

CRIME, PUNISHMENT, AND COLONIZATION: A HISTORY OF THE PRISON OF
SAINT-LOUIS AND THE DEVELOPMENT OF THE PENITENTIARY SYSTEM IN
SENEGAL, CA. 1830-CA. 1940

By

Ibra Sene

A DISSERTATION

Submitted to
Michigan State University
in partial fulfillment of the requirements
for the degree of

DOCTOR OF PHILOSOPHY

HISTORY

2010

ABSTRACT

CRIME, PUNISHMENT, AND COLONIZATION: A HISTORY OF THE PRISON OF SAINT-LOUIS AND THE DEVELOPMENT OF THE PENITENTIARY SYSTEM IN SENEGAL, CA. 1830-CA. 1940

By

Ibra Sene

My thesis explores the relationships between the prison of Saint-Louis (Senegal), the development of the penitentiary institution, and colonization in Senegal, between *ca. 1830 and ca. 1940*. Beyond the institutional frame, I focus on how the colonial society influenced the implementation of, and the mission assigned to, imprisonment. Conversely, I explore the extent to which the situation in the prison impacted the relationships between the colonizers and the colonized populations.

First, I look at the evolution of the Prison of Saint-Louis by focusing on the preoccupations of the colonial authorities and the legislation that helped implement the establishment and organize its operation. I examine the facilities in comparison with the other prisons in the colony. Second, I analyze the internal operation of the prison in relation to the French colonial agenda and policies. Third and lastly, I focus on the 'prison society'. I look at the contentions, negotiations and accommodations that occurred within the carceral space, between the colonizer and the colonized people. I show that imprisonment played an important role in French colonization in Senegal, and that the prison of Saint-Louis was not just a model for, but also the nodal center of, the development of the penitentiary. Colonial imprisonment was not meant to be a true replica of that in metropolitan France. Therefore, Saint-Louis received people who were just charged, those sentenced, vagrants, and even people in transit who never committed any crimes. The driving forces of the system were the need for control over a poorly

understood sociopolitical order, and for cheap labor force, that went hand in hand with French territorial expansion. The absence of a clear penitentiary theory, of basic technical expertise in prison management, and of sufficient financial resources, distorted the system and created space for a prison subculture never really understood by the French, and which had a serious impact on the penitentiary.

I collected archival sources in Senegal (Dakar and Saint-Louis) and France (Aix-en-Provence). I root the study in the historiography of African colonization, and imprisonment in other colonial settings. I am inspired by the Subaltern Studies and am using theories developed by Michel Foucault, David Rothman and the literature on punishment they inspired. I borrow from James Scott's concepts of the "weapons of the weak" and "infrapolitics of subordinate groups" to analyze African agency in the prison space.

The crisis in the prison system in many African countries, the political use of imprisonment, and the increasing development of "private" methods of policing and punishment due to the growing lack of trust by large components of African civil societies in the formal legal systems, are mostly informed by the colonial legacy. I argue that understanding these trends and their antecedents through historical inquiry is critical in the current process of building more democratic and socially just societies in Africa.

Imprisonment is an institution through the history of which we gain a fresh view on the logics, the actors, and the outcome of French colonialism. My research sheds new light on a critical part of the history of Senegal and West Africa, but also opens up new research directions for a better understanding of the philosophy and politics of punishment and their implications for the rule of law in our societies in the postcolonial era.

COPYRIGHT
IBRA SENE
2010

ACKNOWLEDGEMENTS

I started my research on the history of imprisonment in colonial Senegal with my MA thesis. From that time until the completion of my dissertation in 2008, I have benefited from the precious support, encouragement, and guidance of countless institutions and people to whom I would like to express my deepest gratitude.

This work would not have been completed without the funding I got from a variety of institutions. While at *Université Cheikh Anta Diop* (UCAD), where I started my graduate work, I received funding from the university, the Council for the Development of Social Science Research in Africa (CODESRIA), and the West African Research Association. At Michigan State University (MSU), the History Graduate Teaching Award and monies from the UCAD-MSU Strategic Partnership (from various sources including the Office of the Provost) were instrumental for the completion of my coursework. I also received financial support from the Department of History, the College of Arts and Letters, the College of Social Science, and International Studies and Programs for pre-dissertation research trips in Senegal, and to present my work at conferences in Africa, Europe, and North America. Thank to an International Dissertation Research Fellowship from the Social Science Research Council, I was able to conduct research in Senegal and France for twelve months. A Summer Support Fellowship from the College of Social Science (MSU) allowed me to complete the writing of my dissertation.

For their generous comments and suggestions, I owe a big debt to all those who listened my presentations at conferences, read portions of my work, and/or with whom I had the chance to discuss my research. Among other venues, I presented some chapters of my dissertation in their early stages at the West African Research Association's 2nd symposium in Dakar (2002), the African Studies conventions held in New Orleans (2004) and New York (2007), the French

Colonial Historical Society's annual meetings in Toulouse (2003), Dakar (2006), and La Rochelle (2007), the 8th Annual Graduate Student History Conference at York University, Toronto (2004), the 2nd International Conference on Forced Labor in Africa at the University of Porto, Portugal (2005), and the Association of African Historians meeting in Addis Ababa (2007).

I am especially indebted to my two mentors, Professors Ibrahima Thioub and Ousseynou Faye, in the Department of History, at *Université Cheikh Anta Diop*. I started my graduate work under their supervision, before joining Michigan State University. Even after I left Dakar, I kept in touch with them and they constantly offered important suggestions for the construction of my research. Also, they always let me use their office every time I went to Senegal for my research. Along with them, I thank all the members of the *Groupe d'Études et de Reflexion sur la Marginalité et l'Exclusion au Sénégal* (GERMES) in the Department of History, at UCAD. I would also like to thank the other faculty in the Department, especially the late Professors Mbaye Gueye and Brahim Diop, but also Professors Ndiouga Benga, Boubacar Barry, Cherif Ba, Idrissa Ba, Kalidou Diallo, Adama Diop, Mamadou Moustapha Dieng, Mamadou Fall, Omar Gueye, Aboubacry Moussa Lam, Penda Mbow, Mor Ndao, Abderrahmane Ngaide, Saliou Ndiaye, Babacar Sall, Moustapha Sall, and Rokhaya Fall Sokhna, for their continuous advice, encouragement, and multiform support while I was working on my dissertation.

Without the assistance I received from the staff of the *Archives du Sénégal* (ARS), it would not have been possible to complete my dissertation. I would like to give special thanks to Saliou Mbaye, Momar Diop, Babacar Ndiaye, Mamadou Ndiaye, and the folks at the *Batiment Annex*, including Mme Awa Cissé Ba, Louis Diokh, Mactar Diouf, Atoumane Doumbia (now in Louga), Mame Gor Faye, Amady Aly Pam (now with the *Banque Centrale des Etats de l'Afrique*

de l'Ouest), and Ahmet Allassane Sy (Security), for their invaluable help. I am also indebted to the Director and staff of the *Centre de Recherche et Documentation du Sénégal* (CRDS), in Saint-Louis.

In Aix-en-Provence, France, I owe thanks to the staff of the *Centre des Archives d'Outre-Mer* (CAOM). On the recommendation of the late Brahim Diop, Noel Coulet (*Fondation Paul-Albert Février*) welcomed me and housed me at the Février apartment, in downtown Aix-en-Provence. I would like to express my deepest gratitude to them.

In East Lansing, the hospitality of Cheikh Babou, his wife, Fatime Diop Babou, Pape Diop, and Ellen Foley made my adjustment to the life in the US very smooth. I cannot thank them enough for their encouragements and guidance.

At MSU, my fellow graduate students generously offered useful comments and suggestions on portions of my dissertation. I would like to thank Cheikh Babou, Moussa Dieng, Assan Sarr, Tamba Mbayo, Mary Mwandi, Mikelle Antoine, Bala Saho, and many more. I also owe a great deal to Peter Limb and Joe Lauer, both in the Africana section of the MSU Libraries. They never missed the occasion to draw my attention to sources they thought would be useful for my research. Also, as historians of Africa in their own right, they had many illuminating discussions with me on my dissertation, often times over coffee. I thank Prof. Nwando Achebe, Prof. Peter Alegi, and the other History faculty and staff who assisted me in one way or another.

I would like to recognize my dearest sister, Dr. Barrel Gueye, who, though not a historian, always asked me provocative questions which, among other things, alerted me on the necessity to present my work in a language that is accessible to an audience beyond the circle of historians.

I would like to give my heartfelt thanks to the members of my dissertation committee. Over the years I have been working on this project, Prof. Peter Beattie, Prof. Walter Hawthorne, Prof. Leslie Moch, and Prof. Gordon Stewart tirelessly opened their offices to me, listened to me, read my work, and offered invaluable feedback. I also owe many thanks to Prof. Laura Fair who graciously accepted to be part of the defense committee. Over the course of my graduate studies and dissertation research and writing, I acquired a huge debt of gratitude to my advisor, Prof. David Robinson. He has always been a great source of inspiration for me. Among many other things, I learned from him that a historian could always find more interesting things to say about/from his/her sources. I am also thankful to Prof. Robinson for introducing me into his large network of colleagues, including many of his former students, in Africa, Europe, and North America. I worked with Prof. Robinson in the coordination of the UCAD-MSU Strategic Partnership, from 2002 to 2008, and have seen his never-failing engagement for Senegal and Africa. I have been deeply touched by his genius and generosity and will be eternally grateful for the love that he and his wife bestowed on me and my wife.

I owe a huge debt to my brothers and sisters of the *Association des Jeunes de Diack* and the entire population of my beloved village, Diack. I would like to recognize especially Khady Ndioucka Faye, Mageutte Mbaye Sene, Sokhna Sene Nawet, the late Maguette Ndour, Moussa Gning, Moussa Dieng, Saliou Sene, Modou Sene, Moustapha Ndour, and all the members of the *Association des Jeunes de Diack*, for being a real source of inspiration for me

This dissertation, like any endeavors I am engaged in, would not have been a reality without the unwavering love and support of my family. First and foremost, I would like to thank my wonderful late parents, Abdou Sene and Fatou Dione, for their deep love and many the sacrifices they endured to give me and my siblings a good education. They taught us the value of

hard work in the tradition established by Cheikh Ahmadou Bamba. This dissertation is for them. I owe a huge debt to my adoptive father, Saliou Sene, for his unyielding material and moral support. I am deeply indebted to my sisters, brothers, and cousins especially Amy Sene, Mbayang Sene, Sokhna Sene, Saliou Sene (senior), Lamine Sene, Assane Sene, and Saliou Sene (junior), but also all my nieces and nephews, for being always there for me.

Last, but by no means least, I owe a very special appreciation to my wife, Loubar Diouf, for her love, constant encouragement, patience, and understanding. Without her continuous support, this dissertation would not have been completed. This work is for her.

TABLE OF CONTENTS

List of Tables.....	xi
Abbreviations.....	xii
Introduction	1
Part I: The Prison of Saint-Louis and the Genesis of the Penitentiary System in Senegal, early 1830s - early 1940s	22
Chapter One: French Expansion, Social Control, and the Early Stages of the Penitentiary Institution in Senegal	23
Chapter Two: The Prison of Saint-Louis and the Development of the Penitentiary System in Senegal.....	42
Part II: Imprisonment and Colonization: The Role Played by the Prison of Saint-Louis (ca.1860- ca. 1940)”	74
Chapter Three: The Prison of Saint-Louis, and the Colonial Penitentiary Rules and Practices.....	75
Chapter Four: Imprisonment and the Colonial Enterprise: The Prison of Saint-Louis and the Organization of Penal Labor, 1830-1940.....	101
Part III: Imprisonment and the Colonial Society in Senegal: Inside the Prison of Saint-Louis (ca.1860- ca. 1940)”	125
Chapter Five: Race and Colonial Imprisonment: Evidence from the Prison of Saint-Louis...	126
Chapter Six: <i>Sujets Francais, Originaires</i> , and Juvenile Delinquents: The Prison of Saint-Louis and the Colonial Society	149
Conclusion	177
Bibliography	187

LIST OF TABLES

Table 1: European ration.....144

Table 2: Indigenous ration.....144

ABBREVIATIONS

AOF: Afrique Occidentale Française

ARS: Archives du Sénégal

CAOM: Centres des Archives d’Outre-mer

CODESRIA: Council for the Development of Social Science Research in Africa

CRDS: Centre de Recherche et Documentation du Sénégal

DEA: Diplôme d’Études Approfondies

GERMES: Groupe d’Études et de Recherches sur la Marginalité et l’Exclusion au Sénégal

MA: Master’s of Arts

MSU: Michigan State University

UCAD: Université Cheikh Anta Diop

Introduction

Since the early 1960s, when many African countries gained political independence from Western European powers, their penal institutions, a legacy of the colonial period, have mostly served as repressive machines in the exclusive service of the political elites. The official discourse has always legitimated the tough punishments handed down for decades as a way to consolidate the fledgling nations that sprang from the end of European domination. However, it is safe to argue that in most of these countries the main objective for the political elite has always been the protection of its power by regimenting the masses. This narrowly oriented mission of imprisonment came logically with a total neglect of the prison infrastructure, plagued with continuously overcrowded cells, the absence of clear and consistent penitentiary policies, the lack of basic technical expertise in prison management, the drastic cuts on state funding, the frequent mutinies of prisoners and personnel's strikes, to name but a few problems. As a consequence of that, large components of African civil societies have responded to this situation by rejecting the legitimacy of the formal legal systems and adopting their own forms of policing and punishment. Yet another major trend of this colonial inheritance has been the transfer in the prison space of the struggles between various groups and/or individuals vying for the control of political power. While the state has used imprisonment as a tool for silencing the dissenting voices, there have been many examples of members of the political opposition who consciously thought to capitalize on their 'prison credentials for the purpose of promoting their own agendas.

Obviously, these trends which have been at the center of the evolution of the penal systems in many African countries reflect broader social and political dynamics pertaining to law enforcement, particularly the politics of punishment. Understanding these trends and their

antecedents is critical in the current process of building more democratic and socially just societies in the continent. Therefore, a historical inquiry on the origins of the current official penal cultures is an imperative need.

Imprisonment played a central role in the control of the people, the space, and natural resources in the French territories in West Africa. But, although it was one of the most important institutions that supported the colonial enterprise, the penitentiary is nonetheless the least studied by historians of French colonialism in Africa. Using the prison of Saint-Louis as a case study, my dissertation seeks to fill this deficit in the historiography.

As soon as the French regained control of Saint-Louis and other possessions from the British in 1817, they began expanding the territories that would eventually become the colony of Senegal. Because they constantly pushed for formal political occupation in West Africa, they concomitantly needed to have more control over law and order. Therefore, over the first half of the nineteenth century, successive Governors and their administrations have labored to put in place the foundations of a judiciary institution. The building of the prison of Saint-Louis dates back to that time and was a central element to this initiative. The penal legislation during this period mostly targeted the punishment of deviant activities stemming from the booming economy of Saint-Louis, driven by the Arabic gum exports, and which attracted many migrants from the hinterland of the colony of Senegal and its parts of West Africa. Also, imprisonment served as an important tool for the enforcement of the new urban planning policies implemented by the French in an effort to give Saint-Louis the stature of a capital of such a large colonial domain.¹ Lastly, imprisonment was used by the colonial

¹ Ibrahima Thioub, “La gestion de la marginalité juvénile dans la colonie du Sénégal: de l’abolition de l’esclavage aux écoles pénitentiaires, 1848-1906”, *Les Cahiers Histoire et Civilisations*, No. 1, p. 117-130 ; Ibrahima Thioub, “Sénégal : la prison à l’époque coloniale.

authorities for the control of the homeless population that grew steadily in Saint-Louis, following the emancipation decree of April 1848.² Along with the territorial conquest new challenges regarding the maintenance of law and order rose before the French, and the role of the prison of Saint-Louis became more and more important in this context. As France's first foothold in West Africa, launchpad for the colonial expansion, and eventually the capital of both the colonies of Senegal and Mauritania, as well as French West Africa, Saint-Louis had a strategic importance in the conduct of the colonial enterprise.³

Until the late nineteenth century, Saint-Louis had the most important of the three prisons in the colony.⁴ Between the late 1890s and the early 1900s, there was a rapid expansion of the penitentiary system, with the building of ten more detentions facilities in different parts of the colony. However, the prison of Saint-Louis maintained its centrality in the system through the 1940s. Over the years, the establishment became a model of, and the nodal center for, the development of the penitentiary.

My dissertation explores the ties between the prison of Saint-Louis, the development of the penitentiary institution, and the French colonial enterprise in Senegal, from the 1830s,

Significations, évitement et évasions", in Florence Bernault (dir.), *Enfermement, prisons et châtiments en Afrique, du 19^e siècle à nos jours*, Paris, Karthala, 1999.

² For more details on this aspect of the history of Saint-Louis, see Babacar Diagne, "Saint-Louis du Sénégal et sa Population au XIX^e Siècle: Les Mutations Politiques, Economiques et Sociales d'une Ville Coloniale", Thèse de 3^e Cycle, Département d'Histoire, Université Cheikh Anta Diop de Dakar, 2003.

³ See Babacar Diagne, *op. cit.*, Camille Camara, *Saint-Louis du Sénégal: Evolution d'une Ville en Milieu Africain*. Dakar: IFAN, 1968; Alain Sinou, *Comptoirs et Villes Coloniales du Sénégal Saint-Louis, Gorée, Dakar*, Paris: Karthala et ORSTOM, 1993; Kalala Ngalamulume, "City Growth, Health Problems, and Colonial Government Response: Saint-Louis (Senegal) from Mid Nineteenth Century to the First World War", Ph.D. Diss., Dept. of History, Michigan State University, 1996; Hilary Jones, "Citizens and Subjects: Métis Society and the Struggle over Colonial Politics in Saint-Louis, Senegal, 1870-1920", Ph.D. Diss., Dept. of History, Michigan State University, 2003.

⁴ The two other prisons were in Gorée and Dakar.

to the 1940s. The study focuses on how the colonial project influenced the implementation of, and the mission assigned to, imprisonment. Conversely, it explores the extent to which the situation inside the ‘prison society’ impacted the relationships between the colonizers and the colonized populations. First, I look at the evolution of the Prison of Saint-Louis by focusing on the preoccupations of the colonial authorities and the legislation that helped implement a new judiciary system, establish the prison of Saint-Louis, and organize its operation in the first half of the nineteenth century. I document the different detention facilities used by the French authorities before the current building of the prison was constructed in the early 1860s. Then, I explore the connection between the evolution of the prison of Saint-Louis and French colonial expansion, to emphasize the ways in which it became the centerpiece of the penitentiary system in Senegal.

Second, I analyze the internal operation of the prison in relation to the French colonial agenda and policies. I look at the development of the penitentiary rules and practices, focusing on the rational that inspired them. I show that colonial administrators never intended to replicate in Senegal the prison system implemented in mainland France. Punishment was driven by the need for control over a poorly understood sociopolitical order and to overcome the shortage of labor force, two daunting problems that went hand in hand with the territorial expansion. I take a look at the body of regulations and practices and the way in which they were applied in Saint-Louis. Using penal labor as a point of entry, I revisit the permanent rivalry between the Governor and the Judiciary Service over the ways in which the prison of Saint-Louis, and the penitentiary system more generally, should operate.

Third and lastly, I focus on the ‘prison society’. I look at the contentions, negotiations and accommodations that occurred within this space between the colonizer and the colonized

people, and the way these interactions influenced the penitentiary system. The absence of a clear punishment theory, of basic technical expertise in prison management, and of sufficient financial resources for the penitentiary, epitomized the uncertainties and inconsistencies of the system that I analyze in parts one and two. I examine the different ways in which this distortion of the penitentiary system influenced its operation and expansion, but also created at the same time space for action for the prisoners. I analyze the prisoners' action, its nature, the ways in which it was conducted, and its effects on the system. Finally, I show how the impact of race, the prisoners' cultural background and their various colonial experiences came into play, to emphasize the connectedness of the 'prison society' to the world beyond the penitentiary walls.

My research is grounded in the context of a paradigmatic renewal that took place in the 1990s, at the History School of Université Cheikh Anta Diop (Dakar, Senegal), where I started this research project. At the time an emerging generation of historians had decided to turn the focus of their research to topics that were completely new to Senegalese historians. In fact, until the 1990s, the scholarly production in Dakar was dominated by studies on the pre-colonial societies, their encounter with the French colonizers, and the transformations that came out of the ensuing confrontations.⁵ Furthermore, most of these studies had focused on a relatively small portion of the territory that eventually became the colony of Senegal. This hegemony of the

⁵ See Abdoulaye Bathily, *Les Portes de l'Or: Le Royaume de Galam (Sénégal) de l'Ere Musulmane aux Temps des Négriers (XVIIe-XVIIIe Siècle)*, Paris: L'Harmattan, 1989; Mamadou Diouf, *Le Kajor au XIXe Siècle: Pouvoir Ceddo et Pouvoir Colonial*, Paris: Karthala, 1990; Oumar Kane, *La Première Hégémonie Peule: Le Fuuta Tooro de Koli Tengella à Almaami Abdul*, Paris, Dakar : Karthala, Presses Universitaires de Dakar, 2004 - (This publication came out of a *Thèse de Docotorat d'Etat* defended years earlier) Mbaye Gueye, "Les Transformations des Sociétés Wolof et Sereer de l'Ere de la Conquête à la Mise en place de l'Administration Coloniale", *Thèse pour le Doctorat d'Etat*, Département d'Histoire, Université Cheikh Anta Diop, Dakar, Senegal, 1989.

older guard will remain unchallenged until the early to mid 1990s.⁶ Around that time, like many other African countries, Senegal started facing more and more challenges stemming from poverty, the rising dissent against established authorities, rising criminality in some urban centers, the crisis of the educational and legal systems, numerous mutations among the youth, as well as countless other issues confronting Senegalese in their daily lives. Obviously, this situation of a sudden, deep, and widespread crisis was the result of a long process connected to the failure of the modernization paradigm that dominated the post-colonial state development policies since the 1960s. Many Senegalese scholars from various disciplines of the social sciences, including History, had tried to analyze this crisis.⁷

The study of such crucial and complex issues seriously challenged the reign of top-down research methodologies and fostered interdisciplinary approaches inspired by the subaltern studies. Senegalese historians could not ignore these transformations, especially those interested in exclusion and marginality.⁸ It was in this context, that the *Groupe d'Etudes et de Recherches sur la Marginalité et l'Exclusion au Sénégal* (GERMES) was founded in the Department of History, focusing on the study of socially marginalized groups such as beggars, prisoners and the like.⁹

⁶ Ibrahima Thioub has produced a fine discussion of the scholarly production of the History School of Dakar. See his article “L’Historiographie de l’Ecole de Dakar et la Production d’une Ecriture Academique de l’Histoire”, in Momar Coumba Diop (dir.), *Le Sénégal Contemporain*, Paris: Karthala, 2002, Tome 2, pp. 109-153.

⁷ For more details on the evolution of the social science scholarship on various aspects of the Senegalese societies, see Momar Coumba Diop, “Savoirs et Sociétés au Sénégal”, in Momar Coumba Diop, ed., *Le Sénégal Contemporain*, Paris: Kathala, 2002, pp. 38-90.

⁸ In the “Introduction” to his edited volume *Le Sénégal Contemporain*, Paris: Karthala, 2002, Momar Coumba Diop offers an exhaustive evaluation of this scholarly production in the social sciences in Senegal over the last decades, which includes the works done by Senegalese historians in these new topics.

⁹ More details about the GERMES will be coming later.

Following Michel Foucault's *Discipline and Punish*, many French historians have done a good deal of research on the long history of penal institutions. This extensive scholarship has not just focused on metropolitan France, but also has touched on some parts of the French colonial empire, particularly North America and the Caribbean. This production has explored various aspects of the different types of penal institutions and the causes, nature, and consequences of the mutations they underwent overtime. It also covers a time period that stretches from the 13th through the 20th century which allows for a good understanding of the French penal history.¹⁰

The *Oxford History of the Prison*, co-edited by Norval Morris and David J. Rothman, traces the history of punishment and incarceration from ancient times to the present.¹¹ The contributions to this volume document in details the ways in which imprisonment has evolved and the social and political institutions that accompanied this change. Most of the contributors are experts who have been working on this topic for years, which is why the volume offers a well documented history of imprisonment and the ways in which it gained its centrality in modern penal systems. However, because the book is specifically focused on punishment in the Western societies, especially the United States, the United Kingdom, and, to a lesser extent, continental Europe, it completely leaves Africa, Asia, and Latin America out of the picture. That being said,

¹⁰ Stephen Toth, *Beyond Papillon: The French Overseas Penal Colonies, 1854-1952*, France Overseas Empire, Lincoln, NE; University of Nebraska Press, 2006; R. Badinter, *La prison républicaine (1871-1914)*, Paris: Fayard, 1992; J.-G. Petit et al., *Histoire des galères, bagnes et prisons (XIIIe-XXe siècles). Introduction à l'histoire pénale de la France*, Paris : Privat, 1991; J.-G. Petit, *Ces peines obscures. La prison pénale en France (1780-1875)*, Paris : Fayard, 1990; Patricia O'Brien, *Correction ou châtement: histoire des prisons en France au XIX^e siècle*, Paris: PUF, 1988. Less known on the history of penal institutions in the French North American possessions, and published way before *Discipline and Punish*, are E. Henri, *La Guyane et la question pénitentiaire coloniale: forçats et récidivistes*, Paris: Armand Colin, 1886; R. Boyer, *Les crimes et les châtements au Canada français du XVII^e au XX^e siècles*, Montréal; Ottawa: Le Cercle du livre de France, 1966.

¹¹ Norval Morris and David J. Rothman, (eds), *The Oxford History of the Prison: The Practice of Punishment in Western Society*, New York, Oxford: Oxford University Press, 1995.

I should recognize that the different analytical frames used in this book and the possibilities of comparison it offers could be useful for the study of imprisonment in the former French colonies.

Frank Dikötter and Ian Brown's co-edited volume, *Cultures of Confinement: A History of the Prison in Africa, Asia, and Latin America*, somehow corrects this deficit in the historiography of imprisonment in non-Western societies.¹² This book shows how the strictly organized Foucauldian penal system is challenged by the realities of imprisonment in Africa, Asia, and Latin America. Instead of the ordered institution pictured in *Discipline and Punish*, the contributors to this book portray the practice and ideology of incarceration as deeply influenced by the oppressive nature of the colonial state. This is why the carceral space appears in this volume as a much contested one, where resistance and appropriation are simultaneously used strategies to cope with imprisonment, which contributed in reshaping profoundly the philosophy and politics of punishment.

Obviously, Dikötter and Brown's volume touches on many issues that are central to my dissertation. However, despite their usefulness, the contributions offer a sweeping overview of the birth and evolution of confinement in Africa, Asia, and Latin America. As a consequence of that, the book could not get down to some important details of the carceral institution, such as its organization, the parties involved in its operation, their respective roles, and the social and political dynamics that accompanied and necessarily impacted this history. Also, there is some degree of disparity in the ways in which Africa, Asia, and Latin America are covered in this publication.

In fact, most of the contributors focusing on Asia and Latin America have a strong publication record in the history of punishment. Therefore, their chapters represent more of a

¹² Frank Dikötter and Ian Brown, (eds.), *Cultures of Confinement: A History of the Prison in Africa, Asia, and Latin America*, Ithaca, N.Y.: Cornell University Press, 2007.

synthesis of a dense scholarship that has been developing over a number of years. This large body of work has made it possible for a detailed analysis of the implementation in both continents of penal practices imported from the Western World, but also their evolution, mutations, and long-term impact on the philosophy and politics of punishment. Over time, in this part of the world, the original essence of imprisonment, which the moral reform of the deviant, would give way to penal practices driven by the colonial state's oppressive mechanisms of governance.¹³ The implications of gender, race, class, resistance, and prisoners' agency in these histories have been also widely documented.¹⁴

Compared to Asia and Latin America, the history of crime and punishment, especially its use as an institution of conquest and colonization is largely overlooked by historians of Africa. A close look at this deficit in the historiography shows that it is even more serious in some regions than others. In fact, an abundant scholarship has firmly established that labor camps, penitentiary camps, and other prison-like institutions played a very important role in the tumultuous history of East and Southern Africa since the nineteenth century.¹⁵

¹³ See David Arnold, "The Colonial Prison: Power, Knowledge, and Penology in Nineteenth-Century India", in Ranajit Guha (ed.), *A Subaltern Studies Reader, 1986-1995*, pp. 140-178, London, Minneapolis: University of Minnesota Press, 1997; Satadru Sen, *Disciplining Punishment: Colonialism and Convict Society in Andaman Islands*, Oxford and New York: Oxford University Press, 2000; Salvatore, Ricardo D., Aguirre, Carlos and Joseph, Gilbert M., *Crime and Punishment in Latin America: Law and Society since Late Colonial Times*, Durham & London: Duke University Press, 2001; Peter Zinoman, *The Colonial Bastille: A History of Imprisonment in Vietnam, 1862-1940*, Berkley, Los Angeles, London: University of California Press, 2001.

¹⁴ Diana Paton, *No Bond but the Law: Punishment, Race, and Gender in Jamaican State Formation, 1780-1870*, Durham, N.C.: Duke University Press, 2004; Carlos Aguirre, *The Criminals of Lima and their Worlds: The Prison Experience, 1850-1935*, Durham and London: Duke University Press, 2005.

¹⁵ In the introduction to her edited volume, *A History of Prison and Confinement in Africa*, Portsmouth, NH: Heinemann, 2003, Florence Bernault offers a detailed review of the scholarship

The volume, *Le Siècle des Camps: Détention, Concentration, Extermination. Cent Ans de Mal Radical*,¹⁶ co-edited by Joël Kotek and Pierre Rigoulot, is a review of the history of prison camps, concentration camps, and extermination camps, in late nineteenth-century Cuba, Boer South Africa, Latin America, the Middle East, Nazi Germany, the Soviet Union, and former Yugoslavia. In many ways, colonial regimes in Africa would fit in the description of the totalitarian systems suggested in this volume in the sense that used the same practices of repressive incarceration heavily. Among other studies, Caroline Elkins' *Imperial Reckoning: The Untold Story of Britain's Gulag in Kenya* and David M. Anderson's *Histories of the Hanged: Britain's Dirty War in Kenya and the End of Empire* provide good accounts of colonial punishment in Africa.¹⁷ According to Elkin and Anderson, between 160,000 and 320,000 people were incarcerated in detention camps in British Kenya, between 1952 and 1960. The rebellion, which broke out of the frustrations of the Kikuyu who lost the most fertile parts of their land to British settlers, was seen by colonizers -who called the movement "Mau Mau" out of contempt- as a barbaric conspiracy against European Christians. They also described it as a sect resorting to primitive methods of war. To quell what appeared to the British as the highest threat against their civilizing mission, they tortured and/or killed thousands of freedom fighters in these camps.

Kotek and Rigoulot's co-edited volume establishes a clear distinction between prisons and camps. For them, as a general rule, prisons house people who are sentenced after a trial in due form, while camp detainees are not; they are considered as extra-judiciary prisoners. In the

on the various institutions of punishment in Southern and East Africa. See below for more details on this publication.

¹⁶ Joël Kotek, and Pierre Rigoulot, *Le Siècle des Camps: Detention Concentration, Extermination. Cent Ans de Mal Radical*, Paris: Lattes, 2000.

¹⁷ Caroline Elkins, *Imperial Reckoning: The Untold Story of Britain's Gulag in Kenya*. New York: Henry Holt and Company, 2005; David M. Anderson, *Histories of the Hanged: Britain's Dirty War in Kenya and the End of Empire*, London: Weidenfeld & Nicolson, 2005.

colonial realm, this typology hardly applied. There was no clear distinction between “penal detentions” (prisons) and “administrative detentions” (camps), as Kotek and Rigoulot put it. In fact, there were no fixed sentences during colonization, and the final objective of incarceration was neither the prisoner’s reform, nor his/her rehabilitation and reintegration in society as a law abiding person. Instead, punishment was geared toward “extraction of revenue and the maintenance of [colonial] law and order.”¹⁸ A good illustration of that was the system of penal camps established by the French in Senegal, from 1936. They both served as labor camps for road construction and maintenance, but at the same time helped the French maintain their authority over the conquered. Yet, these penal camps were an integral part of the prison system in colonial Senegal.¹⁹

The extraction of revenue and cheap labor force²⁰, the control of the space for the exploitation of natural resources, and the continuous surveillance of the colonized populations in order to maintain a tight control on them and make them subservient to the colonizers through oppressive means²¹, were the bedrock of European imperialism in Africa. While the triggers of these realities of the imperial enterprise derived from the inner dynamics and contradiction of the

¹⁸ David Arnold, “The Colonial Prison: Power, Knowledge, and Penology in Nineteenth-Century India”, in Ranajit Guha (ed.), *A Subaltern Studies Reader, 1986-1995*, pp. 140-178, London, Minneapolis: University of Minnesota Press, 1997, p. 149.

¹⁹ For more details on these camps, see Ibra Sene, “Colonisation Française et Exploitation de la main-d’œuvre Carcérale au Sénégal : De l’Emploi des Détenus des Camps Pénaux sur les Chantiers des Travaux Routiers, (1927-1940)”, *French Colonial History*, Vol. 5, 2004, pp. 153-171.

²⁰ Babacar Fall, *Le travail forcé en Afrique-Occidentale française (1900-1946)*, Paris, Karthala, 1993.

²¹ Marc Ferro, *Le Livre Noir du Colonialisme: XVIe-XXIe Siècle: De L’Extermination à la Répentance*, Paris: Robert Laffont, 2003.

metropole²², they were further reshaped by the multifaceted reactions of the colony.²³ These tensions inherent to the colonial empires²⁴ left an enduring legacy that run through the post-colonial period.²⁵ All these issues have been dealt with by historians, but in varying levels of details, and often separated one another. However, because European imperial expansion was founded on a set of moral and legal codes, studying colonial cultures through penal institutions offers a refreshing view on these cultures. In fact, the history of the penal system brings to light a number of connections between various aspects of French colonialism that have largely been overlooked by historians.

Florence Bernault's edited volume, *A History of Prison and Confinement in Africa*²⁶, is the first one to even consider this question. The introduction to this seminal work and the contributions provide a good overview of the ideological foundations, the evolution, and the diversity of the forms of punishment in Africa. The book also offers an analysis of the close relations that have existed, at different moments in the history of Africa, between the ways in which penal regimes are designed and how authority and power are exercised in the wider

²² Gregory Mann, *Native Sons: West African Veterans and France in the Twentieth Century*, Durham; London: Duke University Press, 2006.

²³ Ibrahima Thioub, "Conquête coloniale et résistances des sociétés "lignagères" dans les Rivières du Sud. Abdou Ndiaye et la "pacification" de la Guinée portugaise (1894 - 1919)", in Coquery-Vidrovitch *et al.*, *Des historiens Africains en Afrique. Logiques du passé et dynamiques actuelles*, Paris, L'harmattan, 1998, pp. 191-213; Mahir Saul and Patrick Royer, *West African Challenge to Empire: Culture and History in the Volta-Bani Anticolonial War*, Athens: Ohio University Press; Oxford: James Currey, 2001.

²⁴ Frederic Cooper and Ann Stoler, *Tensions of Empire: Colonial Cultures in a Bourgeois World*. Berkeley: University of California Press, 1997.

²⁵ Achille Mbembe, *On the Postcolony*, Berkeley: University of California Press, 2001; Mahmood Mamdani, *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism*, Princeton University Press, Princeton, N.Y. David Phillip, Cape Town: Fountain, Kampala; and James Currey, London, 1996.

²⁶ Florence Bernault (ed.), *A History of Prison and Confinement in Africa*, Portsmouth, NH: Heinemann, 2003.

society. But the eclectic nature of the contributions does not advance the understanding of the history of imprisonment in Africa in a satisfactory way. In fact, although interesting and informative if considered individually, the contributions do not tell us much about the genesis, the structure, and the operation of the penitentiary systems in Africa. Also, because of the diversity of these systems and their histories, the volume fails to offer a clear idea of the major movements of the history crime and punishment. One important factor, which makes this task quite difficult to achieve is certainly the long period of time covered by this book, which goes from the pre-colonial times, with the inception of institutionalized incarceration in late 15th-century Angola, through the overcrowded prisons in post-genocide Rwanda, in the mid 1990s.

However, the contributions of Ibrahima Thioub and Dior Konate in Bernault's book speak directly to my research. While, I consider the colonial penitentiary system as a whole, these two studies have a narrower focus and look at two interesting aspects of colonial imprisonment, respectively juvenile²⁷ and female prisoners.²⁸ Both chapters and my own work on colonial prisons originate from the same research program at Université Cheikh Anta Diop, Dakar, Senegal.

As early as 1979, some members of the History School of Dakar pioneered the study of deviance, with a focus on prostitution and delinquency. But it was not until the late 1990s that imprisonment began to be investigated within the *Groupe d'Etudes et de Recherches sur la Marginalité et l'Exclusion au Sénégal* (GERMES), a research group on marginality and

²⁷ Ibrahima Thioub, "Juvenile Marginality and Incarceration During the Colonial Period: The First Penitentiary Schools in Senegal, 1888-1927," in Florence Bernault (ed.), *A History of Prison and Confinement in Africa*, Portsmouth, NH: Heinemann, 2003, pp. 79-96.

²⁸ Dior Konate, "Ultimate Exclusion: Imprisoned Women in Senegal," in Florence Bernault (ed.), *A History of Prison and Confinement in Africa*, Portsmouth, NH: Heinemann, 2003, pp. 155-164.

exclusion in Senegal. The studies conducted within this research group, some of which have been published now, focus on various aspect of the colonial prison system, such as women detainees, penitentiary schools, and the health conditions of prisoners. My own contribution to this research program started with my MA thesis, a monograph on the prison of Saint-Louis between 1920 and 1944²⁹. It was followed by my DEA thesis on the use of penal labor in roadwork in Senegal, between 1927 and the 1940. A revised version of this thesis was published in *French Colonial History*, in 2004, under the title "Colonisation Française et Exploitation de la Main-d'œuvre Carcérale au Sénégal: De l'Emploi des Détenus des Camps Pénaux sur les Chantiers des Travaux Routiers, 1927-1940."³⁰

This scholarship has explored many important topics that have been largely overlooked by the Senegalese historiography until then. Therefore, they provided a unique vantage point in the attempt to map out the logic of the colonial world. Nevertheless, while these works offer interesting views on many dimensions of imprisonment, they have mostly focused on just some aspects of this complex question. As a consequence of that, they have not succeeded to provide a full grasp of the penal system as an instrumental institution to the operation of the colonial system. In my dissertation, I try to bring together and supplement the findings of these studies. I build upon their different perspectives characterized by different foci and levels of analysis to emphasize the various ways their connections help understand the so far unexplored ties between imprisonment and the French colonial enterprise in Senegal.

²⁹ "Contribution à l'histoire des établissements pénitentiaires au Sénégal: La Prison de Saint-Louis, (1920-1944)", Mémoire de Maîtrise, Département d'Histoire, Université Cheikh Anta Diop de Dakar, 1998.

³⁰ Ibra Sene, "Colonisation française et exploitation de la main-d'œuvre carcérale au Sénégal: De l'emploi des détenus des camps pénaux sur les chantiers des travaux routiers, (1927-1940)", *French Colonial History*, Vol. 5, 2004, pp. 155-174.

Besides studies of imprisonment and confinement elsewhere in Africa, in Asia, Latin, America, Western Europe and North America, but also works on African colonial and post-colonial history, the most important sources I used in documenting my research are the official records left by the French colonizers.³¹ They are abundant and largely untapped resources in the Archives du Sénégal (ARS) in Dakar, Senegal. The backbone of my documentation is the *Sous-Série 3 F* of the *Fonds Sénégal Ancien*. It contains all the archives related to prisons in colonial Senegal.³² These archives include various administrative reports and correspondence between the prison managers and the colonial authorities, but also intercepted letters that prisoners wrote to their families, prison managers, the Governor of Senegal, or the Governor-General of French West Africa. These research materials are crucial for the understanding of the evolution of the penitentiary system of the colony, the ways in which the French administrators thought about it, as well as the day-to-day operation of the prison of Saint-Louis.

Besides the official records, the ARS hold many colonial newspapers and other publications. They represent another important source that gives a wide range of perspectives on the colonial society from a different vantage point. I have also used the *Sous-Série 3 E: Conseil de Gouvernement et d'Administration*. This *Sous-Série* contains the deliberations of the *Conseil de Gouvernement et d'Administration*, the Governor of Senegal's advisory board. From the *Centre des Archives d'Outre-mer*, in Aix-en-Provence, France, I have used the *Série Sénégal et Dépendances*. This material was mostly important in documenting the period before the 1860s.

³¹ While I was doing my field research I had two laptops stolen one after the other. With them I lost all the transcripts of my oral interviews and good chunks of my archival data that I already started analyzing. As a consequence of that and because I was running out of time, I was not able to re-do the interviews and use them in the dissertation. But it will be necessary to have that oral data for the book.

