REFORMING NIGERIAN PRISONS

Rehabilitating a ‘Deviant’ State

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Analysis based on ethnographic fieldwork in Nigerian prisons and training institutions suggests that human rights training interventions can be seen as an attempt to rehabilitate a deviant state, and as a form of global social control. External intervention strategies and the uncritical use of training as a universal solution are shown to have fundamental weaknesses in terms of their intended ‘rehabilitative’ aims and in relation to the realities of prison practice that they are confronted by. Such interventions are conceptualized as part of a global(izing) strategy that inadvertently reproduces conditions of domination by creating the appearance of a desire to ‘help’, whilst distracting attention from broader issues of global socio-political, economic and material (in)equity.

Background

In recent years, security apparatuses in post-transition countries have become targets of externally sponsored interventions, due to their utilization as tools of repression in pre-transition regimes, and the desire of new governments to demonstrate their democratic credentials and their legitimacy, both to their own citizens and the international community (Ronsbo 2000). More specifically, prisons and prison staff in newly democratized, developing countries have become targets for interventions, often in the form of human rights training.1

In 1999, after a 39-year-long post-independence history of mostly military regimes, Nigeria underwent a transition to a democratic form of governance (that critics of previous military regimes hoped would represent a transition to democracy) and President Obasanjo—himself a former prisoner—made statements that suggested that the time was indeed ripe for prison reform.

With reference to human rights training interventions targeting Nigerian prison staff, this paper problematizes such interventions, addresses the North–South dynamics implicit in them and offers some reflections on the scope for criticism available to the practice-based researcher.

Introduction

With the end of the Cold War, ‘state failure’ became part of the agenda of the international community and a new vocabulary came into use. Policy statements emanating from the United States began to speak of ‘failed states’ in the case of states that were

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1 Since 1999, the Danish organization, the Rehabilitation and Research Centre for Torture Victims (RCT), which is active in this field, has developed a research theme focusing on such developments. The theme concerns the dynamics and possibilities for change of state security apparatus and represents a strand in RCT’s work on the prevention of torture and organized violence. It is within this theme that the current study falls.
apparently disintegrating internally and ‘rogue states’ about states whose foreign policy positions were seen as explicitly anti-Western (Bilgin and Morton 2003). By way of introduction, I want to suggest another adjective that lies implicit in the understandings of intervening and sponsoring agencies who commit themselves to engagement with the penal systems of post-transition countries. Underlying these interventions is an assumption of a problem to be solved, a set of policies to be revised and practices to be changed. Behind the desire to intervene is an assumption of deviance. The security apparatus of post-transition states are in need of intervention because they do not conform to appropriate international norms, standards and conventions. In this non-conformity, they represent state deviance.

Admittedly, unlike the adjectives ‘failed’, ‘rogue’, even ‘collapsing’, the idea of a ‘deviant’ state is not to my knowledge part of official discourse and it is not my intention to suggest that it ought to be. My aim is to suggest that recognizing the fact that interventions in such contexts imply an assumption of a deviant state helps us to examine these interventions in the light of relations between an assumed norm, failure to live up to that norm and the methods applied to address that failure. These methods can be seen as attempts to rehabilitate deviant states, to bring them into line, to reform and correct them. Here can be heard echoes of offender rehabilitation discourse and practice as traditionally conceptualized and addressed.

By the end of this paper, I hope to have demonstrated that the adjective ‘deviant’ and the specific interventionist baggage it brings with it is not the most useful way of expanding the possibilities of post-transition countries to improve conditions for prisoners and transform their penal systems. Instead, I will propose that as a starting point, they should not be viewed as deviant, but as different. Acknowledging difference creates an impetus for the development of local understandings of contexts of action, persons-in-practice and scopes of possibility rooted in ongoing social practice and defined from the position of participating subjects rather than defined externally in relation to a quite different set of conditions and possibilities for action.

My reflections on these issues draw on eight months’ fieldwork carried out amongst prison officers in Nigeria during 2002, in their barracks, their training schools and their prisons. My intention was to illuminate the complexity of practice and understandings of practice across the institutions in which prison officers participate, with a particular focus on learning, change and staff training. The intervention practices discussed below were studied in the context of these broader concerns. In what follows, I present and discuss some very specific aspects of a three-day training workshop and some aspects of the manual guiding the workshop in order to demonstrate the assumptions underlying both.

**Externally Sponsored Training Interventions Targeting Nigerian Prison Staff**

I begin by introducing the background for the workshop. The aim of the 2nd Phase of Training of Trainers Workshop on Good Prison Practice, sponsored by an international

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3 I do not intend to make these parallels explicit. As I go on to problematize the assumptions and methods of intervention, the parallels will be clear to the perceptive reader.

