Colonial Systems of Control

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A long dirt road begins with the casual barrel of a gun, guarding a boundary, allowing selective access to outsiders and controlled exit to insiders. The few outsiders who are allowed to step past those guns and over the invisible, mysterious line in Kirikiri are faced with tall concrete walls inflicting visible boundaries and guns illustrating more clearly the visual and violent infliction of control. All visible boundaries within the Nigerian Prison ‘Service’ grounds are accentuated by the binding green gates built into the concrete walls, meant to function as points of transition between the two worlds: the world inside Nigerian prisons and the world outside them. The walls I see before me every time I enter a prison, anywhere in the world, are not just walls. They are symbols of degradation and violence; they are statements of disregard and dehumanization; they are perpetrators of myth and fear; and above all they are clear, concrete representations of the inhumanity capable of emerging in the name of euphemized humanities.

As I step beyond the gates and enter the world of prisons in Nigeria, I am faced with prison officials in green uniforms trying to maintain order among and control over convicted prisoners in blue uniforms. This is simply a world of green uniforms trying to keep blue uniforms behind the walls. Not as concrete but just as visible is the struggle to control all physical, mental, and spiritual undertakings. Colours mark power, not people: green uniforms
taking shifts to monitor, control, and punish blue uniforms; blue uniforms fighting to exist as human beings inside a beast-like institution.

While I was in Nigeria, from October 2000 to November 2002, there were 142 prisons holding approximately 55,000 prisoners, sixty-two percent of whom were awaiting trial. While 20,000 prisoners (thirty-eight percent) had been convicted inside a courtroom, approximately 35,000 prisoners were imprisoned without legal representation or the chance to appear in court.¹ Those 35,000 people did not always have prison uniforms;² they wore the clothes they had been arrested in and, as the years went by, whatever clothes they had been able to get from those around them. I met prisoners who had served up to ten years awaiting trial and, if convicted, were not given “time served” recognition. An ex-prisoner I worked with at the PRAWA³ office, a man I knew as Papa, often spoke about the ten years he had spent awaiting trial for a drug offence and the eight years he had been sentenced to serve. He had spent eighteen years in prison.

It is important to note the differences in conditions between awaiting-trial and convicted prisoners. It was clear that awaiting-trial prisoners are the most undernourished and maltreated people in most Nigerian prisons; in addition, the amount of time spent in lockdown is much higher compared with that for convicted prisoners. In the Kirikiri medium security prison in 2002, about 2,000 prisoners (seventy-four percent) were awaiting trial, while approximately 700 (twenty-six percent) were convicted. Warehousing approximately 2,700 prisoners, the Kirikiri medium security prison was originally built to imprison about 700 people. Many awaiting-trial prisoners in this prison told me they were given the chance to leave their overcrowded cell blocks (holding up to seventy-seven people in one room built to hold approximately twenty people) once a week for one hour. The amount of food awaiting-trial prisoners receive is much smaller compared with that for convicted prisoners, who already do not get sufficient servings. These conditions were confirmed

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by prison guards, who added that the lack of resources and staff to handle the thousands of prisoners necessitated such treatment.

In addition to the obvious injustice of loss of liberty suffered by all prisoners, awaiting-trial prisoners are imprisoned without the due process necessitated in a vengeful and violent criminal justice system. Representing one of the most vulnerable populations inside Nigerian prisons, awaiting-trial prisoners are subject to extremely harsh living conditions for many reasons. Primarily, and on the most concrete and logistical level, their maltreatment is often assumed to stem from their lack of representation in the Nigerian Prison Service budget: since they have not been convicted in court, they do not hold official prisoner status and are not represented in the budget.

