

Monitors and ethnographers: A Reflection on affinities and potential synergies

Andrew M. Jefferson is senior researcher and *Tomas Max Martin* is senior researcher at DIGNITY — Danish Institute against Torture

Philosopher Jean-Paul Sartre, in Being and Nothingness, sketches a scene in which a man who is peeping through a keyhole, completely absorbed in looking at what he sees on the other side of the door, suddenly hears a creaking of the floorboards behind him and realizes he has been seen... Sartre calls [this] existential shame — the shame of having been caught in the act of being who you are.

Nuar Alsadir, *Animal Joy*, 2022

In this article we take point of departure in the idea that prison ethnographers and prison monitors have more in common than typically imagined or admitted. We question stereotypical binaries that posit rights-based monitoring as legalistic, myopic, and generalizing, and ethnography as academically aloof, overcomplicating, and particularistic. While there may be grains of truth in such caricatures their propagation detracts from the shared goal that most monitors and many ethnographers have of documenting and countering penal excess. Instead, we consider the way both actors jointly seek to put knowledge of prison life to work as they: i) approach the prison with heavy professional baggage; ii) apply a quite generic toolbox; iii) 'fashion facts' into compelling narratives; while often iv) struggling for access and operating under controlled conditions characterized by mistrust.

Our account rests on over two decades of conducting prison ethnography in countries undergoing transition in the Global South. Somewhat uniquely, we have undertaken this often critical and open-ended research from within norm-driven human rights organisations, which are explicitly committed to the idea that independent monitoring is a pertinent means of preventing torture and abuses in prisons. Our tale draws on our own experiences ethnographically

scrutinizing prisons and interacting with rights-based prison monitors in the field, and as our interlocutors, colleagues, and students. For one of the authors, Tomas, this interaction also included personal experiences of monitoring for the Danish National Preventive Mechanism (NPM). Our analysis points towards the idea that ongoing exploration of the complementarity of different 'styles of external scrutiny'¹ might enable scrutinizers to scrutinize prisons more reflexively. Ultimately, we posit that such (embodied) reflexivity is fundamental to any effort to properly describe and explain what actually goes on in prisons.

Our account is quite personal, and we present our perspectives in an essayistic form that is more suggestive than decisive, but we hope this also invites readers to engage in the kind of personal reflection we argue is valuable. We begin with a short vignette about Tomas' fieldwork in Uganda.

During long-term fieldwork in Ugandan prisons, I was scrutinizing the implementation of a new rights-based prison law. I followed selected prison officers around for months exploring their practical appropriation of human rights norms, standards and tools. I was eager to blend in and to get closer to the mundane everyday life of the prison, step by step. One day, the prison that I spent most time in was buzzing, when I arrived early in the morning. One of the big bosses from the head quarter in the capital had announced his arrival on an inspection visit. He was the very same senior manager, whom I had briefly met months earlier, when he sternly reviewed and skeptically (even menacingly, I thought at the time), approved my research application.

The prison in question was often quite soft around the edges in terms of procedures and

1. See Chantraine, this edition.

orderliness, and I was intrigued to see the sleepy institution awaken as prisoners milled around weeding, painting, sweeping, and decorating. Staff were anxious and grumpy and quietly complained that this and that had to be postponed as the whole prison held its breath for the big man. The senior manager was very late. And in the end, he did not show up. But the next day he came, somewhat abruptly it seemed. I was hanging around the main entrance chatting with an old sergeant, when he suddenly marched in with the officer-in-charge and the other senior officers in tow. He was in casual civilian clothes and sandals — a sign of power vis-à-vis his painstakingly uniformed subordinates — and I did not notice him before the few officers next to me jolted into attention. He stopped in front of me, a bit puzzled, I thought, but he was quickly reminded by the officer-in-charge about the foreign researcher who had been permitted to visit the prison and study the staff. He lightened up. ‘Can he stand to attention?’ he joked. And I tried, or my body reacted — almost automatically, clapping my heels together and looking straight ahead. He laughed and took hold of my arms, trying to position them properly despite my awkward efforts to both keep them close by my side and hold onto my notebook. And then he walked on.