³² Ngouda Kane, *Répertoire Série F: Sécurité Publique au Sénégal. Police, Gendarmerie, Prisons (1840-1956)*, Dakar: Direction des Archives du Sénégal, 1997.

Woven together, these sources provide good insight into how the institution evolved and the ways in which indigenous people responded to it.

There are some gaps in the sources which explain the paucity of information about the prisoners and their families, but also the disproportionate information about *Originaires* in comparison with the *Sujets*. There could be many reasons behind the first problem. But the most probable one must have been the carelessness of the administration regarding the organization of the prisons, which would not require the use of any legal documentation in the handling of the various aspects of the operation of the system. The Surveillance Commission of the prison of Saint-Louis had mentioned this problem in many reports. Also, there was more information from the *Originaires* because most of them were literate in French, as distinguished from the *Sujets* who dominantly were not. Therefore, more often, they wrote letters and petitions to complain about their detention conditions. In spite of these problems, I was able to get from the available material a very good understanding of the evolution of the prison of Saint-Louis.

My theoretical framework draws upon a large variety of sources. I use Michel Foucault's *Discipline and Punish* and David Rothman's *The Discovery of the Asylum*, on the development of penal institutions in Europe and the United States, as well as the scholarship they inspired. As the nineteenth century dawned in Europe, the penal system became more standardized and more scientifically organized. The *Ancien Régime* horror of torture and execution was gradually replaced by punishment theories that were much focused on the soul of the convict and oriented toward his/her reform and reintegration into society.³³ In the United States, with the social revolution of the Jacksonian era, the Calvinist legacy regarding the perception of criminality,

³³ See Michel Foucault, *Discipline and Punish*, New York, Pantheon Books, 1977; Norval Morris and David Rothman (eds.), *The Oxford History of Prison: The Practice of Punishment in Western Society*, New York; Oxford, Oxford University Press, 1996.

insanity, delinquency, and poverty was challenged by a new vision that no longer saw God's will as an explanation for these "illnesses" of the American society. The confidence in the disciplining power of a hierarchical society to stabilize the new nation diminished. The ensuing heated debates among intellectuals to find the best formula of social control gave birth to the penal institution.³⁴ In my dissertation I try to explore the extent to which the humanistic legacy that conditioned the penal reform in the West affected or not the colonial penitentiary in Senegal.

Besides Foucault, I have used the explanatory theory of crime and punishment developed by Emile Durkheim. Also important to this theoretical framework are a host of ideologies devised by colonialist theorists or borrowed from European thinkers such as German philosopher Georg Hegel and French anthropologist Lucien Lévy-Bruhl, and which portrayed Africans as uncivilized and wayward people who needed to be disciplined³⁵. With the notion of the 'white man's burden' the European colonizers assumed they had the moral responsibility for civilizing the colonized populations. But the imposition of imprisonment and of colonial institutions, more generally, did not happen in a cultural vacuum. Because of their different conceptions of crime and punishment, the colonized populations, detainees and others, responded strongly against colonial imprisonment, and, in many instances, succeeded in altering the system and using it to consolidate their position within the colonial society, mostly against the colonizer. I draw upon the concepts of the "weapons of the weak" and of "infrapolitics of subordinate groups" developed by James Scott, to analyze this contention and competition within the prison space.

³⁴ See David Rothman, *The Discovery of the Asylum: Social Order and Disorder in the New Republic*, Boston and Toronto, Little Brown, 1971 (reprint 2002).

³⁵ Philip D. Curtin touches a little bit on this issue in *The West and the World: The European Challenge and the Overseas Response in the Age of Empire*. New York: Cambridge University Press, 2000

The thesis combines a chronological (chapters one and two) and a thematic (rest of the text) approach and is divided into six chapters which could be summarized as follow. In chapter one, I focus on the first half of the nineteenth century, as the French took control of Saint-Louis and a few trading posts along the River Senegal, and began to put in place a number of judiciary regulations to ensure the security of their goods and their own, but also to sustain the socio-economic and political policies they started implementing in the area. The establishment of a prison in Saint-Louis was first and primarily one of the responses to those preoccupations. The structure and the mission assigned to imprisonment may have changed over time, but in general terms, the role played by the penitentiary system would remain fundamentally the same over the rest of the nineteenth century and the first four decades of the twentieth century. The merely repressive nature of imprisonment, its racial foundation and utilitarian nature, the constantly changing penal regulations based on the will and the interests of the French, the arbitrary construction of guilt governed by the sole power and desire of the colonizers, were major factors guided the system through the 1940s. The responses of the colonized people also had a notable impact on the system. Obviously, from the conquest, to the establishment of the colony of Senegal, to the creation of French West Africa, the preoccupations of maintenance of law and order were different. Therefore, the scope of the agenda of the penitentiary institution as well as the modes of its operation would also undergo a number of transformations overtime.

Chapter two focuses on the prison of Saint-Louis, from the mid nineteenth century to the late 1890s. In the early 1860s, a new building was constructed for the prison of Saint-Louis. Over the following four decades imprisonment served as an important provider of free labor to the colonial state, and as a tool of repression of the African resistance that went hand in hand with the establishment of the colonial order. Because of this orientation of colonial

imprisonment, the well-being of prisoners and the environment they lived in was not among the preoccupations of the French. The opposition of the Judiciary and the criticism of colonial inspectors to the administration's conception of imprisonment would not make a big difference. Starting in the 1870s, the Governor of Senegal started gaining control over the entire design and operation of the penitentiary, and Saint-Louis became the center of a system that included the prisons of Gorée and Dakar. The territorial and administrative reorganization which followed the creation of French West Africa maintained and reinforced the direction taken by the penitentiary since the 19th century. From only three prisons until the late 19th century, the number of detention facilities in the colony would go up to thirteen over the next four decades. The Secretary General, under the authority of the Governor General of French West Africa, pushed forcefully for a centralized prison system to which Saint-Louis became the engine until the 1940s.

In chapter three, I analyze the rules and practices that governed the ways in which the prison of Saint-Louis operated. This analysis unveils a chaotic and irregular penitentiary regime. Although the administration referred to many French laws and regulations, they never followed them in the management of the colonial prisons. In the mind of the colonizer, these prisons were not supposed to be an exact replica of the French prison. The penitentiary institution was not the emanation of the colonized people. Instead, it was imposed upon them. In line with the agenda that drove the territorial conquest and pacification, imprisonment was one of the central pillars of the colonial enterprise. Second, because of the fragmented nature of the colonial state and the disruption of the chain of command between the authorities in charge of the administration of imprisonment, from the Minister for the Colonies, in Paris, to the prison manager, there was a

real “jurisdictional disorder that was symptomatic of conquest everywhere”³⁶, and which gave individuals the latitude to twist the law in the ways in which it suited their agendas. This was the case at different levels of the administrative apparatus in Senegal.

I show, in chapter four, how the situation leading to the Franco-Prussian War put the colony of Senegal in serious financial difficulties. In an effort to alleviate the consequences of this crisis, the colonial government was determined to use penal labor heavily. While this decision concerned the colony’s entire carceral population, Saint-Louis was at the center of the disposition put forward to that end. I emphasize the opposition of the Judiciary Service to such a policy and the ensuing fight between the Governor and the Attorney General, head of the Judiciary Service, which lead to the complete sidelining of the latter. From then onward, the administration gained control and lead all the initiatives related to the organization and operation of the prison of Saint-Louis and the penitentiary system as a whole, until the 1940s.

In chapter five, I argue that the French colonizers’ conception of race deeply influenced the design and the operation of the prison of Saint-Louis. I show how the racialized discourses and vocabularies of French colonialism constituted major driving forces of the prison system. Informed by the ideology of white superiority, such an orientation aimed at a variety of objectives concealed behind the complex bureaucratic and political decision-making machinery I try to unveil in this chapter. Besides the separation of detainees into indigenous and those of “European race”, I look at how the colonial authorities carefully devised the rules organizing penal labor, food supply, health care, and the like, along racial lines, and obviously in favor of White prisoners. I also touch on the

³⁶ Lauren Benton, *Law and Colonial Cultures: Legal Regimes in World History, 1400-1900*, New York, Melbourne, Madrid, Cape Town, São Paulo: Cambridge University Press, 2002, p. 154.

issue of the colonized people's ingenuity in playing their racial identity as a form of response to colonial imprisonment.

Lastly, chapter six focuses on the 'prison society'. Detainees in Saint-Louis brought in the prison a large spectrum of experiences with the colonial system, which they shared with the rest of the native people who were not in detention. The indigenous people were confined in different administrative statuses, which, in turn, informed their respective colonial experiences, and their responses to the penal system. The absence of a clear punishment theory, a basic technical expertise in prison management, and sufficient financial resources, epitomizes the uncertainties and inconsistencies of the operation of the system in general and the prison of Saint-Louis in particular. As a consequence of that, prisoners used the distortion of the system to establish a space for action that the French colonizers could hardly control. For the same reason, there was a relatively good flow of information between the prison and the outside world. The permanent communication with the colonial society added to their personal initiatives from the inside served as the two main factors that founded the detainees' responses to imprisonment. These responses were informed by the fear of the destructive effects of incarceration and the vital desire to avoid it and/or escape from it. Nevertheless, as much as possible, prisoners never refrained from consciously engaging the system to beat it and use it for their own benefits against the colonizer.

PART ONE

**The Prison of Saint-Louis and the Genesis of the Penitentiary System in Senegal, (ca.1830–
ca.1860)**

Chapter One

French Expansion, Social Control, and the Early Stages of the Penitentiary Institution in Senegal

This chapter looks at the early developments of the penitentiary, and particularly documents the different detention facilities the French used in Saint-Louis over the first half of the nineteenth century, when they regain possession of the island from the British. I put the establishment of the prison of Saint-Louis in the context of the judiciary system that successive administrations contributed to put in place. I try to explain how these early developments related to the preoccupations of security for the European community in Saint-Louis and its business. Besides that, these penal instruments were needed for the enforcement of various socio-economic and administrative policies devoted to transforming Saint-Louis into the capital of a vast colonial empire. I try to determine the extent to which this early stage of the penitentiary institution inspired, and/or had similarities with, its later development, with regards to the construction of crime and the related definition of equitable punishment, the finality of imprisonment, the influence of the colonized people on the operation of the system, and the influence of the French territorial expansion on the system.

Saint-Louis: The *Comptoir* and the Early Developments of the Penitentiary

In the first half of the 19th century, the French were concerned by the rapid expansion of the British trade in Africa. As a direct result of the industrial revolution the British manufactured products literally inundated the main trading posts in the shore of the Atlantic and the Mediterranean basin, which were interconnected to the hinterland by a growing network of routes. Naturally, because they were already contemplating the idea of connecting Algeria to their possessions south of the Sahara desert, this offensive lead by Britain was a source of serious

concerns among the French.³⁷ Although European presence in Africa was not initially state-driven, from the nineteenth century the stakes became high. The main European powers at the time began showing more interest in the continent, particularly the areas where their respective nationals have been established for a long period of time.

The rapidly developing trade of fire arms in the second half of the 19th century played an instrumental role in fueling many military confrontations between competing European powers.³⁸ Traders and explorers would call on their respective countries of origins, which reacted swiftly to protect the markets that their nationals had already acquired, and to pen up new ones. This progressive and growing European penetration would soon require the establishment of some type of political authority. As they pushed more forcefully for formal political occupation, Europeans would inevitably clash with the local polities and other preexisting social, political, and economic structures. The institution of the military and security forces as well as the establishment of a judiciary system was a direct consequence of this pressing need for control over a poorly understood social order that went hand in hand with territorial expansion.

The island of Saint-Louis was the birthplace of French colonialism in West Africa. At the end of the Napoleonic Wars, in 1815, the French regained progressively possession of a number of trading posts, which they lost to the British along the Atlantic coast and the River Senegal. Recaptured in 1817, Saint-Louis was definitely the most important gain for the French in this new redistribution of the political forces among the European powers competing in the region at

³⁷ See Catherine Coquery-Vidrovitch, *L'Afrique et les Africains au XIXe Siècle: Mutations, Révolutions, Crises*, Paris : Armand Colin, 1999, p. 164.

³⁸ On this, see Muriel Chamberlain, *The Scramble for Africa*, London: Longman, 1974. On the trade of fire arms, see Sokhna Sané, *Le Contrôle des Armes à Feu en Afrique Occidentale Française*, Paris: Karthala-CREPOS, 2008, 1999. See also Catherine Coquery-Vidrovitch and Henryi Moniot, *L'Afrique Noire de 1800 à nos jours*, Paris: PUF, 1993, chapters IV, V, but mostly XI.

the time. This was the beginning of a new era during which Saint-Louis was going to play important political and economic roles, crucial to French expansion in West Africa. The export trade in Arabic gum in Saint-Louis had consistently expanded from 1817 to 1830. Catherine Coquery-Vidrovitch suggests that, over this relatively short period of time, this activity went from 2 to 12 million francs a year. The number of *négociants* or big traders also went up from about 5 in 1817 to 30 in 1830. These *négociants* and the large number of small-scale merchants were mostly French who viewed their presence in Saint-Louis as a long-term commitment and not just appointments for shorter periods. The native people involved in the trade included many unskilled free workers, as well as a significant number of slaves. It is believed that overall, an estimated number of 3000 people, both French and native, partook in this booming activity in one way or the other.³⁹

The trade of Arabic gum would remain as the main economic activity in Saint-Louis for the entire first half of the nineteenth century. Over the same period, Saint-Louis, connected to a string of trading posts in the Senegal River valley, would continue to serve as the center of this commerce.⁴⁰ As a consequence of that, the city also expanded rapidly and started losing its African style replaced by a more Western type of architecture. While Saint-Louis had only about 6000 inhabitants when the city went back under French authority, in 1817, less than twenty years later, it had no less than 13,000 inhabitants. At the time, Gorée had only 2500 people and the military post of Dakar was not even established yet.

³⁹ See Catherine Coquery-Vidrovitch, *L'Afrique et les Africains au XIXe Siècle: Mutations, Révolutions, Crises*, Paris : Armand Colin, 1999, p. 252-253

⁴⁰ Babacar Diagne, "Saint-Louis du Sénégal et sa Population au XIXe Siècle: Les Mutations Politiques, Economiques et Sociales d'une Ville Coloniale", Thèse de 3^e Cycle, Département d'Histoire, Université Cheikh Anta Diop de Dakar, 2003, p. 203.

As a consequence of the large number of people that Saint-Louis was attracting from the hinterland due to the booming trade, a number of security concerns started rising. The number of thefts, fights, and many other types of crimes became more and more frequent. Also, related to the booming economic activity in the capital, was the growing number of commercial litigations stemming from various aspects of the trade.⁴¹ But as soon as the French regained possession of Saint-Louis from the British, they began putting in place the foundation for a judiciary system in the colony. This was part of larger initiative devoted to providing the colony with the set of institutions it needed for its operation for the next century.⁴² The French understood that the monopoly over the distribution of justice and the administration of punishment was a major attribute that every state should carry to fully assert its sovereignty.

Until January 7, 1822, when a royal ordinance established the Tribunal of 1st Instance of Saint-Louis, various types of punishments were used against the deviant in the French settlement of Saint-Louis and its satellite trading posts. Such punishments included flogging, banishment, deportation to remote locations such as Madagascar, or enslavement. From 1822 onward, the judiciary practices that were in use until then would undergo a series of reforms which led to a totally new structure. Among other things, the Mayor of Saint-Louis lost his previous policing and penal powers, which went to different other entities of the system. The administration handed various punishments against such deviant activities as illegal slave trading, thefts, fights, and the like. There were also an important number of crimes and misdemeanors related to the booming economy of the city, which were punished severely. Thefts represented the most

⁴¹ See Babacar Diagne, *op. cit.*, p. 144

⁴² Alain Sinou, *Comptoirs et Villes Coloniales du Sénégal Saint-Louis, Gorée, Dakar*, Paris: Karthala et ORSTOM, 1993, pp. 86-90.

frequent delinquencies that the authorities and the Saint-Louis business owners were confronted with.⁴³

The urban planning policies that the French brought with them and wanted to implement in Saint-Louis were totally new to the large majority of the population of the city who would not willingly adopt them. In fact, many of the new regulations were against a number of established cultural practices and/or beliefs that guided the daily lives of the native people. But because of their resolute commitment to transforming Saint-Louis into a European city, the French had to rely upon the use of punishment in enforcing their policies.

Le Baron Roger, who served as Governor of Senegal, from 1821 to 1823, was known for the efforts he put in crafting out and enforcing these rules. During his tenure, it was required for all family in the city to clean up on a weekly basis the surroundings of their houses. A fine of 2.55 francs, plus 2 to 8 days of imprisonment was the punishment against those who broke this rule. Every Saturday, the Mayor of Saint-Louis accompanied by another agent of the colonial administration would take a tour around the city to check if the rule was fully followed by the population.⁴⁴ In the same perspective, it was also forbidden to breed pigs at home, to have one's domestic animals wandering in the streets, and/or to slaughter animals by oneself. Some members of the *Conseil de Gouvernement et d'Administration*, the advisory board to the Governor, had to lobby hard against this interdiction so that the Muslim population could celebrate the religious holiday of Eid El Kabir without risking any punishment.⁴⁵ Also, Governor Roger put forth a series of guidelines for a number of ceremonies, gatherings, and

⁴³ See Babacar Diagne, *op. cit.*, p. 362.

⁴⁴ ARS 3E 4 : Conseil du Gouvernement et d'Administration, June 1, 1828.

⁴⁵ ARS 3E 7: Conseil de Gouvernement et d'Administration, Order of interdiction of the slaughtering animals in places other than the butchery of Saint-Louis, December 24, 1827.

cultural events organized by the African population of Saint-Louis. To ensure the needed quietude in the city, the authorities decided that any activity after 8 pm that involved drumming would require a special authorization from the Governor of Senegal.⁴⁶ For the same reasons, it was made unlawful to pound millet on a mortar between 9 pm and 3 am, or to clap hands or sing in the streets of Saint-Louis after 8 pm. The police was in charge of the enforcement of these rules and the punishment of those who broke them was imprisonment.⁴⁷

The handling of slavery was a very contentious issue in Saint-Louis, and it played an important role in the implementation of judiciary regulations in Senegal by the French. For a long period of time, slavery remained a delicate question to deal with. In the first half of the nineteenth century, many people in Saint-Louis and the other trading posts, including colonial administrators themselves, were still trading slaves, or benefiting from servile labor, whether for their personal needs, or by renting their own slaves to other people in need of a cheap workforce. A few colonial officials condemned this practice as being contrary to the French republican principles.

In an effort to end slavery in Senegal and its dependencies, or at least to put forth some limitations to it, Governor Bouët Willaumez, issued an order on January 18, 1844, to outlaw the trade of human beings within the boundaries of the colony, restricting it exclusively to a few spots such as Galam, in the Senegal River valley, and its immediate surrounding. This order mandated a punishment of up to five days in prison, a fine of 15 francs, and possibly other

⁴⁶ ARS 3 E 8: Conseil de Gouvernement et d'Administration, Order of interdiction of drumming, July 4, 1829.

⁴⁷ ARS 13/G 22: In the speech he gave on April 1839, at the inauguration of Governor Charmasson, his successor, Governor Soret voiced his disappointment that the police was not doing this job properly. He suspected that the African police officers would not always report their fellows Africans who obviously broke the rule. See *Mémoire de Remise de Service à Monsieur le Gouverneur Charmasson par Monsieur le Gouverneur Soret*, April 14, 1839.

supplementary sanctions, against anyone caught selling or buying slaves. The large outcry over this decision and the strong opposition from a number of people in Saint-Louis who continued to draw benefits from the trade, made it impossible for the enforcement of the Governor's order.⁴⁸

Even when France officially abolished slavery in 1848, things would not change as quickly as Governor Willaumez would have hoped. Following the emancipation decree, there was a lot of tension between those who supported abolition and those who were against it and wanted to keep their slaves.⁴⁹ But, gradually, slavery disappeared in Saint-Louis, which contributed in the gum exports crisis. This ensuing economic downfall was one of the main reasons why the European business in Saint-Louis successfully lobbied for the appointment of Louis Faidherbe as Governor of Senegal, in 1854. There were hopes that his knowledge of Senegal and his long experience throughout the French colonial empire would help revive the economy through territorial expansion, hence the seizure of new resources to exploit.

The decree of emancipation signed in April 1848 had a serious impact on the economy of Saint-Louis, as it cut off a vital source of labor for some and a precious commodity for others. The people who were affected by this situation managed to maintain a de facto slavery by using the legal arsenal on tutelage to employ as domestic workers or apprentices the children they 'captured' from the hinterland.⁵⁰ They were able to dispose of these children whenever they wanted, by throwing them into the streets of Saint-Louis. Also, it has been documented that

⁴⁸ ARS 3 E17. Conseil d'Administration, January 18, 1844.

⁴⁹ See James Searing, *West African Slavery and Atlantic Commerce: The Senegal River valley, 1700-1860*, Cambridge University Press, 1993, Chap. 6 "From River Empire to Colony: Saint-Louis and Senegal, 1800-1860", p. 163-193; see also James L. A. Webb Jr., The Trade in Gum Arabic: Prelude to French Conquest in Senegal, *Journal of African History*, Vol. 26, Nos.2-3, 1985, pp. 149-168.

⁵⁰ See Ibrahima Thioub, "La gestion de la marginalité juvénile dans la colonie du Sénégal : de l'abolition de l'esclavage aux écoles pénitentiaires, 1848-1906", *Les Cahiers Histoire et Civilisations*, No. 1, p. 117-130.

when the emancipation decree was signed, slave owners in Saint-Louis first got rid of women and children. It is estimated that 65% of the freed slaves in Saint-Louis during this period were entirely adult women and children who had less than 15 years of age.⁵¹ Over the years, an important homeless population developed in the streets of Saint-Louis and quickly started raising concerns of security for the administration. Among other things, imprisonment primarily targeted these marginal people in the early years of the penitentiary institution.

In anticipation of this situation, the French had issued some legislative instruments devoted to the control of this population. Beggars and homeless people caught in the streets of cities like Saint-Louis were given a sentence of 3 to 6 months in prison, depending on the cases. Besides, they were employed by the colonial state in special disciplinary workshops or to perform various types of public works, under the surveillance of the police. This trend consisting in imprisoning to obtain free labor force would grow to remain one of the most important features of the penitentiary system over the following decades. Prostitutes also received the same type of attention from the administration. An order dated March 1, 1864, gave to the Mayor the power to order the arrest and sentencing to a maximum of 15 days of all prostitutes in the city who were not in compliance with the laws and regulations organizing prostitution.⁵²

Besides the beggars, the homeless, and the prostitutes, strangers represented another group of people which the French sought to control through various means including imprisonment. Beginning in 1847, the administration committed considerable efforts in monitoring the presence of strangers in the island of Saint-Louis. To that end, every stranger was

⁵¹ Babacar Diagne, "Saint-Louis du Sénégal et sa Population au XIXe Siècle: Les Mutations Politiques, Economiques et Sociales d'une Ville Coloniale", Thèse de 3^e Cycle, Département d'Histoire, Université Cheikh Anta Diop de Dakar, 2003, p. 96.

⁵² Ibrahima Thioub, "Sénégal: La Prison à l'Epoque Coloniale. Significations, Evitement et Evasions", in Florence Bernault, ed., *Enfermement, Prisons et Châtiments en Afrique, du 19^e siècle à Nos Jours*, Paris, Karthala, 1999, p. 289-291.

given a registration number and was required to report to the colonial administration everyday, from 6 to 8 in the morning, and from 12 noon to 2 in the afternoon. Breaking these regulations would expose any stranger to a punishment of 5 days in prison and the obligation to work for the administration without pay.⁵³ With this rule, colonial administrators found another way to obtain cheap labor for the state as well as private business owners who were in need. The administration set the daily rate for an unskilled worker at 1.50 francs, against 60 cents for a woman who could perform domestic work. People who hired these strangers were not required to feed them. It became a routine for the administration to put in jail even strangers transiting through Saint-Louis who did not commit any misdemeanors or crimes. For the first half of the nineteenth century, imprisonment remained an important tool of control of the strangers in Saint-Louis.

As part of the efforts to provide Saint-Louis with the necessary infrastructures for a city that already started playing an important role for the operation of the colonial enterprise, a tribunal and a prison were built in the early nineteenth century.⁵⁴ On November 8, 1834, a report on the regime and the material situation of the prison system in Senegal opened up a small, yet revealing window into the legislation organizing the penitentiary institution at its beginnings. According to this report, an order issued on January 23, 1827 and published in the *Bulletin Officiel du Sénégal* provided the main guidelines for the organization of the prisons of the colony.⁵⁵ An ordinance dated July 6, 1834, regarding people condemned in the French

⁵³ Babacar Diagne, *op. cit.*, p. 120.

⁵⁴ See Babacar Diagne, *op. cit.*, p. 145. See also Alain Sinou, *Comptoirs et Villes Coloniales du Sénégal Saint-Louis, Gorée, Dakar*, Paris: Karthala et ORSTOM, 1993, p. 141.

⁵⁵ ARS 3F/00037: Letter of the warden of the prison of Saint-Louis au Higher Commander of the Colonial Armies, June 2, 1894 regarding the organization of the prisons of the colony of Senegal. (see Letter of the Higher Commander of the Colonial Armies to the Director of Interior, may 13, 1894).

colonies, brought more changes in the structure of the penitentiary legislation.⁵⁶ Subsequently, two other legal orders issued respectively on April 5, 1838 and July 1841, also published in the *Bulletin Officiel du Sénégal*, gave more details about the operation and the regime of the prisons in Senegal.⁵⁷

These legislative instruments were just mentioned in the report in question. As a consequence, the report could not offer any further details about the ways in which these texts actually impacted the organization and operation of the prison of Saint-Louis at the time. Also, I have not come across any other official sources detailing the actual implementation of these texts mentioned in the November 1934 report. There is very little information about the legislation related to these early developments of the prison of Saint-Louis. There are no details about the ways in which the facility evolved from the 1820s through the early 1830s. Especially, we do not know much about the number and categories of prisoners it held, or the sociology of the carceral population, and how it was distributed in the prison. Also, it is not clear who was in charge of the penitentiary institution within the colonial administrative apparatus.

However, we know that, in November 1834, the prison of Saint-Louis consisted basically of a row of an undetermined number of small huts in the first floor of the Fort of Saint-Louis. It is also established that, at the time, the facility held both civilian and military prisoners who were already convicted or were just indicted and awaiting trial. During that time, there was “no differentiation between people convicted for misdemeanor and those imprisoned for more

⁵⁶ CAOM: Sénégal and Dépendances XI, 21: 1816-1895 (Régime pénitentiaire ; Saint-Louis ; Dakar, Correspondance diverse), Report dated November 8, 1834, on the material situation and the regime of prisons in Senegal.

⁵⁷ ARS 3F/00037: Letter of the warden of the prison of Saint-Louis au Higher Commander of the Colonial Armies, June 2, 1894 regarding the organization of the prisons of the colony of Senegal. (see Letter of the Higher Commander of the Colonial Armies to the Director of Interior, may 13, 1894).

serious crimes.”⁵⁸ Also, prisoners were “all shackled and [were] used for the most painful and most repulsive public works.”⁵⁹ These detention conditions were obviously against the dispositions of the French Penal Code, which was promulgated in Senegal and required that people convicted for misdemeanor only performed work inside the prison. The colonial administration also disregarded the law of April 1833 on civil rights in the French colonies. This law was promulgated in Senegal and granted the same rights to all free people regardless of their skin color.⁶⁰ These breaches to the legal instruments that were supposed to be the foundation of the administration of punishment, and voluntary in most cases, added to the noticeable degradation and filthiness of the facility, were parts of a reality that remained central to the evolution of the prison of Saint-Louis for decades to come.

During this period, the colonial authorities expressed concerns that the prison of Saint-Louis absolutely lacked security. Because prisoners were held in huts, it was quite easy for them to escape from their ‘cells’. Therefore, the administration decided that it was urgent to build a new prison in Saint-Louis, with “rocks and bricks” imported from France. Colonial administrators were also already thinking about putting in place a permanent prison staff, with guards who would be devoted entirely to the surveillance of the prisoners, as well as a more structured administration of the nascent penitentiary system. However, there is no evidence showing that this plan was carried out before the second half of the nineteenth century. In fact,

⁵⁸ CAOM: Sénégal and Dépendances XI, 21: 1816-1895 (Régime pénitentiaire ; Saint-Louis ; Dakar, Correspondance diverse), Excerpts from a report dated November 8, 1834, regarding the material situation and regime of the prisons in Senegal.

⁵⁹ CAOM: Sénégal and Dépendances XI, 21: 1816-1895 (Régime pénitentiaire ; Saint-Louis ; Dakar, Correspondance diverse), *id.*

⁶⁰ CAOM: Sénégal and Dépendances XI, 21: 1816-1895 (Régime pénitentiaire ; Saint-Louis ; Dakar, Correspondance diverse), Excerpts from a report dated November 8, 1834, regarding the material situation and regime of the prisons in Senegal.

the prison of Saint-Louis as we now it right now was built around 1863. This slow move toward the more formalized organization of imprisonment largely stemmed from the growing repugnance of military to be in charge of the surveillance of the prisoners in Saint-Louis.⁶¹

Although we do not know much about the first stage of the prison of Saint-Louis, it is obvious that the native populations from the beginning developed strong opposition to the judiciary system implemented by the French and the types of punishments that came along with it. The reason behind this repulsion for the types of punishments mandated by the French was that the colonized people saw them as mere humiliations. Therefore, whether they did it overtly or in more subtle ways, the native people developed various forms of responses to the system in question. As the following decades would show, these reactions would have a real impact on the evolution of the prison system. The French authorities somehow anticipated that these difficulties would occur necessarily, as Governor Roger himself admitted it explicitly in 1823.⁶² The *Conseil de Gouvernement et d'Administration* suggested that it was necessary to pay careful attention to the cultures of the native people in enforcing the French legal codes in the colony.⁶³ This method was very important to Governor Louis Faidherbe who expanded the colony and greatly contributed in strengthening the colonial institutions.

⁶¹ CAOM: Sénégal and Dépendances XI, 21: 1816-1895 (Régime pénitentiaire ; Saint-Louis ; Dakar, Correspondance diverse), Excerpts from a report dated November 8, 1834, regarding the material situation and regime of the prisons in Senegal.

⁶² Léonce Jore, *Les Etablissements Français de la Côte Occidentale de l'Afrique, de 1758 à 1809*, Paris, SFHOM, 1965, p. 297.

⁶³ ARS 3 E 5 Conseil de Gouvernement et d'Administration, April 24, 1823.

Governor Faidherbe, French Colonial Expansion, and the Prison of Saint-Louis

By the time the slave trade was abolished, in 1848, the colony of Senegal and Dependencies did not yet reach its final configuration. Besides Saint-Louis, the capital, the colony only included a string of trading posts along the Senegal River, such as Lampsar, Merinaghem, Richard Toll, Dagana, Bakel, and Senoudebou. Gorée, Albreda on the Gambia River, Carabane, and Sedhiou were the main footholds of the French presence further south. Beginning in the mid nineteenth century, the trade that served as the basis of the booming economy of Saint-Louis started losing its strength, because the production of Arabic gum decreased while the shrinking profits were divided among a rapidly growing number of people involved in the trade. This crisis would obviously have a real impact on the city of Saint-Louis, but also on the course of French expansion toward the hinterland.⁶⁴

Since the early 1830s, the French had started targeting the territories they would eventually bind into one political structure in 1895, the federation of French West Africa. However, the colonial conquest that was formally launched would remain largely timid over the first half of the nineteenth century. On October 10, 1850, Auguste- Leopold Protet, who was appointed Governor, arrived in Senegal. At that time of his arrival, the trading establishment in Saint-Louis was very concerned with the security of their business in the Senegal River valley. They very much wanted a strong Governor who could counter the incursions of the Trarza armies from the north and who could reorganize the administration of the trading posts along the Senegal River to provide a more favorable environment for their business. They put together a petition detailing all the problems they were confronted with and sent it over to Governor Protet, on December 8, 1851; a little more than a year after his inauguration. But the fact that Protet did

⁶⁴ Babacar Diagne, *op. cit.*, pp. 203-204

not respond to their petition the way they expected triggered waves of anger against the Governor. The merchants in Saint-Louis heavily lobbied to have the minister in charge of the colonies remove Protet from office in 1854.⁶⁵ At the time, the peanut production was growing steadily, mostly in Kajoor and Ganjool, but also in the area of the lower Gambia River.

The same year, Louis Faidherbe was appointed Governor of Senegal to replace Protet. Between 1854 and 1858, his mission was primarily to address seriously Saint-Louis merchants' concerns, by providing them with the security they needed for their business. Faidherbe brought in West Africa a great deal of experience which he got as a colonial official in Guadeloupe, then in Algeria. He aimed at forming an empire stretching from Saint-Louis to current-day Niger.⁶⁶ Therefore, he labored to conquer successively the Wolof kingdom of Waalo and built more trading posts in the Senegal River valley.

These posts did not just symbolize French sovereignty over this part of West Africa. They represented also real military bases for the impending campaigns that Faidherbe would initiate soon thereafter. He used this organization to successfully put a halt on the threatening actions of the Trarza and Waalo kingdoms against Saint-Louis. But one of his most decisive achievements during his first term as Governor of Senegal was certainly his victory over the army of Al Hajji Umar Tall in Medine, in the upper Senegal River valley.⁶⁷ Also, as early as 1861, he started the execution of his plan consisting of expanding the basis of the colony toward the south. He first attacked Kajoor and eventually annexed this Wolof kingdom, opening up a

⁶⁵ see Y.-J. Saint-Martin, *Le Senegal sous le Second Empire: Naissance d'un Empire Colonial (1850-1871)*, Paris, Karthala, 1989, pp. 184-194.

⁶⁶ Alain Coursier, *Faidherbe, 1818-1889: Du Sénégal à l'Armée du Nord*, Paris: Tallandier, 1989.

⁶⁷ For more details on Al Hajji Umar, his Jihad, and his confrontation with the French colonizers, see David Robinson, *The Holy War of Umar Tal: The Western Sudan in the Mid-Nineteenth Century*, Oxford: Clarendon, 1985.

vast area where peanut agriculture would become one of the major assets for the French colonizers.⁶⁸

Although he had committed a lot of energy to his military action, Faidherbe would never neglect Saint-Louis. Instead, building on what his predecessors had achieved, he wanted to maintain the modernization of the city as a central priority to his agenda. Around 1858, he took a break from the military expeditions, raised money locally, and built two main bridges that linked the island of Saint-Louis to the rest of the continent. In fact, the city was growing fast and would soon expand beyond the original French settlement.⁶⁹

He recommended the removal of all the huts in the city and the building of houses with stones and bricks, reproducing a type of architecture imported from France and completely new in this part of West Africa. He was also behind the first public drinking water and lighting systems of Saint-Louis, as well as the pavement of its streets and sidewalks. Faidherbe's modernization program of the capital also included putting trees in the streets, paving the shores of the river, and creating a street maintenance service. Besides, he managed to provide the city with infrastructures such as a museum, technical schools, a Quranic school for the dominantly Muslim population of Saint-Louis, a hospital, an hippodrome, and a printing service. Finally, Faidherbe was the founder of the *Banque du Sénégal*, and of two official periodicals, the *Moniteur du Sénégal* and the *Annuaire du Sénégal*.⁷⁰ He created a telecommunication system

⁶⁸ On Kajor and the French colonial conquest see Mamadou Diouf, *Le Kajor au XIXe Siècle: Pouvoir Ceddo et Pouvoir Colonial*, Paris: Karthala, 1990.

⁶⁹ On the expansion of the French post of Saint-Louis into a major colonial city, see Alain Sinou, *Comptoirs et Villes Coloniales du Sénégal Saint-Louis, Gorée, Dakar*, Paris: Karthala et ORSTOM, 1993, pp. 196-224.

⁷⁰ See Catherine Coquery-Vidrovitch, *L'Afrique et les Africains au XIXe Siècle: Mutations, Révolutions, Crises*, Paris: Armand Colin, 1999, p. 167.

linking Saint-Louis, to Gorée, and also Dakar, where he started building a port.⁷¹ In his inauguration speech as successor of Faidherbe in 1865, Governor Jean Pinet-Laprade rightly suggested that under his predecessor's tenure Saint-Louis had become "the head and the heart of a colony that [had] everything for a promising future."⁷²

Besides the expansion of the colony, Governor Faidherbe also played an important role in sustaining the judiciary system the foundation of which his predecessors had put in place. It was during his second stint as chief administrative officer of the colony of Senegal that the prison of Saint-Louis was moved from the Fort of Saint-Louis to the shore of the Senegal River, between the *Petit Bras* and the *Grand Bras*; the same location where the prison still sits today. He created also a Muslim court in Saint-Louis, following an insistent request from Muslim population of the city. This court was competent to try all civil litigations.

By the end of the nineteenth and the early twentieth century, the European conquests in many parts of Africa were over. In Senegal, following the death of Lat Dior Diop in 1886, the French were able to build the railroad between Saint-Louis and Dakar, linking two of the most strategic positions in Senegal.⁷³ Faidherbe had the ability to pursue his plan for the building of a vast colonial domain in West Africa for the French, and in the meantime manage subtly to overcome the intricacies of the native societies he encountered.

⁷¹ See Alain Frerejean et Charles-Armand Klein, *L'Appel de l'Afrique : Les Pionniers de l'Empire Colonial Français*, Paris : Perrin, 2002, p. 69.

⁷² See Camille Camara, *Saint-Louis du Sénégal: Evolution d'une Ville en Milieu Africain*. Dakar: IFAN, 1968, p. 62.

⁷³ For more details on the events leading to the appointment of Faidherbe as Governor of Senegal, and his political action during his two terms, see Y.-J. Saint-Martin, *Le Senegal sous le Second Empire: Naissance d'un Empire Colonial (1850-1871)*, Paris, Karthala, 1989, Chap. XII and XIII, pp.233-278.

Faidherbe is usually viewed by students of French colonialism in West Africa as the “founder” of Senegal, not just because of the instrumental role he played in expanding the territory way beyond the limits of Saint-Louis and a score of trading points in the Senegal River valley, but also because he created most of the institutions and infrastructures which served for the future operation of the colony. Except for a brief interval between 1861 and 1863, Faidherbe held the position of Governor until 1865. By the time Pinet-Laprade took over from him, the French had under their control a larger territory than in the early nineteenth century, which they would eventually use as a launchpad for further expansion toward the interior of the continent. For that they used both their military force and more diplomatic means such as signing treaties with various West African political leaders.

The work of Faidherbe and its future impact are instrumentally important to consider for a better understanding of the history of social control in the French colony of Senegal, particularly the birth and evolution of the penitentiary institution. The territorial conquest followed by the establishment of a colonial administration had a profound impact on the social, political, and economic institutions of West Africans. Beginning in the mid nineteenth century, the colonized populations lost control of the definition of the political rules in their own countries. In the same way, new and special judiciary regulations arbitrarily concocted by the colonizers would govern every aspect of their lives for decades to come.

This political and judiciary organization was devoted to the exploitation of the colonies’ natural resources for the exclusive benefit of a foreign nation. The penitentiary system was the colonial state’s arm in charge of the politics of punishment. First, it had an exclusively repressive orientation that was materialized by the definition of guilt and of the corresponding sanction only by the dominator. That was why the penitentiary regulations and practices remained constantly

open and fluctuated permanently, following the preoccupations of the colonizers at any moment, hence giving room to all possible abuses.⁷⁴

The best illustration of this was the organization of penal labor. The ambitious colonial enterprise needed absolutely the contribution of the native labor force. But the mediocre salaries and the difficult working conditions prevented the colonized people from accepting those jobs willingly. Among other strategies used to overcome the problem, the French turned to prison labor, which was not only handy, but also almost free of charge.⁷⁵ As a justification to this, the French resorted to a host of racist ideologies which rated the native people as uncivilized creatures who did not deserve to be governed by French law.⁷⁶

But the French colonial enterprise in West Africa did not occur in a cultural vacuum. The colonized people did not just sit back and take everything that the colonizers imposed on them. Undeniably, the destruction of their social, political, and economic institutions and the imposition of a new system primarily based upon coercion, took a heavy toll on Africans. But Africans did not have a choice and were compelled to respond to the system imposed on them. The history of the prison of Saint-Louis demonstrates that they did so in a variety of ways. If they did not react through overt resistance, they tried to accommodate to the colonial penitentiary, or engage themselves in a series of strategies of negotiation with the colonizer in which the two parties found some sort of compromise. Ultimately, this game in which the

⁷⁴ See my Chapter Three: “The Prison of Saint-Louis and the Colonial Penitentiary Rules and Practices”

⁷⁵ See my Chapter Four: “Imprisonment and the Colonial Enterprise in Senegal: The Prison of Saint-Louis and the Organization of Penal Labor, c. 1830-c. 1940”; see also *L’Afrique Noire de 1800 à nos jours*, Paris: PUF, 1993, Chapitre VIII, “Les Africains et la Colonisation”, pp. 227-243.