Nigerian prison guards often claimed there was no option other than to warehouse awaiting-trial prisoners in inhumane conditions. Although this explanation (the lack of funds) may appear logical at first, it is not. The penal system is a violent system. How does putting more money into violence solve the problems that stem from the inhumane confinement of people inside cages? The United States has been throwing money at its penal system, but it has not humanized its prisons, it has only increased the number of people exposed to the inhumanity of the system. In 2006 the US Department of Justice had a monstrous budget of $20.3 billion. More than a third of this money, approximately $7 billion, is spent on imprisoning people. In addition,

the 2006 Budget includes $85 million to open three new prisons (one high-security, one medium-security, and one secure women’s prison) and to expand two other facilities. When fully activated, these prisons will add a total of 3,164 beds.... $37 million is provided to pay for the added costs for food, security, medical care, and clothing of almost 4,300 inmates in existing BOP [Bureau of Prisons] facilities, and $20 million in initial funding is included for 1,600 new private contract beds. While additional prison space is being added, the Budget
continues a moratorium on additional new prison construction until the bureau completes an evaluation of its existing low- and minimum-security prison facilities for potential modification to house higher-security inmates.

An increased budget for prisons in the United States has naturally and predictably resulted in the expansion of the prison system and imprisonment rates. The current result is a system that oppresses more people than any other penal system in contemporary and historical societies.

As of 2006 the world's population had reached 6.6 billion, meaning that the United States, with a population of almost 298 million, has 4.5 percent of the world's population. Also in 2006 the world prison population reached 9.3 million, with the United States imprisoning 2,193,798 of those people. This means that the United States houses 4.5 percent of the world's population and 23.9 percent of the world's prison population. Nigeria had a reported population in 2006 of 131,859,731 and a prison population of approximately 55,000 people, meaning that Nigeria is home to two percent of the world's population and under one percent of the world's prison population. On comparing these statistics with the rest of the industrialized world, imprisonment rates continue to be disproportionately higher in the First World as compared with Nigeria. While Nigerians were imprisoned at a rate of 51 per 100,000 in 2002, that year the "incarceration rate in Canada was 116 per 100,000.... Canada's incarceration rate is higher than the rates in many Western European countries such as Germany (95), France (85), Finland (70), Switzerland (68), and Denmark (64) but lower than those in England/Wales (139) and the United States (702)." Agozino's (2003) suggestion that the West has much to learn from the so-called Third World when it comes to justice is well translated in these statistics. For these reasons, this book presents the struggles and barriers of imprisonment in Nigeria while also presenting African justice models and alternatives that are not rooted in colonial responses to conflict.

Ironically, human rights violations that take place in Nigerian prisons are often presented as related to budgetary constraints.
Yet the increased funding for prisons in the United States has done little to humanize a fundamentally inhumane penal system. Evans (2005, 218) explains that money put into the prison system in the United States does not find its way into services for prisoners; rather, it is channelled into “guards’ salaries and allocations for increased security measures.” These conditions in the United States illustrate that putting more money into the penal system is not a solution. Nigeria does not need to “cage more people” as the United States does. The issues defined from within the confines of European penal rhetoric become questions of funding the efficient brutalization of people either through increased funding for imprisonment or through demonization of Nigeria’s inefficient use of cruelty in Nigerian prisons. This line of questioning fails to address the fundamental brutality of penal justice. The answer to these ill-defined problems lies in fundamentally and collectively rejecting the notion that caging and dehumanizing people through penal, colonial institutions of control creates safer or more civilized societies.

From a perspective that questions these foundational issues of violence as intrinsic to the functions of the penal system, the struggles of Nigerian prisoners can be understood more accurately. In almost all Nigerian prisons death in custody is common. While there are no official statistics available, I witnessed many convicted prisoners assigned the harrowing task of carrying out for burial awaiting-trial prisoners’ corpses (sometimes decayed) on rusted stretchers, wrapped in grey blankets. Many of these casualties were young men. All the casualties I witnessed had never been convicted. The issue again becomes a necessary and serious look into abolishing violent institutions that claim to provide justice as opposed to recoiling with shock and horror when the penal system’s brutality is brought to the surface. Fundamentally, death in custody, although counterintuitive to our humanity, is not counterintuitive to the penal system’s dehumanizing functions and foundational assumptions. Putting a person to death through formal due process in the United States or having a person die due to informal brutalities manifested through Nigerian prison conditions produces the same result:
the end of life as a result of state action. Whether this murder is sanctioned by a court or meted out in a prison yard is not focal; what is focal is the violent taking of life. The legal sanctioning of violence does not negate the seriousness of violence. And it certainly does not justify it. The legal sanctioning of violence through the penal system works only to subdue people into accepting that the state can and will use violence to implement power over those who are disempowered in society.