4 These remarks are rooted in a theoretical approach drawing on (German and Danish) critical psychology as exemplified by the work of Ole Dreier (2003; forthcoming) and the approach to social practice theory being developed by Jean Lave (forthcoming). (See also Tolman and Maiers (1991).)
penal reform organization and the European Union, is to ‘sensitise the officers on regional and international standards regarding the treatment of prisoners’ (Agomoh and Ogun 2000: 3). The broader project that this training is a smaller part of is aimed ‘at facilitating good prison practice through training and capacity development of prison officers’ (Agomoh and Ogun 2000: 3). The training course is designed to give officers insight into the UN Standard Minimum Rules for the Treatment of Offenders (SMR) and prepare them to teach them to others. Participants are rather diverse, some of them relatively well educated, for example with a university education in social sciences, others with very little by way of formal schooling. The criterion for participation is not level of education, but seniority within the service. Nigerian officers attending (men and women, but mostly men) are from the local state, used to working in the prisons under conditions partially created by the previous military regimes.

For the purposes of this article, I will focus on two specific aspects of the training that bring issues of practice, learning and change to the fore. Both involve role play and both occurred on the second day of the training, after the UN standard minimum rules had been introduced in lecture format and the reasons for the training emphasized.

**Role Play I: A Disciplinary Hearing**

The role-play assignment involves participants acting out a scene typical of prison practice, then repeating the scene, incorporating the rules that they have just been taught should govern practice. (The exercise assumes that prison practice does not live up to the standards—otherwise, one would expect identical sketches.) One of the groups is asked to act out a scene around the theme ‘discipline and punishment’. Their role play involves a tragi–comic parody of a prisoner who is called to an internal disciplinary hearing. Through the role play, officers demonstrate how they interpret the SMR in terms of changed disciplinary practice. What is striking is the difference between the first sketch—meant to be typical of prison practice—and the second—meant to incorporate SMR. The primary observable change is not their way of handling the prisoner, but their way of behaving in relation to the senior officer, i.e. the officer responsible for the disciplinary hearing. In the role play where trainees are to demonstrate what they have learned about SMR, the officer escorting the prisoner is much more formal and disciplined in his relation to his senior. He stands more uprightly, marches more correctly and salutes more impressively. In the second phase of the role play, an additional change made is that the punishment the prisoner is given is reduced. Yet, the prisoner is still humiliated, forced to squat, pushed and hit. The officers interpret SMR in terms not of prisoners’ rights, but in terms of their own relation to their seniors. This interpretation has its roots in standard training school practice, indeed standard paramilitary prison practice, where discipline (as an expression of position in hierarchy) is a key factor. So this reading of change is perhaps not surprising.

The role play demonstrates two things that were changed by officers: the relation to their seniors and the interpretation of rules governing punishments. The treatment of the prisoner remains unchanged. The role play additionally illustrates the everyday nature of violence directed at prisoners—what I call mundane violence (cf. Medlicott (2003) and Sim (2004) on the casual maltreatment of UK prisoners).
Discussion

The role-play exercise can be seen as an attempt to build a bridge between theory and practice, by inserting practical examples into the classroom. Yet, on closer analysis, the performances do not function as examples of practices to be changed. Rather, the role plays are merely a pedagogical tool designed to focus attention on the new rules and whether they have been learned. They are about controlling knowledge entry (into the mind) and not about actual practice. The questions being answered by the role plays are not about practice, but about how much participants have understood. Having said this, it is not the case that the behaviour of officers in the role play goes unchallenged. Issues are raised about the appropriateness of the actions displayed. Officers are asked why the prisoner was humiliated and this humiliation is challenged on the basis of the SMR’s focus on dignity. Facilitators emphasize that physical punishment does not engender respect or change. And yet I am left with a nagging doubt about whether facilitators have adequately grasped the sedimented way in which physical punishment is part and parcel of prison practice and how for prison officers, corrections/reform is tightly bound up with ideas of punishment.

It is necessary to elaborate on this point in order to show just what human rights training is confronted by in terms of everyday practice and understandings of practice. That a humanistic, reform and rehabilitation agenda is at the heart of many Nigerian prison officers’ approach to their work is one of the fundamental ‘findings’ of my ethnographic work. What is significant, though, in the context of attempts to challenge violence and human rights abuses is the fact that this humanistic reform agenda is built on an understanding of corrections that is radically corporeal.

Analysis of the everyday practices of training participated in by young, low-ranking prison officers soon after they join the service reveals a logic of penality homologous to the underlying logic of practice directed towards prisoners in the prisons. Training is also informed by an ideology of corrections that is played out corporally. Prison officer trainees undergo a relatively strict regime during their six-month residential training, characterized by almost total control of their patterns of sleep, work, play and movement (cf. Goffman 1961), where drill and physical exercise are the most explicitly acknowledged form of discipline they encounter. Daily inspections demonstrate a routine, ritualized, procedural, repetitive, administrative surveillance that contributes to the generation of a disciplined community of trainees. Discipline is pervasive throughout the practices of the school and it is through disciplinary practices that one gets a sense of the logic of penality at work. Adjudication procedures, where discipline is administered on trainees who break the school rules, are one of the clearest examples of the logic of penality, featuring as they do an assumption of guilt and an inevitability to punishment. On one occasion, I observed the chief discipline officer responsible for an adjudication in combative mood. He was listening to a typical undocumented account of absence from the school. He addressed the trainee:

How can I know your brother is dead? . . . He died Monday, you buried him Friday, mourned for a week . . . and rested another week . . .?