⁷⁶ See my Chapter Five: “Race and Imprisonment in Colonial Senegal: Evidence from the Prison of Saint-Louis (1830-1940)”

colonized people showed that they did not give up their agency had an incredibly profound impact on the evolution of the penitentiary institution.⁷⁷

The current building of the Prison of Saint-Louis was constructed in the early 1860s. But decades before that, the French colonizers have had other facilities which served for imprisonment purposes in Saint-Louis, but also in the island of Gorée. In the first half of the nineteenth century, as the French took control of Saint-Louis and a few trading posts along the River Senegal, they started putting in place a number of judiciary regulations to ensure the security of their goods and their own, but also to sustain the socio-economic and political policies they started implementing in the city. The establishment of a prison in Saint-Louis was first and primarily one of the responses to those preoccupations. Some details of the structure and the mission assigned to penal punishment may have changed over time, but in general terms, the role played by the penitentiary system had remained fundamentally the same. The merely repressive nature of imprisonment, its racial foundation and utilitarian nature, the constantly changing penal regulations based on the interests of the French, the arbitrary construction of guilt governed by the sole power and desire of the colonizers, were as many features that remain the same from the early nineteenth century to the 1940s. The responses of the colonized people also had a notable impact on the system. Obviously, from the conquest, to the establishment of the colony of Senegal, to the creation of French West Africa, the preoccupations of maintenance of law and order were different. Therefore, the scope of the agenda of the penitentiary institution as well as the modes of its operation would also undergo a number of transformations overtime.

⁷⁷ See my Chapter Six: “*Sujets Francais, Originaires, and Juvenile Delinquents: The Prison of Saint-Louis and the Colonial Society*”

Chapter Two

The Prison of Saint-Louis and the Development of the Penitentiary System in Senegal, 1860s- 1940s

This chapter begins in 1860, when a new building was constructed for the prison of Saint-Louis. It follows the design and development of the imprisonment regime until the 1940s. It focuses on the role played by the prison of Saint-Louis and the ways in which it was influenced by the ongoing establishment of the colonial institutions. The chapter also touches on the outcome of the rivalry between the Judiciary and the administration over the administration's conception of punishment. Finally, it focuses on the impact of the territorial and administrative reorganization, which followed the creation of French West Africa, on the ways in which Saint-Louis grew to become the nodal center of a penitentiary system that expanded vigorously, between the late 19th century and the 1940s.

The Prison of Saint-Louis, 1860s- 1890s

Beginning in the early 1860, the detention facility of the capital was no longer the row of small huts in the first floor of the Fort, which it had been since the 1830s. The new prison built in Saint-Louis, became the most secure penitentiary establishment in the colony. It was the same prison for military and civilians, people awaiting trial and those already sentenced. Although theoretically the carceral population was supposed to be divided into different categories housed separately, the colonial authorities seldom followed this disposition.

During this period, most information from the correspondence and reports issued by the Direction of Interior quite constantly portrayed the prison of Saint-Louis as a clean place where the carceral population is divided and separated in different categories, and where the bedding

material, the food served to prisoners, as well as their healthcare were perfect.⁷⁸ Yet, various other sources including countless reports from colonial inspectors and the judiciary, gave a totally different picture of the situation in the prison. According to these sources, although European detainees⁷⁹ were mostly held in separate cells, the largest part of the carceral population, indigenous prisoners, was mostly dumped into one quarter of the facility, regardless of their sex, age, and penal category. Besides that, these reports often pointed out the dilapidation of the prison to the extent that the rain would fall on prisoners, resulting in a repulsive filthiness, which was a potential cause for various kinds of diseases. This entire situation, these sources indicate, was due to the carelessness of the administration in the ways it handled the prison of Saint-Louis.⁸⁰

The representative of the Prosecutor General and Chief of the Judiciary Service in the prison Surveillance Commission wrote to the president of the said commission, on July 6, 1899, to suggest that it was “unnecessary that the Surveillance Commission met and made suggestions which would never be enforced.” He particularly complained about the fact that prisoners were not separated in different categories although this had always been a recommendation of the commission. In the same perspective, he pointed out a number of repair works that the

⁷⁸ See CAOM: Senegal et Dependances XI: 21: 1816-1895 (Regime penitentiaire; Saint-Louis; Dakar, Correspondance): Notice about the penitentiary regime in Senegal, Director of Interior, Saint-Louis, December 10, 1885.

⁷⁹ By “European detainees” I mean strictly “white detainees.” Even when Saint-Louis was one the *Quatre Communes*, African detainees born in the *Communes* and gained automatically French citizenship as well as prisoners of mixed race were submitted to the same segregation and received far harsher treatments than Europeans.

⁸⁰ See CAOM: Senegal et Dependances XI: 21: 1816-1895 (Regime penitentiaire; Saint-Louis; Dakar, Correspondance): Report by Inspector General, Espent, to the Minister for the Colonies, April 13, 1888, regarding the operation of prisons of Senegal. See also ARS 3F/00041: Civil Prison of Saint-Louis, 1886-89, Report on the Prison of Saint-Louis, General Clerk of the Direction of Interior, July 23, 1888.

commission recommended every year, which would never be completed. This left the building in a very bad physical shape, the correspondence indicated.⁸¹

The staff of the prison of Saint-Louis included a *Regisseur* (warden), who was the head and was in charge of the management of the establishment, but also two *porte-clefs*, who had all the keys of the prison, served food to prisoners, and were in permanent contact with them, and finally the guards. Between the early 1860s and the late 1890s, the head of the prison came from various sectors of the colonial apparatus. Among all the prisons that were in the colony at the time, the *Regisseur* of Saint-Louis was the only one paid 1,400 francs a month, which was the highest salary until 1886.⁸² The *Regisseur* was not required to have any skills in prison administration, because, at the time, this was not a sought-after job. Following a random visit he conducted at the prison of Saint-Louis in early July 1877, the Chief of the Service of Interior reported to the Governor of the colony that the head of the prison, Michel, was “really old and clueless about his duties.” He recommended his replacement by a young man who had the needed qualities for the job. Since it was difficult to find such a person, the Governor suggested that the administration discuss with the Mayor of Saint-Louis the possibility of exchanging the head of the prison and the guardian of the city’s cemetery. The Governor thought that Michel

⁸¹ ARS 3F/00046: Civil Prison of Saint-Louis, 1892-1900: Appointment of Wardens; Punishment of a Prison Guard (1898-1900). Reaction of the Magistrate chosen by the Chief of the Judiciary as member of the Prison Surveillance Commission that met on July 6, 1899.

⁸² In 1886 the Head of the Prison of Dakar requested a salary increase on the grounds that he was doing the same amount of work as his colleague in Saint-Louis. The Governor of Senegal wrote a letter to the Minister for the Navy and the Colonies to support the request. See CAOM: Senegal et Dependances XI: 21: 1816-1895 (Regime penitentiaire; Saint-Louis; Dakar, Correspondance): Letter of the Governor of Senegal et Dependances to the Minister for the Navy and the Colonies (letter was not dated but arrived the Minister’s cabinet on June 25, 1886).

“was only good for looking after people who were imprisoned in their graves.”⁸³ That the highest administrative official could even think about exchanging a prison warden with a guardian of a cemetery spoke volumes about the conception that colonial authorities had about the penitentiary institution.

In general, from the early 1830s and for a long period of time thereafter, native people as well as most Europeans regarded these jobs with repugnance. As a consequence of that, and as the Governor of Senegal once indicated in a correspondence to the Minister for the Colonies, it was quite difficult to recruit the subaltern prison staff. Most of the time, according to the Governor’s letter, his administration had a hard time recruiting staff for the prison. The people to whom the job seemed most appealing were indigenous who completed their military service and were discharged from the colonial armed forces.⁸⁴ In July 1888, the administration appointed three women to join the staff in the prisons of Saint-Louis, Dakar, and Gorée.⁸⁵ Following an instruction of the Minister for the Navy and the Colonies in a circular date August 17, 1891, the Commander in Chief of the colonial Armed Forces in Senegal wrote to the Director of Interior and the Governor of Senegal, respectively on March 8, 1892 and May 20, 1892, to inform them

⁸³ ARS 3F/00038: Civil Prison of Saint-Louis, 1874-1875: Note of the Chief of the Service of Interior to the Governor du Senegal, 28 July 1877; Comments of the Governor of Senegal regarding the issue raised in the correspondence.

⁸⁴ CAOM: Senegal et Dependances XI: 21: 1816-1895 (Regime penitentiaire; Saint-Louis; Dakar, Correspondance): Letter of the Governor of Senegal et Dependances to the Minister for the Navy and the Colonies, August 9, 1884.

⁸⁵ CAOM: Senegal et Dependances XI: 21: 1816-1895 (Regime penitentiaire; Saint-Louis; Dakar, Correspondance): Report by Inspector General, Espent, to the Minister for the Colonies, April 13, 1888, regarding the operation of prisons of Senegal; Letter of the Acting Governor of Senegal et Dependances, to the Minister for the Navy and the Colonies, August 5, 1888, regarding prisons in Senegal; Decision of the Acting Director of Interior, July 28, 1888. A report issued following an administrative inspection of the prison of Saint-Louis, on July 30, 1888, revealed that one of those three women, Coumba Mor, was doing a very good job since he started her job.

that the army would no longer provide the prison with guards.⁸⁶ The reason behind this decision was, to put it in the Minister words, to “... divert the troops as little as possible from their daily exercise”, which was for him “the only way to have them ready enough and prepared for war or the painful demands of the colonial sojourn.”⁸⁷

To replace the military guards, it was suggested to recruit civilian guards, which the head of the prison of Saint-Louis at the time rejected as a bad solution. He argued that civilian guards could not have the same prestige and authority as the military in the eyes of prisoners, and would probably not be able to prevent escapes and/or maintain order in the prison in the event of a mutiny or something of the like. The only way out in his opinion was to hire Europeans or Creoles civilian guards, which was almost impossible for at least two main reasons. This would be costly for the colonial budget, and most importantly, it was going to be difficult to find enough Europeans and Creoles who would want the job. It was finally the Head of the Saint-Louis Police Department who accepted to provide the prison with guards on the condition that the administration allows him to recruit four more people. The police chief also required that those who would be detached at the prison be equipped with revolvers.

It has been quite difficult to find substantial numerical data for most of the period 1860s-1890s. But the bits of information that are available here and there in the archives suggest that the prison of Saint-Louis had always had more prisoners compared to Dakar and Gorée. An

⁸⁶ ARS 3F/00037: Circular The Senator and Minister for the Navy to the Commanders in Chief of the Armed Forces in the French colonies, August 17, 1891; Letter of the Commander in Chief of the Armed Forces in Senegal to the Director of Interior, March 8, 1892; Letter of the Commander in Chief of the Armed Forces in Senegal to the Governor of Senegal et Dépendances, May 20, 1892.

⁸⁷ ARS 3F/00037: The Senator and Minister for the Navy to the Commanders in Chief of the Armed Forces in the French colonies, Paris, January 8, 1892, about the application of the to the Navy of the directive of the Minister for the War, dated October 27, 1891, regarding the reduction of the number of troops diverted from their military duties.

inspection report issued by 2nd Class Inspector Picanon on August 14, 1888, revealed that as of July 30 of the same year, the prison of Saint-Louis held 71 prisoners, while Dakar had 43.⁸⁸

There is no doubt that knowing how the prison population evolved numerically over the period I consider in this study is critically important in understanding the history of the prison of Saint-Louis. But also, trying to look beyond the numbers and to focus on the many ways in which the colonial administration played with those numbers is also important. The administration of the colony always wanted to be able to tap, with almost no restrictions, into the prison population to meet its needs in labor force. To that end, the Governor and his close collaborators always managed to downplay a quite good number of the recommendations from the Judiciary Service, colonial inspectors, and medical doctors warning against a purely utilitarian penitentiary system, which ignored the well-being of prisoners. Colonial administrators also succeeded to isolate Paris and had almost a total control over what the Ministry for the Colonies could or could not know about the reality of the penitentiary institution in Senegal. Because the colonial administrators managed to go around all those potential restrictions, one after the other, they succeeded in virtually using most of the prison population to satisfy their needs in labor force.

Beginning in the 1860s, the French colonizers started putting in place the needed services for the operation of the prison and began the organization of the penitentiary institution. On July 21, 1860, the Minister for the Colonies sent out a dispatch that gave the guidelines for the building of workshops in the Senegalese prisons. A local order inspired by this dispatch and issued on September 10, 1862 recommended that the prison of Saint-Louis should have

⁸⁸ CAOM: Senegal et Dependances XI: 21: 1816-1895 (Regime penitentiaire; Saint-Louis; Dakar, Correspondance):

workshops.⁸⁹ Nineteenth-century French penitentiary thinking gave an important reforming role to penal labor. This conception went hand in hand with the belief that work in prison promoted discipline and overcame idleness that was considered as the main source for all kinds of vices and crimes. The importance given to work in French prisons at the time came with a shift from the heavy tasks assigned to prisoners in the *Ancien Régime* penitentiary practices to a more productive type of labor.⁹⁰ This new emphasis on prison work in the nineteenth century, which mainly benefited the state as well as private manufacturers, may have informed the decision of the Minister for the Colonies to recommend the building of workshops, around the same period, in the colonial prisons in order to capture this big and cheap labor force. But the following decade would reveal that colonial authorities in Senegal had a different vision about how to organize and draw the best out of the carceral workforce.

Years after, the recommendation to build workshops in the prison of Saint-Louis was not still materialized. There were no workshops in the prison of Saint-Louis up until the early 1870s. On September 18, 1871, a female detainee named Fatima Ndiawar Diop wrote a letter to the Chief of the Judiciary Service requesting her “transfer to a detention facility in France or in another French colony, where she could obtain a paid job as a convict.” At the time she wrote her letter, she was serving a twenty year-long sentence in “forced labor” in the prison of Saint-Louis, where she “could not earn a dime”, to put it in her own words, because there were no workshops

⁸⁹ ARS 3F/00038: Civil Prison of Saint-Louis, 1874-1875: Note of the prisons of Senegal. The note is not dated based on the events it mentioned it must have been issued between 1872 and 1875.

⁹⁰ P. O’Brien, *The Promise of Punishment: Prisons in Nineteenth-Century France*, Princeton, N.J., Princeton University Press, Chapter Five, pp. 150-190. See also J.-G. Petit, “Les Travaux et les Jours (1800-1875)”, in J.-G. Petit *et al.* (eds.), *Histoire des Galères, Bagnes, et Prisons, XIIIe-XIXe Siècles : Introduction à l’Histoire Pénale de la France*, Paris, Bibliothèque Historique Privat, 1991, pp. 150-168.

in the detention facility.⁹¹ The period of the 1870s was a quite difficult moment for French colonizers in Senegal as it coincided with stark financial difficulties for the colony. Also, because of the situation in Western Europe, especially the tensions at the Franco-German border, a good deal of France's attention was diverted from its empire. Consequently, the colonies had to come up with strategies to fill the gap. The rapidly growing needs for labor force which came with the ongoing French expansion in West Africa worsened the problem. Therefore, the French colonizers focused most of their efforts to organize the prison of Saint-Louis and the Senegalese penitentiary system in general, were all geared toward a more efficient use of penal labor force.

The budgetary shortage for the year 1870 coupled with the high price of labor were the object of an important letter that the Director of *Pont et Chaussées* (colonial civil engineering service) wrote to the Director of Interior, on January 20, 1870. After pointing out how difficult the situation was for the colony, the Director of *Pont et Chaussées* instructed the Director of Interior that using the prison workforce was the only way the colony could face the urgent needs for maintenance of the public roads at a low to insignificant price.⁹² Over the years, penal labor became so vital to the administration when a majority of prisoners in Saint-Louis refused to work outside the prison for almost the whole first week of April 1877, the Governor himself went to meet them to try and convince them. When he asked the group the reason why they refused to go out to work, he got no responses. The report of the meeting with the prisoners reveals that the Governor had even tried to address them individually, but could not convince them to say a word about the motive of their "strike". He was so furious that he recommended that immediate sanctions be taken against the carceral population in order to break their firm determination and

⁹¹ ARS 3F/00038: Civil Prison of Saint-Louis, 1874-1875, Detainee Fatimata Ndiawar Diop to the Chief of Judiciary Service, September 18, 1871.

⁹² ARS 3F/00038: Civil Prison of Saint-Louis, 1874-1875: Letter of the Director *Ponts et Chaussées* of Senegal, to the Director of Interior, January 20, 1870.

accept to go back to their daily duties of cleaning the streets and public buildings of the city of Saint-Louis, and other types of tasks they were employed for.⁹³

As of early June 1877, the colonial authorities recognized the increasing difficulties to meet their labor needs especially for the civil engineering service. This shortage was due to the refusal of prisoners to work, but also the low monthly wage of 30 francs that the colonial government could pay at the time and which would not attract volunteers, especially for the demanding nature of the work the administration needed them for. The hopelessness and disarray caused by this situation led to the most radical solutions. In fact, on June 9, 1877, the Chief Police Officer of Saint-Louis sought to overcome the problem by sending his agents to chase seasonal immigrants and force them to work for the administration. But, this strategy did not yield any results because this was the beginning of the summer season, when many of these immigrants had returned back to their villages in the Senegal River valley, to begin their agricultural activities.⁹⁴

Like the Secretary General once put it in a correspondence to the Director of Interior dated May 1st, 1871, and regarding the situation in Saint-Louis, it is safe to suggest that up to the 1870s, “many aspects of the [penitentiary] services” were not guided by any formal regulations.⁹⁵ The only active front in the organization of the penitentiary was that of the exploitation of penal labor. That was why the administration pushed more forcefully to make it easier and easier to tap into the prison work force. In an attempt to face this daunting problem,

⁹³ ARS 3F/00038: Civil Prison of Saint-Louis, 1874-1875: Letter of the manager of the prison of Saint-Louis to the Head of the Service of Interior, April 9, 1877

⁹⁴ ARS 3F/00038: Civil Prison of Saint-Louis, 1874-1875: Letter of Saint-Louis Police Chief Officer to the Chief of the Service of Interior, June 9, 1877.

⁹⁵ ARS 3F/00038: Civil Prison of Saint-Louis, 1874-1875. Query of the Director of Interior to the Secretary General regarding the provision of tobacco to prisoners, May 3, 1871

the colonial authorities gave no limits to their prerogatives in handling the carceral workforce. They would soon implement a series of sanctions against prisoners who would refuse to work inside or outside the prison. These sanctions included the right for the administration to shackle such detainee and give them up to eight days in a special disciplinary confinement inside the prison of Saint-Louis.⁹⁶ Clearly, during this period, the administration oriented all its initiatives regarding the organization of the prison of Saint-Louis toward penal labor only.

This focused option did not allow for any significant action to improve the other aspects of the developing penitentiary institution. Instead, the urgent need to cut more and more expenses to face the enduring scarcity of financial resources deeply affected the prison of Saint-Louis. On October 13, 1870, the Governor of Senegal announced in a correspondence to the Director of Interior his decision that from then onward “only prisoners serving correctional terms will be treated at the hospital.” As for those condemned for more serious crimes, the Governor indicated that they would continue to be treated inside the prison of Saint-Louis and would not go out under any circumstance without his authorization.”⁹⁷ This was not the only way the administration made economies in the handling of the healthcare offered to the carceral population. Also, whether in Saint-Louis, Gorée, or Dakar, the French refrained systematically from devoting money to a medical facility within the prison.⁹⁸ They mostly relied upon the army and other departments of the colonial administration colonial for the services that prisoners needed. On February 26, 1870, the military doctor who was at the same time in charge of the

⁹⁶ ARS 3F/00038: Civil Prison of Saint-Louis, 1874-1875: Response of the Head of the Service of Interior to the Police Officer of Saint-Louis regarding the refusal of prisoners to work, April 7, 1877.

⁹⁷ ARS 3F/00038: Civil Prison of Saint-Louis, 1874-1875. Note of the Governor of Senegal to the Director of Interior, October 13, 1870.

⁹⁸ ARS 3F/00038: Civil Prison of Saint-Louis, 1874-1875: Letter to the Chief of the Service of Interior from his representative in Gorée, September 9, 1876.

prison wrote a letter to the Chief Physician of Saint-Louis, in which he gave interesting information about this issue. In a lengthy correspondence, the military doctor gave a lot of details about his working conditions, which he described as a real hurdle. On top of his normal duties which included treating military officers and other colonial employees and their families, he had to travel daily from one extremity of the city to the other, on a bad road, to consult sick prisoners. While he complained about his work for the prison of Saint-Louis, because it was such a demanding task, he particularly pointed out the 50 francs he was paid and which he thought even a civilian doctor would not want for delivering the same type of service to the prisoners.⁹⁹

Around the late 1870s and early 1880s, a Surveillance Commission was created in the prison of Saint-Louis. Its mission consisted in looking over all those aspects of the prison operation to make sure that everything was conducted in proper ways. It is not clear when such a commission was established the first time and who its members were then, but there are indications that it was not very efficient. In a report issued on April 13, 1888, following a mission in Senegal, Inspector Espent wrote about the lethargy of the control and surveillance commission of the prison of Saint-Louis. He particularly insisted on the urgent need to overhaul the commission entirely and reorganize it in a way that it would better assume the mission it was assigned to.¹⁰⁰ Following Espent's report, the Governor of Senegal moved quickly to issue an order, on July 21, 1888, for the reorganization of the surveillance commissions in Saint-Louis as

⁹⁹ ARS 3F/00038: Civil Prison of Saint-Louis, 1874-1875: Letter of the physician in charge of the healthcare of the prison, to the Chief Physician in Saint-Louis, February 26, 1870.

¹⁰⁰ CAOM: Senegal et Dependances XI, 21: 1816-1895 (Regime penitentiaire; Saint-Louis; Dakar, Correspondance): Report from General Inspector Espent to the Minister for the Colonies, regarding the prison services in Senegal, April 13, 1888.

well as in Gorée, and Dakar.¹⁰¹ Following this gubernatorial order the new commission would include the Director of Interior or the Secretary General of the Government, as president; a representative of the Judiciary; the Mayor of Saint-Louis or his representative; a medical doctor; the head of the Civil Engineering Service or his representative; an employee of the Direction of Interior who would serve as the Secretary of the Commission; and finally the city's Chief Police Officer. The Commission was supposed to meet at least every 3 months to review the operation of the prison and advise the administration how to handle issues regarding mostly the salubrity of the prison, the daily paperwork, the behavior of the staff, the food served to prisoners and most importantly their moral reform.¹⁰²

By early August 1888, the Governor who initiated this reform had left office, and the Acting Governor who took over wrote a letter to the Minister for the Navy and the Colonies, on August 5, to show his commitment to the initiative started by his predecessor. In his correspondence, he reassured that his administration would do make any efforts to sustain the surveillance commissions in Saint-Louis, Dakar, and Gorée, and make sure that their recommendations were fully enforced. To that end, no members of the elected assemblies, except for the Mayor of Saint-Louis, would be in the Commission. According to the Acting Governor, it was primarily the presence of these elected officials that prevented the commission from being efficient and from enforcing fully most recommendations coming from Paris.¹⁰³

¹⁰¹ ARS 3F/00041: Civil Prison of Saint-Louis, 1886-89: Report on the Prison of Saint-Louis, issued by Service of Interior, July 23, 1888.

¹⁰² CAOM: Senegal et Dépendances XI, 21: 1816-1895 (Regime pénitentiaire; Saint-Louis; Dakar, Correspondance): Order of the Governor of Senegal et Dépendances, July 21, 1888.

¹⁰³ CAOM: Senegal et Dépendances XI, 21: 1816-1895 (Regime pénitentiaire; Saint-Louis; Dakar, Correspondance): Letter of the Acting Governor of Senegal et Dépendances to the Minister for the Navy and the Colonies, regarding the prisons in the colony, August 5, 1888.

Although the Acting Governor pledged that the impulse triggered by this reorganization would not weaken, the following years would prove him wrong. About four years later, in September 1892, the Under-Secretary of State in charge of the Colonies wrote a letter to the Governor of Senegal with a number of complaints including the fact that the surveillance commission in Saint-Louis never met since it was reorganized in 1888. Colonial Inspector Espent who came back in Senegal on mission in 1896, made the same remark. He wrote in his report that “[t]here was a prison surveillance committee in Saint-Louis, which was supposed to gather every three months, but it never [met].” The colonial inspector emphasized that there was no evidence on any administrative document in the prison that the committee had ever met.¹⁰⁴ Finally, in a letter he wrote on July 6, 1899, the representative of the Judiciary Service in the Commission voiced his disappointment that the Commission was not in any ways handling its mission properly.¹⁰⁵

The Judiciary Service was in charge of the application of the penal law. As such, had the responsibility to oversee the ways in which the Prison of Saint-Louis was administered, and to make sure that everything was done following the rule of law. But because there was not a clear delimitation of the Judiciary and the administration’s responsibilities regarding the penitentiary institution, there was between the two colonial entities a permanent state of rivalry sometimes

¹⁰⁴ CAOM: Senegal et Dépendances XI, 21: 1816-1895 (Regime penitentiaire; Saint-Louis; Dakar, Correspondance): Letter of Colonial Inspector General Espent to the Minister in charge of the Colonies, April 23, 1896, regarding the situation of the Prison of Saint-Louis.

¹⁰⁵ ARS 3F/00046: Civil Prison of Saint-Louis, 1892-1900: Appointment of Wardens; Punishment of a Prison Guard (1898-1900). Reaction of the Magistrate chosen by the Chief of the Judiciary as member of the Prison Surveillance Commission that met on July 6, 1899.

punctuated by serious clashes.¹⁰⁶ Until the 1870s, the Judiciary, through regular interventions, was able to face efficiently and prevent the administration's continuous attempts to design the penitentiary institution following its own needs.¹⁰⁷ On a visit to the prison of Saint-Louis, in December 1875, the *Juge d'Instruction*¹⁰⁸, wrote the Chief of the Judiciary Service about a couple of detainees coming from Gabon, including one female, who fell sick because she did not have adequate clothing for the type of weather in Saint-Louis. In the same letter he mentioned the case of a Portuguese prisoner whose suffering was due to his unfamiliarity with the food served in the prison and the bad quality of his bedding material. The Chief of the Judiciary recognized the seriousness of the situation and recommended that the problem be taken care of because for him it was an "issue of humanity."¹⁰⁹ Besides the situation of the prisoners, the Judiciary Service's intervention touched on a wide range of issues including the state of the

¹⁰⁶ Focusing on the prison labor, Chapter four documents this rivalry with more details along with the clashes it caused between the Judiciary Service and the administrative body of the colony.

¹⁰⁷ ARS 3F/00038: Civil Prison of Saint-Louis, 1874-1875: Letter of the Saint-Louis Police Chief Officer to the Head of the Service of Interior, January 17, 1877. Saint-Louis Police Chief Officer mentioned the difficulties that the administration had to use prisoners' workers. He mentioned in the letter that all the detainees serving less than 5 years used to work daily from 5 am to 10 am and from 2 to 6 pm for the maintenance of the city's streets. They could retract a portion of the money paid to detainees who refused to work, or put them on shackles. But all of this was no longer possible because the Judiciary had informed prisoners that they were not required to work if they did not want to. See also ARS 3F/00038: Civil Prison of Saint-Louis, 1874-1875: Letter of the manager of the prison of Saint-Louis to the Head of the Service of Interior, April 9, 1877. In this letter the manager of the prison writes about the Judiciary's influence on prisoners who did no longer want to work outside the prison.

¹⁰⁸ In the French legal system, the *Juge d'Instruction* is a magistrate responsible for conducting the investigative hearing that precedes a criminal trial. This judge is independent from both the prosecution and the executive branch and, therefore, is not supervised by the Minister of Justice.

¹⁰⁹ ARS 3F/00038: Civil Prison of Saint-Louis, 1874-1875: Letter of the *Juge d'Instruction* to the Chief of the Judiciary Service, December 21, 1875.

detention facility, the strict observance of the penitentiary rules, and the like.¹¹⁰ But it was not long until this power of the Judiciary disappeared completely, giving the way to the administration and the possibility for the Governor, the Director of Interior, and the Secretary General of the Government to gain complete control over the penitentiary institution.¹¹¹

The Prison of Saint-Louis, late 1890s- 1940s

Around the turn of the twentieth century, French territorial expansion came to a close and a new era began in the colonial enterprise. It was around 1900, that the colony of Senegal reached the geographic limits it would maintain when it became independent, in 1960. The focus was no longer on the conquest of new territories, but rather on establishing the institutions needed for the administration of, and maintenance of law and order in the already colonized territories. In an effort to handle efficiently the vast land that was then under their authority, the French had already established the French West Africa federation in 1895, to help foster a strong political and military unity among their colonies in the region. Through the new administrative organization put in place, France's goal was to achieve financial solidarity among its possessions and the coordination of the economic policies set forth for a more efficient exploitation of the West African part of the French colonial empire.

¹¹⁰ ARS 3F/00038: Civil Prison of Saint-Louis, 1874-1875: Prisons of Saint-Louis and Gorée: The warden of the Prison of Saint-Louis to the Chief of the Service of Interior, July 4, 1876; The Chief of the Judiciary Service to the Chief of the Service of Interior, August 9, 1876.

¹¹¹ ARS 3F/00038: Civil Prison of Saint-Louis, 1874-1875: Response of the Director of Interior to the letter he got from an advisor to the President of the Court of Appeal of Saint-Louis regarding the retraction of half of the normal food served to a group of detainees as punishment, August 26, 1875. The president of the Court of Appeal was the head of the Judiciary Service of Senegal until 1891, when this charge went to the Prosecutor General.

Until 1902, the Governor of Senegal served as Governor General of French West Africa at the same time and Saint-Louis was the capital of the new federation.¹¹² From then onward, the Governor General, whose headquarters moved to Dakar, was the only colonial official who could correspond with the minister in charge of the colonies, in Paris, to whom he was reporting. The Lieutenants-Governors of the colonies would report to the Governor General. He was the administrator in chief of the judiciary system, and could issue general orders, decisions, circulars, and instructions related to the administration of justice. The Governor General also prepared decree projects on any aspects of the organization and operation of the federation. He was in charge of the promulgation of ordinances, laws, and decrees for all of French West Africa.

The Direction of Interior established in 1869 played a crucially important role in the Governor's cabinet.¹¹³ The Director of Interior was in charge of anything related to the "well-being, agricultural development, commerce, public instruction, public works..., the communes, [and] the police."¹¹⁴ Over the nineteenth century, the Director of Interior was also responsible for the penitentiary system. The decree of May 21, 1898 suppressed the Direction of Interior and its attributions went to the Secretariat General which was under the Governor General of French

¹¹² The Decree of October 1st, 1902, transferred the capital to Dakar and separated the positions of Governor General of French West Africa and that of Governor of Senegal. French West Africa went through various mutations until 1920, when it included eight colonies: Senegal, Mauritania, French Sudan, Upper-Volta, Niger, Dahomey, Ivory Coast, and French Guinea. Togo became part of the federation in 1936.

¹¹³ The Direction of Interior was established in 1869. In the wake of the French defeat in Sedan (1870) in the Franco-Prussian War and the surrender of Napoleon III, the Direction of Interior was reduced to a simple Service of Interior, between 1872 and 1882. This change was due to financial difficulties related to the war.

¹¹⁴ Saliou Mbaye, *Histoires des Institutions Coloniales Françaises en Afrique de l'Ouest (1816-1960)*, Dakar: Direction des Archives du Sénégal, 1991, 1^{re} Partie: "Organisation Administrative et Judiciaire de l'Afrique Occidentale Française", pp. 13-91.

West Africa's authority. The Secretary General did not have a precise set of prerogatives and could intervene on virtually every single aspect of the administration of the federation. He had important powers and could replace the Governor General in the event of vacancy. He was a de facto 'Deputy-Governor General'.

There were certainly continuities in the evolution of the prison of Saint-Louis, but the new changes in the administrative organization of the colony of Senegal, following the creation of French West Africa, would turn the penitentiary institution toward a new direction.

The evolution of the prison of Saint-Louis until the late 1890 to early 1900s shows that there was still no clear and comprehensive agenda for the penitentiary institution in Senegal. Colonial administrators continued to implement penitentiary regulations that were exclusively founded on their day-to-day preoccupations. More often than not, the colonizers never went beyond the mere fact of invoking the penal laws enforced in France. In actuality, they always replicated their 'best practices' elsewhere in the French Empire, or created ad hoc regulations based on the needs of the moment.¹¹⁵ The December 1905 monthly report on the prison of Saint-Louis confirmed this by revealing that, since 1841, there were still neither specific nor general regulations organizing the operation of Senegalese prisons. The system also maintained its racialized orientation, and penitentiary regulations and practices clearly favored the tiny minority of Europeans. In fact, the report insisted on the detention conditions of European prisoners, pointing out the need to improve their prison cells. To that end, it was suggested to provide them

¹¹⁵ ARS 3F/00052: Civil Prison of Saint-Louis, 1903-1906, Incoming and Outgoing Correspondence of the Secretary General of Government (1903): Note of the Secretary General, November 20, 1903. The Secretary General indicated that France and the other French colonies with penitentiary establishments there was a special allocation paid to people who helped capture a fugitive detainee. He then considered that the "moment was right for the institution of such allocations for the capturers of escaped prisoners in (...) Senegal." He submitted right away to the appreciation of the Lieutenant-Governor a project he prepared in that regard along with the Chief of the Judiciary Service.

with mosquito nets to protect their health. In contrast, nothing similar was planned for the native prisoners who represented the largest portion (approximately 95%) of the carceral population however.¹¹⁶

Besides the bad quality of the environment the space was still small to contain the carceral population that had been growing steadily over the twentieth century. Reports from the Judiciary and colonial inspectors continued to depict the prison of Saint-Louis as a crowded one. Native prisoners suffered the most from these conditions. A letter of the Coronel Commandant of the 1st Military Region sent to the Lieutenant-Governor of Senegal, on July 20, 1905, revealed that the room designated for European civilian prisoners held in the prison of Saint-Louis, was left vacant most of the time while native detainees squeezed in their overpopulated quarter.¹¹⁷ Like in the nineteenth century, the harshness of the detention conditions on native people remained an important element of imprisonment. An order of the Governor General of French West Africa, issued on January 22, 1929, reminded the colonial officials involved in the administration of the prison system that they should not lose sight of this tenet of imprisonment. Maintaining a penitentiary system geared more toward repression than moral rehabilitation was a good way to show the unyielding strength of the colonial state, which could discourage the colonized people from any kind of rebellious behavior and/or attempts to challenge the colonial order.¹¹⁸

Another reality in the history of the prison of Saint-Louis that the nineteenth century passed along to the twentieth century was the constant covering up of the reality of the state of

¹¹⁶ ARS 3F/00052: Civil Prison of Saint-Louis, 1903-1906: Monthly report on the operation of the prison of Saint-Louis, December 1905.

¹¹⁷ ARS 3F/00052: Civil Prison of Saint-Louis, 1903-1906: Letter of the Coronel Commandant of the 1st Military Region to the Lieutenant-Governor of Senegal, July 20, 1905.

¹¹⁸ ARS 3F/00101, Order of the Governor General of French West Africa, January 22, 1929.

penitentiary facility by embellishing reports. The monthly report on the prison of Saint-Louis for December 1905 mentioned a building in “good shape” that just needed “a few” repairs. In the same report, the head of the prison also wrote about the need for a visiting room for the detainee’s relatives, and an infirmary-pharmacy.¹¹⁹

Notwithstanding these trends of colonial imprisonment that the nineteenth century passed on to the twentieth century, there were striking differences between the two periods. Officially, the power of colonial administrators was limited in certain areas such as ordering a pardon for people who were given life in prison or death penalty. They also did not have the power to commute a sentence. All these prerogatives fell in the hands of the French President or the minister in charge of the colonies.¹²⁰ But, beginning in the late 1890s, colonial administrators in Senegal found various ways to go around these limitations. They succeeded to isolate completely the metropolitan authorities and gained virtually unlimited power to organize and operate the prison system the way they wanted.

The many changes that occurred in the political reorganization of the French colonies in West Africa, beginning in the late nineteenth century, would have a real impact on the administration of justice and the evolution of the penitentiary institution in Senegal. Although there was an obscure Commission of Prisons – headed by a commissioner - mentioned in a couple of letters in the early years of the twentieth century, the sources did not enable me to

¹¹⁹ ARS 3F/00052: Civil Prison of Saint-Louis, 1903-1906: Monthly report on the operation of the prison of Saint-Louis, December 1905.

¹²⁰ ARS 3F/00049: Civil Prison of Saint-Louis, 1900; 1909-1912: Requests for Pardon (1910), Lieutenant-Governor of Senegal to Demba Waly N’Daw in Sor who was requesting a presidential pardon for his wife October 25, 1910. See also ARS 3F/00049: Civil Prison of Saint-Louis, 1900; 1909-1912; Sentence Reduction (1912) : Letter of the Acting Secretary General of the Government of Senegal to the Chief of the Political Bureau

know more about when the commission was established and what role it actually played.¹²¹

This may have been due to a hole in the archives. But also, and most probably, the Secretary General of the Governor General might have overshadowed this Commission and might have taken completely in charge the administration of the penitentiary institution. He replaced the Director of Interior who, in the office of the Governor of Senegal, was in charge of the prisons of Saint-Louis, Dakar, and Gorée, until 1898.

The key areas of the organization and operation of the prison of Saint-Louis where the French West African authorities would first focus their attention included the prison managing and subaltern staff, but also the guards. To the contrary of what it was during most of the nineteenth century, the position of prison manager in Saint-Louis had become much more appealing during this period. Higher officers of the Police and the Gendarmerie as well as seasoned civil servants hold the job for most of the time, from the early 1890s to the 1940s. Obviously, the job was no longer the exclusive preserve of people like Warden Michel, whom I mentioned earlier in this chapter, who were appointed just because nobody else was interested. The police and military authorities particularly cooperated closely with the administrative arm of the colonial state for the hiring of many officers as prison managers. To meet this demand and at the same time ensure a good quality of service, the Chief of the Battalion of Gendarmerie suggested that officers appointed as head of the prison would be replaced every month.¹²²

Similarly, more and more civilians from other departments of the colonial administration started showing interest in jobs in the prison system. Having learned that Mr. Henriette who was the head of the prison at the time was leaving for France and was certainly not going to come

¹²¹ ARS 3F/00053: Civil Prison of Saint-Louis, 1905: The War Council of Saint-Louis to the Prison Commissioner, December 21, 1905.

¹²² ARS 3F/00046: Civil Prison Saint-Louis, 1892-1900: Response of the Chief of the Battalion of *Gendarmerie* in Senegal, to the Secretary General, March 29, 1900.

back to Senegal, Mr. Chaupin wrote a letter to the Director of Interior, on April 11, 1892, to show his interest in replacing the departing prison head.¹²³ Mr. Chaupin eventually got the position. On March 29, 1900, the Secretary General sent a letter to the Chief of the Battalion of Gendarmerie in Senegal to “kindly ask” [him] to designate urgently a policeman to replace Mr. Chaupin”, who would be going on leave to France.¹²⁴ The same system of rotation remained the same until August 1900.¹²⁵ Afterwards, the pace of the rotation became slower, although police and military officers held the position for most of this period, until the 1940s. In 1940, the prison of Saint-Louis was under the leadership of Gendarmerie officer Mourleau Francois.¹²⁶ He was eventually appointed to a new post in Dakar, and was replaced on October 30, 1941 by another officer named Noel Robert.¹²⁷

Professional skills in prison administration however were not a requirement for the job. Instead, the people interested in the position used their networks within the colonial apparatus to multiply their chance in the competition. For example, when Mr. Chaupin wrote the administration about his interest in the position of manager of the prison of Saint-Louis, 1890, he had previously worked for the colonial police, and before that had served in the military, which

¹²³ ARS 3F/00046: Civil Prison of Saint-Louis, 1892-1900: Letter of Mr. Chaupin to the Director of Interior, April 11, 1892.

¹²⁴ ARS 3F/00046: Civil Prison of Saint-Louis, 1892-1900: Secretary General of the Government to the Chief of the Battalion of *Gendarmerie* in Senegal, March 29, 1900.

¹²⁵ ARS 3F/00046: Civil Prison of Saint-Louis, 1892-1900: Letter of Commandant of the Battalion of *Gendarmerie* in Senegal to the Secretary General of the Government, May 31, 1900; Note of the Secretary General of the Government, August 20, 1900.

¹²⁶ ARS 3F/00069: Civil Prison of Saint-Louis, 1941: Annual Report of Mourleau François, warden, on the prison of Saint-Louis in 1940, January 15, 1941.

