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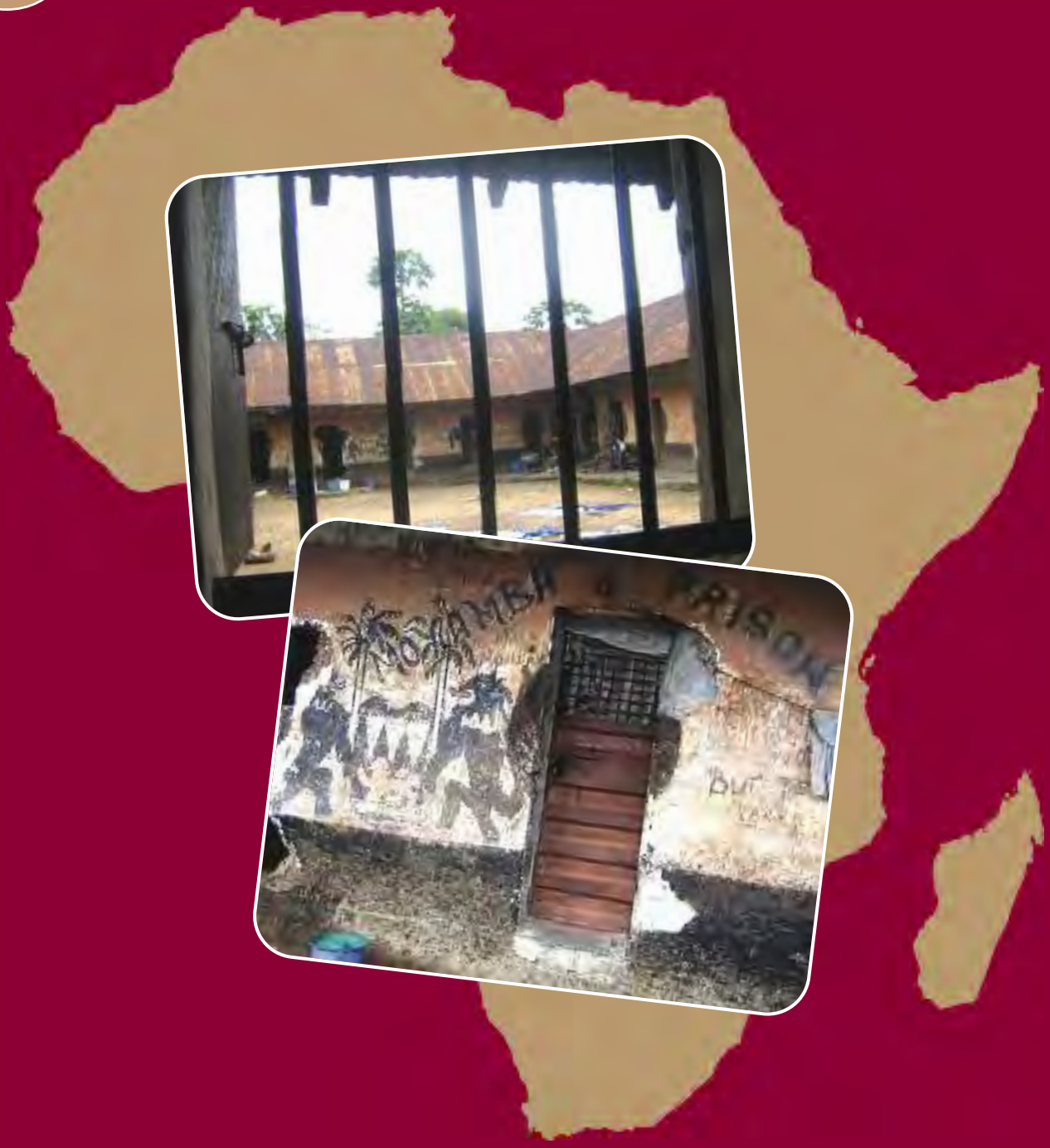