This tiny incident is telling yet profoundly ambiguous. It denotes the ways long-term fieldwork entails practices of scrutiny that enable quasi-participation in the complex and polyvalent performative spectacle of the preparation, implementation, and afterlife of an internal inspection. It also connotes the multifaceted positioning of the scrutinizer. Tomas, the prison ethnographer, was at once an intruder, a comical outsider, and a harmless insider. And he was subjected to these rather awkward roles and positions through a strange mix of his professional competence, submission to prison hierarchies, and the pre-cognitive, affective agency of his able-cum-treacherous body, contingently immersed in the social field of the prison.

The interview was charged, but once my colleague looked the prisoner in the eye and said: ‘I am a doctor. I am here to find out how you are being treated’, the tension eased.

Years later, while Tomas was for a short period assigned as an expert to the Danish NPM he participated in several visits to institutions depriving people of their liberty in Denmark. The Danish NPM is led by the Parliamentary Ombudsman with the assistance of the Danish Institute for Human Rights, where he worked at the time, and DIGNITY, where both of us now work. DIGNITY contributes to the NPM based on the organisation’s medical expertise and capacity in prison health. As an ethnographer, Tomas had moved humbly around Ugandan prisons, listening-in and regularly declaring his open desire to learn about what was going on. At times this supple role as a harmless would-be insider generated a sense of impotence and complicity, but it also enabled a scrutiny style that offered deep insight. As an NPM-member, Tomas was able to lean actively into the slightly unfamiliar style of directed inspection and embrace the firm mandate to see and assess specific things in specific ways. The power of this came across during his first NPM visit.

A colleague and I interviewed a visibly agitated prisoner in a special section of a prison, which, at that point in time, was the most restrictive prison regime in Denmark. The interview was charged, but once my colleague looked the prisoner in the eye and said: ‘I am a doctor. I am here to find out how you are being

treated’, the tension eased and the prisoner began to share his story. Rapport was instant, generating a moment of trust in an adverse situation. Unlike my ethnographic efforts of ‘hanging out to listen in’, my NPM colleague seemed to do the contrary. She was rather ‘homing in to hear out’, as she forcefully activated the entrenched and authoritative trope of doctor-patient confidentiality, care, and medical objectivity.

The difference between the scrutiny styles of the ethnographer and the monitor is apparent. The monitor plays up the ‘doctor-patient’ constellation to circumvent the circumspection of the prisoner and the highly charged and distrustful prison environment in pursuit of immediate knowledge. From an ethnographic point of view, such firm emphasis on pre-given roles, positions and scripts risks limiting the scope of what

might be learned. An ethnographer would strive not to animate established 'scripts' but rather seek to tone down his or her positionality as, for instance, an expert, to keep the conversation open and explorative. Yet, the way that the doctor/ monitor so powerfully constructed an interactional space to reach out to this prisoner was eye-opening. Despite the differences in perspectives and aims, such experiences from the field hint at some of the affinities between monitors and ethnographers and suggest there might be much to learn from actively reflecting upon these. This is what we explore further below.

Contrasts and Affinities — an ethnographic point of view

This article is written from the point of view of two prison ethnographers, and we firstly lay out some of the most pertinent characteristics and qualities of prison ethnography.

The most valued technique employed by ethnographers is observation often through participation in the practices in which their research subjects engage or by presence in the sites they occupy. For prison ethnographers, the latter is truer than the former given the unlikelihood of participating as prisoner or full member of prison staff. Instead, prison ethnographers choose to hang out, accompanying or accompanied by staff or prisoners, sitting in wards, yards, school rooms and workshops, offices or corridors or by gates or parade grounds quietly bearing witness to the everyday unfolding of prison life.² Ethnographers watch, take notes, make small talk, and project versions of themselves that they believe will be conducive to forming meaningful relationships and eliciting useful tales of the field.³ Observation is paramount, a crucial part of making the invisible visible, and the unseen seen

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(though in fact, all the senses can be tuned towards registering the multiple frequencies of prison life and learning its language as recently elaborated on by Herrity et al).⁴

Ethnographers watch but they are also, like most prison actors, watched; they perceive but they are also perceived. The same is true of monitors. We have often been misperceived — or, to put it differently, perceived in ways that said more about the perspectives and life-worlds of the people scrutinizing us than it said about what we were actually doing or trying to do. For example, during immersive field work among prison officer trainees in Nigeria one of us, Andrew, was misidentified in multiple ways despite concerted efforts to introduce himself and his research in a standard form. He was variously seen as a human rights activist, a prison officer from the UK, a spy, a respectable guest, a representative of prison headquarters, or even simply a friend of the officer-in-charge. A prison officer in Tunisia was confused by the presence of Andrew and the research team. He was keen to access resources to fix the leaking workshop roof, rather than provide the insights into his everyday work practices that Andrew and the team were looking for.