The style is inquisitorial and postural subservience is inculcated in trainees apparently at every available opportunity. The trainees called for adjudication were instructed to salute, and then reprimanded for saluting with the hand whilst not wearing their caps.
What they should have done is adopt a braced position, shoulders back, back upright. The process reinforces the subservient position of trainees in the school. My observations and analysis of these procedures and the punishments they resulted in led me to conclude that punishment is not the important part of the process that one might have imagined. Rather, the process of being assigned punishment is the subjectifying, character-moulding exercise.

The logic of penality characterized, as I have said, by assumptions of guilt and the inevitability of punishment also informs, as one might expect, the everyday practices of prison officers in the prison. It is revealed in the dynamic evident between prison officers and prisoners—a dynamic I characterize as a practice of ordering and othering that cuts across the everyday tasks in which prison officers and prisoners come together, e.g. prisoner delivery, escort to court or work gangs, the release of the prisoner and, perhaps most fundamentally, in the quasi-judicial practices of the admissions boards. My analysis of admissions boards clearly reveals the humiliating practices of othering that are supplemented by routine acts of mundane violence (what Diana Medlicott (2003), in the context of UK prisons, eloquently calls the ‘ubiquity of casual cruelty’). This mundane violence can only be understood as forming a legitimate—in the eyes of prison officers—part of correcting and rehabilitating the prisoner, in the same way as corporeal discipline is a legitimate part of the prison officer’s own training.

Corporeal violence is seen as a necessary part of corrections; correction or reform of the offender is not possible without violence. Lars Buur also met this understanding during his study of the Amadlozi, a local justice formation in a township in South Africa. Buur (2003a; forthcoming) grounds the ongoing ‘routine violence’ and corporal punishment administered by Amadlozi quasi courts and approved of by local community members by referring to the way violence is understood as integral to the constituting of persons and the moral community. As he puts it:

Corporal punishment in the form of physical discipline rests on frameworks of partly shared understanding as to the ideas, rules and practices of what constitutes a moral being. Within this framework there is nothing odious or revolting in severely disciplining younger members of the ‘community’ or females. (Buur 2003a: 18–19)

He reports a conversation he had with a young woman during his attendance at an Amadlozi session where a girl was severely punished. The young woman explains the logic of corporeal punishment. Like the prison officers I interviewed, she states unambiguously, ‘She needs to learn what is right and wrong. You cannot know right and wrong without punishment’ (Burr forthcoming: 18). Buur’s conclusion is that:

... when force or corporeal discipline are utilised it does not happen only when people are in extreme circumstances, acting out of passion, despair, exhaustion of other options or irrational mob behaviour. (Burr forthcoming: 18)

This analysis helps explain accounts of prison staff where it is claimed that the imposition of human rights violates their ability to correct prisoners. In their eyes, human rights are counterproductive to correction and rehabilitation. This view was reinforced during a conversation with two officers in a bush bar late one afternoon. It was forcefully reiterated that disciplinary techniques were necessary to keep prisoners in check. Prisoners are made, for example, to squat because of the threat they pose to security. It is not to humiliate them but to keep them in place. Such practices, it is claimed, are not
disrespectful or dehumanizing, but necessary.\(^5\) Given the self-image of staff as humanists and the view that correction is desirable and physical force a necessary part of this, such practices become self-perpetuating. Prison staff are not against prisoners; they are trying to reform them, at the same time serving their country. The things they do are not to hurt or humiliate. They are merely necessary, it is claimed, because of the prisoners’ nature (note nature, not position, status or relation). This essentialized view of prisoners relates to the practices of ordering and othering that underpin prison practice (Jefferson 2004).\(^6\)

Corporeal punishment is seen by Amadlozi and by prison staff ‘as a necessary and justified form of discipline, as a legitimate way to restate and internalize the core moral values of the community’ (Buur forthcoming). This was illustrated rather graphically by one experienced prison officer’s account of the violence done to one prisoner by other prisoners. His leg was broken when he was caught engaged in a homosexual act. Whilst, generally speaking, officers expressed disapproval or denial of violence in the prisons, this act was enthusiastically condoned, clearly in the name of upholding and moulding the moral community.

This ideology of corrections underlying punitive prison practices and involving mundane violence presents intervention strategies with a challenge. Merely suggesting that violence doesn’t bring about respect is unlikely to unseat such deeply held and institutionalized convictions.

**Role Play II: Teaching the SMR**

I return briefly now to the training workshop, where the focus shifts from teaching the SMR and prison practice to preparing delegates to become trainers in SMR. Drawing again on the manual, different ways of learning are described and different ways of changing human behaviour.

