy a structurally disadvantaged position within the institutional power grid (de Galembert and Rostaing 2014, Vianello 2017).

One might consider, for instance, the role that jurisprudence—as well as certain European legal provisions—has played in redefining penal execution (albeit at times with contradictory outcomes; cf. Cliquennois *et al.* 2014; see also Santorso 2025); or the ways in which legal measures recognizing criminal offenses such as torture or abuse of power have—in some cases and with effects still to be fully understood—modified the internal structuring of prison relations (see, for example, Ronco 2025).

Evidently, legal resistance practices mobilized from within the legal field and its logics also involve actors operating from outside the prison, such as supervisory judges and ombudsmen. In such cases, the law may take shape as an explicit tool of resistance, capable of reactivating forms of conflict that are, in this instance, juridically mediated.

Recognizing the potential dynamics of co-optation and neutralization of legal interventions within the broader governmental rationalities of the institution—most notably, the central dispositif of reward mechanisms—should not lead us to embrace a position of legal nihilism (Irti 2005). As Buntman (2019) argues in reference to the prison context, “resistance may be against law, through law, and creating alternative forms of law” (p. 215).

In both cases, socio-legal research on the prison field proves to hold two crucial strengths. On the one hand, the analytical toolkit of the sociology of law makes it possible to dissect the operational mechanisms of a legally significant institution, going beyond the smoke screen created by the condensed representations of a positive law that, on its own, cannot account for its empirical reality. On the other hand, prison can be understood as a privileged “observation point” on the social question, on those dynamics and processes—legal and otherwise—which, although taking shape outside its walls, find in the prison a litmus test that reflects their effects, albeit in an exacerbated and sometimes distorted form (cf. Sbraccia and Vianello 2016, Vianello 2017).

In this sense, adopting the prison as a vantage point for observing legal processes opens up analytical paths that may guide socio-legal research across a variety of phenomena and contexts, while recognizing the need for dedicated empirical investigation. Among these are many of the classical themes of the sociology of law: legal cultures; the relationship between “law in books” and “law in action”; the concrete functioning of legal institutions such as family, property, and citizenship; public opinion on the law; as well as the representations, narratives, and practices of legal professionals and their interaction with other spheres of “authority”.

We therefore hope that this special issue will contribute to the re-emergence of an explicit and direct dialogue between prison studies and the sociology of law, bringing to the forefront a number of important questions that have often remained peripheral in studies of prison inspired more closely by criminological frameworks. Broadly speaking, the different essays composing this monographic issue contribute—each from a different angle—to addressing some of the classical questions of the sociology of law, which serve as the common thread running through the contributions collected here: how, when, and why do social actors turn to the law? How do they interact with its constant presence? More generally, the aim is to understand the role of legal norms within the prison field, considering law as both an instrument of control and a vehicle for resistance, and analyzing how these norms are mobilized by the social actors who inhabit and traverse it.

References

- Allegri, P.A., 2025. Learning and training while serving time: Conflictual dynamics and cooperation techniques between prison actors and vocational experts. *Oñati Socio-Legal Series* [online], 15(4-this issue). <https://doi.org/10.35295/osls.iisl.1998>

