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Built to Colonize

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Built to Colonize*

»Disciplined souls, docile bodies.« Hardly any research on the history of prisons conducted after the 1970s fails to quote those two expressions, which are considered the milestones of Michel Foucault's *Discipline and Punish: the Birth of the Prison*. As is widely known, Foucault saw modern punishment as a technology of disciplinary practices focused on controlling and shaping the behavior of individuals. Prison was the quintessential tool of this technology because it consolidated the shift from spectacular physical violence to soft and constant bodily routines as the dominant paradigm of punishment. However, since the 1990s a growing number of scholars have emphasized that Foucault and his followers disregarded several power/knowledge/dominance relations in their theory. One of these is the colonial enterprise.

Dior Konaté's recent book on *Prison Architecture and Punishment in Colonial Senegal* adds to these critical voices by analyzing prison buildings and their changing architectural forms in Senegal during the colonial and post-colonial periods in order to understand how the French used prison architecture to control Africans both softly and violently. She delves into a broad range of archival sources, such as architectural plans, legal procedures, letters and petitions from inmates, and reports from French authorities in order to present architecture as a tool of empire. Her analysis shows why and how the idea of prison in the colonial environment had different meanings and functions from the ones in the metropolis, and how much of those meanings and functions persisted after independence.

But more than challenging Foucault, Konaté's book is also a great contribution to legal history. Her focus on architecture to understand how buildings embody patterns of imperial domination opens up new perspectives on how to make sense of colonial legal systems. The first part of the book, entitled »Penal politics in colonial Senegal« is proof of this. It focuses on the role of prisons in a colonial state designed to meet the colonizers'

needs for controlling and punishing the population. Before French rule, imprisonment was not a feature of Senegal's punitive practices. The creation of the first Senegalese prison in 1820 mirrored metropolitan legal policies, which were the basis for the creation of a colonial legal system. However, Konaté argues that the metropolitan efforts to impose a French-style legal system never really suppressed local punitive practices (such as ordeals) or the influence of Muslim courts. The conflict between local and metropolitan normativities thus turned prisons into one of the main strategies to enforce French legal and social supremacy in Senegal. Through prisons, the French ruled the colony and exercised control over Africans.

Geography is an essential component for understanding the implementation of such a strategy. The places where prisons were located reveal much about the nature of the French expansion into Senegal and the consolidation of their rule. Prison buildings not only symbolized power and inspired awe of French law; they also created a »penal space« where social order and social segregation operated. The choice and the changes of the locations for prisons and penal camps embodied several meanings derived from their isolation and/or marginalization. Enforcing security and public safety, ensuring »clean« and »safe« spaces for the European population, and increasing the non-paid workforce through forced labor were the main targets of French policy regarding prison location. As the author explains, French criminal positivism provided the intellectual polish to justify location plans and was often used by French officials as a discursive strategy for covering up colonial exploitation.

The second part of the book brings the reader to the inside of colonial prisons. It zooms in on the details of prison life during both the colonial and the post-colonial periods. Here the focus on architecture itself becomes clear as Konaté seeks to explain how the functions of punishment were

* DIOR KONATÉ, *Prison Architecture and Punishment in Colonial Senegal*, Lanham/MD: Rowman & Littlefield 2018, 358 p., ISBN 978-1-4985-6014-6

translated into prison architectural models and routines. The analysis of architecture, according to her, must combine building design *and* building construction since the architectural plans for colonial prisons rarely matched what was actually built. French architects' inspiration in architectural and institutional discipline was often curbed by restrictions of budget, materials, and workforce. A key example of this is the 1906 plan for building the first panopticon-like prison in the city of Thiés. Although the project was well designed, the prison was never built due to budgetary limitations. Other policy concerns, such as public health, isolation of prisoners, racial segregation, and climate constraints were embedded in colonial prison buildings. For that reason, the conventional architecture of discipline praised by reformers in Europe was not applied in the colonies. Instead, prison edifices were architecturally chaotic and did not resemble one another. They epitomized a patchwork of styles, building techniques, materials, and political diktats.

This feature is at the center of Konaté's criticism of the Foucauldian statement that disciplinary architecture was centered on the soul and not the body of prisoners. The specific nature of the colonial enterprise – precarious, exploratory and civilizational in its essence – meant that the colonial prison was never a »total institution« as described by Foucault. It thus never had the power or the pretension to reflect repression in its entirety. Overcrowded rooms, violent guards, poor diet, precarious architecture, isolation, slave-like labor at the penal camps, and significant differences in the treatment of European and African inmates proved that French colonial officers were not seeking disciplined souls and docile bodies; they were preoccupied in civilizing African prisoners by targeting their bodies.