In European, North American, and South Pacific societies poverty determines imprisonment, but intersecting with classism are racism and sexism that embody criminal justice in industrialized nations. Penal systems are built on sexist, racist, classist, ageist, and heterosexist foundations: the institutionalization of these isms through penal justice results in the unequal distribution of violent penal justice. The United States represents the clearest case of institutionalized racisms and sexisms as integral to penal system functions: “If current trends continue, about one in three black males and one in six Hispanic [more respectfully known as Latino] males born today in the United States are expected to serve some time behind bars” (Gottschalk 2006, 19). This extremely high incarceration rate for men of colour in the United States exists in stark contrast to the imprisonment rates experienced by white men: “African Americans are imprisoned at more than ten times the rate of their compatriots of European origin” (Wacquant 2001, 83). In addition, “nationally women are the fastest growing sector of the incarcerated population. The number of women in U.S. prisons has risen more than eight-fold since 1980.... The total number of women locked away in U.S. prisons and jails is now more than double the entire prison populations of France and Germany” (Gottschalk 2006, 19). The repercussions of mass incarceration in the United States have resulted in the daunting fact that “more than 1.5 million children in the United States have a parent in state or federal prison” (Gottschalk 2006, 19-20). These high levels of penal injustice have not been duplicated in Nigeria. Yet, despite mass inhumanity in the United States, Africans continue to be
expected to turn to the United States and Europe for advice and guidance in the implementation of justice (Agozino 2003). This is a white supremacist expectation, implying that Europeans and their descendants in the United States, Canada, and Australia hold information and skills that are superior to those of people of colour when it comes to models of justice. In true white supremacist approaches, evidence of superiority is not proven but simply and unquestioningly assumed.

Intrinsic to white supremacist notions that criminal justice is a superior form of control is the assumption that, without reliance on European, centralized, and violent institutions of control, society would inevitably erupt into chaos and self-combustive violence. The same logic is present in the slave owner's psyche through the belief that enslaving African peoples helped to save their souls, and European war makers who colonized Africa assumed that their exploitation and military occupation of African lands could help to 'civilize' their peoples. Similarly, it is assumed today that the lack of European models of justice and control in Africa (or anywhere else in the world) would signify incivility and violence. Setting aside the faulty yet assumed superiority of white institutions, evidence has shown that European slavery, colonialism, and now the penal system are violent, vengeful, and exploitative institutions. Continuing to rely on the penal system for control is a perpetuation of penal coloniality, a concept further explored in Chapter 2. By implanting violence through criminal justice, the penal system overwhelms society with intense amounts of violence that obscure and bury actual violent issues between people amid the rubble of institutionalized structural and penal violence. The root of these issues is abstracted through faulty assumptions that the law is objective, and that European forms of violent penal justice are necessary and universal systems for equitable social control. If so-called civilized societies are serious about civilization, then white supremacy must be dismantled, and this requires the abolition of penal coloniality. To dismantle penal coloniality requires an analysis of who is most vulnerable to penal oppression: populations that have historically been
Colonialized and enslaved by Europeans are the most vulnerable to penal colonialism.

While the average citizen is vulnerable to criminalization, a powerful minority of the world’s population benefit from constructed immunities. In the same sense the majority of the world’s population residing on continents colonized by Europe live in harsh conditions, while the minority in the industrialized world live in comfort. “The world’s 500 richest people have an income of more than $100 billion, not taking into account asset wealth. That exceeds the combined incomes of the poorest 416 million” people in the world (United Nations Human Development 2006, 269; emphases added). In addition, ninety percent of the people in the top twenty percent of global income distribution live in OECD countries; while fifty percent of the poorest twenty percent of the global income live in sub-Saharan Africa (United Nations Human Development 2006, 269). The intersections of classism and racism that define power and wealth globally underpin the penal system’s role in maintaining an enslaving and colonialist status quo.

