The Narrative Construction of the Penal State

A DISSERTATION SUBMITTED TO THE FACULTY OF THE UNIVERSITY OF MINNESOTA
BY

Isabel Lorena Arriagada Gajewski

IN PARTIAL FULFILLMENT OF THE REQUIREMENTS
FOR THE DEGREE OF DOCTOR OF PHILOSOPHY

Joshua Page
Kathleen Hull
Michael Walker
Lisa Hilbink

2024

The Narrative Construction of the Penal State
© 2024 by Isabel Lorena Arriagada Gajewski
All rights reserved

ACKNOWLEDGEMENTS

First and foremost, I extend my heartfelt thanks to the attorneys who generously shared their stories with me. They opened their lives and hearts to help me understand their motivation to provide legal counsel to convicted prisoners. Their courage and persistence are inspiring. I did my best to convey their stories with justice.

Pursuing a PhD requires substantial institutional support, and I am immensely grateful for the various forms of financial and academic assistance I received. The Fulbright Foundation, the Chilean Ministry of Science and Technology, the Hawkinson Fund for Peace and Justice, the Institute of Humane Studies at George Mason University, and the Race, Indigeneity, Gender, and Sexuality Studies (RIGS) Dissertation Proposal Fellowship all provided invaluable support.

Showcasing my research created an immense opportunity for academic growth. I presented different versions of this manuscript at the Law and Society Virtual Conference, the Law & Society Association Graduate Student & Early Career Workshop, the New Directions in Law and Society Workshop at the University of Massachusetts Amherst, the American Sociological Association, the American Society of Criminology, the Indigent Defense Research Association, the Sociology Research Institute, and the Law, Crime, and Justice group at the University of Minnesota. I also had the opportunity to share my work with colleagues in Chile. I thank Mayra Federsen, Javier Wilenmann, and Pilar Larroulet for organizing the presentation of this research at Universidad Adolfo Ibañez and Universidad Católica de Chile, respectively. I also presented the preliminary findings of this study at the International Workshop on Measures and Meanings of Crime and Justice in the Global South at the Rutgers School of Criminal Justice. Andrés Rengifo, Manuel Iturralde, and Máximo Sozzo are leaders of a broader network of Latin American scholars who are encouraging emerging researchers like me to thrive in both the Global North and the Global South. Throughout this journey, I also received written or oral feedback from Ashley Rubin, Matt Clair, Diego Rochow, Larisa Zerbino, Cesar Bazan, Jillian LaBranche, Erika Sanborne, and Ulda Figueroa at various stages of this project. I also gained insight from conversations with and reading recommendations from narrative criminologists Lois Presser, Thomas Ugelvik, and Sveinung Sandberg. To Gustavo Fondevila, Ludmila Ribeiro, and Andrew Davies, for their insights into the study of public defense in Latin America and for inviting me to present my work at the Indigent Defense Research Association.

I also extend my gratitude to the authorities at the National Office of Public Defense: Alejandro Gomez, Ricardo Lillo, Tomás Pascual, Sofía Libedinsky, Marcos Venegas, Daniela Baez, Nicolás Cisternas, and Pablo Aranda, who shared their knowledge and encouraged the realization of this project with enthusiasm. I am also thankful to Luis Neira at Gendarmería de Chile for his help during the process of data collection. Chilean scholars Alicia Salinero, Jeanne Hersant, Mauricio Duce, Ulda Figueroa, Javiera Araya, Jörg Stippel, Alejandro Arévalo, Marcela Corvalán, Ana María Morales, and Gonzalo Berríos discussed with me some of the theoretical and pragmatic aspects of this research. In our conversations, they all emphasized the importance of conducting a study of legal counsel within the prison system and inspired me to view academia as a place where we can envision a better criminal justice system. I also thank the

directors of the National Office of Public Defense, Eduardo Sepúlveda and Paula Vial, for sharing their stories about the origins of the program of penitentiary defense and how their lives were intertwined with broader projects of criminal justice reform. Listening to them provided crucial context for this project.

Many more people have helped me get to where I am now. I obtained my JD in Chile in 2012 and began my doctoral program in September 2015. At that time, I thought pursuing a doctoral degree would be similar to obtaining my JD. I excelled in law school—I was accustomed to reading, studying, writing, and succeeding in my academic endeavors. What could be different this time? In retrospect, I would warn my younger self to prepare for a rollercoaster ride. This journey was unlike anything I had experienced before. Earning my PhD in Sociology at the University of Minnesota has been a profound emotional and intellectual journey. This time, I couldn't rely solely on my effort and determination. It truly took a village of people to help me obtain this degree, and I would like to thank them all.

My dissertation committee has been a source of invaluable wisdom and support. Kathy Hull was the first professor in the department to invite me to join a sociological research project. This built my confidence in my efforts to understand how people think about the law and develop their legal consciousness. She was also the first person to tell me that penitentiary defenders—the subject of my dissertation—were "unicorn lawyers," which further strengthened my motivation to study their case.

Michael Walker provided invaluable feedback on various versions of this manuscript. He helped me realize that my research on the Unit of Penitentiary Defense paralleled many studies in the broader field of the sociology of organizations. He taught me to recognize the losing ends of my arguments. His recommendations on the literature on identity construction and organizations were insightful and relevant. I feel very fortunate that he decided to join the Sociology Department in 2016.

Lisa Hilbink has been a mentor and a friend. I remember when we first met and she told me how excited she was that "una chilena" was coming to the UMN. Her work on the Chilean judiciary is a source of inspiration. Her knowledge of the Chilean justice system compelled me to consider the broader social transformations in Chilean society to understand my case study. Beyond her academic support, she opened the doors of her home, helped me navigate the academic job market, and offered me care and optimism when I became a "grad student mom." She encouraged me and made me feel that I was able to become a real scholar.

Ashley Rubin has been my informal mentor since 2014. Her presence throughout this academic journey has been very important. Her guidance has been crucial in navigating the complexities of academic publishing, from framing my research to refining my writing and recommending suitable journals for publication. She has been a crucial resource for me while navigating academic conferences and the academic job market. Her insightful advice on my applications, her thorough review of my materials, and her letters of recommendation were key to my successful job placement. I am deeply grateful for her unwavering encouragement and support.

My advisor, Josh Page, has been a source of profound reflection and understanding of what good sociology is. Back in April 2015, he sent me an email encouraging me to join the department of sociology and pursue my doctoral studies at the UMN. His message was crucial for me to make a decision, and I don't regret it a second. Minnesota was the right fit for me, and Josh has been a guiding force throughout my academic journey. He knows I'm not always the easiest person to work with, yet he has consistently shown patience and professionalism. He made me improve my writing in a way that I never thought was possible. Josh has advocated on my behalf several times. His dedication went above and beyond; he even traveled with me to Chile to share his work with members of the National Office of Public Defense(!) Josh, I owe much of who I am today, both as a person and a scholar, to your guidance. You prompted me to develop my own sociological imagination, and you've nurtured my passion for sociological theory. What initially seemed like abstract sociological concepts became deep insights and profound realizations. You have helped me see the flaws and strengths of my interpretations of reality. You believed in me and knew that I could write a solid dissertation. You cared.

Many other members of the sociology department have provided me with invaluable support and guidance throughout this journey. They took a chance on me, and to all the professors that I developed close relationships with through instruction, teaching and research assistantships, and overall friendships, I extend my heartfelt gratitude. To professors Ann Meier, Michael Goldman, David Knoke, Elizabeth Wrigley-Field, Doug Hartmann, Claire Kamp, Jane VanHeuvelen, Liz Boyle, and Seth Werner. Their numerous pieces of advice, impromptu conversations, mentorship, and support contributed to my personal and academic growth. Professors Michelle Phelps and Chris Uggen led the seminar on Law, Crime, and Deviance, and their feedback on my work has been enlightening. Professors Alejandro Baer, Joachim Savelsberg, and Jeylan Mortimer have offered me invaluable wisdom and genuine friendship. I am also forever thankful for the warmth and support of Professor Rachel Schurman. She encouraged me to pursue my graduate studies at Minnesota and ensured my experience was enjoyable throughout. She will be sorely missed.

I extend my heartfelt thanks to the wonderful staff at the U: Bobby Bryant, Elizabeth Cronin, Kerrie Deef, Mary Drew, Hilda Mork, and Hollis Schoonover. They not only assisted me with all the bureaucratic intricacies of graduate school (plus me being an international student!), but also provided care and support. I am particularly grateful to Ann Miller, who made sure I succeeded both in being a mom (twice!) and finishing my PhD. I also want to express my appreciation to Michael Goldman, who invited me to work with him in spring 2024, even as I approached the birth of my second child. Becky Drasin has been an extraordinary friend. Becky, I wouldn't be here if it weren't for your dedication, thoughtfulness, and kindness. I look forward to continuing our friendship in the years ahead. Lastly, I am thankful to the dedicated staff at Boynton Health for their invaluable healthcare support during times of need.

Graduate students have not only been colleagues but also friends, whose company throughout this journey I deeply cherish. Amber Powell, Victoria Piehowski, and Caity Curry provided unwavering support as we pursued our paths as future sociologists of punishment. They believed in us. We have all now become university professors, and I am immensely proud to be part of this new generation of punishment and society scholars. To the graduate students who helped me

when I first entered the program: Veronica Horowitz, Stephen Wulff, Evan Stewart, Sarah García, Sarah Catherine Billups, Allison Nobles, Neeraj Rajasekar, Monica Jarvi, Rob Stewart, Erez Garnai, Yagmur Karakaya, Alex Manning, and Jasmine Trang. To Ryan Steel, my fellow Virginian, whose friendship and advice have continued well beyond our time in graduate school. I also want to acknowledge the encouragement from younger cohorts, including Nir Rotem, Michael Soto, Jillian LaBranche, Hannah Schwendeman, and Erika Sanborne. Edgar Campos and Katrina Heimark became family. Edgar, you brought joy and brightness into our days and lives in Minnesota. Kat, I will forever be grateful for your sense of humor, clever and thorough revisions of several versions of this dissertation, your willingness to embark on our editorial project, and your valuable advice on balancing grad school and parenting.

I was lucky to have a wonderful community outside the sociology department. My friends from Minnesota brought fun, energy, and family love to the sometimes-lonely days of grad school. Thank you: Mark, Emily, Oswaldo, Esmeralda, Angela, Ann, Madhu, Praveen, Wayne and Ann. I also thank my Chilean-Minnesotan friends Fernando S., María Paz, Camila, Fernando M., Valentina and Javiera. Thanks to them I had a little piece of Chile in my everyday life.

The beginning of my academic journey in the US would not have been possible without the unwavering support of my mentors, friends, and family in Chile. My academic advisor, Eduardo Valenzuela from Universidad Católica, played a crucial role in my decision to pursue doctoral studies in the US. Professors and friends from law school enthusiastically supported my transition from law to sociology. María Inés Horvitz and Gonzalo Medina advocated for my admission to US universities. Antonio Bascuñán provided me with an opportunity to acquire teaching experience as a criminologist. Javier Wilenmann, Marianne Gonzalez, and Felipe Aguila embarked on a massive research project with me and trusted in our ability to apply the framework of narrative analysis to the Public Prosecutorial Office. Pilar Larroulet has offered me her invaluable advice and friendship. Javier and Pilar believed in me and provided me with plenty of opportunities and advice to become a law and society scholar.

The support I received from the Fulbright Commission was crucial. Their assistance is instrumental for many Chilean students navigating the process of moving from Chile to the US. I was also fortunate to have friends from various countries who accompanied me on this journey: Ana and Katy Fox-Hodess, Alexandra Ulmer, Sasha Blumenfeld, Sara Schilling, Andrea Muñoz, and Carter Kopelman provided invaluable help, feedback, and advice before my departure. My friends in Chile have also sustained their love despite the distance. They always thought it was a little bit unconventional, yet it was commendable that I aspired to become an academic. Special acknowledgments to María Pía, Alejandra, Javiera, Cristelle, and José Pablo for their steadfast support. I'm grateful to my friends from LEASUR—María de los Angeles, Agustín, Nicolás, Carlos, and Javiera—and my friends at Universidad de Chile—Carla, Guillermo, and Sergio. My friends Martina, Constanza, Carmen, and Amanda ensured I stayed connected to my roots in my hometown of Rancagua. Lastly, Diego Rochow has been an amazing friend and dedicated collaborator since 2015. We both share the dream of committing ourselves to the study of punishment and society.

Destiny has blessed me with a caring family, and I am deeply grateful for their love and encouragement. My parents, Carmen Gajewski and Lisandro Arriagada, are a constant source of inspiration. The hundreds of books in their library reflect their love for knowledge and their belief in me, even when I was losing faith. My sisters, Beatriz and Maite, have been my best cheerleaders and friends, and their daily support has always gone above and beyond.

My husband, Hernán Adasme, has accompanied me throughout my academic journey, starting with his courageous decision to leave Chile and build a new life with me in the United States. He has patiently listened to and discussed every concern, argument, project, and idea I've brought to our table. His comments are always clever, sagacious, and fun. I eagerly look forward to what the rest of our life together will bring.

Finally, I thank the universe for blessing us with our three beautiful daughters: Catalina, Sara, and Penny Lane. The world offers many wonders, though it is also marred by unjustifiable violence. I am grateful for having peace, a roof over our heads, food on our table, and the chance to dedicate myself to one of the greatest miracles of the human mind: the opportunity to create new knowledge and share it with the world.

DISSERTATION ABSTRACT

The narrative study of lives has contributed greatly to the understanding of how professionals find meaning from interpreting life events in their biographies as the basis for their professional engagement to organizations (Bloom, Colbert, and Nielsen 2021; Bunderson and Thompson 2009; McAdams et al. 1997). The present study uses a narrative framework to examine the professional lives of penitentiary defenders, Chilean lawyers who work for the Unit of Penitentiary Defense, a relatively new agency that provides legal counsel to convicted prisoners. Drawing on interviews with 37 penitentiary defenders, 14 penal practitioners, and a variety of public documents and legal sources, I examine the ways in which these attorneys build personal narratives that sustain their professional endeavors.

There are three main findings that constitute this dissertation. First, penitentiary defenders craft professional narratives that integrate their personal and professional biographies, which provides them with a cohesive identity that explains their ongoing commitment to legal counsel for convicted prisoners. Second, penitentiary defenders are subject to liminal labor conditions that exclude them from the material benefits and symbolic status of public employees. Yet, through their narratives, penitentiary defenders challenge the public-private contracting scheme of the UPD to present themselves as devoted public servants. Third, penitentiary defenders narratively construct their professional standards of commitment by demarcating who belongs to their moral community.

These findings offer analytical, methodological, and practical contributions to contemporary scholarship. They contribute to punishment and society scholarship by advancing micro-level agentic explanations of penal change. They also contribute to narrative criminology by delving into the biographical, material, and relational components of professional narratives in the criminal justice system. In terms of its practical contribution, this analysis can assist policy makers in developing more effective and sustainable policy projects, including improving recruitment and selection processes, creating enjoyable and productive professional experiences, identifying the informal culture that underlies the operations of the organization, and making informed decisions to strengthen the validation of the purposes and mission of the organization amongst its members.

In addition, the present study contributes to the literature on indigent defense. It offers a novel explanation of how legal aid lawyers become personally and professionally invested in providing legal counsel to convicted prisoners, despite adverse labor conditions and working with a stigmatized population. Finally, this study explores the professional narratives of penal practitioners in the context of the formation of a new criminal justice agency. By incorporating experiences of professionals outside the Global North, I expect to strengthen the explanatory power of existent theories of professional commitment.

TABLE OF CONTENTS

ACKNOWLEDGEMENTS ..... **I**

DISSERTATION ABSTRACT ..... **VI**

TABLE OF CONTENTS ..... **VIII**

INTRODUCTION **1**

PAPER 1: "THIS IS WHERE I BELONG:" A NARRATIVE STUDY OF PROFESSIONAL COMMITMENT TO A NEW CRIMINAL JUSTICE AGENCY **14**

- Introduction 14
- Indigent Criminal Defense: Dominant Explanations and Narrative Theory 17
- The Unit of Penitentiary Defense: Origins, Background, and Challenges 19
- Data and Methods 22
- Findings 28
- Conclusion 42

PAPER 2: "STATE LEGITIMATION UNDER A LIMINAL LABOR REGIME: THE CASE OF STREET-LEVEL CONTRACTORS" **46**

- Introduction 46
- Literature Review 52
- The Unit of Penitentiary Defense. 58
- Data and Methods 63
- Findings 69
- Conclusion 88

PAPER 3: "PROFESSIONAL NARRATIVES, BOUNDARY WORK, AND STATE BUILDING: THE CASE OF PENITENTIARY DEFENDERS" **96**

- Introduction 96
- Literature Review 101
- Data and Methods 103
- Findings 109
- Conclusion 134

CONCLUSION **139**

REFERENCES **145**

APPENDICES **153**

INTRODUCTION

I embarked on this dissertation project due to my past experiences as a law student at Universidad de Chile. My interest was cemented by a powerful event in my third year. Under the guidance of our criminal law professor, we visited a prison in downtown Santiago, Chile's capital city. We were paraded past prison cells and through corridors lined with dozens of men staring at us. I couldn't believe my eyes. I was also filled with questions: Why were these men there? What crimes had they committed? Were any of them innocent? Where do they sleep at night? How do they stay warm during Santiago's cold winters?

The prison visit was perplexing and inspiring. I decided to intern at the National Office of Public Defense in the impoverished district of San Miguel, where we regularly visited prisons to meet with the inmates we represented. I also started working at the Center of Studies of Justice, a research center focused on the work of criminal courts and their application of criminal law. A few years later a court judge invited me to participate in the foundation of a non-governmental organization dedicated to advancing the protection of prisoners' rights. Professionals from various disciplines, including sociologists, journalists, social workers, and lawyers, created LEASUR, the first professional NGO dedicated to spreading awareness about the dire conditions of the country's prisons and the importance of protecting prisoners' rights. We worked to strengthen the dialogue between civil society organizations, state agencies, policy makers, and legal scholars to address the chronic crisis of the Chilean prison system.

Among the many people interested in our project, we met with penitentiary defenders, attorneys hired by the Chilean Unit of Penitentiary Defense to provide legal counsel to convicted prisoners. They were extraordinarily welcoming. As volunteers, we had many meetings with

them to find avenues for collaboration. We were both sides grappling with the same fundamental question: What can we do to improve prisoners' lives? However, unlike us, penitentiary defenders had direct access to prisoners and their families. They were the real deal. Some of them became our enthusiastic informants and supported our mission. They often met with us after work and became key allies who facilitated access to penal facilities and significantly advanced our efforts. New questions started to emerge: Who are these attorneys? Why are they willing to spend their free time with us? Do they have the power to change prisoners' lives? We, the volunteers at LEASUR, admired and respected them deeply. Many of us aspired to become penitentiary defenders. I didn't, but many law students in the organization did.

I have carried these questions with me for the past ten years. I left LEASUR in 2015 to pursue my doctoral studies, yet I continued to ponder: What drove me, my colleagues, and penitentiary defenders to care about prisoners' rights? Why did all these volunteers—and I—create LEASUR? What were the origins of our commitment? These were personal, real-life reflections that I sought to address in my future research. However, responding to these questions from a sociological perspective presented a challenge. I had to understand the work of penitentiary defenders as a case study representing broader, more complex social phenomena. This shift required me to consider the larger sociological debates underlying the role of penal practitioners in the penal field.

The sociology of punishment offered me a theoretical lens to view the work of penitentiary defenders as part of a broader national project of state building and development of penal institutions. Sociologists of punishment conceive the everyday work of penal practitioners as one piece within the wider puzzle of contemporary penality, including its laws, sanctions, institutions, practices, and the associated discourses, symbols, rituals, and performances (Garland

2013). Ultimately, the case of penitentiary defenders offered me an opportunity to address a fundamental question in the sociology of punishment: Once criminal justice policy has been enacted, who sustains its implementation and why?

This formulation allowed me to focus on one aspect of penal development typically overlooked by the sociology of punishment: the role of the narratives of individual agents in the advancement of penal change. Punishment and society studies have mainly focused on the macro- and meso- processes of penal development. For instance, comparative empirical studies address how nation-specific arrangements – such as electoral and party systems, bureaucratic structures, and mechanisms of knowledge production – explain the configuration of penal systems across societies (Garland 2001; Lacey 2008; Lappi-Seppälä 2011; Savelsberg 1994; Tonry 2009). Meso-level studies explore the contingent political struggles that take place in local policy sites to explain the shape and scope of penal institutions in specific times and places (Goodman, Page, and Phelps 2017; Loader and Sparks 2004:16; Page 2012; Rubin 2015). While these macro- and mid- level analyses have been fundamental in understanding the emergence, diffusion, and success of penal projects, the identity of penal practitioners and their contribution to penal change are absent from most of these accounts. The case of penitentiary defenders gave me an opportunity to respond to these questions.

The origins of the Chilean Unit of Penitentiary Defense (UPD) date back to the implementation of the criminal procedure reform, commonly known among legal scholars as the Reforma. Following Augusto Pinochet's dictatorship in Chile (1973-1990), progressive politicians and legal scholars leveraged transitional justice processes to advocate for a comprehensive reform of the criminal procedure. The Reforma brought about extensive institutional changes, including a

shift from an inquisitorial to an adversarial procedural model, the establishment of new criminal justice courts and new public agencies, and the development of new managerial models of administration (Langer 2007). The Reforma recruited a massive number of professionals to start filling the new available positions opened in criminal courts, the Public Prosecutor Office, and the National Office of Public Defense (NOPD), the public agency that provides legal assistance to individuals charged with a crime who are financially unable to retain private counsel. Through a public-private model, the NOPD launched a pilot program to extend the services of legal counsel to convicted prisoners in 2009. The program's success led to its nationwide expansion, culminating in the formal establishment of the UPD in 2011 and the institutionalization of the role of penitentiary defender.

I began to gather data for this study in November 2019. I sought to understand how penitentiary defenders engaged in the project of providing legal counsel to convicted prisoners and how they made sense of their participation in the penal field. My data comes mainly from in-depth interviews with 37 defensores and 14 penal practitioners undertaken between December 2019 and November 2021. Due to the COVID-19 pandemic, I conducted most of my interviews via telephone and video communication. In the interviews I aimed to elicit detailed life stories and inquire into penitentiary defenders personal and professional lives. I included questions focused on personal and family backgrounds, education, law school training and graduate studies, and their understandings of professionalism. Questions about their current (or former) routines as penitentiary defenders revolved around their everyday work duties and workload, their perceived skills, milestones or significant career experiences, and relationships with colleagues and clients.

I did not begin the interview processes with a clear focus on how commitment works or how do professionals explain their commitment to the organizations they belong to. However, in my first interviews many penitentiary defenders revealed having a deep emotional connection to their profession. Soon it became apparent that if I sought to fully grasp their understanding of their work, I needed to delve deeper into their view of themselves, their pasts, their families, their values, and other moments of introspection. Most of the interviewees were eager to discuss their personal and professional lives with me and I was thus able to obtain large amounts of data on both their personal experiences as well as their general ideas of penitentiary defense. As a Chilean lawyer myself, I had the advantage of understanding the inner workings and decision-making practices of the prison field, cultural expectations about the legal profession, and knowledge of juridical jargon. Documentary analysis of secondary sources (legislation, media debates, internal papers and reports, collective agreements, and academic literature) complemented the analysis.

In terms of its methodology, I took a grounded theory approach (Glaser and Strauss 2017), which allows the researcher to inductively develop theory from fieldwork in a flexible, yet systematic way, which is especially useful in social justice inquiry (Charmaz 1999). I also used the tools of narrative studies and narrative criminology to examine penitentiary defenders' professional commitments. Narrative studies suggest that individuals actively construct their identities through personal narratives that integrate their past, present, and future. Narrativists have introduced terms like *Homo Narrans* and *Homo Fabulans* to emphasize human's predisposition to organize experiences through the stories we craft for ourselves and others. Narratives reveal both the creative and plastic nature of the human mind and the socio-structural forces that shape humans' material conditions.

There are three interconnected findings that gave way to three different papers, which are the core of this dissertation. First, penitentiary defenders craft professional narratives that integrate their personal and professional biographies. I discovered that penal practitioners narrate their present professional circumstances in relationship with past experiences, which provides them with a sense of coherence that explains their ongoing commitment to public service. Second, penitentiary defenders are subject to liminal labor conditions that exclude them from the material benefits and symbolic status of public employees. However, through their narratives, penitentiary defenders challenge the public-private contracting scheme of the UPD to present themselves as devoted public servants. Through these narratives, penitentiary defenders resolve the problem of dual identification of private contractors, cultivate their self-worth, and contribute to the internal legitimacy of UPD. Third, penitentiary defenders narratively construct their professional standards of commitment by demarcating who belongs to the in-group vis-à-vis members of the outgroup. I provide evidence of the relational nature of commitment and show how penal practitioners develop their moral philosophies through comparison and demarcation against adjacent actors in the penal field. Although there is considerable overlap among the ideas presented, each of three papers stands alone and complements the others.

In the first paper, "'This is Where I Belong:' A Narrative Study of Professional Commitment to a New Criminal Justice Agency" I rely on narrative studies to examine how individuals engage in sense-making processes through the creation of biographical narratives that tie personal and professional self-understandings together. Findings reveal that defensores use four main narratives as explanations for their professional commitment to criminal defense. Penitentiary defenders put forward narratives of identification where they explain their professional commitments based on negative childhood experiences, including past criminal

behavior in their families and early encounters with law enforcement. In contrast, some penitentiary defenders develop what I call narratives of privilege, where they interpret their childhood experiences of economic wellbeing as a source of social indebtedness with marginalized populations. A third narrative type, narratives of calling, take place when penitentiary defenders refer to different life scenarios —beginning in childhood and adolescence— to build stories where they demonstrate having the skills to become lawyers and engage in social justice endeavors. Finally, in their narratives of admiration, penitentiary defenders revere the meaningful relationships they had with mentors in the past and present their current professional practice as a way of honoring the values and ideals put forward by these early role models. These four narratives reveal how professionals in the criminal justice system engage in meaning-making processes through the creation of biographical narratives that tie personal and professional self-understandings together. Moreover, these narratives do not occur in a vacuum: they are produced under broader large-scale historical trends that have taken place in Chile over the past decades, such as the expansion of higher education for first-generation students and the modernization and expansion of state agencies.

The second paper "State Legitimation under a Liminal Labor Regime: The Case of Street-Level Contractors" shows how the liminal labor regime of penitentiary defenders deprives them of the economic benefits and symbolic status of public sector employment. Due to the private contracting system enforced by the NOPD, penitentiary defenders are required to operate as independent entrepreneurs, conform to strict performance metrics, and confront periodic audits and renewals, which engenders a permanent sense of precarity and uncertainty. In terms of their professional identity, penitentiary defenders face the problem of dual identification, i.e., they simultaneously straddle two organizations: the company in charge of their labor regime and

the state. Penitentiary defenders respond to these material and symbolic circumstances by crafting professional narratives that challenge their designation as private contractors and aligning their work with the status of public employees. They present themselves as reluctant entrepreneurs driven by a mission to protect prisoners' interests, criticize the rigid metrics system, and denounce the absurdity of contract termination procedures. These narratives emphasize their commitment to providing effective legal counsel, portraying their work as unquantifiable, immensurable, and emotionally irreplaceable. In addition, penitentiary defenders use four narratives of public service to present themselves as public employees, despite the liminal regime that regulates their work. Through narratives of abstraction, they present the value of the provision of legal counsel to convicted prisoners as contributing to the greater good and to society as a whole. Through their narratives of self-sacrifice, they emphasize their devotion to the provision of legal counsel in contrast to the profit-driven interests of private attorneys. In their narratives of association, penitentiary defenders borrow the legitimacy of adjacent professional jurisdictions to construct their professional value and specialized expertise. Finally, through their narratives of recognition, defensores present themselves as protagonists of stories where other penal practitioners –especially court judges and prison officers– demonstrate their admiration and respect for their work. These findings hold moral and institutional significance. Through their narratives, penitentiary defenders validate their sense of belonging to the state, cultivate their self-worth, and contribute to the institutional continuity of the program of penitentiary defense.

From these findings, the case study of penitentiary defenders has inspired me to coin the concept of street-level contractor, a new analytical category in the social sciences that describes front-line workers who align their professional identity with the symbolic status of public

employees despite operating under a liminal labor regime. Street-level contractors create narratives that negotiate, challenge, or resist their positions within the structural constraints of private contracting. Their narratives also assist them in constructing a professional identity within the criminal justice bureaucracy and justify their aspirations to become valued professionals despite not being full members of the state. The idea of street-level contractors and their problem of dual identification is likely to offer a plausible theoretical approach to study the professional narratives of private contractors across state agencies.

The third paper "Professional Narratives, Boundary Work, and State building: The Case of Penitentiary Defenders" uses the concept of boundary work to explore penitentiary defenders' expectations about their professional roles. Through boundary work, individuals create, maintain, or challenge the criteria to demarcate who is included and excluded from their professional communities (Gieryn 1983; Zietsma and Lawrence 2010). This process assists these professionals to establish the expectations and moral standards of their job. In addition, given that the UPD is a relatively new agency in the Chilean criminal justice system, the case of penitentiary defenders allows us to understand the mechanics of boundary work as state building processes unfold. Since these professional roles will be enacted for the first time, penitentiary defenders must integrate their personal expectations with a forward-looking perspective on their new professional roles and the moral standards for acceptable and unacceptable behavior within the organization.

The findings from the third paper suggest that defensores create professional narratives that engage in boundary work to establish, promote, and sustain moral standards for legitimate legal counsel in the prison system. Three key narratives shape the professional identity of defensores. Firstly, through a pioneer narrative, defensores present themselves as responsible for

the institution and development of legal counsel for convicted prisoners in the Chilean penal system. This narrative sets a moral standard of leadership and innovation, distinguishing them from general practitioners, attorneys without specialized knowledge in prison legislation, and conformists, attorneys accustomed to the established legal order within the prison system. Second, through a narrative of pragmatic empathy, penitentiary defenders balance their compassion with their sense of pragmatism. This standard demands defensores to empathize with prisoners' conditions while approaching legal cases with prudence and realism. This narrative sets them apart from cynics, fraudsters, and defectors. Finally, the narrative of professional altruism demands penitentiary defenders to engage in activities beyond the formal mandates in their contracts, such as working beyond standard hours and obligations. This narrative differentiates them from ritualist attorneys who are willing to only meet the formal metrics explicitly stated in their contracts. Together, these three narrative tropes serve as an organizational resource for socializing collective ideals and moral standards, contributing to the formation and consolidation of the moral community and policy project of the UPD.

In terms of its analytical contribution, this dissertation contributes to the sociology of punishment by analyzing the identity narratives of penal practitioners in the criminal justice system. I shift the focus from macro- and meso-level analyses of penal change to the role of professional narratives in the development of penal policy. The findings suggests that the form and success of penal reform hinges on how penal practitioners build their identities in the context of the criminal justice system. Through their narratives, penal practitioners align their personal biographies to their professional roles, confront the labor conditions that regiment their work, and establish the moral standards of their professional communities. This micro-level examination of the agency of penal practitioners and their professional narratives introduces a

promising hypothesis for the future understanding of penal change based on the relationship between personal and professional narratives, the construction of self-worth, and the internal legitimacy and success of criminal justice agencies. I would like to think that this theoretical proposition can also enrich the analysis of professional communities across state agencies. In addition, the present study contributes to the literature on indigent defense. It offers a novel explanation of how legal aid lawyers become personally and professionally invested in providing legal counsel to convicted prisoners, despite adverse labor conditions and working with a stigmatized population. Also, this study explores the professional narratives of penal practitioners in the context of the formation of a new criminal justice agency. By incorporating experiences of professionals outside the Global North, I expect to strengthen the explanatory power of existent theories of professional commitment.