¹²⁷ ARS 3F/00069: Civil Prison of Saint-Louis, 1941: Telegram-Letter of the Secretary General to the Commandant of the *Cercle* of Bas-Senegal, October 30, 1941. Administratively, the city of Saint-Louis was in the *Cercle* of Bas-Sénégal [Lower-Senegal]

gave him some good experience that could be instrumental for the job he wanted.¹²⁸

Nevertheless, the Head of Public Works and Supplies personally wrote a letter to the Director of Interior in support of Mr. Chaupin's candidacy. The letter described the applicant as "having in charge a family" and explained that his appointment as warden would help him take care of his family properly. It was also pointed out that Mr. Chaupin was "the brother of a former *Commandant de Cercle* who left excellent memories in Senegal" and for that reason, the colonial administration should be obliged to him and review his application with special care.

As Babacar Ba has shown, the subaltern prison staff had remained basically the same from the 1860s to independence in all the prisons in Senegal.¹²⁹ The colonial administration most of the time tapped the *porte-clefs* (key holders) and *surveillants* (overseers) from retired indigenous from the police and the military. This subaltern personnel played a critically important role in the prison of Saint-Louis, as it was in direct contact with prisoners, locking and opening the penitentiary rooms, serving food to the carceral population, to name but a few aspects of their daily duties. More than anything else, the need to increase the number of subaltern staff or at least to maintain it at a satisfactory level, were constant concerns for colonial administrators, between the 1890s and the 1940s. There is no doubt that the impending massive use of penal labor had something to do with the pervasive preoccupation among French administrators to tighten prison surveillance. The warden of the prison of Saint-Louis made it clear in a note he sent to the Secretary General, pleading for the recruitment of more subaltern staff and guards. "If, as it is expectable, he wrote, we were to use more prison workers, it would

¹²⁸ ARS 3F/00046: Civil Prison of Saint-Louis, 1892-1900: Letter of Mr. Chaupin to the Director of Interior, April 11, 1892. The same letter was forwarded (along with supportive comments) to the Director of Interior by the Chief of the *Section des Travaux et Approvisionnements*, April 11, 1892.

¹²⁹ Babacar Ba, "Histoire du Personnel Pénitentiaire Colonial au Sénégal, 1863-1960," *Mémoire de DEA, Département d'Histoire, Université Cheikh Anta Diop de Dakar*, 1997.

become necessary to send all the guards outside” and there would not be anybody left for the internal service of the prison.¹³⁰

In fact, of all three components of the prison staff that of the penitentiary guards was the one where the administration committed more efforts and energy. The objective was to have a tighter control over the prisoners. The age of the prison guards came up as an issue of concern in 1899. At the time the Prosecutor General, head of the Judiciary Service of French West Africa revealed in a letter to the Governor General that all the guard were between sixty and seventy years old. The correspondence insisted on the pressing needs to replace them with younger people, because at their age they were no longer fit for the “hard and very tiring” job they were doing.¹³¹ Along the same perspective of getting efficient guards, the head of the prison of Saint-Louis, on July 18, 1905, wrote a letter to the Secretary General, reiterating a request he submitted two years earlier for the equipment of all the guards with revolvers.¹³² The preoccupation of having the right prison guards remained the same all through the 1930s and after.¹³³

Colonial administrators strongly believed that some of the guards were not as tough as they were supposed to be. There was even some real suspicion that guards helped prisoners escape or turned a blind eye to some of their behavior that could disrupt order inside the prison. The administration considered a range of harsh punishments to discourage this real or imagined misconduct in the part of the guards. These punishments could go from retracting part of their

¹³⁰ ARS 3F/00049: Civil Prison of Saint-Louis, 1900; 1909-1912, Deputy Higher Police Officer and warden of the Prison of Saint-Louis to the Secretary General, December 29, 1912.

¹³¹ ARS 3F/00046: Civil Prison of Saint-Louis, 1892-1900: Letter of the Prosecutor General, Chief of the Judiciary Service to the Governor General of French West Africa, July 7, 1899.

¹³² ARS 3F/00052: Civil Prison of Saint-Louis, 1903-1906: Exchange of letters between the Secretary General and the head of the prison of the prison of Saint-Louis, July 17-18, 1905

¹³³ ARS 3F/00076: Report on the operation of the prison of Saint-Louis in 1934, from the warden of the prison, February 9, 1935. He suggested in this report that for the sake of a good surveillance service, it was necessary to replace the old guards with young and strong ones.

salaries, imprisoning them, or even firing them from their employment. This reorganization of the staff was not based on any formal regulations. Instead, its guiding principal was to have enough subaltern staff and prison guards to prevent prisoners from escaping. The December 1905 monthly report on the prison of Saint-Louis revealed that there were still neither specific nor general regulations regarding the surveillance personnel and the like. The administration of the prison was entirely in the hands of wardens who used their personal judgment in making their decisions. The higher authorities intervened only if they thought this general orientation was endangered.¹³⁴ On September 26, 1925, the Secretary General wrote the following to the Governor of Senegal:

The warden of the prison of Saint-Louis has informed me that guard Yeli Diallo helped military prisoner Dia Ibrahima to escape, on September 8, 1925... The warden, therefore, has suggested a punishment of thirty days in jail against him, and the retraction of half of his salary. I kindly call your attention to this issue. The surveillance of prisoners could not be efficient if the guards help them to escape. It is in our interest to keep in the prison only guards who would not assist prisoners that way... For this reason, I suggest that [Yeli Diallo] be fired at the end of his imprisonment.¹³⁵

This preoccupation has remained the same all through the 1940s. The fact that only one prisoner escaped from the prison of Saint-Louis in 1940 was considered as “exceptional” by the

¹³⁴ ARS 3F/00052: Civil Prison of Saint-Louis, 1903-1906: Monthly report on the prison of Saint-Louis, December 1905.

¹³⁵ ARS 3F/00064: Civil Prison of Saint-Louis: Letter of the Secretary General to the Governor of Senegal, September 26, 1925.

warden, who recognized that such a performance was the result of the commitment of the guards, especially those in charge of the surveillance of detainees who worked outside.¹³⁶

During this period, the prison of Saint-Louis was lead by military and police officers, or experienced civil servants, and saw a net increase in the number of its subaltern staff. The administration also committed a lot efforts and energy in reorganizing the guards, by recruiting younger and more valid elements ready for the task, tightening the control over them, and holding them more accountable for any detainee's behavior considered as disruptive to the prison order. These internal developments were a testimony for the influence of the prison of Saint-Louis started going way beyond the limits of the capital city to reach the entire colony of Senegal. In fact, the penitentiary quickly became a critically important institution for the colonial enterprise.

A combination of factors brought the prison of Saint-Louis at the center of the penitentiary system in Senegal. Penal labor had become a vital resource for the colonial enterprise from the beginning of the twentieth century. Therefore the reorganization and centralization of the penitentiary system were geared toward meeting that challenge. During the nineteenth century the prison workforce was crucially important because it was easily accessible and free of charge. It was a key element for the operation of the colonial administration as it was used for the maintenance of the streets of Saint-Louis, governmental buildings, public schools, and for many other domestic tasks for colonial administrators.¹³⁷ Beginning in the early

¹³⁶ ARS 3F/00069: Civil Prison of Saint-Louis, 1941: Annual Report of Mourleau François, warden, on the prison of Saint-Louis in 1940, January 15, 1941.

¹³⁷ I give more details on the economic importance of the indigenous labor for the colonial enterprise, its crisis around the 1920s, and the reorganization for a more efficient use of penal labor to fill the gap. See Ibra Sene, "Introduction à l'histoire de la main-d'œuvre carcérale au Sénégal: De l'emploi des détenus des camps pénaux sur les chantiers des travaux routiers, (1927-1940)", Mémoire de DEA, Département d'Histoire, Université Cheikh Anta Diop, Dakar, 1999-

twentieth century, the development of various types of public works in French West Africa increased the need for labor force. Florence Bernault has argued that the main reason behind the extensive use of administrative detentions, from the early 1900 onward, was a direct consequence of this growing need for workers that French colonizers were faced with.¹³⁸

Until the 1880, the colony of Senegal had only three detention facilities in Saint-Louis, Gorée, and Dakar.¹³⁹ But from the late 1890s and early 1900s, and over a relatively short period of time, the number of prisons in the colony increased dramatically. In almost every single one of the thirteen *Cercles*¹⁴⁰ there was a prison. There are even cases of *Chefs de Canton* who had some forms of informal detention facilities in their own homes or offices, although officially this was not part of their attributions. The *Chefs de Canton* played a very important role in the distribution of the colonial authority. The law clearly defined their prerogatives, but generally they were left uncontrolled with almost unlimited power that allowed for all sorts of abuses. The crude violence they endured in the hands the *Chefs de Cantons* is one of the most dominant

2000.

¹³⁸ Florence Bernault, “De l’Afrique Ouverte à l’Afrique Fermée: Comprendre l’Histoire des Réclusions coloniales,” in Florence Bernault (ed.), *Enfermement, Prisons et Châtiments en Afrique, du 19^e Siècle à Nos Jours*, Paris, Karthala, 1999, p. 28.

¹³⁹ CAOM: Sénégal and Dépendances XI 21 : 1816-1895 (Régime pénitentiaire ; Saint-Louis ; Dakar, Correspondance diverse). Note regarding the penitentiary regime in Senegal, Director of Interior, December 10, 1885.

¹⁴⁰ Like each of the colonies under the French West Africa federation, Senegal was divided into territorial units called *Cercles*, themselves divided into smaller entities called *Cantons*. The latter was formed by a group of villages. The *Cercle* was lead by a French colonial administrator called *Commandant de Cercle*, whereas the head of the *Canton* (*Chef de Canton*) and that of the village (*Chef de Village*) were chosen by the colonial administration among the native people. For more details on the territorial organization of French colonies in West Africa, see Saliou Mbaye, *Histoires des Institutions Coloniales Françaises en Afrique de l’Ouest (1816-1960)*, Dakar : Direction des Archives du Sénégal, 1991, pp. 63-67.

pieces of the vivid memory that most rural populations in Senegal still have of the colonial period.¹⁴¹

The efforts to have a prison in every *Cercle* did not go hand in hand with the commitment of the necessary financial resources for the building of good detention facilities like the one in Saint-Louis. Instead, the colonial administration tried as much as it could to cut on spending and would rely upon cheap materials to build most of those prisons. As a consequence of that, it became harder and harder to keep the growing numbers of prisoners, especially those considered by the colonial administration as “difficult”. Over the years, the number of prisoners escaping became a matter of serious concern. A survey ordered by the Governor of Senegal revealed that in 1926 only, 297 detainees escaped from the prisons of the colony. The survey also showed that the prospects for 1927 were not good at all. In fact, between January and April 1927, 125 detainees had already escaped, out of which only 24 were recaptured.¹⁴² Besides the number of escaped prisoners in each *Cecrle*, the survey also gave detailed information about the main causes of the escapes, and suggested what local authorities would do to recapture the fugitives and prevent more escapes from happening.

To fight efficiently against this phenomenon, the Governor General of French West issued a decree which provided harsh punishment against indigenous prisoners for escaping or attempting

¹⁴¹ Still today people who experienced the colonial period compare the *Sous-Préfet* with the *Chef de Canton*. Besides the similarity of their administrative attributions, the former has maintained quite the same abusive administrative practices of the latter, for most of the first two decades after independence.

¹⁴² ARS 3F/00094: Circular of the Governor of Senegal sent to all the *Commandants de Cercles*, April 27, 1927. Among all 13 *Cercles* of the colony, only two (Diourbel and Dagana) were not concerned by this survey.

to escape. The same sanctions also applied to anyone who would assist them.¹⁴³ In the same perspective, the colony moved toward a more centralized organization of the prison system. A major decision made by the authorities was to build a central penitentiary facility to receive all recaptured fugitive prisoners, recidivists, prisoners serving long sentences, as well as those categorized as “dangerous” and who could escape at any time. Although this plan would never become a reality, and the authorities would not build a central penitentiary facility, the prison of Saint-Louis virtually played that role from 1927 to 1936. Before 1927, Saint-Louis had already been receiving on a regular basis convicts transferred from other prisons of the colony.

Whether they were individuals or groups, there were various reasons why these prisoners were sent to Saint-Louis. Detainees considered as dangerous and difficult to keep in the other prisons of the colony were sent to Saint-Louis. In 1912, Demba Dembo, whose death sentence was commuted to life in prison by the French President, was transferred from Podor to Saint-Louis. From there he and other detainees were directed to France, and from there to one of the penal colonies of Guiana or New Caledonia.¹⁴⁴ In May 9, 1925, the Administrator of the *Cercle* of Baol wrote a letter to the Governor of Senegal asking for the authorization to transfer from Diourbel to Saint-Louis, detainee Mor Gueye, who was accused murder. The prison of Diourbel where he was initially jailed was not enclosed and could not hold prisoners like Gueye for even one day, as the correspondence mentioned.¹⁴⁵ Some of those high profile prisoners came to

¹⁴³ *ARS 3F/00094: Decree Project punishing prison escapes in French West Africa, 1927. See also *ARS 3F/00094: Inspector of Administrative Affairs, Note on prison escapes, November 9, 1927.

¹⁴⁴ ARS 3F/00049: Civil Prison of Saint-Louis, 1900; 1909-1912: Letter of the Acting Secretary General of the Government of Senegal to the Head of the Political Bureau in the Governor’s office, 1912.

¹⁴⁵ ARS 3F/00064: Civil Prison of Saint-Louis (1925): Letter of the Administrator of the *Cercle* of Diourbel to the Governor of Senegal, May 9, 1925.

Saint-Louis from other French colonies. On January 2, 1925, the Governor General informed the Governor of Senegal of the arrival in Dakar of former *Meharist* brigadier Salah Ould Beirouk, coming from Morocco. He instructed the Governor to transfer the prisoner to Saint-Louis, where he was supposed to stay until he was sent over to Atar (Mauritania) to stand trial. The correspondence emphasized that all expenses related to this transfer would be covered by the budget of the colony of Mauritania.¹⁴⁶

Also, sometimes, the reason for these transfers was the lack of space to house the rising number of prisoners in the *Cercles*. Saint-Louis was always the designated prison to receive this surplus of detainees. On December 14, 1912, under the instruction of the Secretary General, 20 detainees were moved from the overcrowded prison of Dakar to Saint-Louis, where, the head of the prison of the capital assured in a letter to the Secretary General, there was no problem to receive them.¹⁴⁷ On March 28, 1925, the Administrator of the *Cercle* of Sine-Saloum sent a telegram-letter to the Lieutenant-Governor of Senegal requesting that 14 detainees serving long prison terms in Kaolack be sent to one of the big prisons of the colony. At the time, the telegram-letter tells us, there were 167 inmates squeezed in the prison.¹⁴⁸ These prisoners ended up to Saint-Louis. For the same reason, a group of convicts from the colony of Mauritania (prisons of

¹⁴⁶ ARS 3F/00064: Civil Prison of Saint-Louis (1925): Letter of Lieutenant-Governor of Mauritania to Lieutenant-Governor of Senegal, January 02, 1925.

¹⁴⁷ ARS 3F/00049: Civil Prison of Saint-Louis, 1900; 1909-1912: Letter of Saint-Louis Deputy Police Chief Officer and Head of the Prison of Saint-Louis, to the Secretary General of the Government, December 14, 1912.

¹⁴⁸ ARS 3F/00064: Civil Prison of Saint-Louis (1925): Telegram-letter of the Administrator of the *Cercle* of Sine-Saloum to the Governor of Senegal, March 28, 1925.

Aleg and Selibaby) was transferred on June 23, 1925, to Saint-Louis, the only place where they could be held without any risks of escaping.¹⁴⁹

This is just a sample of the many transfers of prisoners to Saint-Louis, from other prisons of Senegal and French West Africa. Playing such a central role within the penitentiary system for a little less than ten years ultimately took a heavy toll on the prison of Saint-Louis. Colonial administrators focused their efforts entirely on the exploitation of the penal workforce and paid no attention to the maintenance of the building, which left the detention facility in a very bad shape. This was a trying period of labor shortage for most of the French colonies in West Africa.¹⁵⁰ Also, as the carceral population grew steadily, the number of prison workers used by the administration followed the same trajectory. That was why, from 1933 to 1935, more than 2/3 of the detainees in Saint-Louis were almost permanently employed in all kinds of public works.¹⁵¹ Yet, over the same period, the number of prison guards remained the same, which made it even more difficult to prevent prisoners from escaping. For all these reasons, when Colonial Inspector Monguillot arrived in Senegal in February 1836 for the inspection of the penitentiary services, Saint-Louis and the whole system were in a state of deep crisis.

In the report he wrote on his mission, Inspector Monguillot recommended a reform of the system through the implementation of four penal camps alongside the preexisting prisons. The first camp would be for people serving 1 to 5 years in prison, the second one for those sentenced

¹⁴⁹ ARS 3F/00064: Civil Prison of Saint-Louis (1925): Letter of Lieutenant-Governor of Mauritania to Lieutenant-Governor Senegal, June 18, 1925; Lieutenant-Governor of Mauritania to Lieutenant-Governor of Senegal, June, 24 1925.

¹⁵⁰ This problem was the main subject of the Circular of the Governor General of French West Africa to the Lieutenants-Governors of the colonies of the federation, and to Administrator of Dakar et Dépendances, March 3, 1927 (ARS 3F/00101).

¹⁵¹ *ARS 3F/00105: Annual Reports of the Warden of the Prison of Saint-Louis, for 1933 (January 20, 1934), 1934 (January 9, 1935) and 1935 (January 16, 1936).

to 5 to 10 years, and the third and last one for hardcore criminals. The main objective behind the reorganization that Monguillot suggested was twofold. First, he sought a more rational exploitation of the penal workforce. Second, and most importantly, he aimed at putting at the center of the penitentiary's mission, the moral rehabilitation of prisoners.¹⁵² Although the colonial authorities established the three penal camps, they completely ignored the spirit behind the Inspector Monguillot's recommendations.¹⁵³ Independently from Monguillot's recommendation, the French authorities had already planned for a special section in the colonial budget devoted to "the maintenance of the roads exclusively with prisoners organized in ... penal camps."¹⁵⁴ On August 3, 1936, the Governor General of French West Africa wrote to the *Commandants de Cercles* of the colony of Senegal about this project. The Governor explained in his correspondence that by receiving the surplus of detainees from the *Cercles*, the penal camps would allow the administration to use for the general interest a labor force whose concentration in the detentions facilities could only have absolutely negative consequences.¹⁵⁵ In the early summer of 1936, the prison of Saint-Louis had 140 detainees. But, because of the transfer of most of this carceral population to the penal camp of Louga, only 56 remained in the prison in

¹⁵² *ARS 3F/00110: Colonial Inspector Monguillot, Inspection Report on the Penitentiary Services of Senegal, February 1936.

¹⁵³ For more details on the system of penal camps, see Ibra Sene, "Colonisation Française et Exploitation de la main-d'œuvre Carcérale au Sénégal : De l'Emploi des Détenus des Camps Pénaux sur les Chantiers des Travaux Routiers, (1927-1940)", *French Colonial History*, Vol. 5, 2004, pp. 153-171.

¹⁵⁴ This is a hand-written note of the Governor of Senegal on the copy of the Monguillot Inspection Report that he received. See *ARS 3F/00110: Colonial Inspector Monguillot, Inspection Report on the Penitentiary Services of Senegal, February 1936, p. 15.

¹⁵⁵ *ARS 3F/00111: Circular of the Governor General of French West Africa to the *Commandants de Cercles* of Senegal and the Higher Administrator of Casamance, August 3, 1936.

early April 1937. This number decreased to just 23 prisoners, on May 4 of the same year.¹⁵⁶ The penal camps would remain the main destination for most prisoners in the colony of Senegal until the late 1930s and early 1940s.

In the early 1860s, a new building was constructed for the prison of Saint-Louis. Over the following four decades imprisonment served as a provider of cheap labor to the colonial state, and a tool of repression of the African resistance that went hand in hand with the establishment of the colonial order. Because of this orientation of colonial imprisonment, the French gave no attention to the well-being of prisoners and the environment they lived in. The opposition of the Judiciary and the criticism of colonial inspectors to the administration's conception of punishment would not make a big difference. Starting in the 1870s, the Governor of Senegal had an upper-hand over the entire design and operation of the penitentiary, and Saint-Louis became the center of the system that included the prisons of Gorée and Dakar. The territorial and administrative reorganization which followed the creation of French West Africa maintain and reinforced the direction taken by the penitentiary since the 19th century. From just three prisons until the late 19th century, number of detention facilities in the colony of Senegal would go up to thirteen over the next four decades. The Secretary General, under the authority of the Governor General of French West Africa, pushed forcefully for a centralized prison system in which Saint-Louis became the nodal center until the 1940s.

¹⁵⁶ ARS 3F/00076: Minutes of the Surveillance Commission, Prison of Saint-Louis, June 18, 1936. See also ARS 3F/00076: Letters of the warden of Saint-Louis to the *Commandant de Cercle* of Bas-Sénégal, April 6, 1937 and May 4, 1937.

PART TWO
Imprisonment and Colonization: The Role Played by the Prison of Saint-Louis (ca.1830-ca. 1940)”

Chapter Three

The Prison of Saint-Louis and the Colonial Penitentiary Rules and Practices

In theory, French penal law and regulations inspired the foundation of penitentiary regulations and practices in Senegal. However, the emergence of a number of circumstances created by the colonial context influenced the actual enforcement and these regulations, which had the most lasting outcome on the prison system in the colony. The fact that the Judiciary Service and the central administration fought over every single aspect of the operation of the penitentiary was one of the most tangible expressions of this instability. While the former pushed for a stricter respect of the letter and the spirit of the laws regarding imprisonment, the latter defended a more utilitarian nature of the penitentiary practices. The administration promoted the widely shared belief that the Senegalese prison was not meant to be the exact replica of the one in mainland France. Because of that, the security of the colonial enterprise was the main driving factor of any move that the administration took in this domain. Even if it meant twisting the regulations they were theoretically supposed to follow in the operation of the prison system and/or or creating new ones depending on the circumstances, the French in Senegal invested a lot of energy in modeling the penitentiary as a major pillar of the colonial enterprise. Added to that, the relative independence that officials often had in making and enforcing their own rules played an important role. The fact that colonial authorities often operated with little to no control from their bosses based in Paris, they colonial authorities impacted in its own way the operation of the prison system in colonial Senegal.

This chapter surveys some of the major regulations governing imprisonment. It focuses on the ways in which these regulations impacted the penitentiary practices in use in the Prison of Saint-Louis. To better understand the nature of punishment and the actual operation of the detention facility in the capital of the colony, I take a look at colonial imprisonment through the lenses of the philosophy at the core of the prison reform movement in the West, beginning in the 19th century.

The Regulations Governing the Operation of the Prison of Saint-Louis

When writing the history of the prison system in Senegal, the question of its legal foundation pops up recurrently as a complex issue. In many instances, colonial administrators invoked various French penal laws as the main base upon which the administration of punishment in Senegal would and should be built. Although this was not a widely shared view, it is important to consider it in the context which this study deals with. In fact, such an opinion was held by a handful of colonial officials, sometimes in Saint-Louis, the then capital of Senegal, and mostly in Paris. Along with this attempt to simply apply the penal laws in the colonies the same way as in mainland France, there were formal legislations that were inspired by, and quite similar to, the French penitentiary instruments, at least with regard to the clarity of their objective and field of application. But all of this, in reality, did not result in the definition of a precise body of regulations for the management of the prison system.

On November 28, 1885, the Minister for the Navy and the Colonies sent a circular to all the governors urging them to engage discussions to find ways in which it was possible to apply in their respective colonies a decree issued that same month in France,

which organized the *prisons de courtes peines*.¹⁵⁷ Along the same lines, from a 1894 exchange of letters between the Director of Interior, the Commander in Chief of the colonial armed forces, and the warden of the prison of Saint-Louis, it transpires that an official order issued on January 23, 1827 determined the organization of the *maisons centrales* in Senegal. From the same correspondence it also appears that two subsequent orders issued respectively on April 5, 1838 and July 1841 dealt with the details of the regime of the prisons in the colony.¹⁵⁸

The willingness of some lawmakers in Paris did not matter that much in the administration of imprisonment. Instead, the conceptions that the French administrators had about imprisonment in the colonies was the most decisive factor in the definition of the rules and practices that governed the operation of the penitentiary system. In response to the circular sent out by the Ministry for the Navy and the Colonies, the Governor of Senegal wrote that his office and the Judiciary Service had already started working closely on the same issue. The first problem with the Governor's response is the use of such a surprising tone which could be misleading in that he let it seem as if the executive branch of the colonial government and the Judiciary Service had good working relationships. The truth of the matter is that, there is overwhelming evidence showing that this was never the case, especially with regard to the prison system and the ways in which it should

¹⁵⁷ CAOM Sénégal and Dépendances XI 21 : 1816-1895 (Régime pénitentiaire ; Saint-Louis ; Dakar, Correspondance diverse). Letter of the Governor of Senegal and Dependences to the Minister for the Navy and the Colonies, Saint-Louis, February 14, 1886.

¹⁵⁸ ARS 3F/00037: Letter of the warden of the prison of Saint-Louis to the Higher Commander of the Colonial Armed Forces, June 2, 1894, regarding the organization of the prisons of the colony of Senegal (RE: Letter of the Higher Commander of the Colonial Armed Forces to the Director of Interior, may 13, 1894). All three orders were published in the *Bulletin Officiel* of Senegal, pp. 155, 157, and 612

operate.¹⁵⁹ But a closer examination of the Governor's letter reveals far more interesting information than he would admit overtly. In fact, it transpires that until that time the prison system in the colony was not organized "seriously", to use his own words. Also, and most importantly, while the Governor seemed to show some strong interest in the writing of a law organizing the prison system in Senegal, he nevertheless warned his boss about the real difficulties they would face, and which would make it almost impossible or useless in the context of Senegal. To that end, he wrote:

But I should right away let you know that it might be difficult to organize all these [colonial] prisons using one uniform regulation, like in France. A number of dispositions necessary to take care of certain details in some of the colonies, might not be applicable in others, which would result in difficulties that only specific regulations for each colony could help us avoid.¹⁶⁰

The view expressed by the Governor in this correspondence remained a core element of the thinking of French colonial officials about imprisonment in Senegal, during the period covered by this study. In a letter he wrote on October 29, 1905, the President of the Tribunal of 1st Instance of Saint-Louis prudently, yet clearly, called the attention of the Secretary General of the Government to the fact that the relegation or transfer of detainees to France was a subsidiary sentence and should not overlap with the main sentence. The Secretary General responded that based on a ministerial dispatch of June 21, 1887,

¹⁵⁹ The executive branch of the colonial government (the Governor and his office) and the Judiciary Service almost never agreed on anything related to the ways in which the prison system should operate. I focus on this permanent fight with more details in Chapter Four which is devoted to the organization of penal labor at the Prison of Saint-Louis.

¹⁶⁰ CAOM Sénégal and Dépendances XI 21 : 1816-1895 (Régime pénitentiaire ; Saint-Louis ; Dakar, Correspondance diverse). Letter of the Governor of Senegal and Dependencies to the Minister for the Navy and the Colonies, Saint-Louis, February 14, 1886.

providing instructions for the application of the decree of November 26, 1885, regarding the relegation of detainees, the government was not bound by the legislation that the President of the Tribunal pointed out. Therefore, the Secretary General added, the colonial administration was following French jurisprudence and could transfer prisoners from Senegal to France without any forms of restriction.¹⁶¹

In a note dated May 14, 1924, which he prepared for the Governor, the Acting Secretary General of the Government echoed the same conception of the mission assigned to the colonial prison. He clearly explained that imprisonment in Senegal was not meant to be the exact replica of what it was in France. Furthermore, his observation that detention facilities in Senegal could hold all kinds of people, including even those who never broke any laws, spoke volumes about the system and the tenets of its operation.¹⁶²

Obviously, the type of prison which was theoretically instituted by a series of legal dispositions, such as the order creating the *maisons centrales* in Senegal, in 1827¹⁶³, never actually existed. The main reason was the complete divorce between the very fact of formulating such regulations and the ways in which the colonizers continued to handle punishment on the ground. In fact, well into the last quarter of the 19th century, there was

¹⁶¹ ARS 3F/00052: Civil Prison of Saint-Louis, 1903-1906. Individual notice on prisoner Alioune Seye (1905): Letter of the Pdt of Tribunal of 1st Instance of Saint-Louis, President of the Colonial Classification Commission that had to decide on the case of Alioune Seye, to the Secretary General of the Government, October 29, 1905.

¹⁶² ARS 3F/00064: Civil Prison of Saint-Louis: Imprisonment of Leonie Gueye, a juvenile detainee (13 years), 1925, Note for the Governor, from the Acting Secretary General of the Government, May 14, 1924.

¹⁶³ ARS 3F/00037: Letter of the warden of the prison of Saint-Louis to the Higher Commander of the Colonial Armed Forces, June 2, 1894, regarding the organization of the prisons of the colony of Senegal (RE: Letter of the Higher Commander of the Colonial Armed Forces to the Director of Interior, May 13, 1894)

no clear categorization of the penitentiary establishments in the colony.¹⁶⁴ There did not seem to be a dramatic change in this situation until the late 1920s, because an official document from this period informs us that, like in Senegal, there were not real prisons in many French possessions at the time. Nevertheless, courts in these areas continued handing prison sentences.¹⁶⁵

It was the same absence of consistency between these legal instruments and the reality on the ground, that explain the stark difference between the conflicting pictures that the colonial archives give of the Senegalese prisons. In a memo issued on December 10, 1885, the Director of Interior described the three main prisons of Senegal as follow:

At the prisons of Saint-Louis and Dakar are detained people who are sentenced to jail. Those condemned to forced labor and to longer terms are directed to France, from where they are taken to Guiana and New Caledonia. The prison of Gorée is only for people awaiting trial and those sentenced to jail for misdemeanor.¹⁶⁶

This picture of the penitentiary system seemed very unlikely in the context I described earlier. Furthermore, reports written by colonial inspectors and other sources before and after this memo do not support the possibility of this clear distinction between different types of penitentiary establishments and categories of prisoners.

¹⁶⁴ CAOM Sénégal and Dépendances XI 21 : 1816-1895 (Régime pénitentiaire ; Saint-Louis ; Dakar, Correspondance diverse). Letter of the Governor of Senegal and Dependences to the Minister for the Navy and the Colonies, Saint-Louis, February 14, 1886.

¹⁶⁵ ARS 3F/00064: Civil Prison of Saint-Louis: Imprisonment of Leonie Gueye, a juvenile detainee (13 years), 1925, Note for the Governor, from the Acting Secretary General of the Government, May 14, 1924.

¹⁶⁶ CAOM: Senegal et Dépendances XI, 21: 1816-1895 (Régime pénitentiaire; Saint-Louis; Dakar, Correspondance): Notice regarding the penitentiary regime in Senegal, Director Interior, Saint-Louis, 10 December 1885.

Instead, these more reliable sources show a prison system where “[t]here [was] no differentiation between people convicted for misdemeanor and those condemned for more serious crimes.”¹⁶⁷ Along the same lines, in a response dated May 1st, 1871 to a reprimand of the Director of Interior regarding the provision of tobacco to prisoners, the Secretary General of the Government revealed that “many aspects of the [penitentiary] services” were not based on any formal regulations or decisions.¹⁶⁸ This lack of organization also surfaced in a report issued by the Higher Commander of the Colonial Troops following an investigation related to the suicide committed by an indigenous soldier Samba Mody, who was detained in the prison of Saint-Louis. The military officer expressed his disappointment because of what he viewed as serious shortcomings in the operation of the prison of Saint-Louis.¹⁶⁹

In Saint-Louis, the Surveillance Commission in charge of the monitoring of the prison never played seriously its role, which was to ensure that the letter and the spirit of the penitentiary rules were strictly followed. Because of its continuous inefficiency, the Commission and the Judiciary were permanently at odds over various aspects of the

¹⁶⁷ CAOM: Sénégal and Dépendances XI, 21: 1816-1895 (Régime pénitentiaire ; Saint-Louis ; Dakar, Correspondance diverse), Excerpts from a report dated November 8, 1834, regarding the material situation and regime of the prisons in Senegal. See also CAOM Sénégal et Dépendances XI 21: 1816-1895 (Penitentiary Regime; Saint-Louis; Dakar, Correspondence: The Governor of Sénégal et Dépendances to the Minister for the Navy and the Colonies, August 9, 1884. In this correspondence, the Governor of Senegal confessed to the Minister that in reality, in Senegal, there was no regulations specific to prisons

¹⁶⁸ ARS 3F/00038: Civil Prison of Saint-Louis, 1874-1875. Response to a query from the Director of Interior to the Secretary General regarding the provision of tobacco to prisoners, May 1st, 1871

¹⁶⁹ ARS 3F/00038: Civil Prison of Saint-Louis, 1874-1875. Investigation conducted by the the Major of the Garrison on the suicide committed by indigenous soldier Samba Mody who was serving life in prison at the prison of Saint-Louis, September 17, 1877.

functioning of the prison. The Prosecutor General of Senegal, Chief of the Judiciary Service of the colony, or his representative always took part in the meetings and deliberations of the Commission and constantly wrote acerbic criticisms of the ways in which it handled its mission.¹⁷⁰

The state of denial that characterized the colonial administration when it comes to the operation of the penitentiary system was put to a tough test when the Governor of Senegal, confronted with solid evidence provided by colonial inspectors, recognized that he did not follow the directives given by Paris in this area, and that the colony did not have a real prison system. Nonetheless, he pointed out that this was not by neglect or lack of respect and deference for his superiors. Instead, he defended the Director of Interior who was responsible for prisons in the Governor's office, as a seasoned civil servant who was "very conscious about his duties, and respectful of the authority of his superiors. The Governor blamed the situation described by the inspectors on the numerous movements among the senior administrative officers and the many absences among the agents of the low tiers of the administration."¹⁷¹

It is safe to argue that if such many unregulated practices prospered and ended up defining the nature of the operation of the penitentiary in Senegal, it was chiefly due to the disruption of the chain of command between the different actors involved, like the Ministry for the Colonies, in Paris, the Governor of Senegal, and many others lower

¹⁷⁰ ARS 3F/00046: Civil Prison of Saint-Louis, 1892-1900: Appointment of Wardens; Punishment of a Prison Guard (1898-1900). Reaction of the Magistrate chosen by the Chief of the Judiciary as member of the Prison Surveillance Commission that met on July 6, 1899.

¹⁷¹ CAOM Sénégal et Dépendances XI 21: 1816-1895 (Penitentiary Regime; Saint-Louis; Dakar, Correspondence. The Acting Governor of Senegal to the Minister for the Navy and the Colonies, July 21, 1888.

officers including the Director of Interior, the prison manager, even the prison guards. This disruption made it possible for centers of power to autonomously develop and allow individuals the latitude to establish regulations that suited their agendas, and actually governed the functioning of the prison system.

Colonial Penitentiary Practices and the Prison of Saint-Louis

The fact that there were no clear rules to follow in the administration of the Prison of Saint-Louis had naturally an impact on the ways in which colonial administrators handled various aspects of the penitentiary regime. I look at these issues in more details later; therefore I will not be long talking about that at this moment. Chapters four and five respectively touch on how this situation impacted the organization of penal labor, and how it allowed racial stereotypes to be a central determinant of the kind of punishment handed. Chapter six deals with the ways in which the French conceptions of imprisonment in Senegal influenced the power struggle at play in the carceral space. The influence of the lack of clarity and its consequences would be better apprehended through some aspects of the penitentiary regime and their impact on the detention conditions. A close look at the situation also reveals how colonial administrators gave themselves unchecked prerogatives in the way they wanted to organize and make use of imprisonment.

An administrative report on the state of the prisons of Saint-Louis and Dakar, issued on November 8, 1834, criticized the mixing of prisoners condemned for misdemeanor and those sentenced for more serious crimes. But also, this report emphasized shackling prisoners indistinctively in order to force them to do “the most painful and most repulsive public labor.” Although this was common in the prison of

Saint-Louis at the time, the report pointed out that such a practice was against the law, precisely “the penal code promulgated in the colony, and which requires people convicted for misdemeanor to only perform work inside the prison” and only when this was “profitable” to them. This was also against “the Law of April 1833, on civil rights in [French] colonies”, which was promulgated in Senegal, and which granted the same rights to “all free people regardless of their skin color.” It is obvious that right from the beginning, the colonizers disregarded completely the penitentiary law they were supposed to follow in the administration of the colony’s prisons, to satisfy their pressing need for manpower.¹⁷² From this period until the late 1880s, there were no formal rules guiding the extraction of prison labor except for the colonial state’s needs.¹⁷³

This utilitarian conception of imprisonment transformed detainees into a commodity for the colonizers. They performed a lot of work in areas that were critically important for the survival of the colonial enterprise. In keeping with this treatment, prison workers were not adequately paid, as the penitentiary laws required. Instead, the central administration of the colony rented detainees to local administrators and other private business owners. The reality was that imprisonment of the colonized peoples did not cost much to the French; instead it was simply an important asset for the budget of Senegal.¹⁷⁴

¹⁷² CAOM: Sénégal and Dépendances XI, 21: 1816-1895 (Régime pénitentiaire ; Saint-Louis ; Dakar, Correspondance diverse), Excerpts from a report dated November 8, 1834, regarding the material situation and regime of the prisons in Senegal.

¹⁷³ ARS 3F/00041: Civil Prison of Saint-Louis, 1886-89, Correspondence addressed to the Governor of Senegal: Inspection Report of the Prison of Saint-Louis (1888-1889), Administrative Inspection of the Prison of Saint-Louis, July 30, 1888.

¹⁷⁴ For more details on this, see Chapter Four, “Imprisonment and the Colonial Enterprise: The Prison of Saint-Louis and the Organization of Penal Labor, 1830-1940”. Even indigenous military prisoners were employed the same way. On April 2, 1902, a higher officer in the colonial army based in Saint-Louis wrote a letter to the Secretary General of

Consistent with this dynamic was a letter written by the Police Chief Officer of Saint-Louis, also manager of the prison, to the Chief of the Service of Interior, on June 9, 1877. He needed no legal backing to suggest that prisoners do not get paid for a whole month of maintaining public buildings, the streets of Saint-Louis, and the city's wharf. The main purpose behind this idea was to force the inmates to perform more work before the payment.¹⁷⁵

For quite the same reasons, and during the same year, the Governor of Senegal made a proposal of a legal order to the Minister for the Navy and the Colonies, whereby all the money gained by detainees would be “entirely used to pay off their judicial fees.” In response, the Minister instructed the Governor that this disposition be revised. He first emphasized that the proposed order was against a decision taken in this regard by the French Minister of Finance, on January 17, 1853, co-signed with the Minister of Justice, and which was in effect in France in colonies like Senegal. But also, and more importantly, the Minister for the Marine and the Colonies rejected the Governor's proposal because he thought that if it passed, it would seriously worsen the detention conditions of prisoners.¹⁷⁶ It is unclear what the Governor of Senegal finally decided to do. One should note though

the Government to request that the military prisoners in Saint-Louis be put at the disposal of the 1st Regiment of the *Tirailleurs Sénégalais* (indigenous troops) for various tasks at the Camp of Ndar Toute, such as removing the sand coming into the camp from the nearby sand dunes, but also watering the garden (ARS 3F/00046: Civil Prison of Saint-Louis, 1892-1900: Letter of Lieutenant-colonel Pineau, Arms Commandant to the Secretary General of Government, April 2, 1902).

¹⁷⁵ ARS 3F/00038: Civil Prison of Saint-Louis, 1874-1875: Letter of the Police Chief Officer of Saint-Louis and manager of the prison, to the Chief of the Service of Interior, June 9, 1877.

¹⁷⁶ 3F/00038: Civil Prison of Saint-Louis, 1874-1875: Letter of the Minister for the Navy and the Colonies to the Governor of Senegal, approving a project of an order submitted by the Governor of Senegal, December 8, 1877.

that in many cases like this one where the Governor of the colony and Paris held divergent opinions, the Senegalese administration often had the last word.

Besides penal labor, the focus of colonial imprisonment that was primarily on the body of the convict had many other features. There were various acts that the French labeled as threats against the discipline within the prison, and which they frequently punished with confinement in a disciplinary cell for up to seven days, or privation of family food supply and/or visitations.¹⁷⁷

There is evidence showing the ways in which the exorbitant power that colonizers had given themselves played an important role in determining penitentiary practices in Saint-Louis. The *Nouvelle Consigne pour le Concierge* organized the operation of the prison, with several revisions over the years. It was signed by both the Director of Interior and the Chief of the Judiciary Service, but also approved by the Governor of Senegal. Among other things, this official document stipulated that the prison manager had no power to punish a prisoner under any circumstances, “without the authorization of the Director of Interior, for people who were already sentenced), or the Chief of the Judiciary (for people awaiting trial).” It was also expressly forbidden to the warden to employ prisoners for his personal needs.¹⁷⁸ Yet, in April 1893, Saint-Louis prison head Henriette was reprimanded by the Director of Interior for using prisoners in preparing his garden, harvesting, and selling the produce without paying them anything. This case of abusive

¹⁷⁷ ARS 3F/00038: Civil Prison of Saint-Louis, 1874-1875: Response of the Chief of the Service of Interior to the Police Officer of Saint-Louis regarding the refusal of prisoners to work, April 7, 1877; CAOM: Senegal et Dependances XI, 21: 1816-1895 (Regime penitenciaire; Saint-Louis; Dakar, Correspondance): Notice regarding the penitentiary regime in Senegal, Director Interior, Saint-Louis, 10 Decembre 1885.