Officers are instructed how they should train others in SMR. They are assigned to design a short lecture that they must then perform for the others on the course. They do this and proceed to present their lectures to the other workshop participants. The events following one presentation are instructive. The participant is criticized, by course facilitators, for not adequately carrying his audience with him. He is accused of not being clear and persuasive enough, of not reaching his audience with the message in a way that made them feel they were part of the training. From my point of view, this critique is misplaced, for how could the officer in question, on the basis of one day’s training, be expected to understand, ‘own’ and communicate the new material in a convincing manner? This illustrates one of the absurdities of the *training of trainers* methodology that reflects a belief that it is simple to teach others about SMR and that it is equally simple to be a trainer. The manual states ‘Users of the pack should find it easy to impart meaningful learning to their participants . . . . This book serves as a reference manual for the quick implementation of Training on The United Nations Standard Minimum Rules . . . ’ (Agomoh and Ogun 2000: 6). Here, the notions of ease and speed hint at fundamental problems with the approach. When things are seen as so simple, weight and significance are not given to the potential complexity that

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\(^5\) For further examples and analyses of understanding of violence as necessary and legitimate, see Buur (2003b).

\(^6\) Dave G. Scott (2003) has uncovered similar themes based on interviews with prison staff in a UK prison.
characterizes any social practice. It seems absurd to expect that participants can learn something new, relate it to practice and teach it to others immediately.

Whilst delegates went diligently about their preparations, I fell into conversation with a woman observing proceedings, who expressed some rather sceptical views about the value of training. She raised the question of why training is funded rather than funding concrete changes in prison infrastructures, which made me begin thinking again about the issue of how training makes a difference to practice. (A related remark from the previous day was: ‘Why, when the state loves incarcerating people, does it resent spending money on the incarcerated?’) To illustrate further some of the contradictions of interventions when faced with ongoing practice, I now present a partial analysis of the manual that guides the training.

Assumptions Underlying the Manual

First, I wish to examine the way the manual conceives of prison officers or, put more generally, how it conceptualizes personhood. The writers recognize that the way prisoners are treated and the conditions under which they live are largely determined by staff, by what they call ‘their skills, attitudes and behaviour’. This is no accidental designation of what aspects of personhood are relevant. Skills, attitudes and behaviours are the intended facets of personhood that the manual targets. ‘The prison officers,’ it is claimed, ‘constitute the most singular organ that can be utilized in the provision of support services to prisoners and the improvement of treatment of prisoners’ (Agomoh and Ogun 2000: 3). However powerful this statement might be as a rhetorical weapon against forces that ignore the prison officer when discussing prison reform, a consideration of the status of this particular conception of prison officers—with their skills, attitudes and behaviours—is instructive, playing as it does into rather traditional ahistorical, non-situated psychological models of what it means to be human. What is meant by ‘skills, attitudes and behaviours’ and how they relate to officers’ practice in day-to-day working life is not explained because it is, of course, self-explanatory within traditional psychological understandings of learning.

The manual provides materials for trainers, including an opening address, brain teasers, a pre-programme letter and an outline programme—actually, everything one needs to run a training course, even in the absence of prior knowledge. The manual encapsulates knowledge. It is a knowledge package ready to be transmitted and delivered. It is all about a ‘mind-set reshaping process’ (Agomoh and Ogun 2000: 10). My intention is not to criticize the manual, as such. It is a good example of a state-of-the-art manual but it carries within it illustrations of the paradoxes of applying such an approach as a means of changing practice(s).

A second aspect of the manual I wish to consider is the enormous power granted to the individual prison officer, despite an acknowledgement that prison structures frame and effect particular ways of acting:

The nature and structure of Prison systems creates a high potential for prison officers to act in ways that violate human rights. Prison Officers therefore need to be especially conscious and trained to avoid this (Agomoh and Ogun 2000: 20).

Phrased in this manner, it seems that the aim of the training is to make prison officers aware or conscious that they must resist the nature and structure of the prison system—
even to act contrary to the demands of the structures. The individual prison officer is pitted against the prison structure. Given the understandings of the pervasiveness of the paramilitary structures, the importance of discipline and position within the ordering hierarchies, and the logic of penalty operating across prison formations that I have described above (and in more detail in Jefferson 2004), this would seem a tall order. On the other hand, it is not easy to argue with a statement that says prison officers should be trained to avoid committing human rights violations, despite the structures they find themselves in (see later). The SMR themselves express this same division, claiming, with regard to officers, that ‘it is on their integrity, humanity, professional capacity and personal suitability for the work that the proper administration of the institution depends’ (SMR, Section 46(1)). Such a reading of the role of prison officers within such structures gives them both a huge responsibility and makes them blameworthy should conditions and treatment not live up to the standards. Integrity, humanity, suitability and professional capacity—these are all individual characteristics. It is not the nature of the work, or the practice of work tasks that is under consideration, but the nature of individuals. The legitimacy of the institutions and their consequences is not open to question. Therefore, the only alternative open, when practices don’t match standards, is to cast aspersions in the direction of officers.

It is difficult to imagine how, whilst apparently ignoring social practice and with such narrow conceptualizations of personhood, such interventions will achieve their stated aims. At this point, I wish to shift the focus to the way in which such interventions form part of a global(izing) agenda that contributes to the continued ‘deviance’ of the state, as defined from beyond the state.

**Human Rights Training Interventions as Part of a Globalizing Discourse**

The intervention referred to above is underlain by abstract (practice-denying) theories of learning and knowledge that also happen to underpin the self-understandings of liberal democracies (Lave 2004). I want now to situate human rights training, given its status, as an externally sponsored intervention, within a nexus of North–South relations, illustrating the complex ways in which such interventions do not stand alone but are part of much wider dynamics of power. My point of departure is the way human rights training is positioned between two poles—on the one hand, the local working practices of staff in prisons; on the other hand, the ‘enduring struggles’ of development discourse out of which human rights training as a particular intervention has emerged.