Similarly, we are quite certain that prison staff generally struggle to accept and understand that we are not there to judge or criticise. Often, we are met with an attitude of suspicion and circumspection, or 'defensive concealment'⁵; our best efforts to show by our words and comportment that our aim is to understand rather than judge are quietly resisted⁶. Prisoners too project other identities onto us. In Sierra Leone prisons, as prisoners queued up to share their tales of injustice that he was in no position to address, Andrew regularly felt himself readying to defensively declare how he did not work for the Red

2. See for example: Bandyopadhyay, M., Jefferson, A.M. and Ugelvik, T. (2013). 'Prison Spaces and beyond: The Potential of Ethnographic Zoom', *Criminal Justice Matters*, 91, 28–29; Drake, D.H., Sloan, J., & Earle, R. (2015). *The Palgrave Handbook on Prison Ethnography*. Hampshire: Palgrave; Jewkes, Yvonne (2014). 'An Introduction to "Doing Prison Research Differently"', *Qualitative Inquiry*, 20, 387–91; Liebling, A. (1999). "Doing research in prison: Breaking the silence?," *Theoretical Criminology*, 3: 147–173; Rhodes L (2001). Toward an anthropology of prisons. *Annual Review of Anthropology* 30: 65–83.
3. Identities matter and are affected. See: Drake, D.H. and Harvey, J. (2014). 'Performing the role of ethnographer: Processing and managing the emotional dimensions of prison research', *International Journal of Social Research Methodology*, 17(5): 489– 501; Phillips, C., and R. Earle (2010). 'Reading Difference Differently?: Identity, Epistemology and Prison Ethnography', *British Journal of Criminology*, 50, 360–78; Rowe, A. (2014). 'Situating the Self in Prison Research Power, Identity, and Epistemology', *Qualitative Inquiry*, 20, 404–16.
4. Herrity, K. Z., Schmidt, B. E., & Warr, J. (2020). *Sensory Penalties*. Bingley: Emerald.
5. Jefferson, A.M. and Schmidt, B.S. (2019). 'Concealment and revelation as bureaucratic and ethnographic practice: Lessons from Tunisian Prisons', *Critique of Anthropology*, 39(2): 155– 171.
6. This sometimes has to do with the fact that we are known to work for an organisation with an explicit normative agenda – to counter torture.

Cross and was not a lawyer and therefore could not help. In Uganda, Tomas was repeatedly taken for a missionary or an embassy official or more diffusely as some sort of outsider with the potential to donate things or channel complaints.

Ethnographers also typically tone down their normative commitments, suspending judgement in favour of getting to grips with the empirical realities of prison life in situ as understood by its inhabitants and employees. We have found the notion of prison climate to be a helpful guide in this regard. To talk about the climate of a prison is to talk about its atmosphere, its feel, its dynamics. It is to talk about the sense one gets of the prison as one walks through its corridors and into its cells or into the office of the Governor. To be attuned to the climate of a prison is to be attentive to the depth of prison experience, to its heaviness or weight on the body and mind, and not only its immediately apparent conditions as meets the eye.⁷ Yet, a climate equally operates on a large and even somewhat abstract scale in time and space. Thus, the notion of prison climate is also attuned to the ways prisons affect and are affected by a given social, political and cultural context and history. How, in other words, a prison is part of a larger climatic system. The aspiration to approach prison life non-normatively calls for analytical terms that are less encumbered

by established ideas of what prison life is and what scrutinizers should look for. We have argued that prison climates can be discerned by analysing everyday practices of 'governance' (rather than 'rule adherence' or management); (im)possibilities of 'survival', (rather than 'violations'); and forms of 'transition' (rather than 'reform').⁸ Governance, survival and transition offer an analytical terminology that actively invites open-ended exploration of how a given prison or prison system is, in fact, operating in practice and experienced by its population.

We strive to nurture and nuance this explorative and non-normative ethnographic approach to prison

scrutiny because it is our firm belief that to change prisons in certain directions — for instance to inhibit violence and penal excess — one needs to understand prisons. And if prisons around the world are both similar and different to one another and if they are experienced differently by different people, empirically based understandings of situated prison practices must be the point of departure. A poor farmer with few resources and no access to visitors is likely to experience prison differently than an ex-politician with influential connections and money. If you want to influence prison life, you need to understand *what matters* to the people involved, not simply what is right or wrong according to universal models or best-practices.