¹⁷⁸ ARS 3F/00037: *Nouvelle Consigne pour le Concierge* of the civil prison, signed by the Director of Interior and the Chief of the Judiciary Service, and approved by the Governor of Senegal, May 15, 1872

exploitation of penal labor is not an isolated act.¹⁷⁹ Henriette was certainly carrying on a practice among many colonial officials that was widespread at different moments, and which was condemned by many reports issued by the colonial inspectors.¹⁸⁰

The December 1905 monthly report on the prison of Saint-Louis revealed that the regime of the Senegalese prisons was basically the same since 1841, and that there were still neither specific nor general regulations regarding many aspects of the operation of this penitentiary facility. The report also revealed that the administration of the prison was entirely in the hands of prison managers who did not have any formal rules to follow for that matter; instead they used their personal judgment in making their decisions.¹⁸¹

Naturally prisoners did not take this stoically. They developed a number of responses to the brutality of the system they were subjected to. They fought hard for better living and working conditions, for the respect of their cultural values by Europeans, and complained vehemently about the quality and quantity of the food they were served. In a word, they did everything in their power to loosen the grip of the system on them.¹⁸² There is no doubt that the multifaceted responses of the carceral population had an impact on the system. But, at the same time, the French colonizer brushed aside all these responses and labeled them as the full expression of the arrogance and waywardness of the native people.

¹⁷⁹ ARS 3F/00046: Civil Prison of Saint-Louis, 1892-1900: case of Henriette, warden of the prisons of Saint-Louis, (1892-93): Minute addressed to the Governor of Senegal, regarding warden Henriette, April 1893.

¹⁸⁰ For more details on this, see Chapter Four, "Imprisonment and the Colonial Enterprise: The Prison of Saint-Louis and the Organization of Penal Labor, 1830-1940".

¹⁸¹ ARS 3F/00052: Civil Prison of Saint-Louis, 1903-1906: Monthly report on the prison of Saint-Louis, December 1905.

¹⁸² In Chapter Six, I analyze, among other things, the agency of prisoners and the various ways in which they reacted to the imprisonment.

Prisoners thought of their actions as nothing else than legitimate claims for things that the administration was required to provide them. Colonial authorities, on the contrary, viewed things with a different eye. They very often produced reports rejecting the prisoners' grievances as pure fantasies, and representing many aspects of the carceral life in Saint-Louis with surprising embellishments. But this portrayal is constantly contradicted by three unrelated sources: the letters written by the detainees as well as the periodic reports and/or correspondence from the Judiciary, the colonial inspectors, and the doctors of the prison. Colonial administrators accompanied this action with a rhetoric that depicted about everything that the prisoners claimed as a mere "favor", which the administration had the discretion to offer but also to withdraw at any time it thought it necessary, because those were not considered as rights for prisoners.¹⁸³

The penitentiary practices surveyed in this chapter were mostly used in the physically delimited space of the Prison of Saint-Louis, and targeted the bodies of the carceral population that was held there. Colonial administrators strongly believed in the necessity to make prisoners "feel their position" as a crucially important element for the achievement of the mission assigned to imprisonment.¹⁸⁴ However, it was clear that the colonizers wanted the penitentiary institution to expand beyond the prison walls, and reach the colonial population as a whole, and have a much larger impact for the colonial

¹⁸³ ARS 3F/00046: Civil Prison of Saint-Louis, 1892-1900: Appointment of Wardens; Punishment of a Prison Guard (1898-1900): Handwritten remarks of the Acting Secretary General (on August 17, 1899) on the "Excerpt from the minutes of the Prison Surveillance Commission meeting, July 6, 1899".

¹⁸⁴ ARS 3F/00052: Civil Prison of Saint-Louis, 1903-1906: Warning to prisoner Mar Diop (1906): Acting Warden of the Prison of Saint-Louis to Secretary General of the Government, regarding the authorization granted by the Public Prosecutor to the wife of prisoner Mar Diop to bring food to his husband in the prison of Saint-Louis, October 16, 1906.

enterprise. Therefore the French thought that any failure to administer imprisonment in the ways they considered the most proper could pose a serious threat to the stability of the colony.¹⁸⁵ On November 20, 1903, writing to the Secretary General of the Government, the Chief of the Judiciary Service emphasized that native people had a real fear for imprisonment, particularly deportation to the penal colonies of Guiana and New Caledonia, via France.¹⁸⁶ The Acting manager of the Prison of Saint-Louis has certainly this in mind when he suggested in a correspondence he wrote to the Secretary General of the Government, on October 16, 1906. He declared that tough penitentiary practices had a real potential to “produce outside the prison a salutary impression.”¹⁸⁷

¹⁸⁵ ARS 3F/00038: Civil Prison of Saint-Louis, 1874-1875, Memo on the prisons. This is undated document, but it is likely that it was issued between the early 1860s and the 1870s.

¹⁸⁶ ARS 3F/00052: Civil Prison of Saint-Louis, 1903-1906: Correspondence received and sent by the Secretary General of Government (1903). Response of the Chief of the Judiciary Service to a note from the Secretary General regarding a planned order on the allowance for the capture of detainees escaped from the prisons of the colony of Senegal, November 20, 1903.

¹⁸⁷ ARS 3F/00052: Civil Prison of Saint-Louis, 1903-1906: Warning to prisoner Mar Diop (1906): Acting Warden of the Prison of Saint-Louis to Secretary General of the Government, regarding the authorization granted by the Public Prosecutor to the wife of prisoner Mar Diop to bring food to his husband in the prison of Saint-Louis, October 16, 1906.

Colonial Imprisonment and the Prison Reform in Europe and the New World

When analyzing the evolution of the prison of Saint-Louis in light of the major developments in the Western prison reform history, one necessarily discovers that colonial Senegal had a quite atypical penitentiary system. There are clearly identifiable connections and similarities, but, at the same time, stark differences, in the operation of the two systems. For all these reasons, the theories developed by French moral philosopher and historian, Michel Foucault, and others, which offer an appropriate analytical framework for some aspects of the colonial penitentiary, show a number of limitations in facilitating a full understanding of the tenets of imprisonment in the French territorial possessions in West Africa. Like the Western prison, which was associated with the modern industrial society, colonial imprisonment emerged from the nineteenth century.

However, the two systems took two opposite trajectories in their respective histories, because of the missions they were respectively assigned to. In fact, as the nineteenth century dawned in Europe, the penal system became more standardized than ever. The *Ancien Régime* horrors of torture, amputations, executions, and various other physical sufferings, gradually gave way to punishment theories which were much more focused on the soul of the convict.

Primarily oriented toward reforming the deviant for his/her reintegration into society as a law-abiding person, the dominant penitentiary regulations and practices claimed a stronger scientific foundation that they did not have during the preceding centuries.¹⁸⁸ In contrast to this model, the evolution of the prison of Saint-Louis, from the early 1830s to the 1940s, shows that the penitentiary system in the French territory of Senegal was primarily an institution of colonization and, therefore, was exclusively geared toward the interest of the occupiers.

This orientation rested on the premise that the colonized populations, by no means could pretend to what Foucault has presented as the penalty of civilized societies, which was intended to establish a rational equivalence between the offense, on the one hand, and the nature of the sanction on the other hand. The Acting Secretary General of the Government put it clearly in a note he wrote to the Governor, on May 14, 1924. “It should be understood, he suggested, that the colonial prison could not be the exact copy of the one in the *metropole* [France], and that it [was] meant to hold various categories of people including those who [were] in custody, those who [were] accused, those who [were] already sentenced and [were] serving prison time, and even people who [were] not guilty of any violation of the law, like the poor and the homeless.” In the same correspondence this colonial administrator explained that until the mid 1920s, “[i]n some of the [French] colonies there [were] no prisons, yet the courts [kept] sentencing people to jail.”¹⁸⁹

¹⁸⁸See Michel Foucault, *Discipline and Punish*, New York, Pantheon Books, 1977; Norval Morris and David Rothman (eds.), *The Oxford History of Prison: The Practice of Punishment in Western Society*, New York; Oxford, Oxford University Press, 1996.

¹⁸⁹ARS 3F/00064: Civil Prison of Saint-Louis: Juvenile detainee Leonie Gueye (1922-1925), «Note for the Governor, Acting Secretary general of the Government, May 14, 1924.

In the context of the wide social transformation that instituted imprisonment in the Europe and the New World as the dominant and more accepted form of penal punishment, committing a crime meant breaking the contract that bound one to the society in which they lived. In such a situation, the decision to lock up the deviant in order to reform him/her by regulating and monitoring every single one of his/her moves, was always based on her/his own deviant act. The history of the regulations and penitentiary practices in use in Saint -Louis, shows that in colonial Senegal, people mostly went to jail not because of what they did, but because of what they were, or what the colonizers wanted them to be. French in Senegal relied upon a number of predefined categories in which they labored to put the colonized population, and used these to determine guilt. The alleged “immaturity” of Blacks and the need to help them grow has always been one of the main foundations of the imagery developed by Europeans about Africa, Africans, and their cultures.¹⁹⁰ This construction has been heavily used by the French in formulating the basis of imprisonment. Also, the colonial penitentiary was described in the archives as the antidote to the natural laziness of the African who was portrayed as prone to commit crimes of all sorts. Within the carceral space, the French emphasized the natives’ laziness and arrogance, and decided

¹⁹⁰ There are countless well known studies on this topic. For example, see Lucien Lévy-Bruhl , *L'Ame Primitive*, Paris: F. Alcan, 1927, and *Les Fonctions Mentales dans les Sociétés Inférieures*, Paris: F. Alcan, 1928; Georg Hegel , *The Philosophy of History*, New York: Dover, 1956; Joseph Conrad, *Heart of Darkness* (edited by D.C.R.A. Goonetilleke), Peterborough, Ontario: Broadview Press, 1999; Jan Nederveen Pieterse, *White on Black: Images of Africa and Blacks in Western Popular Culture*, New Haven and London: Yale University Press, 1992; Nicolas Bancel, Pascal Blanchard, et Françoise Vergès, *La République Coloniale*, Paris, Albin Michel, 2003. Catherine Coquery-Vidrovitch gives a fine synthesis of the debates surrounding this issue in her article “Le Postulat de la Supériorité Blanche et de l’Infériorité Noire”, in Marc Ferro, ed., *Le Livre Noir du Colonialisme. XVIe-XIX siècle: De l’Extermination à la Répentance*, Paris: Robert Laffont, 2003, pp. 863-925.

that they only deserved the brutal methods used in the prison of Saint-Louis, but not the pleasant treatment upheld by the civilized French laws.¹⁹¹

As Chapter Four shows, penal labor provided a non-negligible asset for the budget of Senegal and played a crucially important role in the colonial economy. This was one of the most important explanations of the consciously organized repressive nature of the penitentiary regime, which distinguished it from the one that was in place in Western Europe and the New World, starting in the early nineteenth century. A deeper analysis of the various fashions in which the French used this manpower leads to an even more telling feature of the carceral system, which went hand in hand with the operation of the colonial apparatus. Prisoners were employed for the cleaning of the streets of Saint-Louis, as well as the maintenance of the city's two main army barracks, some of its schools, all governmental buildings, and the wharf, to name but a few examples.

This use of prisoners in public works, while satisfying a daunting need for labor force, at the same time brought the pain of punishment before the native populations who were outside the prison walls. In the mind of the French authorities, this public exhibition of the brutality of incarceration was meant to play an important role of intimidation to discourage any would-be challengers of the colonial law and order. The Acting Warden of the Prison of Saint-Louis, in a letter dated October 16, 1906, suggested to the Secretary General of the Government that maintaining a harsh regime in Saint-Louis would produce “a salutary impression” beyond the penitentiary walls. He was certainly reasserting an idea that surfaced in countless reports, letters, and other documents, and which was dear to the

¹⁹¹ For more details on this, see Chapter Five, “Race and Colonial Imprisonment: Evidence from the Prison of Saint-Louis.”

colonial administration.¹⁹² This practice whereby the physical suffering of prisoners was purposely displayed in a theatrical way was a core dimension of the *Ancien Régime* penal institution and practices. But, beginning in the early 1830s, the growing outcry and violent criticism against this practice would gradually confine it to a smaller and smaller number of locations, and finally forced France to officially abolish it in 1848.

In *Discipline and Punish*, Foucault distances himself from the idea developed by the reformers that the birth of the modern prison was a wholesale humanitarian crusade for the sake of the deviant. Instead, he suggests that the new penal institution was part of a larger social transformation, which was primarily meant to extend the bourgeoisie's power of control over the society. Even if one concedes this claim to Foucault, it is arguable that when the system received full institutionalization, punishment developed as a rigorous regulation of the space and time, and movement of the bodies of detainees, in order to positively change their soul for the good of the society and their own. Also, these mechanisms were put in place following quite sustainable standards that would allow for a continuous monitoring and assessment of the performances of the penitentiary institution.

But, almost none of the above dimensions played a significant role in the definition of the penitentiary regime in Saint-Louis and the rest of the colony of Senegal. Colonial administrators never fully enforced the countless number of ordinances they took regarding various aspects of the operation of the prison. There were also many French penal regulations that the authorities permanently referred to as being applicable in Senegal. But,

¹⁹² ARS 3F/00052: Civil Prison of Saint-Louis, 1903-1906: Warning to prisoner Mar Diop (1906): Acting Warden of the Prison of Saint-Louis to Secretary General of the Government, regarding the authorization granted by the Public Prosecutor to the wife of prisoner Mar Diop to bring food to his husband in the prison of Saint-Louis, October 16, 1906.

because of the irregular and discontinuing structure of the colonial power, from the Ministry for the colonies, in Paris, to the Governor and his closest collaborators, such as the Director of Interior, to the prison manager, there were always conflicting interpretations of these laws. The relatively significant autonomy of the people in charge of the administration of the prison also allowed them to twist the rules, disregard completely, and/or create new ones that suited their own agendas. Because of that, the administration never really went beyond the simple evocation of these legal instruments, which, as a result, rarely had a real incidence on the ways in which punishment was carried out. Ultimately, the will of the colonizers to deal with the day-to-day needs and the circumstances of the moment was the most instrumental factor that guided the operation of imprisonment in Saint-Louis.

Durkheim establishes that the moral and juridical codes upon which any social organization is founded as well as the conditions in which such codes are violated, are all interrelated sociological phenomena. For him, punishment is a social institution that offsets the moral harm caused by the offender to his/her fellows, restores trust between the two parties, and, as a consequence, maintains the solidarity that is vital to the harmony of any given society.

Using this framework, Durkheim interprets the birth of modern prison in Europe and the New World as a response to the breakdown of the traditional methods of punishment that were no longer operational for the society.¹⁹³ David Rothman, in his book

¹⁹³ Stephen Lukes and Andrew Scull, eds., *Durkheim and the Law*, Stanford: Stanford University Press, 1995. Katayoun Baghai, "Punishment as Reason and Passion: Bentham, Kant, Nietzsche, Durkheim" *Paper presented at the annual meeting of the American Sociological Association, Montreal Convention Center, Montreal, Quebec, Canada, Aug*

The Discovery of the Asylum, makes a similar point about the origins of the American prison system. In fact, he demonstrates that the revolution that accompanied the Jacksonian era had considerably eroded the Calvinist legacy regarding the perception of criminality, insanity, delinquency, and poverty. God's will was no longer the sole explanation of these "illnesses" of the American society. Therefore, the confidence in the disciplining power of a hierarchical society as the only way to ensure the stability of the new nation lost considerable ground. What followed was a series of heated debates among intellectuals over the best formula of social control. The current American penitentiary institution came out of these debates.¹⁹⁴

A thorough look at the penitentiary regulations and practices in Saint-Louis suggests that a totally different scenario played out in colonial Senegal. The most striking difference was that the normative structure of the moral and juridical codes enforced in the colony had no relations to the desires of native the people. Instead, the colonial administration set its own criteria for the definition of an offense and the adequate mechanisms to use for the punishment of the offender. In contrast to 19th-century Europe, the sense that punishment was theoretically meant to reconcile the deviant and the society he/she belongs to and to which he/she has sinned against, was absent in the conception of imprisonment in colonial Senegal.

Both prisoners and the rest of the indigenous society viewed the colonial prison as a foreign institution imposed on them. Therefore, in their various attempts to fight the

10, 2006 *Online* <PDF>. 2008-05-07
<http://www.allacademic.com/meta/p101425_index.html>

¹⁹⁴ See David Rothman, *The Discovery of the Asylum: Social Order and Disorder in the New Republic*, Boston and Toronto, Little Brown, 1971 (reprint 2002)

penitentiary system, whether through frontal resistance or by way of negotiation and accommodation, convicts would heavily rely on, even team-up with, the colonized population. The colonial penal sanctions did not carry the functions of rehabilitation and retribution, which, according to Durkheim, were central to the new forms of punishment in Europe and the New World, beginning in the nineteenth century. Instead, the sanctions handed on indigenous prisoners were merely repressive and all geared toward safeguarding what the French termed vaguely as “the general interest” of the colony.¹⁹⁵

Writing about the ways in which colonialism has shaped legal regimes around the World, Lauren Benton argues that:

Wherever a group imposed law on newly acquired territories and subordinate peoples, strategic decisions were made about the extent and nature of legal control. The strategies of rule included aggressive attempts to impose legal system intact... Conquered and colonized groups sought, in turn, to respond to imposition of law in ways that included accommodation, advocacy within the system, subtle deligitimation, and outright rebellion. The legal conflicts of colonized and colonizers were further shaped by the tensions that divided the two sides.¹⁹⁶

Peter Zinoman makes a similar suggestion in his book *The Colonial Bastille: A History of Imprisonment in Vietnam, 1862-1940*. In fact, he considers the widely shared belief among nineteenth-century French criminologists that discipline could not change the behavior of non-European lawbreakers, as having deeply influenced the repressive nature of the penitentiary in colonial Vietnam. He also establishes a direct connection between the

¹⁹⁵ French colonial authorities in Senegal frequently used the vague concept of “intérêt général” to explain many decisions regarding the organization of the prison system.

¹⁹⁶ Lauren Benton, *Law and Colonial Cultures: Legal Regimes in World History, 1400-1900*, New York, Melbourne, Madrid, Cape Town, São Paulo: Cambridge University Press, 2002, p. 2.

imperial conquest and imprisonment in this French colony. The strategy used by the French to break down the tenacity of Vietnamese resistance consisted primarily in confining hundreds of suspected people, adults and children, in fortified camps. On the ways in which this period influenced the development of the penitentiary, Zinoman writes:

The fact that the colonial penal system traced its origins to [these] camps (...), shaped the evolution of colonial incarceration. Whereas prison officials in France may have conceived of prisoners as fundamentally antisocial, their colonial counterparts saw them as antistate. Hence, colonial officials tended to conceptualize imprisonment in terms of repression rather than rehabilitation... This early repressive orientation launched the colonial prison on an institutional trajectory that would continue to influence its development until the end of the colonial era.”¹⁹⁷

The method that Zinoman describes in colonial Vietnam was quite similar to what the French did in Senegal. The destructive nature of the conquest and pacification, some repressive institutions like the *travail force* (forced labor), and special legal instruments such as the *Code de l’Indigénat*, to name but a few examples, were among the core elements of colonialism, that informed the practices used in the penitentiary system. In the introduction to his edited volume *Le Livre Noir du Colonialisme: XVIe-XXIe Siècle: De L’Extermination à la Répentence*, Marc Ferro has referred to these methods used by the

¹⁹⁷ Peter Zinoman, *The Colonial Bastille: A History of Imprisonment in Vietnam, 1862-1940*, Berkley, Los Angeles, London: University of California Press, 2001, p. 32. This was also true for colonial Senegal and has been a reality for the country since it became independent. There has been lots of problems with the Senegalese prison system over the last decade and the Government has been contemplating the possibility to use alternative penalties. For more details on the crisis and its origins see Ibrahima Thioub, Babacar Ba, et Ibra Sene, “Sénégal: Un Système Pénitentiaire en Crise. Acteur et Enjeux des Débats en Cours”, *Revue française d’Histoire d’Outre-Mer*, t.86, n°324-325, p. 125-148.

French to maintain their domination as the “obvious” marks of totalitarianism.¹⁹⁸ He suggests that there is a close relationship between colonial regimes and totalitarian regimes. The latter, Anne Applebaum argues, “are those which establish a social ideal, and then seek to eliminate or reeducate everyone who doesn’t fit into it.”¹⁹⁹ To a large extent, the penitentiary regulations and practices used in the Prison of Saint-Louis pursued the same goal. The penitentiary institution fundamentally played an important role in the colonial social engineering and defined a set of models of behavior that the French administrators which heartedly employed to force the native people to abide by.²⁰⁰

The analysis of the rules and practices that governed the ways in which the prison of Saint-Louis operated shows two different images of the penitentiary system in colonial Senegal. The first one is an abstract one and it emerges from penal regulations enforced in France and which colonial administrators thought were applicable in Senegal, and/or from legal instruments specifically concocted in and for the colony. The second image of the penitentiary which this chapter uncovers is the real one, the one that actually existed on the ground; it was a chaotic and irregular one. To understand this situation, one should consider the combined effects of some factors. First, although the administration referred to all the above mentioned French regulations, they were never precisely followed in the management of the prison. It was clear in the mind of the colonizer that the colonial prison

¹⁹⁸ Paris: Robert Laffont, 2003. Also, in her book, *Les Origines du Totalitarisme. L’Impérialisme*, Paris Fayard, 1997, German American political theorist Hannah Arendt links colonial imperialism to Communism and Nazism.

¹⁹⁹ Anne Applebaum, “A History of Horror”, A review of Joël Kotek and Pierre Rigoulot, *Le Siècle des Camps*, Paris: J. C. Lattès, *The New York Review*, October 18, 2001, p. 41.

²⁰⁰ The panoply of colonial institutions of socialization that played a significant role in this domain also included schools, youth organizations, and the military, which, compared to the penitentiary has been extensively studied by historians.

was not supposed to be an exact replica of the French prison. The penitentiary institution was not the emanation of the society it operated in. Instead, following the perspective of the conquest and pacification, it pursued a mission which made the institution of imprisonment as one of the central pillars of the colonial enterprise. Second, because of the fragmented nature of the colonial state and the disruption of the chain of command between the people in charge of the administration of imprisonment, from the Minister for the Colonies, in Paris, to the prison manager, there was a real “jurisdictional disorder that was symptomatic of conquest everywhere”²⁰¹, and which allowed individuals the latitude to twist the law in the ways in which it suited their agendas. Lastly, as a consequence of that, imprisonment did not carry the functions of deterrence, rehabilitation and retribution, which, according to Durkheim, Foucault, and the theorists they inspired, were central to the new forms of punishment in Europe and the New World, beginning in the nineteenth century. Instead, the sanctions handed on indigenous prisoners were merely repressive and all geared toward safeguarding the sole interests of the French occupiers.

²⁰¹ Lauren Benton, *Law and Colonial Cultures: Legal Regimes in World History, 1400-1900*, New York, Melbourne, Madrid, Cape Town, São Paulo: Cambridge University Press, 2002, p. 154.

Chapter Four

Imprisonment and the Colonial Enterprise in Senegal: The Prison of Saint-Louis and the Organization of Penal Labor, c. 1830-c. 1940

The energy that France devoted to the formal organization of penal labor in Senegal is evidence of its importance for the colonial state. The topic generated permanent disagreement between the colonial executives and the judiciary. While the judiciary was more concerned about the prevalence of the “rule of law”, the executive branch fought constantly for an unrestricted use of prison workers, considered as an important asset for the colonial enterprise. Surprisingly, the few studies devoted to indigenous labor and its impact on the production, consolidation, and reproduction of the colonial enterprise in French West Africa have paid scant attention to the important role played by prison workers.²⁰² One of the best books on this topic *Le Travail Forcé en Afrique Occidentale Française (1900-1945)*, in which Babacar Fall analyzes the nature of forced labor, the daily lives of workers, and the impact on French colonization in West Africa. Nevertheless, this study overlooks the importance of penal labor, even during the high days of the use of forced labor, between 1900 and 1936.²⁰³ In this chapter, I seek to correct this deficit in the historiography. I try to show that, instead of a marginal supplement to the paid free labor force, penal manpower was crucially important to French colonization in Senegal. I focus on Saint-Louis, the center of French operation in Senegal, to show how the issues being discussed in this chapter played out in the prison of the capital of the colony, but also to

²⁰² Catherine Coquery-Vidrovitch, *L'Afrique Occidentale au Temps des Français: Colonisateurs et Colonisés (c. 1860-1960)*, Paris : La Découverte, 1992, p. 116-120. See also Catherine Coquery-Vidrovitch et Henri Moniot, *L'Afrique Noire de 1800 à Nos Jours*, Paris : PUF, 1993, p. 227 ss.

²⁰³ Babacar Fall, *Le Travail Forcé en Afrique Occidentale Française (1900-1945)*, Paris: Karthala, 1993.

emphasize the ways in which the evolution in this detention facility had far-reaching effects on the whole penitentiary system in Senegal.

The Executive against the Judiciary: The Clash over the Use of Penal labor

As far back as in the early 1830s, using prisoners for forced labor was a common practice in Senegal. In fact, in a report dated November 8, 1834, from the Chief of the Judiciary Service, on the penitentiary regime in Senegal, we learn that there was no differentiation made among convicts in any prison of the colony, and that they were working in very “painful conditions”. The report also tells as that all the prisoners were in leg irons and ankle straps while working, because they were considered too dangerous. This labor force was mainly used for the cleaning of the streets of Saint-Louis, the city’s wharf, schools and other public buildings. The Chief of the Judiciary put a halt to this practice on the grounds that it was against the law. More precisely, he invoked the French penal code and the law of April 24, 1833 on civil rights, which were both in force in France, and claimed that it was operational in Senegal. According to the judiciary, using detainees for work outside the prison was strictly restricted to those already sentenced.²⁰⁴ This tension between the judiciary and the executive branch of the colony persisted throughout the 19th century.²⁰⁵

²⁰⁴ CAOM: Sénégal et Dépendances XI 21: 1816-1895, (Régime pénitentiaire; Saint-Louis; Dakar - Correspondance diverse), Report [from the Judiciary Service?], November 8, 1834, on the situation of the prison system in Senegal.

²⁰⁵ The archival record becomes very sparse at this point, but the situation in the early 1870s indicates that the quarrel between the executive and the judiciary continues right through the 19th century.

In 1870, the colony of Senegal was facing a difficult situation because of drastic budget cuts. As a consequence of this, the needed financial resources for the maintenance of the roads in the main cities were seriously lacking. The roads in Saint-Louis and Dakar were described in the administrative correspondence as being in “very bad shape”. For the same reasons of scarce resources, it was impossible for the authorities to hire enough free paid workers. In a letter dated January 20, 1870, the Director of the colonial Service of *Ponts Chaussées* [Roads and Bridges] warned the administration about what he termed as a “serious situation” which could have an enduring negative impact on the interests of the colony. The only way out was to turn to prison laborers. By using sizable numbers of convicts from the Prison of Saint-Louis during a whole year, he explained, “the colony could get the job quickly done, at almost no cost”, and the provision of food and shelter to the prisoners would be the only expenses. He thought that this would, enable the authorities to meet the legitimate and pressing demands of the European populations of these cities for good roads.²⁰⁶

This situation in Senegal was certainly a result of the Franco-Prussian War of 1870.²⁰⁷ In the run-up to the war, a good deal of attention was shifted from the colonies to Alsace-Lorraine. The consequence of this change was the decrease of the share of the colonial enterprise in the country’s overall budget. The war indirectly impacted the organization of penal labor in Senegal, because the Chief of the Judiciary Service was at

²⁰⁶ ARS 3F/00038: The Director of “Pont et Chaussees” to the Director of Interior, January 20, 1870; see also ARS 3F/00038: Note on the Prison System in Senegal, Director of Interior, slnd [probably from the early 1870s]

²⁰⁷ In 1871 the Franco-German war ended with the Treaty of Frankfurt. The French were stripped of Alsace and Lorraine and also had to pay reparations to Germany amounting to 5 billion gold Francs. Obviously, the war marked the end of French hegemony in continental Europe and would consequently slow down France’s expansion efforts in Africa at least for a few years.

odds with the Governor and the Director of Interior over the rationale behind the use of the prison labor force. While the former used to point out the obligation that penitentiary practices should stick to the letter and the spirit of the law, the latter approached this issue from a purely practical perspective.

French colonizers believed that Black people are naturally lazy, and thought that it was dangerous for the stability of the colony to leave prisoners in a state of permanent idleness. Added to that, the colony's woes, gave a good reason to the administration to rule out the obligation to apply French penitentiary law in the colonies.²⁰⁸ In this latent confrontation, the Minister for the Navy and the Colonies usually sided with the Judiciary. But, beginning in the early 1870s, the more utilitarian nature of imprisonment, very important for the Governor and the Director of Interior, started gaining some ground. Therefore, the first attempts of formalizing the organization of penal labor became noticeable precisely from that period.

The new "*Consigne pour le Concierge*" which laid out in details the responsibilities of the prison head was issued and co-signed by both the Director of Interior and the Chief of the Judiciary Service, in May 15, 1872. The document was approved by the Governor of Senegal shortly thereafter. This was an important step in the continuous fight between the Judiciary and the administrative officials over which type of carceral legislation suited the best the colony. In addition to details on issues related to prison food, health, the penitentiary regime, and family visits to detainees, the document gave much more power to

²⁰⁸ In Chap. 4 of my dissertation, "The Colonial Crime: On the Social Construction of a Blurry Concept", I analyze the colonial socio-political and judicial contexts in which crime and deviance were constructed. On colonial racism and its influence on the imprisonment practices, see my Chap. 7, "Race and Colonial Imprisonment: Evidence from the Prison of Saint-Louis."

the Director of Interior in the administration of the prison of Saint-Louis, and laid out the rules for the organization and monitoring of imprisonment throughout the colony.²⁰⁹ In other words, the power of the executive over the judiciary was increasing.

Over a decade later, in an administrative note dated December 10, 1885, the administration was able to engage almost all the prisoners of Saint-Louis in the maintenance of the roads, the wharfs, schools, and other public buildings in the city. The same correspondence also mentioned that the working prisoners would receive in return a small allowance. The exact amount of this allowance was not specified and was hardly mentioned in subsequent documents.²¹⁰ The Director of Interior wrote that it was justifiable to ignore general regulations and use the prison labor force in for the interests of the colony. That would ease the budget pressure by saving a considerable amount of money. Here again, the preoccupations of the Director of Interior and the executive in general clashed with those of the Chief of the Judiciary Service. The latter reacted by a strict restriction of the usage of penal labor, which the administration saw as a real impediment to the development of the colonial enterprise. Besides the fact that they harshly criticized the Judiciary's decision to limit access to this cheap labor force, the Director of Interior thought of the new regulations as even more threatening for the interest of the colony. He strongly condemned the fact that "inside the prisons, detainees were not assigned to any serious tasks" to benefit the colonial state.

²⁰⁹ 3F/00037: New "Consigne pour le Concierge" of the Prison of Saint-Louis, signed by the Director of Interior and the Chief of the Judiciary Service, May 15, 1872, and approved by the Governor of Senegal.

²¹⁰ CAOM: Sénégal et Dépendances XI 21: 1816-1895 (Régime pénitentiaire; Saint-Louis; Dakar - Correspondance diverse), Note regarding the penitentiary regime in Senegal, Director of Interior, Saint-Louis, December 10, 1885

In fact, in the late 1880s the idleness of prisoners was brought up in many reports as a real concern which needed immediate attention. In a letter to the Minister for the Navy and the Colonies, on the situation of the prisons of Senegal, Inspector General Espent called on the colonial authorities to solve the “astonishing” situation in Saint-Louis whereby “prisoners, perpetually idle, spend all the day wandering inside the prison.” He ended his report by voicing his “pain” in seeing the amount of “leisure” time that prisoners could have at the time of his inspection.²¹¹

In the same perspective, during its first meeting on August 2, 1888, the Prison Surveillance Committee in Saint-Louis, chaired by the Director of Interior, strongly recommended that the question of labor inside and outside of the Prison of Saint-Louis be dealt with as quickly as possible. The committee gave precise indications about the type of work that detainees could be assigned to, the length of work time, and the possible benefits for the colonial administration. Since it became difficult to use penal laborers outside the prison, because of the insistence of the Judiciary, the focus was shifted to possibilities that convicts produce some goods that government services or other consumers in Saint-Louis could purchase. The authorities were expecting that by selling this merchandise they could acquire additional revenue, much needed in a context marked by the scarcity of financial resources. Therefore, it was decided to establish a list of all the detainees at the prison of Saint-Louis with their respective skills. The administration was not ready to give up its ambition to use this manpower for its own benefit, regardless of limitations the Judiciary

²¹¹ CAOM: Sénégal et Dépendances XI 21: 1816-1895, (Régime pénitentiaire; Saint-Louis; Dakar - Correspondance diverse), Letter of Inspector General Espent to the Minister for the Navy and the Colonies, on the situation of prisons in Senegal, April 13, 1888.

might set out.²¹² The administration increasingly dominated the judiciary and was able to use penal labor with less and less restrictions.²¹³

A New Turn in the Organization of Penal Labor: The Judiciary Sidelined

In a letter he wrote to the Minister for the Navy and the Colonies, in April 23, 1896, General Inspector Espent described the situation in the Prison of Saint-Louis as very unsatisfactory. He explained that private business owners were discouraged from leasing penal laborers by the high prices they had to pay as well as the responsibility of taking care of the surveillance of prisoners. In spite of these difficulties, he added, French authorities were eager to put in place a good penal labor system, and had already devoted a commendable number of efforts toward that goal. In that regard, Espent mentioned in his report a particular gubernatorial order that was being prepared and was issued shortly thereafter.²¹⁴

The monthly report of December 1905 published by the prison manager of Saint-Louis also gave a relatively detailed account of this steady evolution toward a sustainable

²¹² CAOM: Sénégal et Dépendances XI 21: 1816-1895, (Régime pénitentiaire; Saint-Louis; Dakar, Correspondance diverse), Minutes of the 1st meeting of the Prison Surveillance Committee, Saint-Louis, August 2, 1888. The Director of Interior is at the same time the chair of this committee whose main role was to make sure that every penitentiary practice followed the law.

²¹³ Besides the continuous rivalry between the Director of Interior and the Chief of the Judiciary Service, the multi-faceted resistance to imprisonment by detainees was another important element that did not make it easy for colonial authorities to quickly organize the penal labor system. I touch on this issue with more details in my Chap. 8, "*Sujets Français, Originaires, and Juvenile Delinquents: The Prison of Saint-Louis and the Colonial Society.*"

²¹⁴ CAOM: Sénégal et Dépendances, XI, 21: 1816-1895 (Régime pénitentiaire ; Saint-Louis ; Dakar, Correspondance diverse), Letter of Inspector General Espent to the Minister for the Navy and Colonies, about the situation of the Prison of Saint-Louis, April 23, 1896.

solution to a problem with which the French colonizers had been grappling for decades.²¹⁵

In his report the prison manager used a quite cautious language, but nevertheless made it clear that the administration was about to make an important move in that domain by implementing workshops in the prison of Saint-Louis.²¹⁶

By the early 1910s, the use of prison labor was common practice. This is shown in the correspondence between detainee Souleymane Diop and the office of the Governor of Senegal, in early 1911. In many reports, this prisoner was categorized as being dangerous, a recidivist, and a bad example to the rest of the prison population. He was considered rebellious and was believed to be able to influence the other detainees. Over time, his behavior became a matter of real concern for the prison head, and therefore he was subjected to a tight surveillance. For these reasons, he was denied the possibility to work outside the prison. In a letter he wrote to the Secretary General of the Governor of Senegal on March 26, 1911, he requested a paid job inside the prison. He explained that he was not from Saint-Louis and did not have relatives in the city. Also, he expressed his need of “a few francs,” by the time he would finish his prison term, “to buy a few things and pay for [his] trip back home.”²¹⁷

²¹⁵ In 1905, an official decision ordered that all convicts serving a sentence of more than 6 months be placed at the disposal of the colonial Civil Engineering Service for its needs in labor force. Shortly after, another administrative order along the same lines was taken, allowing any colonial service in need of workforce to tap into the category of indigenous sentenced to prison for at least five year. The Prison of Saint-Louis had always contributed the biggest contingent.

²¹⁶ ARS 3F/00052: Prison civile de Saint-Louis, 1903-1906, Monthly Report on the Situation of the Prison of Saint-Louis, December 1905.

²¹⁷ ARS 3F/00052: Prison civile de Saint-Louis, 1903-1906, Letter of prisoner Souleymane Diop, [recidivist who was not allowed to work outside the prison, asking to be employed for a paid job inside the prison] to the Secretary General of the Government, March 26, 1911. The Service of Interior was in charge of prisons in Senegal until the early 1900s, by

From that period onward, not only did the correspondence among the administrative authorities of the colony become more and more centered on penal labor, but also this issue was being dealt with in totally different terms, in comparison to the first half of the 19th century. During the earlier period, there was a widespread sentiment of wariness among the higher administrative officers. Their keen interest in structuring the use of penal labor was constantly challenged by the Judiciary's restrictions. Therefore, their disapproval of this situation, their worries and hesitations about proceeding with their own plans regarding the enlistment of prisoners for forced labor were dominant in their correspondence and reports.

Things would take a completely different turn beginning in the early 1910s, by which time the Governor of Senegal and his collaborators were deep into the reorganization of penal labor. More than anything, the efforts of the administration were mainly geared toward getting a better sense of the number of possible prison workers available, but also carrying out a thorough overhaul of the legislation in accordance with the preoccupations of that time. Because the administrators of the colony had a free hand, they could set in motion a real reorganization of penal labor.²¹⁸

In February 29, 1912, in response to a letter from the Police Chief Officer of Saint-Louis inquiring about this issue, the Prison Head explained that there were not at the time

which time the administration of the detention system fell under the responsibility of the Secretary General of the Government.

²¹⁸ This is not to suggest that the rivalry and often clashes between the Judiciary and the office of the Governor ended for good. The differences between the two bodies over the ways in which imprisonment should be conducted were more than ever a reality. The only difference was that the Judiciary's decisions had less impact on the plans set forth by the higher administrative officers of the colony.

any formal regulations regarding the ways in which penal labor should be used.²¹⁹

Nevertheless, the same correspondence instructs us that a practice which became over the years a *de facto* rule had prisoners working from 7 to 11 am and from 2 to 5 pm during the “rainy season”, and from 6:30 to 10:30 am and from 2:30 to 5:30 pm, during the “dry season.”²²⁰ This was an important development for at least a couple of reasons. Besides, the fact that this informal organization would serve as a model and was going to be used extensively in the organization of penal labor, it also set the stage for a growing attention and increasing dependence on prisoner workers by the colonial government.²²¹

The lion’s share of this penal manpower was used for loading and unloading ships in the port of Saint-Louis, but also for the maintenance of the wharfs, the city’s roads, public buildings including the Governor’s palace and other offices, military camps, the Faidherbe and Blanchot schools, public places, to name but a few examples. Only a small part of the contingent was leased to private people, mostly business owners. This was an indication of the crucial importance of the penal labor force for the functioning of the colonial apparatus. Since the administration was resolute to save the maximum possible

²¹⁹ ARS 3F/00049: Prison civile de Saint-Louis, 1900 ; 1909-1912, Head of the Prison of Saint-Louis to the Police Chief Officer of the city, Feb. 29, 1912

²²⁰ What the prison head refers to “rainy season” corresponds to the period between May and October, whereas the “dry season” covers the rest of the year.

²²¹ An important number of the “regulations” organizing colonial imprisonment were never based on a real law. Instead, they were mostly the result of common practices that over the years ended up being accepted as guiding rules. I deal with this issue in more details in chap. 4 and 5.

money from the meager budget of the colony, the number of prisoners it was employing was going to increase continuously over the years.²²²

In a response to a request from the Secretary General regarding the number of prisoners available to work outside, the Adjunct Police Officer and Head of the Prison of Saint-Louis at that time wrote back to the Secretary General, in December 29, 1912: “I have the honor to let [you] know that I will be able to [give you] between 25 and 30 detainees.”²²³ This type of correspondence between the prison manager and the Secretary General of the Government would soon become routine, as the request for prison workers grew steadily. At times, it was even impossible for the Prison of Saint-Louis to meet the city’s needs in penal laborers.