Methodologically, this study relies on narrative theory and narrative criminology. Existing studies provided the foundations for planning my fieldwork, building the sample of interviewees, constructing the questionnaire, and setting the tone of my interviews. Through narrative criminology I came to the realization that I needed to generate the conditions –in terms of the sample, questions, tone, setting, time, and emotional disposition– to facilitate a productive dialogue with penitentiary defenders, where they would present themselves as protagonists of stories about the provision of legal counsel to convicted prisoners. This is why, I believe, the interviews ultimately became personal, emotional, enjoyable, and long. In the second place, after the data gathering process, narrative studies offered the analytical tools for a thorough examination of the interview transcripts. This approach prompted me to focus on stories and accounts, including memories, anecdotes, and significant life episodes. I analyzed interviews as

storied psychosocial constructions rather than as veridical reports of the past (McAdams et al. 1997).

After conducting this research, I can offer three methodological suggestions for future narrative studies in the criminal justice system. First, this study demonstrates that individuals interpret their personal biographies and past experiences to make sense of their present conditions. To overcome the limitations of the presentist approach of narrative criminology, interview research must include questions that address the narrative integration between individuals' personal pasts and professional presents (as suggested by Bloom et al. 2021; Bunderson and Thompson 2009; and McAdams, Diamond, de St. Aubin, and Mansfield 1997). Second, narrative criminologists should examine individuals' financial conditions, move beyond the dichotomy between material and ideal motivations (as suggested by Somers 1994), and recognize that tangible rewards –such as salaries, job stability, and paid benefits – condition, but are also subject to, narrative interpretation. Third, narrative criminologists should add a relational approach to their inquiries and invite subjects in their studies to provide their perspectives on their interactions with adjacent actors in the penal field. Fieldwork planning and subsequent analysis must ensure that data collection and examination allow researchers to explore the biographical, material, and relational components of professional narratives within the criminal justice system.

In terms of its practical contribution, this study pays attention to penal practitioners' personal backgrounds, sense of moral worth, and professional expectations. These new dimensions of analysis could assist policy makers in developing more effective and sustainable policy projects. Recruitment and selection processes could take into consideration candidates' personal biographies; is likely that the stronger alignment between candidates' backgrounds and

the mission of the organization could improve the selection of effective candidates, create productive professional experiences, and foster better work climates. As has been stated elsewhere, a solid identity integration between self and work may influence professionals' career success, sense of wellbeing, and occupational satisfaction (Bloom et al. 2021). These insights could also help policy makers to improve their assessment of the advantages and disadvantages of the implementation of liminal labor regimes in the penal field. While penal practitioners may develop narratives that help them cope with precarious labor conditions, policy makers shouldn't rely solely on workers' enthusiasm to sustain penal projects. The continuity and success of penal policy require committed professionals who are provided with the necessary conditions to thrive and remain dedicated to their jobs. This study also reveals how penal practitioners build the moral standards of their professional performance. This information could be used by policy makers, managers, and supervisors to identify the informal culture that underlies the operations of the organization. This should lead them to reinforce positive professional standards, identify emergent leaders in the organization, recognize possible conflicts between formal and informal expectations, and make informed decisions to strengthen the validation of the purposes and mission of the organization amongst its members.

Paper 1: "This is Where I Belong:" A Narrative Study of Professional Commitment to a New Criminal Justice Agency[1]

Introduction

Penal scholars have used different micro-level individual approaches to explore the ways in which criminal justice professionals and penal practitioners – lawyers, social workers, judges, educators, parole agents, correctional officers – join, remain committed, or abandon penal projects. Sociolegal studies in cause lawyering and indigent criminal defense have been particularly prolific in this regard. Research on law students and lawyers provide different co-occurring individual-level explanations of attorneys' preferences to work as criminal defense lawyers, including altruistic personality traits, the allure of the material benefits involved in legal practice, and the individual's position in the social structure (Baćak, Lageson, and Powell 2020; Curran and Noone 2007:78; Emmelman 1993; Etienne 2005; McIntyre 1987; Menkel-Meadow 1998). Whereas traditional approaches rely on personal qualities, rational calculations, and structural explanations of professional commitment, alternative theories suggest paying attention to the complex agentic aspects of professional identity construction. Researchers in adjacent fields of study –such as social psychology, administrative sciences, organizational studies, and narrative criminology– have begun to pay attention to the ways in which individuals themselves engage in self-defining processes of professional identity construction. The narrative study of lives has contributed greatly to the understanding of how professionals find sense and meaning from interpreting life events in their biographies as the basis for their

[1] Reproduced with permission from Springer Nature

professional engagement to organizations and institutions (Bloom et al. 2021; Bunderson and Thompson 2009; McAdams et al. 1997). The present study builds on existing analyses of criminal defense lawyers' professional commitment by applying a narrative framework to the case study of penitentiary defenders (hereinafter, defensores[2]), Chilean lawyers who work for the Unit of Penitentiary Defense (hereinafter, the UPD), a relatively new agency that provides legal assistance and enables convicted prisoners to file grievances and report rights violations before criminal courts. Drawing on 45 interviews with 37 defensores, I examine the ways in which public attorneys in the Chilean criminal justice system incorporate biographical experiences and life events into coherent narratives that support and justify their professional roles.

Findings reveal that defensores use four main narratives as explanations for their professional commitment to criminal defense. One narrative type addresses defensores' first-hand interactions with the justice system in the past. Since some have experienced the vicissitudes of the justice system from a very young age —usually because of relatives' involvement in criminal activities — a group of defensores rely on narratives in which they identify themselves with the population they serve. This is what I call narratives of identification. A second narrative type, that I call narratives of privilege, refers to childhood experiences of social privilege and economic wellbeing as foundations for defensores' need to give back to society. This narrative type reveals that some defensores understand their past as a source of social indebtedness to marginalized populations. A third narrative type, narratives of

[2] Following the Spanish denominations throughout the text I use the terms "defensor," which is masculine, "defensora," which is feminine, "defensoras" which is plural for feminine, and "defensores," which is plural for both masculine and feminine.

calling, occurs when defensores refer to different life scenarios —beginning in childhood and adolescence— where they demonstrate having the abilities to engage in advocacy and social justice endeavors. These narratives are presented as cohesive life stories that attest that defensores have always had the skills and motivation needed to be a good defensor. The fourth and final narrative type takes place when defensores revere the meaningful relationships they had with mentors in the past –such as primary teachers, grandparents, or law school professors–. Through this narratives of admiration, penitentiary defenders present their current professional practice as a way of honoring the values, principles, and ideals put forward by these early role models. Furthermore, these narratives do not occur in a vacuum: they are produced under broader large-scale historical trends that have taken place in Chile over the past decades.

The contribution of the article is thus twofold. First, it contributes to the broader literature of punishment and society studies by situating the role of individual agency in the configuration, development, and success of penal projects. Second, the article contributes to the criminal indigent defense literature –and the literature of professional narratives more broadly– by explaining how legal aid lawyers become personally and professionally invested in agencies within the criminal justice system. It shows how professionals in a criminal justice agency engage in meaning-making processes through the creation of biographical narratives that tie personal and professional self-understandings together.

In sum, this study incorporates a narrative perspective of personal commitment to professional work in criminal justice institutions and thus contributes to new understandings about the ways in which individuals become involved in penal projects. It shows how penal practitioners undertake a narrative reconstruction of their biographical experiences that allows them to make sense of their professional commitment to the provision of legal aid within the

criminal justice system. In doing so, it takes a deeper look at the institutional development of the criminal justice system from the perspective of individuals who inhabit it. Examining how individuals interpret their pasts —the memories they recall, the life scenes they recount, the milestones they celebrate, and the plot lines they put together — is important for identifying how and why some pathways lead to personal and professional stories of commitment (McAdams et al. 1997). The personal biographies and life narratives of actors in criminal justice agencies such as the UPD can strengthen our current understanding of penal change.

In terms of structure, the next section of the article describes the legal practice of indigent criminal defense, discusses the strengths and weaknesses of dominant theories of criminal defense attorneys' professional commitment, and outlines key features of narrative theory. The following section presents the case of the Unit of Penitentiary Defense (UPD), its origins, background, and the current challenges that defensores encounter in their daily practice. I then describe the data and methods. The findings section describes the four types of narratives that defensores resort to in order to make sense of their personal commitment to their professional identities. The final section discusses the theoretical contribution and the value of exploring professional commitment from a narrative perspective in criminal justice research.

Indigent Criminal Defense: Dominant Explanations and Narrative Theory

A fundamental component of modern criminal justice systems is the provision of indigent defense, i.e., the protection of the legal rights of those accused of breaking the law who cannot afford their own attorney (Baćak et al. 2020). Both Anglo-Saxon and Latin American scholarship reveal that, while a necessary part of functional legal systems, public defenders

encounter numerous challenges. Client turnover, engagement in multiple cases, and the lack of attention from judges and courts causes the routinization of lawyers' tasks and undermines their ability to adequately perform their duties (Emmelman 1993; Etienne 2005:1244; Libedinsky 2015; Norton, Johnson, and Woods 2015; Stippel, Medina, and Lillo 2020; Venegas 2018; Zaloznaya and Nielsen 2011:920). Adverse working conditions can undermine lawyers' commitment to the profession and render the provision of legal services for vulnerable populations a dull, frustrating, and exhausting experience. However, despite these multiple challenges, many attorneys decide to accept these conditions and work as legal aid professionals (Baćak et al. 2020; Curran and Noone 2007:78; Emmelman 1993; Etienne 2005; McIntyre 1987).

Studies of criminal and indigent defense lawyers provide different explanations of this strong professional commitment. First, some attribute cause lawyers and criminal defenders' commitment to legal aid to a so-called social justice personality and a psychological predisposition to caring labor that prompts them to engage in self-sacrificing behaviors for the benefit of others. Second, rational choice theorists explain engagement in public defense as the result of a cognitive assessment of the benefits and costs involved in the practice, including monetary rewards and other tangible benefits. Lawyers assess the presumed market-value of their abilities and aptitudes to maximize the profit out of the possible opportunities within their reach. Finally, structural explanations ascribe personal commitment to individual positions within the social structure in terms of class, race, and gender. They usually point to the capacity of lawyers that come from underprivileged backgrounds to develop more empathetic dispositions towards marginalized populations (Baćak et al. 2020; Etienne 2005; Menkel-Meadow 1998).

These traditional explanations provide valuable knowledge about the possible factors that sustain legal aid lawyers' commitment to indigent defense, but some important elements are missing. First, explanations based on personality traits often overlook the power of social forces in shaping and changing individual's social lives (Dannefer, Kelley-Moore, and Huang 2016:88-89; Thorne 2004:365). Second, the cognitive perspective of decision-making assumes that individuals are rational calculators who are free to choose their professional careers. They also present us with a dichotomy between material and ideal modes of action and overlook the fact that individuals can be driven by both tangible and intangible rewards (Somers 1994). Finally, structural explanations derive the meaning of action from "totalizing fictions" in which fixed categories of experience –such as race, class, and gender, over-determine actors' decisions (Somers 1994:610-11). A universalistic framework like this reifies essentialist categories (like being Black or female) and would not explain other (more profitable) career choices among non-privileged non-white female lawyers that are not motivated by engagement to a social cause. To further understand how individuals participate in the advancement of penal projects, it is crucial to examine how they themselves construct their personal biographies around their professional roles. To date, these processes of professional identity construction as explanations of commitment to criminal justice defense are absent from the majority of these accounts.

The Unit of Penitentiary Defense: Origins, Background, and Challenges

This research examines the Chilean Unit of Penitentiary Defense, a relatively new institution in the Chilean criminal justice system (established in 2009), as a case study for the exploration of professional narratives in criminal indigent defense. Outraged by the precarious

conditions of Chilean prisons, a group of public defenders and a specialized team of social workers developed an interdisciplinary project to assist convicted prisoners to make legal claims and report situations of abuse (Libedinsky 2015). At the time, the living conditions of the more than 46,000 prisoners in Chile were (and continue to be) precarious and inhumane. In 2008, a report described the existence of torture, cruel treatment, and degrading conditions along with inadequate access to drinking water, food, education, and medical services in penitentiary facilities (Universidad Diego Portales 2008:77). Allied with the Spanish Agency for International Development Cooperation, a team of professionals created the Unit of Penitentiary Defense (UPD) and instituted the role of the penitentiary defender. Unlike regular public defenders —lawyers who protect the rights of individuals accused of crimes during a criminal investigation — penitentiary defenders provide indigent defense and initiate administrative and judicial action to protect convicted prisoners' constitutional rights while serving their sentences (Libedinsky 2015; Stippel et al. 2020; Venegas 2018).[3] Institutional equivalents of the UPD can be found in Australia (Prison Advice Center from the Legal Services Commission), Argentina (Defensoría General de la Nación), and Ecuador (Defensoría Pública).[4] With the new UPD and its contingent of defensores, convicted prisoners gained, for the first time, post-sentencing

[3] Both public and penitentiary defenders are called "defensores" in the Chilean criminal justice system. Here I will use the term defensores for penitentiary defenders exclusively unless indicated otherwise.

[4] It is worth noting that national public programs that provide public legal assistance to convicted prisoners are relatively rare. The United States lacks a functioning legal services system for any group in the population (Sandefur 2015) and publicly funded programs for condemned populations do not exist (Calavita and Jenness 2015). Legal reforms in the U.S. have actually limited prisoners' access to legal recourse and eliminated governmental funding for legal service programs (Zaloznaya and Nielsen 2011). Prisoners generally have few options to file lawsuits before state or federal courts, among which are acting through *pro se* legal representation or jailhouse lawyers, receiving legal services from law school clinics or private organizations, or paying for post-conviction lawyers (Schlanger 2003).

access to public legal assistance (Libedinsky 2015). The program currently has 54 defensores working across the country's entire 16 regions (Stippel et al. 2020).

Important sociopolitical factors gave way to the institutionalization of the UPD. In the year 2000, the Chilean government implemented a criminal justice reform, widely known as the "Reforma Procesal Penal." The Reforma was the result of two large-scale phenomena; first, a political movement aimed at strengthening the rule of law and human rights protections after the legacy of Pinochet's authoritarian regime, and second, increased demands for effective criminal prosecution (Hathazy 2016; Wilenmann 2020). The Reforma entailed vast public investments in new infrastructure and employment opportunities and thus gave way to a massive new state bureaucracy (Wilenmann 2020, in Argentina similarly: Bergoglio 2009), which recruited a new emergent class of criminal justice professionals.

Another important factor is the enactment of the Supreme Decree of 1981 which allowed for the creation of private universities. This in turn gave middle-class and first-generation students greater access to higher education (Chacón 2015; Villalonga 2021). Between 1982 and 1993, 25 new law schools were established in both public and private universities. By 2014, there were 49 law schools in Chile (Villalonga 2021). The expansion of higher education enrollment, the proliferation of private law schools, and the growing participation of groups traditionally excluded from liberal professions contributed to the diversification of the social origins and demographics of law students (Villalonga 2021:414) as well as the expansion of an available workforce for civil service (similarly, Bergoglio 2009).

A final factor is linked to far-reaching restructuring attempts of the Chilean public sector which took place in the wake of Pinochet's dictatorship. This restructuring primarily sought to outsource a wide range of tasks and services and establish the adoption of market-type

employment mechanisms (Herrera, Torres, Nicolis, and Salas 2020; Mori 2020), which has given way to a so-called mixed defense system, where the state employs different systems of public tenders in which private practitioners (in this case, defensores) bid to offer legal aid at the lowest cost (Stippel et al. 2020; Villalonga 2021). This public-private system offers defensores a middle-range competitive salary for the Chilean job market (±U$2,000 monthly), not comparable with high wages from top law firms, but analogous to the remuneration from other similar white-collar jobs in the public system. Reformist projects, the expansion of job opportunities, access to higher education, and flexible government contracts have given way to greater access to legal services to marginalized populations (Bergoglio 2009:22-23) and also provide emergent legal professionals with ample work opportunities.

As state officials, the work of defensores presents many challenges. They are exposed to the traditional restrictions of public bureaucracies and must fight against the precarity of the Chilean prison system. They work with limited resources, staff shortages, as well as emotionally exhausting encounters with state clients. Note that there is only one defensor per 1,000 prisoners (Stippel et al. 2020). Moreover, correctional authorities have resisted the presence of defensores in prison facilities (Libedinsky 2015:237) and a predominant sector in the Chilean judiciary has proven to be skeptical of legal claims regarding prisoners' constitutional rights (Libedinsky 2015; Venegas 2018). High caseloads, institutional resistance, and adverse work conditions threatens defensores' motivation to remain on the job. Therefore, the puzzle remains: Why do defensores decide to commit themselves to work in indigent defense?

Data and Methods

Data in this study come from in-depth interviews with 37 defensores undertaken between December 2019 and November 2021. Interviews lasted on average 60-70 minutes and were audio recorded with participants' permission and transcribed. Only the quotes used in this paper were translated into English. Ethical approval for this research was granted by the University of Minnesota's Institutional Review Board. I refer to participants by pseudonyms and have removed or slightly changed identifying information.

During the period from December 2019- February 2020 I conducted seven in-person interviews and managed to establish good rapport with my interviewees. However, due to the COVID-19 pandemic, my in-person fieldwork was brought to a halt. I adjusted my methodological approach and begun to conduct interviews via telephone and video communication (through Zoom, a video communication platform). I also began to sustain constant communication with many of my interviewees through a free instant messaging application (WhatsApp). The use of the video platforms and text messages reconfigured my fieldwork and increased my research access instead of decreasing it (see also: Ndhlovu 2021). For instance, before COVID-19, clarifying or expanding on some points of the interviews was unlikely or unrealistic once they had been conducted. Unless I scheduled a new interview, interviewees would consider their interaction with me to be restricted to the specific time and place where the interview was carried out. After the COVID-19 pandemic began, I was able to request clarifications via email or WhatsApp messages. Defensores themselves would text me or send audio messages to clarify their points, send me new information, or expand on subjects of their interest.

The interviews were semi-structured and organized as life-story interviews, covering participants' lives from childhood to the present. By November 2021, I had interviewed 28

current defensores, 9 former defensores (N= 37), and conducted 8 follow-up interviews with defensores with whom I established good rapport.[5] The majority of the interviews took place during the pandemic, which makes it difficult to capture any substantive difference in professional narratives pre- and post-COVID. The sample of defensores consists of 21 women and 16 men, with a mean age of 36 years old. Many of these defensores are first-generation college students (N=17) or middle-class (N=20) students that come from second or third tier law schools. All 9 of the former defensores in the sample had secured jobs in private or public legal practice after leaving the Unit.

In the interviews, I aimed to elicit detailed life stories and inquire into defensores' personal and professional lives. I included questions focused on personal and family backgrounds, education, law school training and graduate studies, and their understandings of professionalism. Questions about their current routine as defensores revolved around their

[5] The sampling approach relied on three main strategies: convenience, snowball, and stratified sampling. I used a convenience sampling strategy in the first stage. As a lawyer formerly involved in an NGO that provides free legal aid to convicted prisoners, I reached out to two defensores of my trust that had previously worked with the organization to provide legal training on prison issues to volunteer law students. These 2 defensores provided further information about well-regarded colleagues (n=2). In the second stage, I used snowball sampling to interview 5 more defensores (n=5) based on their suggestions. I also reached out via email to two executive directors from the Defensoría Nacional in charge of assessment performance to request information about defensores known for their success. I had met these two executives in 2014 because of my participation in an academic seminar organized by the Defensoría. Three more defensores were contacted using this approach (n=3). A first round of coding from these first 10 interviews made clear that a broader approach was necessary to achieve a better understanding of defensores' experiences overall. In the third stage, I used stratified sampling and expanded my search to defensores working throughout the country. I sent a request to Defensoría National through the Chilean Freedom of Information System to have a list of all the defensores that had worked and were currently working at the Unit of Penitentiary Defense from 2009 to 2021 indicating their regions of work and contact information. In total, the list submitted included 38 former defensores and 54 defensores working at the Defensoría at the time of the request. I stratified this list expecting to interview at least one defensor o defensora working in each of the 16 Chilean regions. Drawing on this criterion, I sent out formal invitations to 32 defensores and 11 former defensores. I had a 50% response rate and conducted 18 interviews with current defensores. The 50% of non-response corresponds to 11 defensores that didn't reply to my requests, 4 defensores who explicitly declined to participate, 2 defensores that demonstrated initial interest to participate, but discontinued their communication in the process of scheduling a meeting, and one defensora who scheduled an interview with me but didn't attend the meeting. Out of 11 former defensores, 9 responded to my requests. I conducted 18 interviews with defensores and 9 with former defensores using this final approach (n=27). I succeeded in interviewing at least one defensor per Chilean region."

everyday work duties and workload, their perceived skills, milestones or significant career experiences, and relationships with colleagues and clients.

I did not begin the interview processes with a focus on the connection between personal stories and professional narratives. Initial comments indicating a sense of connection between defensores' personal pasts and professional presents shifted the focus of the ensuing interviews. It became apparent that if I sought to fully grasp defensores' understanding of their profession, the interview questionnaire needed to delve deeper into their view of themselves, their pasts, their families, their values, and other moments of introspection. Most of the interviewees were eager to discuss their personal and professional lives and I was thus able to obtain large amounts of data on both their personal experiences as well as their general ideas of penitentiary defense. As a Chilean lawyer myself, I have the advantage of understanding the inner workings and decision-making practices of the prison field, cultural expectations about the legal profession, and knowledge of juridical jargon.

I used an open and axial coding scheme with NVivo 12 to identify emergent categories from the interviews. In examining these data, I took a grounded theory approach (Glaser and Strauss 2017), which allows the researcher to inductively develop theory from fieldwork in a flexible, yet systematic way, which is especially useful in social justice inquiry (Charmaz 1999). The interviews were analyzed as storied psychosocial constructions rather than as veridical reports of the past (McAdams et al. 1997). I first read through all the interviews and sorted comments into an emergent set of topical categories. Those comments reflecting a belief that being a defensor was "something that one was meant to be or part of who one has always been" emerged as the most frequently coded category in the data, in 29 out of 37 interviewees (close to 80%). Sample comments included "I knew this is what I was meant to do," "I see prisoners

and I see my family," "This is where I belong," and "I can't see myself working anywhere else." After several iterations through the entire set of interviews, I reached a point of saturation at which I developed autonomous categories for relevant excerpts.

The second round of coding and in-depth analysis focused on how defensores narrate their past and connect it to their present. As common themes began to emerge, I resorted to studies on public defense, cause lawyering, public administration, and narrative analysis. Narrative theory offered a powerful toolkit to analyze life scenes, plots, characters, and linguistic resources (Bruner 1991; McAdams et al. 1997; McAdams 2001; McAdams and Guo 2015; McLean, Pasupathi, and Pals 2007; Somers 1994; Thorne 2004). Studies on narrative criminology (Fleetwood, Presser, Sandberg, and Ugelvik 2019; Presser 2016; Ugelvik 2016; van Hulst 2013) and work as a calling in administrative sciences also offered a strong theoretical precedent to explain preliminary findings (Bunderson andThompson 2009; Bloom et al. 2021).

The end result was an articulation of the different life scenes, inner dialogues, and reflections presented by defensores of the ways in which the criminal justice system is narrativized and becomes embedded in their personal accounts. As I coded the interviews, four themes emerged as crucial elements of interpretation: identification, privilege, calling, and admiration. A summary of these categories is presented in Table 1.

Table 1. Narrative Categories and Sample Quotes		
Type of Narrative	Content	Sample Quote
Identification	Mentions first-hand experiences with the Chilean criminal justice system prior to becoming a defensor. Includes references to pasts of precarity and marginalization.	I think that that [my parents' imprisonment] has helped me to develop a skill, a particular sensitivity in my job that is different than [others].
Privilege	Associates pasts of affluence/wellbeing with contemporary commitment to public service. Includes references to a sense of responsibility, desire to give back to society, and sensitivity to the suffering of others.	I always say to my dad that we have had many privileges in life; even up until today. […] From that position of privilege, we can do great things too.
Calling	Defensores highlight their personal aptitudes to fulfill their professional roles. Narratives explain how distinctive characteristics preceded and somehow predicted the decision to join the profession. Includes references to processes of self-discovery as well as notions of duty, fate, and destiny.	My dad would always say to me 'Hey, you're going to be a lawyer'. Maybe that stuck with me since I was little and over time it increased. […] At the time I had to choose a career I said 'Ok. I'll go to law school'. That was kind of a surprise for everyone, except for my parents. They said that they knew I was going to enter law school.
Admiration	References to role models in early childhood, adolescence, and young adulthood connected to empathy with marginalized populations and the exercise of criminal defense.	Rodrigo was key. Key. Key. Key. […] He taught us the core values of law. Today I feel that being a defensor is letting me do something with the core principles that I learned in those years.

I coded as "Identification" those comments highlighting the importance of interviewees' first-hand experiences with the Chilean criminal justice system prior to becoming a defensor, including testimonies of marginalization, crime involvement, and visits to criminal justice agencies such as criminal courts and penal facilities. This code also comprises references to how these past experiences of institutional contact shaped defensores' current sense of aptitude and professionalism. I used the label "Privilege" to code excerpts where defensores mention their privileges and past affluence of both themselves and of their families manifested in accessing exclusive services activities (such as attending a private school or traveling) and purchasing

upscale goods. Under this category defensores compare their past and prosperous living situation in the present with that of convicted prisoners and the moral duty that emerges consequently. I coded as "Calling" defensores' interpretations of past events that demonstrate early personality traits and dispositions towards justice that make these defensores particularly suitable for their job. It also refers to premonitions that indicated a future in lawyering. Finally, I coded as "Admiration" narratives of role models who defensores' report to have had an impact on their lives. It includes references to family members, significant adults, mentors, or university professors that provide an image of kindness, knowledge, enthusiasm, or aptitude for public service. This coding scheme is not mutually exclusive. Comments could be attached to one or several mother codes.

Findings

Throughout the interviews, defensores shared a narrative interpretation of experiences prior to the acquisition of their professional roles, which I argue helps them establish a connection between their personal lives –including their childhoods, family backgrounds, events in adolescence, and college experiences– and their commitment to penitentiary defense. A considerable number of defensores use some of the four narrative tropes discussed here, although in different shapes and scopes. The narrative construction of personal experiences indicates that defensores find sense and meaning from interpreting life events in their biographies as the basis for their professional engagement to the provision of legal aid.

1. Narratives of identification

For some defensores there is a clear connection between their pasts of precarity and marginalization and prisoners' lives. In their testimonies, defensores draw equivalences between their lives and the lives of their clients and embrace the stigma of working with prisoners by creating rhetorical constructs that bridge the notion of "us" versus "them." They knew about the vicissitudes and hardships of the prison world from a very young age. For them, their decision to become defensores stems from past experiences with the prison system.

The parents of defensores Sonia and Tito went to prison when they were adolescents. Tito explains: "I went to law school because of the experience we had as a family. That led me to aspire to be a lawyer. I wanted to study, study law, and be a defensor." Tito referred to his experience of having both father and mother in prison.

> *I think that [his parents' imprisonment] has helped me develop a skill, a particular sensitivity in my job that is different than [others]. [...] It is something that engenders a vision [about the prison system]. For instance, I don't need someone to explain to me that women are subject to cavity searches. I saw it. But my colleagues have no idea how the prison world works. I believe that I am even thankful for what happened. So yes. I studied law partly because of that.*

Tito also asserts that he has developed a particular sensitivity and understanding of the prison world based on events in his adolescence. Professionals who have had similar personal experiences to those of the communities they serve are able to identify and situate the decisions and contexts that gave way to the current situation (Clair, Daniel, and Lamont 2016). By putting prisoners' lives in perspective, defensores like Tito are able to understand and empathize with their current conditions. When asked how his family tried to understand and make sense of what happened, Tito responded:

> *There is one reason only. This is rational. That's the explanation behind crime. I can't criticize someone who grew up in extreme poverty, like my parents did and the majority of prisoners do nowadays. You get it? I can't ask them to behave like me. […] Their lives have been harsh. Very very harsh. That's why they made that choice. [...]* ***I see prisoners and I see my family.*** *There has not been any social progress for them. [...] My father started pick-pocketing when he was 12 years old. He only reached 2nd grade. He finished high school while in prison.*

Note that Tito conveys "I see prisoners and I see my family" explicitly. He advances a less stigmatizing understanding of criminality by contextualizing the choices his parents made under strenuous circumstances. Moreover, Tito also believes that his unwavering commitment to indigent defense is essential to professional practice. For him, legal knowledge and technical skills are less important than the emotional commitment of lawyering for a cause. Later in the interview he demands the UPD embrace an institutional policy that commits to recruiting defensores who are personally empathetic to the hardships of the prison population and emotionally committed to indigent defense.

> *The biggest problem that the Unit has stems from the fact that they only focus on technical aspects and leave aside the social [component][...] You have to make sure that applicants for this job are not only interested in the money. You get it? You have to make sure that they are passionate about this job.*

Sonia's narrative also reflects an experiential past and provides a justification of her professional commitment based on personal events. She opened the interview with a strong statement.

> *I have always been interested in criminal law. After obtaining my J.D. I tried to figure out how I could enter the* Defensoría [*Public Defender's Office*]. *I never thought about being a* fiscal *[prosecuting attorney]. I have no interest in being a prosecutor, because they have a different agenda. Whereas I have always been interested in working as a* defensora*. To be honest, when I was a*

> *child my father went to jail. That's why I am familiar with prisons. That helped me to decide what I wanted to do in life. […] Imagine me and my sister during prison visits. It was humiliating. I know how prison visits work. I know how humiliating the system is. I know how it is to leave the prison, go into your home and have yourself a cup of tea, knowing that your loved one remains locked up in prison.*

Stories of negative childhood experiences (violence, poverty, problematic situations in the family like criminal behavior, and encounters with law enforcement) assist defensores like Tito and Sonia in the creation of their professional selves. These defensores' social origins and experiences allow them to be more attuned to the experiences of the imprisoned and to obtain positive meaning from their traumatic pasts. To some extent, they are experts by experience, for they have witnessed their relatives become involved in criminal activities and have had institutional contacts with the criminal justice system as users (similarly, Anderson, Williams, Bost, and Barnard 2008). These experiences also provide them with the knowledge and perspective to authoritatively contest mainstream descriptions that demonize prisoners and to create counter-narratives about both offending and punishment (similarly Uggen, Horowitz, and Stewart 2017). They also feel encouraged to investigate problems or difficulties that prisoners endure that may never occur to other defensores who lack such experiences.

The pasts of these defensores morph into an emotional and intellectual resource that is used to understand and navigate the criminal justice system. By having experienced the prison system firsthand, these defensores aspire to dismantle common misconceptions about prisoners and look beyond the formal legal categories imposed by the criminal justice system. Their experience has helped them develop a sense of empathy that empowers them to fight for prisoners' rights as if they were advocating for themselves and for their families in the past.

These narratives of identification are inescapably connected to large-scale historical phenomena that have taken place in the Chilean higher education system. Since the 1980s, the proliferation of law schools in Chile gave high school students from marginalized backgrounds –like Tito and Sonia – the opportunity to study law and obtain a law degree. This is actually a very new development in the history of Chilean legal education: only the massive access to higher education of the past 30 years could have provided access to the children of prison inmates to studying law. Thus, defensores like Tito and Sonia are able to fulfill what they see as their purpose in life thanks to the possibilities that became available in the Chilean higher education market during the 80s.

Tito and Sonia come from families that experienced the prison system first-hand and have been direct witnesses of the destructive operations of the Chilean criminal justice system. As structural explanations of professional commitment would suggest, their place in the social structure may have influenced their decision to become penitentiary defenders. Sustaining a structural approach, sociolegal scholar Margaret Etienne has hypothesized that US attorneys' racial and ethnic backgrounds may explain engagement in a cause due to what she calls the obligation thesis: because "they view the protection of the rights of the underprivileged as being in their self-interest" (2005:1218). However, the findings of this study suggest that these defensores' social origins and their tough life experiences do not automatically translate into their commitment to penitentiary defense. Defensores like Tito and Sonia engage in creative narrative processes in which they establish a connection between their personal biographies and their involvement in criminal indigent defense. The study of individual processes of narrative self-construction complements structural explanations of professional commitment.