In our general experience, a common starting point when training new monitoring teams has been the international human rights framework and the United Nations norms and standards for penal practice. This is natural enough if monitoring is conceived of primarily as an activity of checking practices against standards. To the ethnographer however this appears too narrow a focus for prison scrutiny.⁹ When conducting workshops with monitors — in Tunisia, Jordan, Lebanon, Zimbabwe or in Copenhagen with a delegation from Afghanistan — we have encouraged them to be more curious about prison climates and what matter to the prison actors

they encounter: who is actually in charge (when and of what)? What do people actually do to survive (sometimes with ambiguous consequences)? And what actually changes (and what refuses to change)? We have prompted monitors to reflect critically on their practices of scrutiny, not to be over-dependent on checklists, standard tools, formal procedures etc. and to openly observe what is taking place, rather than focusing on what is not happening. We have in other words encouraged prison scrutinizers not to take the basic traits and logics of prison life for granted or presume to know key themes, roles and problems in advance.

To be attuned to the climate of a prison is to be attentive to the depth of prison experience, to its heaviness or weight on the body and mind, and not only its immediately apparent conditions as meets the eye.

7. See Crewe, B. (2011). 'Depth, weight, tightness: Revisiting the pains of imprisonment'. *Punishment and Society* 13(5): 509–529.

8. These dimensions are further elaborated in Martin, T.M., Jefferson, A.M., and Bandyopadhyay, M. (2014). 'Sensing Prison Climates: Governance, Survival, and Transition', *Focaal. Journal of Global and Historical Anthropology*, 3–17.

9. With regard to monitoring approaches, it is possible to distinguish between a traditional and reactive focus on compliance with human rights standards and a more forward-looking and dialogue-based focus on *preventive* monitoring, which is, in fact, more akin to the explorative and practice-oriented perspectives of ethnographers.

Despite partially contrasting points of departure, monitors and ethnographers do share affined practices of scrutinizing prison by way of their physical presence in prison settings; their common focus on observation- and interview-based qualitative inquiry; and, in turn, share a concern to act ethically and with integrity. Yet, as noted above monitors and ethnographers also have dissimilar epistemological points of departure and normative framings. Monitors typically have a commitment to universal standards, while ethnographers may be welded to some form of grounded theory¹⁰ and a belief in the importance of attending to persons-in-practice.¹¹ Consequently, monitors are likely to attend to rule adherence, whereas ethnographers look for emergent meanings rooted in situated and populated everyday practices. Roughly speaking, when thinking about the prison as an institution, the ethnographer is oriented towards examining the prison as it is. The monitor, we purport, is oriented more towards how the prison *ought to be*. However, philosopher Raymond Geuss suggests this ‘purported distinction’ between ‘is’ and ‘ought’ is in fact a ‘straightjacket’ constraining thought and political practice.¹² The different epistemological positions adopted by ethnographers and monitors might be sources of tension, but also strengths and avenues for reflection. Both could be better at acknowledging some of the shared dimensions of their work — and reflecting about how they manage (with) them. It is to four such shared dimensions that we now turn.

Unpacking complementary dimensions of scrutiny

Carrying baggage

People, who scrutinize prisons, all come to this task with some baggage in terms of position and privilege, formal mandates and authority, professional and personal motives, competencies, experiences, and identities. There are clear differences between the

professional baggage of ethnographers and monitors in terms of their distinct briefs to do either basic research or human rights monitoring, and, in turn, their respective anchorage in academic practice and theory, and legal mandates and best practices. Yet, there are significant resonances between the ways both types of scrutinizer carry their baggage, apply it and potentially reflect on it.

In addition to the formally displayed and acknowledged professional baggage, it goes without saying that all prison scrutinizers bring to the prisons they scrutinize their own assumptions and preconceptions as well as their particular positions in hierarchies of class, gender, race, sexuality and so on. Assumptions and preconceptions can be reflected in forms of speech and comportment as can consciousness — or lack thereof — about relative positions. This complex baggage is constantly in play when scrutinizers encounter prison life and prison actors. There are at least two main sets of actors with whom the scrutinizer has dealings: prisoners and staff (be the latter uniformed or non-uniformed). Often such encounters take the form of a ‘dance of concealment and revelation’¹³ — a performance of respective and intermingling identities and interests. The scrutinizers show up with their formal credentials and official display of authority, but they will

also likely project or wear that authority (or lack thereof) in informal, implicit or pre-cognitive ways. Scrutinizers may knock on the prison gate in a self-assured, confident fashion or by the adoption of an aura of humility. Sentries in turn might greet the scrutinizing guest with a self-conscious air, conveying their own sense of authority, or with a studied form of insolence and suspicion. They might be fresh-faced or battle-scarred — as might the scrutinizer.