In June 12, 1925 the Mayor of Saint-Louis wrote a letter to the Governor about this situation, explaining all the difficulties he had to obtain enough workers, because of the lack of money. As a solution, he requested that the Governor help the municipality get “35 detainees to take care of the street cleaning of the city and its outskirts during the summer.” In so doing, the mayor was hoping to free a few hands “for the reparation of the roads” which could not be otherwise taken care of.²²⁴ The office of the Governor reacted positively and asked the prison head to take care of the request as soon as possible, and to

²²² As I will show farther on, almost all the body of regulations established was inspired by the administrative authorities’ resolution to be able to use the prison labor force as they liked.

²²³ ARS 3F/00049: Prison civile de Saint-Louis, 1900; 1909-1912, Adjunct Police Officer and Head of the Prison of Saint-Louis to the Secretary General of the Government, December 29, 1912.

²²⁴ ARS 3F/00064: Prison civile de Saint-Louis, 1900; 1909-1912, Mayor of the City of Saint-Louis to the Governor of Senegal, June 12, 1925.

evaluate how much money the municipality would pay for that.²²⁵ But it seemed “quite impossible” to provide the mayor with the number of penal laborers he needed, because the larger part of the carceral population was already being used by the colonial government or being leased out to private people and institutions including the City of Saint-Louis itself.²²⁶

In the same letter, the Secretary General ordered the prison manager that a detailed account of the number of detainees working outside the prison, the locations where they were employed, and the money paid for that, be sent daily to the Governor’s office.²²⁷ The simultaneous growing needs of prison workers and the obvious resolution of the leaders of the colony to get as much profit as possible out of this business led to a period of intense institutional and legislative reorganization of imprisonment during which the Prison of Saint-Louis played a prominent role. A thorough work was done to determine the adequate prices to apply for leasing prison workers to local administrators and other private businesses. In the same perspective, the number of prisoners destined to work outside the prisons was extended through the creation of new rules, and their continuous revision according to the needs of the colonial administration.

Colonial Ambitions and Imprisonment: The Centralization of Penal Labor

As I mentioned earlier, it was in the early 1910s that the first workshop was established at the Prison of Saint-Louis. In a letter which the Governor of Senegal wrote to

²²⁵ ARS 3F/00064: Secretary General of the Government of Senegal to the Head of the Prison of Saint-Louis, June 20, 1925.

²²⁶ ARS 3F/00064: Prison civile de Saint-Louis, 1900; 1909-1912, Letter of the Head of the Prison of Saint-Louis to the Secretary General of the Government, June 23, 1925

²²⁷ ARS 3F/00064: Secretary General of the Government of Senegal to the Head of the Prison of Saint-Louis, June 20, 1925.

the Governor General of French West Africa in late August 1926, he informs us that the situation remained the same. In fact, in his correspondence the Governor explained that Saint-Louis had the only detention facility in the colony with a workshop in August 1926.²²⁸ But shortly thereafter, these equipments would completely disappear. Furthermore, for the rest of the period I cover in this study, the establishment of workshops in the Senegalese prisons would never again become a significant element of the penitentiary regime. In fact, it has never been, because simply the post-detention life was not an important element of the mission pursued by colonial imprisonment. Therefore, providing convicts with useful skills they could use at the end of their term has never been among the preoccupations of the French colonizers. The situation in which the Prison of Saint-Louis was in the early 1920s spoke volumes about the philosophy that was behind the new orientation in the organization of penal labor in Senegal.

Beginning in 1927, French West Africa would start moving toward a more centralized management of its penitentiary system.²²⁹ While the main lines of the new policy were defined by the Governor General in Dakar for the whole federation, the Governor of Senegal was charged with its application in this colony. Not surprisingly, given its growing importance for the colonial enterprise, penal labor was one of the main

²²⁸ *ARS 3F/00007: Prison de Saint-Louis, Letter of Governor of Senegal to Governor General of French West Africa, August 20, 1926. **NOTA:** The references with an (*) were taken from the manuscript of Ngounda Kane's "Répertoire de la Série F (Sénégal Ancien): Sécurité publique, Police, Gendarmerie et Prisons." These are the archival documents I collected way before I even figured out what aspects of colonial imprisonment I would be focusing on for my DEA Thesis. When the repertory was published under the title, *Répertoire Série F: Sécurité publique au Sénégal. Police, gendarmerie, Prisons (1840-1956)*, Dakar: Direction des Archives du Sénégal, 1997, the call numbers for many files changed. I thought I would differentiate the references this way in order for the reader who would like to go back to the sources to find his/her way easily.

²²⁹ I will come back on this later on, when I talk about the creation of the system of the penal camps in 1936.

elements on which this reorganization was going to focus. In fact, during this period, not just Senegal, but all the French possessions in West Africa were faced with a daunting lack of labor force. In August 1927, the Governor General issued a letter-circular to the Governors of the colonies of the federation and the Administrator of *Dakar et Dépendances*, not only to raise the acuity of the problem, but also to urge them to suggest the ways in which it was possible to be efficiently tackled as quickly as possible.²³⁰ In this context, prisoners constituted the manpower that colonial administrators would most likely consider to tap into to solve this problem. The carceral population was handy, could be mobilized at any time for all types of tasks, but above all, this was not going to cost almost anything to the colony.

At the Prison of Saint-Louis, these changes in the penitentiary system came in many different forms. First and foremost, the obligation to work outside was extended over the years to a larger number of detainees, including prisoners who originally were not supposed to work according to the regulations. Until the early 1920s, working was mandatory for people who were sentenced under common law, those condemned by a military court and spending their term in a civil prison²³¹, and indigenous who were

²³⁰ *ARS 3F/00101, Letter-Circular of the Governor General of French West Africa to the Governors of the colonies of the Federation, No. 057, March 3, 1927. Beginning in 1895, all the French colonies in West Africa were united under a Federation call *Afrique Occidentale Française* (AOF) (French West Africa). The head of this federation was the Governor General whose office was in Saint-Louis before moving to Dakar in 1902/03. The Governors of the colonies were reporting to him. In the 1920s, *Dakar et Dépendances* was an autonomous administrative entity which fell under the authority of the Governor of Senegal only a few years later.

²³¹ Although the reader would see in the archives mentions about a civil and a military prison, he/she should be advised that they both refer to the same detention facility. The Prison of Saint-Louis had a section for people sentenced by military courts.

imprisoned by virtue of an administrative “disciplinary” order.²³² For people imprisoned for debt, convicted *Assimilés*²³³, and those sentenced to long prison terms by French and indigenous courts, working was optional, whereas it was illegal for political prisoners and all the people interned in a correctional facility for any political reason.²³⁴

In 1932, the regulations organizing penal labor were again modified in line with the needs expressed by the colonial administration at the time. The new dispositions made it an obligatory duty for all detainees to be employed in the cleaning of the streets of the city of Saint-Louis and other public buildings, the only exception being the people who were charged and not yet sentenced.²³⁵ In many ways, the growing need for labor which started a decade earlier contributed to these revisions of the penitentiary regulations.

²³² See the General Order of the Governor General of French West Africa, January 22, 1927, in *Journal Officiel de la Colonie du Sénégal*, p. 208. In 1882, with the promulgation of the *Code de l'Indigénat*, France established throughout its African colonial empire a very punitive policy. The latter allowed every French local administrator to sentence people up to imprisonment without any trial. Given the lack of legal safeguards in the application of this code at the time, it was abusively used by colonial authorities. The *Indigénat* came to an end only after World War II.

²³³ Black people who were born in Dakar, Gorée, Rufisque, or Saint-Louis, called *Assimilés*, were considered as French citizens according to the law. (These four colonial cities are also referred to as *Les Quatre Communes*.) I show in my Chap. 8, “*Sujets Français, Originaires*, and Juvenile Delinquents: The Prison of Saint-Louis and the Colonial Society”, that French citizenship for these people of African origin was more theoretical in many instances. In prison, as well as in many other areas like the military, the *Assimilés* had to fight hard to be able to enjoy the rights attached to their status. In his *Memoirs of the Maelstrom: A Senegalese Oral History of the First World War*, Portsmouth, N.H: Heinemann, 1999, Joe Lunn shows how skillfully Blaise Diagne, the first African deputy elected to the French National Assembly, played the issue of citizenship and its relationships with military enlistment to encouraged many West Africans to sign up for WWI.

²³⁴ *ARS 3F/00073: Brief numerical statement of prisoners employed outside, Prison of Saint-Louis, April 25, 1927. The colonial administration itself established a difference between those two categories of detainees, but the details of this difference are unknown.

²³⁵ *ARS 3F/00101: Order of the Governor General of French West Africa modifying the General Order of January 22, 1927, October 28, 1932.

Over three years in a row, in 1934, 1934, and 1935, more than 2/3 of the whole population of the Prison of Saint-Louis was permanently employed as a result of these changes in the legislation regarding penal labor.²³⁶ While the prison of the capital had a total of 125 detainees in June 1925, one can safely argue that by the mid 1930s the carceral population should have gone way beyond that figure.²³⁷ In fact, from the mid 1920s, there was a real burgeoning of correctional facilities in Senegal. Almost every single place where the colonial administration was represented had its own prison. But none of those prisons could rival the one in Saint-Louis, which was the largest and offered more security. For these reasons, it received all the surplus of prisoners from around the territory, particularly detainees who were difficult to hold in other less secure prisons of the colony because of their rebellious character.

Besides expanding the categories of prison workers, the French authorities devoted a good deal of efforts to changing the conditions in which colonial labor was leased. From the mid to late 1920s, the Governor of Senegal sought to “rationalize” the use of penal labor by applying the same prices to the administration and the private business owners. At the time, the cost for a day of labor of a prisoner was ranging from 3 to 3.5 francs.²³⁸ This general disposition would be refined shortly thereafter by an order of the Governor of Senegal issued on January 3, 1930. According to articles 1 and 2 of this new order, every

²³⁶ *ARS 3F/0015: 1933, 1934, 1935 Annual Reports on the Situation of the Prison of Saint-Louis, published respectively January 20, 1934, January 09, 1935, and January 16, 1936.

²³⁷ In 1925 for example, the Prison of Saint-Louis had a population of 125 detainees. ARS 3F/00064: Prison civile de Saint-Louis, 1900; 1909-1912, Letter of the Head of the Prison of Saint-Louis to the Secretary General of the Government, June 23, 1925.

²³⁸ *ARS 3F/00098: Letter of the Chief of the Political Bureau, No. 400 BP, October 10, 1929.

detainee would cost 3 francs per day to public services and to cities like Saint-Louis. This figure was increased by 25% if the employer was a private business owner or an individual requesting prison workers for domestic needs.²³⁹ As an effect of these high prices, in the long run, a bigger and bigger portion of the penal labor force would go to the central government, the city of Saint-Louis and other administrative units such as the local districts or *Cercles*²⁴⁰.

The energy and keen attention devoted to the organization of penal labor over a long period of time emanated from two main reasons. First the administration would no longer need to rely solely on the declining financial contribution from France to meet most of its needs in labor force. Second, and even better, the colonial state was making important revenues by leasing prison workers to the city council of Saint-Louis and to the decentralized administrative units. In fact, there is evidence that, these revenues amounted to a non negligible part of the budgetary resources of the colony.²⁴¹ The Governor of Senegal was very concerned about maintaining that resource flowing. For this reason, the strict respect of the disposition defining the lease of penal labor force was one of its main preoccupations. In October 1932, upon realizing that the quite big difference between the previsions and the amount of money that the administration actually got out of this business, the office of the Governor issued a circular to the administrators of the *Cercles* to

²³⁹ *ARS 3F/00101: Decision of the Governor of Senegal Regarding Penal Labor, No. 756 GA, January 03, 1930.

²⁴⁰ The colony of Senegal, directed by a Governor, was divided into *Cercles* headed by Administrators. In each *Cercle*, there were smaller administrative entities called *Cantons* and led by the Chiefs of *Canton*. In this hierarchy, only the Chiefs of *Cantons* were of local origin, while the Governor and Administrators of *Cercles* were all French.

²⁴¹ *ARS 3F/00105: See Art. 4 of the Decision of the Governor of Senegal, No. 75 GA, January 04, 1930.

admonish them severely.²⁴² At the beginning of 1932, the money that various employers of prisoners owed to the government was an estimated amount of 9,573.25 francs, which was significant at that time.²⁴³

There was a problem of a different nature that the administration had to deal with in order to reduce the deficits in the money it was expecting to get from leasing penal laborers. In fact, many European civil servants in the colony were using detainees for their own domestic needs. Often times since the early 1920s, the higher administrative officers wrote individual letters to their agents to draw their attention to the illegality of this usage. But over the years, this practice became so widespread that the Governor General of French West Africa had to intervene to call a definite halt to it.²⁴⁴

The culmination of the continuous changes in the organization of penal labor in the colony of Senegal during the period I am studying was the creation of the penal camps in 1936.

The Prison of Saint-Louis and the System of Penal Camps

The creation of the penal camps in Senegal, in 1936, was a direct and logic outcome of the long process of restructuring which the penitentiary system in general and

²⁴² *ARS 3F/00101: Note on the Employment of the Prisoners by the Communes, Secretary General of the Government, August 19, 1932. See also Letter-Circular of the Secretary General of the Government to the Superior Administrator of Casamance, the Delegate of the Government in Rufisque, the Deputy Controller, the Administrators of the *Cercles*, and Mayors, August 20, 1932.

²⁴³ *ARS 3F/00101: Letter of the manager of the Prison of Saint-Louis to the Administrator of the *Cercle* of Bas-Sénégal, Sept. 10, 1932.

²⁴⁴ *ARS 3F/00105: Letter-Circular of the Governor General of French West Africa to the Governors of the Colonies and the Delegate of the Government in Dakar, No. 403 AP/3, November 14, 1930. See also *ARS 3F/00101, Letter of the Governor General of French West Africa to the Governor of Senegal, No. 597 A5, September 27, 1933.

penal labor in particular underwent over a period that started a century earlier. In this section, I seek to analyze the most decisive factors and evolutions that lead to the creation of these camps. I emphasize the role played by the Prison of Saint-Louis in this process.

As I show in the three first sections of this chapter, since the early 1830s, most of the action taken by the higher administrative officers of the colony of Senegal with regard to the penitentiary system, revolved around the ways in which they could use penal labor without any restrictions. In line with that option, the crucially important role of labor for the colonial enterprise would remain constantly at stake to a great degree due to the lack of free paid labor force.

Another explicative factor for the creation of penal camps was undeniably related to the nature of the expansion of the penitentiary system in Senegal. In fact, beginning in the mid 1920s, the colony experienced a wild explosion of detention facilities. In most of the cases, these prisons were built with easily perishable material. This problem, among other things, resulted in a growing rate of escapes. When the number of detainees who escaped reached its highest point in 1927, the problem started seriously alarming the colonial administration. In response to this situation, the Governor of Senegal ordered a large investigation which provided a mine of information ranging from the number of escapes in each *Cercle*, to the identified causes of these escapes, the dispositions taken by the local authorities to recapture the prisoners, but also the plan set forth to quell for good what was considered as a potential cause of disturbance and a real threat to the colonial project.²⁴⁵

²⁴⁵ *ARS 3F/00094: Letter of the Governor of Senegal to the administrators of the *Cercles*, No. 93 C, April 27, 1927. The *Cercles* of Diourbel and Dagana were the only two that were not concerned by this investigation.

Following the 1927 investigation, the measures taken by the administration, all geared toward a tighter control over detainees, had a twofold objective. First, for the sake of the maintenance of law and order, it was important to show that the colonial state was not showing any sign of weakness in the eyes of the colonized populations. The Governor General of West Africa started working on a decree for the whole federation and intended to severely sanction escapes of prisoners.²⁴⁶ In the same perspective, it was decided to completely overhaul the contingent of the prison guards. The report following the 1927 investigation blamed most of the escapes on the fact that many prisons had very old and sick guards. That is why the administration decided to discharge all the impotent wardens and replace them with younger ones who could do their job appropriately. The French even sought to involve the colonized populations in the fight by offering them some incentives for that. In fact, it was decided that any indigenous who would help capture an escaping detainee would be offered some cash and other gifts.

The other aspect of the objective pursued by the French after the 1927 investigation is the most important and most relevant one to this chapter as it pertains to penal labor. Although it was not overtly stated in the report, the following developments would eventually make it obvious that using the carceral manpower for the construction and maintenance of the highway system was something that the colonial administration would seriously consider as a means of fighting against the high rate of escapes.

The report issued after the 1927 investigation recommended the building of a central correctional camp in the middle of the colony, which was going to receive all recidivists and other dangerous detainees who were difficult to hold in many other prisons

²⁴⁶ *ARS 3F/00094: Decree repressing prison escapes in French West Africa, 1927.

at that time. Such a facility would never be built, but the Prison of Saint-Louis actually played this role, until 1936.²⁴⁷ The same year, Colonial Inspector Monguillot, arrived in Senegal with the mission of reviewing the penitentiary system of the colony. In his report, Inspector Monguillot harshly criticized the ways in which he found the penitentiary system. He suggested a new reorganization with the creation of penal camps. It should be borne in mind that this reorganization was expected to give much attention to penal labor as a means of rehabilitation for the detainees. But ultimately, none of that would happen. Instead, the system of penal camps suggested came as an energizing force and/or a dreamed frame for the concretization of the administration's plan for a large-scale usage of the prison labor force. From the annotations of the Governor of Senegal on a copy of the Monguillot report, it was obvious that the colony had already planned on using detainees for the construction and maintenance of the road system linking the main colonial cities and/or military bases, beginning in 1936.²⁴⁸

This issue became a matter of real concern for the French since the early 1920s. In fact, among the large number of infrastructural schemes set forth by the *Sarrault Plan* of 1921, the building of a road system covering the most strategic parts of the French possessions was an important element. Besides the improvement of primary commodity production, these roads were crucially important for the distribution and maintenance of the colonial law and order. This plan relied heavily upon the system of *travail forcé* or forced labor. But, by the late 1920s, because of its violence and the resistance of the

²⁴⁷ See Ibra Sene, "Contribution à l'histoire des établissements pénitentiaires au Sénégal : La prison de Saint-Louis de 1920 à 1944", Dakar, UCAD de Dakar, 1998, Mémoire de maîtrise d'Histoire.

²⁴⁸ *ARS 3F/00110: Monguillot : Rapport d'Inspection du Système Pénitentiaire du Sénégal, February 1936.

colonized populations, the system literally collapsed.²⁴⁹ The French colonizers were then faced with a looming situation of real lack of manpower for their 'development' plan.

Finally three penal camps were established in Kaolack, Thies, and Louga, by an order of the Governor of Senegal, issued on April 14, 1936.²⁵⁰ Prisoners held in these camps were entirely devoted to working for 12 hours daily on road building and maintenance. Because this labor was vital to colonization, from 1936 onward, a series of decisions made it possible to send most sentenced people to serve their term in a penal camp. It would soon become a common practice to condemn people not necessarily because they committed any crimes, or broke any laws or regulations, but only to meet the demand in labor force needed for the exploitation of the colony. This was precisely the reason behind the creation of the penal camps of Casamance and Koutal (*Cercle* of Sine-Saloum) respectively in 1939 and 1944. Prisoners held in the former camp built the road between Diana Malary and Kolda to facilitate the shipment to Dakar of the various and abundant natural resources in this part of the colony. As for the former, it primarily served the *Société des Salins du Sine-Saloum*. This salt production company nearby Kaolack was not only provisioning the colony of Senegal, but also served many other places in French

²⁴⁹ This does not have to do anything with penal labor. It was another system. See C. Coquery-Vidrovitch, "Le travail forcé en Afrique", *L'Histoire*, n° 69, p. 100-104 ; Babacar Fall, *Le travail forcé en Afrique-Occidentale française (1900-1946)*, Paris, Karthala, 1993

²⁵⁰ ARS 11D1 638, Lieutenant-Gouverneur *p. i.* du Sénégal à l'Administrateur Supérieur de la Casamance et aux Commandants de cercles de la colonie, no. 104, 14 avril 1936.

West Africa. For the satisfaction of such a large market, the penal camp of Koutal provided most of the workforce used by the company until the late 1950s.²⁵¹

For a few years after 1936, the penal camps took over the role formerly played by the Prison of Saint-Louis of being the receptacle for the surplus of detainees from all around the colony. But, to offset the cost of constructing itinerant camps following the evolution of the roadwork, the penitentiary administration used cheap building material such as crop residues. The combined effects of overcrowded camps and the fact they were built with easily perishable material, sparked another upsurge of prison escapes around the late 1930s-early 1940s. This would compel the administration to again turn to Saint-Louis and start sending detainees from the camps to the prison of the capital. In doing so, the colonizers were confirming the role of nodal center for the penitentiary system in Senegal which this detention facility played over all the period covered by this study.²⁵²

It is a fact that the regimes of exception upheld by the French colonial law, and which imprisonment embodied nicely, mainly through the use of penal labor, persisted until after 1940.²⁵³ But in the context of the war, and of the emergence of liberation movements in French West Africa shortly thereafter, the nature of incarceration, its

²⁵¹ Fall, B., "Manifestations of Forced Labor in Senegal: as Exemplified by the Société des Salins du Sine-Saloum Kaolack 1943-1956", in Abebe Zegeye and Shubi Ishemo (eds.) *Forced Labor and Migration: Patterns of Movement within Africa*, New York: Hans Zell Publishers, 1989, pp. 269-288.

²⁵² For further details on the system of the penal camps, see Ibra Sene, "Colonisation française et exploitation de la main-d'œuvre carcérale au Sénégal : De l'emploi des détenus des camps pénaux sur les chantiers des travaux routiers, (1927-1940)", *French Colonial History*, Vol. 5, 2004, pp. 153-171

²⁵³ See Olivier Le Cour Grandmaison, "The Exception and the Rule: On French Colonial Law", *Diogenes*, Vol. 53, No. 4, 34-53 (2006)

missions, as well as its various implications for the colonial society would take a completely different turn.

PART THREE
Imprisonment and the Colonial Society in Senegal: Inside the Prison of Saint-Louis
(ca.1830-ca. 1940)”

Chapter Five

Race and Imprisonment in Colonial Senegal: Evidence from the Prison of Saint-Louis (1830-1940)

This chapter looks at the particular issue of race and the ways in which it influenced the design and the operation of the prison of Saint-Louis. The racialized discourses and vocabularies of French colonialism constituted major driving forces of the prison system. Informed by the ideology of white superiority, such an orientation aimed at a variety of objectives concealed behind a complex bureaucratic and political decision-making machinery which this chapter tries to unveil. Besides the separation of detainees into indigenous and those of “European race”, I investigate how the colonial authorities carefully devised the rules organizing penal labor, food supply, health care, and the like, along racial lines, and obviously in favor of White prisoners. I also touch on the issue of the colonized people’s ingenuity in playing their racial identity as a form of response to colonial imprisonment.

Race and French Colonization: The *Mission Civilisatrice*

The creation of the *Quatre Communes* (Four Communes) of Saint-Louis, Dakar, Rufisque, and Gorée as French overseas territories was an important step in the development of the French colonial state in West Africa, under the Third Republic. On August 1, 1872, Saint-Louis and Gorée obtained the “same municipal prerogatives and rights as French communes”. Rufisque and Dakar acquired the same administrative status respectively in 1880 and 1887. Consequently, the inhabitants of the Four Communes also known as *Originaires*, theoretically gained all the rights and prerogatives that any

Frenchman had at the time.²⁵⁴ The rest of the colonial population, obviously the largest portion, formed the category of the *indigènes* or *sujets français* (French subjects) governed by the *Code de l'Indigénat*, a special law of 1882, which established a punitive policy that came to an end only after World War II.²⁵⁵ Notwithstanding this clear-cut distinction, the colonizers in reality treated all the African people with condescension, as this chapter tries to demonstrate. In the mind of the French the colonial institutions were not meant to be an exact copy of those in the *Métropole*.

The concept of the French *mission civilisatrice* rested upon the idea of the superiority of French culture and the duty to remodel France's African subjects "along lines inspired by the cultural, political, and economic development of France." Obviously, the colonizer used this categorization "to structure how [they] thought about themselves as rulers and the people whom they ruled (...)"²⁵⁶ Bancel, Blanchard, and Vergès argue that although racism should not be considered as exclusively Western, it is only the West that has elevated it to the level of a state policy in the period prior to WWII. For the control of its African territories, France gave an allegedly humanitarian connotation to this policy. The official motive used was the moral obligation to help retarded Africans grow, by civilizing them and illuminating their obscure world.²⁵⁷

²⁵⁴ See Mamadou Diouf, "The French Colonial Policy of Assimilation and the Civility of the Originaires of the Four Communes (Senegal): A Nineteenth Globalization Project in *Development and Change*, Vol. 29, Issue 4, (1998), p.671-696.

²⁵⁵ See A. I. Asiwaju, "Control Through Coercion. A Study of the *Indigénat* Regime in French African Administration, 1887-1946," *Bulletin de l'Institut Fondamental d'Afrique Noire*, n° 1, t. 41, série B, janvier 1979, p. 35-71.

²⁵⁶ Alice Conklin, p. 284.

²⁵⁷ Nicolas Bancel, Pascal Blanchard, et Françoise Vergès, *La République Coloniale*, Paris, Albin Michel, 2003, p. 89.

In this context where whiteness was synonymous of normality, any act or behavior diverted from its standards automatically appeared as a form of deviance and defiance to the French. To maintain law and order, the colonial administrators, through a strategy they euphemistically termed as “maintenance of peace and security”, resorted to a type of violence which had multiple facets and was skillfully disguised in the clothes of a questionable republicanism.²⁵⁸ While on the one hand the French allegedly sought to achieve social progress for the colonized populations, they nevertheless condoned a set of practices which tripped the colonized people of almost all rights and prerogatives attached to French citizenship. Alice Conklin has documented this contradiction under the 3rd French Republic²⁵⁹, whereby the colonized people mostly held duties and obligations toward their dominator than they could claim any sort of individual rights and prerogatives.²⁶⁰ This situation profoundly shaped the construction of conceptions of crime and punishment in Senegal, and the ways in which they impacted the penal law and the administration of justice.

There were direct links between the repressive nature of the penalties and the strong belief among the French that the colonized people were naturally unruly, wayward, and needed to be disciplined.²⁶¹ The French colonial empire inherited from the Atlantic

²⁵⁸ See Alice Conklin, *op. cit.*, on how republicanism was used to condone colonial repressive practices.

²⁵⁹ The 3rd Republic was the political regime of France between the collapse of the Empire of Napoleon III, during the Franco-Prussian War in 1870, and the Vichy Regime following the invasion of France by the German Third Reich in 1940.

²⁶⁰ Achille Mbembe (“France-Afrique: The Idiocracies that Divide Us”, *Africultures*, Sept. 05, 2007) considers colonization as a “terrible ordeal for the colonized societies” and suggests that its origin lies in “racial terror and corruption”.

²⁶¹ Philip D. Curtin, *The West and the World: The European Challenge and the Overseas Response in the Age of Empire*. New York: Cambridge University Press, 2000. Even the

slave trade a number of racial ideas sustained by anthropologists who categorized Africans as retarded, lazy, with a natural disposition to criminality.²⁶² While there was no restraint in imposing a penal law which was entirely foreign to the colonized populations, the administration of punishment totally ignored the native legal traditions.

The Racial Foundations of Colonial Imprisonment

English philosopher and jurist, Jeremy Bentham, conceived of his *Panopticon* as a model for the reform of the prison system to make punishment less dehumanizing. But, in his acerbic criticism against the European Enlightenment, French moral philosopher, Michel Foucault, presents Bentham's benevolent plan as a mere tyrannical tool in the hands of those in position of authority to regiment the rest of the society.²⁶³ Foucault further suggests that the prison system bequeathed the same model onto other institutions such as schools, military barracks, lunatic asylums, hospitals, and the like. Obviously, Bentham and Foucault disagree on the types of power relations which underline the idea of the *Panopticon*. Nevertheless, through their work as well as the scholarship they inspired, it clearly appears that the emergence in the Western world of imprisonment as the main form of fighting deviancy sought to attain social utility. In this socio-political context,

prison guards were under the same regime. The colonial administrators were 'sympathetic' with them only when they showed zealous efforts in carrying out their duty.

²⁶² See Nicolas Bancel, Pascal Blanchard, et Françoise Vergès, *La République Coloniale*, Paris, Albin Michel, 2003, p. 91. French anthropologist Lucien Lévy-Bruhl (*L'Ame PrIMITIVE*, Paris: F. Alcan, 1927, and *Les Fonctions Mentales dans les Sociétés Inférieures*, Paris: F. Alcan, 1928.) and German philosopher Georg Hegel (*The Philosophy of History*, New York: Dover, 1956) are two of the main representatives of scholars whose work inspired a great deal the racist foundations of European colonialism in Africa.

²⁶³ Michel Foucault, *Discipline and Punish: The Birth of the Prison*, New York, Vintage Books, 1979.

instead of vindictive punishment, “the prisoner was offered positive incentives to work cooperatively for his own as well as the common good.”²⁶⁴

As the nineteenth century dawned in Europe, the penal system became more standardized and more scientifically organized. The *Ancien Régime* horrors of torture and execution gradually gave way to punishment theories that were more focused on the soul of the convict, and geared toward his/her reform and reintegration into society.²⁶⁵

In the United States, with the social revolution of the Jacksonian era, a new vision that no longer saw God’s will as an explanation to criminality, insanity, delinquency, and poverty, challenged the Calvinist legacy regarding the perception of those “illnesses” of the American society. The confidence in the disciplining forces of a hierarchical society to stabilize the new nation would start facing a serious challenge. The ensuing heated debates among intellectuals to find the best formula of social control gave birth to the penitentiary institution.²⁶⁶

²⁶⁴ Haydn Mason, “The European Enlightenment: Was It Enlightened?”, *The Modern Language Review*, Vol. 94, No. 4. (Oct., 1999), p. xxviii

²⁶⁵ See Norval Morris and David Rothman (eds.), *The Oxford History of Prison: The Practice of Punishment in Western Society*, New York, Oxford, Oxford University Press, 1996. This is a collection of essays on different periods in American and Western European prison history. The volume is an interesting and useful guide for any inquiry on how the institution of imprisonment gained its pre-eminent position in modern penal systems.

²⁶⁶ See David Rothman, *The Discovery of the Asylum: Social Order and Disorder in the New Republic*, Boston and Toronto, Little Brown, 1971 (reprint 2002). For studies focusing specifically on France, see Patricia O’Brien, *The Promise of Punishment: Prisons in Nineteenth-Century France*, Princeton, N.J., Princeton University Press, 1982; Michelle Perrot, (ed.), *L’Impossible Prison. Recherches sur le Système pénitentiaire au XIX^{ème} siècle*, Seuil, 1980 ; or the synthesis of seven centuries of French penal history by Jacques-Guy Petit, Nicole Castan, Claude Faugeron, et al, *Histoire des Galères, Bagnes et Prisons : XIIIe-XXe siècles, Introduction à l’Histoire Pénale de la France*, Toulouse: Ed. Privat, 1991.

The humanistic legacy that drove the prison reform in the West was not part of the mission assigned to the penitentiary system implemented in most French colonies, particularly in Senegal. In fact, the colonial penal law was not a comprehensive body of standardized rules with a clearly defined field of application. Instead, it was a stock of day-to-day practices with the sole objective of dealing with punctual needs of punishment for the sake of sustaining the colonial enterprise. This orientation of crime punishment had a real influence on the design, but also on every single aspect of the operation and the evolution of the penitentiary system in colonial Senegal, between 1830 and 1940. The French thinking regarding the colonized African was that the latter was barbaric and needed guidance to be able to progress and attain “a higher state of civilization.”²⁶⁷ Using the Prison of Saint-Louis as a case study, this study investigates the ways in which race became a crucial determinant in this history.

The French began using imprisonment as a form of punishment in Senegal since the early 1830s. The oldest official document I could get from the colonial archives on this issue is a report from the Governor’s office dated November 8, 1834, which describes the penitentiary facility in the capital of the colony as consisted of a row of small huts in the first floor of the military fort of Saint-Louis.²⁶⁸ While in mainland France various initiatives for the development of “a new national system of punishment” by the government took place, in Senegal things followed a totally different trajectory. In the *Métropole* a “bureaucracy of penal, policing, and judicial institutions was established to

²⁶⁷ Ernest Roume, Discours, Conseil du Gouvernement, 4 Decembre 1905, JOAOF, p. 592.

²⁶⁸ CAOM: Senegal et Dependances XI, 21 : 1816-1895 (Penitentiary Regime; Saint-Louis ; Dakar, Correspondence), Report dated 8 november 1834 – Senegal: Prison equipment and regime.

deal with the problem of crime and punishment. The essential characteristics of the penitentiary were also legally defined.”²⁶⁹ In Senegal instead, there was not a real penitentiary law and an organized prison system.

The judiciary authority as well as colonial inspectors quite constantly pointed out what they saw as the main failure of the system. But the administrative officers in the contrary believed that Africans did not deserve a penitentiary system that was respectful of the rights of prisoners and was devoted to fostering their reform and their reintegration into society as law abiding people, for the benefit of their communities and their own. The construction of crime and the penitentiary rules and practices it inspired suffered from the influence of racial bias. Indigenous people were mostly condemned for what the colonizer thought they were. In fact, the French devised a particular rhetoric of dehumanization that forged an image of the African as being naturally wayward, filthy, and incapable of any useful manual work within the prison.²⁷⁰

Also, because the French considered the native people as an undifferentiated mass, they rarely approached crime and punishment as individualized. As a consequence of that, colonial administrators rarely determined guilt on a case-by-case basis. The only occasion the prison authorities focused its attention on individuals out of the amorphous entity of the

²⁶⁹ Patricia O’Brien, *The Promise of Punishment: Prisons in Nineteenth-Century France*, Princeton, N.J., Princeton University Press, 1982, p. 21.

²⁷⁰ ARS 3F/00038: Civil Prison of Saint-Louis, 1874-1875: Plan for the organization of penal labor, 1862-1877; Note on the Prisons of Senegal. This note is undated and its origin is not clear, but I found it in the same folder as another note written by the Governor of Senegal to the Chief of the Service of Interior on April 23, 1877. I believe that both documents are from the same period as they talk about the same group of prisoners that the administration put at the disposal of the Civil Engineering Service of Senegal for some manual work. The Governor insisted in his note on the rigor with which this group of detainees should be handled. He explained that the “civilized” French law regarding penal labor would be too mild and could be considered as a mere “source of joy” which indigenous prisoners did not deserve.

carceral population was when they had to handle disobedient inmates portrayed as arrogant and “excessively exigent Black”, “daily complaining” about their detention conditions, and yet were known for their innate “deplorable laziness” consubstantial to their racial origin. The promise for the improvement of individual prisoners that was a central dimension of French penology in the first half of the nineteenth century in mainland France²⁷¹ was clearly absent in Senegal. Instead, there was a widely shared belief among colonial administrators that prisons in Senegal could never equal the ones in France. This conception of the mission assigned to imprisonment dominated the colonial discourse and permeated in a great deal of the administrative correspondence and reports, as it was eloquently expressed in a note sent to the Governor of Senegal by the Secretary General of the government, on May 14, 1925. In fact, responding to an insistent request from the Judiciary to separate adult prisoners with juvenile delinquents for the good of the latter, the Secretary General instructed the Governor that:

“(…) It should be understood that the colonial prison cannot be the exact copy of the one in the *metropole* [France], and that it is meant to hold various categories of people including those who are in custody, those who are accused, or are already serving their prison term, and even people who are not guilty of any offense to the law, like the poor and the homeless... In some of the [French] colonies there are no prisons, yet courts keep on sentencing people if necessary.”²⁷²

²⁷¹ Patricia O’Brien, *The Promise of Punishment*, p. 13.

²⁷² ARS 3F/00064: Civil Prison of Saint-Louis: Juvenile detainee Leonie Gueye (1922-1925), «Note for the Governor, Acting Secretary general of the Government, May 14, 1924.

The enduring racial stereotypes against indigenous people during that period informed the view offered by the Secretary General of the colonial government in this missive. It would also influence the design of the prison space, as well as the detentions conditions in Saint-Louis.

Race and the Design of the Physical Space in the Prison of Saint-Louis

A careful examination of the organization of the physical carceral space in Saint-Louis gives a better understanding of how race influenced the system of punishment in colonial Senegal. In nineteenth-century France, differentiation of prisoners was institutionalized as one of the most important features of the new punishment system that the French started putting in place. Based on the types of crimes they committed and the length of the sentences they received, detainees went to different categories of penitentiary establishment. Those awaiting trial and those serving a year or less in prison went respectively to the *maisons d'arrêt*, the *maison de justice*, and the *maison de correction*, while the central prisons hosted long-term offenders.

About the same time in Senegal, the penitentiary took a totally different trajectory. An official report from the early nineteenth century described the prison of Saint-Louis as a row of small huts built in the first floor of the *Fort de Saint-Louis* [Fort of Saint-Louis], holding military as well as civilian prisoners.²⁷³ The same administrative document gives details about the filthiness of the establishment and the negative impact this situation had

CAOM: Senegal et Dependances XI, 21: 1816-1895 (Penitentiary Regime; Saint-Louis ; Dakar, Correspondence), Report dated 8 november 1834 – Senegal: Prison equipment and regime. See Ibra Sene, “Crime, Punishment, and Colonization”, Chapter One (The Early Stage of the Penitentiary System in Senegal) for more details on this stage in the development of the Prison of Saint-Louis.

on the detention conditions. In the following decades, the administration would mostly describe the prison of Saint-Louis in positive terms, through a variety of letters and periodic reports. This official documentation gave routinely an image of a clean and neat prison, where convicts were divided into different categories.²⁷⁴

However, there is strong evidence that contradicts such an unlikely portrayal from a large majority of the reports from the Judiciary Service and colonial inspectors. These sources made it abundantly clear that the penitentiary system in Senegal, the prison of Saint-Louis in particular, literally ignored the disciplining and moral values of imprisonment, which were at the heart of the prison reform in nineteenth-century Western Europe, especially in France.²⁷⁵ But, the colonial administration had an upper hand on the operation of the penitentiary system, which made it difficult for the views emanating from the judiciary and colonial inspectors to have any significant impact on the operation of prisons. In reality, the racial beliefs held by the French toward the colonized people, more than anything else, had a much deep influence on the ways in which things evolved in the area.

Racial categorization was at the core of the design and operation of the penitentiary in Senegal, to the contrary of what was practiced in France at that time. The differentiation of prisoners in Senegal followed the same pattern. That is why there were two groups of

²⁷⁴ CAOM Sénégal et Dépendances XI, 21: 1816-1895 (Penitentiary Regime pénitentiaire; Saint-Louis; Dakar, Correspondence), *Note on the Penitentiary Regime in Senegal*, Director of Interior, Saint-Louis, December 10, 1885; CAOM Sénégal et Dépendances XI 21: 1816-1895 (Penitentiary Regime pénitentiaire; Saint-Louis; Dakar, Correspondence), the Acting Governor of Senegal and Dependencies, to the Minister for the Marine and the Colonies, August 5, 1888, regarding the prisons of the colony.

²⁷⁵ ARS 3F/00041: Civil Prison of Saint-Louis, 1886-89, Correspondence to the Governor; Inspection Report of the Prison of Saint-Louis (1888-1889), Observations of the Service of Interior, 24 July 1888

prisoners in Saint-Louis. On the one hand, there was a sizable number of indigenous, whilst on the other hand convicts of “European race” -as they are called in official documents- accounted for an insignificant bit of the carceral population.