To counter the constructed validity of this status quo, this book presents the lived realities of people inside European, colonial systems of control in Africa. In doing so this volume initiates a process of humanization. The reader is given the opportunity to open her or his eyes to the lived realities of the people in Nigerian prisons. Their struggles and their stories emphasize the contradictions of penal reform efforts in Nigeria. Central is the understanding that efforts for reform reinforce colonialism and need to be replaced with serious efforts to abolish penal forms of justice. Human rights efforts funded through colonizing nations’ charitable funds will do little more than better equip the existing Nigerian penal system to hide and justify penal brutalities. It is the structure that is inhumane, and in Nigeria that inhumanity has nowhere to hide.

This book highlights the penal system as manifested in present-day Nigeria. In Chapter 3 Ume and I present a historical account of when and how the penal system became implanted in Nigerian societies. The roots of this system trace directly back to
violent British invasions of West Africa. Chapter 4 by Agozino documents the role that militarized control has played in creating the current conditions suffered in Nigeria, importantly noting that the first centralized military power in Nigeria was a British one. Combined, the chapters in Section 1 provide an ideological, historical, and sociopolitical understanding of Europe’s abusive and exploitatative relationship with Nigeria. This backdrop is necessary in the presentation of penal coloniality in West Africa.

Section 2 (Chapters 5 through 12) presents the voices of Nigerian prisoners inside the Kirikiri maximum security prison in Lagos State. This section is the heart of the book. From these first published accounts of prisoners in West Africa we learn about the brutalities inflicted through the European penal system as it has come to function on West African soil. We are able to access the complex and intertwining consequences of racist colonial institutions and the corrupt African leaders who maintain them. These leaders and administrators are carrying on the legacies of colonialist exploitation through modernized, more contemporary penal coloniality in the region. These colonial oppressions can best be understood by those who are forced to live them. Through the struggles of Eribo, Akpotherhe, Affor, Odibo, and Anagaba the reader can begin to conceptualize the violence involved in the construction and implementation of Europe’s (and now North America’s) primary model of criminal justice.

Section 3 delves further into the complex oppressions of penal coloniality, addressing the intersections of sexism, racism, classism, and the overpowering conditions that are produced. In Chapter 13 I provide details of the firsthand interactions I had with different branches of the penal system in Nigeria during the two years I spent there. Through these experiences I was able to better comprehend the intersections between poverty, youth, gender, and colonialism, and to expand my conceptions of oppression to include both formal and informal methods of unjust social control. In Chapter 14 Nagel provides a broader context of gender in Africa as it intersects with penal coloniality.
She provides examples of women in prison in Mali and Nigeria, and ties their oppressions into the larger context of contemporary globalization and human rights discourses. In this chapter, the interrelationships between microlevel struggles resulting from macrostructural oppressions are well illustrated. Agozino in Chapter 15 provides empirical facts that aid in an expansion of Nagel’s analysis of multilevel struggles. He details the empirical realities of women in prison in Nigeria, and emphasizes the need to move toward a criminology that implicitly and consciously functions to counter colonialism. Wrapping up Section 3, Agomoh (Chapter 16) addresses the multiplicity of oppressions that are exploited through penal coloniality by providing details of the violence and inhumanity imposed on those who are mentally ill in prison.

The first three sections of this book provide details and contexts of the oppressions instituted through the power abuses and hierarchies of penal coloniality. Yet the book would not be complete without a section on how these brutalities and oppressions are defied, for Foucault (1972) emphasized that every site of power simultaneously produces sites of resistance. Section 4 therefore addresses resistance to penal coloniality as it has been implemented by women, musicians, students, and disempowered members of diverse Nigerian societies. Chapter 17 presents forms of resistance used by women in northern Nigeria who are oppressed through the Eurocentric and thus implicitly misogynistic laws that regulate their access to wealth and survival. Chapter 18 presents the life and struggles of musician and activist Fela Anikulapo Kuti, and illustrates how resistance through music can mobilize large masses against military dictatorships and their violent repressions.