Comportment and appearance betray social position and carry symbolic weight. A photograph hangs in Andrew’s office where the ethnographer (Andrew) is more or less indistinguishable from the prison officers standing alongside — black cap, black trousers, black jacket. All that is missing is the insignia

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10. Strauss, A. and Corbin, J. (1998). *Basics of Qualitative Research. Techniques and procedures for developing grounded theory*. Sage.
 11. Jefferson, A. M., & Huniche, L. (2009). “(Re)Searching for Persons in Practice: Field-Based Methods for Critical Psychological Practice Research”, *Qualitative Research in Psychology*, 6(1-2): 12–27.
 12. Geuss, R. (2008). *Philosophy and Real Politics*. Princeton University Press. p.17.
 13. Jefferson, A.M. and Schmidt, B.S. (2019). Concealment and revelation as bureaucratic and ethnographic practice: Lessons from Tunisian Prisons, *Critique of Anthropology*, 39(2): 155– 171.

of the Tunisian Correctional Services. This photo has an ambiguous status on the office wall. It is a relatively rare record portraying quite proudly a singular moment of unique access in a period of prison fieldwork. But how proud should one be of inadvertently coming to resemble the subjects of one's research? And how appropriate was this really. The point here is we carry and wear and display our respective baggage and we can do so more or less consciously.

Often in initial encounters, for example in the office of the Prison Director, that is a common shared starting point for both ethnographers and monitors, words are carefully chosen to establish credibility and earn legitimacy. One lesson the prison ethnographer quickly learns — that monitors are also aware of — is that legitimacy and credibility are not granted once and for all but must be earned time and time again — also with the different people one meets in the prison.

For ethnographers and monitors alike the baggage they carry into the prison affords authority, legitimacy and integrity, but it may also be a source of exactly the opposite to some people, at certain times or places or under certain conditions. Our point is simply to acknowledge that the meaning and consequences of this baggage is unavoidably politically charged. Scrutinizers may work with this social fact of prison scrutiny more or less skillfully and consciously and factor this insight into the practice of scrutinizing and the analysis of scraps of knowledge gleaned (Cf editorial, this edition).¹⁴

Applying tools

What do scrutinizers look at or for? Are they in search of imagined well-hidden secrets, watchdogs following a scent in pursuit of a catch, or 'detectives' piecing together clues from a wide range of possibly contradictory sources? And how do they then do it? Monitors and ethnographers use broadly similar tools. Prison scrutiny involves observation, note-taking, record-keeping, more or less structured forms of questioning as well as the review of documents. In a state bureaucracy, official records are important sources

indeed, but so are overheard conversations, graffiti on cell walls, staff announcements posted on boards, dripping taps, toxic odors and other more or less innocuous signs and symbols. Clues as to actors' state of mind and relative sense of humanity can be observed and 'read off' of situations by tooling up the scrutinizers' senses. Similarly clues to the relative disillusionment and demoralization of prison staff can also be ascertained by observing them arriving and leaving the prison, interacting and doing their routine tasks. Careful 'appreciative' questioning about what staff are most proud of in their working lives is typically quite telling (and surprising).¹⁵ It is equally rewarding to approach prison staff as whole persons, beyond their designated roles, and ask what they are most proud of in their lives in general. This helps to understand how they are embedded in wider ('climatic') struggles and aspirations, and how that, in turn, affects their work.

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Scrutinizers, by virtue of their sentience, are receivers of impressions. The sensing body of the scrutinizer is in theory the instrument, the filter and refractor of the penal reality. Ethnographers are hyper conscious of the idea that the ethnographer him/herself is the primary research tool. This is drilled into students of ethnography accordingly. Monitors of course also have and reflect on their embodied experiences of scrutinizing prison, but they might rather seek to factor out their most

personalized sensations to emphasise their explicit mandate to assess certain defined practices in terms of specific objectified criteria. While ethnographers and monitors operate on the basis of contrasting epistemologies (interpretive, constructionist, 'meaning-seeking' as opposed to positivist, fact-oriented, 'truth-seeking') both seek to 'know' the prison and to put words to the prison experience in ways that are as systematic, exhaustive and comprehensive as necessary for the task at hand or as possible under the given constraints (more on this below).