- Benguigui, G., Chauvenet, A., and Orlic, F., 1994. Les surveillants de prison et la règle. *Deviance et Société* [online], 18(3), 275–295. https://www.persee.fr/doc/ds_0378-7931_1994_num_18_3_1346
- Bennett, J., Crewe, B., and Wahidin, A., eds, 2007. *Understanding Prison Staff*. London: Willan.
- Bourdieu, P., 1987. The force of law: toward a sociology of the juridical field. *Hastings Law Journal*, 38(5), 814–853.
- Bowker, L.H., 1983. An Essay on Prison Violence. *The Prison Journal* [online], 63(1), 24–31. <https://www.ojp.gov/ncjrs/virtual-library/abstracts/essay-prison-violence>
- Buntman, F., 2019. Prison and Law, Repression and Resistance: Colonialism and Beyond. In: P.J. Havik et al., eds., *Empires and Colonial Incarceration in the Twentieth Century*. London: Routledge.
- Carbonnier, J., 2004. *Sociologie Juridique*. Paris: Presses Universitaires de France.
- Carbonnier, J., 1976. *Flexible Droit: pour une sociologie du droit sans rigueur*. Paris: LGDJ.
- Chantraine, G., 2013. Prisons under the lens of ethnographic criticism. *Criminal Justice Matters* [online], 91(1), 30–31. <https://www.crimeandjustice.org.uk/sites/default/files/09627251.2013.778759.pdf>
- Clemmer, D., 1940. *The Prison Community*. New York: Rinehart.
- Cliquennois, G., Cartuyvels Y., and Champetier, B., 2014. Le controle judiciaire européen de la prison: le droit de l'homme au fondement d'un panoptisme inversé? *Déviance et Société* [online], 38(4), 491–519. <https://shs.cairn.info/revue-deviance-et-societe-2014-4-page-491?lang=fr>
- Combessie, P., 2002. La ville et la prison une troublante cohabitation. *Revue Projet* [online], 269(1), 70–76. <https://shs.cairn.info/revue-projet-2002-1-page-70?lang=fr>
- Coyle, M.J., and Scott, D., eds., 2021. *The Routledge International Handbook of Penal Abolition*. London: Routledge.
- Crewe, B., 2011. Depth, weight, tightness: Revisiting the pains of imprisonment. *Punishment & Society* [online], 13(5), 509–529. <https://doi.org/10.1177/1462474511422172>
- Crewe, B., and Bennett, J., eds, 2012. *The Prisoner*. London: Routledge.
- de Galember, C., and Rostaing, C., 2014. What Fundamental Rights Change in Prisons. *Droit et société* [online], 87(2), 291–302. <https://shs.cairn.info/journal-droit-et-societe1-2014-2-page-291?lang=en>
- di Marco, A., and Venturella, M., 2016. Il carcere oltre il carcere. *Etnografia e Ricerca Qualitativa* [online], 2, 339–350. <http://dx.doi.org/10.3240/84125>
- Drake, D.H., 2012. *Prisons, Punishment and the Pursuit of Security*. London: Palgrave Macmillan.
- Drake, D.H., 2018. Prisons and State Building. Promoting “The Fiasco of the Prison” in a Global Context. *International Journal for Crime, Justice and Social Democracy* [online], 7(4), 1–15. <https://doi.org/10.5204/ijcjsd.v7i4.1041>

- Durand, C., 2014. Construire sa légitimité à énoncer le droit. Étude de doléances de prisonniers. *Droit et Société* [online], 87. <https://doi.org/10.3917/drs.087.0329>
- Ehrlich, E., 1936. *Fundamental principles of the sociology of law*. Cambridge, MA: Harvard University Press.
- Foucault, M., 1975. *Surveiller et punir: naissance de la prison*. Paris: Gallimard.
- Gariglio, L., 2019. Challenging prison officers' discretion: "good reasons" to treat courteously mafiosi in custody in Italy. *Journal of Contemporary Ethnography* [online], 48(1), 80-102. <https://doi.org/10.1177/0891241617749012>
- Garland, D., 1990. *Punishment and Modern Society: A Study in Social Theory* [online]. University of Chicago Press. <https://doi.org/10.7208/chicago/9780226922508.001.0001>
- Giamberardino, A.R., 2025. Illegalisms and discipline in a Brazilian prison: An analysis of the social uses of law in prison based on cases of cell phone seizures. *Oñati Socio-Legal Series* [online], 15(4-this issue). <https://doi.org/10.35295/osls.iisl.2049>
- Goffman, E., 1961. *Asylums: Essays on the social situation of mental patients and other inmates*. Chicago: Aldine.
- Griffiths, J., 2017. What is sociology of law? On law, rules, social control and sociology. *Journal of Legal Pluralism and Unofficial Law* [online], 49(2), 93-142. <https://doi.org/10.1080/07329113.2017.1340057>
- Haggerty, K.D., and Bucerius, S.M., 2021. Picking battles: Correctional officers, rules and discretion in prison. *Criminology* [online], 59(1), 137-157. <https://doi.org/10.1111/1745-9125.12263>
- Ignatieff, M., 1978. *A Just Measure of Pain: The Penitentiary in the Industrial Revolution, 1750-1850*. New York: Pantheon Books.
- Irti, N., 2005. *Nichilismo Giuridico*. Rome: Laterza.
- Irwin, J., and Cressey, D., 1962. Thieves, Convicts and the Inmate Culture. *Social Problems*, 10(2), 142-155.
- Kalica, E., 2025. Convict and critical criminology: Some challenges emerged during a mentoring experience. *Oñati Socio-Legal Series* [online], 15(4-this issue). <https://doi.org/10.35295/osls.iisl.2169>
- Kalica, E., and Santorso, S., eds., 2018. *Farsi la galera. Spazi e culture del penitenziario*. Verona: Ombre Corte.
- Liebling, A., 2000. Prison officers, policing and the use of discretion. *Theoretical Criminology* [online], 4(3), 333-357. <https://doi.org/10.1177/1362480600004003005>
- Luzzati, C., 2011. Significato liquido. *Sociologia del Diritto* [online], 2, 165-178. <https://doi.org/10.3280/SD2011-002008>
- Maculan, A., 2023. Bourdieu in carcere. Appunti per una sociologia del campo penitenziario. *Sociologia del Diritto* [online], 1. <https://doi.org/10.54103/1972-5760/20943>