Special Edition

Everyday Prison Governance in Africa

Everyday Prison Governance in Abidjan, Ivory Coast

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Explaining to me how everything is a matter of business in the prison, even access to the infirmary in case of severe illness, the 'head of government' of the cell block for long sentenced prisoners explained to me: « *il n'y a pas de mal dans le mal* ». (There is no wrong in the wrong). This short sentence summarizes the global feeling you have when spending time within the MACA walls, (*Maison d'Arrêt et de Correction d'Abidjan*, Abidjan Detention and Correctional Centre). First, parallel to official rules proclaimed by the official prison administration, another set of rules is at play. Second, it is largely inmates themselves who enforce these rules. They are the product of what we may call 'governance from within'. These unwritten rules are nevertheless extremely powerful and justify the name given to the prison in *Nushi* (the slang of Abidjan ghettos). The prison is called *'Kaaba'* after the name of the Muslim holy site in Mecca: in jail, as in Mecca, too much is prohibited, they explain. Inmates themselves are called *Kaabacha*, a term built with the names *Kaaba* and Cè (which means Man in *Jula*). Men of the prison, *Kaabacha*, call the warden *Dagota*. To be a *dago* in *Nushi* means to be silly, to be *'loin derrière'* (far behind), to be a *'gaou' (gawu)*, or a *'bleu bleu'* (blue blue), that is, someone who knows nothing. This suggestion that the warden is basically ignorant of the informal rules and strict logics of the prison points clearly to the existence of a governance structure of which he is unaware and not a party to.

Where does the juxtaposition of informal norms and official rules come from? What are the consequences for the inmate's experience? In order to understand the specific form of governance within Ivorian prisons I propose first to go back to the history of confinement in Africa in order to highlight the legacy of colonial prisons in today's jail. Informed by the 'longue durée' of prison practices on the African continent, I then turn to a description of how spaces are used, how prisons are unofficially administered and how hierarchies are organised. The impact of such governance on inmates' experience will then be exemplified through a description of the logics sustaining access to the infirmary in the MACA. This reflection was initiated by a demand from *Esther*, a French Network for Therapeutic Solidarity in Hospitals dealing with HIV/AIDS issues in the South (http://www.esther.fr/who-we-are). *Esther* is collaborating with the prison's health team in order to offer HIV testing during the first day of incarceration, as well as prevention and treatment to HIV and TB patients and with the Ivorian Ministry of health to develop a health policy for the prisons. In order to improve the quality of prevention and care, it appeared necessary to *Esther* to better understand the prison's everyday functioning and logics via an anthropological approach.

MACA: Product of the past, revealing the present

Prisons in Ivory Coast are seen as places of banishment where people simply disappear or a place where inmates are just abandoned as worthless. For example in *Anyi* (one of Ivory Coast's many languages) prison is called the home of excrement [*bìí sùà*: excrement home]. MACA is such a place. High walls demarcate a space with tangible frontiers surround it. Nevertheless frontiers imply circulations and crossings and the prison is well inscribed in the outside world. Although it is set apart from society, it appears as a chamber of echoes both enhancing the contemporary tensions of Ivorian society and referencing the history of prisons in Ivory Coast.

Looking at the dynamics and logics developed within its wall, it is possible to grasp the values of society: the worth it is granting to individuals according to social hierarchies, moral categories and sexual identities. The prison powerfully reveals the political and moral stakes of society. As a simple example, whereas in France, prisoner suicide is a major issue,[1] this question is largely irrelevant in Africa.

Like all prisons MACA is the by-product of a long and a short history: it inherited the legacy of the colonial penitentiary system and is impacted by the recent Ivorian crisis. In fact MACA today hosts a number of supporters of the FPI.[2] These detainees are usually awaiting trial for offences against national security. Their presence within MACA's wall creates both tensions inside, and an unusual interest in prison affairs in the Ivorian media.

1. Fernandez F., Lézé S. 2011 'Finding the moral heart of treatment: Mental health care in a French prison.' *Social Science and Medicine* 72(9), pp. 1563-1569.
2. The FPI or '*Front Patriotique Ivoirien*' (Ivorian Patriotic Front) is the former president Laurent Gbagbo's political party.