2. Narratives of Privilege

While some defensores build a direct connection between their lives and the prison system, others associate their pasts of affluence and wellbeing to their current moral values and commitment to public service. To do this, they embrace a narrative of privilege. They describe childhoods of family affluence and economic wellbeing and arrange the plot points of their lives to envision their professional selves as morally responsible for the battle against human misery.

For many defensores the idea of giving back to society emerges along with a sense of responsibility that logically leads to being a defensor. These defensores build their identity narratives based on —in their words —their families' privileged pasts. They see themselves as enjoying a special advantage that most do not enjoy — let alone the prison population. Many of them depict their past selves as privileged children who lacked nothing. Today their gratitude for this privilege serves a resource to explain their desire to help the disadvantaged and work towards social justice. The stories of defensoras Eleanor and Sandra bring together disparate features in their lives to assemble a narrative that unifies and gives purpose to their profession. Eleanor, for instance, presents herself as a "privileged rebel:"

> *When I started to work in prisons, my parents were in shock. My mom was like 'I have taken care of you. I have always protected you and now you do this?' They couldn't make sense of it at that time, but I know that they have my back now. They have always supported me. Always. Always. Always.*
>
> *And I have always been kind of a rebel. In life in general. With injustice. This has increased over time. I always say to my dad that we have had many privileges in life; even up until today. The fact that I am working from home, in my apartment. All very nice. All very quiet. The fact that I go to the grocery store and can spend 100,000 Chilean pesos [close to $120 dollars] to buy three random things. That's privilege there. From that position of privilege, we can do great things too.*

> *We have two paths to take. One is to take shelter in our privilege, or we can try to do our part. As simple as that. I, from my privilege – because I am privileged–I am contributing to society. I haven't taken a vow of poverty, though. Far from that. But I am contributing to society. And I am helping many people. I am not saying that prisoners are all innocent. I have never said something like that. I have never said 'free them all'. However, if you are in a prison you have the right to live in humane conditions. Period. That's what I am fighting for. That's my contribution to society.*

Eleanor revisits her past experiences and conveys the need she feels to give back to society as due to the blessings she received early in life. Eleanor's narrative identity is a subjective construction that assists her in making sense of past experiences –her family affluence– in light of present events –her work as a defensora. The prosperity of her family has impacted her life: she can't escape the inherent and long-term privilege that has benefited her and her family since childhood. Eleanor's narrative construction of gratitude and indebtedness also helps her explain how she became the person that she is today: she has always been a kind of a rebel whose rebellion has increased over time. Her reconstruction of the past also provides her with a moral compass for her daily life, making it clear that her ethical values and beliefs compel her to contribute to society and help prisoners live in humane conditions through the institutional capacities of the UPD. This narrative of privilege provides coherence and temporal continuity between Eleanor's past and present.

It is worth noting that Eleanor also makes clear that she hasn't taken "a vow of poverty." Indeed, the Unit of Penitentiary Defense offers decent material conditions, including mid-level salaries and flexible working time arrangements. In Eleanor's narrative of privilege, personal and material motivations simultaneously come together (see: Somers 1994). As a side note, consider the testimony of Vicente, another defensor, who mockingly encapsulates this circumstance: "When someone starts teasing me for being a defensor I tell them: 'I am a

defensor. I defend criminals. I like it. I make money from it. And I am fucking good at it.'" Rational and emotional motivations converge in defensores' narratives. They harmonize their perceptions of themselves and their desire for tangible rewards to coalesce in a meaningful narrative of commitment to the profession.

Sandra also describes a background of family affluence. She explains that both of her parents went to college, with her father as a successful engineer and her mother having studied art theory. When explaining her motivation to work as a defensora she asserts that she sees it as a moral obligation.

> *From my point of view, I see this as an obligation. Not as an obligation that someone imposed on me, but as an obligation that I personally assume-- freely and happily. I have been extremely privileged.*
>
> *Note that my parents paid my tuition in college. I had to work to pay for books and transportation, but my father paid my college tuition. So, I have always felt that I am in debt to society. In my life I have always been so privileged, and I feel that I have to give it back to people who haven't had any opportunities in life, who haven't had access to the things I have had in life.*

Eleanor and Sandra provide their lives with a semblance of unity and purpose by connecting their internalized life stories of privilege and the moral duties that stem from that privilege to the professional space they inhabit — the criminal justice system. The stories these defensoras tell about themselves require them to analyze their distant pasts, when they enjoyed economic advantages and wellbeing. These stories are accompanied by their sensitivity to the suffering of others. Similar to McAdams' description of generative narratives (2001), these defensoras see their class privilege as the source of their duty to share their advantage and put their talents at the service of prisoners and their families. This is not trivial: this type of defensor interprets their life story in such a way that considers their professional selves as morally responsible for

the battle against human misery in the prison system. For them, the notion of giving back to society emerges alongside a sense of responsibility that logically leads to their professional commitment to criminal indigent defense.

3. Narratives of Calling

Defensores also use a narrative strategy that consists of examining their deep-rooted individual capabilities, personalities, and core convictions as manifested through different life scenes. Similar to previous studies on called professionals (Bloom et al. 2021), many defensores build cohesive life stories that demonstrate that they have always had the skills and motivation needed to be a good defensor. Their path of discernment entails a process of self-discovery, where preliminary life choices and career decisions may have proven wrong. However, once lifelong skills are recognized, the decision to become a defensor seems rather obvious. The notions of duty, fate, and destiny play an important role in explaining how life —the universe even — wanted these individuals to become advocates of social justice.

The case of Valeska sheds light onto how some defensores build a definition of their past and present selves that naturally lead them to becoming a defensor. Even though she prepared for and aspired to go to medical school while in high school, she was not admitted. However, for her, the decision to study law is due to her exceptional oral skills and inherent sense of social justice. Ultimately, life circumstances helped her to discover her true self.

> *What happens is that at first, I did not want to study law. I liked it at some point, during high school, as one of many career options, but I wanted to go to medical school. I took the PSU [the Chilean version of the SAT] and I did not reach the score for studying medicine. I was put on the waiting list. But my score was good for law school. I liked that idea because I did a lot of*

> *public speaking and was part of the debate academy during high school. I participated in some inter-school debate tournaments as well. So, I applied to law school. I always think about justice; about being able to help directly and concretely. Truth is that I was also among the top 10 students out of the 180 students entering Law school that year. That was very important to me.*

We can see that for Valeska, having oral and debate skills played an important role in her decision to study law. From her perspective, a good lawyer needs to hold a profound sense of social justice and desire to help people. She fits into this ideal type. Throughout our conversations she made it clear that she has both the professional skills required to be a defensora and a strong level of commitment to social justice. It does not really matter that law school was not her first option. Life showed her the right path to take despite her previous supposedly faulty preferences.

These defensores feel that they have something within them that has enlightened their path to working within the prison system. Carlos explains his life stance as a child and the enigmatic discovery his parents had in his early childhood: that he was born to be a lawyer.

> *When I was a child, I wanted to do something totally different. I really liked driving vehicles. A taxi. A bus even. But my father used to tease me. I liked defending my mother from everything. Whatever people said to my mom, I would defend her. My dad would always say to me 'Hey, you're going to be a lawyer'. Maybe that stuck with me since I was little and over time it increased. […] At the time I had to choose a career I said 'Ok. I'll go to law school'. That was kind of a surprise for everyone, except for my parents. They said that they knew I was going to enter law school. Parents seem to know what their children like and want [...] For them it was a relief to know that I was going to pursue a career that I was supposedly meant to choose as a child. […] In fact, I have always thought that we all have to be equals under the law. Everyone should have the opportunity to see their rights being protected [...]. From that point of view, I was interested in protecting the vulnerable. Think of children, or victims without economic resources, or defendants. That has always been my motivation. To level the playing field.*

At the center of defensores' vocation, there is the feeling of being born with the skills and aptitudes to be a lawyer. Carlos makes a connection between his ever-present inclination for justice and his work as a lawyer. This is the connection researchers have found called professionals make between their gifts and talents and the particular domains of work for which those passions and endowments seem particularly fitting (Bunderson and Thompson 2009). Defensores revisit and select moments and episodes of their pasts in a quest for evidence that would demonstrate how their early talents constitute the antecedents for their work today. These connections between the personal past and the professional present help narrators not only generate consistency and stability in their sense of self, but to explain and justify their competence for their professional practice (McAdams and Guo 2015).

Defensora Fabiola began our interview explaining how being a defensora has been a blessing for her.

> *I never thought about doing this job. In fact, I didn't even know that there was this profession of* penitentiary defender. *I never studied it in law school. It was not a thing to me. I wanted to be a public defender, kind of like Don Quixote. Now I see this [being a* penitentiary defender*] as a blessing. I decided to go to law school knowing that I wanted to help. That did not go away after I choose this path, because I still want to help. You get it? I just fell into the right place. A place where I can do things and help people who really need it and that are left unheard.*

These narratives involve the idea that life drove these prospective defensores to the right place. Similar to Bloom's narratives of discernment (Bloom et al. 2021), Fabiola's narrative of calling prompts her to believe that her ever-present passion for social justice inevitably propelled her to embrace her professional role as a defensora. It is almost as if she was destined to advocate for

convicted prisoners and become a legal aid lawyer in the criminal justice system since the day she was born.

4. Narratives of Admiration

Legal professionals often recount the importance of role models in their childhood, adolescence, and university years. Mentors can provide advice, sage counsel, and positive support as professionals envision their work. Studies have shown that the presence of models of excellence in a profession offer plausible archetypes of what a committed professional might look like and depict ideal types on to which beginners can map themselves (Bloom et al. 2021). Findings in the present study reveal that mentor relationships operate as a narrative resource for defensores to understand themselves as loyal advocates of a social cause. Defensores honor meaningful relationships they had with mentors in their pasts and therefore create a past of loyalty, where they see themselves as honoring the intellectual and professional tradition put forward by their mentors. Defensores as mentees see themselves as the heirs of a tradition of commitment to social justice and conceive of their professionalism as the continuation of a path that was forged by others in the field.

Role models for defensores can emerge during their childhood or adolescence, but they appear more prominently during their college years. Figures of academic authority act as mentors who helped future defensores to find their true vocation and mission in life. Penal development is filled with stories of academic and professional mentorship, but very few of them explore how these relationships unfold. Defensores' narratives of the present hinge on their view of their relationship with role models in the past. For instance, when I asked defensor

Andrés about the origins of his motivation for being a defensor, he mentions his law school professor, Arturo Zebada.

> *When I entered law school, I always thought I was going to be a* fiscal *[prosecutor] to catch the bad guys. Like I was going to be the city's hero. But I had the opportunity to meet this criminal law professor, Arturo Zebada. He showed us the other side of the coin; about the ways in which public defenders provide legitimacy to the criminal justice system, this terrible monster. That was a turning point. I started changing. I always liked criminal law, but that was the point in which I decided to go down that road [public defense]. I then had this vision about me being a defensor. That became a professional goal, but also a personal goal.*

Tito recalls Rodrigo Cerda, a law school professor who connected with him and his fellow students at a very deep level. This type of guide instills and praises the capabilities and convictions of their pupils. Tito explains that Cerda inspired him and his classmates to be critical but also passionate regarding the legal profession. Cerda used to give books to his students and encouraged them to write essays and reflections about the uses and abuses of the law. Relying on the adamant language common in Chilean conversations Tito asserts:

> *Rodrigo was key. Key. Key. Key. He became a leader among us. He formed this group even though he knew we were poor students. None of us was a shining star, but he saw something in us. He taught us the core values of law. Today I feel that being a* defensor *is letting me do something with the core principles that I learned in those years.*

Another defensor, Carlos, reflects on the importance of public defender Juan Ignacio Lafontaine for his decision of joining the Defensoría. I asked him what was it about Lafontaine that motivated him to be a defensor.

> *Professor Lafontaine –I still call him Professor Lafontaine- had the courage of a defensor. That courage of knowing that you may give everything up for*

> *lost, but your client still deserves to be defended. Clients have rights that must be protected, regardless of whether they have been convicted or not. We all have the right to defense, to equality of arms. There must be a balance [in a criminal trial]. That is how Professor Lafontaine convinced me and another colleague to choose this path. He inspired us to decide: 'I want to study this, dedicate myself to this'. We saw him as a model, so to speak, from the point of view of litigation, his performance in court, and the passion he devoted to his work. That was what motivated me to be a defensor.*

In professional circles, a mentor is usually somebody that provides encouragement and intellectual stimuli (Sawicki and Siméant 2010: 90). Individuals' embeddedness in a network of mentorship or reciprocity heightens their sense of responsibility to their peers. Social networks support certain forms of sociability and identities that contribute to make commitment effective and permanent (Zaloznaya and Nielsen 2011: 926). The stronger the ties to the network the higher the costs involved in relinquishing professional identities and practices, not only in terms of professional stability, but also in terms of abandoning a source of meaning and self-understanding (Sawicki and Siméant 2010: 91).

It is worth noting that a historical key component of the socialization in the legal profession in Chile is the provision of legal training to law students through the National Legal Aid Service (*Corporación de Asistencia Judicial*). Law students in Chile must undergo a mandatory six-month unpaid internship after finishing law school in a public legal service. This internship was established to provide free legal aid for the poor, but also to shape "the spirit of a 'socially conscious' legal profession" through the training of younger generations of lawyers who would be sensitive to "human misery" in a spirit of "social solidarity" (González Le Saux 2022: 259, 264). Moreover, human rights discourses that have accompanied the installation of the Reforma Procesal Penal are also likely to have shaped defensores' professional *ethos*. Thus, the spirit of

solidarity that is manifest in defensores' personal accounts stems from broader historical trends within the socialization of the legal profession.

Taken together, these examples show how role models help defensores build expectations and ideals associated with the legal profession. Andrés, Tito, and Carlos seek to honor the presence of those role models during their college years – their rhetoric, their values, their authority in the field – by putting forward the moral standards they ascribe to their professional roles. These moral standards stem from personal interactions, but also from the founding principles of the legal profession in Chile. Thus, they create a narrative of an offer, an invitation, a proposition to fight against the abuses and oppression of the criminal justice system. Andrés, Tito, and Carlos decided to honor that invitation by joining and remaining in the UPD. That also meant, for them, being a member of a communal experience that aspires to protect collective values and ideals about criminal justice. Being a defensor is thus being loyal to that invitation from a mentor in the past.

Conclusion

Why do some attorneys engage in the provision of criminal indigent defense despite the adverse work conditions that characterize the practice? (Ashforth and Kreiner 1999; Baćak et al. 2020; Curran and Noone 2007; Emmelman 1993; Etienne 2005:1244; Libedinsky 2015; McIntyre 1987; Menkel-Meadow 1998; Stippel et al. 2020; Venegas 2018; Zaloznaya and Nielsen 2011).The present study uses the case of penitentiary defenders in the Chilean Unit of Penitentiary Defense (UPD) to explore lawyers' professional commitment to the provision of

legal aid within the Chilean criminal justice system despite high caseloads, institutional resistance to the recognition of prisoners' rights, and limited resources.

Findings indicate that defensores construct biographical narratives that reflect the different ways in which professionals reinterpret their childhood, adolescence, young adulthood, and law school years in light of their present circumstances. Defensores build and find explanations for their current professional engagement in their early interactions with the criminal justice system (narratives of identification), their intention to pay back the early advantages they had in life (narratives of privilege), and their sense of having a deep-rooted lifelong moral aptitude to advocate for the weak (narratives of calling). Also, the presence of role models offers defensores an example of what advocating for justice might look like and it also encourages them to live up to what they consider to be shared expectations in the profession (narratives of admiration).

On the one hand, this research complements current ideas about how penal projects endure and succeed. Scholars of penal change have explained how nation-level structures (Garland 2001; Lacey 2008; Lappi-Seppälä 2011, Savelsberg 1994; Tonry 2009) and political struggles (Goodman et al. 2017; Loader and Sparks 2004:16; Page 2012; Rubin 2015) impact the shape and scope of penal institutions. By studying the agentic aspects of professional commitment to criminal justice institutions, this research adds a novel micro-level perspective to macro- and mid-level explanations of penal change. On the other hand, it also complements existent theories about lawyers' commitment to indigent defense. Traditional individual-level explanations of professional engagement point to personality traits associated with altruistic motivations, the rational assessment of the costs and benefits involved in the practice, and individuals' place within the social structure (Baćak et al. 2020; Etienne, 2005; Menkel-

Meadow 1998). Studying the narrative connection defensores make between their personal biographies and current professional practice adds a new perspective to the agentic aspects of professional commitment to criminal justice institutions.

It is also worth noting that the narrative categories that emerged from this study are in dialogue with analytical categories previously identified by narrative studies of professional commitment. The narratives of privilege resemble the idea of generative narratives put forward by Dan McAdams (1997), in which early family blessings motivate the desire of giving back to society. The narratives of calling also resemble the narratives of discernment described by Bloom et al. (2021), where narrators describe a journey towards what they see as their destiny in life. I have adapted some of the theoretical advancements of narrative studies to create new analytical categories that may better respond to the universe of meaning of the criminal justice system.

In terms of its policy implications, this study can aid public policy makers in the identification of professionals that consistently commit to their practice, provide adequate legal services, and remain in the job. First, defensores' professional narratives can have a great influence into how the provision of indigent defense as a penal policy is implemented on the ground. Second, strong professional narratives may empower defensores to remain committed to the provision of indigent defense despite adverse working conditions. As has been stated elsewhere, a solid identity integration between self and work may influence professionals' career success, sense of wellbeing, and occupational satisfaction (Bloom et al. 2021). Finally, defensores can mobilize penal change above and beyond the formal duties of providing legal service provision. Future studies on legal defense should explore how defensores put into practice the narratives that they have created for themselves.

Certainly, a narrative approach to professional commitment has important limitations. First, interviews do not allow for statements of a causal relationship between defensores' narratives and their ensuing behavior – such as remaining in the profession or providing quality legal services. An observational approach that captured individuals' professional behavior could complement the narrative findings present in this study. Second, the sociopolitical context of narration is key for understanding the substance and limits of professional narratives. As Lois Presser argues: "We do not choose just any identities we wish; we are in no position to make ourselves up from scratch" (Presser 2016:146). Here, I have considered the influence of large-scale transformations in Chile, such as the reform of the criminal justice system, the growth of legal education coverage, and new trends in the expansion of bureaucratic infrastructure. However, historians are likely to provide a more complete landscape of the structural changes that may have influenced the shape and scope of defensores' experiences and narratives. Third, the majority of the 37 defensores interviewed for this study shared an internalized, evolving story of their professional selves through the narrative examination of their personal biographies. However, not all defensores resort to a narrative reconstruction of their personal experiences. Future studies could formally test the coexistence or divergence of different mechanisms of professional commitment. A more formal and comprehensive comparison between competing theories of career choice and engagement (such as personalistic, rational-choice, and structural approaches) could provide a clearer picture of penal practitioners' professional engagement in the criminal justice system.

Paper 2: "State Legitimation under a Liminal Labor Regime: The Case of Street-Level Contractors"

Introduction

In this study I examine penitentiary defenders' professional narratives and their role in sustaining and advancing the mission of the UPD. I draw on sociolegal research and political science studies to explore the role of professional narratives amongst front-line state workers (Barker 2001; Cecchini and Sommer Harrits 2022; Lipsky 1980; Maynard-Moody and Musheno 2022; Seale, Buck, and Parrotta 2012; Taylor, Gross, and Turgeon 2018; Zacka 2017), paying special attention to agencies within and related to the criminal justice system (Borrelli and Trasciani 2019; Bottoms and Tankebe 2012; Thumala, Goold, and Loader 2006; Ugelvik 2016; van Hulst 2013; Vega 2017). I also resort to work and management studies to examine the components of workers' professional identities under liminal labor regimes (Ashford, Barker Caza, and Reid 2018; Berrios 2006; Dias and Maynard-Moody 2006; Garsten 1999; George and Chattopadhyay 2005; Ibarra and Obodaru 2016; Jolley 2008; Kunda 2002; Pearce 1993).

I seek to better understand the role of professional narratives in the development and success of public policy in the criminal justice system. I aim to respond to the question: Once penal policy has been enacted, who sustains its implementation and why? I use a micro-level approach to analyze the narratives of penitentiary defenders as a case study of the relationship between professional narratives, the structural constraints of liminal labor regimes, and the internal legitimacy of criminal justice agencies. Previous research on professional narratives have focused mainly on collective narratives of outward

organizational legitimacy (Thumala et al. 2006; Ugelvik 2016; van Hulst 2013). In contrast, I focus on agents' moral consciousness and the inward stories they tell about themselves (similarly, Bottoms and Tankebe 2013, Murphy and Kreiner 2020, and Vega 2017). Thus, I expect to contribute to the understanding of professional narratives in the continuation of penal policies at the most granular level of the human experience, i.e., an individual's sense of self.

Methodologically, I draw on legislative statutes, interviews with authorities at the Unit of Penitentiary Defense and current and former penitentiary defenders to examine the labor regime that regulates defenders' work and the narratives they develop to address their role as private contractors who provide the public service of legal counsel. I use the approach of narrative studies (Bloom et al. 2021; Brunner 1991; Bunderson and Thompson 2009; McAdams et al. 1997; Somers 1994) and narrative criminology (Presser 2016; Ugelvik 2016; van Hulst 2013) to examine how penitentiary defenders interpret their professional experiences as the basis for their engagement to the provision of legal counsel under the material constrains imposed by a liminal labor regime, i.e., not fully recognized as part of the traditional workforce of government agencies, nor entirely independent from them (Garsten 1999).

Findings indicate that the expansion model of indigent defense coverage through public contracting compels penitentiary defenders to operate as independent entrepreneurs and establish their own private law firms to qualify as providers of legal counsel. This reliance on defensores' private practices deprives them from the economic benefits and symbolic status typically associated with public sector employment. Furthermore, the competitive bidding process imposes formal performance metrics that quantify their daily

activities and responsibilities. In addition, as their contracts are subject to periodic audits and renewals, penitentiary defenders face uncertain working conditions, which prevents them from achieving job stability and securing tenure.

As a result, penitentiary defenders construct professional narratives that dispute their designation as private contractors and instead align themselves with the status of public employees. To reject their status as private contractors, penitentiary defenders create narratives of discontent that describe the incompatibility between the private contracting regime that regulates their work and the successful provision of effective legal counsel. First, penitentiary defenders present themselves as reluctant entrepreneurs– professionals who acquiesce to the contracting regime solely to fulfill their fundamental mission of protecting prisoners' best interest. Second, penitentiary defenders describe the rigid metric-based system that quantifies their professional activities and argue that the system fails to capture the true essence of their work. Third, they characterize contract termination procedures as irrational and arbitrary, oblivious to their profound emotional investment in the provision of legal counsel. Through these narratives, penitentiary defenders present themselves as committed professionals who use the contracting system merely as a vehicle to dedicate themselves to their fundamental mission of providing expert legal counsel to convicted prisoners. They also consider their professional work to be empirically unquantifiable and emotionally irreplaceable, putting the impersonal nature of the contracting system into question.

In parallel, penitentiary defenders adopt the rhetoric of public service provision to align their identities with the status of public employees. As public employees within the Chilean criminal justice system wield significant economic and symbolic capital,

penitentiary defenders engage in identity work to present themselves as public servants despite the liminality of the public-private labor regime that governs them. They use four different narratives to validate their sense of membership to the state. First, they present their daily tasks as contributing to a larger purpose. Using the logic of abstraction, penitentiary defenders portray themselves as agents of state-building and emissaries of the rule of law within the prison system. These abstract motives infuse the daily work of penitentiary defenders with meaning and a sense of purpose. Second, through narratives of self-sacrifice penitentiary defenders compare their commitment to public service against profit-driven private attorneys. They see their dedication not merely as a job but as a calling to serve the public and maintain the integrity of the legal system. Third, using narratives of association, penitentiary defenders borrow the language and reputation from adjacent professional fields to enhance the symbolic legitimacy of their work. Finally, in their narratives of embeddedness, penitentiary defenders emphasize the recognition granted by other penal practitioners within the professional circuit of the criminal justice system, especially prison officers and court judges, which they see as proof of their expertise and involvement in the public sphere.

The findings from this study hold both moral and institutional significance. Penitentiary defenders leverage the narratives of public service provision to counterweight the material and symbolic exclusion associated with their status as private contractors. By viewing themselves as morally responsibly state agents committed to serving the public good in the criminal justice system, penitentiary defenders counterbalance their formal marginalization from public sector employment, cultivate their self-worth and reconcile their dual status of private contractors and public service providers. Institutionally, these

narratives become a source of moral worth that legitimize their professional commitment to the broader institutional project of the Unit of Penitentiary Defense. By ascribing moral value to their professional selves, they justify their compliance with the Chilean model of legal counsel and contribute to the continuity of the UPD as a public policy.

Based on these findings, I argue that penitentiary defenders' moral ideals about their work transforms them into what I call *street-level contractors*, front-line workers that adopt a professional identity aligned to the symbolic status generally granted to public employees despite their formal regimentation by a privatized labor regime. As demonstrated by the scholarship on street-level bureaucrats, state actors negotiate, challenge, or resist their positions within structural conditions (Cheliotis 2006; Lin 2000; Lipsky 2010). Street-level contractors emerge as a subset within the category of street-level bureaucrats who encounter distinctive and context-specific constrains that stem from the liminal nature of their labor regimes. Even though private law firms are the primary responsible for their labor conditions, street-level contractors consider that their substantive mission renders them *de facto* public sector workers. To confront the official state discourse, street-level contractors contest formal state definitions and develop a particular set of narrative strategies to dispute the official credentials that designate public sector work.

I argue that professional contractors in the penal realm encounter the difficult task of constructing a professional identity that finds a space in the bureaucracy of the criminal justice system both in terms of its operations as well as in the symbolic spaces of the organization. They aspire to be valued professionals despite not being full-fledged members of the state. They engage in a narrative sense-making of their labor conditions, their personal commitment to prison populations, and the fulfilment of the sometimes-

contradictory goals of the Unit of Penitentiary Defense as a public agency. Ultimately, street-level contractors face a problem of dual identification between their private law firms and the state, and consequently, struggle against the concentration of symbolic capital that constitutes the bureaucratic field. This problem of dual identification of street-level contractors is likely to surpass the boundaries of the criminal justice system and could become a useful theoretical approach to study the dynamics and consequences of private contracting across state agencies.

This study builds on previous research on the professional narratives of penitentiary defenders. Prior studies indicate that penitentiary defenders develop narratives that provide a cohesive integration of their personal and professional biographies (Arriagada 2023). In addition, research has also found that penitentiary defenders create, maintain, or challenge the criteria to demarcate who is included and excluded from their professional community, a process known as boundary work. By drawing boundaries against adjacent actors in the penal field, penitentiary defenders create the moral standards of penitentiary defense, establish a sense of community with other members of the organization, and explain their commitment to the provision of legal counsel for convicted prisoners. This paper complements these prior findings by focusing on the contracting regime that governs penitentiary defenders' work. I argue that penitentiary defenders construct professional narratives not only to integrate their personal biographies to their professional roles, or to define the moral expectations of the in-group against the out-group, but also to reconcile their material working conditions with their professional commitments. Together, these findings contribute to understand penitentiary defenders' role in the promotion of penal policy they see as benefiting the public interest.

Finally, studies of criminal justice agencies have been dominated by research from the Global North. By focusing on Chile, this research illuminates the ubiquitous nature of professional narratives while also assessing their local and historically grounded specificity. It also uncovers the distinctive narratives of professional legitimacy that can emerge in contexts of state building, a process that is mostly absent in countries with long-standing criminal justice institutions. Finally, although some of the ideas expressed here are of special significance for the analysis of penal practitioners' work lives, the points made are of potential relevance for understanding processes of professional identity formation across state agencies.

In what follows, I start by locating my research in the convergence between sociolegal research and studies in political science, work and management scholarship, and narrative criminology to explore the connection between professional narratives and the construction of organizational legitimacy within state institutions and criminal justice agencies. In Section 3 I provide general background information to describe the historical emergence of the Unit of Penitentiary Defense and its connection with broader processes of criminal justice reform and neoliberalization of Chile's economy after Pinochet's dictatorship (1990-2000). Section 4 describes the methods. Section 5 presents the main findings of this study.

Literature Review

An important area of narrative studies examines how individuals weave their personal experiences into cohesive stories that validate their roles in the organizations to which they

belong (Ashforth and Schinoff 2016; Bloom et al. 2021; Bunderson and Thompson 2009; Fine 1996; Ibarra 1999; Ibarra and Barbulescu 2010; van Hulst and Ybema 2020). The way individuals within an organization understand themselves is deeply connected to the legitimacy they ascribe to the organization (Brown and Toyoki 2013). Work and management studies have explored the connection between the narratives of the self among members of an organization and the organization's internal legitimacy. Unlike external legitimacy –that depends on the external view of different stakeholders outside the organization– internal legitimacy is granted by the organizations' members when they see the existence of the organization as desirable, proper, or appropriate within a socially constructed systems of norms, values, and beliefs (Suchman 1995:574-577). Individuals grant legitimacy to an organization based on moral considerations rather than just self-interest or expedient grounds (Bottoms and Tankebe 2013:62-63; Sparks 1994:15). A crucial mechanism for the connection between personal narratives and internal legitimacy in organizations refers to members' ideas of self-worth. Members of an organization tell stories about themselves to construct subjective identities with a valued sense of self (Gabriel 1995:479). Through the narrativization of the self, members fantasize and strive to create stylized versions of themselves and their everyday lives (Brown and Toyoki 2013:876; Ugelvik 2016). In turn, identity narratives of self-worth contribute to the discursive construction of organizations and their legitimacy. Organizational legitimacy is thus possessed objectively, but constructed subjectively (Suchman 1995:574). As Albert, Ashforth, and Dutton suggest, organizations succeed when they inhabit "the heads and hearts" of their members (2000:13).

Narrative studies can help us understand the connection between the professional identities of state agents and the internal legitimacy of the public agencies to which they belong (Barker 2001). The study of the self-perceived legitimacy of internal operators of the state understands the state not as a monolithic entity, but as an extended human activity that demands the constant support of their internal members. Such activity is crucial for state agents to develop and preserve their self-esteem and make sense of their membership to state agencies (Tracy 2000). In his seminal study of the legitimation of the state, Barker states: "When subjects lose faith in rulers, government becomes difficult. When rulers lose confidence in themselves, it becomes impossible." (Barker 2001:68). From Barker's perspective, state agents "talk to themselves" to construct their internal sense of being holders of legitimate state authority. Their lack of self-perceived legitimacy could lead to the abdication of their roles or even to the collapse of state agencies themselves (2001:9, 68). Conversely, empirical studies have also shown that higher levels of internal legitimacy can significantly enhance public employees' engagement and loyalty to policy goals, improve the promotion of respectful and fair treatment to state's clients, incentivize compliance with formal procedures, and ensure the proper implementation of public policy (Rosenbaum and McCarty 2016; similarly, Lin 2000). As a result, individuals are more willing to embrace their organizational identity and even proudly view themselves as ambassadors of the organization in external settings (similarly Albert et al. 2000; Brown and Starkey 1999:103-14; Garsten 1999:612).

The narrative work of state agents is particularly intense within the criminal justice system. Criminal justice agencies usually exist within hostile and politically charged environments (Brown and Toyoki 2013:891) and citizens show considerable levels of

distrust towards its agencies (Tyler 1997). The crisis of penological modernism emerges from a persistent skepticism about the efficacy of modern penal institutions and a pervasive sense of doubt and dissatisfaction with modern penal practices (Garland 1990). As the criminal justice system experiences a chronic deficit of legitimacy, it is unsurprising that penal practitioners face significant challenges when presenting themselves as sensible moral agents, developing their self-legitimacy, and constructing the internal legitimacy of their organizations. Moreover, at the individual level and daily interactions, penal practitioners often face criticism due to their regular contact with defendants and prisoners, a population frequently viewed as undesirable. This form of courtesy stigma can make it challenging for criminal justice professionals to overcome the taint of their organizational roles (Ashforth and Kreiner 1999; Tracy 2004:517).