- Maculan, A., and Sterchele, L., 2022. The “left” and “right” arm of the prison: Prison work and the local legal culture of the penitentiary. *Oñati Socio-Legal Series* [online], 12(6). <https://doi.org/10.35295/osls.iisl/0000-0000-0000-1310>
- Maculan, A., 2022. *La galera incorporata. Etnografia della polizia penitenziaria*. Sant’Arcangelo di Romagna: Maggioli.
- Maculan, A., 2025. Law as a weapon: Exploring prisoners' strategic use of the law in the prison field. *Oñati Socio-Legal Series* [online], 15(4-this issue). <https://doi.org/10.35295/osls.iisl.2041>
- Maguire, D., 2021. Vulnerable Prisoner Masculinities in an English Prison. *Man and Masculinities* [online], 24(3), 501-518. <https://doi.org/10.1177/1097184X19888966>
- Mathiesen, T., 1965. *The defences of the weak. A sociological study of a Norwegian correctional institution*. London: Tavistock.
- Melossi, D., and Pavarini, M., 1977. *Carcere e fabbrica. Alle origini del sistema penitenziario*. Bologna: Il Mulino.
- Melossi, D., Sozzo, M., and Brandariz-García, J.A., eds, 2018. *The Political Economy of Punishment Today. Visions, Debates and Challenges* [online]. New York: Routledge. <https://doi.org/10.4324/9781315542713>
- Miravalle, M., 2025. Gangs, mafia, organised groups in prisons: the formal and informal strategies of managing the “public enemy”: Two cases-study between Global North and Global South. *Oñati Socio-Legal Series* [online], 15(4-this issue). <https://doi.org/10.35295/osls.iisl.2076>
- Mosconi, G., 2001. La crisi post-moderna del diritto penale e i suoi effetti sull’istituzione penitenziaria. *Rassegna Penitenziaria e Criminologica*, 1/3, 3-35.
- Pollack, S., 2005. Taming the shrew: regulating prisoners through women-centered mental health programming. *Critical Criminology* [online], 13(1), 71-87. <https://doi.org/10.1007/s10612-004-6168-5>
- Ricciardelli, R., Maier, K., and Hannah-Moffat, K., 2015. Strategic masculinities: Vulnerabilities, risk and the production of prison masculinities. *Theoretical Criminology* [online], 19(4), 491-513. <https://doi.org/10.1177/1362480614565849>
- Rivera, I., 2025. The fall of a guaranteed culture in the production of law: The case of mechanical restraints in prisons in Spain. *Oñati Socio-Legal Series* [online], 15(4-this issue). <https://doi.org/10.35295/osls.iisl.2031>
- Rivet, N., 2025. Privatization as bureaucratization: Contracts, accountability, and uses of law in the privatization of French Prisons. *Oñati Socio-Legal Series* [online], 15(4-this issue). <https://doi.org/10.35295/osls.iisl.2019>
- Ronco, D., 2018. *Cura sotto controllo. Il diritto alla salute in carcere*. Rome: Carocci.
- Ronco, D., 2025. The Italian Supervisory Court’s professional culture and practices: Among legal norms, bureaucratization, and prison moral environment. *Oñati Socio-Legal Series* [online], 15(4-this issue). <https://doi.org/10.35295/osls.iisl.2037>