**Locating Human Rights Training within Development Discourse**

The argument I want to make about development discourse as it is exemplified in the practice of human rights training builds on my ethnographic material and yet my attention was directed to certain aspects of my material by particular presuppositions I had entering the field. For example, interventions serve particular interests, they are not neutral, or the product of some altruistic Western heart, and the development of particular forms of intervention is tied to historical and social processes.

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7 This term is borrowed from Holland and Lave’s approach to the generation of relations of subjectivity and structure whereby they analyse the way relations between ‘intimate identities’ and ‘enduring struggles’ are generated in contentious local practice (Holland and Lave (2001)).
During a conference presentation\(^8\) in 2002, I referred to prison reform in developing countries as a global(izing) agenda. In what ways can interventions aimed at reforming prison services and the criminal justice sector in developing countries be called global(izing)? Training in human rights is part of an attempt to bring about penal reform, which, in turn, is part of an attempt to introduce democracy and good governance, and promote human rights at the societal level. Prison reform is but one aspect of an emerging development discourse that is part of an emerging system of global governance where interventions are not about human assistance but rather designed to contribute to wholesale societal reconstruction (Duffield 2001). Human rights training is an example of this. Human rights training is about changing institutions, behaviours and attitudes and often part of a broader project of transforming criminal justice systems. Occupying a particular position in relation to the state and regimes of governance, criminal justice systems are rather poignant targets for intervention with regard to societal reconstruction.

\[\text{Stability Not Conquest; Exclusion Not Inclusion}\]

What are the implications of training interventions being part of a package of societal reconstruction? Duffield offers an important nuancing of my own simple argument (Jefferson 2003\(^a\)) that training interventions divert attention from unequal distributions of global wealth, demonstrating imperialist tendencies. Such developmental interventions are not part of a territory-gathering imperial strategy, claims Duffield, in spite of similarities in the methods used by the 19th-century missionaries and 21st-century non-governmental organization (NGO) campaigners, but rather a part of a coalescence of participants working towards a liberal peace, the primary aim being not conquest, expansion and inclusion, but stability. The relations of power at work are in Duffield’s phrase ‘more nuanced, opaque and complex’ (Duffield 2001: 34).

Through Duffield’s conceptual lenses, intervention strategies function not to include, but to exclude; they are a marking of difference, serving to maintain the subordinate position developing countries have in the global order, both materially and politically. New strategies of global governance keep danger at a distance. Stability is not dependent on interventions being effective but by the mere fact of their existence and the matrices and networks that are involved. Development assistance as well as investment have become conditional on the appearance of progress in such areas as prisons and criminal justice. Development in these realms, especially when associated with externally sponsored interventions, becomes evidence of an intended movement in the direction of good governance, increasing democracy and, perhaps above all, improved human rights. Legitimacy is granted by the appearance of progress and the stated intentions to instigate change. Change itself is not necessary, though, at the same time, there is a movement to monitor and document change, evaluate effects and make sure projects are sustainable. These attempts to document effects seem to be not so much about making sure that interventions work, but that they can survive and be perpetuated. For example, the training of trainers method is used not because it has

\(^8\) Conference organized by the UK section of the European Group for the study of deviance and social control, Easter 2002, Chester.
been shown to be effective as a transformatory strategy, but because it complies with Western bureaucratic, donor-driven agendas about measuring, monitoring and evaluation. Quality, in terms of long-term transformation, is not the issue. The issue has become whether it can be measured that enough people have been exposed to training. The difference the training makes has become lost in the paper work. The logic seems to be that training is good because it is training—a logic built on fundamental assumptions regarding knowledge and learning that dominate Western liberal democracies, e.g. that knowledge is a pre-packed commodity to be transmitted and transferred unchanged from one person to another and one context to another—and that learning occurs primarily in classrooms.

Whilst there has come increasing recognition that prisons are part of criminal justice systems and should not be intervened on in isolation, global (economic and political) relations of power remain concealed. Similarly, any sense that there are connections between prison practices and conditions and the ongoing dynamics between North and South—in this case, seen in the prototypical encounter between Western-sponsored intervention forms and prison staff recipients—are also made invisible. One of the key lenses through which Duffield analyses development discourse is to show how Newtonian models of stable mechanistic machines inform development policy and discourse, failing, remarkably, to account for the complex, systemic, networked nature of the subjects of development discourse and blinding actors to their own part in the dynamics of development. In the eyes of the interveners, as I have shown, prisons and prison staff are reduced to machines, in need merely of new instructions, namely manuals in human rights.