The study of the connection between identity narratives and organizational legitimacy finds an additional layer of complexity when considering the liminal nature of contemporary labor regimes. Until the 2000's, the traditional organization of public sector work responded to what has been called bureaucratic employment, where employees expected to work in agencies that offered them life-long employment in return for their full-time work and long-term commitment (Albert et al. 2000; Garsten 1999; Kunda et al. 2002). However, in the contemporary landscape, public services, tasks, and responsibilities are now routinely entrusted to government contractors, a strategy that has facilitated the active implication of private actors in the execution of state functions (Harvey 2006:153). The trend for flexible labor arrangements is especially prevalent in the provision of public services within criminal justice agencies (Wacquant 2009:45). Proponents of contracting regimes argue that private competition can lower the expenses of public service provision

and enhance service quality through market competition. An optimistic view of contracted labor portrays it as a flexible regime that grants labor independence as well as the opportunity for contractors to enhance their control over the time and energy they invest in service provision (Kunda 2002:238). However, the liminality of contemporary labor schemes brings about serious problems for the personal construction of a secure professional identity. Liminal labor regimes exclude workers from full-fledged membership within traditional employment structures. While flexible employment promises freedom and opportunities to create a supposedly personalized work biography to the so-called "enterprising individual" (Garsten 1999:614), it also risks offering precarious labor conditions and fickle organizational identities. As scholarship on organizational identification has shown, the transient and mobile nature of liminal labor regimes foster workers' permanent sense of disposability and hinder their ability to find a credible way to constitute themselves (Garsten 1999; Ibarra and Obodaru 2016). Fragile identity cues obstruct the development of a cohesive professional identity, which leaves workers in a state of perpetual transition, unable to fully integrate or align themselves within a solid professional community (Kunda et al. 1992). Specifically, private contractors often encounter significant challenges related to their professional identities, a phenomenon known as the problem of dual identification (George and Chattopadhyay 2005, similarly Garsten 1999:615). Private contractors simultaneously straddle two organizations: the firm or company that administrates contract workers' labor regime and the client organization to which contractors provide their services. Faced with different and sometimes contradictory organizational roles, private contractors strive to reconcile multiple aspects of the self and craft a relatively cohesive understanding of their unique personal identity based on

competing identity demands (Brown 2015; Watson 2008:129). The issue of liminality is particularly complex for private contractors providing public services to state agencies. These workers face not only the challenge of dual identification—balancing their roles between the contracting organization and their relationship with state agencies—but also the added complexity of associating themselves with the symbolic weight, authority, and societal expectations of state institutions.

Studies on the connection between narratives of self-worth amongst private contractors within criminal justice systems are scarce (an important exception is Hilary Sommerlad's work on solicitors of legal services in the UK). In their study of the connection of personal identity and internal legitimacy of penal institutions, Brown and Toyoki explicitly mention this gap in the literature. They forewarn that prison services in the US are increasingly provided by for-profit companies that act according to business principles. These scholars explicitly call for studies that address how new modes of public provision may impact the legitimacy discourses available to penal practitioners (2013:891). Examining the labor conditions of workers in the criminal justice system is thus crucial for understanding the relationship between professional narratives, identity construction, and organizational legitimacy, especially in the context of contemporary forms of labor liminality offered by criminal justice agencies.

In this paper I examine the case of penitentiary defenders, attorneys who work as private contractors for the Unit of Penitentiary Defense, the state agency in charge of providing free legal counsel to convicted prisoners in Chile. By studying the case of penitentiary defenders, I offer insight into the ways in which penal practitioners construct professional narratives that come to terms with the material conditions offered by a liminal

labor regime, develop their sense of self-worth, and bolster the internal legitimacy of the criminal justice agencies they belong to.

The Unit of Penitentiary Defense.

The Chilean Unit of Penitentiary Defense (UPD) was established in 2009 to provide indigent defense and initiate administrative and judicial action to protect convicted prisoners' constitutional rights while serving their sentences (Libedinsky 2015; Stippel et al. 2020; Venegas 2018). To understand the labor conditions that regulate penitentiary defenders' work it is important to describe the different and competing interests that gave way to its creation.

The starting point of the UPD goes back to the implementation of the criminal procedure reform, widely known amongst legal scholars as 'the Reforma.' After Augusto Pinochet's dictatorship in Chile (1973-1989), a huge movement towards the democratization and modernization of the state began to put in motion a series of changes. Progressive politicians and legal scholars took advantage of emergent processes of transitional justice to promote a reform to the criminal procedure as a companion to the political transformations of the country (Hathazy 2016). The Reforma entailed massive institutional changes that included a shift from an inquisitorial to an adversarial procedural model, the installation of new criminal justice courts (Jueces de Garantía and Tribunales de Juicio Oral), new public agencies (the Public Prosecutor's Office, Ministerio Público, and the National Office of Public Defense, Defensoría Penal Pública), and the design of new managerial models for the

administration of criminal justice agencies (Couso and Hilbink 2011). The Reforma recruited a massive number of professionals to start filling the new available positions opened in criminal courts, the Public Prosecutor Office, and the National Office of Public Defense, a nationwide public agency that provides legal assistance to individuals charged with a crime who are financially unable to retain private counsel. In its origins, judges, prosecutors, public defenders, and administrative personnel were recruited as in-house public employees. Consequently, their labor regime fell under the contractual framework – with the regulations, duties, and responsibilities – applicable to state officials, who enjoy access to significant state benefits (such as paid vacation, tenure, and retirement plans).

Along with convenient material conditions, these newly recruited professionals began to enjoy the symbolic status of public employees. As described by Pierre Bourdieu, by nominating public officials, the state offers individuals guaranteed social identities associated with bureaucratic roles (Bourdieu 1994:11-12). Unlike the US –characterized by the absence of a tradition of public service and lack of stable channels for the recruitment and oversight of civil servants (Wacquant 2009:44-45)– in Chile there has been nationwide institutional projects to expand the state bureaucracy, a process that has conferred power and reputation to public employees (Candina 2013). Gradually, throughout the 20th century Chilean public employees developed a distinct self-identity and an imagined community grounded in their education credentials, moral commitments, and their role in the expansion, democratization, and modernization of the state. Consider, for instance, that the Spanish term "funcionarios públicos" designates public employees with the responsibility of putting the state bureaucracy "into function." Furthermore, the emphasis on intellectual capacities,

as opposed to the physical labor traditionally performed by working-class laborers in manufacturing, led these workers to view themselves as a unique social class, distinct from the industrial proletariat, farming peasantry, and the Chilean oligarchy (Candina 2013). Moreover, in the 1920s, national political programs of state expansion endeavored to eliminate long-standing practices of political appointment and clientelism. These initiatives promoted the meritocratic selection and technocratic operation of new state agencies, thereby adding a new source of legitimacy to state professionals (Polga-Hecimovich 2019; Silva 1994). The 21st century reform to the criminal procedure shows continuity with this positive recognition and prestige granted to public employees in the previous century. Presented as a project for the national expansion and modernization of the criminal justice system following Pinochet's dictatorship, the Reforma was also able to grant status upon the newly formed class of criminal justice professionals.

Alas, since Pinochet's dictatorship new forms of state expansion have eroded the material conditions of public employment and undermined the social status and symbolic power of public employee's class identity (Lomnitz and Melnik 1998). Moreover, newly established democratic governments have increasingly embraced the New Public Management (NPM) philosophy. This approach has intensified the reliance of state services on market-based, competition-driven, and results-oriented management mechanisms (Pliscoff-Varas 2017). Precisely, in the new criminal justice system, the legal statute of the National Office of Public Defense included a mechanism for outsourcing legal counsel services, which has resulted in the coexistence of two regimes of public defense: one provided by the so-called local or public defenders (in Spanish, "defensores locales"), employed as public service officials, and one by auctioned defenders (in Spanish,

"defensores licitados"), hired through a service provision contract selected by public bidding processes, employed under general labor laws and without the benefits, protections, and guarantees of state employees (Stippel et al. 2020).

At its inception, the focus of the Reforma revolved around the operations of criminal courts from the investigation of a crime to the trial phase. Since the jurisdiction of criminal courts concludes at the end of a trial, the system remained oblivious to the fate of prisoners post- verdict (Wilenmann 2020). However, shortly after the implementation of the Reforma, the situation of convicted prisoners started to show alarming results. In 2008, an independent private report described the presence of torture practices, cruel treatment, and degrading conditions along with inadequate access to drinking water, food, education, and medical services in penal facilities (Universidad Diego Portales 2008). In 2009, authorities at the National Office of Public Defense took action and gathered a specialized team of policy makers and scholars to device an interdisciplinary project aimed at assisting convicted prisoners to raise petitions and report situations of abuse against prison authorities (Libedinsky 2015). They launched a pilot program of penitentiary defense in the northern region of Coquimbo in 2009. Following the program's success, the Ministry of Justice enacted an executive order mandating its nationwide expansion to be implemented gradually over four years. Initially, the funding for the pilot was provided by the Spanish International Cooperation Agency (AECID in Spanish). Approximately $113,000 was allocated for this purpose. By 2011, the Ministry of Justice had secured the authorization of the Chilean Budget Office of the Ministry of Finance to fund the Unit of Penitentiary Defense (UPD) using taxpayer funds. The Unit of Penitentiary Defense –a subunit within the National Office of Public Defense– came into existence in 2011, 6 years after the complete implementation

of the Reforma.[6]

Authorities at the Unit replicated the contractual regime of auctioned defense to penitentiary defenders in order to reduce public investment to a minimum. The project opened the appointment of penitentiary defenders via market competition at *Mercado Publico* through contracts awarded to private firms through a bidding or procurement process. The tender for penitentiary defense establishes the specifications of the service of legal counsel for convicted prisoners and the evaluation criteria to be enforced throughout the process. The tenders are awarded to those vendors that have made the best offers according to the public auction. An important clause in auction contracts is that vendors must submit their bids as legal persons or entities –not identifiable individuals —, i.e., law firms that work as corporations. To be eligible to participate in these bidding processes, attorneys seeking to provide free legal counsel must own —or be workers at– a private law firm. Thus, law firms operate as private contractors, who commit to optimize procedures, maximize state resources, and provide quality legal services. In general, the National Office of Public Defense awards contracts to law firms that charge the lowest rates in exchange of the best quality services. Note that auction contracts exclude penitentiary defenders from public sector benefits, such as paid vacations and sick leaves. Unlike public sector workers,

[6] The UPD mandates penitentiary defenders to respond to prisoners' needs, which generally include access to parole and prison clemency petitions, transfer to and from prison facilities, medical care, staff misconduct, physical safety, cell assignments, disciplinary action, and visitation procedures. Prior to the creation of the UPD, the provision of public legal assistance for prisoners was essentially finished post-conviction. To file lawsuits before courts, prisoners had few options, such as acting through *pro se* legal representation or jailhouse lawyers, receiving legal services from law school clinics or private organizations, or paying for private post-conviction lawyers. In general, only prisoners who could afford a private attorney could have access to legal counsel. With the establishment of the UPD, convicted prisoners gained access to specialized legal counsel for the first time, at no cost to them.

penitentiary defenders usually work under 3-years renewable agreements, subject to revision and drastic termination in case of breach of contract.

The labor scheme that regiments penitentiary defenders' work represents the convergence of the interests of a group of penal practitioners to protect convicted prisoners' human rights and the structural constrains imposed by a neoliberal model of privatized labor that appoints penitentiary defenders as private contractors, subject to stringent labor conditions and excluded from the benefits of public sector employment. Penitentiary defenders are thus subject to a liminal labor regime, which considers them to be both private contractors and public service providers within the criminal justice system.

Data and Methods

The present study seeks to identify the ways in which penitentiary defenders develop professional narratives that legitimize their participation in the Unit of Penitentiary Defense considering their roles as private contractors, public service providers, and penal practitioners. I employed a grounded theory building approach (Charmaz 2014; Glaser and Strauss 2017) and iterated between the data and relevant scholarship. I used a wide variety of types of data to build the overall argument, including interviews, public documentation, and legal sources.

Sample

In this study, I draw from 51 interviews with a range of stakeholders, including current penitentiary defenders (N=28) and former penitentiary defenders (N=9). I also interviewed both the first and the current director of the Program of Penitentiary Defense (N=2), former directors of the Office of Public Defense (N=2), executive managers within the Office of Public Defense (N=3), legal professionals at the Unit of Penitentiary Defense (N=4), and prominent academic experts in criminal justice reform (N=3). As the director of an NGO dedicated to the protection of prisoners' rights, I had significant connections with leading figures in the criminal justice field, including academics, legal practitioners, and officials from various criminal justice agencies. To gather data for this project, I obtained initial contact details of penitentiary defenders through personal connections within the Office of Public Defense and via a formal request submitted through the Chilean system of "Transparencia"—a platform akin to the US's Freedom of Information Act, designed to provide information about state operations. Additionally, my previous collaboration in organizing an academic conference with authorities at the UPD facilitated strong relationships with two executives at the agency, who then facilitated introductions to key informants. In total, I conducted 51 interviews and concluded the snowball sampling process after sequential interviews began to yield minimal new information. Although the sample is not representative in a statistical sense, penitentiary defenders span the 16 Chilean regions. Fifty six percent of penitentiary defenders were female (Male=16 and Female=21). I am reasonably confident that the data identify key issues and dilemmas that are of widespread concern to penitentiary defenders. Moreover, to ensure that the findings were capturing individual-level narratives due to the nature of the occupation itself (rather than due simply

to seniority), I selected interviewees with diverse amounts of experience (ranging from a few months to 10 years of experience, with an average of 3.9 years).

Interviews

The interviews took place between December 2019 and November 2021 and lasted on average between 50 and 60 minutes. Most of them were conducted via Zoom, as my fieldwork took place during the COVID-19 pandemic. I use anonymized identifiers to ensure confidentiality. Interviews were audio recorded and transcribed. All quotations are direct quotes translated from Spanish to English. Ethical approval for this research was granted by the University of Minnesota's Institutional Review Board.

The interview protocol covered two general themes. One set of questions focused on participants' career paths, professional trajectories, and experiences working at the National Office of Public Defense and Unit of Penitentiary Defense when applicable. A second set of questions explored participants' perceptions of the labor regime of penitentiary defenders, especially regarding the outsourcing system as well as professionals' viewpoints about the UPD management standards. I did not begin the interview processes with a focus on the connection between narratives of self-worth and organizational legitimacy. I complemented the analysis of the interviews with written sources such as laws and regulations, official documentation, and press articles. Law Number 19,718 that regulates the Statute of the National Office of Public Defense and Decree Number 495 that provides the regulatory framework for auction contracts at the Unit of Penitentiary Defense were of particular importance in understanding penitentiary defenders' liminal labor conditions.

Coding Strategy

I used an open and axial coding scheme with a qualitative data software program (NVIVO 12) to identify emergent categories from the interviews. In examining these data, I took a grounded theory approach, inductively developing analytical insights from my fieldwork. I focused on identifying key elements of penitentiary defenders' narratives to understand the interplay between the structural conditions imposed by the labor regime of penitentiary defense and their ideas about penitentiary defense, narratives, and self-reported practices. I created analytic memos with emerging themes and revised the coding scheme iteratively. Analytic memos allowed me to identify specific narratives (such as professional perceptions of labor conditions, self-understandings, values and cultures, and types of professional relationships) and begin to create a theoretical hypothesis across multiple themes.

After several stages of analysis of the entire set of interviews, I designed a large and open list of codes related to different dimensions. I identified two co-constitutive themes emerging from penitentiary defenders' narratives and organized my coding scheme by reference to these two themes. In Part A I collected narratives that reported or raised concerns about the liminal model of public-private labor that regiments penitentiary defenders' work. Penitentiary defenders have three primary concerns regarding their liminal labor conditions, which they believe hinder their ability to fulfill their true mission as public service providers. First, they must establish a law firm to secure a contract with the state. Second, they are subject to strict management metrics. Third, their three-year auction

contracts exposed to precarious job stability. They develop counternarratives that address the liminality of their labor regimes by portraying themselves as reluctant entrepreneurs compelled to conform to the regime of private contracting, presenting the provision of legal counsel as intrinsically unquantifiable, and highlighting how the private contracting system hastily overlooks the emotional components of their professional commitment. In Part B I gathered narratives centered on penitentiary defenders' sensemaking processes and the interplay between their sense of self-worth vis-à-vis the legitimacy they granted to the UPD. Here I identified four prevalent narratives. In their narratives of *abstraction* penitentiary defenders present themselves as professionals working for a higher mission. In their narratives of *self-sacrifice* they describe their desire to forgo their own interests on behalf of prisoners' wellbeing. In their narratives of *embeddedness* they highlight their involvement in the operations of the criminal justice system and recognition from other actors in the penal field. And in their narratives of *association* they use the language of adjacent professional jurisdictions to describe their work as legal counselors. The end result is an articulation of the reflections presented by penitentiary defenders of the ways in which their liminal labor conditions contradict their mission as public service providers and the narratives they adopt to reinforce their self-image as members of the state. A summary of these categories is presented in Table 1.

Table 1. Narrative Categories and Sample Quotes		
Focus	Content	Sample Quote
A. Liminality of Labor Regime	Coerced Entrepreneurship: Penitentiary defenders present themselves as reluctant entrepreneurs– professionals who acquiesce to the contracting regime solely to fulfill their ultimate mission of protecting prisoners' best interest.	*I would rather be hired. This way, I can avoid all the issues of organizing paperwork, managing people, and dealing with the different labor obligations (…) That work is separate from penitentiary defense, but as an entrepreneur, you have to take it on, and it's incredibly exhausting.*
	Unquantifiable: Penitentiary defenders consider themselves to be subject to a pointless logic of rationality and efficiency, which they feel prevents them to pursue substantive objectives in the provision of legal counsel.	*The system heavily relies on numbers, percentages, but I would invest more on quality, because effectively [prisoners] feel that... [they are] not just a number.*
	Emotionally irreplaceable: Penitentiary defenders describe the sentimental bond they feel towards their occupation. In the event of contract termination, they liken the ensuing emotional turmoil to the abrupt severance experienced in romantic or intimate relationships.	*[Our] expertise isn't only about knowledge, but it also involves an almost subjective aspect, an emotional dimension, visions of life, everything that makes up a person, which also has to be part of [the selection process]*
B. Redefinition of Public Service Provision	Abstraction: Penitentiary defenders frame their everyday work, duties and routines in the provision of legal counsel into more abstract and uplifting values associated with a larger purpose, including participating in a broader project of state building and as contributing to the greater good.	*[My interest] is about rights, citizens' rights, the construction of a truly democratic state. Ultimately, it's about ensuring that rights are being respected. (…) We defend the rights of individuals, of the collective, of the community, of society as a whole. (…)*
	Self-Sacrifice: Penitentiary defenders downplay their interest in economic benefits and emphasize the altruistic nature of their work.	*There are many of us who could be earning much more money or doing other things, but nevertheless, we are in an institution that gives us the opportunity to focus our work on something that is not economic but rather social, and that is not something you will find by earning money or you will find it very rarely. (…) It's something you will never experience if you were only working in a private institution.*
	Association: Penitentiary defenders present themselves as advocates for the public good and highlight their expertise by drawing parallels with professional jurisdictions who have effectively framed their roles as serving the public interest and promoting social justice.	*This is not like I am the lawyer, and the social worker is the social worker. No. I don't work like that. I want to be there, and I want to know what's going on with my clients. If they have their families outside or if they have some sort of job skill, that's also important for me to make a case in court. It is all connected.*
	Embeddedness: Penitentiary defenders recount stories where important actors in the penal field demonstrate their recognition to their expertise and professional worth.	*Well, you see, the reality is that they [penal practitioners] know me. They call me from the UPD. They send me emails. (…) They see me as the face of the defense office because I'm involved in everything. (…) The truth is that they come to me; they call me for information, they turn to me when there's a strike. They call me to intervene. It's always me.*

Findings

In the next section, I explore penitentiary defenders' narratives about the liminal labor regime that regulates their work and their role as providers of the public service of legal counsel. Section A examines penitentiary defenders' portrayal of the private contracting regime established by the UPD and its inability to ensure the effective protection of prisoners' rights. Section B describes how penitentiary defenders develop narratives of moral worth that dispute the boundaries of their dual identity as private contractors and public service providers. Penitentiary defenders craft professional narratives in which they present themselves as legitimate public servers and essential members of the state. These professional narratives become crucial to build penitentiary defenders' sense of self-worth, legitimize their presence in the penal field, and explain the success of the implementation of the UPD.

A. A Liminal Labor Regime

Coerced Entrepreneurship

The privatization scheme of the Unit of Penitentiary Defense requires defensores to create a law firm to compete for public defense contracts. However, most penitentiary defenders view the obligation of instituting and leading their law firms as a matter unrelated to legal counsel. Becoming owners of a law firm constitutes, for them, just a vehicle to

dedicate themselves to the real mission of protecting convicted prisoners' rights. For instance, Diana describes the tension between meeting the standard requirements of constituting a law firm and ensuring the proper treatment of legal cases,

> The defensor must create his own law firm to be able to bid and hire the staff the auction requires [a social worker and a front desk secretary]. It also implies that you also have to take care of everything related with being accountable to the government: you have to pay taxes, show proof of your expenses, take care of employment contracts. **Plus, the work of 300 monthly case files that will not go down. Plus, the entire business sphere, managing human resources, sending monthly reports to the authorities at the Defensoría, having to respond to workers' demands, but at the same time complying with the bidding contract in order to maintain and sustain yourself over time. So, all that. The truth is that I don't know. The truth is that it is not possible.**

Diana describes the responsibilities involved in managing a law firm as a penitentiary defender and conveys that the weight of these responsibilities prevents penitentiary defenders to optimally do their job. A dominant theme amongst penitentiary defenders' refers to their desire to be appointed directly by the National Office of Public Defense and avoid the hurdles of the administrative matters that, according to them, lie outside the realm of legal counsel. Similarly, in the words of Valeria, "I rather be hired [than creating a law firm], to avoid all the hassle of organizing paperwork, dealing with people, and all the issues that come along with [these] different obligations."

In addition, the model of expansion of indigent defense coverage through bidding contracts takes away penitentiary defenders' access to the benefits of public office – such as tenure, health benefits, and vacation time. Penitentiary defenders resent this arrangement and criticize the different treatment private contractors receive compared to public

defenders. Most of them express their desire to become public employees to enjoy the benefits of the public sector labor statute. For instance, Tamara laments that public private partnerships establish penitentiary defenders as private contractors. She emphasizes the obnoxious coexistence of the hybrid system within the Office of Public Defense. Because she had to constitute an *ad-hoc* law firm to auction the professional services of legal counsel at the UPD, her labor conditions are far inferior to those enjoyed by state employees. She stated,

> (…) Public defenders [under the public regime] they have a salary that is way higher than what we get. Some of their salaries double our payments. They also have incentives, medical assistance, a human resource department. A lot of benefits for the mere fact of belonging to the state even though they do the same amount of work as I do. **The same job! It is a big difference between these two systems.**

Penitentiary defenders express their dissatisfaction with the ascribed status of private entrepreneurs. They highlight that the regime forces them to undertake responsibilities, such as administrative and managerial tasks, which distract from their core legal mission. By framing their position in terms of reluctant entrepreneurship, penitentiary defenders explain the tension between the external pressure to conform to the private contracting regime and their aspiration to become public employees fully dedicated to the mission of providing legal counsel.

Unquantifiable

Penitentiary defenders must also comply with formal indicators – metrics that

quantify their daily activities and responsibilities- stipulated in their auctioned contracts. Although this managerial model affects both public and auctioned attorneys, penitentiary defenders consider themselves to be subject to a pointless logic of rationality and efficiency, which they feel prevents them to pursue more substantive objectives. For them, the quantification of phone calls, prison visits, or clients attended becomes an enterprise by itself that decouples performance evaluation from true social objectives (similarly Stippel et al. 2020). Vicente describes the situation of the metrics,

> While it's true that [we have] metrics, those metrics are something you can learn to handle over time. So, that's the big problem with our system: if I let myself be misguided by the metrics, they may seem useful for sure. I can show positive numbers, but the quality of the work isn't measured by numbers. **Numbers don't measure the warmth I can give during an interview [with a prisoner]. Numbers may measure time, but they can't measure how productive that interview was. They can't measure the attitude with which I listen to the person in front of me; a number can't measure that.**

For Vicente, the metric system can be misleading. It operates under a veil of efficiency oblivious to the fulfilment of substantive goals. In his view, the systematic fixation with quantitative measures cannot capture the intangible elements of legal counsel, such as the kindness or attentiveness penitentiary defenders deploy while interviewing prisoners during prison visits. In a few words, Vicente considers his work to be unquantifiable by the metric system adopted by the UPD.

In a similar vein, a prevalent theme refers to penitentiary defenders' desire to undertake new strategies that improve prisoners' life conditions. However, penitentiary defenders describe the twofold problem they encounter when trying to provide, from their

view, effective legal counsel. First, authorities can admonish penitentiary defenders for engaging in legal strategies foreign to the specifications outlined in their bidding contracts. Second, penitentiary defenders may allocate considerable time and efforts in achieving substantive solutions to prisoners' problems, which could distract them from meeting formal compliance standards. For penitentiary defenders, the emphasis on aggregate control and system management lowers the project expectations and renounces to accomplish more ambitious goals. Victoria expresses her frustration,

> I wish it wouldn't all be about numbers. Not everything about indicators. Because sometimes I feel that the institution gets stuck on the topic of indicators, of numbers, and doesn't see beyond that. **Whereas one, perhaps in the day-to-day work role, sometimes have more ideas, more things that could be done, proposed, seen, but there is no institutional support. And institutional support demands numbers from you, so that's the message I get. I wish it were more in-depth, not just about numbers.**

Penitentiary defenders consider that the quantification of their work silences their aspirations to have a transformative effect in prisoners' lives. By framing their work as unquantifiable, these professionals criticize the system's indifference to their efforts of providing high quality legal counsel or advancing prisoners' reentry opportunities.

Many penitentiary defenders also resent the fact of being under the constant surveillance of authorities at the Unit of Penitentiary Defense. Ricardo describes the problems associated to the permanent sense of scrutiny that looms over penitentiary defenders' work.

> There is always the assumption that your work won't be satisfactory and that therefore you must always be inspected about the quality, content, and extent of your work. (…) **Over the years, more and**

> **more rules have been introduced as a result of this permanent distrust of the defensor. [Everything is] filled with rules, manuals, how to do it, 'Do it like this, do it like that,' and it takes away a lot of spontaneity and fluidity from the work you do. You are always walking on eggshells.** If you make a mistake, that can be grounds for punishment because [what you did] 'is not in the manual.' That's a stupidity that restricts your practice, that limits you a lot personally, and always having to watch your back. That's very uncomfortable.

Ricardo expresses his frustration towards the rigid adherence to formal requirements. He describes a constant state of surveillance and vulnerability, which prevents him from freely using his professional expertise for the benefit of convicted prisoners. For penitentiary defenders, the constant scrutiny over the quality and extent of their work undermines their ability to devise creative solutions to the legal problems they encounter. Their true work is unquantifiable. Hence, they report experiencing a contradiction between demonstrating conformity with the standard rules and procedures that regulate their activity and advancing the true mission of protecting prisoners' rights.

The performance management of penitentiary defenders is, to some extent, similar to that of the case managers of the Florida Welfare Transition program studied by Soss, Fording, and Schram (2011). These workers strive to find meaning and purpose in their daily interactions with disadvantaged clients who sought help to escape poverty; and aspired their difficult daily work to have meaning beyond the numbers on a balance sheet. However, the marketization of welfare operations—rooted in the rationality of poverty governance—undermines case managers' long-term security, work routines, and organizational culture. Faced with a business model of welfare provision, U.S. case workers often develop counternarratives centered on ideals of social service, compassion, and caregiving (2011:202-205, 211). A notable difference, though, is that unlike Soss's workers, most

Chilean penitentiary defenders strongly believe in state action and distrust the application of free-market efficiency and entrepreneurial innovation principles to the provision of legal counsel.

Emotionally Irreplaceable

As their contracts may be terminated or deemed ineligible for renewal, penitentiary defenders report facing the challenge of job insecurity. They perceive this situation as indicative of the system's failure to grasp their heartfelt dedication to their roles. The case of Diana is a paradigmatic example of early termination of an auction contract. Diana described how she had failed to fulfill one of the metrics established in her agreement and how the UPD decided to execute an early termination of her auction. For her, this was heartbreaking.

> I love helping people. **And from one day to the next they cut me off and tell me no, this is a suspension of the entire auction. That's where my heart was broken. That's the only thing I can tell you. They broke my heart. (...) When I say that they broke my heart, it is because you give everything for this job and suddenly you get nothing. It was really stormy.** The only thing I can tell you is that when your heart is broken, you are devastated. I'm just beginning to put everything back together.

The termination of Diana's auction contract had costly consequences. In terms of expenditures, Diana had to pay for the fines and fees for not meeting standard requirements, dissolve the law firm she had created for the contract bid, and fire both her social worker and front-desk secretary. For these payments she had to request a bank loan, which she was still paying up at the time of the interview. However, Diana's descriptions of her

relationship with the UPD surpasses common employment relationships. Rather than a mere worker, she expresses a deep sense of personal attachment to her job. She metaphorically characterizes the termination of her contract as a heartbreak– analogous to the rupture of romantic relationships. Her account provides references to sentimental themes –such as drama, devastation, and heartbreak– which to some extent reveal the depth of her emotional investment in her professional endeavors. As an analogy to a romantic relationship, the termination of Diana's contract appears almost antithetical to the depth of her commitment.

Auction contracts also include a three-year clause that requires adjudicated law firms to complete their contracts and re-enter the bidding process before the next auctioning cycle. For penitentiary defenders, this means having a mere three-year window of job stability before competing again in the auction process. They feel that there is an unrelenting risk of losing out to a superior bid that looms over them. I talked to Irene, a penitentiary defender that didn't obtain the renewal of her contract. She suffered an immense sense of loss and emotional strain. In her words,

> Emotionally, I felt heavy as if I was ripped away... I missed the prisoners, really, I'm not telling you this to sound like I am a good person. I missed my prisoners; that connection I had with them, really. (…) I liked doing [prison visits] because it's part of the job, and I feel like I have to go, you know? (…) **I felt like I was in some kind of emotional shock and crisis, and I was completely taken aback for a period, but then I found my footing again.**

After the rejection of the renewal of her auction contract, Irene longed her routine visits to prison, which for her demonstrates her emotional investment in the provision of legal counsel and the production of long-lasting bonds with prisoners over time. She clarified that she wasn't trying to present herself to me as morally virtuous, but rather to reflect her

sincere connection with prisoners and her real intention to make a difference in prisoners' lives. Similarly, former penitentiary defenders describe the profound emotional bond they feel towards their work and highlight the disruptive consequences of the termination of their contracts. Beyond the economic and material costs, they describe the emotional turmoil of being terminated as akin to the suffering of a romantic breakup. The analogy of love and hearts underlines the depth of their emotional investment in their professional roles and explains the sense of identity loss caused by the contracting system.

Penitentiary defenders not only lament being subjected to job precarity themselves, but also bemoan the fact that this precarity has affected outstanding penitentiary defenders in the country. They perceive the model of private contracting as a threat to their entire professional community. Several penitentiary defenders mentioned the cases of Marcos and Lorena, who couldn't secure the renewal of their auction contracts. Iván conveys his disappointment,

> Marcos is very skilled in this area, but he lost [the auction]. Lorena, also a tremendous lawyer. They were left out. [They will] have to start from scratch. **That fear generates [by this work]. The instability every three years. The instability of not knowing what will happen tomorrow, not being able to project three years ahead.**

The departure of their colleagues generates a sense of loss among penitentiary defenders. They value the work of their senior colleagues, who provide support and guidance to newcomers as they enter the world of penitentiary defense. Management scholars have consistently emphasized how liminal labor regimes increase the individualization of the labor market and thus force liminal workers to create their individual biographies without the anchors of long-term workforce communities (Garsten 1999:616). Thus, informal networks

of support amongst private contractors become a critical substitute of the traditional communities of long-term employees (Kunda et al. 2002:251). This finding aligns with evidence about private contractors' sense of anxiety and estrangement stemming from the lack of the enduring social ties of permanent work (Kunda et al. 2002). The termination of the auction contracts of Marcos and Lorena threatens penitentiary defenders' already fragile professional community. Penitentiary defenders perceive their status as private contractors as making them dispensable, even for those who excel.