- Rostaing, C., 2014. L'ordre négocié en prison : ouvrir la boîte noire du processus disciplinaire. *Droit et Société* [online], 87(2), 303-328. <https://doi.org/10.3917/drs.087.0303>
- Rothman, D., 1971. *The Discovery of the Asylum. Social Order and Disorder in the New Republic*. Boston/Toronto: Little, Brown and Company.
- Rusche, G., and Kirchheimer, O., 1939. *Punishment and Social Structure* [online]. New York: Columbia University Press. <https://doi.org/10.7312/rusc92484>
- Salle, G., and Chantraine, G., 2009. Le droit emprisonné? *Politix* [online], 87(3), 93-117. <https://doi.org/10.3917/pox.087.0093>
- Santoro, E., ed., 2010. *Diritto come questione sociale*. Turin: Giappichelli.
- Santorso, S., 2025. Harm and governance of prisons' systemic overcrowding. *Oñati Socio-Legal Series* [online], 15(4-this issue). <https://doi.org/10.35295/osls.iisl.2044>
- Sarzotti, C., 2010. Il campo giuridico del penitenziario: appunti per una ricostruzione. In: E. Santoro, ed., *Diritto come questione sociale*. Turin: Giappichelli.
- Sbraccia, A., and Vianello, F., 2022. Legal culture and professional cultures in the prison system. *Oñati Socio-Legal Series* [online], 12(6), 1463-1491. <https://doi.org/10.35295/osls.iisl/0000-0000-0000-1324>
- Sbraccia, A., 2007. More or less eligibility? Prospettive teoriche sui processi di criminalizzazione dei migranti irregolari in Italia. *Studi sulla questione criminale*, 2(1), 91-108.
- Sbraccia, A., Vianello, F., 2016. Introduzione. Carcere, ricerca sociologica, etnografia. *Etnografia e Ricerca Qualitativa*, 9(2), 183-210.
- Scott, J.C., 1985. *Weapons of the Weak. Everyday Forms of Peasant Resistance*. New Haven: Yale University Press.
- Scraton, P., 2020. Fractured lives, dissenting voices, recovering "truth". *Frontiers of research and resistance. International Journal of Crime, Justice and Social Democracy* [online], 9(4), 1-15. <https://doi.org/10.5204/ijcjsd.1686>
- Scraton, P., Sim, J., and Skidmore, P., 1991. *Prisons Under Protest*. Milton Keynes: Open University Press.
- Sim, J., 1990. *Medical Power in Prisons. The Prison Medical Service in England (1774-1989)*. Milton Keynes: Open University Press.
- Sparks, R., Bottoms, A., and Hay, W., 1996. *Prisons and the Problem of Order*. Oxford University Press.
- Sterchele, L., 2021. *Il carcere invisibile. Etnografia dei saperi medici e psichiatrici nell'arcipelago carcerario*. Milano: Meltemi.
- Sterchele, L., 2025. Learning to labor in prison: How healthcare workers navigate carceral settings and the prison's legal culture. *Oñati Socio-Legal Series* [online], 15(4-this issue). <https://doi.org/10.35295/osls.iisl.2051>

- Stroppa, R., 2025. El papel del aislamiento en el mantenimiento del orden en prisión. *Oñati Socio-Legal Series* [online], 15(4-this issue).
<https://doi.org/10.35295/osls.iisl/2024>
- Sykes, G.H., 1958. *The society of captives: a study of a maximum security prison*. Princeton University Press.
- Symkovych, A., 2018. Do men in prison have nothing to lose but their manhood? Masculinities of prisoners and officers in a Ukrainian Correctional Colony. *Men and Masculinities* [online], 21(5), 665-686.
<https://doi.org/10.1177/1097184X17696172>
- Torrente, G., 2014. Il ruolo dell'educatore penitenziario nel processo di criminalizzazione. Osservazioni da una ricerca sul campo. *Studi sulla questione criminale*, 9(1-2), 137-156.
- Torrente, G., 2016. "Mi raccomando, non fategli del male": La violenza del carcere nelle pratiche decisionali degli operatori. *Etnografia e ricerca qualitativa*, 2, 267-283.
- Torrente, G., 2018. *Le regole della galera. Pratiche penitenziarie, educatori e processi di criminalizzazione*. Turin: L'Harmattan Italia.
- Torrente, G., 2025. Prison educators in the shadow of prison rules: Results from a field research in Italy. *Oñati Socio-Legal Series* [online], 15(4-this issue).
<https://doi.org/10.35295/osls.iisl.2052>
- Vianello, F., 2017. Nella colonia penale. Un approccio sociogiuridico al diritto nel penitenziario. In: M.L. Ghezzi et al., eds., *Processo penale, cultura giuridica e ricerca empirica*. Santarcangelo di Romagna: Maggioli.
- Vianello, F., 2012. *Sociologia del carcere*. Rome: Carocci.
- Vianello, F., 2018. Norme, codici, condotte: la cultura del penitenziario. Gli attori sociali di fronte alle criticità dell'ambiente penitenziario. *Sociologia del Diritto* [online], 3, 67-85. <https://doi.org/10.3280/SD2018-003004>
- Wacquant, L., 2002. The curious eclipse of prison ethnography in the age of mass incarceration. *Ethnography* [online], 3(4), 371-397.
<https://doi.org/10.1177/1466138102003004012>
- Wacquant, L., 2012. The Prison is an Outlaw Institution. *The Howard Journal* [online], 51(1), 1-15. <https://doi.org/10.1111/j.1468-2311.2011.00686.x>
- Warr, J., 2007. Personal reflections on prison staff. In: J. Bennett, B. Crewe and A. Wahidin, eds., *Understanding Prison Staff*. New York: Routledge.
- Wheeler, S., 1961. Socialization in Correctional Communities. *American Sociological Review* [online], 26(5), 697-712. <https://doi.org/10.2307/2090199>