Apart from the apparent methodological tools of interviewing and observing, scrutinizers also learn to use more abstract tools. Time and timing and the

14. See also Bennett, J. (2015). Insider Ethnography or the Tale of the Prison Governor's New Clothes. In Drake, D.H., Sloan, J., & Earle, R. *The Palgrave Handbook on Prison Ethnography*. Hampshire: Palgrave.

15. Liebling, A., Price, D. and Elliott, C. (1999). "Appreciative inquiry and relationships in prison," *Punishment and Society*, 1: 71-98.

practices of staying and coming back are good examples. The idea of unannounced and follow-up visits illustrates this. Some legally mandated monitoring allows for unannounced visits, a means of taking the authorities unawares. Ethnographers also like to show up unexpectedly and at different times in a similar attempt to see things 'as they really are'.

Ethnographers typically have more time at their disposal than monitors though not always. Monitoring practices vary. Some agencies make single, rare visits to prisons, others spend days intensively auditing prison procedures and practices, perhaps with a thematic focus, for example health provision, or disciplinary practices. Ethnographers might engage with a specific prison or set of prisons for months at a time while monitors are likely to have less time in single institutions but potentially have greater scope and regularity, and easier access to a range of prisons. Prison scrutinizers are aware of time as a tool. They know that prison routines vary, and prisons are more or less lively at different times of the day or night. They know the power of staying long enough for the immediate dust of the initial encounter between scrutinizer and prison to settle and allow habitual routines and practices to resume. They also know the power of coming back to check up and learn what changed and did not change and to use that knowledge actively in dialogue with prison actors.

In sum, the tools of prison scrutiny are to a great extent common, but applied from different points of departure and in different directions. Reflection about the strengths and weaknesses of these tools and the craftsmanship it takes to wield them, should, however, be common concern and a topic of ongoing conversation among ethnographers and monitors.

Fashioning facts into narrative

Both monitors and ethnographers are engaged in crafting and telling stories. This activity often takes the form of writing-up findings, recommendations, policy briefs, peer-reviewed articles, lectures, books etc. with often quite different audiences. In standard versions of independent prison monitoring the visit begins with a briefing with the Prison Director and ends with a debriefing where first impressions/initial findings are

shared, concerns raised and where urgent actions may even be recommended. All the inputs of a day or days' interactions with people, practices, procedures, material things, technologies and so on and all the associated sensations and emotions that they engender are converted into a few usually diplomatically phrased reflections. Subsequently a more detailed report, including recommendations, is usually made and shared. Sometimes such reports are made public, sometimes they remain confidential. Ethnographers also have key encounters with gatekeepers to whom they are accountable — often on arrival and departure even if only for the sake of courtesy. In our experience, such exchanges are often superficial and formulaic reflecting how difficult it can be to collect, process and transform impressions into meaningful narratives in a short time within the highly charged atmosphere of a prison.

The narratives later created by monitors and ethnographers are substantially different from each other. Monitors typically draft evaluative reports assessing conditions and treatment often against human rights standards and making concrete recommendations. Such recommendations are often quite predictable, but they can nevertheless be potent. Monitoring reports are typically framed in legal language and strive to be authoritative,

actionable and probative, which can make it hard for power holders to simply disregard them. Still, the practices and politics of denying such reporting are of course also widespread among state actors.¹⁶

Ethnographers, on the other hand, collate accounts or narratives that speak to a research question that has practical, methodological or conceptual significance. The audience is rarely the prison authorities and most often fellow scholars or students. Where the monitors' report will be specific and directed towards concrete action the ethnographers' narrative will most likely be particular and seek to establish a general pattern that may push the scholarship on prison life further on. Where the monitor seeks to construct a narrative that holds a mirror up to the prison authorities in order to promote specific changes, the ethnographer is concerned with developing a narrative that illuminates prison practice and generates new knowledge that others can learn from and operationalize.

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16. Cohen, S. (2001). *States of Denial. Knowing About Atrocities and Suffering*, Polity Press, Cambridge, 2001, 344 p.