B. The redefinition of public service.

In this section, I describe the professional narratives that penitentiary defenders create to make sense of the formal regime that regulates their work and resolve the tensions they perceive between their formal status as private contractors and their function as public service providers. Defensores' narratives leverage the legitimacy of public employment by redefining the boundaries between public and private sector work. They do this by emphasizing the *functions* involved in the provision of legal counsel to convicted prisoners while minimizing the *form* of the legal regime that treats penitentiary defenders as private contractors. I argue that these narratives allow penitentiary defenders to build their confidence and self-worth, legitimize their work, grant them an enduring professional identity, and explain their loyalty to the Unit of Penitentiary Defense despite the liminality of the labor regime that affects them.

Abstraction: State-Builders and the Common Good

Studies on occupations have consistently found that professionals strive to frame their everyday work duties and routines into more abstract and uplifting values associated with a larger purpose. In their seminal work, Ashforth and Kreiner describe how professionals present their work in value-laden terms by reframing the meaning attached to a profession (1999). This type of universalism is common amongst cause lawyers (Menkel-Meadow 1998) and especially amongst public defenders (Baćak et al. 2020). This is also the case for penitentiary defenders, who persistently portray the provision of legal counsel as part of a broader project of statecraft and as contributing to the greater good.

For instance, penitentiary defenders emphasize their role in launching the operations of the UPD at the regional level. The first cohort of penitentiary defenders argues that they have been responsible for expanding state capacities despite the meager resources that were granted by their auctioned contracts. Note that in the early stages of the Reforma public defenders begun their operations at the offices and workstations located in the newly built public facilities of the National Office of Public Defense. In contrast, 20 years later, penitentiary defenders had to start their operations at the UPD as any other private law firm would. Andres, the first penitentiary defender in his region described his experience.

> At the beginning we did not have anything. No computers. No case files. No Wifi. We had to start from scratch (...) We were struggling to find a place where to set up the office. We could not find anything that would fit with the contract requirements. At the end, the only place that would fit the requirements was an abandoned house from a social housing program. (…) The message from above was like 'Just go ahead and see what you can do.'

Andrés emphasizes the lack of infrastructure upon launching penitentiary defense operations in his region. Penitentary defenders relied on the resources provided by the UPD through

their auction contracts. As private contractors, Andrés and his team strived to manage their funds efficiently and navigate the challenges of installing the offices of the Unit largely on their own, including the unconventional choice of using an abandoned house as their office space to meet the high demand for their services. While this independence and self-reliance could apparently confirm their role as private contractors –left to their own devices-, penitentiary defenders interpret this endeavor as a necessary part of a broader project of state building and expansion of state capacities.

Ricardo, for example, considers penitentiary defenders to be responsible for the construction of, in his words, "a truly democratic state". When I asked him whether he had considered to work at the Public Prosecutorial Office he answered,

> I don't have an inclination for the prosecution; on the contrary, my interests are with the marginalized, who are actually the vast majority of those prosecuted by the penal system. [My interest] is about rights, citizens' rights, **the construction of a truly democratic state**. Ultimately, it's about ensuring that rights are being respected. (…) **We defend the rights of individuals, of the collective, of the community, of society as a whole.** (…) And that is done better in defense than in the prosecution.

From Ricardo's point of view, the provision of legal counsel transcends the sole interest of assisting convicted prisoners. By safeguarding the fair treatment of individuals ("that rights are being respected") penitentiary defenders perceive their work as a contribution to the entire social fabric. As many others, Ricardo contends that offering legal counsel serves not only prisoners themselves but also benefits society at large.

Self-Sacrifice

Penitentiary defenders hold a distinct perspective regarding the financial aspects of their jobs that reveals an ideological resistance to being labeled as private lawyers. The emerging model of public service contracting establishes a legal framework that treats private contractors as self-interested rational actors focused on maximizing their financial gains. However, most penitentiary defenders present themselves as not motivated by profit. In their narratives, they do not entertain the prospect of making riches out of prison legal counsel. For instance, I asked Ramiro whether he felt the need for additional income beyond the compensation he receives from the UPD. He stated,

> I'm not someone motivated by money. Money... **Many people are motivated to do things to earn money, but not me.** Fortunately, having things isn't a driving force, so to speak. Other things motivate me. Now, surely that's because I've never lacked anything and because I have a very low standard when it comes to possessions. I don't want more possessions; I don't need them. So, money isn't a driving force for me.

As many others, Ramiro adopts a narrative of austerity that emphasizes his lack of desire of material goods as an essential aspect of his professional identity. Since money is not a motivation for him, the key reward of legal counsel relies on assisting prison populations. This sentiment is echoed by Vicente, who shares a similar perspective and emphasizes the altruistic nature of the provision of legal counsel to convicted prisoners: "You have a career here not to become rich, but to serve others. Do you realize that?" As mentioned above, embracing a narrative that prioritizes non-monetary incentives also leads penitentiary defenders to distance themselves from traditional private law firms who are essentially established to generate profit.

These professionals also draw a distinction between public and private legal services

based on the population served. For instance, Tamara chooses to refer to prisoners as users (in Spanish, usuarios) of the service of penitentiary defense, as opposed to the term client (in Spanish, clientes). This narrative distinction reflects the perception of the work of penitentiary defenders as different from private sector attorneys. In her words,

> I use the word 'users' instead of 'clients' [to refer to prisoners] because **I don't work in the private sector, so they're not clients to me but rather users.** In the private sector, they would be clients, but they wouldn't exist because they wouldn't have the ability to pay. They are mostly (not all, but mostly) socially marginalized individuals who lack family support (…) There are people [private lawyers] who simply do not want to work with that type of people [prisoners]; they prefer to serve clients, for example, who can pay well and who they can assists in their offices, offer them a coffee, you know, a different type of client.

From Tamara's perspective, convicted prisoners are marginalized individuals who must endure financial constraints, which reduces their capacity to obtain legal counsel in the private market of criminal defense. Tamara introduces the "user versus client" narrative to redefine public sector work. For Tamara, her work as penitentiary defender is a world apart from the job of affluent private attorneys: she works with users of the public system, not with elite corporate clients who drink coffee in the luxurious meeting rooms of private law firms.

In sum, penitentiary defenders develop professional narratives that downplay their interest in economic benefits and emphasize the altruistic nature of their work. This narrative strategy corroborates prior findings in management studies, where workers with a moral view of their professions are more likely to sacrifice pay, personal time, and comfort for their work (Bunderson and Thompson 2009). Furthermore, the narrative of self-sacrifice ennobles and instills a sense of pride amongst penitentiary defenders, who honor their

capacity to prioritize the intangible rewards of their work over the pursue of financial gains. Working for the UPD allows them to fulfill a worthwhile social mission in a way that the private sector wouldn't.

Association

Penitentiary defenders also resort to the archetypes of professional commitment to borrow their reputation in what research has referred to as "legitimacy by association" (Thumala et al. 2011; similarly Murphy and Kreiner 2020). For instance, Ricardo draws an analogy with professionals commonly known for their public service mission.

> This is an... an idea that got stuck in my head, for example, I believe that all doctors should be public employees. There should be no private doctors. Education should all be public, because it is a matter related to people's rights. You can't do business with that. **You can't do business with criminal defense. [Defense] lawyers should all be public employees, just like doctors should all be public employees, teachers, housing builders as well, because [those are] basic rights.**

Ricardo's narrative creates a parallels between penitentiary defenders and teachers, and doctors, whom he believes have a shared commitment to serving the public good from their own arenas. Advocates for universal access to education and healthcare in Chile have effectively promoted the idea that these are fundamental rights. Ricardo resorts to the archetypes of recognizable champions of the greater good to construct a professional parallel to penitentiary defenders. This analogy enables him to build a bridge between his identity as penitentiary defender and other professionals who have successfully framed their roles as serving the public and promoting social justice.

Penitentiary defenders also use the language of social work to present themselves as devoted caregivers. This is not trivial. Many penitentiary defenders underscore the importance of addressing prisoners' opportunities for reentry as an integral part of their work and view the provision of legal aid as inherently connected to addressing prisoners' social needs. Despite the circumstance that the UPD delegates the supervision of prisoners' access to reentry programs to a social worker, many penitentiary defenders report being actively involved in the social aspect of their clients' lives as well –even though this is a task not mandated by their contracts. They present themselves as both competent lawyers and devoted caregivers to create an image of dedication to helping vulnerable individuals and communities. This social work narrative highlights defenders' attention to the social dimensions of legal counsel. They have become dual experts in the prison system due to both their legal knowledge and capacity to assess the social components of a case. As Javier explains

> **This is not like I am the lawyer, and the social worker is the social worker. No. I don't work like that. I want to be there, and I want to know what's going on with my clients.** If they have their families outside or if they have some sort of job skill, that's also important for me to make a case in court. It is all connected.

Penitentiary defenders declare not being willing to merely comply with the formality of their contractual agreement nor renounce to their efforts to integrate the prison population back into their communities. The coalescence between legal and social work dates back to the discourses of the advocates of the Unit of Penitentiary Defense. Vicente remembers how different actors in the penal system reacted to the proposal of the project,

> So the detractors [of the project] were like, 'No, we are lawyers, not social workers, and social workers are the ones who have to worry about these things.' But I understand that **all lawyers who work at the public defender's office understand that they must be lawyers, but also social workers in the sense of lending an ear, listening, being empathetic to the situation, and going beyond. They have to have an endurance beyond the supernatural because normally they [court judges] tell us 'No.'**

Penitentiary defenders see themselves not only as competent lawyers, but also as devoted social workers. By leveraging the social components of legal counsel, penitentiary defenders challenged the opposition against the project of the UPD. They derive legitimacy from their twofold expertise. This enables penitentiary defenders to persist in their endeavors despite the contractual limitations that mandates them to focus exclusively on the legal aspect of their cases.

Embeddedness

Private contractors typically feel as outsiders and resent the lack of full membership in their client organization (Kunda et al. 2002). However, despite their lack of permanent bonds created by secure employment, they are also drawn to what Garsten calls "extended circles of loyalty" (1999:603). Indeed, penitentiary defenders recount several stories to prove that they have become prominent players within the circuit of institutional actors that participate in the penal field. They interact daily with *gendarmes* (prison officers) and court judges from lower and higher courts (such as the Court of Appeals and the Supreme Court). Penitentiary defenders' recognition from important agents in the penal field has become a resource to build a social identity as public officials. Organizational studies suggests that

proximity and quality of interpersonal relationships are key components of private contractors' sense of connection with the client organization (George and Chattopadhyay 2005). In this case, penitentiary defenders present stories and anecdotes that depict the recognition from other state actors, which serve as an important source of self-worth. As findings from this study suggest, penitentiary defenders present their specialized knowledge and expertise as the main cause of recognition and admiration.

For instance, Vicente mentions his relationship with a court judge that asked him for advice before making a decision,

> The relationship I have had with court judges is very close. In fact, after one hearing, I approached the magistrate to talk, and she gave me her full support, saying, 'Yes, look, let's do this, let's do that,' and at one point I thought: 'This is kind of illegal for her to discuss this [her decision] with me, since she's not supposed to take sides.' However, she was very supportive there [in her tribunal] in promoting penitentiary defense, or at least in giving it a space."

Similarly, Leonor explains that the warden of the facility she works with has asked her several times to appease prisoners in times of crisis, such as hunger strikes. She has gone to great lengths to gain other actors' trust and is pleased to be recognized by prisoners, prison guards, and judges.

She explained,

> Well, you see, the reality is that they [penal practitioners] know me. They call me from the UPD. They send me emails. (…) **They see me as the face of the defense office because I'm involved in everything.** (…) The truth is that they come to me; they call me for information, they turn to me when there's a strike. They call me to intervene. It's always me.

For many, gaining prison authorities and judges' recognition is a source of pride. This acknowledgment not only seems to validate their expertise, but also fosters a deeper sense of self-worth, belonging and significance within their professional community.

Mario also narrates one time where he and his team convinced a judge to visit the Santiago Prison to oversee a case of a prisoner with scabies who had been denied medical assistance by Gendarmería. The following quote is extensive, but significantly portrays Mario's sense of allyship and recognition from a court judge:

> What happened to me last September was that the father of an inmate came to my office and said, "My son has scabies" (…) I went to see him [in prison] and he said, "I itch, everything hurts" (…) I filed a petition before a court judge in Santiago. When we got to the hearing, *Gendarmería* [the Chilean prison service] came with a report stating that the inmate had a psychological stress reaction. The judge didn't really trust the report and asked to complement the report [with a health report]. [A week after] the report still didn't arrive, and the guy still had the spots, still scratching, you know, and the judge says to me, **'You know *defensor*, tomorrow we're going to the prison together'**

Individuals' sense of self-worth is inextricably linked to their interactions within their social environment (Murphy and Kreiner 2020). Penitentiary defenders experience this in their professional lives, where their perception of themselves as experts is closely tied to the recognition they receive from other authoritative actors in the penal field, such as prison officers and court judges. This external form of respect and recognition enhances their confidence in their expertise and overall contribution to the criminal justice system. This is particularly important for workers in emerging organizations, who must establish new ties in a field that gradually will start to recognize its existence (Clegg, Rhodes, and Kornberger

2007:496). It is through these interactions vis-à-vis other stakeholders that penitentiary defenders assess their professional legitimacy and derive their sense of worth.

In sum, penitentiary defenders deploy narrative strategies that reinterpret the essence of public work and create an alternative account that challenges the stringent conditions of the liminal labor regime that affects them. The case of penitentiary defenders allows me to introduce the concept of "street-level contractors", front-line workers who provide public services under a contracting regime. As street-level contractors, penitentiary defenders employ different narrative formulas to explain what a supposedly authentic public employee is. To do this, they engage into a logic of contestation against top-down definitions of public sector work and give a different meaning to the dual identity of private contractor and public service provider. These alternative narratives sustain penitentiary defenders' self-worth and sense of legitimacy, inspire their commitment to the provision of legal counsel, and thus ensure the continuity and endurance of this public policy initiative.

Conclusion

The Unit of Penitentiary Defense is an important state subunit in charge of providing legal counsel to convicted prisoners. Within this structure, the responsibility of providing legal counsel is delegated to penitentiary defenders who work as independent contractors under a liminal labor regime. As stated by the former head of the Public Defense Office, the model of private contracting enabled the Unit to fulfill the constitutional mandate of offering legal counsel to a vast number of indigent defendants through the adoption of a cost-effective

fiscal strategy. The need to optimize resources has been the primary reason for the growing participation of private contractors in the public provision of legal counsel (Stippel et al. 2020). However, evidence from this study shows that penitentiary defenders are dissatisfied with this labor system and denounce its inability to capture the real essence of their commitment to the provision of legal counsel.

Penitentiary defenders voice their discontent with the status of private contractors and argue that the model prevents them to fulfill the substantive mission of protecting prisoners' rights. Among others, penitentiary defenders consider that setting up and manage the operations of their law firms distracts them from the real mission of providing legal counsel. They also raise concerns about the emphasis on formal metrics, which, for them, are unable to measure the true nature of legal service provision. They also raise concerns about their job instability, especially regarding the fluctuating demands of authorities at the UPD and the uncertain renewal of their auction contracts, which they see as a threat to the passion they bring to the job. The adoption of a liminal labor regime impacts penitentiary defenders' perception of their professional identity and sense of professional worth. Scholarship on neoliberal penality rarely studies how neoliberal politics affects workers in the criminal justice system (beyond just shaping the goals and policies that workers must implement). However, neoliberal labor regimes have dramatically reconfigured public sector employment relations towards the private sector, affecting labor market regulations, employment relations between institutions and individuals, the strength of collective negotiations, and the coverage of labor protection (Mori 2020). This study effectively shows how market-type regimes impacts the material conditions, identity, and self-image of penal practitioners, which in turn, influence how they understand themselves and their labor.

In light of their aspiration for professional reputation, penitentiary defenders align themselves with the status of public employees. As Pierre Bourdieu has argued, official state designations not only determine employees' material conditions, but also confer social identities granted with honor and respect (Bourdieu 1994:11-12). In a similar vein, in Chile, the state bureaucracy is a relatively autonomous field that confers legitimacy to public employees, who are idealized symbols of state authority and professionalism (Candina 2013). Moreover, prior evidence suggests that private contractors are likely to identify more with organizations that they believe have more prestige relative to other organizations, for this association could bring employees some form of *reflected glory* and consequently more effectively satisfy individual's need for self-esteem (George and Chattopadhyay 2005). Since being a member of the state in Chile can become a source of pride and recognition, it is unsurprising to see penitentiary defenders deploying narratives that align with the identities of public employment.

Penitentiary defenders' resort to four different narratives of legitimacy that emphasize the public nature of their roles and feed their sense of membership to the state. First, they develop narratives that respond to a logic of *abstraction*. This narrative strategy allows workers to translate the daily tasks involved in the provision of legal counsel into an abstract contribution to a larger purpose. In this case, penitentiary defenders view themselves as agents of state-building that extend the caring arm of the state towards marginalized communities. These abstract constructs give meaning and purpose to their daily lives. Second, penitentiary defenders put forward narratives of *self-sacrifice*. Their dedication enables them to view themselves as public servants and draw a demarcation against private lawyers, who they perceive as prioritizing profit interests over substantive

social goals. Third, through narratives of *association* penitentiary defenders borrow reference points from adjacent professional jurisdictions to strengthen the symbolic legitimation of their work. For instance, they present themselves as both competent lawyers and devoted caregivers. This twofold expertise allows them to use the language of social work to create an image of dedication to helping vulnerable individuals and communities. Finally, penitentiary defenders consider themselves as embedded agents in the criminal justice system. The narrative of *embeddedness* stems from the recognition by adjacent actors in the penal field. Penitentiary defenders tell stories that highlight how their expertise has permitted them to gain others penal practitioners' appreciation and respect. They recount moments when they have collaborated with prison officers and court judges to advance a broader agenda for protecting prisoners' rights. For penitentiary defenders, endorsement from prison authorities and court judges serves as key evidence of their active participation in the public sphere.

In sum, penitentiary defenders adopt narratives that they perceive as consistent with the role and expectations of public officials, thus blurring the lines between their public and private identities. In describing the Unit of Penitentiary Defense as an organization that afforded them opportunities to work as public service providers, penitentiary defenders affirm the legitimacy of the Chilean model of legal counsel. They consider themselves professionals working for a higher mission (*abstraction*), who self-sacrifice on behalf of prisoners' wellbeing (*self-sacrifice*), deeply involved in the operations of the criminal justice system (*embeddedness*), just like other devoted professionals would do (*association*). These narratives hold both moral and institutional importance. At the individual level, professional narratives pervade the daily work of penitentiary defenders, thus strengthening their sense of

moral agency and self-worth. At the institutional level, the success of the implementation of free legal counsel as public policy hinges on professional narratives that inspire penitentiary defenders to dedicate themselves to the success of the UPD despite their liminal labor conditions. In line with previous research, the findings from this study provide preliminary evidence of how micro-level discourses can have macro-level consequences (Brown and Toyoki 2013:876).

In terms of its theoretical contribution, this research provides evidence of the emergence of the dual identity problem faced by what I call "street-level contractors": front-line workers who provide public services to state's clients albeit governed by a liminal labor regime. As shown by the case of penitentiary defenders, street-level contractors encounter unique and context-specific challenges due to the liminal nature of their employment conditions, i.e., not fully recognized as part of the traditional workforce of government agencies, nor entirely independent from them (Garsten 1999). In this case, the dilemma of dual identity refers to how street-level contractors navigate their employment status as formally regulated by private labor laws, while being personally invested in the provision of state services. Penitentiary defenders, as street-level contractors, resolve the problem of dual identity by adopting a professional identity associated with the symbolic status of public employees. They craft specific narratives that question the private regime that governs their labor status and challenge official and formal definitions of public sector work. Encountered to the problem of dual identity, street-level contractors engage in a struggle against the concentration of symbolic capital that shapes the bureaucratic field. Despite private firms largely determining their working conditions, penitentiary defenders conceive their substantive mission as aligning them with public sector workers in practice. The problem of

dual identification amongst street-level contractors likely transcends the criminal justice system and thus offers a valuable theoretical framework for examining the identity of private workers across state agencies.

Methodologically, this study primarily relies on in-depth interviews with penitentiary defenders and undertakes a retrospective exploration of penitentiary defenders' narratives about their labor conditions and relationship with the UPD. Chileans can be quite expressive and emotive in their communication, so interviews from the study are extensive and rich in content. Indeed, most penitentiary defenders were willing to talk about their personal and professional lives in detail. And did so with excitement and passion, which engendered a meaningful and thorough investigative experience. Nonetheless, the methodological limitations of this study are substantial. Most penitentiary defenders in the study share common beliefs regarding the incompatibility between the Unit's liminal labor regime and the provision of legal counsel. However, some penitentiary defenders in the sample did not perceive any conflict between the managerial objectives imposed by their contracts and their responsibilities in providing legal counsel. Explanations for this variation warrant further research.

Given that people's professional narratives emerge in an iterative process of interpretation and interaction –affected by individual's material conditions–, it can be hypothesized that individuals who lack a biographical connection to the criminal justice system (Arriagada 2023) develop a weaker sense of commitment. Moreover, individuals' lacking a sense of fulfilling a higher mission or who have not received recognition from other stakeholders may view this job instrumentally, adhering strictly to formal metrics at

the expense of providing substantive legal advice. Additionally, some penitentiary defenders might experience financial pressures to seek additional sources of income or perceive themselves as overqualified for the position, which could lead them to make an instrumental use of private contracting. Additionally, further research will be able to determine whether socioeconomic status, gender, age, or other demographic factors impact the narratives and practices of legal counsel. Findings from this study didn't reveal significant variation based on sociodemographic characteristics.

In addition, this study lacks sufficient evidence to propose that penitentiary defenders would deliver higher-quality legal services if hired as state employees. Indeed, linking penitentiary defenders' narratives to their actual professional practices and performance is beyond this study's methodological scope. Subsequent research should investigate whether exists a tangible link between penitentiary defenders' labor status, their narratives of moral worth, and their professional effectiveness. In addition, future researchers could include additional quantitative data to measure the relationship between professional narratives and professional performance.

Lastly, the study pays little attention to the fact that even in a single state agency – the UPD– there may be important differences in workers' experiences as a result of geographical location, types of prisons visited (different sizes and levels of security) and populations served (for instance, female or male only prisons, migrants or native communities' facilities). Workers may develop idiosyncratic responses to what is ostensibly the 'same' agency (a point also raised by Brown and Toyoki 2013). Despite these methodological limitations, this research offers theoretical insights onto how narratives of

moral worth could influence professional behavior amongst penal practitioners under liminal labor conditions. It also proposes a testable hypothesis regarding the role of street-level contractors in the development of state agencies' internal legitimacy and the sustainability of public policy on the ground.

Paper 3: "Professional Narratives, Boundary Work, and State Building: The Case of Penitentiary Defenders"

Introduction

A fundamental aspect of the contemporary concept of personal identity centers on the idea that individuals play an active role in the construction of their own selves (Bruner 1991; Giddens 1991; Mead 1934). While working on their identity, individuals selectively associate (consciously or unconsciously) with different available social scripts. This process of social identification depends on the association or membership with different groups whose identity an individual may internalize as part of his or herself (Ashforth and Schinoff 2016); a phenomenon that is particularly salient when an individual joins a professional community.

Scholars from various fields of research, including the sociology of professions, administrative sciences, and organizational studies investigate how individuals integrate biographical experiences into coherent narratives that instill a sense of continuity in their personal biographies and validate their professional roles (Bloom et al. 2021; Bunderson and Thompson 2009; Christiansen 1999; Ibarra and Barbulescu 2010; McAdams et al. 1997). A wealth of research has revealed how professions offer available social scripts to their members, who are thus able to integrate their personal biographies with the social identities available to them. Within this research, the concept of boundary work has become an essential tool to recognize individuals' understandings and commitment to their profession. The concept of boundary work addresses the social processes through which individuals create, maintain, or challenge the criteria to demarcate who is included and excluded from their communities (Gieryn 1983; Zietsma and Lawrence 2010). Through their daily work, individuals develop situated

understandings of what counts as legitimate practices within the profession. These criteria operate as a symbolic boundary that separate members of a profession from others, especially in terms of identity and status (Becker 1978; Freidson 1970; Oaker and Brown 1986; Zietsma and Lawrence 2010). The concept of boundary work has proven fundamental to understand how individuals navigate their social environments, determine their expectations about their job performance, and establish a sense of community with other members of the profession.

Despite the wealth of research on the construction of individuals' professional identities, research on individuals who build their professional identities during the rise of new organizations is incipient (an exception can be found in Fiol and Romanelli 2012 and Murphy and Kreiner 2020). This is the case of individuals who construct their professional identities in contexts of state building, a process that involves the creation of new state agencies and new occupational roles. There are several reasons to expect that processes of professional identity construction will be different for individuals who step into new professional roles as new state agencies develop. First, since these professional roles will be enacted for the first time, individuals face the challenging task of integrating their personal expectations with a forward-looking perspective on what their new professional roles will bring about and what the standards for acceptable and unacceptable behavior would be. Individuals in a new state agency may have to draw on available scripts from similar or related domains to build an integrative notion of their new professional selves. Second, public sector providers are required to engage in an ongoing process of validation to justify their existence. On the one hand, official nominations assigned by the state could institute guaranteed symbolic identities associated with respectable bureaucratic roles (Bourdieu 1994:12). On the other hand, state bureaucracies have also been portrayed as lacking diligence or being indolent, consequently being associated with ineffective state

operations (Lipsky 1980; Zacka 2017). Hence, professionals in new state agencies not only encounter an unknown territory in terms of their professional identity but may also engage in an intense exercise of narrative work to sustain a symbolic validation of their roles. Thus, an interesting question emerges: How do individuals secure social affirmation for what they do when expectations of their professional roles are uncertain? Knowledge of individuals entering new state agencies in contexts of state building can teach us a great deal about the social construction of professional identities.

This study examines the case of penitentiary defenders[7] (hereinafter, defensores), Chilean attorneys who work for the recently created Unit of Penitentiary Defense (hereinafter, the UPD or the Unit) a smaller division of the Defensoría Penal Pública (National Office of Public Defense or "the Defensoría"). Drawing on 45 semi-structured interviews, I study the ways in which these public attorneys narratively construct their professional identities in a new state agency with an emerging work culture. In my analytical approach, I use the framework of narrative criminology to show the relational character of professional narratives in the criminal justice system. Studies on narrative criminology have contributed greatly to the understanding of how penal practitioners construct professional narratives that help them find sense and meaning in the professional environments of the criminal justice system (Fleetwood et al. 2019; Presser 2016; Ugelvik 2016; van Hulst 2013) A relational approach provides a suitable framework to understand how penal practitioners' professional self-understandings depend on their perception of the positions of adjacent actors in the penal field.

[7] Following the Spanish denominations throughout the text I use the terms "defensor," which is masculine, "defensora," which is feminine, "defensoras" which is plural for feminine, and "defensores," which is plural for masculine and both masculine and feminine.

Findings reveal that defensores create professional narratives that deeply engage in boundary work. They provide a narrative interpretation of their practices to create, promote, and sustain moral standards for what should be considered legitimate legal counsel within the prison field. The narratives about these practices creates symbolic boundaries against individuals and groups who do not adhere to these standards.

Three key narratives shape the professional identity of defensores as they provide legal counsel services for convicted prisoners. First, defensores adopt *a pioneer narrative*, positioning themselves as trailblazers in instituting the infrastructure for legal counsel provision in the Chilean penal system. The pioneer narrative sets a professional moral standard of leadership and inventiveness, which allows defensores to distinguish themselves against general practitioners and conformists within the established legal order. Secondly, defensores embrace a narrative of *pragmatic empathy*, which aims to strike a balance between compassion and pragmatism. From their perspective, defensores' must develop a benevolent understanding of prisoners' backgrounds and precarious living conditions. However, this awareness must be coupled with their ability to approach legal cases with prudence, strength of mind, and realism. Defensores can demonstrate their compassion to prisoners' lives but must remain cautious in challenging situations. This narrative serves as a boundary against cynics, fraudsters, and defectors within the realm of legal counsel. Third, defensores embrace a narrative of *professional altruism*, where they decide to protect prisoners' wellbeing with actions that are not formally mandated by the Unit of Penitentiary Defense, in what has been called uncodified work. This includes a dedication to legal counsel that surpasses standard working hours and formal obligations. Defensores use this altruistic narrative to distinguish themselves from ritualist counterparts, attorneys who only comply with the metrics formally established in their hiring contracts.

Finally, as these stories are shared, defensores' professional narratives become an organizational resource for the socialization of collective ideals and professional moral standards. The construction of symbolic boundaries through these narratives contributes to the creation of defensores' moral community and to the development of the Unit's organizational strength.

This paper makes several contributions. First, it contributes to the broader literature on professional identity by describing processes of boundary work that take place vis-a-vis the formation of a new state agency. My objective is to advance a theoretical argument related to professional identity construction by ensuring a more comprehensive consideration of the experiences of professionals beyond the Global North, thus expanding current theories' explanatory capacity. Second, the article contributes to the literature on narrative criminology by showing the relational character of professional narratives in the criminal justice system. A relational approach addresses how professional self-understandings develops through the interaction with adjacent actors in the penal field. Third, this study also contributes to the criminal indigent defense literature by providing a novel explanation onto how legal aid lawyers can become personally and professionally invested in legal counsel for convicted prisoners despite adverse conditions and work with a highly stigmatized population. Finally, in contrast to policy analyses on the creation, diffusion, and failure of reformist projects (Rubin 2015), I examine the continuity of the recently created public program of indigent defense as carried out by penal practitioners on the ground (similarly, Lin 2000). Most studies on penal change focus on macro-level social structural forces, legal and political institutions, and the mobilization of interest groups in the development of criminal justice reform. By studying professional narratives, I center the analysis of penal change around the agency of state professionals and their capacity to sustain the continuity of penal policy. Thus, I aim to contribute to the analysis of

penal development and the potential for reform — especially in the face of implementation challenges.

Literature Review

The modern idea of subjectivity supposes that individuals are active participants of their own self-construction through narrative work (Giddens 1991). From this perspective, people living in modern societies reconstruct their past, examine the present, and foresee the future in terms of an integrative narrative of self that gives unity and purpose to their lives (Bruner 1991). In contemporary life, professional identity has become a defining trait of the self and its everyday action (Ashforth and Schinoff 2016; Bunderson and Thompson 2009; Christiansen 1999; Fine 1996). Professional work provides a context for individuals to set their relationship with others, a structure to organize their every-day lives, a sense of purpose, and a vision to assemble their future selves (Christiansen 1999). Narrative identity work thus occurs not only at the personal, but also at the professional level.

From a symbolic interactionist perspective, individuals negotiate their self-perception in interaction with others in a process known as reflexive consciousness (Mead 1934). Thus, a vital part of narrative self-construction requires fashioning a social identity that seems acceptable to the self and others (Christiansen 1999; Presser 2016). In the professional realm, individuals constantly formulate and revise their professional identities and take into consideration the expectations of and their interactions with other actors in their fields of expertise. Through narratives, individuals compare themselves with similar and different others to form a professional identity based on their belonging to the in-group and comparison to the out-group

(Becker 1978; Freidson 1970; Oaker and Brown 1986; Zietsma and Lawrence 2010). Professionals attribute some selected characteristics to the institution in which they work – practices, methods, knowledge, or values– for purposes of constructing a social boundary that distinguishes them from other actors (Gieryn 1983). Researchers recommend paying attention to the figurative language and different rhetorical styles (such as sarcasm, metaphor, hyperbole, or irony) individuals' use to explain themselves, the worlds they live into, and the boundary disputes across professional fields (Gieryn 1983).