The Use of Human Rights

Despite the versatility of human rights declarations and legislation as a universal reference point regarding the ways persons deserve to be treated, the use of human rights as an educational instrument can be problematized. Duffield points out how human rights conventions are aimed not primarily at perpetrators, but at victims. They are designed to grant restitution and rights in the case where rights are denied or violated. They allow victims to have recourse to recompense and for perpetrators to be punished. The use of conventions as preventive educational tool is a secondary utilization. The application of them ‘universally’ is an example of the treating of ‘emerging political complexes’ (Duffield 2001) as simple machines that require tinkering with and bringing up to the required standard. I find this a rather compelling problematization, challenging us to think otherwise about the appropriateness of such interventions. Manuals and best-practice guides are a feature of such normalizing attempts at tinkering with the machine. They are the canonical expressions of the emergence and distribution of international penal norms (cf. Piacentini’s (2003; 2004) important work on the propagation of international penal norms applied to Russian prisons). The way such manuals and guides continue to dominate the development profession despite claims of paying increasing attention to context and complexity is one in which the ongoing technicism, mechanism and apoliticism of interventions is illustrated: ‘Whilst promising to show “what works” or provide check lists of essential things to do, these guides reproduce the illusion of a replicable and predictable environment’ (Duffield 2001: 263).
Asking Illegitimate Questions: The Legitimacy of Criticism?

Why does it feel uncomfortable and even illegitimate to problematize human rights training and introduce global issues of power and inequality to further complicate matters? Why not just allow intervening agencies to continue to speak against violence and in favour of the upholding of international norms, conventions and standards of conduct? What, indeed, could be wrong with this? Who could dare to raise such questions?

Issues of power and inequality are even more effectively silenced when development aid is channelled via partnerships and networks of local actors. Often, local NGOs and activists are more passionate for the cause than their Western allies and their locally based authority seems even more difficult to question. They work longer hours, they risk their lives and their work becomes, on occasions, a matter of (their own) life or death. We academics have a rather more privileged position from which to problematize and maybe critique. And yet, this privilege should not deter us. The very invisibility of relations of power and inequality reproduced by the North–South encounters creates a demand to ask the ‘illegitimate’ questions. So-called post-modern and feminist writers have, during recent decades, drawn attention to the silenced voices. It is my contention that the silencing of discussions of global inequality and politics exacerbates a silence about the plight of prisoners and the conditions of prisons. Interventions can also easily represent noise without sound, image without substance. It is imperative, therefore, to consider the limitations of human rights training as an approach to bringing about personal, institutional and structural change. At the same time, it is imperative that our understandings of the complex dynamics of practice that prisons and prison officers in post-transition countries are caught up in are expanded so that authentic possibilities for transformation from within can become a reality. In such contexts, we also need to refine our understandings of the issues at stake in the intervener–recipient relation, as I am trying to do here.

Human Rights Training: Designed to Fail?

In certain respects, the argument I am developing in this paper resembles the argument Jeffrey Reiman has articulated regarding the US criminal justice system that he sees as designed to fail (Reiman 1995).

Pyrrhic Defeat and Historical Inertia

Reiman operates with a two-pronged theoretical apparatus, which he designates the pyrrhic defeat theory, accompanied by a theory of historical inertia. He argues that ‘the criminal justice system fails to reduce crime while making it look like crime is the work of the poor’ (ibid.: 4). If we apply this argument to prisons and human rights training, we must ask of human rights training whether it actually fails to reduce human rights violations and abuse of prisoners while, at the same, time making it look as though such abuses are the sole fault of the structures and systems in developing countries. Such a positioning and refusal to accept responsibility for the problem are a refusal to recognize the role of the unequal distribution of global resources. By focusing on symptoms, blaming recipients and claiming that interventions fail because conditions are not right or training was not long or intense enough, or recipients not receptive enough, etc.,
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attention is deflected from social and economic material conditions (i.e. inequalities) that mitigate against the very changes intended. Reiman calls this perverse dynamic a pyrrhic defeat theory. The pyrrhic defeat argument is a reversal of the classic pyrrhic victory designation that alludes to a military victory gained at such great cost that it amounts to a defeat. In Reiman’s words, ‘the pyrrhic defeat theory argues that the failure of the criminal justice system yields such benefits to those in positions of power that it amounts to success’ (ibid.: 4–5). We must not deny the stakes there are in the practices of development assistance for interveners, donors and recipients/partners. Intervening agencies and NGOs are caught up within a historically developed discourse that has often invisible implications beyond the immediate. As Reiman puts it, ‘rather than being anyone’s conscious plan the system reflects attitudes so deeply embedded in tradition as to appear natural’ (ibid.: 6). Even where the failures and injustices of the system are visible, it is not in the majority’s interest to make any change, for the simple reason that they are beneficiaries of the system. There is no dynamic for change within the logic of the situation. This is what Reiman calls the historical inertia explanation.

Not a Conspiracy Theory

In the field of human rights and penal reform, it seems outrageous to suggest that human rights training could contribute to perpetuating injustices, and that one of its effects is to ‘create’ certain forms of injustice in order to deflect attention from others. Reiman is quite aware that his desiccation of the US criminal justice system is likely to make people respond defensively and dismissively, and that such critiques leave one open to vilification and ridicule. Reiman is careful to assure his readers that his is not a conspiracy theory. Likewise, I do not believe that participants in the field of development assistance are consciously intending to perpetuate an unjust world. This analysis is not about apportioning blame or questioning the motives of employees in government agencies, national and international non-government organizations, voluntary agencies or individuals. Just because the argument points towards the protection of certain interests that coincide with those of interveners does not mean interveners are consciously acting to promote their own interests. Development assistance (like criminal justice policy) is a product of a historical development that current participants are caught up in. The purpose is not to accuse individuals within the system, but to point to the historically produced social consequences of the system.