Anthropologist of human rights, Ken Maclean, convincingly argues that human rights facts are not simply found but fashioned.¹⁷ Facts are constructed by people, in context, with certain aims and through certain genres that impinge on their form and character. Similar points are raised in the critical scholarship on human rights indicators and human rights reporting.¹⁸ This does not mean that the facts fashioned to represent prison practice can be written off as subjective or false. But it does remind us that critical reflection on the limits and consequences of the processes of fashioning facts and of constructing the narratives to present them is warranted for all scrutinizers of prison life.

Struggling for access

Prisons do not present ‘ideal’ conditions for academic freedom or the freedom of expression of the monitor. They are more opaque than transparent. The pain delivery at the punitive heart of imprisonment is hidden by design. Access is often limited, restricted or controlled — often in the name of security and risk. And limits are often placed on what can be made public. Prison authorities display a vested interest in concealment, a defensiveness attributable to their function and their perceptions of outsiders as people out to expose them.

Anyone with an interest in prison scrutiny be they monitors, researchers, journalists, human rights advocates, film makers or whatever is aware that getting the necessary access can be a tall order. The relative opacity of prisons signified by their walls and fences is not necessarily overcome by an official mandate or a letter granting permission. Micro-resistances can be met around every corner of the

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prison. These might take the form of a busy governor resenting the intrusion, a nervy staff group inconvenienced and hostile, a family member obliged to wait while the scrutinizer is processed through security, a prisoner unwilling to talk for fear of either reprisals or of not being properly heard,¹⁹ or a generalised suspicion of outsiders, both of what they demand and what they can deliver.

In our experience acquiring access is an iterative process, something that has to be achieved again and again²⁰. It is not only about getting through the gate — that is only the first step. Some monitors may feel better placed than ethnographers if they have a legal mandate for their activities. Ethnographers’ permissions to enter and conduct their research are often flimsier

and more contingent than monitors’. Ethnographers may consequently tend to be more cautious about giving offence and potentially made more complicit. But while legal mandates might give monitors a sense of unassailable authority and a formal right to access, their access can still be thwarted, for example by delaying tactics or efforts to block access to certain areas, activities or documents — if only partially and temporarily.²¹

Ethnographers may too insist on their right to be present by virtue of producing research based knowledge. Yet, rather than invoking an external

authority to underwrite their presence, legitimacy, and credibility, ethnographers conducting fieldwork will probably tend to cajole and negotiate in their efforts to insert themselves in as many ways as possible into the life-worlds of prisoners and prison officers. That is at least what we have done. Scrutiny done well, we suggest, is always ultimately a negotiated practice.

The conditions, strategies and aims of accessing prisons might be somewhat different for ethnographers

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17. MacLean, K. (2022). *Crimes in Archival Form: Human Rights, Fact Production, and Myanmar*. Los Angeles: University of California Press. 18. Merry, S. E. (2011). Measuring the World: Indicators, Human Rights, and Global Governance. *Current Anthropology*, 52(S3), 83-95; Dudai, R. (2006). Advocacy with Footnotes: The Human Rights Report as a Literary Genre. *Human Rights Quarterly*, 28(3), 783-795; Riles, A. (1998). Infinity within the Brackets. *American Anthropologist*, 25(3), 378-398.
19. See Van Der Valk & Rogan, this edition.
20. Gaborit, L.S. (2019). ‘Looking through the prison gate: Access in the field of ethnography’, *Cadernos Pagu*, 55; Jefferson, A.M. (2015). ‘Performing ethnography: Infiltrating prison spaces’, in D.H. Drake, R. Earle and J. Sloan (eds) *Palgrave Handbook of Prison Ethnography*, Houndmills, Basingstoke: Palgrave Macmillan; Martin T.M. (2015). Accessing and witnessing prison practice in Uganda. In: Drake D.H., Earle R. and Sloan J. (eds) *The Palgrave Handbook of Prison Ethnography*. Houndmills, Basingstoke: Palgrave Macmillan; Martin T.M. (2017). Scrutinizing the Embrace of Human Rights in Ugandan Prisons. *Journal of Human Rights practice* 9(2): 247–267; Martin, T.M. (2019). ‘The ethnographer as accomplice: Edifying qualms of bureaucratic fieldwork in Kafka’s penal colony’, *Critique of Anthropology*, 39(2): 139–154; Reiter, K. (2014). ‘Making Windows in Walls: Strategies for Prison Research’, *Qualitative Inquiry*, 20, 417–28.
21. In our experience, monitors from civil society groups often have more tenuous mandates and less solid guarantees of access than those associated with human rights bodies or mechanisms, creating additional pressure on them to be skilled and patient negotiators as well as skilled monitors.

and monitors, but we posit that both actors are likely to experience access as a process that is inherently challenging, messy, ambiguous and iterative. As such, access is not just something to overcome, but a form of learning about the openings and closures of prison life and as such a central point of joint reflection for all scrutinizers.