Given the interpersonal nature of selfhood, individuals strengthen their sense of self when they feel properly acknowledged, understood, validated, and recognized by significant others and other actors in positions of authority (Christiansen 1999; Gadd 2003:318). However, others can also antagonize or disappoint individual actions. This is why narratives are always susceptible of reinterpretation and change. Individuals select—adapt, alter, retell, or modify– their narratives in order to find a stable identity that assimilates both their self-perception and their perception of other actors in the field. Therefore, narrative researchers must develop a dynamic and contextualized understanding of how sense of self and identity are both stable and fluctuating based on the mutual interdependence of societal relationships. Identity work is especially intense in emerging organizations. As Murphy and Kreiner suggests, emerging occupations offer less "identity content" –values and beliefs– than well-established ones (2020). Identity research has primarily focused on identity work processes in the context of well-established occupations. However, the primary challenge for individuals in emerging occupations implies not only adopting an occupational identity, but also crafting an occupational identity that feels valid and justified.

Narrative criminologists have taken the lead in the study of personal narratives in the penal field. This scholarship explores the human experience and meaning-making processes to which actors in the criminal justice system engage in (Fleetwood et al. 2019). Research on the narratives of individuals as penal practitioners who work in criminal justice institutions include studies on prosecutors (Offit 2019), correctional officers (Crewe 2012), immigration agents (Ugelvik 2016; Vega 2017), and police officers (Kurtz and Colburn 2019; van Hulst 2013). These studies usually address the daily working lives of agents and professionals in the criminal justice system and the narratives they develop to make sense of their daily activities. In the present study I argue that narrative criminology offers an excellent starting point to study the relational nature of individuals' narrative construction of their professional identities vis-à-vis other actors in the penal field. This idea is considerably connected with the idea of social fields as relational sites of struggle (Page 2012). The criminal justice system constitutes an intersection where routine interactions between defendants, prosecutors, defenders, social workers, and judges take place. Penal practitioners weave stories about themselves and others that draw on internal references and interpersonal experiences to create a cohesive culture that validates their position in the penal field.

Data and Methods

The starting point of the Unit of Penitentiary Defense is the implementation of the criminal procedure reform, widely known amongst legal scholars as 'the Reforma' in 2000. The Reforma entailed vast institutional changes that included the installation of new criminal justice courts (*Jueces de Garantía* and *Tribunales de Juicio Oral*), new public agencies (the public

prosecutor's office, *Ministerio Público*, and the National Office of Public Defense, *Defensoría Penal Pública*), and the design of new managerial models for the administration of criminal justice agencies (Couso and Hilbink 2011). Reformers implemented a criminal procedure based on the adversarial system, i.e., a legal regime where defender and prosecutor present evidence and legal arguments before criminal courts. Criminal adversarial proceedings involve legal guarantees –such as the constitutional right to due process– and settings –public, oral trials – that contrast with the written and secret procedures of the inquisitorial system (Hilbink 2007). Adversarial regimes also grant several rights to defendants during the pretrial phase– such us the right to an appointed attorney and the right to access the evidence against them.

Almost one decade after the implementation of the Reforma, authorities at the Chilean National Office of Public Defense decided to expand the provision of legal counsel to include convicted prisoners by creating the Unit of Penitentiary Defense (Libedinsky 2015: 227). The project was successfully implemented and currently has appointed 54 penitentiary defenders across the country's entire 16 regions, who provide legal counsel to convicted prisoners housed in the more than 100 prison facilities that exist throughout the country (Libedinsky 2015; Stippel et al. 2020; Venegas 2018). Unlike public defenders, who represent indigent criminal defendants accused of a crime by the prosecutorial office, defensores assist convicted prisoners while serving their sentences to file grievances and report rights violations before criminal courts. Institutions similar to the UPD operate in Australia (Prison Advice Center from the Legal Services Commission), Argentina (Defensoría General de la Nación), and Ecuador (Defensoría Pública).

In the current study, I draw from life-history interviews with 37 penitentiary defenders (hereinafter, defensores), Chilean lawyers who work for the Unit of Penitentiary Defense

(hereinafter, the UPD). I also draw on non-participant observation data from my attendance to the National Academy of Penitentiary Defense in 2021, an annual symposium convened by authorities at the UDP that serves as a platform for defensores across the country to collectively address emerging issues in the realm of prison legal counsel. Defensores are encouraged to share insights, strategies, and best practices in this instance.

I conducted interviews through telephone and video communication, primarily using Zoom. Additionally, I maintained continuous communication with many interviewees using WhatsApp, a free instant messaging application. Contrary to the expectation of a decrease in research access, the incorporation of video platforms and text messages reshaped my fieldwork and enhanced my research opportunities (see also: Ndhlovu 2021). Most interviews occurred during the pandemic, which makes it difficult to identify significant variations in defensores' narratives before and after the onset of COVID-19. Interviews took place between December 2019 and November 2021. Interviews lasted from forty-five minutes to three hours, were recorded in audio format, and subsequently transcribed. Participants are referred using pseudonyms. Identifying information has been either omitted or slightly altered. The translation into English was limited to quotes featured in this paper. All interviews were semi-structured.

For the most part, interviews are lengthy narrative accounts as typically found in intensive case study research. Defensores described their everyday work duties and workload, their perceived skills, milestones and significant career experiences, relationships with colleagues and clients, understandings of professionalism, and ideas about the future of legal counsel for convicted prisoners. Following a grounded theory approach (Glaser and Strauss 2017) I let interviewees talk and guide our conversations and thus allowed unplanned themes to emerge from the data without preconceived theories. By November 2021, I had interviewed 28

current defensores, 9 former defensores (N= 37), and conducted 8 follow-up interviews with defensores with whom I established good rapport.[8] The sample of defensores consists of 21 women and 16 men, with a mean age of 36 years old. Many of these defensores are first-generation college students (N=17) or middle-class (N=20) students that come from second or third tier law schools. All 9 of the former defensores in the sample had secured jobs in private or public legal practice after leaving the Unit. Most defensores were enthusiastic about sharing insights into their personal and professional lives. Being a lawyer and a former prisoners' rights advocate provided me with the advantage of understanding the culture of the legal profession in Chile as well as the formal and informal rules of the prison world.

Methodologically, I use a narrative approach to defensores' professional experiences to explore their perceptions of their working lives in the criminal justice system and the narratives they develop to make sense of their participation in it. The focus on identity and narrative

[8] The sampling approach relied on three main strategies: convenience, snowball, and stratified sampling. I used a convenience sampling strategy in the first stage. As a lawyer formerly involved in an NGO that provides free legal aid to convicted prisoners, I reached out to two defensores of my trust that had previously worked with the organization to provide legal training on prison issues to volunteer law students. These 2 defensores provided further information about well-regarded colleagues (n=2). In the second stage, I used snowball sampling to interview 5 more defensores (n=5) based on their suggestions. I also reached out via email to two executive directors from the Defensoría Nacional in charge of assessment performance to request information about defensores known for their success. I had met these two executives in 2014 because of my participation in an academic seminar organized by the Defensoría. Three more defensores were contacted using this approach (n=3). A first round of coding from these first 10 interviews made clear that a broader approach was necessary to achieve a better understanding of defensores' experiences overall. In the third stage, I used stratified sampling and expanded my search to defensores working throughout the country. I sent a request to Defensoría National through the Chilean Freedom of Information System to have a list of all the defensores that had worked and were currently working at the Unit of Penitentiary Defense from 2009 to 2021 indicating their regions of work and contact information. In total, the list submitted included 38 former defensores and 54 defensores working at the Defensoría at the time of the request. I stratified this list expecting to interview at least one defensor o defensora working in each of the 16 Chilean regions. Drawing on this criterion, I sent out formal invitations to 32 defensores and 11 former defensores. I had a 50% response rate and conducted 18 interviews with current defensores. The 50% of non-response corresponds to 11 defensores that didn't reply to my requests, 4 defensores who explicitly declined to participate, 2 defensores that demonstrated initial interest to participate, but discontinued their communication in the process of scheduling a meeting, and one defensora who scheduled an interview with me but didn't attend the meeting. Out of 11 former defensores, 9 responded to my requests. I conducted 18 interviews with defensores and 9 with former defensores using this final approach (n=27). I succeeded in interviewing at least one defensor per Chilean region.

assumes that participants' stories of their pasts do not respond to the logic of description and representation (Presser and Sandberg 2015:86). I distinguished between the explanatory and narrative elements in each interview, including their temporal and spatial location, the ways in which defensores assemble and select their memories of the past, the integration of different experiences into narrative episodes, and the selection of life events into comprehensive life stories (as suggested by Somers 1994 and Presser 2016).

I employed an open and axial coding scheme using NVivo 14 to identify emergent themes from the interviews. I thoroughly reviewed all interviews and organized defensores' comments into emerging topical categories. I focused on descriptions that entailed a strong moral component to identify defensores' understanding of the normative standards that accompany their practices and the symbolic boundaries defensores draw to demarcate what counts as a "true" defensor. The concept of boundary work provided a suitable theoretical framework to understand defensores' narratives of the self, a personal exercise that comprises the development of the narratives people engage in to understand and express who they are and what they stand for in relation or contrast to some set of others (Snow and McAdam 2000).

After multiple iterations through the complete set of interviews, I reached a saturation point and identified three prevalent narratives: a pioneer narrative, a narrative of pragmatic empathy, and a narrative of professional altruism. A summary of these categories is presented in Table 1.

Table 1. Narrative Categories and Sample Quotes			
Type of Narrative	Content	Sample Quote	Boundary Work Against…
Pioneer Narrative	Mentions the process of emergence and development of the UPD. Defensores' include references to their nomination and initial training, the launching of the operations of the Unit, and contrivance of novel legal strategies.	*If someone were to write the annals of the Unit, my name is going to be there. There will be a line or two in a page with my name. People always remember the first judge or the first prosecutor. For better or worse, I was the first defensor. That's written and that's a fact.*	General practitioners Conformists
Narrative of Pragmatic Empathy	Defensores mention their sensitivity to prisoners' hardships coupled to their capacity to engage in rational decision-making.	*We serve people who are socio-culturally deprived. Some do not know how to read or write. (...) That's why a defender has to have empathy. They have to have a social vocation to be able to work here. Otherwise, it's going to be an uphill climb.*	Cynics Fraudsters Defectors
Narrative of Professional Altruism	Defensores explain their engagement in uncodified tasks. Includes references to working extra-hours, performance of uncodified work, especially referring to help preparing prisoners for their reentry and expanding defensores' sphere of influence towards adjacent actors in the penal field and social actors in general.	*We can serve as a messenger between prisoners and prison authorities, facilitating the implementation of [work] projects. This contributes to their reentry because inmates will have the opportunity to learn a trade or profession that they can apply upon release, reducing the likelihood of reoffending.*	Ritualists

I coded as "pioneer" comments underscoring the relevance of interviewees' early experiences as defensores, including their processes of nomination, training, and launching of the Unit. The pioneer narrative serves as a moral marker against lawyers who haven't received formal training in prison legal counsel (general practitioners) and defensores who don't consider the development of new legal strategies as part of their professional responsibilities (conformists). I used the label "pragmatic empathy" to code excerpts where defensores mention their sensitivity to prisoners' hardships accompanied by the capacity to engage in rational decision-making. It includes mentions to defensores' endurance when visiting prison facilities and situations of sensorial discomfort. Under this category defensores compare themselves with penal practitioners who don't demonstrate compassion towards prisoners (cynics), who financially exploit prisoners' vulnerability (fraudsters), and defensores who abandon the profession due to

their lack of fortitude (defectors). Finally, I coded as "professional altruism" narratives addressing the performance of unscripted tasks that responded to defensores' own understandings of the content and scope of their professional responsibilities. Examples include defensores' willingness to work extra hours and to spread awareness about prisoners' rights within the penal field and beyond. The narrative of professional altruism sets a normative expectation that draws up a boundary between "true" defensores and ritualist defensores –and penal practitioners in general– who exclusively perform the codified tasks designated in their contracts. This coding scheme is not mutually exclusive. Comments could be attached to one or several mother codes.

Findings

Throughout the interviews, defensores shared a narrative interpretation of their professional experiences, which allows them to define the moral standards for the practice of legal counsel. I argue that these narratives help them establish their professional identity in contrast to adjacent actors in the penal field. A considerable number of defensores use some of the narrative tropes discussed here, although in different shapes and scopes. The narrative construction of their professional identities indicates that defensores find sense and meaning from interpreting their professional practices as the basis for the moral expectation associated to the provision of legal aid.

A. The Pioneer Narrative

Making History

According to Alicia Salinero, the creator of the Unit of Penitentiary Defense, the institutionalization of legal counsel for convicted prisoners required finding talented lawyers willing to become the guinea pigs of the program, undergo a specialized legal training on prison counsel, and taking responsibility for starting off the project. Thus, upon recruitment, defensores had to attend several specialized seminars on legal counsel for convicted prisoners. Authorities at the National Office of Public Defense hired top level scholars to teach these young lawyers a wide range of subjects, including the statue of prison regulations, how to interview convicted prisoners, and the application of human rights international treaties to the Chilean prison system. For many defensores, this legal training represented a first passage towards their new professional role. Tomás, one of the first defensores recollects: "The training was very intense. Alicia [Salinero] made sure that we knew every detail of the prison statue before entering the field." Several defensores describe a deep sense of excitement from both trainers and trainees during the initial preparation. Classes took place in the building of the Defensoría in downtown Santiago and as commented by defensores, they were seen as a "welcoming moment". Alejandro points out: "We all knew that this was an experiment and that was up to us to make it succeed. That put a lot of pressure on our shoulders."

This training operated as the first passage to transform these lawyers into defensores. It not only fulfilled a pragmatic goal – to instruct defensores about penitentiary regulations– but also acted as a source of recognition. Generating a scholarly atmosphere that granted prestige to the program became a crucial component of the project. This is not trivial. It was the first time that a public agency in Chile directed the task of systematizing, organizing, and instructing expert knowledge in the realm of penitentiary defense. Both the architects of the program and defensores themselves derive a sense of pride from creating, instituting, and acquiring expert

knowledge in the realm of prison counsel. Much of the interviews with defensores revolves around the idea of penitentiary defense becoming a reputable occupation within the criminal justice system (similarly, for the case of private security officers: Thumala et al. 2011:290). This finding correlates with prior research evidence on boundary work and professionalization processes. As Abbott has emphasized, governmentally sponsored certifications and professional examinations are elements usually present in the idea of professional legitimation (Abbott 1988: 16).

In terms of the nomination, authorities at the Public Defense Office initially invited public defenders of their trust, usually former trainees who successfully served the compulsory internship mandated by the Chilean state at the Defensoría[9]-[10]. I asked defensores about their motivations to apply for this position and their thoughts upon their nomination and subsequent professional training. Most defensores were young lawyers with some, but not much, experience in criminal defense. Despite their competence in criminal litigation, they were entering unexplored territory; that of the legal counsel for convicted prisoners. Respondents recall having experienced different emotions when entering the Unit. There was doubt, but also excitement about becoming a defensor. For instance, Tomas explains: "I was working in a Southern region and saw this job post about the pilot program of penitentiary defense. I became interested

[9] Law students in Chile must undergo a mandatory six-month unpaid internship after finishing law school in a public legal service. This internship was established to provide free legal aid for the poor, but also to shape "the spirit of a 'socially conscious' legal profession" through the training of younger generations of lawyers who would be sensitive to "human misery" in a spirit of "social solidarity" (González Le Saux 2022:259, 264).

[10] The initial award-fee model was flexible and convenient, for it facilitated the implementation of the program of penitentiary defense without the bureaucratic difficulties of auction contracts. Authorities at the UPD expected the model of award-fee contracts to help them establish a bottom-up public policy approach, where the primary experiences of the pilot program would inform future decisions related to the design and implementation of auction contracts in their definite version (Libedinsky 2015). Once the implementation was in place, the Office adopted a bidding model which opened the appointment of defensores via market competition at Mercado Publico, the public procurement system in Chile, through which most public goods and services are traded (Herrera et al. 2020).

because it represented a new challenge for me." Andrés, another defensor, recollects receiving a phone call from authorities of the UPD who knew about his prior work as a public defender: "The regional director [of the Defensoría] asked me if I would be interested in joining the project to implement it in my region. I happily accepted."

Being nominated and receiving unique training represented a source of pride. It meant that defensores were a valued asset in the institution, commanded with the important mission of expanding the institutional capacities of the NOPD. Nowadays, applicants to the Unit of Penitentiary Defense must take a formal exam and receive specialized legal training. The circumstance of passing a test, being nominated, and receiving formal training allows defensores to establish a moral boundary against *general practitioners*, i.e., lawyers who provide prison legal counsel without formal expertise and with limited knowledge of the legal regulations governing the prison system.

A pioneer cleans the land, builds new infrastructure, and creates the foundations for others to follow. Similarly, the first generation of defensores led the installation of the capacities of the Unit of Penitentiary Defense and broke new ground in the sphere of legal counsel. Among other tasks, defensores' contracts required them to organize the provision of legal counsel in their regions, build a work team with a social worker and a front-desk officer, create a financial plan, and find proper workspace for their offices. [11] Most (not all) first-generation defensores –

[11] This pioneer narrative is a response to the contracting scheme of the Defensoría. The essence of the project of penitentiary defense relied on the development of public-private partnerships between the state –represented by the Defensoría as a public agency– and lawyers acting as private contractors. Unless stipulated otherwise, defensores had the responsibility to put the program to work. Hence, unlike public defenders hired directly by the state, auction

those who implemented the program in their regions from the outset–, were especially appreciative of the experience of starting a project from scratch. According to Tomás, the first defensor in the country, he and his colleagues opened their office with just two computers in the meeting room of a public building. He explains: "That Monday we officially brought to life the Unit of Penitentiary Defense." Tomás found excitement and pride in the fact of being the first defensor in the country.

> If someone were to write the annals of the Unit, my name is going to be there. There will be a line or two in a page with my name. People always remember the first judge or the first prosecutor. For better or worse, I was the first defensor. That's written and that's a fact.

Francisco also feels proud about participating in the origins of the project: "Normally, or at least in my case, it is gratifying to have been the first in many things. [That] kind of invites you to stay in this job. Being the first in something always generates that affection." This pioneer narrative mirrors the conscience of the first cohort of defensores across the country. It emphasizes the responsibility of surmounting the challenges of starting with a blank slate and limited resources and participating in the process of bringing a new public institution to life.

Creative Lawyering

The pioneer narrative demands defensores to leverage their skills to navigate obstacles and achieve their goals, in the face of limited resources, resistance from prison officials, or even prisoners' own hesitancy to rely on their services. This gives way to a moral standard of inventiveness and resourcefulness. Being a pioneer demands defensores to think outside the box,

contracts required defensores to pay for office rental, basic goods, office and cleaning materials, training, and transport (as described in the contracting agreements).

push the boundaries of conventional thinking in the prison field and drive legal change, which in turn enables defensores to perceive themselves as innovators capable of challenging the status quo and disrupting established norms and practices. This is what the trope of "creative lawyering" has become so crucial in defensores' self-understanding.

For instance, defensores have the duty of providing effective legal defense to convicted prisoners and their families. Paradoxically, the UPD was created under a significant legal gap that generated a high degree of uncertainty regarding defensores' legal ability to fight against prison authorities. Indeed, the procedural codes of the Reforma did not develop any legal rule that would directly compel criminal courts to process convicted prisoners' requests (Libedinsky 2015; Stippel et al. 2020). Thus, defensores are adamant about the importance of using their legal creativity and legal expertise to promote the development of original legal arguments to advocate for prisoners' rights before court. Indeed, defensores started to contrive legal strategies to push the judiciary to admit prison litigation in their hearings despite the absence of explicit rules to pursue their claims. For instance, Tomás describes the legal strategy that allowed him to activate criminal courts' participation. He claimed that the term "defendant" in Article 7 of the Criminal Procedure refers to individuals accused in a court of law prior to their conviction, but also to convicted prisoners *per se*. Tomas used the existent legislation to create a procedure that he himself *motu proprio* later named "Request for a Rights Protection Hearing during Execution", which has become the lingua franca of prison procedures for defensores, prison authorities, and criminal courts.[12] Tomás' creativity is celebrated by other defensores. A defensor commented on

[12] Briefly, article 10 states: "Article 10. Rights Protection Hearing. At any stage of the procedure in which the judge considers that the defendant is not in a position to exercise the rights granted by the judicial guarantees enshrined in the Political Constitution, in the laws or in the international treaties ratified by Chile, he will adopt, ex officio or at request, the necessary measures to allow said exercise." Article 7 defines the term `defendant' and states: "Article 7. The defendant is the person to whom it has been claimed to have participated in a crime, since the first procedural

this strategy: “That small clause [referring to Article 7]– which probably went unnoticed when enacted in Congress– opened the gates of criminal courts to the work of defensores.”

Many defensores have their own stories of creative lawyering, which they consider a necessary part of their job. This is a consistent finding across the literature on indigent defense (see, for instance, Sommerlad 2001). As Francisco commented, defensores aspire to create strategies to establish a legal path that could force criminal courts to attend their requests. In his words: “You are creating much more than the rest, because here there is no path, the path is really made while you advance.” Defensores’ creative involvement in the Unit is linked to their sense of self. Some defensores take the idea of creative lawyering very seriously and expect their colleagues to meet up to this standard. For example, former defensora Rocío lamented the poor work of one of her colleagues.

> I had a colleague who took this job willy-nilly. There are also colleagues who dismiss prisoners’ requests without even interviewing them. They would just say ‘There is nothing to do about this case.’ **They just aren't creative. They wouldn’t even file an appeal against prisoners’ interests.**

As Rocío’s disappointment indicates, the concept of creative lawyering reveals the relational character of the moral foundations of the professional identity of a good defensor. Defensores interpret the time and diligence spent in a case as a demonstration of devotion and commitment, which shapes the normative ideals for the provision of legal aid. In comparison, *conformists* lack

action directed against him and until the full execution of the sentence.” Given that Chilean law define the word defendant as including both accused and sentenced population, any defendant would be entitled to activate a rights' protection hearing, including defendants that have been convicted. Ten years ago, the legislative discussion around the definition of the term–when the RPP was conceived– did not consider prisoners to be able to raise petitions before criminal courts whatsoever. However, inadvertently, defensores use of legal norms on defendants' rights extended these rights to convicted prisoners. Defensores' use of Article 7 has been considered a brilliant move among experts.

the inventiveness, creativity, or willingness to work the multiple legal dimensions of a case. They adhere to the established legal order within the prison system and opt for the comfort of customary legal formulas. *Conformists* are likely to adhere to the tasks assigned by their auction contracts but won't demonstrate any intention to pursue an issue further. The *conformist* defensor is frown upon by defensores, for the pessimist reluctance to devise new legal strategies make them fall short of the moral markers associated to commitment and professionalism.

B. Pragmatic Empaths

Defensores understand themselves as *pragmatic empaths*. The *pragmatic empathy* narrative sets the standard for defensores to be capable of both compassion and pragmatism in the face of adversity.

Empathy

As state officials, defensores are exposed to the traditional restrictions of public bureaucracies. They must work with limited resources, staff shortages, as well as emotionally exhausting encounters with state clients. Consider also that-prisoners in Chile concentrate a series of disadvantages, including low levels of reading comprehension and literacy, and high prevalence of mental illnesses and substance use disorders. Defensores are well-aware of the difficulties faced by the community they serve. Tamara describes the difficulties involved in working for this marginalized population and defines a mandate for defensores to be empathetic with their clients.

> Firstly, you have to understand that you are working with people, many of whom are illiterate. Unfortunately, not everyone, but they come from a context

> of exclusion and a lack of significant opportunities. So**, if you don't have the empathy to see the other person as they are, to understand what they need, to listen to them, and, for example, to translate all this legal language so that they truly understand it, then, in my opinion, you are not doing a good job.**

Prisoners may also decide not to participate in a process, not for lack of interest, but to prevent feeling embarrassed, intimidated, or overwhelmed by the circumstance of not understanding certain types of information –or even not knowing how to read. Their inaction may come from the self-perception of not deserving legal assistance for having broken the law and being imprisoned (see also Grunseit, Forell, and McCarron 2008). Tamara asserts: "We have to work with the marginalized and the invisible. People want to see them [convicts] hanging in the public square. This is not a job that people can understand easily. Lay citizens do not understand what we do."

Tamara and many other defensores construct their professional role around a narrative of empathy. They describe themselves as having a positive attitude that prompts them to assist the prison population and persevere despite adverse work conditions. When describing their counsel interviews, they encourage paying close attention to prisoners' emotions and experiences, and fostering a genuine connection through active listening. They also argue that the circumstance of being able to emotionally connect with the struggles faced by prisoners leads them to approach their work without judging them, making assumptions or assigning blame. They constantly underscore prisoners' lives and backgrounds to explain their involvement into criminal activities.

Nonetheless, the construction of a narrative of empathy puts defensores into a difficult position. Being a true empath comes with a strong sense of responsibility, which makes defensores deem the task of ensuring humane prison conditions for convicts as resting squarely on their shoulders. In essence, they internalize the conviction that they, defensores, understand

something that the rest of the world doesn't– and thus are the primary agents entrusted with this mission. This fosters a mindset that emphasizes, "We bear the responsibility of safeguarding the rights of prisoners, and if we fail in this duty, then no one else will be willing to assume this crucial role." As described by Francisco,

> There are many people who are absolutely defenseless. That gives you that feeling that if you are not there, **the person who comes after you probably won't do it** [care about the job]. So in the end, [we] defensores stay because there is something romantic [about this]. I am very fond of this job; I have learned a lot. I appreciate being here every day knowing that I help people.

The narrative of empathy also prompts defensores to see themselves as tough professionals capable of walking through "The Dark Side of the Moon'", as Vinicio puts it. Many defensores adopt a narrative of fortitude that positions themselves as heavy duty lawyers capable of entering prison facilities and enduring the bodily burden they impose. Indeed, it is well documented that prisons are disabling environments in which physical structures generate a sense of abandonment and corporeal discomfort (Walker 2016). A good defensor is thus attuned to the sensory aspects of prison life and can withstand the obnoxious feel, smell, and sound of prison facilities. Their ability to handle the physicality of the prison environment is connected to a sensorial narrative of defensores' fortitude. For example, Tamara draws a distinction between those who are strong enough to endure the physical demands of entering prison facilities and those who may be more susceptible to being overwhelmed by it. Tamara believes that defensores must be able to handle the bodily aspects of the prison world (similarly, Ugelvik 2016 and Vega 2017).

> You have to go to the prison, a place that is not comfortable, that is visually ugly even in terms of smells and all that. There are people who are not capable of

> handling that. (...) The sense of calling is the only thing that keeps you going. That feeling of being determined to do something. You are providing a service that you feel is worth it**. I have met a lot of lawyers who visit a prison and then say: 'No, I'm not going back there anymore.'**

These descriptions serve defensores to present themselves as tough individuals who can stand what ordinary mortals cannot. This embodied fortitude confirms, to them, their ability to endure the misery of the prison world.

Pragmatism

Even though defensores demand an empathetic understanding of prisoners' backgrounds and living conditions, these lawyers avoid exposing themselves and being vulnerable to the devastating reality of the prison system. Eleanor is adamant about this challenge.

> This is a very hard job. This is a job where we see very complex realities. We see what nobody wants to see. We defend those who nobody else wants to defend. You encounter stories that are devastating. I have cried in prison with prisoners who tell me their stories. Damn. If you don't have somebody to lean on, I think you could end up badly. Plus, the workload. Plus, the fact that many times the system questions your job. You can go down into a slump. There are colleagues that unfortunately have left the UPD because they are tired and can't give any more. I believe that, indeed, this is a special job. Perhaps to be a defensor you must pass a psychological test, because **you have to have a special impetus. You must have a special fortitude, I think.**

Eleanor describes how defensores work with the most marginalized members of the community –prisoners– and that this requires a special energy and endurance. This means that defensores must also be able to approach a case with both empathy and pragmatism. They must be sensitive to prisoners' demands but also be prepared to assess possible courses of action that provide effective and tangible results. They also must be able to discern between plausible and implausible legal strategies and be able to foresee their consequences in a practical and realistic

fashion. According to Marcos, prisoners themselves are capable of distinguishing between defensores who are serious about their legal cases and defensores who use deceptive techniques to portray themselves favorably. Marcos draws a clear distinction between defensores who can present a realistic prospect of their clients' cases and those who don't.

> Inmates measure you by your commitment to them; and everything has to be based on clarity. For example, even though it may sound tough sometimes, it's like telling the inmate, "I can [pursue this case] for you, but the probabilities are a, b, and c. It might take three months, or a and b might happen. **I think some defenders makes the same mistake as any lawyer who, to avoid looking bad, promises the moon and the stars. (…) That creates expectations that affect the inmate, and, in the end, the inmate knows if they're being deceived or not.** (…) However, **some colleagues, to avoid inmates' disappointment say, "I'll visit you every week for sure; we'll wrap this up in a month," but they already know it won't be possible.** Among inmates, word spreads, they talk, and they know who's deceiving them and who is responsible.

The idea of pragmatic empathy also demands defensores to be optimists, but not naïve. Alejandro explains one time in which he exposed himself in court to ridicule for bringing an ungrounded case to court.

> One time I made a complete fool of myself. My client asked me to make a petition before criminal court to be transferred from [prison A], where he was, to [prison B], based on an alleged death threat that he got from a criminal gang that operated in the facility where he was at (…) I thought I had a great case and good arguments to request the reallocation. The judge was this close [hand sign] to ruling in our favor. But this guy [the client] in the middle of the hearing stood up from the bench to confess that he had fabricated the death threats and would rather stay in his current cell." That made me furious. After the hearing, I was so angry that I yelled at him: "Do you think that I am a clown?

Alejandro concludes:

> This kind of manipulation from our clients makes defensores look bad. It undermines the good image that we are trying to build.

Gaining judges trust requires defensores to build solid cases and fight vigorously for their clients in court. The seriousness of their claims gives them credibility, which contributes to opening the path for success in future cases. Mistakes and blunders have a costly price: defensores not only risk losing a case in court and see their claims dismissed, but also tarnish their name as well as the reputation of their fellow colleagues. Thus, they must pay close attention to prisoners' requests, communicate clearly with their clients, while also being able to set limits to their expectations.

Defensores see themselves as creative and trustworthy. They aspire to persuade other actors in the field to gear towards a better prison system, but they can't risk being seen as overly empathetic and incapable of managing prisoners' expectations. In other words, defensores' optimism must be hand-on-hand with being attentive to possible missteps. Navigating the intricacies of the prison system requires defensores to be smart and tough and prevent their emotions to compromise their reputation and hard work.

The narrative of pragmatic empathy drives defensores to draw a boundary against *cynics, fraudsters* and *defectors*. For instance, defensores distance themselves from other defensores and actors in other penal agencies who act with cynicism and don't see prisoners as fellow human beings. For example, Rocío expressed her sorrow and disappointment over the apathy of one of her colleagues,

> I remember sometimes I couldn't even sleep thinking on a prisoners' case. Unlike me, **this defensor was like "I don't care. Let them [prisoners] kill each other,"** It was just a whole different level of negligence. And **I would say: "For real? You don't like this job not even a little bit? Don't you want to go beyond the rules? The answer is no. He didn't seem touched at all.**

This differentiation emphasizes the importance defensores place on not only advocating for their clients but doing so with a genuine commitment, setting a strict moral standard for their professional community.