There is a need to be aware that human rights training is part of a global(izing) discourse, or at least a discourse that has global implications and consequences. As we remain preoccupied with labelling deviants, blaming victims for not learning the conventions correctly and not putting into practice our imported recommendations, attention is diverted from the real and substantial material differences that inform and underpin the respective practices of our respective worlds.

In the above section, I have engaged with the issue of the position of development and donor agencies and NGOs involved with prison reform in wider dynamics and relations. Development agencies and NGOs have discovered a new niche, created by the shift towards global liberal governance—a new set of problems deserving of their attention, to which they can apply their technical know-how and regulatory skills. In this process, problems of prison reform become framed in a particular way such that intervening agencies retain an ongoing function. One question I believe we need to keep constantly
in mind is ‘who benefits?’ The above utilization and appropriation of Duffield’s and Reiman’s line of argument serves to help capture the complex of relations of power that are embedded in North–South relations where change is a stated intention. In the following section, I want to take a step back and reflect on the extent to which it is necessary to engage in critique.

From a Semiotic of Accusation to Pragmatic Impact

Drawing on work by Johanna Motzkau (forthcoming) in, strangely enough, the field of child development, I address here the possibility of engaging in transformative criticism/interlocution.

As the colonial project carried with it in-built assumptions about the relation of developed to developing countries, so contemporary projects designed to bring about particular types of institutional reform and promote development along particular avenues bear their own assumptions, as I have discussed above. Development interventions are not neutral. Debunking myths of neutrality and altruism is one way of beginning to get to grips with global development discourses.

Motzkau articulates a desire to create space for critical purchase and impact in the realm of theorizing children’s development that parallels my own desire to reflect critically and problematize international development assumptions, strategies and practices. Motzkau’s key point is that it is necessary to articulate critique/criticism in a form that can be heard by the discourse itself, if we want to succeed in doing anything more than deconstruction. A critical deconstructive challenge that remains invisible to the discourse being critiqued is unlikely to change much. There is, in Motzkau’s terms, an urgent need for the creation of pragmatic spaces (cf. Jefferson 2003b).

Motzkau describes how authors from a critical psychology of development perspective show how ‘linear, progressive and goal-directed’ models of development leave children defined as ‘a structure of deficits’:

They are defined by what they cannot do and judged by what they should be able to do, while the appropriateness of their growth is assessed and guarded alongside the detailed timetable of natural maturation that minutely describes what is to be anticipated as a further sign of growth. The predefined goal of this development is the specific prototypical ideal of a rationally thinking ‘normal adult’. As an implicit result of this children are not visible as full participants in this present society, because they are positioned as provisional and incomplete ‘becomings’, not yet capable of occupying a serious position as ‘beings’ here and now. The traditional developmental discourse textualises them as constantly shifting between having to be protected, to be guided and to be spoken for on the one hand, whilst on the other hand children are expected to provide their well meaning guardians with the anticipated indicators of healthy maturation. This creates a diverse set of ambivalent and weak positions for children. (Motzkau forthcoming)

I cite this section of text in full because it is possible to substitute developing countries for children and development for growth and still find the critique relevant:

They are defined by what they cannot do, and judged by what they should be able to do, while the appropriateness of their development is assessed and guarded alongside the detailed timetable of natural maturation that minutely describes what we are to anticipate as a further sign of this development. The predefined goal of this development is the specific prototypical ideal of a rational and economic
‘developed country’. As an implicit result of this developing countries are not visible as full participants in this present global society, because they are positioned as provisional and incomplete ‘becomings’, not yet capable of occupying a serious position as ‘beings’ now. The traditional developmental discourse textualises them as constantly shifting between having to be protected, to be guided and to be spoken for on the one hand, whilst on the other hand developing countries are expected to provide their well meaning guardians with the anticipated indicators of healthy development. This creates a diverse set of ambivalent and weak positions for developing countries.

This line of critique shows how developing countries are judged by the West according to the standards of the West in the name of the values of the West. A paternalistic, patronizing condescension pervades international development strategies and practices that simultaneously offer and deliver aid (humanitarian and developmental) and demand signs that this aid is appropriately utilized. Developing countries must measure up to standards imposed from without. Developing countries are seen as ‘provisional and incomplete’, and protection and guardianship as conditional on the demonstration of conformity to the demands of healthy ‘normal’ development. Here, deviance is defined a priori.

To a certain extent, this is a critique I identify with. It is persuasive. Yet, is it transformative? This is the question Motzkau challenges critics with. The above critique is framed within a ‘semitics of accusation’. Going into more detail than I wish to about the deconstructive strategies utilized by critics, Motzkau illuminates how the ironical twists of language used to deconstruct make the critiques invisible to the dominant discourse which meets them head on as accusation and blame. In the context within which I work, i.e. an NGO working with partners in developing countries to alleviate human suffering and campaign for the abolition of torture and organized violence, it is easy to imagine how a deconstructive critique of their work in the above terms would be met with hostility and defensiveness. The self-perception of members of staff is that they are not there to oppress their partners, or to impose Western standards on them, except where Western standards are obviously the best. (And, here, they are trapped in a realm of inevitable and unavoidable ethnocentrism.)