Conclusion

To be seen seeing induces a sense of existential shame, says Sartre, as referenced in our opening quote.²² Being caught looking through the keyhole absorbed by what one sees turns the tables, making the observer the object of scrutiny rather than the 'subject with agency'.²³ The thrust of our argument, while concerned with the same dynamic, namely the relation between the seer and the seen, expresses a slightly different sentiment. To be caught in the act of scrutinizing, while 'being who you are'²⁴ or doing what you do, is inevitable — those subject to scrutiny will almost always look back. But what we are hinting at is that as well as being caught watching others we can also catch ourselves. We are proposing that to catch oneself in the act of scrutinizing via a practice of self-conscious, embodied reflexivity is a core professional competence, a mark of honour, and a source of cautious integrity for the ethnographer and the monitor.

Reflexivity generally means to actively explore and explicate how researchers' social positions may influence their knowledge claims as a constitutive part of reasoning and of making possible the encounter with the 'other'.²⁵ Reflexivity is sometimes expressed as researcher self-declaration in prefaces to academic texts or more or less intricate descriptions of what the ethnographer did, felt and thought in the field. To declare positions mechanically or to become too absorbed in the researchers' own personal experience are seldom fruitful or interesting in and of themselves. But when subject to sustained analysis, experiences,

emotions and sensations can be harnessed to enhance the way scrutinizers act in prisons, the way they process their findings, and represent their results. Learning the 'language(s)' of prisons, reading them, and telling their stories, is about more than vocabulary and rules of grammar; it is also about nuance, subtlety, semantics and meaning-in-use. Effective scrutiny also involves paying attention to one's own mis-steps and the serendipitous encounters that might teach as much as any preconceived plans of action.²⁶ Being conscious and methodologically and analytically alert about how we as monitors or ethnographers come to interpret a given event or experience in a given prison is integral to the validity and quality of the knowledge our scrutiny practices are able to generate.

In this semi-confessional article, we have illustrated how both monitors and ethnographers bring with them sets of baggage and tools and fashion facts into narratives under conditions that are not always (not often) conducive to easily bringing the baggage into play or using the tools as intended. Both operate in non-ideal contexts sometimes compelling the prison scrutinizer towards feats of extraordinary balance.²⁷ We have sought to deconstruct any sense that monitors and ethnographers may be at odds with one another. We have highlighted affinities and pointed to the potential benefits of reflexivity. These affinities imply that it would be worth exploring further the potential to pursue synergies in more practical terms: what might a team of prison scrutinizers comprising monitors and ethnographers achieve together?²⁸ Our final gesture is to flag this article as an invitation to prison monitors to join forces with ethnographers and seek out concrete opportunities to scrutinize specific prisons (and prison climates!) together — and to reflect self-consciously and mutually on that practice. This, we believe, might help to promote acceptance of more radically pluralist practices of scrutiny that would enhance the effectiveness of scrutiny efforts and contribute meaningfully to the eradication of penal excess.

22. Sartre, J-P (1957). *Being and Nothingness*, trans. Hazel Barnes, New York: Philosophical Lib. p322.

23. Alsadir, N. (2022). *Animal Joy A book of laughter and resuscitation*, London: Fitzcarraldo Editions p32.

24. Ibid.

25. Lichterman, P. (2017). Interpretive reflexivity in ethnography. *Ethnography*, 18(1), 35–45

26. *Ibid.*; Martin, T. M. (2019). The ethnographer as accomplice—Edifying qualms of bureaucratic fieldwork in Kafka's penal colony. *Critique of Anthropology*, 39(2), 139-154.

27. Rutherford D. (2012). Kinky empiricism. *Cultural Anthropology* 27(3): 465–479; Jefferson, A.M. (2022). Prison reform and torture prevention under 'compromised circumstances.' *Criminology & Criminal Justice*, 0(0).

28. For an account of such an 'experiment' see Bennett, J. (2014). Resisting the Audit Explosion: The Art of Prison Inspection. *The Howard Journal of Crime and Justice*. Vol 53 issue 5.