Thus, trying to understand practices developed within MACA's walls implies paying attention to contemporary issues at play within them but to articulate them in terms of what can be called legacies of the colonial prison history and it's local appropriation.

The legacy of colonial prisons

Kelly Gillespie, writing about South African prisons, shows how the history of imprisonment in South Africa has to do with the question of the wandering native linked to urbanisation and migration.[3] At that time, the aim of prison was not to transform the offender but only to protect colonial society. The same applies in Western Africa. In this context, as Florence Bernault argues this may explain why:

> *Contrary to the ideal of prison reform in Europe, the colonial penitentiary did not prevent colonizers from using archaic forms of punishment, such as corporal sentences, flogging, and public exhibition. In Africa, the prison did not replace but rather supplemented public violence.*[4]

These practices of imprisonment have been implemented in a context where traditionally, 'reclusion did not aim to correct, but rather to seize the body to inflict punishment and allow legal reparation'.[5] The introduction of the Western prison model in Africa followed a similar logic to that described by Foucault in *Discipline and Punish: The Birth of the Prison* (1975) regarding European prisons. Logics of punishment were transformed into logics of suppression of rights. These two logics differentiate the way the absolute monarch, on the one hand, and modern forms of power, on the other, express their power, the first on the body through public torture, the second on the mind through a reformatory project. Nevertheless,

> *Instead of seeking to rehabilitate criminals and promote social stability through popular consent over legal punishment, Europeans used the prison to secure control over a subaltern, racially defined social category that comprised the majority of the population. The juxtaposition of archaic and modern elements in the colonial prison did not derive, as in the West, from a long penal history. It grew out of colonizers' systematic reliance on confinement as a device that could allow, behind the façade of rational, disciplinary architectures, the use of pre-penitentiary punitive practices.*[6]

Discussing the legacy of this system, she argues,

> *The prison system was successfully 'grafted' onto Africa, but that this transplant gave birth to specific, highly original models of penal incarceration.*[7]

Laurent Fourchard, a French historian having worked in Burkina Faso,[8] explains how both the absence of control in the prisons during colonial times and the socio-cultural proximity of warden and prisoners fostered, during this period, the creation of mutual understanding and sometimes association between the two.

> *While penitentiary authorities were inclined to maintain existing practices in the colonial prisons, African guards and detainees invented everyday practices and a specific culture that both largely escaped colonial authority. As a result, the prison became a symbol of the inertia of colonial power, as well as a site of African disobedience, corruption, and transgression.*[9]

He adds,

> *During the 1950s, in the central prison of Ouagadougou, the capital of the colony, the prison director was a gendarme without specific remuneration or time off for this additional task. Europeans only fulfilled this role if they had sufficient time, often acting in bad faith. Without effective authority, a well-defined program, and clear regulations about the penitentiary regime, the prison was often abandoned to the prisoners and the guards.*[10]

3. Gillespie, K. 2011 « Containing the 'Wandering Native': Racial Jurisdiction and the Liberal Politics of Prison Reform in 1940s South Africa » *Journal of Southern African Studies*, 37(3), 499-515.
4. Bernault, F. 2003 'The politics of Enclosure in Colonial and Post-Colonial Africa' in Florence Bernault (Eds) *A History of Confinement in Africa*. Portsmouth, Heinmann, NH, pp. 1-53, p.3.
5. Ibid p.6.
6. Ibid p.26.
7. Ibid p.29.
8. Burkina Faso and Ivory Coast are bordering countries. Both have been French colonies. Moreover they have been ruled under the same administration from 1932 to 1947.
9. Fourchard, L. 2003 'Between Conservatism and Transgression: Everyday Life in the Prisons of Upper Volta, 1920-1960' in Florence Bernault (Eds) *A History of Confinement in Africa*. Portsmouth, Heinmann, NH, pp. 135-153, p.136.
10. Ibid p.142.