The *Originaires*, who legally held French citizenship, normally belonged to the same group as detainees of “European race.” Yet, because they were Black, they had to fight hard and permanently to have the law regarding their status fully enforced. The mere fact that the *Originaires* thought of themselves as equal to the white people was not considered by French administrators as a valid claim, instead it was viewed as an act of effrontery. Obviously, because of their skin color they were constantly denied what they were legally entitled to as prisoners.²⁷⁶

Because of this racially tainted physical organization of the prison space, there was a designated quarter for Blacks and another one for the white prisoners. But, to get a better sense of how this emphasis on racial consideration impacted the penitentiary regime in Saint-Louis, one has to understand the rationale that informed the spatial organization of each of these quarters in the prison. The French thought of the colonized people as an undifferentiated mass, and this conception permeated the geography of the prison of Saint-Louis. As a result of that, indigenous prisoners were dumped in the same quarter with a section for men and another one for women. The indigenous quarter was always overcrowded and almost stayed in a state of permanent indigence and filthiness. Common law and political prisoners, along with juvenile delinquents, and even mentally ill people

²⁷⁶ See Ibra Sene, “Crime, Punishment and Colonization,” Chapter Six (*Sujets Francais, Originaires, and Juvenile Delinquents: The Prison of Saint-Louis and the Colonial Society*) for more details on this issue.

were dumped into that same area.²⁷⁷ This problem was described by colonial inspector Espent, in a letter he sent to the Minister for the Colonies, in April 13, 1888, to give him a round-up of the situation of the penitentiary services in Senegal. The inspector wrote:

“The separation of prisoners into different categories is not seriously done, although the Department [for the Colonies] has always insisted on that, yet nothing should normally prevent that separation from being materialized, because I have seen [in the prison] some rooms that were not occupied... There is repulsive filth everywhere.”²⁷⁸

These difficulties are mentioned in a internal administrative report issued a few months later and which went into more details about the problem. In July 1888, the Governor’s office conceded that it was impossible for the colonial government to separate prisoners in different categories, because of the lack of adequate facilities.²⁷⁹ As a result of that, there was a big concentration of people in “such a small space”, the report emphasized. Although colonial administrators seemed alarmed by the prospect of an outbreak of various contagious diseases, their fear had nothing to do with the possible consequences on the detention conditions of indigenous convicts. Instead, authorities, more than anything else, may have been haunted by the possible fact that certain pathologies

²⁷⁷ ARS 3F/00041: Civil Prison of Saint-Louis, 1886-89, Escapes, (1888), Head of the Civil Hospital to the Director of Interior, March 1st, 1888. In this correspondence, the Head of the Hospital told the Director of Interior, that the prisoners who escaped used a tool they borrowed from a mentally ill person detained in the same room with normal prisoners.

²⁷⁸ CAOM Sénégal et Dépendances XI, 21: 1816-1895 (Penitentiary Regime; Saint-Louis; Dakar, Correspondence), *Note on the Penitentiary Regime in Senegal*, Director of Interior, Saint-Louis, December 10, 1885; Inspector General Espent to the Minister for the Marine and the Colonies, 13 April 1888, regarding the operation of the Prison Service in Senegal.

²⁷⁹ ARS 3F/00041: Civil Prison of Saint-Louis, 1886-89, Correspondence to the Governor: Report on the Prison of Saint-Louis, Direction of Interior, 23 July 1888

could spread beyond the prison walls to the whole city of Saint-Louis.²⁸⁰ The representative of the Chief of the Judiciary Service in the prison surveillance committee in Saint-Louis echoed this lack of attention in the part of the administrators of the colony. Reacting to a report issued on July 6th, 1899, following a meeting of the said committee, and which left out his suggestions for the improvement of the detention conditions, he wrote the following to the Governor of Senegal:

“I made some suggestions during the meeting which I want to be included in the minutes: (...) I found it useless that the prison surveillance committee always met and made decisions which would never be enforced. (...) [T]he issue of the division of the prison of Saint-Louis into special quarters for women ... [and] children, has been raised by the commission for years now, requiring many reports from the Judiciary, and many construction plans and estimates from the Civil Engineering Service, yet has never been resolved by the administration.”²⁸¹

In France, as Patricia O’Brien puts it, “[t]he man in prison in the nineteenth century prisons saw only other men; no longer did he encounter women and children during his confinement.”²⁸² But obviously, most of the realities that prison reformers fought hard to eradicate at the end of the eighteenth century in France defined the values and the major guidelines of the administration of imprisonment in colonial Senegal.

²⁸⁰ The prison was in the Island of Saint-Louis which was at the same time the colonial government headquarters.

²⁸¹ ARS 3F/00046: Civil Prison of Saint-Louis, 1892-1900, Response from the Magistrate Representing the Chief of the Judiciary Service in the Prison Surveillance Commission at its meeting on July 6 1899.

²⁸² As Patricia O’Brien has tried to show, nineteenth century French prison reformers were very concerned with the general welfare of inmates. This was definitely not the case in the colonies during the same period. See, *The Promise of Punishment*, p. 18-21.

The prison of Saint-Louis may have held a very small number of European prisoners at any time during the period covered by this study, but a close look at this portion of the carceral population provides another interesting angle of view on the racialized foundation of the penitentiary in colonial Senegal. Although the room designated to house prisoners of “European race” was much smaller than the African sections of the prison, the former was empty most of the time, while the latter contained its indigenous population with difficulties. In a letter dated August 5, 1888 and which the Governor of Senegal wrote to the Minister for the Navy and the Colonies, he explained among other things that there were no European prisoners in Saint-Louis for a long period of time.²⁸³ There is no doubt that at the time when the room for European prisoners remained empty, Africans squeezed to fit in their quarter.

Unlike native prisoners, Europeans were held in separate cells. Also, they were not required to work inside or outside the prison. In a correspondence to the head of the Service of Interior (in the Governor’s office) and the Public Prosecutor in Saint-Louis, European prisoner Boyer virulently complained about the situation in his cell. He particularly pointed out what he termed as an “... obvious impossibility for a European to live in such an unhealthy environment, locked in a cell with a portion of food just enough to maintain him in life..., lacking air and a reasonable space to exercise, in one word, all the essentials for a decent life.” Ultimately, what concerned this prisoner the most was the

²⁸³ See CAOM Sénégal et Dépendances XI 21: 1816-1895 (Penitentiary Regime; Saint-Louis; Dakar, Correspondence), The Acting Governor of Senegal and Dependences, to the Minister for the Marine and the Colonies, August 5, 1888, regarding the prisons of the colony.

bad impact that his idleness, due to his isolation in an individual cell, would have on him.²⁸⁴

The detention conditions this prisoner was complaining about as unacceptable for his racial status were nowhere close to the plight of native prisoners. There were no individual cells for the latter. In fact, the ways in which imprisoned indigenous were treated, even when they got sick, was a shared predicament throughout the colony of Senegal. On February 18, 1870, in a letter written to the *Ordonnateur* (highest official in charge of the budget of the colony), the Director of Interior complained that the Hospital in Gorée had admitted some native prisoners. Against what he believed was a violation of the law, the Director of Interior gave the injunction to the *Ordonnateur* that he should not authorized any reimbursement for the cost of the medical treatment of these detainees. Furthermore, he suggested that “black prisoners”, compared to whites, should be treated at a cheap cost for the colonial budget.²⁸⁵ With one penitentiary institution, the colonizer managed to have two different sets of rules applied on prisoners along racial lines. The same detention conditions prevailed in different locations throughout the French empire. But the uproar that the media coverage of cases such as that of Captain Alfred Dreyfus triggered in France was clearly due to the fact that it involved white French people. The situation weighed heavily on the French government’s decision to outlaw the practice of imprisoning

²⁸⁴ ARS 3F/00038: Civil Prison of Saint-Louis, 1874-1875. Various Request from Prisoners, Letter of prisoner Boyer to the Chief of the Service of Interior, 26 July 1877.

²⁸⁵ ARS 3F/00038: Civil Prison of Saint-Louis, 1874-1875. Treatment of prisoners in hospitals, 1872-1873: Letter of the Director of Interior to the *Ordonnateur* (in charge of the colonial budget), February 18, 1870.

metropolitan French citizens overseas.²⁸⁶ Yet the relegation of African prisoners to French Guiana and New Caledonia would not stop right away, because until the early 1900s, prisoners from Senegal were being sent regularly to these penal colonies.²⁸⁷

The Influence of Race on Detention Conditions in the Prison of Saint-Louis

Penal labor and the alimentation of prisoners were two major areas where the racial stereotypes developed by the French against the colonized people had the most visible impact on the detention conditions in Saint-Louis. The prison workforce has been an issue of permanent controversy and tension between the Judiciary Service and the Governor of Senegal during the period covered by this study.²⁸⁸ While the former was mostly concerned with the rule of law, or at least with sticking to the rules that existed in that domain at the time, the former sought to solve the daunting problem that almost every administration faced in Senegal, which was to secure enough labor force for the colonial

²⁸⁶ In his book *Beyond Papillon: The French Overseas Penal Colonies, 1854-1952*, Lincoln, NE; University of Nebraska Press, 2006, Stephen Toth addresses this issue with the case of Captain Alfred Dreyfus who was imprisoned in the penal colony of French Guiana. See Chapter 7 (“*The Bagne Obscura*”), p. 121-145.

²⁸⁷ ARS 3F/00052: Civil Prison of Saint-Louis, 1903-1906. Individual notice on prisoner Alioune Seye (1905): Letter of the Pdt of Tribunal of 1st Instance of Saint-Louis, President of the Colonial Classification Commission - which had to decide on the “rélégation” of Alioune Seye to a penal colony- , to the Secretary General of the Government, October 29, 1905.

²⁸⁸ CAOM : Sénégal et Dépendances XI 21: 1816-1895, (Régime pénitentiaire; Saint-Louis; Dakar - Correspondance diverse), Report [from the Judiciary Service?], November 8, 1834, on the situation of the prison system in Senegal; ARS 3F/00038: The Director of “Pont et Chaussées” to the Director of Interior, January 20, 1870; ARS 3F/00038: Note on the Prison System of Senegal, Director of Interior, slnd [probably from the early 1870s]. I focus more in details on this issue in Chapter four of my dissertation, “Imprisonment and the Colonial Enterprise: The Prison of Saint-Louis and the Organization of Penal Labor, 1830-1940.”

enterprise.²⁸⁹ The Judiciary lost the battle by the turn of the nineteenth century, and the administration gained increasing power to organize penal labor with less and less restrictions.²⁹⁰ The materialization of such a plan by the colonial administrators resorted heavily on a number racial stereotypes against the colonized populations.

It was a strong belief among the French that Black people were naturally lazy. Therefore, the colonizers thought that there was a potential threat against the stability of the colony to leave prisoners in a state of permanent idleness.²⁹¹ Accordingly, the administration devised a series of special regulations, which ruled out completely the possibility to apply French penal law in Senegal, particularly in the area of prison labor.²⁹² The argument was that the carceral labor force should be beneficial to the colony as much as possible. Although this would require disregarding the legal rules, the goal was clearly to employ all indigenous prisoners in any ways the colonial government needed it.²⁹³

²⁸⁹ The best expression of this orientation came through the creation of the penal camps. For more, details see Ibra Sene, "Colonisation française et exploitation de la main-d'œuvre carcérale au Sénégal : De l'emploi des détenus des camps pénaux sur les chantiers des travaux routiers, (1927-1940)", *French Colonial History*, Vol. 5, 2004, pp. 153-171.

²⁹⁰ Besides the continuous rivalry between the Director of Interior and the Chief of the Judiciary Service, the multi-faceted resistance to imprisonment by detainees was another important element that did not make it easy for colonial authorities to quickly organize the penal labor system.

²⁹¹ ARS3F/00038: Civil Prison of Saint-Louis, 1874-1875. Plan for the organization of penal labor, 1862-1877, Response of the Saint-Louis prison manager to the Chief of Interior Service (Governor's office), regarding his inquiry about the refusal by prisoners to work outside the prison, April 5, 1877.

²⁹² In Chapter three, I analyze the colonial socio-political and judicial contexts in which the concepts of crime and deviance were constructed.

²⁹³ See ARS 3F/00038: Civil Prison of Saint-Louis, 1874-1875, Plan for the organization of penal labor, 1862-1877, Note on the prisons of Senegal (1872?)

Without any doubt, the premise of what the French colonizers termed as the “local habits” and the natives’ “little taste for work”²⁹⁴ was a major element of the foundation of the penal labor policies in Senegal. In reality, the idea of the lazy Black, who needed to be civilized through manual work, was a forged image that colonial administrators used in order to tap into an easily accessible and free-of-charge workforce, which represented a vitally important commodity for the operation of the colony. Besides the segregated prison space and the penal labor policies of the prison of Saint-Louis, the alimentation of detainees is an interesting element that could be used to explain the racialized foundations of the penitentiary and the consequences such a regime had on the carceral population.

The only criteria that determined which type of food prisoners could eat was their racial identity. A number of administrative reports have routinely described the alimentation of prisoners in Saint-Louis as largely sufficient and of a much better quality than what native people would normally eat in their homes. A few of those reports have even suggested that European prisoners ate the same food as indigenous convicts in the prison of Saint-Louis.²⁹⁵ But, there is overwhelming evidence showing that the situation was far less idyllic than it was presented by the colonial administration. The following two tables included in a letter addressed by the Governor of Senegal to the Minister for the

²⁹⁴ CAOM, Senegal et Dépendances XI, 21 : 1816-1895 (Penitentiary Regime; Saint-Louis ; Dakar, Various Correspondence), Inspector General Espent to the Minister for the Colonies, April 23, 1896, regarding the situation of the prison of Saint-Louis.

²⁹⁵ CAOM Sénégal et Dépendances XI, 21: 1816-1895 (Penitentiary Regime pénitentiaire; Saint-Louis; Dakar, Correspondence), *Note on the Penitentiary Regime in Senegal*, Director of Interior, Saint-Louis, December 10, 1885. This « Note » is one of the rare administrative documents I have come across that does not recognize the segregation between native and European detainees in Saint-Louis when it comes to the type of food they ate.

Colonies, in Paris, clearly establish the fact that there were two different types of food for European and indigenous inmates.²⁹⁶

Fresh Bread	0.750 kg
Fresh Meat	0.375 kg
Salt	0.022 kg
Beans (3 times per week)	0.120 kg
Peas (3 times per week)	0.120 kg

Table 1: European ration

NOTA: Wine is only served when authorized by the prison's physician.

Rice	0.625 kg
Fresh meat (3 times per week)	0.375 kg
Fresh fish (2 times a week)	0.375 kg
Salt	0.022 kg

Table 2: Indigenous ration

A quick look at these two tables reveals that each indigenous detainee basically ate 0.625 kg of rice every day. The quality of this food was somewhat improved by adding to it 0.375 kg of fresh meat, and 0.375 kg of fresh fish, respectively 3 times and 2 times a week. In contrast, convicts of "European race" ate better in Saint-Louis, because on a daily basis, they had 0.375 kg of fresh meat and 0.750 kg of fresh bread. Also, some vegetables such as beans and peas were added to their menu 2 to 3 times a week. On top of that, they could even get wine, with the authorization of the prison's physician.

The difference in the food served and its effects on the carceral population has always been an issue at the prison of Saint-Louis. It motivated the letter sent to the Governor of Senegal, on September 29, 1876, by the brother of a prisoner named Kikou. In

²⁹⁶ CAOM Sénégal et Dépendances XI, 21: 1816-1895 (Penitentiary Regime pénitentiaire; Saint-Louis; Dakar, Various Correspondence), The Governor of Senegal and Dependencies to the Minister for the Marine and the Colonies, August 9, 1884.

his correspondence he drew the attention of the chief administrative officer of the colony to the bad quality of the food served to indigenous prisoners of which his brother was one. He explained that his brother fell sick and was hospitalized because of the food which he could not eat any longer. Therefore, he begged the Governor to end Kikou's "suffering" in the prison by allowing him to eat the same food as all the prisoners of "European race."²⁹⁷ The physician of the prison saw this request as an undeserved favor and instructed the Governor not to accept it, on the grounds that Kikou was an "excessively demanding Black", and lazy person, with unfounded daily complaints about not just the food, but about everything in the prison service.²⁹⁸

This case is not an isolated one because the colonial records I have used in documenting this study are full of stories similar to this one, with inmates complaining about the bad quality of their food. An administrative report issued on July 30, 1888, following the inspection of the Prison of Saint-Louis, particularly called the attention of the Governor of Senegal to the necessity to improve the food served to prisoners not just in Saint-Louis, but also in Dakar, and Gorée, where the other two major penitentiary facilities were established at the time. The report emphasized the fact that this change was useful and would not cost much to the administration.²⁹⁹ But this suggestion did not seem to have any known outcome, because, a few years later, the issue of the alimentation of detainees

²⁹⁷ ARS 3F/00038: Civil Prison of Saint-Louis, 1874-1875, Letter of the brother of detainee Kikou to the Chief of the Service of Interior, September 29, 1876. I should mention that the *Originaires* who were French citizen wrote many letters to the colonial authorities to be allowed to eat the food designated to citizens and which was denied to them.

²⁹⁸ ARS 3F/00038: Civil Prison of Saint-Louis, 1874-1875, Response of the prison physician, October 5, 1876.

²⁹⁹ ARS 3F/00041: Civil Prison of Saint-Louis, 1886-89; Correspondence to the Governor of Senegal; Inspection Report of the Prison of Senegal (1888-1889): Administrative Inspection of the Prison of Saint-Louis, July 30, 1888.

in Saint-Louis was raised again. In fact, in July 1899, the Judiciary Service informed the Prison Surveillance Commission that prisoners were frequently complaining about their food and thought that it was insufficient and of poor quality. Doctor Carpot, who was at the time in charge of the healthcare service of the prison, supported the proposal. He also insisted that such an improvement was necessary to ensure that prisoners remained in good health conditions.³⁰⁰ Ibrahima Thioub has posited the existence of direct links between these nourishment problems and the endemic degradation of the health situation of native prisoners in colonial Senegal.³⁰¹

The sanitary conditions, the bedding material, and the type of healthcare that prisoners had access to were all informed by the racialized nature of the organization of the prison of Saint-Louis. The French administrators simply put the benefits of the colonial state before the well-being of the carceral population, particularly indigenous inmates.³⁰² Obviously the influence of racial stereotypes on the operation of the prison of Saint-Louis gave a special weight to the combined effects of harsh working conditions, low quality and insufficient food, and bad health care on the detention.

To survive in the carceral space, prisoners also played the racial rhetoric of the time.³⁰³ In negotiating their way through the system or resisting to some decisions they

³⁰⁰ ARS 3F/00046: Civil Prison of Saint-Louis, 1892-1900: Appointment of Wardens; Punishment of a Prison Guard (1898-1900). Excerpt from the minutes of the Prison Surveillance Commission meeting, July 6, 1899.

³⁰¹ See Ibrahima Thioub, « Sénégal : la santé des détenus dans les prisons coloniales, *Revue sénégalaise d'Histoire*, Nouvelle série n° 2-3, 1996-1998, p. 89-100.

³⁰² See ARS 3F/00052: Civil Prison of Saint-Louis, 1903-1906, Monthly Report on the operation of the prison of Saint-Louis, December 1905.

³⁰³ Chapter six gives more details about the complex relationships between the prison of Saint-Louis and the colonial society. Besides the *Originaires*, it focuses on the *Sujets Français* (French subjects), and juvenile delinquents, and attempts to capture the nature of

thought did not favor them, the *Originaires* made use of this divide opportunistically. Occasionally, they would downplay their racial identity and, instead, stress their administrative status as French citizens. In April 1923, a group of *Originaires* wrote a petition to the Mayor of Saint-Louis, urging him as a member of the prison Surveillance Committee, to speak on their behalf to the Governor so that the administration refrains from denying them their rights as imprisoned French citizens. They made it clear though that they were not making this request out of any racial consideration.³⁰⁴ Yet, the evidence indicates that in other instances, prisoners made use of a dichotomy creating an “us” (the colonized people) vs. “them” (the colonizers), divided by a racial line, which frequently brought out and nurtured the latent conflict between the French and the people they colonized. That is why convicts often took racial pride in committing various acts which colonial administrators viewed as mere forms of defiance to penitentiary rules and the colonial authority in general.³⁰⁵

The history of colonial prisons gives an interesting window into how France institutionalized racial discrimination in Senegal. This ideology, which was rooted in the nineteenth century racist dogma in France, influenced deeply every single aspect of the

the confrontation, accommodation, and negotiation within the prison space, as well as the ways in which it impacted the penitentiary institution.

³⁰⁴ ARS 3F/00062: Civil Prison of Saint-Louis: correspondence – notes ; reclamations ; Case of detainee Saliou Ndiaye, 1923-1925, Collective Letter of the *Originaires* at the Civil prison of Saint-Louis to the Mayor of the city, member of the Prison surveillance Commission, April 19, 1923.

³⁰⁵ In April 1923, against penitentiary regulations, prisoner Mademba Gueye had tried to send a letter to his lover, a woman named Fatou Ndaw. The letter was seized by the prison guards, and when the sender was confronted by the prison manager, he did not want to see anything wrong in what he tried to do. Furthermore, he explained that he could not abide by the white man’s rules in that matter, and that he had “a lot of respect for my race” to accept to do that. Mademba Guèye’s letter is in ARS 3F/00062: Civil Prison of Saint-Louis: correspondence – notes; reclamations; Case of detainee Saliou Ndiaye, 1923-1925. There are many letters like this one in the archives.

penitentiary. The various stereotypes that the French had toward the colonized people influenced deeply the design of the carceral space, the daily operation of the prison, the food, labor, and healthcare policies. But the colonial penal institution imported from Western Europe was not imposed in a cultural vacuum. The differences in cultural norms and the inherent clashes of concepts of crime and punishment between the colonizer and colonized people ushered in a situation not perfectly controlled by the sole invading power and where indigenous agency considerably impacted the legal regimes. Whether they were granted French citizenship or were legally “subjects”, native people played in their own way in the terrain of race in their attempt to survive within the ‘prison society’.³⁰⁶

³⁰⁶ For more details on how the colonized people understood French and British empires and deployed various forms of resistance, sometimes corrupted, and even adopted imperial legal institutions to achieve their own agendas, see Lauren Benton, *Law and Colonial Cultures: Legal Regimes in World History, 1400-1900*, Cambridge University Press, 2002, reprint. 2003, 2005. I also touch on the same issue in Chapter six “*Sujets Francais, Originaires, and Juvenile Delinquents...*”

Chapter Six

Sujets Francais, Originaires, and Juvenile Delinquents: The Prison of Saint-Louis and the Colonial Society

The carceral population in Saint-Louis was a mixture of people whose respective colonial experiences and administrative status governed their life in prison. The fact is that imprisonment was imposed by the French in total disregard of the African conception of deviance and punishment. Since the establishment of the prison, like the other colonial institutions, did not occur in a cultural vacuum, the colonized peoples responded to it in a variety of ways. A careful analysis of the complex relationships in the carceral space certainly yields a good sense of these responses. But, colonial punishment did not just focus on the people in detention; instead it targeted all the colonized populations. Therefore, to have a better understanding of the ways in which the native people reacted to imprisonment, it is important to consider the strategies developed outside the penitentiary walls. By focusing on the *Originaires* and the *Sujets Francais*, and juvenile delinquents, the chapter attempts to determine the ways in which the lives of these three categories of prisoners could help capture the nature of the confrontation, negotiation, and accommodation, within the prison space. To have a full grasp of the extent to which this impacted the penitentiary institution, it is important to consider the role played by the prison staff in this evolution, as well as the wider colonial society.

The Population of the Prison of Saint-Louis: A Diverse Body of Inmates

Between the 1830s and the 1940s, the prison of Saint-Louis had held a large mixture of people who included peasants from the protectorate zone³⁰⁷ of the colony as well as dwellers of the then few urban centers. The latter could be agents of the lower level of the local administration, private business owners, and mostly ordinary people. This diverse mass was dominantly made of Africans. Nevertheless, the carceral population from time to time included a very few Europeans who worked for the colonial administration. That was the case of a man by the name of Marlborough, formerly a clerk at Saint-Louis's city hall, who was accused of involvement in election rigging and was temporarily detained at the prison of Saint-Louis.³⁰⁸

Saint-Louis also received prisoners coming from the higher levels of the political, economic, and social spheres of the colony of Senegal. There were "*Chefs de Canton*", many other indigenous administrative officers, traders, and the like, serving prison time for various crimes including embezzlement of public money, abuse of authority, fraud, or other types of misconduct in carrying their duties. Most of all, the colonial prison targeted all the indigenous figures who represented potential danger for the colonial law and order. The French believed that many of these figures had so much influence on their fellow

³⁰⁷ The protectorate zone (or *Pays de Protectorat*) included every part of the colony of Senegal besides the *Quatres Communes* (Four Communes) of Saint-Louis, Dakar, Gorée, and Rufisque, which were legally part of the French territory as Paris or any other city in the Hexagon were.

³⁰⁸ ARS 3F/00041: Civil Prison of Saint-Louis, 1886-89, Letter of the President of the Appeal Court, Chief of the Judiciary, to the Governor of Senegal and Dependencies, September 23, 1889.

countrymen that they could at any time mobilize them against French domination.³⁰⁹ In a none-dated note on the prisons of Senegal, issued most probably in the early 1870s, the colonial administrators expressed a real concern with regard to these people who “could read and write, could communicate easily with the outside ... and who could create disorder inside as well as outside [the prison].”³¹⁰

Because of the mission assigned to the colonial penitentiary institution, it mainly targeted adults. Nevertheless, the prison of Saint-Louis welcomed a quite sizeable number of juveniles. They were arrested for a wide range of crimes such as vagrancy, petty thefts, misconduct, pederasty and the like.³¹¹ The child was one of the multiple loci of the colonial social engineering experiments in Senegal. There were many colonial institutions of socialization that sought to turn the youth into ‘responsible citizens’ such as schools, youth organizations, the military, and the like, which are extensively studied by historians. In contrast to this abundant literature, the penal agencies which played in their own way a similar role of proposing new models of behavior have been neglected by students of French colonialism in Senegal.

The decree issued on April 27, 1848, outlawing slavery had a serious impact on the economy of Saint-Louis, as it cut off the main source of labor for the Arabic gum

³⁰⁹ One of the most known among those leaders who spent many years in the colonial prisons is Ahmadu Bamba who founded in the late 1880s the brotherhood of the Murridiyya. For more details on him, see Cheikh A. Babou, *Fighting the Greater Jihad: Ahmadou Bamba and the Founding of the Murridiyya of Senegal, 1853-1912*, Ohio University Press, 2007. Because of his fame, most of the literature on these type of detainees has been almost entirely on Ahmadu Bamba, nonetheless, there are many cases similar to this one, which are not adequately studied by historians. The case of Aliin Siteo Jaata is one of those. Jaata was a priestess from Casamance, south of Senegal, who was arrested and probably deported by the French to French Sudan where she died.

³¹⁰ ARS 3F/00038: Civil Prison of Saint-Louis, 1874-1875, Note on the Prison of Senegal.

³¹¹ ARS 3F/00052: Civil Prison of Saint-Louis, 1903-1906, Arrest Orders (1905)

production in the region. To get around this problem some people involved in the business acquired children from the hinterland on the claim that they wanted to protect them against bondage. However, they used the legal arsenal on tutelage to employ these children as domestic workers or apprentices in conditions comparable to that of slavery. A large majority of these children who could not keep with the new social order in which they were trapped would rebel and flee their masters. Others were just thrown in the streets of Saint-Louis by their “masters” returning to France. Over the years, this problem became a serious matter of concern for colonial administrators. Yet there were no plans for handling the situation efficiently. As a result of that guardianship of these children was outsourced to the Catholic Church, between 1888 and 1903.³¹² In an attempt to re-assume full charge of juvenile prisoners, the colonial state established a facility for that matter in Richard-Toll, on the shores of the river Senegal, in March 1912, before transferring it to Makhana, in the suburbs of Saint-Louis, in July 1917. Because the latter had long begun to show its limits, an official order issued on March 12, 1916, established the agricultural penal center of Bambey.³¹³ This public initiative would neither go farther nor achieve better results in comparison to the earlier initiatives.

³¹² CAOM Senegal and Dependences XI 21 : 1816-1895 (Regime penitenciaire ; Saint-Louis ; Dakar, Correspondence), Letter of 2nd Class Colonial Inspector, Picanon, in charge of au Senegal, au the Minister for the Navy and the Colonies, August 14, 1888, RE: the organization et the internal regime of the Senegalese prisons. This correspondence informs that in August 13, a local order creating a Penitentiary School in Thies was issued. This school was placed by the colonial administrators under the authority of the Catholic Church, precisely the Mission of the Fathers of the Holy Spirit. See Ibrahima Thioub, “La gestion de la marginalité juvénile dans la colonie du Sénégal : de l’abolition de l’esclavage aux écoles pénitenciaires, 1848-1906”, *Les Cahiers Histoire et Civilisations*, No. 1, p. 117-130.

³¹³ See Ibrahima Thioub, “Marginalité juvénile et enfermement à l’époque coloniale: Les premières écoles pénitenciaires du Sénégal”, in Florence Bernault, ed, *Enfermement*,

A careful analysis of the case of a female underage prisoner, Léonie Guèye, helps us better capture the ins and outs of this later development in the crisis of the penitentiary in colonial Senegal, particularly with regard to the handling of juvenile detainees. Between 1920 and 1925 she peregrinated from one detention facility to another around the colony. Her long journey gives a better grasp of the shortcomings of the penitentiary institution and the penal law in general with regard to female juvenile delinquents. It particularly sheds light on the ways in which the notions of family and kinship, as they were understood by the African people, clashed with the colonial penitentiary norms over child guardianship.³¹⁴

Although many of the prisoners originated from the capital of Senegal and the immediate surroundings, the larger part did not. Dozens of inmates were regularly transferred from prisons in other parts of the colony to Saint-Louis. Besides the surplus of convicts, all the prisoners that the colonial administrators categorized as “difficult” to handle were directed to the capital. There were also those coming from the bordering colonies such as French Sudan, French Guinea, Mauritania, and even the British possession of The Gambia. Still another small number came from as far away as the colony of Gabon, in French Central Africa. The reason behind this centrality of Saint-Louis in the penitentiary infrastructure was that it had, at least from the 1860s onward, the best facilities in Senegal and probably the most secure in the whole French West Africa.

prisons et châtements en Afrique, du 19^e siècle à nos jours, Paris, Karthala, 1999, p. 205-226.

³¹⁴ ARS 3F/00064: Civil Prison of Saint-Louis: Imprisonment of Leonie Gueye, a juvenile detainee (13 years), 1925, Note for the Governor, from the Acting Secretary General of the Government, May 14, 1924.

There is a growing scholarship on the history of the French penal colonies of French Guyana and New Caledonia. This literature has almost entirely portrayed these penitentiary institutions as destinations for metropolitan convicts, and has ignored that many prisoners from the French colonies in Africa were sent there too. For that matter, Saint-Louis played the role of a major hub where most of the prisoners who were to be deported converged before setting off for French Guiana or New Caledonia, via Saint-Martin in the Island of Ré, in La Rochelle, in France.³¹⁵

Another way of looking at the diversity of the African convicts in the prison of Saint-Louis could also be through the examination of their administrative status, but also their gender. There were more *Sujets Français* (French Subjects) than *Originaires* in the prison. Because they were born in one of the *Quatres Communes* (Four Communes) of Saint-Louis, Dakar, Gorée, and Saint-Louis, the latter were legally French citizens. The former were French Subjects and belonged to the colonized people ruled by the *Code de l'Indigénat*, a body of repressive rules that made it easy for any administrative authority to arrest Africans and send them to jail for almost any given reason. Although the *Originaires* represented only a small group compared to the rest of the carceral population, they were very active in fighting against all kinds of things they saw as infringing their rights as prisoners of French citizenship³¹⁶. The *Sujets* as well as the *Originaires* prisoners were

³¹⁵ In June 2007, while attending the French Colonial Historical Society annual congress in La Rochelle, France, I visited the prison of Saint-Martin in the Island of Ré, where all prisoners deported from the French territories in Africa transited on their way to the penal colony of French Guyana. I was then informed that at the *Archives Départementales de Charente-Maritime* there are important archival resources on these prisoners as well as the *Tirailleurs Sénégalais* (colonial troops) who served as prisons guards at Saint-Martin and/or aboard the ships used for the transportation of the inmates.

³¹⁶ As I show later in this chapter, African prisoners of French citizenship played a very important role in resisting to the abusive nature of colonial imprisonment. Among other

dominantly male. In fact, because of the mission that it pursued, colonial punishment mainly targeted men. This is not meant to undermine the presence of women in the prison of Saint-Louis. In fact, even though they were always in small numbers, they also represented an interesting group of people. In fact, a few female detainees from time to time occupied the center-stage of the prison life over the period covered by this study.

Whether they were men or women, citizens or French Subjects, originating from Senegal or other parts of the French possessions in Africa, the prisoners in Saint-Louis were almost all civilians. But this overwhelming majority notwithstanding, there were also military detainees. Over the period I cover, Saint-Louis had been the main destination of the military detainees in the colony of Senegal. If it was not referred to as a civil and military penitentiary facility, it had always had at least one quarter especially devoted to soldiers serving prison time. The military detainees were mostly from the lower tiers of the colonial armed forces. They were in general imprisoned for various incidents of misconduct, but mostly for disobedience to their superiors. The particularity about this group of detainees was that authorities handed down harsh punishments against their rebellious acts. There were many cases of African servicemen who got capital punishment. One probable reason behind this was certainly the French administrators' resolve to quell any attempt to challenge the people who embodied the strength of the colonial enterprise;

things they wrote letters to the prison manager as well as to the higher colonial administrators to let their voice heard. They also would organize the carceral population to encourage collective reactions against the prison decisions made by the colonial authorities.

the military.³¹⁷ I explain this issue in more details in chapter three which deals with the colonial construction of crime and the penitentiary rules and practices.³¹⁸

In Saint-Louis, prisoners shared the carceral space with the penitentiary personnel including prison managers, the staff, and the prison guards. These were also interesting actors to consider for a better understanding of the complex game of confrontation, negotiation, and accommodation within the prison, and of which they were an integral part.

Prison Life and Indigenous Responses to Colonial Incarceration

In comparison to the penal institution that emerged in the 19th century in the West in general and France in particular, the prison system in colonial Senegal appeared as a totally different model. In fact, it rested upon unclear penitentiary theories and the lack of basic technical skills in prison management. Also, the system suffered constantly from the chronic dearth of financial resources. All this added to its narrow focus on repression and securing cheap labor, profoundly distorted the system and created space for a prison subculture that the colonial administrators could not capture. The French did not have the needed human resources, the energy, or a good understanding of the colonized societies, for the type of intervention that would have been necessary to gain real control over this underground organization. The development of this subculture left a long-lasting impact on the penitentiary system, affecting almost every single aspect of its operation and all the steps in its development.

³¹⁷ ARS 3F/00038: Civil Prison of Saint-Louis, 1874-1875, Note from the Ministry for the Colonies to the Manager of the prison of Saint-Louis, 28 September 1905.

³¹⁸ Chap. 5: The Colonial Crime: On the Social Construction of a Blurry Concept, Chap. 5: The Prison of Saint-Louis, and the Colonial Penitentiary Rules and Practices.

The historiography of French colonialism in Senegal generally has it that resistance to French domination ended with the defeat of precolonial polities such as Bawol, Jolof, Kajoor, Siin, Saalum, Kaabu, and Waalo. But this view has been now challenged by the developing scholarship on a-cephalous societies and on social banditry as a form of resistance to European imperialism.³¹⁹ Along the same perspective, the history of the colonial penitentiary institution presents real prospects of uncovering new sites of resistance by African societies to colonialism. It has already started opening up a window into specific ways in which Africans reacted to their encounter with Europeans and which were barely known until recently.³²⁰ A variety of social, cultural and political experiences informed these responses, which in turn contributed a great deal in shaping the evolution of African societies under colonial rule.

In their response to colonial incarceration, prisoners in Saint-Louis developed a host of strategies, one of which being the use of the penitentiary regulations. It is a fact that many prisoners had a solid understanding of the law organizing their life. Therefore, they frequently used that knowledge to fight decisions they thought were against their interests, but also to obtain things like provisional releases from prison, remissions of sentence, or

³¹⁹ See Ibrahima Thioub, “Banditisme social et ordre colonial : Yaadikkoon (1922-1984)”, *Annales de la Faculté des Lettres et Sciences Humaines de l’UCAD*, N° 22, 1992, p. 161-173 ; “Conquête coloniale et résistances des sociétés "lignagères" dans les Rivières du Sud. Abdou Ndiaye et la "pacification" de la Guinée portugaise (1894 - 1919)”, in Coquery-Vidrovitch et al., *Des historiens Africains en Afrique. Logiques du passé et dynamiques actuelles*, Paris, L’Harmattan, 1998, pp. 191-213. See also Ousseynou Faye, Mythe et histoire dans la vie de Kaañ Fay du Cangin (Sénégal) *Cahiers d’études africaines*, Année 1994, Volume 34, No. 136, p. 613 – 637 ; and Walter Hawthorne, "Nourishing a Stateless Society during the Slave Trade: The Rise of Balanta Paddy-Rice Production in Guinea-Bissau." *Journal of African History* 42. (2001): 1-24.

³²⁰ « Sénégal : la prison à l’époque coloniale. Significations, évitement et évasions », In : Florence Bernault (dir.), *Enfermement, prisons et châtements en Afrique, du 19e siècle à nos jours*, Paris, Karthala, 1999, p. 285-303.

any other things they thought they were entitled to, and which the colonial administration was denying them.

In a correspondence dated May 3, 1877 and addressed to the Chief of the Service of Interior, a former interpreter for the government, Tiecoro Diagate, vehemently denounced what he thought was a violation of his own rights as a detainee. He explained that his term normally ended in April 22, 1877, but he was still in prison because he was poor and could not pay for his procedural judicial fees. But what really angered him more was the denial to his family of the authorization to visit him in prison. Demonstrating his knowledge of the penitentiary legislation, he went into details in showing the way in which such a decision broke the law.³²¹ It was with the same good command of the penal legislation that prisoner Joseph Toumane wrote both to the Governor of Senegal and the Public Prosecutor in Saint-Louis, respectively in January 24 and February 4, 1906, about his situation. In his two notes, he explained in full details how he was tripped of his basic rights as an agent of the colonial administration for a long period of time. He then emphasized the moral responsibility of his superiors and urged the Governor and the Prosecutor to intervene and put an end to his predicament.³²²

In January 11, 1870, female detainee Fatima Ndiawar Diop wrote to the Chief of the Judiciary requesting her transfer to a detention facility in France or another French colony, where she could obtain a paid job as a convict. She was serving 20 years in prison

³²¹ ARS 3F/00038: Civil Prison of Saint-Louis, 1874-1875: Various request from detainees, Letter from prisoner Tiecoro Diagate (former 1st Class Interpret of the Government) to the Chief of the Service of Interior, May 13, 1877.

³²² ARS 3F/00052: Civil Prison of Saint-Louis, 1903-1906, Request from prisoner Joseph Toumane (1906): letter to the Governor of Senegal, January 24, 1906; ARS 3F/00052: Civil Prison of Saint-Louis, 1903-1906, Request from prisoner Joseph Toumane (1906): letter to the colonial Prosecutor in Saint-Louis, February 4, 1906

and found herself at the Prison of Saint-Louis in a situation where she “could not even earn a dime”, to put it in her own words. The details with which she sustained her point, drawing from various legal sources were a real testimony of her good command of the legislation regarding penal labor in the French colonies.³²³ As a result of that, the Governor of Senegal, to whom the correspondence was forwarded, responded favorably to Fatima Ndiawar Diop. He invoked a French decree of August 20, 1853 which was promulgated in Senegal to conclude that the woman’s claim was a valid one.

Besides some indigenous agents of the colonial administration in prison and the handful of European convicts, it was the *Originaires* that resorted the most heavily to these types of action, which came to our knowledge through the letters they wrote to the colonial authorities. The *Originaires* were born as French citizens, received some schooling, grew up in the main centers of command of the colonial enterprise, and understood and appropriated for themselves the rules of operation of the colonial state and society.³²⁴ This did not prevent them though, in some circumstances, from emphasizing their African identity more than anything else. The same attitude informed the ways in which they dealt with colonial imprisonment. They usually had a quite good knowledge of the colonial penal laws in general and the penitentiaries rules in particular. Furthermore they would interpret these legal dispositions and turn them into useful tools they used to negotiate their way through the system and/or fight against it.

³²³ ARS 3F/00038: Civil Prison of Saint-Louis, 1874-1875, Detainee Fatimata Ndiawar Diop to the Chief of Judiciary Service, September 18, 1871. The Governor thought that since the Decree of Aug. 20, 1853 was promulgated in Senegal, the request made by detainee Fatimata Ndiawar Diop was valid

³²⁴ This is why the first indigenous who got involved in politics and/or played a significant role in the business in the colony of Senegal were mainly *Originaires*.

In October 20, 1918, a group of *Originaires* led by prisoner Saliou Ndiaye wrote the following to the Lieutenant-Governor of the colony of Senegal:

“Being originally from the Four Communes, hence legally French citizens, we were immediately admitted in the European regime at the prison of Dakar where we were previously detained... On the 10th [of October 1918] we asked to be put under the same regime at the prison of Saint-Louis... We humbly beg you, Mr. Governor, to accept our request because we all are *Originaires* and, according to the law, we have the same duties and rights as our brothers in [France]. We believe that you can provide everyone with the justice they are entitled to. Most of us have served in the army and have our military record with us.”³²⁵

At times the *Originaires* would sound more demanding and threatening in their language. This was the case with a petition they sent over to the Mayor of Saint-Louis, in April 19, 1923. They stressed the fact that “[h]uman beings sometimes reach the point where everything in them rises and rebels”; they did not even fear death. They also talked in the petition about how the same ways of treating convicts at the prison of Dakar resulted two years earlier in a mutiny which led to the death of the prison manager. They threatened that if nothing was done to address their complaints, they would act accordingly. They made it clear that it would not matter if two or three of them died in defending their own interests and rights, if after that they could at last be “treated with justice.”³²⁶

³²⁵ ARS 3F/00062: Civil Prison of Saint-Louis: correspondence – notes; reclamations; Case of prisoner Saliou Ndiaye, 1923-1925: Letter of prisoners Rene Dieng, Saliou Ndiaye, Abdoulaye Diagne, Bar Malamine, Thiaffour Diaw, to the Lieutenant-Gouverneur of Senegal, October 20, 1918.