On the other hand, the poor conditions of the colonial prison buildings and the punitive practices within them could be used to create patterns of communication and resistance. Bad detention conditions gave rise to opportunities for the inmates to fight oppression and redesign prison spaces in several ways. Indeed, inmates' agency is a major theme of Konaté's book. The analysis of a complex web of complaint letters, court cases, and official reports speaks volumes about how Senegalese prisoners articulated resistance, whether by asking for better living conditions or by escaping or rebelling. These sources also show the development of strat-

egies of cooperation and support between inmates, prison staff, and local populations, which were particularly taken advantage of by political prisoners and convicts at prison camps. Once again, the Foucauldian scheme of power/knowledge appears inadequate. By focusing on the voices of prisoners, it becomes evident that power relations inside colonial prisons were not limited to the control exercised by prison guards and officials over inmates. Among other things, architectural precariousness allowed alternative, bottom-up power/knowledge practices that suggest that African prisoners were anything but submissive.

A substantial share of these characteristics of the colonial prison continued after independence. In the last chapter of the book, Konaté builds the bridge between colonial and post-colonial prisons and provides a review of ruptures and continuities. She recognizes significant changes in political, economic, and social circumstances that reveal discontinuities with the colonial period. Although after the 1960s several legal reforms intended to break with the colonial heritage by changing punishment goals and prison architecture were put into effect, old colonial habits were still in place. Most of the prison buildings remained the same, indicating that prisons were considered a low governmental priority. Changes to the architecture were planned but never implemented. In addition, popular stigmas about prison life based on the features of colonial imperial domination over Africans have grown stronger. A series of in-depth interviews with current Senegalese inmates and prison staff conducted in 2013 strengthens the association of stigma with post-colonial imprisonment. Both inmates and guards frequently used words such as »terrible«, »shame«, and »a bad place« to describe their daily life. These findings again confirm the stigma of the precarious conditions of the buildings and their negative impact on prison life. On the other hand, the testimonies also point to inmates' great ability in navigating and re-appropriating poor infrastructures.

This final section presents an excellent example of how to correlate historical research with policy-oriented concerns without falling into the traps of anachronism. Konaté does not simply trace back current problems of the Senegalese prison system to its colonial past. Instead, the historical evidence she discusses shows the rationale behind the creation and maintenance of Senegalese prisons, which in turn provides elements to understand the

present in its own complexity rather than on the basis of European or American references. Overall, the book offers valuable insights to reflect upon the history of prisons in colonial environments. Konaté's view on prison architecture provides elements for changing the way in which we approach colonial legal systems, particularly for those scholars used to wearing Western lenses. In her book,

researchers working on the history of colonial prisons will find methodological guidelines to perceive prison architecture as a tool of imperial domination, whether in Africa or not, as well as to formulate comparative studies between different empires. ■

Bruno Lima

Liberated Africans With Rights?*

Africanos livres: a abolição do tráfico de escravos no Brasil is a contribution to the increasingly complex and diverse historiography on slavery. Resulting from more than twenty years of research and originally defended in 2002 as a doctoral thesis in history at the University of Waterloo (Canada), Beatriz Mamigonian's book is an unprecedented effort to understand the life and the ambiguous legal status of liberated Africans, i.e., those who could not be considered slaves due to the fact that they were imported after the official prohibition of the transatlantic slave trade in Brazil.

Basing her work on a rich and varied set of sources, Mamigonian narrates the history of the slave trade's abolition in Brazil through the lenses of distinct imperial powers – notably Portugal, England and the early Brazilian empire – and a wide range of historical actors: ministers, ambassadors, politicians, judges, public officials, slave owners, and, as the *history from below* claims, subaltern agents such as liberated Africans. Over ten chapters (and more than 600 pages), the book revolves around three different axes: (1) the British campaign for the prohibition of the Atlantic slave trade (carried out through diplomatic channels as well as military pressure); (2) the conflicts over the meaning and enforcement of the Brazilian Law of 1831 (the first national act against the slave trade); and

(3) the regulation of labor relations that involved liberated Africans (challenging the conventional limits between slave and free labor).

By choosing law as the guiding thread of her book and referring to multiple normativities to give her narrative chronological order and unity, Mamigonian provides the reader with an enormous legal framework to examine the different normative orders competing for jurisdiction in the South Atlantic. On one level, there are Portugal and England's bilateral treaties that determined the legality of enslaved Africans' importation (chapter 1) before Brazilian Independence in 1822. On another level, after 1822 historical actors faced the dilemmas of an emerging normative order. These actors had to deal with previous treaties and conventions but were unable to pass new legislation to prohibit the slave trade and punish smugglers (chapter 2). In this sense, the Law of 1831 comes from a long and intricate history of treaties and conventions between Portugal and England and it would be a misconception to isolate it as an exclusive product of the emerging Brazilian empire (chapters 3 and 4).

After an analysis of the foreign relations between England and Brazil regarding the legal status of liberated Africans, likely to be of great interest to scholars of international legal history (chapter 5),

* BEATRIZ MAMIGONIAN, *Africanos livres: a abolição do tráfico de escravos no Brasil*, São Paulo: Companhia das Letras 2017, 625 p., ISBN 978-85-359-2933-1