Defensores also draw a line against fraudsters: unscrupulous private attorneys that charge prisoners and their families' exorbitant fees for their services, fully aware that their endeavors are likely to prove ineffective. Fraudsters may manipulate information to incite a false sense of hope which leads prisoners to invest economic resources when, in reality, no viable legal alternative exist. Thumala *et al* present a similar finding in the private security industry, where supposedly legitimate actors distance themselves from dishonest vendors and consultants who mis-sell security services and products (2011:289). Defensores also draw a boundary against them and *defectors*, former empaths who capitulated to the demands and challenges of providing prison legal counsel. In the words of Marcos, "Because the job is intense, it's not easy to handle, spending the entire week inside the prison absorbs you. So, those who don't like it don't last. In the end, those who really enjoy this matter are the ones who remain." As has been shown in management studies, the construction of stories of desertion can become important narrative resources in developing a positive attitude amongst those who decide to stay in an organization (see, for instance, Alvesson 2000:120). For defensores, failing to fulfill their mandate or losing sight of their importance would mean leaving prisoners and their families adrift: they feel that they must give prisoners dignity and an opportunity for a better life, because if they don't, nobody else will.

C. Professional Altruism

Defensores also embrace a narrative of *professional altruism*, where they commit to tasks and duties that are not explicitly specified in their hiring contracts. Defensores expand their sphere of competence to uncodified tasks, including working extra-hours, being immediately available to prisoners' requests, and raising awareness of prisoners' rights within and beyond the penal field.

Uncodified Work

The idea of working extra-hours, during weekends, and holidays deeply connects with defensores expectations about their performance and that of their colleagues. When asked about their work schedules, most defensores report dedicating "twenty-four hours a day, seven days a week" to their work at the UPD. For them, prisoners' need for legal counsel is unrelenting. Hence, defensores must be permanently available for attending prisoners, prisoners' relatives, and prison guards. For example, Pamela explained that she worked "from Monday to Monday", a Chilean expression to describe jobs that don't allow for pauses nor downtime. I asked Diana, another defensora, at what time in the day her work ended. She responded adamantly, "Never. Never. [My work] never ended. In a way you are there [at work] 24 hours, because if there is something, some kind of problem in the facility, if there is some kind of situation that prisoners need to report, one had to file a claim immediately. (…) You just have to work at night." Defensores consider it essential to their commitment as dedicated practitioners to invest extra hours, including weekends, to their work. This willingness to go above and beyond reflects their sense of responsibility and dedication to their clients and the causes they represent. Defensores present the practice of working extra-hours as self-evident, setting a standard for moral excellence.

As defensores try to live up to their professional responsibilities, they logically engage in the activities mandated by their contractual agreements, which includes interviewing prisoners and their relatives, presenting requests before prison administrators, and filing claims before criminal courts. However, in addition to performing these codified tasks, defensores report taking extra responsibilities and further actions. The evidence of defensores' commitment to their work emerges in their accounts of trying to go beyond the formal duties established in their contracts – what Nyseth et al. call "uncodified work" (Nyseth, Roberts, Uggen, and Gasanabo 2020). For defensores, the value of their work extends beyond the contract clauses. As one defensor puts it: "We have the honor to serve the public good."

For instance, Marcos participates in the National Observatory of Institutional Violence, the Permanent Committee for Crime Prevention in Latin America, and the International Foundation of Criminal and Penitentiary Law. When asked why he would invest all this time in advocating prisoners' rights outside his formal agreement, he refers to the energy and enthusiasm that he receives from people that share this motivation and compares it with what we can call *ritualist* defensores.

> It turns out that it is exciting to share spaces with people who are in the same situation as you. Those who have the same energy, who are equally motivated, who have better ideas than you, and everyone is eager to collaborate. I believe I'm fortunate to be in a group where motivation is high. **I've heard that in other areas, there are defenders who see this as just another job. If they can leave at 5 in the evening, they just leave, and if they know things are going wrong, they don't show up the next day or simply go through the motions, just doing their job.** But I feel lucky to have met many motivated defenders, at least here in Santiago.

Providing legal counsel may be the scripted role of a defensor, but the unscripted tasks become essential to define the expectation of defensores both about their work and that of their colleagues.

To be certain, not all defensores conveyed the same level of commitment or exhibited signs of aligning their self-concepts with their professional role. Some defensores were very open about the instrumental reasons behind their career choices. One defensora conveyed to me that she saw no conflict in both being a defensora and having her private office for regular clients. "I do what the contract tells me to do, and I do a good job taking care of it. But the rest of the time I work in my private practice. I don't see a problem with that." It was apparent that this defensora saw no contradiction between her role at the Unit and practicing as a private attorney simultaneously. Indeed, defensores are legally allowed to devote time to their private practice as long as they meet the formal metrics imposed by their hiring contracts. However, the vast majority of defensores frown upon the possibility of sustaining a parallel private practice. Sonia, for instance, expressed her disdain towards this conduct, suggesting that these lawyers tarnish the public image of all defensores. "You can't have your private practice in this job. There is no time for that. There is too much to do." Lorena also accuses and laments this situation and warns me against what she considers to be shady defensores.

> You may meet a defensor who you think is not a wishy-washy defender, but he is. He can tell you that he is super proactive, super involved with prisoners, that he has started a war against the Gendarmería and all, but in reality, that defensor is shitty, he is negligent in processing his cases, he hands everything over to the social worker, he doesn't go to prison ever or goes barely once a week. **Be careful with that because some defensores may be bullshitting to you.**

The narrative of professional altruism is connected to the idea of performing extra-role tasks. This standard prompt defensores to draw a symbolic boundary between "real" and *ritualist* defensores, those attorneys who fulfill the bare minimum required by their hiring contracts, usually just meeting the metric indicators without meaningful care for prisoners' conditions. Encountered to this scenario, Lorena recommends me to be careful. I must be aware that there are going to be attorneys that will present themselves to me as committed defensores, but they are not. She makes a distinction between two types of defensores and only one of them is a genuine defensor.

Spreading the Word

Defensores also present themselves as emissaries of the higher mandate of safeguarding and mobilizing prisoners' human rights within the penal field and beyond. Defensores feel they must expand their sphere of influence by inspiring other actors to achieve a better comprehension of the prison system and act towards the advancement of a human rights culture. As their work unfolded, defensores saw their efforts to be met with skepticism by other actors in the field. However, they strived to ensure that other penal practitioners appreciated the importance of the Unit and thus would cooperate with them in achieving this objective. Hence, defensores' role not only entails devising legal arguments or litigating a case in front of criminal courts, but also building alliances with other actors in the penal field. Their message must reach judges, prison guards, and prosecutors, and also their own families, the media, institutions of higher education, and society at large.

There are several dimensions in which defensores' have tried to expand their sphere of influence. For instance, one of the main challenges for defensores refers to building trust with prison officers and prison authorities from Gendarmería de Chile, the institution in charge of overseeing prison facilities. Defensores highlight their constant efforts to convince prison guards of the benefits of their presence not only for prisoners but also for the wellbeing of guards themselves and the improvement of the conditions of prison facilities overall. Defensores have the expectation to become game-changers, allies across the board, able to engender productive relationships beyond formal arrangements and build trust with adjacent actors in the penal field. Most defensores describe with pride how they have been able to convince prison guards of the benefits of a mutual alliance. Eleonor explains,

> One time the Warden asked me to talk to prisoners who went into a hunger strike because of a problem with water rationing in the facility. The Warden wanted me to explain the situation to them (…) If you pay attention to what they go through, then the Ward and prison guards in general will become partners. **That's a crucial part of our work.**

Some defensores also describe how prison guards sometimes leak information about prisoners in critical conditions under the table, a circumstance that, for defensores, provides evidence of the mutual relationship of trust that they have managed to construct. Marcos explains: "Some low-level rank prison officers aren't allowed to formally inform us if a prisoner is having a hard time or if there is something off in a wing or a section at the facility." This is why, according to Marcos, some guards sometimes hand him written messages surreptitiously. "There are good-hearted prison officers. People who really want prisons to provide fair conditions. However, the whole prison-guard culture forbids them to be vocal about it." Defensores see these instances of mutual cooperation as an indicator of their competence and trustworthiness. Defensores

understand themselves as agents of change who envision forging alliances with other players to bring about substantive transformations to the prison system. Defensores have been able to contrive legal strategies that somehow force judges to exert their authority. But not only that: they have also been able to encourage prison authorities and judges to become increasingly invested in resolving prisoners' issues. Eleonor explains: "At the beginning I was seen a little bit of a strange duck. Like why is this woman here for. But I slowly started to gain the judge's trust. Now one judge has my phone number in case he needs more information about a case." For many, gaining prison authorities and court judges' trust is a source of recognition and prestige.

Beyond the penal field and into their personal lives, many defensores have experienced incomprehension or outright rejection of their endeavors. Daniel describes how hard has been for him to convince his family about the importance of protecting prisoners' rights.

> I have had conversations with cousins and relatives in general and they ask me "Do you defend drug traffickers?", They tell me in a tone almost like caricature, but of course I understand that this is said by people who do not know [prisoners]. (…) I have also been explaining to my parents, but it is not easy, you can't change a mentality in one day.

Defensores aspire to advocate for the recognition, respect, and equal treatment for the prisoners they serve. This involves a commitment to not only being aware of the unique challenges faced by these marginalized groups but also actively communicating this understanding to adjacent actors in the penal field (especially prison officers and judges) and their families, the wider community and society at large. It extends beyond the professional realm to a broader desire for societal acknowledgment and appreciation of prisoners' inherent dignity. According to defensores' views, what makes a good defensor is the desire to bridge the gap between societal

perceptions and the reality of the lives of those they serve. Their dedication goes beyond the immediate impact of their work, for a good defensor should strive to influence social attitudes towards prisoners' rights across the board.

D. Narratives as a Collective Resource

Defensores narrate stories about themselves and others that set the moral markers and normative standards for a good defensor. The narratives identified in this study usually stem from defensores' personal accounts of their work. Most defensores in the country oversee specific prison facilities autonomously. Therefore, instances of collective socialization –where defensores share and verify the plausibility of their narratives– are scarce. The "Penitentiary Academy" ("Academia Penitenciaria" in Spanish) represents one of the few spaces where defensores assess their personal narratives vis-à-vis a shared definition of the practices, values, and beliefs a good defensor must embrace according to the general voice of the collective. This instance is welcomed by defensores. Many of the participants in this study report feeling excitement when discussing legal cases, achieving legal victories, and setting successful precedents for their colleagues and presenting them at the Academy. As sociolegal scholarship has shown, group dynamics, weekly meetings, case discussions, recent victories, and shared concerns motivate lawyers not only to commit to their clients, but to their colleagues, and to their organizations as a whole (Etienne 2004). While most narratives in this study emerge from individual accounts, collective instances of professional socialization like the Penitentiary Academy provide a window to see how the narratives come at play at the group level. Due to COVID-19 circumstances, I had the opportunity to virtually attend the Penitentiary Academy in 2021, a

concession granted by the director of the Unit of Penitentiary Defense. My participation was officially communicated to all defensores present on that day. The event organizers also granted me permission to take notes and quote comments from defensores, provided that the identities of the participants were anonymized. While acknowledging that virtual participation lacks the immersive quality of in-person meetings, the session remained dynamic, with defensores actively engaging through the chat platform and direct interventions. I documented the proceedings and wrote approximately 20 pages of detailed notes. To respect privacy of the participants, the identities of the defensores have been anonymized.

Findings reveal that the Academy serves as a platform to instruct defensores about the latest legal strategies that have been developed by their colleagues in various country regions. Indeed, the first block of the day was designed to equip defensores with the most recent and successful legal tactics. Victor, a prominent defensor in the country, led the presentation and opened the session with a thorough overview of the legal statutes that defensores should leverage to their benefit. He stated: "As defensores, we are not taking advantage of the current legal norms. We should be able to apply both administrative law and criminal law to our cases." Victor was putting the narrative of creative lawyering in action. For instance, one highlight of the presentation was Victor's explanation of a clever line of reasoning to argue that prisoners' legal conditions should fall under the jurisdiction of both administrative law and criminal law.[13] Victor

[13] The overall argument considers that, on the one hand, since Gendarmería is an administrative agency, defensores should be admitted to using the legal mechanisms that govern the activities of state entities responsible for implementing and managing public services, such as prison services. On the other hand, since prisoners obtain their sentences from criminal courts, defensores should also be capable of using criminal procedural law to activate the mechanisms that would push criminal courts to protect prisoners' rights. This distinction can become relevant for defensores to confront cases of prison transfers, a practice that aims to reduce prison overcrowding, but also used by Gendarmería as an informal punishment against targeted prisoners. Having both administrative and criminal law at hand would mean that defensores can contend that prison transfers represent a situation of administrative mismanagement, but also can make a case before criminal courts arguing that Gendarmeria's decision to transfer

is confident and has charisma. The audience listens to him carefully. Several questions were raised. Defensores seemed convinced by Victor's argument. A couple of weeks later I interviewed Tito, one of the defensores that had worked with Victor in the past. Tito emphasized the importance of having a strong network of support among defensores and praised Victor's energy and initiative. "Victor is a genius. He would empower you to go wild with new legal arguments." The virtual chat of the session was dynamic and lively. Defensores from all over the country would chime in and provide examples of successful cases. At the end of the presentation, Victor stated: "This [prison legal system] is a no man's land. There is much to do. We need to build doctrine and jurisprudence, because we [as defensores] are agents of change." The audience agreed with enthusiasm.

In the second half of the session defensores' collectively discussed the difficulties of handling the press coverage and the public's expectations about their work. Scholarship on the legal profession reveals how working toward social justice and standing up to a powerful system on behalf of marginalized populations appears as an important incentive for remaining in the job (Baćak et al. 2020). In the case of defensores, the creation of professional narratives requires them to address deep misconceptions and stereotypes about the prison population and the undesirability of working with the imprisoned (similarly Ashforth and Kreiner 1999:421). At the group level, the Unit of Penitentiary Defense has sought to redefine the imprisoned as a subject of rights, entitled to receive legal assistance and worthy of public attention. The *motto* of the institution is "Without Defense There is No Justice" ("Sin Defensa No Hay Justicia"), a

prisoners from one facility to another is imposing an unduly and undeserved punishment that trespasses the limits of the original verdict dictated by the criminal court.

catchphrase that emerged consistently in interviews and conversations. For defensores, a fair and just legal system cannot exist unless prisoners have access to legal counsel.

One of the most contentious topics for defensores when encountering prisoners' stigma revolves around their role in obtaining parole approvals. Defensores are in charge of preparing the filing of parole petitions for submission to the Parole Technical Committee (in Spanish, "Comisión de Libertad Condicional").[14] When granted parole, prisoners can serve their time in the community, but must return to prison if violating any of the conditions of parole imposed. One of defensores' main concerns at this point in the discussion at the Academy was the deliberate attempt from the press to depict their role as advocates of "murderers and rapists". They were particularly apprehensive about the press coverage of the "Ambar Case," where 16-year-old Ambar Cornejo was raped and murdered by her priorly-convicted sex-offender stepfather Hugo Rebolledo, who had been granted parole in 2016 due to defensores' efforts. Sonia, one defensora, shared with the audience a short video of a TV Report from Channel 13 (a leading national broadcasting channel) named "Parole: Free Murderers and Rapists" (in Spanish: "Libertad condicional: Homicidas y Violadores Libres.") Defensores –and I – watched the video together. The piece covered several cases in which parolees have returned to their communities to live near their victims or their victims' relatives. It emphasized the victims' sense of vulnerability and the role of defensores in advocating for the granting of parole of more than 1,200 criminals. The presenter commented: "Most of these cases have had the legal assistance of the Office of Public Defense: 130 Homicides, Rapists, Sexual Molesters, and even one sentenced to Child Pornography. All of them have been freed." The video also featured an interview with

[14] The commissions are composed of one Justice of the Court of Appeals, who serves as the president, plus four judges from lower criminal trial courts, chosen by the respective Court of Appeals. The Commission of the Santiago Court of Appeals has a different composition, with ten judges from lower criminal trial courts.

the director of the Unit of Penitentiary Defense, Pablo Aranda, who tried to clarify defensores' job. "The Unit of Penitentiary Defense diligently distinguishes between applicants who deserve to be granted parole and those who do not." Despite Aranda's explanation, the video upholds a harsh criticism against the role of the Unit of Penitentiary Defense. At the end of the presentation of the video, there was a unanimous consensus amongst defensores that the press and the public have a profound misunderstanding of the process of reentry and convicted prisoners' right to a second chance. In other words, they perceive that the provision of legal counsel for convicted prisoners is experiencing a growing deficit of legitimacy. In response to the rising lack of trust from the public, penitentiary defenders' resort to different narratives that validate their work.

For instance, Sonia stated: "Every person has the right to return to their community." Luis explained: "We are professionals. We do our job. We comply with the law. TV Channels and the press are just a circus who profit out of these cases. The press and the media: they don't affect me." Rita lamented: "The problem is that we are getting less paroles granted as a result of this coverage." The Academy ended with a bittersweet feeling. The public's lack of understanding of defensores' role as advocates of prisoners' rights engenders a strong sense of frustration. Nonetheless, defensores' showed widespread agreement around their duty of supporting prisoners' reentry and spreading the word in these communal instances. This indicates that they naturally extend the role of defensor and strive to make the world aware of prisoners' needs. They feel they must "spread the word" for people to be cognizant about the problems that affect prisoners and act as emissaries of this important social message. One defensor responded: "You have to talk to people and make them understand that prisoners deserve better prison conditions. Even those sentenced for rape and murder."

In sum, the Penitentiary Academy not only works as a platform of knowledge exchange or professional socialization. It also helps to reflect and confirm defensores' ideals and moral standards. Defensores constitute a community of workers that create meaningful occupational identities to explain and justify their work, both to themselves and to the public. Individual and collective narratives inject defensores' work with meaning and ensure the continuity and success of the program of penitentiary defense. They edify normative expectations within the community of defensores, which promotes individual and group commitment. Moreover, when shared and socialized at the group level, normative expectations become a collective resource that members of the community of defensores draw upon, enact, and affirm through their daily actions to enhance the meaningfulness of their work (similarly, Ashfort and Kreiner 1999). It is possible that the personal and collective construction of symbolic boundaries through professional narratives motivates individual commitment and promote the legitimacy of the organization as a whole.

Conclusion

Individuals in modern life shape their own identities by choosing from multiple available social scripts (Bruner 1991; Giddens 1991; Mead 1934). This mode of identity formation involves the association between individuals and different group identities, a process that is particularly salient when a person joins a professional community (Ashforth and Schinoff 2016). Scholarship in various fields of study examine how individuals construct coherent narratives that integrate biographical experiences into their professional roles (Bloom et al. 2021; Bunderson and Thompson 2009; Christiansen 1999; McAdams et al. 1997; Ibarra and Barbulescu 2010).

Generally, these narratives propose a demarcation between members of the in-group from members of the out-group, a process known as boundary work (Gieryn 1983; Zietsma and Lawrence 2010).

This study explores how penitentiary defenders (defensores), Chilean attorneys in the newly established Unit of Penitentiary Defense (UPD), engage in boundary work to construct their professional identities as providers of legal counsel to convicted prisoners. Using 45 semi-structured interviews and the framework of narrative criminology, I examine the relational nature of penitentiary defenders' professional narratives and ask how penal practitioners build their self-understandings against their perception of adjacent actors in the penal field in the absence of "pre-packaged" identity content. A wealth of research has explored the processes of identity formation amongst penal practitioners in the criminal justice system studies and agencies of social control (Fleetwood et al. 2019; Presser 2016; Ugelvik 2016; van Hulst 2013; Vega 2018). However, few studies address how identity work unfolds as new state agencies emerge. Understanding boundary work in contexts of state building can help us elucidate how members of new state agencies navigate the criminal justice system, construct professional expectations, establish a sense of community with other members of the organization, and sustain the symbolic validation of their roles amidst uncertain expectations on emerging state bureaucracies.

Findings reveal that defensores craft professional narratives and rely on symbolic boundaries that create, promote, and sustain moral standards for what should be considered legitimate legal counsel in the penal field. First, defensores sustain a *pioneer narrative* that establishes a normative expectation of leadership and innovation in the provision of legal counsel, which prompts defensores to distinguish themselves from general practitioners, attorneys without specialized knowledge in prison legislation, and conformists, attorneys

accustomed to the status quo and the established legal order within the prison system. Secondly, defensores embrace a narrative of pragmatic empathy, which aims to strike a balance between compassion and pragmatism. From their perspective, defensores must cultivate a caring approach to prisoners' backgrounds and challenging living conditions. However, this awareness must be harmonized with the capacity to handle cases with caution, mental fortitude, and practicality. The narrative of pragmatic empathy serves as a limit against cynics, fraudsters, and defectors within the legal counsel realm, i.e., lawyers who prefer to remain oblivious to prisoners' hardships, who profit out of prisoners' need for legal counsel, or abandon prisoners to their fate. A third finding suggests that defensores embrace a narrative of professional altruism, which encapsulates defensores' understandings of their professional duties as extending well beyond the content of their hiring arrangements. Defensores also value being permanently available to prisoners' requests. They believe that they must work intensively from "Monday to Monday" and assume uncodified tasks – extra-contractual work that benefit prisoners and their families. Most defensores frown upon the idea of having a private practice aside from their institutional roles They also see themselves as responsibly for advocating to raise awareness about prisoners' rights within and beyond the sphere of the criminal justice system. Thus, penitentiary defenders define themselves against ritualist lawyers, i.e., attorneys that execute only the codified tasks included formally in their contractual agreements. Finally, these three narratives are present in individual accounts, but can also become apparent in collective instances of professional socialization.

I argue that the case study of defensores exemplifies how identity work advances as part of broader institutional projects of state building. Defensores' professional trajectories begins with the emergence of a criminal justice reform instituted after the dictatorship of Augusto Pinochet (1973-1990). Unlike traditional descriptions of the neophyte entering an environment

with predefined social norms and rules, defensores act as active agents of both the construction of their professional selves and the culture of the Unit. In the context of formation of a new organization, it is up to the defensores to construct the moral standards of their role based on both their professional experiences and their view of adjacent actors in the penal field. Through their narratives, defensores interpret their entry to their institutional roles, the interaction between their personal self-concept with their professional convictions, performance, and achievements, and the practices of adjacent actors in the penal field.

This paper contributes to the understanding of boundary work in the penal field by incorporating experiences from the Global South. It also reveals the relational nature of professional narratives in the criminal justice system by showing how self-understandings develop through interactions with adjacent actors in the penal field. In addition, it offers a new perspective on how legal aid lawyers become personally and professionally committed to provide legal counsel to convicted prisoners despite challenging working conditions. Finally, it focuses on the individual narratives of penal practitioners and thus helps us understand the role of micro-level factors in the continuity and success of the implementation of penal policy on the ground. In other words, by highlighting the role of professional narratives in the development and success of penal policy, it offers theoretical insights onto how the agentic aspects of identity and individual sensemaking processes can impact penal development and the potential for reform.

This study has several methodological limitations. Firstly, interview data regarding the interpretation of the evolution of defensores' careers from nominations to and departure from the Unit was gathered at only one point in time. A prospective follow-up study of a cohort of defensores that collects data at different moments in their careers would be apt to better capture

the sequential nature and evolution of professional narratives at each stage in defensores' professional trajectories. Secondly, most defensores in the sample exhibit shared values regarding their roles. However, there are also divergent patterns worth exploring, especially in cases where these attorneys see no contradiction between their work as defensores and having a private practice; an arrangement that is frown upon by most defensores. Third, further research is required to identify if there are socioeconomic, gender, age, or other demographic characteristics that account for narrative differences. Data from this study didn't reveal substantive differences across sociodemographic characteristics. Finally, there are questions of power and legitimacy that underlie the development of defensores' professional narratives. On the one hand, narratives seem to be deeply personal and disinterested, apparently restricted to the minds of the defensores who construct them. However, to reduce the narratives to mere reflections forgets that defensores, as a professional community, also struggle for authority, power, and material resources. Further research on defensores' struggles would enable us to see whether defensores' and authorities at the Unit mobilize their professional narratives to strategically advance their position in the penal field.

CONCLUSION

Penitentiary defenders (also known as defensores) are lawyers hired by the Unit of Penitentiary Defense to provide legal counsel to convicted prisoners housed in Chilean prisons. The Unit started its operations through a pilot program in 2009 with two penitentiary defenders in the northern region of Coquimbo. By 2020, the program had expanded throughout the country with 54 attorneys offering legal counsel to more than 40,000 prisoners.

What explains the success of the Unit of Penitentiary Defense? Sociologists of punishment suggest focusing on the macro-level social forces leading to the development of penal change (Garland 2001; Lacey 2008; Lappi-Seppälä 2011; Savelsberg 1994; Tonry 2009). In this case, larger processes of state democratization, modernization, and state privatization in Chile gave way to the establishment of new institutions and creation of new state bureaucracies in the criminal justice system. In addition, the expansion of higher education enrollment, the proliferation of private law schools, and the growing participation of groups traditionally excluded from liberal professions contributed to the creation of an available workforce eager to be part of these newly created state agencies.

Sociologists of punishment also focus on how meso-level local struggles between individuals, groups, and organizations give way to the mobilization of resources for the advancement of penal policy projects (Goodman et al. 2017; Loader and Sparks 2004:16; Page 2012; Rubin 2015). Through the lens of contestation, this view explains the form, extent, and stability of penal change in given times and places (Goodman et al. 2017:15). In the case of penitentiary defenders, the collaboration between emerging scholars –invested in the

modernization of the criminal justice system– and right-wing politicians –invested in the optimization of criminal procedures– promoted the advancement of a sweeping criminal justice reform. Resistance and contestation from collective groups in the penal field shaped the instauration of the most important change in the Chilean criminal justice system in two centuries.

Through the lens of narrative studies and narrative criminology, this dissertation contributes to an incipient line of research that incorporates a micro-level perspective to the study of penal change. Individuals –their hearts and minds– must be committed to the development of specifics forms of penal change – from reentry programs to the elaboration of penal policy– for these projects to emerge and continue over time. I argue that penal practitioners' commitment depends on the creation of identity narratives that allows them to integrate their personal biographies to their professional endeavors, to construct their self-worth, and to develop a sense of belonging to a moral community.

The concern about the relationship between the individual and the development of social fields is not at all new. To account for this relationship, Pierre Bourdieu introduced the concept of *habitus* i.e., a system of individual dispositions that generate and organize practices and representations (Page 2012). *Habitus* defines the categories of perception or mental *schemata* that structure the ways in which individuals engage in their everyday practices within a social field. The notion of *habitus* overcomes both mechanistic macro-structural explanations of social action (that interpret actors' decisions as the byproduct of their objective position in the field, generally referring to their race, class, and gender) and rational action theories of individual decision-making (which see social action as the outcome of free, isolated, conscious, and calculated decisions). From a Bourdieusian standpoint, penal practitioners' dispositions are the product of childhood, upbringing, and personal experiences of socialization –anchored in the

social structure– that contribute to the development of individual preferences and social commitments (Sawicki and Siméant 2010:92). The idea of *habitus* represents an extraordinary analytical tool to explain how individuals develop mental schemes from their personal experiences and why they develop loyalties and commitments to people, groups, and social causes (Bourdieu 2000; Desmond 2008; Page 2012; Sawicki and Siméant 2010). The idea of *habitus* then, is remarkably useful to understand individuals' participation and adherence to penal change.

Criticism against the concept of *habitus* points out to three problems underlying its application: identifying under what conditions individual *habitus* is transformable, defining what is the role of the plasticity of personality in institutional processes of continuity and change, and understanding why individuals from the same social group may have different intentions and aspirations (DiMaggio 1979:1467-1468). The work of narrative studies and narrative criminology fills this void. Narrativists pay attention to how individuals narrate and organize their biographies to explain their engagement with social institutions. Stories are not assumed to give us access to objective facts from people's pasts, practices, or dispositions. Instead, they improve our understanding of individuals' intellectual and emotional endeavor to create a plausible narrative about themselves. When narrative is seen as a veridical account of someone's experiences and upbringing– as the concept of *habitus* does- the researcher focus is on the potential veracity and corroboration of the story. In contrast, a non-representational view of narrative addresses the relationship between the subject and its narrative through the analysis of the thematic, linguistic, and interactional dynamics of storytelling. Individuals express themselves and advance change depending on their willingness to enact the narratives they have created for themselves (McLean et al. 2007). Thus, narrative analysis complements the dominant

explanations of human agency based on the concept of *habitus* by recognizing the endeavor of each and every individual to construct a sense of self.

In this study, I have used a narrative approach to understand penitentiary defenders' engagement with the project of the Unit of Penitenciary Defense. Findings reveal that penal practitioners narrate their present professional circumstances in relationship with past experiences, which provides them with a sense of coherence that explains their ongoing commitment to this agency. Second, penitentiary defenders are subject to liminal labor conditions that exclude them from the material benefits and symbolic status of public employees. However, through their narratives, penitentiary defenders challenge the official discourses of public-private contracting schemes and present themselves as devoted public servants. Through these narratives, penitentiary defenders both cultivate their self-worth and nourish the internal legitimacy of UPD. Third, penitentiary defenders narratively construct their professional standards of commitment by demarcating who belongs to the in-group vis-à-vis members of the outgroup. I provide evidence of the relational nature of commitment and show how penal practitioners develop their moral philosophies through comparison and demarcation against adjacent actors in the penal field. These findings provide analytical, methodological, and practical contributions to the understanding of penal change. Most importantly, this study introduces the concept of "street-level contractors", front-line workers who provide public services to state's clients albeit governed by a liminal labor regime. As street-level contractors, penitentiary defenders craft specific narratives that question the private regime that governs their labor status and challenge official and formal definitions of public sector work.

Certainly, a narrative approach to professional commitment has important limitations. First, interviews do not allow for statements of a causal relationship between defensores'

narratives and their ensuing behavior. It also lacks sufficient evidence to propose that penitentiary defenders would deliver higher-quality legal services if hired as state employees. Future researchers could use additional longitudinal and quantitative data to measure the relationship between professional narratives and professional performance. Second, most defensores interviewed for this study shared an internalized, evolving story of their professional selves. However, not all defensores resorted to a narrative reconstruction of their personal experiences. Further research will be able to account for this variation and to determine whether socioeconomic status, gender, age, or other demographic factors impact the narratives and practices of legal counsel. The study also pays little attention to the fact that even in a single state agency – the UPD– there may be important differences in workers' experiences as a result of geographical location, types of prisons visited, and populations served. Also, there are questions of power and legitimacy that underlie the development of defensores' professional narratives. On the one hand, narratives seem to be deeply personal and disinterested, apparently restricted to the minds of the defensores who construct them. However, to reduce the narratives to mere reflections overlooks that defensores, as a professional community, also struggle for authority, power, and material resources. Further research on defensores' struggles would enable us to see whether defensores' and authorities at the Unit mobilize their professional narratives to strategically advance their position in the penal field.

The results of this study do not provide enough evidence to assess whether defensores provide good quality legal services, achieve their mission to advocate for prisoners' rights or advance a more humane prison system. However, there are good reasons to believe that this may be the case. Penitentiary defenders' professional narratives inspire many of them to remain committed to the provision of indigent defense despite adverse working conditions. It also

matters because, as documented in the narrative studies of life, sense-making processes shape individuals' future behavior. The imagination of our future selves operates as a powerful motivator of goal-directed action. Defensores embrace a moral orientation of their work to provide equal representation and a fair defense to convicted prisoners, regardless of societal perceptions. We can hypothesize that this self-proclaimed ability to remain impervious to social prejudices sustain defensores' commitment and willingness to excel in their job. As defensores reinforce their sense of commitment, they engage in advocacy work that may positively impact prisoners' lives. In other words, actors in the penal field don't act arbitrarily. People define reasonable goals for their futures that must be in line with their narratives of the self. Thus, it is likely that the internalized and evolving stories of defensores from this study have helped them to expand state capacities, serve prisoners with pragmatism and empathy, and mobilize penal change above and beyond the formal duties of legal aid provision, which suggests that there are practical and public policy implications in sustaining this type of professional narratives.

REFERENCES

Abbott, Andrew. 1988. *The System of Professions*. Chicago and London: The University of Chicago Press.

Albert, Stuart, Blake E. Ashforth, and Jane E. Dutton. 2000. "Organizational Identity and Identification: Charting New Waters and Building New Bridges." *The Academy of Management Review* 25(1):13–17.