Such critiques inevitably meet resistance and are not heard or understood because, framed as an accusation and attribution of blame, they close down the space for transformation by forcing actors on the defensive.

*Opening Up Transformative Spaces*

My own approach differs somewhat from Motzkau’s. My focus is not on the talk about development but about making the assumptions of interventions a matter of criticism. What happens when I make the move from language to assumptions? What is the status of assumptions? Are they not betrayed in language? Is it not to texts I look to find evidence of problematic assumptions? Will these taken-for-granted (by practitioners) assumptions that I, with my researcher’s eagle eye, can spot not be as invisible and accusatory as the aforementioned deconstructive strategies? I contend that assumptions are not limited to texts but lived out in practice, and that shared practice gives opportunities for the framing of internally driven critiques that might have the potential to be transformatory. My own position whilst, to a degree, critical is not operating with a ‘scenography of opposition’ (Motzkau) but a dynamics of confession, for I am, by
virtue of my own ambivalent position in an interventionist organization, implicated by
the criticisms I develop. I advocate no singular responsibility for global inequality but
point to how we in the West benefit from the dynamics that are operating. By pointing
the finger at the West, I am pointing at myself and applying my critique within a
dynamics of confession, complexification and problematization. Like Motzkau, I
search for gaps—gaps in practice, gaps in my own practice, gaps primarily between
stated intentions, assumptions and actual practice. And they are multiple—and visible.
The question that potentially fuels transform ation is why, when gaps are as visible as
they are, are they ignored? How are gaps sustained? One answer has its roots in a fear
of undermining the ground on which one stands. A second obstacle is the scale of the
problem. Local NGOs struggling to bring about change are caught up in dynamics of
global proportions. Whilst it is possible to analyse local practices and discover signs of
global injustice, it is less easy to intervene to resolve global issues than it is to intervene
locally and partially. It is understandable that NGOs, both local and international, have
an interventionist stance, for something needs to be done. As a practising academic
and a kind of practitioner, it is my endeavour to attempt to ensure that not just any-
thing is done, but something appropriate.

In summary, dominant models and practices of development can be criticized but
critiques are likely to remain invisible unless they are articulated from within and
unless they are rooted in actual practice. Motzkau describes how it is, in being
addressed to a target, that deconstructive critique loses its grip and becomes invisible.
If we, as practice-based, practice-informed researchers, can develop critiques from
within, from our own ambivalent subject positions, treading the slippery line between
theory and practice, then maybe there is a chance that actual practices of intervention
can be transformed, making them more appropriate to actual historical and material
conditions on the ground in developing countries and contributing to genuine, relevant
transformations there. Given this scenario, critiques are not addressed to an other
but to self, giving them a more immediate, pragmatic energy. I’m not sure I would call
the space created by contradictory gaps a ‘development free space’, as Motzkau does,
but rather a ‘wild space’, appropriating a term from Kristeva (cited by Olthuis 1997).
There is a free space, a wild space that opens up when one examines intentions,
assumptions and actual practices (including consequences). It is conceptually and
practically wild and perhaps could best be filled by an intermingling of theory in prac-
tice and practical theory. Motzkau puts this nicely—to attain critical impact, it is neces-
sary to ‘pragmatically link deconstructive doubts to the practically existing
ambivalences’. Being aware of possibilities for co-option, this is a slippery, contingent
position for the researcher. Practice-based research allows for the ambivalence of shift-
ing subject positions and allows the researcher to develop criticisms that are not
addressed to a foreign alien other but to an equally guilty, equally responsible set of
resonances of self.

Conclusion

I make no argument with those who claim Nigerian prisons are in dire need of transfor-
mation. The Nigerian Prisons Service and its personnel are equally aware of the extent
of the difficulties they face. In a speech made at the training workshop described
earlier, the Head of the Ghanaian Prisons Service described the problems shared by
Ghanaian and Nigerian prisons as ‘hydra-headed’. Lack of funds, overcrowding, a slow process of in/justice, a huge proportion of awaiting-trial prisoners—these are all problems that the Prison Service is well aware of. My argument has been that targeting such institutions in terms of their deviance from a set of international human rights norms, and as representative of state deviance more generally, maybe misses the mark. By defining them in ‘our’ terms as deviant rather than taking them seriously on their own terms as different, we miss the chance to take advantage of pragmatic spaces and make strategic alliances that potentially could further genuine long-term transformation. To challenge everyday practices of mundane violence, for example, requires prolonged dialogue as well as critical self-reflection about the ‘ubiquity of cruelty’ (Medlicott 2003) in our own prisons. Viewing Nigerian prisons as different rather than deviant is to hold up a mirror to contemporary Western penal practices. As we recognize difference, we also see ourselves. Perhaps this is why it is so much easier to see them as deviant?

References


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