Having been through the colonial correspondence, Fourchard does not find any mention of the moral function attributed to prison in Europe.[11] He explains that,

> *this colonial 'model' of the prison was transferred, practically untouched, to the African elite during the 1950s. Colonial penitentiary practices endured through the use of unpaid penal labour. The government of the Upper Volta (after independence, Burkina Faso) also continuously refused to consider any improvement in penitentiary life.*[12]

The practices and norms I describe within MACA below, need to be understood through the lens of this history. Instead of trying to evaluate what is missing or what seems to dysfunction, it is more relevant to try to understand how it works. For example, going to jail may mean the loss of autonomy; it may also mean being inscribed in a system of power and informal norms in such a way that you are called or invited to exercise agency, for instance by negotiating access to status in a hierarchy sustained by a system of values. This would bear some similarity to the way social life is navigated in ghettoes in Abidjan.[13] Agency is apparently removed and given simultaneously and takes a variety of forms.

In this context, it would be misleading to over construct the difference between warden and prisoners. They often share the same references and social characteristics.

Space use

MACA in its present form was constructed in the 1980s to host about 1500 prisoners. Before the Ivorian crisis, 5300 prisoners were kept in its walls. Since it's reopening in August 2011 the detainee population is rising again and is now about 3000. MACA architecture is originally inspired by European standards (it was built by Italian architects). It is a yard surrounded by a wall with watchtowers at each corner. This allows for the surveillance of the four main buildings scattered in the court.

On the one hand, well-off inmates are locked in a VIP section (called *'assimilés'*) where cells are not overcrowded and detainees share more or less the same socio-economic status (be they political leaders or entrepreneurs facing embezzlement charges). On the other hand, the huge majority of detainees are kept in three buildings. The first hosts detainees awaiting trial; the second is dedicated to inmates serving short sentences and the third to those serving long sentences. Within these three last buildings, depending on individual status and network-capacity in the outside world or more prosaically according to their capacity to pay, the detainee are allocated to a cell that holds between ten and seventy people. Cells with fewer inmates are usually known as *'cellules responsables'* (cells for people in charge). These detainees in charge are allocated duties within the prison (such as being responsible for a building, for counting inmates at the end of the day, closing or opening cells, or listing sick detainees for them to be allowed to go to the infirmary). According to the level of responsibility, these inmates are known as *'responsables'* or *'corvéables'* (of chore). In both cases, detainees with duties get the opportunity to move freely within the prison space, are allowed to leave their cells usually before the *'décallage'* (literally the 'displacement', that is the time of the opening of the cells allowing detainees to move within the building or to go to the courtyard).

The occupation of the space of the prison is the product of a process of appropriation of the premises by the prison group (by all its actors: guards, prisoners, medical doctors, nurses, administrative staffs from the prison and so on). Places designed by the architects for specific purposes are redefined by users (e.g. a cell for sick prisoners is a VIP cell, the warden's room on each floor is a VIP cell, a path between buildings is a market space, a walking area behind buildings is a space to buy, sell and use drugs (it is called Colombia), a yard is a kitchen garden, the prison lobby is a VIP parlour, the infirmary is partly a consultation room for the neighbourhood, the garbage container is called *Sococe* after the name of an Ivorian supermarket chain because inmates with hygiene chores find goods in it to fix and sell to other detainees).

In this context, it would be misleading to over construct the difference between warden and prisoners. They often share the same references and social characteristics.[14] A good example of this social affinity is a riot that exploded at the MACA in 2012.

11. Ibid p.145.
12. Ibid p.148.
13. (de) La Tour, E. 2001 'Métaphores sociales dans les ghettos de Côte d'Ivoire.' *Autrepart*, 2(18): 151-167.
14. The same social affinity has been described between inmates and wardens in France (cf. Rostaing, C. 2006 « La compréhension sociologique de l'expérience carcérale », *Revue européenne des sciences sociales*, XLIV (135), pp. 29-43).