Section 5 represents an extension of this discourse on resistance by providing more specific and concrete examples of African transformative justice models that have been used to compensate for the malfunctions and violence imposed through European penal systems in Africa. In Chapter 19 Ume provides examples of successfully implemented African justice models
throughout Africa, and in Chapter 20 Elechi presents details of the Igbo democratic systems of justice and community-centred forms of social control. None of these models is presented as flawless, but they are in essence and in implementation community-centred and non-violent, and this is the starting point in the conceptualization of a world that can function without Europenal violence and coloniality.

The book concludes (Chapter 21) with a presentation of European academic theories on penal abolitionism and a summary of the tenth International Conference on Penal Abolition held in Lagos in August 2002 (Chapter 22). These last two chapters tie together the positive relationships that European scholarship and people in the West can build with Africans who continue to struggle with contemporary forms of colonial control. The concluding section emphasizes that European and Western industrialized societies have much to learn about the implementation of penal abolitionism by looking to Africa for practised and lived transformative justice.

In these concluding sections, we hope, the reader can conceptualize not only a world without prisons but also a world in which white and black nations (and the people within them) can come together to implement solutions and reparations that will initiate a healing process that effectively and necessarily addresses historical colonialisms, contemporary exploitations, and future potentials for humane and reciprocal coexistence.

These changes are necessary not only for those who suffer within or live at risk of penal coloniality in Africa but also for those who live in industrialized nations. The past few decades have marked an increased punitive approach to social problems, and this approach has resulted in a boom of prison construction in the United States and quickly increasing imprisonment rates throughout many industrialized Western nations. This trend has a disproportionately high impact on young people of colour living in societies structured on European and North American models of democracy: "Canada... seems to have followed a pattern of
legislative change that appears similar to many other Western
countries, including Britain, Australia, and the United States.
In turn each of these jurisdictions have witnessed earlier child
welfare models of juvenile justice wither away under the weight
of punitive approaches to crime control that whet the public's
appetite for a crack-down.... 'Getting tough' now underpins the
administration of juvenile justice” (Hogeveen 2006, 51).

While in Nigeria, my understanding of the penal system as
one of the major oppressive structures in contemporary societies
was heavily reinforced. The stories and analyses presented in
this book are meant to expose the depths of the brutalities that
are the foundations of the penal system. The information shared in
this book is meant to serve not as a critique of Nigeria but more
broadly as a critique of the penal system. Nigeria happens to
be the setting in which I saw the extremes and was faced with
the violent capabilities of the penal system. Nigeria happened
to be the geographical and political context within which I
realized that any system capable of such brutality is in need
not of reform but of demolition. While most of the authors in
this book are African, they address European models of control.
Their analysis, it is hoped, will heighten readers' awareness of
the brutality encountered in Nigerian prisons, as a result of and
in direct correlation to European colonialism and the European
penal structures that have instituted criminal forms of justice all
over the globe. Those on the receiving end of oppression can best
explain the roots, experiences, and ramifications of oppression.
Those in prison can best explain imprisonment, and those who
have lived in colonized realities can best describe the connections
between history and the present.

NOTES

1 Statistics gathered through PRAWA. Aside from these figures, I
did not come across any official records on prison populations or
imprisonment rates.

2 In all-male prisons I did not see any awaiting-trial uniforms; in
the Kirikiri women's prison the awaiting-trial prisoners ironically
wore green (the Nigerian Prison Service uniform colour), while the convicted prisoners wore blue.

3 Prisoners Rehabilitation and Welfare Action is a Nigerian non-governmental organization dedicated to the struggle for human rights inside prisons throughout West Africa (including Nigeria, Ghana, and The Gambia).


5 See ibid.


9 See http://www.csc-scc.gc.ca/text/pb0ct/basicfacts/BasicFacts_e.shtml#Context2. Figures for the United States are for incarcerated adults only.

10 White men, though, are imprisoned at higher rates in the United States than in any other democratic or industrialized nation.

11 The Organization for Economic Cooperation and Development, predominantly controlled by Europeans and their descendants, is a governing body with thirty member countries. The OECD functions to produce "internationally agreed instruments, decisions and recommendations to promote the rules of the game in areas where multilateral agreement is necessary for individual countries to make progress in a globalized economy." See http://www.oecd.org/home/0,2605,en_2649_201185_1_1_1_1,00.html.

REFERENCES