Alvesson, Mats. 2000. "Social Identity and the Problem of Loyalty In Knowledge-Intensive Companies." *Journal of Management Studies* 37(8):1101–24. doi: 10.1111/1467-6486.00218.

Anderson, Wendy G., Jillian E. Williams, James E. Bost, and David Barnard. 2008. "Exposure to Death Is Associated with Positive Attitudes and Higher Knowledge About End-of-Life Care in Graduating Medical Students." *Journal of Palliative Medicine* 11(9):1227–33. doi: 10.1089/jpm.2008.0058.

Arriagada, Isabel. 2023. "'This Is Where I Belong:' A Narrative Study of Professional Commitment to a New Criminal Justice Agency." *Crime, Law and Social Change* 79(5):505–30. doi: 10.1007/s10611-023-10080-3.

Ashford, Susan J., Brianna Barker Caza, and Erin M. Reid. 2018. "From Surviving to Thriving in the Gig Economy: A Research Agenda for Individuals in the New World of Work." *Research in Organizational Behavior* 38:23–41. doi: 10.1016/j.riob.2018.11.001.

Ashforth, Blake E., and Glen E. Kreiner. 1999. "'How Can You Do It?': Dirty Work and the Challenge of Constructing a Positive Identity." *The Academy of Management Review* 24(3):413–34. doi: 10.2307/259134.

Ashforth, Blake E., and Beth S. Schinoff. 2016. "Identity Under Construction: How Individuals Come to Define Themselves in Organizations." *Annual Review of Organizational Psychology and Organizational Behavior* 3:111–37. doi: 10.1146/annurev-orgpsych-041015-062322.

Baćak, Valerio, Sarah E. Lageson, and Kathleen Powell. 2020. "'Fighting the Good Fight': Why Do Public Defenders Remain on the Job?" *Criminal Justice Policy Review* 31(6):939–61. doi: 10.1177/0887403419862317.

Barker, Rodney. 2001. *Legitimating Identities: The Self-Presentations of Rulers and Subjects*. Cambridge: Cambridge University Press.

Becker, Howard S. 1978. "Arts and Crafts." *American Journal of Sociology* 83(4):862–89.

Bergoglio, María Inés. 2009. "Diversidad y Desigualdad En La Profesión Jurídica: Consecuencias Sobre El Papel Del Derecho En América Latina." *Revista Via Iuris* (6):12–28.

Berrios, Ruben. 2006. "Government Contracts and Contractor Behavior." *Journal of Business Ethics* 63(2):119–30. doi: 10.1007/s10551-005-3969-8.

Bloom, Matt, Amy E. Colbert, and Jordan D. Nielsen. 2021. "Stories of Calling: How Called Professionals Construct Narrative Identities." *Administrative Science Quarterly* 66(2):298–338. doi: 10.1177/0001839220949502.

Borrelli, Lisa Marie, and Giorgia Trasciani. 2019. "«I like to Work with People»: Everyday Stories and Reflections from Street-Level Workers in the Migration Regime on What Motivates Their Tasks." *Social Policies* (3):407–26. doi: 10.7389/95409.
Bottoms, Anthony, and Justice Tankebe. 2012. "Beyond Procedural Justice: A Dialogic Approach to Legitimacy in Criminal Justice." *Journal of Criminal Law and Criminology* 102(1):119–70.
Bourdieu, Pierre. 1994. "Rethinking the State: Genesis and Structure of the Bureaucratic Field." *Sociological Theory* 12(1):1–18. doi: 10.2307/202032.
Bourdieu, Pierre. 2000. *Pascalian Meditations*. Stanford (CA): Stanford University Press.
Brown, Andrew D. 2015. "Identities and Identity Work in Organizations." *International Journal of Management Reviews* 17(1):20–40. doi: 10.1111/ijmr.12035.
Brown, Andrew D., and Ken Starkey. 2000. "Organizational Identity and Learning: A Psychodynamic Perspective." *The Academy of Management Review* 25(1):102–20. doi: 10.2307/259265.
Brown, Andrew D., and Sammy Toyoki. 2013. "Identity Work and Legitimacy." *Organization Studies* 34(7):875–96. doi: 10.1177/0170840612467158.
Bruner, Jerome. 1991. "The Narrative Construction of Reality." *Critical Inquiry* 18(1):1–21. doi: 10.1086/448619.
Bunderson, J. Stuart, and Jeffery A. Thompson. 2009. "The Call of the Wild: Zookeepers, Callings, and the Double-Edged Sword of Deeply Meaningful Work." *Administrative Science Quarterly* 54(1):32–57. doi: 10.2189/asqu.2009.54.1.32.
Calavita, Kitty, and Valerie Jenness. 2015. *Appealing to Justice: Prisoner Grievances, Rights, and Carceral Logic*. Oakland (CA): University of California Press.
Candina, Azún. 2013. *Clase Media, Estado y Sacrificio*. Santiago de Chile: LOM Ediciones.
Cecchini, Mathilde, and Gitte Sommer Harrits. 2022. "The Professional Agency Narrative—Conceptualizing the Role of Professional Knowledge in Frontline Work." *Journal of Public Administration Research and Theory* 32(1):41–57. doi: 10.1093/jopart/muab021.
Chacon, Ricardo. 2015. "The University as an Agent of Social Change: The Chilean Experience." PhD Thesis, Auckland University of Technology.
Charmaz, Kathy. 1999. "Stories of Suffering: Subjective Tales and Research Narratives." *Qualitative Health Research* 9(3):362–82. doi: 10.1177/104973239900900306.
Cheliotis, Leonidas K. 2006. "How Iron Is the Iron Cage of New Penology? The Role of Human Agency in the Implementation of Criminal Justice Policy." *Punishment & Society* 8(3):313–40. doi: 10.1177/1462474506064700.
Christiansen, Charles H. 1999. "Defining Lives: Occupation as Identity: An Essay on Competence, Coherence, and the Creation of Meaning." *American Journal of Occupational Therapy* 53(6):547–58.
Clair, Matthew, Caitlin Daniel, and Michèle Lamont. 2016. "Destigmatization and Health: Cultural Constructions and the Long-Term Reduction of Stigma." *Social Science & Medicine* 165:223–32.
Clegg, Stewart R., Carl Rhodes, and Martin Kornberger. 2007. "Desperately Seeking Legitimacy: Organizational Identity and Emerging Industries." *Organization Studies* 28(4):495–513. doi: 10.1177/0170840606067995.

Couso, Javier, and Lisa Hilbink. 2011. “From Quietism to Incipient Activism: The Institutional and Ideological Roots of Rights Adjudication in Chile.” Pp. 99–127 in *Courts in Latin America*, edited by G. Helmke and J. Ríos-Figueroa. Cambridge (MA): Cambridge University Press.
Crewe, Ben. 2012. *The Prisoner Society: Power, Adaptation and Social Life in an English Prison*. Oxford: Oxford University Press.
Curran, Liz, and Mary Anne Noone. 2007. “The Challenge of Defining Unmet Legal Need.” *Journal of Law and Social Policy* 21:63.
Czarniawska, Barbara. 2004. *Narratives in Social Science Research*. London: SAGE.
Dannefer, Dale, JA Kelley-Moore, and Wenxuan Huang. 2016. “Opening the Social: Sociological Imagination in Life Course Studies.” Pp. 87–110 in *Handbook of the Life Course*. Vol. 2, edited by J. Mortimer, M. J. Shanahan, and M. Kirkpatrick Johnson. Switzerland: Springer International Publishing.
Desmond, Matthew. 2008. *On the Fireline: Living and Dying with Wildland Firefighters*. Chicago: University of Chicago Press.
Dias, Janice Johnson, and Steven Maynard-Moody. 2007. “For-Profit Welfare: Contracts, Conflicts, and the Performance Paradox.” *Journal of Public Administration Research and Theory* 17(2):189–211. doi: 10.1093/jopart/mul002.
Emmelman, Debra S. 1993. “Organizational Conditions That Facilitate an Ethical Defense Posture among Attorneys for the Poor: Observations of a Private Nonprofit Corporation.” *Criminal Justice Review* 18(2):221–35. doi: 10.1177/073401689301800205.
Etienne, Margareth. 2005. “The Ethics of Cause Lawyering: An Empirical Examination of Criminal Defense Lawyers as Cause Lawyers.” *Journal of Criminal Law & Criminology* 95(4):1195–1260.
Fine, Gary Alan. 1996. “Justifying Work: Occupational Rhetorics as Resources in Restaurant Kitchens.” *Administrative Science Quarterly* 41(1):90–115. doi: 10.2307/2393987.
Fiol, C. Marlene, and Elaine Romanelli. 2012. “Before Identity: The Emergence of New Organizational Forms.” *Organization Science* 23(3):597–611.
Fleetwood, Jennifer, Lois Presser, Sveinung Sandberg, and Thomas Ugelvik. 2019. “Introduction.” in *The Emerald Handbook of Narrative Criminology:*, *Emerald handbooks in criminology*, edited by J. Fleetwood, L. Presser, S. Sandberg, and T. Ugelvik. United Kingdom: Emerald Publishing.
Freidson, Eliot. 1970. *Professional Dominance: The Social Structure of Medical Care*. New Brunswick (NJ): Transaction Publishers.
Gabriel, Yiannis. 1995. “The Unmanaged Organization: Stories, Fantasies and Subjectivity.” *Organization Studies* 16(3):477–501. doi: 10.1177/017084069501600305.
Gabriel, Yiannis. 2000. *Storytelling in Organizations: Facts, Fictions, and Fantasies.* New York (NY): Oxford University Press.
Gadd, David. 2003. “Review Essay: Making Criminology Good: A Response to Shadd Maruna.” *The Howard Journal of Criminal Justice* 42(3):316–22. doi: 10.1111/1468-2311.00287.
Garland, David. 1990. *Punishment and Modern Society*. Oxford and New York: Oxford University Press.

Garland, David. 2001. *The Culture of Control: Crime and Social Order in Contemporary Society*. Vol. 77. New York (NY): Oxford University Press.
Garland, David. 2013. "Penality and the Penal State." *Criminology* 51(3):475–517. doi: 10.1111/1745-9125.12015.
Garsten, Christina. 1999. "Betwixt and between: Temporary Employees as Liminal Subjects in Flexible Organizations." *Organization Studies* 20(4):601–17. doi: 10.1177/0170840699204004.
George, Elizabeth, and Prithviraj Chattopadhyay. 2005. "One Foot in Each Camp: The Dual Identification of Contract Workers." *Administrative Science Quarterly* 50(1):68–99. doi: 10.2189/asqu.2005.50.1.68.
Giddens, Anthony. 1991. *Modernity and Self-Identity: Self and Society in the Late Modern Age*. Stanford (CA): Stanford University Press.
Gieryn, Thomas F. 1983. "Boundary-Work and the Demarcation of Science from Non-Science: Strains and Interests in Professional Ideologies of Scientists." *American Sociological Review* 48(6):781–95.
Glaser, Barney, and Anselm Strauss. 2017. *Discovery of Grounded Theory: Strategies for Qualitative Research*. New York (NY): Routledge.
González Le Saux, Marianne. 2021. "Training and Disciplining Lawyers Through Legal Aid: Chile, 1932–1960s." Pp. 253–86 in *Histories of Legal Aid: A Comparative and International Perspective*, *World Histories of Crime, Culture and Violence*, edited by F. Batlan and M. Vasara-Aaltonen. Cham: Palgrave Macmillan.
Goodman, Philip, Joshua Page, and Michelle Phelps. 2017. *Breaking the Pendulum: The Long Struggle Over Criminal Justice*. New York (NY): Oxford University Press.
Grunseit, Anne, Suzie Forell, and Emily McCarron. 2008. *Taking Justice into Custody: The Legal Needs of Prisoners*. Vol. 5. Sydney: Law and Justice Foundation of New South Wales.
Harvey, David. 2006. "Neo-liberalism as Creative Destruction." *Geografiska Annaler: Series B, Human Geography* 88(2):145–58. doi: 10.1111/j.0435-3684.2006.00211.x.
Hathazy, Paul. 2016. "Remaking the Prisons of the Market Democracies: New Experts, Old Guards and Politics in the Carceral Fields of Argentina and Chile." *Crime, Law and Social Change* 65:163–93.
Herrera, Fabiola, Romina Torres, Orietta Nicolis, and Rodrigo Salas. 2020. "Characterization of the Chilean Public Procurement Ecosystem Using Social Network Analysis." *IEEE Access* 8:138846–58.
Hilbink, Lisa. 2007. *Judges beyond Politics in Democracy and Dictatorship: Lessons from Chile*. New York (NY): Cambridge University Press.
van Hulst, M. 2013. "Storytelling at the Police Station: The Canteen Culture Revisited." *British Journal of Criminology* 53(4):624–42. doi: 10.1093/bjc/azt014.
van Hulst, Merlijn, and Sierk Ybema. 2020. "From What to Where: A Setting-Sensitive Approach to Organizational Storytelling." *Organization Studies* 41(3):365–91. doi: 10.1177/0170840618815523.
Ibarra, Herminia. 1999. "Provisional Selves: Experimenting with Image and Identity in Professional Adaptation." *Administrative Science Quarterly* 44(4):764–91. doi: 10.2307/2667055.

Ibarra, Herminia, and Roxana Barbulescu. 2010. “Identity as Narrative: Prevalence, Effectiveness, and Consequences of Narrative Identity Work in Macro Work Role Transitions.” *The Academy of Management Review* 35(1):135–54.
Ibarra, Herminia, and Otilia Obodaru. 2016. “Betwixt and between Identities: Liminal Experience in Contemporary Careers.” *Research in Organizational Behavior* 36:47–64. doi: 10.1016/j.riob.2016.11.003.
Jolley, G. Jason. 2008. “Contracting Regimes and Third-Party Governance: A Theoretical Construct for Exploring the Importance of Public Service Motivation of Private Sector Contractors.” *International Public Management Review* 9(2):1–14.
Kunda, Gideon, Stephen R. Barley, and James Evans. 2002. “Why Do Contractors Contract? The Experience of Highly Skilled Technical Professionals in a Contingent Labor Market.” *ILR Review* 55(2):234–61. doi: 10.1177/001979390205500203.
Kurtz, Don L., and Alayna Colburn. 2019. “Police Narratives as Allegories That Shape Police Culture and Behaviour.” Pp. 321–41 in *The Emerald Handbook of Narrative Criminology*, edited by J. Fleetwood, L. Presser, S. Sandberg, and T. Ugelvik. United Kingdom: Emerald Publishing Limited.
Lacey, Nicola. 2008. *The Prisoners’ Dilemma: Political Economy and Punishment in Contemporary Democracies*. Cambridge: Cambridge University Press.
Langer, Máximo. 2007. “Revolution in Latin American Criminal Procedure: Diffusion of Legal Ideas from the Periphery.” *The American Journal of Comparative Law* 55(4):617–76. doi: 10.1093/ajcl/55.4.617.
Lappi-Seppälä, Tapio. 2011. “Explaining Imprisonment in Europe.” *European Journal of Criminology* 8(4):303–28. doi: 10.1177/1477370811411459.
Lidebinsky, Sofía. 2015. “Rediseño del Modelo de Defensa Penitenciaria para Adultos Privados de Libertad en el Nuevo Sistema Procesal Penal.” *Revista Estudios de Políticas Públicas* 1(1):226–45.
Lin, Ann Chih. 2000. “Reform in the Making: The Implementation of Social Policy in Prison.” in *Reform in the Making*. Princeton (NJ): Princeton University Press.
Lipsky, Michael. 2010. *Street-Level Bureaucracy: The Dilemmas of the Individual in Public Service*. New York (NY): Russell Sage Foundation.
Loader, Ian, and Richard Sparks. 2004. “For an Historical Sociology of Crime Policy in England and Wales since 1968.” *Critical Review of International Social and Political Philosophy* 7(2):5–32. doi: 10.1080/1369823042000266495.
Lomnitz, Larissa Adler de, and Ana Melnick. 1998. *Neoliberalismo y Clase Media. El Caso de los Profesores de Chile.* Vol. XV. Santiago de Chile: DIBAM.
Maynard-Moody, Steven Williams, and Michael Craig Musheno. 2022. *Cops, Teachers, Counselors: Stories from the Front Lines of Public Service*. Ann Arbor (MI): University of Michigan Press.
McAdams, Dan P. 2001. “The Psychology of Life Stories.” *Review of General Psychology* 5(2):100–122. doi: 10.1037/1089-2680.5.2.100.
McAdams, Dan P., Ann Diamond, Ed de St. Aubin, and Elizabeth Mansfield. 1997. “Stories of Commitment: The Psychosocial Construction of Generative Lives.” *Journal of Personality and Social Psychology* 72(3):678–94. doi: 10.1037/0022-3514.72.3.678.
McAdams, Dan P., and Jen Guo. 2015. “Narrating the Generative Life.” *Psychological Science* 26(4):475–83. doi: 10.1177/0956797614568318.

McIntyre, Lisa J. 1987. *The Public Defender: The Practice of Law in the Shadows of Repute*. Chicago (IL): University of Chicago Press.
McLean, Kate C., Monisha Pasupathi, and Jennifer L. Pals. 2007. "Selves Creating Stories Creating Selves: A Process Model of Self-Development." *Personality and Social Psychology Review* 11(3):262–78. doi: 10.1177/1088868307301034.
Mead, George Herbert. 2015. *Mind, Self, and Society*. London and Chicago: University of Chicago Press.
Menkel-Meadow, Carrie. 1998. "The Causes of Cause Lawyering: Toward an Understanding of the Motivation and Commitment of Social Justice Lawyers." in *Cause Lawyering: Political Commitments and Professional Responsibilities*, *Oxford Socio-Legal studies*, edited by A. Sarat and S. A. Scheingold. New York (NY): Oxford Univ. Press.
Mori, Anna. 2020. "Employment Relations in Outsourced Public Services: Working Between Market and State." Pp. 1–29 in *Employment Relations in Outsourced Public Services*. Cham: Palgrave MacMillan.
Murphy, Chad, and Glen E. Kreiner. 2020. "Occupational Boundary Play: Crafting a Sense of Identity Legitimacy in an Emerging Occupation." *Journal of Organizational Behavior* 41(9):871–94. doi: 10.1002/job.2473.
Ndhlovu, Emmanuel. 2020. "Qualitative Data Collection under the 'New Normal'in Zimbabwe." Pp. 51–60 in *Researching in the Age of COVID-19. Volume 1: Response and Reassessment*, edited by H. Kara and S.-M. Khoo. Bristol: Policy Press.
Norton, Lee, Jennifer Johnson, and George Woods. 2015. "Burnout and Compassion Fatigue: What Lawyers Need to Know." *UMKC Law Review* 84(4):987–1002.
Nyseth Brehm, Hollie, Louisa L. Roberts, Christopher Uggen, and Jean-Damascene Gasanabo. 2020. "'We Came To Realize We Are Judges': Moral Careers of Elected Lay Jurists in Rwanda's Gacaca Courts." *International Journal of Transitional Justice* 14(3):443–63. doi: 10.1093/ijtj/ijaa018.
Oaker, Gillian, and Rupert Brown. 1986. "Intergroup Relations in a Hospital Setting: A Further Test of Social Identity Theory." *Human Relations* 39(8):767–78. doi: 10.1177/001872678603900804.
Offit, Anna. 2019. "Storied Justice: The Narrative Strategies of US Federal Prosecutors." Pp. 45–62 in *The Emerald Handbook of Narrative Criminology*, edited by J. Fleetwood, P. Lois, T. Ugelvik, and S. Sandberg. United Kingdom: Emerald Publishing Limited.
Page, Josh. 2013. "Punishment and the Penal Field." Pp. 152–66 in *The SAGE Handbook of Punishment and Society*, edited by J. Simon and R. Sparks. London: SAGE Publications Ltd.
Pearce, Jone L. 1993. "Toward an Organizational Behavior of Contract Laborers: Their Psychological Involvement and Effects on Employee Co-Workers." *The Academy of Management Journal* 36(5):1082–96. doi: 10.2307/256646.
Pliscoff -Varas, Cristian. 2017. "Implementing the New Public Management: Problems and Challenges to Public Ethics. The Chilean Case." *Convergencia* 24(73):141–64.
Polga-Hecimovich, John. 2019. "Bureaucracy in Latin America." in *Oxford Research Encyclopedia of Politics*. New York, NY: Oxford University Press.
Presser, Lois. 2016. "Criminology and the Narrative Turn." *Crime, Media, Culture: An International Journal* 12(2):137–51. doi: 10.1177/1741659015626203.

Presser, Lois, and Sveinung Sandberg. 2015. "Research Strategies for Narrative Criminology." Pp. 85–99 in *Qualitative Research in Criminology: Advances in Criminological Theory.*, edited by J. Miller and W. R. Palacios. London and New York: Routledge.
Rosenbaum, Dennis P., and William P. McCarty. 2017. "Organizational Justice and Officer 'Buy in' in American Policing." *Policing: An International Journal of Police Strategies & Management* 40(1):71–85. doi: 10.1108/PIJPSM-07-2016-0114.
Rubin, Ashley T. 2015. "A Neo-Institutional Account of Prison Diffusion." *Law & Society Review* 49(2):365–400. doi: 10.1111/lasr.12136.
Sandefur, Rebecca L. 2016. "What We Know and Need to Know about the Legal Needs of the Public." *South Carolina Law Review* 67:443–59.
Savelsberg, Joachim J. 1994. "Knowledge, Domination, and Criminal Punishment." *American Journal of Sociology* 99(4):911–43. doi: 10.1086/230367.
Sawicki, Frédéric, and Johanna Siméant. 2010. "Decompartmentalizing the Sociology of Activist Commitment. A Critical Survey of Some Recent Trends in French Research." *Sociologie Du Travail* 52:e83–109. doi: 10.1016/j.soctra.2010.06.005.
Schlanger, Margo. 2003. "Inmate Litigation." *Harvard Law Review* 116(6):1555–1706.
Seale, Elizabeth, Alison Buck, and Kylie Parrotta. 2012. "Who's to Blame? The Identity Talk of Welfare-To-Work Program Managers." *Sociological Perspectives* 55(3):501–27. doi: 10.1525/sop.2012.55.3.501.
Silva, Patricio. 1994. "State, Public Technocracy and Politics in Chile, 1927-1941." *Bulletin of Latin American Research* 13(3):281–97. doi: 10.2307/3338512.
Snow, David A., and Doug McAdam. 2000. "Identity Work Processes in the Context of Social Movements: Clarifying the Identity/Movement Nexus." Pp. 41–67 in *Self, Identity, and Social Movements*. Vol. 13, *Social Movements, Protest, and Contention.*, edited by S. Stryker, T. J. Owens, and R. W. White. Minneapolis (MN): University of Minnesota Press.
Somers, Margaret R. 1994. "The Narrative Constitution of Identity: A Relational and Network Approach." *Theory and Society* 23(5):605–49.
Sommerlad, Hilary. 2001. "'I've Lost the Plot': An Everyday Story of Legal Aid Lawyers." *Journal of Law and Society* 28(3):335–60. doi: 10.1111/1467-6478.00193.
Soss, Joe, Richard C. Fording, and Sanford F. Schram. 2011. *Disciplining the Poor: Neoliberal Paternalism and the Persistent Power of Race*. Chicago and London: University of Chicago Press.
Sparks, Richard. 1994. "Can Prisons Be Legitimate - Penal Politics, Privitization, and the Timeliness of an Old Idea." *British Journal of Criminology* 34:14-28.
Stippel, Jorg Alfred, Paula Carolina Medina, and Rodrigo Lillo. 2020. "Obstacles to the Mobilization of Rights in Cases of Prison Defense in Chile." *Revista Brasileira de Direito Processual Penal* 6:1735.
Suchman, Mark C. 1995. "Managing Legitimacy: Strategic and Institutional Approaches." *Academy of Management Review* 20(3):571–610. doi: 10.5465/amr.1995.9508080331.
Taylor, Tiffany, Christi L. Gross, and Brianna Turgeon. 2018. "Becoming a Good Welfare Manager: Paternalistic Oppressive Othering and Neoliberal Boundary Maintenance." *Sociological Focus* 51(4):335–49. doi: 10.1080/00380237.2018.1452516.
Thorne, Avril. 2004. "Putting the Person into Social Identity." *Human Development* 47(6):361–65.

Thumala, Angélica, Benjamin Goold, and Ian Loader. 2011. "A Tainted Trade? Moral Ambivalence and Legitimation Work in the Private Security Industry." *The British Journal of Sociology* 62(2):283–303. doi: 10.1111/j.1468-4446.2011.01365.x.
Tonry, Michael. 2009. "Explanations of American Punishment Policies: A National History." *Punishment & Society* 11(3):377–94. doi: 10.1177/1462474509334609.
Tracy, Sarah J. 2004. "The Construction of Correctional Officers: Layers of Emotionality Behind Bars." *Qualitative Inquiry* 10(4):509–33. doi: 10.1177/1077800403259716.
Tyler, Tom R. 1997. "Public Mistrust of the Law: A Political Perspective." *University of Cincinnati Law Review* 66:847.
Ugelvik, Thomas. 2016. "Techniques of Legitimation: The Narrative Construction of Legitimacy among Immigration Detention Officers." *Crime, Media, Culture: An International Journal* 12(2):215–32. doi: 10.1177/1741659016648180.
Uggen, Christopher, Veronica Horowitz, and Robert Stewart. 2017. "Public Criminology and Criminologists with Records." *The Criminologist* 42(1):3–7.
Universidad Diego Portales. 2008. *Informe de Derechos Humanos: Condiciones Carcelarias*. Santiago de Chile: Ediciones Universidad Diego Portales.
Vega, Irene I. 2018. "Empathy, Morality, and Criminality: The Legitimation Narratives of U.S. Border Patrol Agents." *Journal of Ethnic and Migration Studies* 44(15):2544–61. doi: 10.1080/1369183X.2017.1396888.
Venegas, Jaime. 2018. "El defensor penitenciario como fiscalizador de la actividad penitenciaria en el proceso sancionatorio administrativo." *Revista de la Justicia Penal* 12:229–309.
Villalonga, Cristián. 2020. "Chile: Lawyers Engage with the Market, Specialisation, and Rights." in *Lawyers in 21st-Century Societies*. Vol. 1, edited by R. L. Abel, O. Hammerslev, U. Schultz, and H. Sommerlad. Oxford and New York: Hart, 2020-2022.
Wacquant, Loïc. 2009. *Punishing the Poor: The Neoliberal Government of Social Insecurity*. Durham and London: Duke University Press.
Walker, Michael L. 2016. "Race Making in a Penal Institution." *American Journal of Sociology* 121(4):1051–78. doi: 10.1086/684033.
Watson, Tony J. 2008. "Managing Identity: Identity Work, Personal Predicaments and Structural Circumstances." *Organization* 15(1):121–43. doi: 10.1177/1350508407084488.
Wilenmann, Javier. 2020. "Neoliberal Politics and State Modernization in Chilean Penal Evolution." *Punishment & Society* 22(3):259–80. doi: 10.1177/1462474519882974.
Zacka, Bernardo. 2017. *When the State Meets the Street: Public Service and Moral Agency*. Cambridge (MA): Harvard University Press.
Zaloznaya, Marina, and Laura Beth Nielsen. 2011. "Mechanisms and Consequences of Professional Marginality: The Case of Poverty Lawyers Revisited." *Law & Social Inquiry* 36(4):919–44. doi: 10.1111/j.1747-4469.2011.01256.x.
Zietsma, Charlene, and Thomas B. Lawrence. 2010. "Institutional Work in the Transformation of an Organizational Field: The Interplay of Boundary Work and Practice Work." *Administrative Science Quarterly* 55(2):189–221. doi: 10.2189/asqu.2010.55.2.189.

APPENDICES

IRB EXEMPTION

UNIVERSITY OF MINNESOTA

Twin Cities Campus

Human Research Protection Program
Office of the Vice President for Research

Room 350-2
McNamara Alumni Center
200 Oak Street S.E.
Minneapolis, MN 55455

612-626-5654
irb@umn.edu
https://research.umn.edu/units/irb

NOT HUMAN RESEARCH

June 29, 2020
Dear Isabel Arriagada:

On 6/29/2020, the IRB reviewed the following submission:

Type of Review:	Initial Study
Title of Study:	Penitentiary Defense in Chilean Prisons
Investigator:	Isabel Arriagada
IRB ID:	STUDY00008081
Sponsored Funding:	None
Grant ID:	None
Internal UMN Funding:	None
Fund Management Outside University:	None
IND, IDE, or HDE:	None
Documents Reviewed with this Submission:	• HRP-580. Social behavioral. , Category: IRB Protocol; • Human Research Determination Form. Unit of Penitentiary Defense, Category: IRB Protocol

The IRB determined that the proposed activity is not research involving human subjects as defined by DHHS and FDA regulations. To arrive at this determination, the IRB used "WORKSHEET: Human Research (HRP-310)." If you have any questions about this determination, please review that Worksheet in the HRPP Toolkit Library and contact the IRB office if needed.

Ongoing IRB review and approval for this activity is not required; however, this determination applies only to the activities described in the IRB submission and does not apply should any changes be made. If changes are made and there are questions about whether IRB review is required, please submit a Modification to the IRB for a determination.

Sincerely,

Victoria Mercer
IRB Analyst

INTERVIEW QUESTIONNAIRE

Antecedentes

¿Cual es tu formación profesional?
¿En donde trabajabas antes de entrar a trabajar como defensora penitenciaria?
¿Cómo llegaste a trabajar como defensora penitenciaria? ¿En qué oficina trabajas? ¿Para qué unidad penal?

Experiencia en la Defensoría

¿Cuanto tiempo has trabajado como defensora penitenciaria?
¿Me podrías contar sobre alguna causa que hayas llevado que ejemplifique el trabajo que realiza un defensor penitenciario?
¿Cuantas causas llevas ahora y a cuantos usuarios atiendes?

Jornada Laboral

¿Podrías describirme la más reciente jornada laboral que tuviste?
¿Cuantas horas diarias dedicas al trabajo de oficina como defensora?
¿Cuanto tiempo (horas al día) requiere la asistencia a audiencias?
¿Cuantas horas se necesitan para una visita a cárceles?
¿Cuanto tiempo a la semana le dedicas al trabajo de defensora?

Compatibilidad Laboral

¿Trabajas en alguna otra oficina o atendiendo otro tipo de causas?

Intereses

¿Tienes alguna afiliación política?
¿Participas en alguna organización de la sociedad civil?
¿Como describirías el panorama político nacional?

Opinión

¿Cuales son los aspectos positivos y negativos de trabajar en defensa penitenciaria?
¿Cuál es el principal logro que has tenido como defensora penitenciaria?
¿Cuál ha sido un momento difícil en tu experiencia como defensora?
¿Tienes alguna meta actual en tu trabajo como defensora?
¿Has tenido una buena experiencia trabajando como defensora? Consideras que es un trabajo que genera satisfacción profesional?
¿Puedes contarme alguna anécdota positiva y/o negativa de tu trabajo?

Instituciones Afines

¿Con quienes te relacionas en tu trabajo como defensora?
¿Como describirías tu relación con los gendarmes de las unidades penales en que trabajas?
¿Cómo es tu relación con las trabajadoras sociales de tu oficina?
¿A qué institución consideras un aliado de la defensoría?
¿Qué institución desafía la labor de la defensoría?

Relación con el Usuario

¿Como describirías tu relación con la población penal?
¿Cuanto influye la colaboración del usuario en la forma en que llevas una causa?
¿Qué tipo de causas son más difíciles de llevar? ¿Cuales son más fáciles?

Vocación

¿Por qué decidiste ser defensora penitenciaria? ¿Qué otras razones existen para otros defensores para ingresar a la defensa penitenciaria?
¿Qué hace la defensoría por motivar a los defensores penitenciarios a cumplir con su trabajo? ¿Qué incentivos podría implementarse?
¿Crees que este es un programa que vale la pena ser replicado en otros países? ¿En qué sentido? ¿Por qué?
¿Qué políticas deberían implementarse en el sistema penitenciario a nivel nacional?

Demografía

Edad, género, estado civil, colegio, región de origen, grado académico, universidad, año de título.