It was in October 2012, when inmates took wardens hostage (injuring six of them) after they had begun to search their cells in the middle of the day. They were expressing their discontent about the timing of the search.[15] But the violence of their reaction had also to do with a feeling of betrayal. Indeed, among the wardens performing these searches, inmates recognized former detainees who had become wardens. In fact, during the battle of Abidjan (March — April 2011) between President Gbagbo and Alassane Ouattara's forces, the FRCI (Republican Forces of Côte d'Ivoire, pro-Ouattara) emptied the prison of its inmates, ransacked the prison and retrieved firearms from prison officers housed in the neighbouring 'cité MACA'. Some detainees were then recruited into the FRCI. After president Ouattara came to power, FRCI fighters were integrated in Ivorian forces (Police, Army and Prisons). We perceive here the proximity between the population of wardens and detainees.

Administration of the prison

The prison operates with a dual administration. One is official (manager, warden, medical doctors, nurses). The other is unofficial but actively participates in the management of prison affairs at all levels and sectors (including nursing).

Each building has a government made up of a head of government. He is called *Chief Building* and is seconded by a clerk appointed to detainee's account. This clerk called *'commis aux comptes'* is counting everyday the number of inmates per cell and reports to his head of government. Another clerk, called the *'porte-clef'* (key ring), is responsible for locking and unlocking cells, a last one called the *'procureur'* (prosecutor) is responsible in each building for the official registering of transactions between inmates. There are also les *'valets'* (servants) doing dirty chores like cleaning the building, fetching water[16] or cooking for inmates able to buy food.

Each building has a *'cahier malades'*, a clerk called 'sick book' (see below). The *Chief Building* can count on a team of *requins* (sharks), detainees whose duty is to ensure the enforcement of prison rules: they make sure inmates return to their cell at five p.m., denounce and take to isolation those accused of having same-sex sexual intercourse. The *'bérêts verts'* (green berets) are dedicated to the close supervision of inmates going each morning to the infirmary. These diverse functions assumed by the detainees have a great value in the prison. It permits the circulation necessary for business to happen, it assures a regular income, it gives access to power and to better conditions of imprisonment. What could be called a shadow administration, although it's presence is heavily felt in day to day prison life, is supported by a system of tax paid 'à la table' ('at the table') of their building by the inmates (to get access to a better cell for example). In their cells, inmates pay a weekly tax (called the *'baygon'* after the name of a renowned insect repellent) with money or else with their *'ration pénale'* (prison food). This food, of very poor quality, is then redistributed to servants in exchange for their services.[17] Another way to access resources may be to accept sexual intercourse with other men and to become what is called a *'bon petit'* (a good boy). Such an inmate receives attention and food from another inmate and becomes his symbolic wife according to a logic described within South African and Zambian prisons by Sasha Gear[18] and Anne Egelund (this issue).

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The *Chief Building* is chosen by inmates according to seniority in jail and confirmed by the official prison manager. If seniority is a necessary condition to become a *Chief Building*, it is not a sufficient condition.[19] The *Chief* must also be 'self-sufficient' (*il doit se suffire*) to become a leader, that is to say he must have enough resources to redistribute. He is someone who must be able to support and feed if necessary. He thus needs to

15. Usually searches happen at the end of the day, while all detainees are back in their cells.
16. There is no running water in the cells.
17. The amount of the *'baygon'* is about 300 francs CFA (0,38 GBP) paid each Saturday. In a 20-inmate cell, *baygon* is used to buy soap and bleach (1500 francs CFA; 1.91 GBP), to pay the valet (2000 francs CFA; 2.55 GBP) and to secure enough money to buy a brush or an electric coil to cook for the cell. In town such an electric coil costs around 300 francs CFA, in the prison the price rise up to 1500 francs CFA.
18. Gear, S. 2005 'Rules of Engagement: Structuring Sex and Damage in Men's Prisons and Beyond.' *Culture, Health & Sexuality*, 7(3), pp. 195-208.
19. The same applies to the *chief cell* as well.

have support outside the prison and a position of responsibility within the prison in order to have the 'means' to maintain his clientele.

This prison's double administration relies on a shared agreement, although never explicitly stated: in the best interest of all parties, life in the prison must remain quiet and peaceful. Peace allows for business to happen between prison actors as peace is cherished by the official administration. The respect of this equilibrium between an apparent administration and a back stage administration is at the heart of MACA functioning. Detainee's mutinies or extensive searches are always related to a rupture in this shared agreement.

To access the Sick Room

Although prison has to do with loss of freedom and autonomy, the prison's double administration has a consequence for the way detainees get a sense of agency through access to power, in this specific setting. But this comes at a cost. Since everything has a value, and access to resources depends on your position of power, some may hardly access basic resources such as health care.

As we have seen, every morning, a person known as the *'sick book'* is responsible for identifying and registering the sick detainees from his building and allowing them to go to the sick room. At nine o'clock those recognized as legitimate for care are taken by the *'green berets'* to the infirmary. Depending on the building in which detainees are incarcerated, going to the sick room does not have the same significance or the same stakes.

The convict and short sentence buildings are open. After the 'displacement', inmates are able to circulate freely within the prison yard. Registration in the sick register does not have further implications. The situation is different in the long sentence building. It is closed all day. In this building, inmates without responsibilities are only allowed to circulate inside the building and in it's internal yard. Going to the main prison yard is a rare and valuable occasion.[20] In this building, because of the high level of demand to go to the sick room, the *Chief Building* has set a limit of 10 people allowed to go to the sick room each day. As a consequence, getting to the infirmary involves not only being sick; it also requires skills, means and support. Very often, as the *Chief Building* acknowledges, healthy inmates simply pay the clerk responsible for the sick book in order to be able to go out (around 50 francs CFA; 0.06 GBP). Depending on the day of the week, it may thus happen that half of the detainees inscribed in the sick book do not present themselves at the consultation room. This is particularly true during visit days (Tuesday, Thursday and Saturday). When visitors reach the prison they ask a warden to give a detainee in the yard a paper with the name of their relative. For 10 to 50 francs, they go and fetch him within the prison. To be in the yard during « communiqué » is thus crucial if one wishes to be reached or to earn some money.

Conclusion

'We are already in prison. There is no wrong in the wrong. If you give something for free, you are *gaou* [you understood nothing]' said the head of government of the long sentence building quoted at the beginning of this article. Following this proverb, there is no action with a transparent meaning at the MACA. Every activity carries its own hidden opportunities. Gestures, words, and practices are loaded with multiple significations and values. A small tool to cut yam is used during fights, going to the infirmary is a way to go out, being a peer educator is a way to increase one's power within the prison's hierarchy, accepting food from old inmates is taking the risk of having to pay back sexually, changing one's identity at the entrance of prison is a way to keep one's criminal record clean.

Although the MACA is unique for its size and reputation in all Francophone West Africa, it stands as a good example of what prison governance in Africa looks like. Since the colonial origins of imprisonment, prisons have suffered from a lack of interest from the powerful and the society at large. Prisons lack funding, food, water, educational programs and health care. Detainees and wardens alike lack public interest. The inside life of the prison remain for the public largely unknown. Even former inmates hide their experience and rather talk about 'being in the village' instead of 'being in jail' with their family members. This situation allows for the development of specific forms of self-governance and for the production of an informal agreement between an official and a shadow administration.

If this allows for the maintaining of autonomy and sense of agency among inmates, it also fosters inequalities. Moreover, it increases risk for those in need and lacking means. Thus a question remains: to what extent can the state, and more generally the society, remain silent about its responsibility toward those who are incarcerated in its name?

I thank *Esther* for funding the research on which this paper is based, the Ivorian Penitentiary services for allowing me to work within the MACA and the inmates, warden and health professionals for sharing with me their prison experience.

20. Being able to reach the main yard means being able to walk in a relatively open space, being able to meet friends and to receive visits on visit days and to do business (exchange goods, buy drugs or food).