³²⁶ ARS 3F/00062: Civil Prison of Saint-Louis: correspondence – notes; reclamations; Case of prisoner Saliou Ndiaye, 1923-1925: Collective Letter of the *Originaires* detained at the Civil Prison of Saint-Louis to the Mayor of the city, member of the prison surveillance commission, April 19, 1923.

More than just isolated cases, the prisoners' various responses to colonial imprisonment summed up to served as the foundation for a relatively well structured underground society in the prison of Saint-Louis. According to a letter he wrote to the prison manager in March 1925, prisoner Samba Diallo mention the existence of a "government of the carceral population ... lead by the strongest among the prisoners who impose their own rules on the weak."³²⁷ This practice was routinely used by prisoners in Saint-Louis or at other detention facilities of the colony. In June 19, 1939, the administrator of the *Cercle* of Louga reported on such an organization at the Penal Camp C, in Ndande (near Louga). He gave details about the date of the foundation of the organization, the mission it was assigned to, and its executive board, among other things.³²⁸

French authorities in Senegal had a keen awareness of this encroachment on the space they were supposed to have under their control. The situation raised more concerns about the possible implications for the maintenance of law and order throughout the colony. These concerns became more serious for the administration which considered that some of the prison guards knowingly and willingly helped prisoners in their resistance to the system. This fear was constantly expressed in the correspondences between the authorities in charge of the prisons, such as the letter written by the Public Prosecutor in Saint-Louis to the Governor of Senegal, on April 15, 1925, in which he made the following observations:

³²⁷ ARS 3F/00064: Civil Prison civile of Saint-Louis, Letter of prisoner Amadou Sow regarding a petition initiated by prisoner leader, Alin Karime Abdou, against prison guard Samba Diallo, March 1925.

³²⁸ See illustration A.

“... One of the favorite distractions inside the prison is gambling. The amount of money lost is huge, yet prisoners are not supposed to carry any money on them. The guards voluntarily help them on this, which they would not do if they were not benefitting from it... For the sake of maintaining law and order, this should stop... It might be necessary to find a prison manager who is capable of enforcing the rules and maintaining discipline among prisoners as well as prison guards. Because of the negligence and carelessness of Mr. Ovigny [manager of the prison] he should be removed from the job.”³²⁹

Because prisoners managed to create their own space they used it as a platform to stand collectively and rally against the colonial authorities. From time to time they would even use confrontational means in dealing with the administration. In many occasions this strategy paid off in the sense that prisoners succeeded in forcing the authorities to negotiate. In early April 1877, the prisoners usually employed for the cleaning of public buildings in the capital as well as the city's wharf refused to go to work. The many attempts from the Chief of the Service of Interior along with the Chief Police Officer of Saint-Louis to persuade them to return to work were vain. Before such resolve these two colonial higher officials recognized their powerlessness and gave up any hope to force the inmates to back off.³³⁰ The Governor's intervention did not make any difference. For this reason he reacted with real hanger and ordered immediately harsh punishments against the stubborn convicts. A letter written by the manager of the prison to the Chief of the Service of Interior, in April 1877, informs us that as reprisal to their disobedience many items such

³²⁹ ARS 3F/00064: Civil Prison civile of Saint-Louis, the Prosecutor in Saint-Louis to the Governor of Senegal, April 15, 1925.

³³⁰ ARS 3F/00038: Civil Prison of Saint-Louis, 1874-1875, Project of reglementation of penl labor ; Refusal of service 1862-1877: The Chief Police Officer of Saint-Louis to the Chief of the Service of Interior, 4 April 1877.

as books, notebooks, pencils, and tobacco were removed from all prisoners with the exception of Europeans and handicapped Africans.³³¹

Practices like these ones formed a dominant trend in the ways in which native people responded to imprisonment. In August 17, 1899, prisoners in Saint-Louis refused to work “because they did not receive their ration of couscous as ordered by the prison surveillance committee.” Furthermore they complained about the prison guards who “would no longer allow them to make small baskets they could sell.” For these reasons they declared that they would not resume their work unless these favors were reestablished.³³² The Secretary General of the Government was compelled to suggest to the Governor General of French West Africa an increase of the daily salary paid to prisoners who work outside the prison. He also gave instructions for the reestablishment of the ration of couscous as stipulated by the Prison surveillance commission.³³³

Without a doubt, the prisoners’ cultural background, and, sometimes, their class, informed many of the responses to colonial incarceration which they developed. There were various instances where detainees invoked their spiritual beliefs and other cultural values as valid reasons for them to disregard the penitentiary rules and/or challenge the prison authorities’ directives. Some of the prisoners rejected the normal penitentiary uniforms and preferred to keep their African clothes because they strongly believed that

³³¹ ARS 3F/00038: ARS 3F/00038: Civil Prison of Saint-Louis, 1874-1875, Project of relementation of penl labor; Refusal of service 1862-1877, The Manager of the Prisons of Saint-Louis to the Chief of the Service of Interior, April 9, 1877.

³³² ARS 3F/00046: Civil Prison of Saint-Louis, 1892-1900 Note of the deputy manager of the prison of Saint-Louis to the Director of Interior ; The manager of the prison of Saint-Louis to the Secretary General of the Government, August 17, 1899.

³³³ ARS 3F/00046: Civil Prison of Saint-Louis, 1892-1900, Response of the Sec. General of the Government to the note he received from the manager of the Prisons of Saint-Louis, regarding the refusal of prisoners to work, August 17, 1899

wearing “European trousers” was culturally demeaning for them.³³⁴ Along the same line, others considered religious practices like praying and fasting as being very important and, therefore, thought that their observance should come first and before any carceral duties such as penal work, both inside and outside the prison.³³⁵ Also, as I have shown in chapter five, still other convicts played the racial game. They thought of most of their obligations, and especially the humiliations and brutalities they were subjected to, as degrading. For this reason, they interpreted any challenge to the penitentiary rules as a meritorious act and the right thing to do at any cost to protect their race against European aggression.³³⁶

The *Originaires*, French citizens of African origin, resorted to their native identity in many ways in coping with their prison life. However, the detainees from the *Pays de Protectorat*, the *French subjects*, promoted the most this radical trend of the cultural response to colonial incarceration. The *Originaires* evolved more closely to the command center of the colonial state and, as a consequence of that, had stronger connection with a set of values that the French distilled through education, social codes, and the law. Contrary to the *Originaires*, the *Sujets* who mostly lived at the periphery of the colonial

³³⁴ ARS 3F/00038: Civil Prison of Saint-Louis, 1874-1875, Various requests from prisoners; Letter of Saint-Louis prison head to the Chief of the Service of Interior, October 11, 1877.

³³⁵ ARS 3F/00062: Civil Prison of Saint-Louis: correspondence – notes; claims; case of prisoner Saliou Ndiaye, 1923-1925. Letter prisoner Amadou Gueye to the lady Fatou Ndaw Gueye, April 20, 1923

³³⁶ ARS 3F/00062: Civil Prison of Saint-Louis: correspondence – notes; claims; case of prisoner Saliou Ndiaye, 1923-1925. Letter of Police Officer and head of the prison of Saint-Louis to the Secretary General of the Government, April 19, 1923; see also chapter five of this dissertation, “Race and Imprisonment in Colonial Senegal: Evidence from the Prison of Saint-Louis (1830-1940)”

state further distanced themselves culturally from the center, by holding firmly on their ancestors' values.³³⁷

The people incarcerated in the colonial prisons by no means were cut off from their society of origin. The prison life related to and resonated well with the rest of the society. Therefore the analysis of the complex imbrications between these two worlds is crucially important as it opens a new window into the logic of the interaction between colonizers and the colonized people.

Imprisonment and the Colonial Society

In a way, the term “carceral city” coined by Michel Foucault would better describe the situation of the prison in colonial Senegal. Through a series of complex connections, the penitentiary institution extended its tentacles way beyond the walls of the prison. Beyond the prison space, the carceral continuum also included a host of other institutions and practices of control and punishment. These ties between the penal apparatus and the wider society obviously shaped a great deal the lives of the native people, but at the same time informed their ingenuous adjustment to the colonial situation. Analyzing these connections necessarily yields a window into the social life in the colony of Senegal in general, the city Saint-Louis in particular, between the 1830s and the 1940s.

While no further elaboration is needed with regard to prisoners and the multiple ways in which the penitentiary institution affected their lives, the heavy toll the system

³³⁷ Paul Stoller, “Horrific Comedy: Cultural Resistance and the Hauka Movement in Niger”, *Ethos*, 12:2, Summer 1984, pp. 165-188.

imposed on the prison guards is less obvious. Although this does not appear to be something to which the first historical inquiry would turn its focus, it is nevertheless an issue of critical importance for a better understanding of the logic of, and the mission assigned to, imprisonment in colonial Senegal. Between deductions of sizable amounts of money from their already meager salaries, confinement in a prison cell specially devoted to the staff, or simply firing them, the colonial authorities always handed harsh punishments against prison guards, particularly those that the French believed were undermining the surveillance of prisoners. In fact, if the guards were not subjected to the same mistreatment as detainees, to a certain extent they suffered something quite similar to it. The ultimate goal behind such a tough line was the maintenance of a permanent and infallible prison system.

In reality, the French sought to expand the influence of punishment beyond the confines of the prison walls in order to reach and have a profound impact on the colonial society as a whole. The note that the manager of the prison of Saint-Louis wrote to the Secretary General of the government of Senegal, on October 16, 1906, captures the best this orientation. In fact he explained in his missive the role he thought imprisonment was supposed to play at the time. He particularly emphasized the fact that the regime imposed on prisoners should be as harsh as possible “to make them feel their position [of inferiority].” More importantly, he saw in the repressive nature of incarceration some real potential for the maintenance of the colonial order throughout the wider society. In fact, for this penitentiary official, imprisonment was also meant to “produce a salutary impression”

on the people outside the prison, by maintaining a permanent threat against the native who might attempt to challenge the colonial authority.³³⁸

The mission assigned to colonial imprisonment as it emerges from the colonial records stands obviously as a confirmation of Michael Ignatieff's point that the prison's "rituals of humiliation" has the potential to teach us much about the ways in which power is conceived of in any given society.³³⁹ However, in the context of the colonial of the penitentiary system, power should not be understood as something concentrated in the hands of the sole French colonizers. Besides the prisoners themselves, the colonized populations as a whole, succeeded in defining a terrain within which they held a political life that, to use James Scott's words, was not "restricted to those exceptional moments of popular explosion."³⁴⁰ Instead, as in the case of many subordinate groups, the native people coalesced and exerted a not easily visible power to the colonizer, which had a profound impact on the politics of confinement.

Earlier in this study, I emphasized that one shared reality among many African countries is the lack of trust in the legal system. The latter, in the mind of large portions of the African civil societies, have mostly served as an institution of repression solely devoted to safeguarding the power and the interests of the elite. Undoubtedly, this is one of the most enduring legacies of European colonialism to the legal apparatus of the independent African state. In fact, it is safe to argue that the various kinds of confrontations between the

³³⁸ ARS 3F/00052: Civil Prison of Saint-Louis, 1903-1906, Warning to prisoner Mar Diop (1906), The Acting prison manager, to the Secretary General of the Government, October 16, 1906.

³³⁹ Michael Ignatieff, "State, Civil Society, and Total Institutions: A Critique of Recent Social Histories of Punishment", *Crime and Justice*, Vol. 3. (1981), p. 156.

³⁴⁰ James C. Scott, *Domination and the Arts of Resistance: Hidden Transcripts*, New Haven: Yale University Press, 1990, p. 199.

prisoners and the penitentiary staff were a micro representation of the relations that the native people had always maintained with French colonial institutions in general. Prisoners as well as the wider colonized population considered imprisonment as an imposed, repressive, and destructive institution. Therefore, instead of turning to it for the punishment of the deviant acts from the fundamental moral basis of their society, the colonized people rejected the penitentiary and manifested this rejection in a variety of ways.

The fact is that communication between prisoners and their relatives and the wider outside world did not completely break up. Colonial administrators had constantly expressed worries about those prisoners they thought could “communicate easily with the outside” and most of all, create havoc inside as well as outside the prison.³⁴¹ Kinship served as the main foundation upon which grew these continuous ties that helped nurture the shared views about imprisonment among the indigenous peoples, inside and outside the prison. Families provided their detained members with basic things like food, clothes, cash, and the like. In one way or another, these provisions had many effects. By supplementing the quality and quantity of what the prison had to offer, families consequently contributed somehow in improving the prisoners’ detention conditions. Furthermore, this enabled to create and maintain a regular albeit uncontrollable flow of information between the prison and the outside world.³⁴²

But to better assess these influences on the evolution of the prison society, one has to look carefully at the various types of interventions that native peoples happened to

³⁴¹ ARS 3F/00038: Civil Prison of Saint-Louis, 1874-1875: Note on the prisons. This document is not dated but was probably issued in the early 1870s because it refers to the *Consigne du Concierge* of May 4, 1872, which was the text governing the organization of the penitentiary system in Senegal at that time.

initiate outside the penitentiary walls to counter the colonial penal system or at least influence its operation in their favor. Most of the time during the period covered by this study, there was a very few number of private attorneys in Saint-Louis. At times, there were only two of them for the whole city. But even if the lack of lawyers is put aside, the likeliness of the large majority of African families seeking legal representation for their members was almost nil at the time. In this situation, they primarily relied upon a variety of strategies they believed could help them get their relatives out of jail or improve their detentions condition at the very least. To that end many people wrote letters to and/or relied upon their connections with various French authorities, ranging from the simple administrative agent to the Minister in charge of the colonies who was based in Paris, and including the warden of prison of Saint-Louis, the Mayor of the city, the *Commandant de Cercle* of Bas-Senegal (Lower Senegal), the Governor of the colony, and the Governor General of French West Africa. It was certainly in that perspective that the brother of prisoner Charles Kikou wrote a letter to the Secretary General of the government, on September 29, 1876, to ask for better living conditions for his sibling. Trying obviously to convince the administration of the seriousness of the situation, he used a very emotional tone in his letter. He wrote:

“I bow before you to beg you humbly a favor that would certainly please me. Sir, my brother Charles Kikou is currently at the prison of Saint-Louis where he eats the indigenous ration (...) Because of this bad food he fell sick and was taken to the hospital. I kindly ask that you authorize my brother who is suffering right now to get the European ration.”³⁴³

³⁴³ ARS 3F/00038: Civil Prison of Saint-Louis, 1874-1875, Letter of a brother of a prisoner to the Chief of the Service of Interior, September 29, 1876.

Whether or not the request was finally approved is not certain, but at least, reacting to this letter the Chief of the Service of Interior instructed the physician in charge of the prison to handle the case and help the administration determine if it was a solid one.

It was in cases such as that of the underage detainee, Léonie Guèye, that a prisoner's family, by actively engaging the colonial administration and judiciary, impacted more deeply the operation of the penitentiary machine. Beginning in February 1925, Léonie Guèye's stepfather, Amadou Sall, would write regularly and insistently to the French authorities, urging them to release the girl from the prison of Saint-Louis, where she first entered in the early 1920s.³⁴⁴ It was not until April 1925 that his action would come to fruition. On April 22, 1925, the Governor notified Amadou Sall that her daughter's prison term came to an end, and that he could pick her up at the prison of Saint Louis.³⁴⁵

A woman named Ndella Sey, who was widow and mother of four, used the same strategy. For over two years, between 1919 and 1920, the year of her death, she exchanged many letters with the colonial administrators, trying to get her oldest son, Saliou Ndiaye, out of jail. But, compared to Léonie Guèye's stepfather, Ndella Sey was not just different because of the relatively bigger number of letters she sent to the Governor and to other

³⁴⁴ ARS 3F/00064: Civil Prison of Saint-Louis: Imprisonment of Léonie Guèye, underage detainee (13 year old), 1925. Letter of the Public Prosecutor to the Governor of Senegal, Mai 8, 1924 ; Letter of Amadou Sall, stepfather of Léonie Guèye to the Governor of Senegal, February 8, 1925; Letter of Amadou Sall, stepfather of Léonie Guèye to the Governor of Senegal, 12 April 1925

³⁴⁵ ARS 3F/00064: Civil Prison of Saint-Louis: Imprisonment of Léonie Guèye, underage detainee (13 year old), 1925. Lieutenant-Gouverneur of Senegal to Amadou Sall, Louga, /c Administrator of Louga, April 22, 1925.

higher officials of the colony.³⁴⁶ She also resorted to a resource that was not accessible to Léonie Guèye's parents. Her deceased husband was the former *Chef Surveillant* (director or manager) of the Postal Service in the colony of Gabon, in French Equatorial Africa.

By mentioning very often this fact in her correspondence, she obviously sought to call the attention of the authorities to the fact that Saliou Ndiaye, a son of such a high-ranking civil servant who died on the line of duty, deserved some favor in the way he was treated as a prisoner. She found in the Mayor of Saint-Louis a solid advocate who took the initiative of instructing the Governor of Senegal in her favor. In a letter dated June 14, 1920 he wrote: "I am honored to forward to you this letter from (...) Ndella Sey who is requesting the release of her son on parole. Mr. Governor, due to the nature of the case brought before us, I cannot but support this request."³⁴⁷ Ndella Sey died in 1920 and, therefore, would not witness the release of Saliou Ndiaye. Nevertheless, her initiatives seemed have fundamentally influenced the situation of her son in the prison of Saint-Louis in the following years. Contrary to the large majority of his fellow prisoners, he relatively easily got authorizations for various things such as attending his mother's funeral as well as a number of meetings with the *Cadi* (Chief of the Muslim Court of Saint-Louis) to discuss issues related to his deceased parents' succession, and other related issues.

Prisoners as well as non-prisoners had a keen consciousness of how influential these external interventions could be. Therefore, they seemed to have always played this

³⁴⁶ ARS 3F/00062: Civil Prison of Saint-Louis: correspondence – notes; reclamations; Case of prisoner Saliou Ndiaye, 1923-1925: Letter of Mrs Ndella Sey, mother of prisoner Saliou Ndiaye to the Gouverneur of Senegal, December 29, 1919; Letter of Mrs Ndella Sey, mother of prisoner Saliou Ndiaye to the Mayor of Saint-Louis, June 7, 1920; Letter of Mrs Ndella Sey, mother of prisoner Saliou Ndiaye to the Gouverneur of Senegal, June 7, 1920.

³⁴⁷ ARS 3F/00062: Civil Prison of Saint-Louis: correspondence – notes; reclamations; Case of prisoner Saliou Ndiaye, 1923-1925, The Mayor of Saint-Louis to the Governor of Senegal, 14 June 1920.

card whenever the moment was considered opportune, whether individually or organized in groups. In a letter to the Governor General of French West Africa, on August 31, 1911, the Lieutenant-Governor of Senegal wrote about a petition that was allegedly sent by his whole village to the administration asking for the release of prisoner Papa Seck. The Lieutenant-Governor observed:

“ (...) this is to acknowledge that I received the letter allegedly written by the people of the village of Dawalel (*Cercle* of Salde) asking for the release of detainee Papa Seck aka Souleymane Diop ... and a dispatch regarding a similar request, sent to the Minister for the Colonies by the same people. I am pleased to let you know that following our investigation we discovered that the letters sent to the Minister and to you were both written by the prisoner himself who managed to put them in the mail.”³⁴⁸

The same trend of using informal interventions from the world outside penitentiary walls to influence the operation of the system inspired the wives and other relatives of the people detained in Saint-Louis when they got together and decided to write a letter to the wife of the Governor of Senegal, in May 4, 1924. In their missive, they called her attention to their desperate need for the extension of the time and the number of days devoted to the prison visits.³⁴⁹ This attempt may have not been successful, but it symbolized a string of actions informed by the native people's collective resolve to take on imprisonment. The establishment of a carceral continuum in which the French committed tremendous amount of energy seemed to have generated collective strategies of resistance, negotiation, and

³⁴⁸ ARS 3F/00049: Civil Prison of Saint-Louis, 1900; 1909-1912: Dossier Souleymane Diop (1911-1912) Letter from Lieutenant-Governor of Senegal to Governor General of French West Africa. Aug. 31, 1911, regarding detainee Papa Seck aka Souleymane Diop. The investigation also revealed that a boy he met while performing work as prisoner in the streets of Saint-Louis, helped Papa Seck send the two letters by post.

³⁴⁹ ARS 3F/00071: Prison of Saint-Louis, 1923-1924, Letter of the Acting Secretary General to the Governor du Senegal, May 9, 1924.

accommodation in the part of the entire colonized population, whether they were actually imprisoned or not. In a way, this collective momentum built up out of the fear that the colonized people had for imprisonment.

Ibrahima Thioub's thorough investigation of the responses to colonial prisonment in Senegambia has revealed a host of meanings which the native peoples have always associated with incarceration. Besides seeing it as the frightening result of an individual and/or collective decadence, Senegalese mostly regarded imprisonment as an unacceptable breach into the code of honor that normally governed their lives. As a consequence of such an interpretation, the colonized people deployed a number of strategies for avoiding the prison or escaping from it. These responses ranged from the usage of esoteric cults and practices to more radical ones such as suicide.³⁵⁰ This image of colonial incarceration among the native peoples is something that certainly played out in the history of the prison of Saint-Louis.

In 1888 when it became a pressing need for the colonial authorities to staff the female detainees' quarter of the prison, they had to face the daunting challenge of finding a woman who could do the job. The Minister for the Colonies, based in Paris, the Governor of Senegal, and colonial inspector Espent discussed the issue for over five months but could not find an acceptable solution to it. It transpires from the correspondence they exchanged that working in a prison was extremely repulsive for Muslim women, hence the quite long period of time that authorities spent looking for someone who was willing to

³⁵⁰ Ibrahima Thioub, "Sénégal: La Prison à l'Epoque Coloniale. Significations, Evitement et Evasions", in Florence Bernault, ed., *Enfermement, Prisons et Châtiments en Afrique, du 19^e siècle à Nos Jours*, Paris, Karthala, 1999, p. 285-303.

accept the job.³⁵¹ If many indigenous people abhorred colonial imprisonment to this extent, the main reason was that it was an unknown practice to them. Also, and more importantly, it was completely different from the various ways in which crime was punished in Africa until the imposition of the European penal institutions on the continent and its peoples.

But this general rejection of the colonial prison, although apparently dominant, offers only one perspective on how the colonized peoples dealt with the penitentiary system. In fact, a closer look at this issue reveals the existence of many individual strategies whereby the native consciously engaged the system in a totally different way, depending on the circumstances and the interests at stake. The 1888 search for a prison staff in Saint-Louis that I mentioned earlier was for the replacement of an indigenous woman named Coumba Mor who happened to be in charge of the quarter for women prisoners for a number of years. The report issued on July 30, 1888, following an administrative inspection, and which first mentioned the need for her replacement revealed at the same time that Coumba Mor did a commendable job over the time she held the position.³⁵²

In chapter four I explain the economic role that the colonial prison played in the sense that it offered an important financial asset to the colonial government. But the connection

³⁵¹ CAOM Senegal et Dépendances XI, 21: 1816-1895 (Penitentiary Regime; Saint-Louis; Dakar, Correspondence), General Inspector Espent to the Minister for the Colonies, April 13, 1888, regarding the operation of the Prison Service in Senegal. See also CAOM Senegal et Dépendances XI, 21: 1816-1895 (Penitentiary Regime; Saint-Louis; Dakar, Correspondence), The Acting Governor of Senegal et Dépendances, to the Minister for the Navy and the Colonies, August 5, 1888, regarding prisons in the colony

³⁵² ARS 3F/00038: Civil Prison of Saint-Louis, 1874-1875, Reclamations, internal rules of the prison, instructions, 1870-1876. Administrative inspection of the prison of Saint-Louis, July 30, 1888

between the development of the penitentiary and the colonial economy also appeared through the large number of companies and businesses that supplied the prison of Saint-Louis with various goods and services. The Africans who played the leading role in this area included both men and women, as evidenced by the correspondence they maintained with colonial administrators, such as the letters exchanged between July and August 1903 by the Secretary General of the Government and two ladies who lived in Saint-Louis at that time, Bolimata Seck and Emma Ba. They were both and separately negotiating an agreement with the Governor's office whereby they would supply the prison of Saint-Louis with the needed quantity of couscous to feed the prisoners. Despite the fact that they were dealing with the highest authorities, they displayed a keen understanding of the colonial administration, and demonstrated real skills of tough negotiators.³⁵³

Convicts in Saint-Louis brought in the prison their respective experiences with the colonial apparatus, which they shared with the rest of the native people who were not in detention. In fact, the different administrative status in which indigenous were confined informed their respective colonial experiences. The absence of a clear punishment theory, of basic technical skills in prison management, and of sufficient financial resources, made for an uncertain and inconsistent operation of the system in general and the prison of Saint-Louis in particular. As a consequence of that, prisoners used this distortion of the system as an opportunity to establish a space for action that the French colonizers could hardly control. For the same reason, there was a pretty good flow of information between the prison and the outside world. The permanent communication with the colonial society

³⁵³ ARS 3F/00052: Civil Prison of Saint-Louis, 1903-1906, Correspondence of the Secretary General of the government (1903), Note from the manager of the prison of Saint-Louis, July 29, 1903, See also Letter of Emma Ba, rue Dubois, No. 14, to the Secretary General of the Government, Aug.3, 1903 and August 10, 1903.

added to their personal initiatives from the inside served as the two main factors that founded the detainees' responses to imprisonment. Although the latter sometimes came out of the fear for the destructive effects of incarceration and the vital desire to avoid it and or escape from it, this did not prevent some individualities from consciously engaging the system with the clear objective of reap some benefits.

Conclusion

In this thesis I have looked at the relationships between the prison of Saint-Louis, the development of the penitentiary institution, and French colonization in Senegal, between *ca.* 1830 and *ca.* 1940. Besides documenting the chronological development of the penitentiary institution, I also tried to analyze the sociology of the carceral space, the various ways in which the interactions between detainees and the penitentiary staff were informed by the wider colonial environment, and in turn deeply impacted the organization and operation of the prison system. Finally, I have tried to show the impact that the connections between the prison world and the rest of the colonial society had on the penitentiary institution.

Before the building of the prison of Saint-Louis in the early 1860s, there were various types of detention facilities in different parts of the capital of Senegal, since the early nineteenth century. I tried to show that, as soon as the French regained possession of Saint-Louis, they started putting in place the foundation of the colonial legal system. The Prison of Saint-Louis was built in this context and determined the nature of the nascent penal institution and its evolution until the 1940s. From the mid nineteenth century onward, the French colonial operation, which centered on Saint-Louis and its vicinities for a long time, started to expand at a faster pace. Having served as its launchpad, Saint-Louis would remain as the control tower of this enterprise for a few decades to come. Along with this territorial expansion, emerged a number of challenges. First, the colonizer labored to transform the trading post of Saint-Louis into a real European city. This change required the implementation of a number of urban planning policies, which mostly clashed with the established ways of life of the large African population of the city. The new penal institution played an important role in the handling of the inevitable conflicts generated by this situation. The need for control over this poorly understood

sociopolitical environment expanded beyond Saint-Louis to become a reality in every corner of the colony.

Besides serving as a major tool of eradication of the multifaceted African resistance that went hand in hand with the ongoing establishment of the colonial order, the prison was also assigned with the mission to provide the French with a sizeable portion of the labor force that they needed for the exploitation of the riches in their newly acquired territories. These realities had a profound impact on the evolution of the Prison of Saint-Louis, nucleus of the penitentiary system of the colony. This purely utilitarian orientation of imprisonment informed its repressive nature, and swayed the penitentiary institution toward the racialized rhetoric and practices the colonial period was known for. As a consequence of that, penal regulations kept changing constantly based on the preoccupations of the moment. The meaning of guilt followed arbitrary premises as it was determined by the colonizer only. Firmly set from the earlier years of the colony, these options would shape and guide the evolution of every aspect of the development of the prison of Saint-Louis and the entire penitentiary institution, for the rest of the nineteenth century. From the mid 1890s to the early twentieth century, the organization of the French colonial apparatus in West Africa underwent some major changes. Following the establishment of the federation of French West Africa, the colonizer devoted a tremendous amount of efforts to the expansion and strengthening of the penitentiary. By then, in Senegal, the number of detention facilities had gone up from three to thirteen in total. The Secretary General, under the authority of the Governor General of French West Africa, pushed forcefully for a greater centralization of imprisonment, hence the reinforcement of the already crucial role that Saint-Louis has been playing since the inception of the prison system. The prison of the capital remained the nodal center of the system until the 1940s. Part One (first two chapters) of my dissertation documents

these early developments of the prison of Saint-Louis, capital for the understanding of its subsequent history. In the remainder of the dissertation, I have chosen to deal with a number of key themes that offer a better understanding of the evolution of the prison of Saint-Louis.

In Part Two, I focused on the process by which penitentiary rules and practices were defined to serve exclusively the colonial enterprise. In chapter three, I showed that in the history of the prison of Saint-Louis, one could distinguish two facets of the penitentiary regulations. The first one was based on the sole invocation of countless penal instruments enforced in France and/or issued in/for Senegal. These legal texts usually mentioned in the administrative correspondence were largely theoretical and did not have that much of an impact. On the contrary, the operation of the prison system was actually driven by a set of chaotic and irregular decisions. This derived from the permanently changing mission of the unstable penitentiary, which was influenced by a number of key factors. First of all, the colonial prison was not viewed as an exact replica of the one in France. Therefore, it did not carry the functions of deterrence, rehabilitation and retribution, which, according to Durkheim, Foucault, and the theorists they inspired, were central to the new forms of punishment in Europe and the New World, beginning in the nineteenth century. Second, because of the fragmented and disrupted nature of the chain of command in the colonial state, there was a real “jurisdictional disorder (...) symptomatic of conquest everywhere,”³⁵⁴ which gave certain individuals the latitude to twist the rules in ways that suited their personal agendas. Finally, and as a consequence of all that, the institution did not have any legitimacy in the eyes of the colonized people who saw it as a mere tool of repression imposed on them, and against which they should fight continuously.

³⁵⁴ Lauren Benton, *Law and Colonial Cultures: Legal Regimes in World History, 1400-1900*, New York, Melbourne, Madrid, Cape Town, São Paulo: Cambridge University Press, 2002, p. 154.

In chapter four, I used penal labor to illustrate this utilitarian exploitation of imprisonment and the critical role it actually played in the ongoing colonial enterprise. The carceral manpower was a huge asset for the colonizer, especially in times of serious financial difficulties imposed by the situation in France, but mostly by the colonial pact, which required that the colonies should no longer be a burden for the *métropole* and should be financially self-sufficient. In that regard one can safely argue that the prison of Saint-Louis was an important pillar for colonial enterprise, not just as one among other penitentiary facilities in the colony, but mostly because it was the central piece of the organization of penal labor. The administration was deeply conscious about that and fought continuously not let the Judiciary shatter such a great asset. This was the main reason behind the permanent confrontation between these two entities. But, quickly, the administration would sideline the Judiciary and would take control of the organization and operation of the prison of Saint-Louis and the penitentiary system as a whole, until the 1940s.

French colonizers used a wide range of justifications for the penitentiary rules and practices they implemented in Senegal. In parts one and two of my dissertation, I have uncovered many of these justifications and the ways in which they impacted deeply the genesis and the evolution of the prison of Saint-Louis. But there were a number of racialized preconceptions, which I deal with in chapter five, and which cemented all these justifications, and drove the politics of imprisonment. This ideology was rooted in the nineteenth century racist dogma in France and influenced deeply every single aspect of the penitentiary institution. It influenced the design of the carceral space, the daily operation of the prison, and the repressive nature of imprisonment, epitomized by the detention conditions. The history of the colonial prison indeed gives an interesting window into the ways in which the French institutionalized racial policies

and how the latter determined the colonial enterprise in Senegal. But the colonial penal institution did not develop in a cultural vacuum. The differences in cultural norms and the inherent clashes regarding the notions of crime, guilt, and/or punishment between the colonizer and colonized people made it impossible for the invading power to maintain perfect control over the prison space. This situation was mostly due to the absence of a clear punishment theory, a basic technical expertise in prison management, and sufficient financial resources, which, in turn, informed the uncertainties and inconsistencies of the operation of the prison of Saint-Louis and the penitentiary as a whole. Chapter six focuses on this distortion of the system and how prisoners used it to establish a space for action that the French colonizers could hardly control.

Convicts in Saint-Louis brought in the prison a wide range of experiences with the colonial order, which they shared with the rest of the colonized populations in general. Depending on their colonial status, native people had different experiences in dealing with the colonial power, which provided the foundation for their response to imprisonment. From the platform they created within the prison space, detainees interacted constantly with the outside world. This connection and their personal initiatives from the inside were the two main factors that fed the detainees' response to imprisonment. Although there was some degree of fear for the destructiveness of the prison and a constant desire to avoid it and/or escape from it, prisoners consciously engaged the system with the clear objective of putting it down. In a way, the expression "carceral city" coined by Michel Foucault would better describe the situation of the prison in colonial Senegal. Through a series of complex connections, the penitentiary institution extended its tentacles way beyond the prison walls. These ties between the penal apparatus and the wider society obviously shaped a great deal the lives of indigenous people, but at the same time informed their ingenious adjustment to the colonial situation.

While my dissertation documents the various ways in which the penitentiary system, driven by the prison of Saint-Louis, played a central role as an institution of colonization in Senegal, it also raises a number of research and methodological questions relating to the potential next directions of the scholarship in areas like imprisonment.

Foucault and the scholars he inspired have produced a widely accepted set of theories for the analysis of the birth and evolution of imprisonment in Western societies. My dissertation shows that these theories are less useful when it come to the history of the penitentiary institution in the colonial world. The Foucauldian frame can help with the comparison of the two different trajectories these two histories of imprisonment took from the very beginning. However, it fails to translate the alien nature of the institution in the colonies, and the various ways in which it informed its structure and evolution, but also how it was perceived by the colonized people. As a consequence of that, a good understanding of the colonial penitentiary would require that historians cave out a different conceptual frame. The latter, although gaining from Foucault's theory should necessarily go beyond and take into consideration the influence of colonialist ideologies and the native people's responses in the development of the colonial penitentiary. The thesis also demonstrates that opening up a window into the birth and development of the colonial prison brings a refreshing perspective on the history of Senegal and West Africa. My dissertation does not just shed light on a colonial institution we so far know very little about. It also drives home the horrors of French colonialism in Africa and opens up an interesting window into the legacy to the postcolonial state regarding the monopoly of legitimate violence, the ways in which it is exercised by the state, and received by Africans.

I go against the widely shared view of the "positive values" of colonialism, which has been growing lately in some political and scholarly circles. Over the last decade and rightly so, a

number of studies have focused on the various aspects of the intercultural influences between colonizers and colonized peoples. The forms of accommodation employed in such a context and the motives behind them have, in many ways, improved our understanding of the colonial encounter and the dynamics which drove it. However, I believe that these mutual influences were more of an unintended byproduct of colonialism than anything else. The repressive nature of the system created far more havoc for the native people. For a better understanding of our legal systems, the horrors of colonialism should remain at the center of our preoccupations as historians, because their legacy has left an enduring mark on the postcolonial state. Since independence, the prison system in many African countries has experienced an endemic crisis due mostly to a chronic lack of financial resources. Also, the mission assigned to imprisonment, in many instances, has often been reduced to its sole political use. This led large portions of African civil societies to develop a strong sense of mistrust toward the formal legal systems and to adopt various forms of “private” policing and punishment. This challenge to the state’s legitimate monopoly of violence, speaks to a much deeper dysfunctional relationship that the average citizen, in many African countries, has with state bureaucracies in their everyday functioning.

It is my contention that understanding these trends and their antecedents through historical inquiry is critical in the current process of building more democratic and socially just societies in Africa. Therefore, in my postdoctoral work, I intend to further explore the continuities and discontinuities in the politics of confinement and coercion and the ways in which they impacted governance in postcolonial Senegal. I have started looking at the issue in the article titled "Sénégal, un système pénitentiaire en crise: Acteurs et enjeux des débats en cours", which I co-authored and which appeared in the *Revue Française d'Histoire d'Outre-Mer*

(, t.86, n°324-325, 1999, p.124-148). This new research direction, by focusing on social groups that have been largely neglected in the historiography, could potentially bring under new light the meaning of a set of mutations that have been shaping Senegalese and West African societies since independence from European colonial powers.

There is a large variety of sources for further exploration of these and many other related facets that have been so far overlooked by historians of Senegal and West Africa. However, a number of serious challenges lay ahead of scholars who intend to use these sources in their work. The abundant and mostly untapped colonial records on security and police are currently in a state of advanced degradation. Also, because postcolonial Senegalese authorities never seemed to have a well organized system for the penitentiary archives, it is sometimes more difficult to get a clear sense of how the prison system evolved after independence, than during colonization. Finally, the fact that people mostly do not talk about imprisonment with ease, especially when they -or a family member- are directly involved, makes it extremely difficult to collect oral data on the subject. This hurdle notwithstanding, this work has to be done and has to be necessarily interdisciplinary if our objective is to have a good understanding of these crucial yet complex issues. My dissertation calls the necessity to move from the rigid binary view we usually have of the colonial world, to an approach that takes into consideration all the complexities of the encounter between Africans and Europeans. Among other things, this would give us a more accurate idea of African agency. Also, my thesis offers a new approach to the power and initiatives of the colonizers. It breaks away from the more than often held argument that the colonial power was monolithic and that the ministry in charge of the colonies was its ultimate driving engine. My thesis suggests that the colonial officials' personal agendas and personalities

played as much big of a role on the everyday functioning of the colonial apparatus as the policies conceived in Paris.

BIBLIOGRAPHY

BIBLIOGRAPHY

PRIMARY SOURCES

Archives du Sénégal

Sous Série 3 E: Conseil du Gouvernement et d'Administration

ARS 3E 4 : Conseil du Gouvernement et d'Administration, June 1, 1828.

ARS 3E 7: Conseil de Gouvernement et d'Administration, Order of interdiction of the slaughtering animals in places other than the butchery of Saint-Louis, December 24, 1827.

ARS 3 E 8: Conseil de Gouvernement et d'Administration, Order of interdiction of drumming, July 4, 1829.

ARS 3 E17. Conseil d'Administration, January 18, 1844.

Sous Série 3 F: Prisons

3F/00007

*ARS 3F/00007: Prison de Saint-Louis, Letter of Governor of Senegal to Governor General of French West Africa, August 20, 1926.

3F/00015

*ARS 3F/0015: 1933, 1934, 1935 Annual Reports on the Situation of the Prison of Saint-Louis, published respectively January 20, 1934, January 09, 1935, and January 16, 1936.

3F/00037

ARS 3F/00037: *Nouvelle Consigne pour le Concierge* of the civil prison, signed by the Director of Interior and the Chief of the Judiciary Service, and approved by the Governor of Senegal, May 15, 1872

ARS 3F/00037: The Senator and Minister for the Navy to the Commanders in Chief of the Armed Forces in the French colonies, Paris, January 8, 1892, about the application of the to the Navy of the directive of the Minister for the War, dated October 27, 1891, regarding the reduction of the number of troops diverted from their military duties.

ARS 3F/00037: Circular The Senator and Minister for the Navy to the Commanders in Chief of the Armed Forces in the French colonies, August 17, 1891; Letter of the Commander in Chief of the Armed Forces in Senegal to the Director of Interior, March 8, 1892; Letter of the Commander in Chief of the Armed Forces in Senegal to the Governor of Senegal et Dépendances, May 20, 1892.

ARS 3F/00037: Letter of the warden of the prison of Saint-Louis au Higher Commander of the Colonial Armies, June 2, 1894 regarding the organization of the prisons of the colony of Senegal.

ARS 3F/00037: Letter of the warden of the prison of Saint-Louis to the Higher Commander of the Colonial Armed Forces, June 2, 1894.

3F/00038

ARS 3F/00038: Civil Prison of Saint-Louis, 1874-1875. Note of the Governor of Senegal to the Director of Interior, October 13, 1870.

ARS 3F/00038: Civil Prison of Saint-Louis, 1874-1875: Letter of the physician in charge of the healthcare of the prison, to the Chief Physician in Saint-Louis, February 26, 1870.

ARS 3F/00038: Civil Prison of Saint-Louis, 1874-1875: Letter of the Director *Ponts et Chaussées* of Senegal, to the Director of Interior, January 20, 1870.

ARS 3F/00038: Civil Prison of Saint-Louis, 1874-1875. Query of the Director of Interior to the Secretary General regarding the provision of tobacco to prisoners, May 3, 1871

ARS 3F/00038: Civil Prison of Saint-Louis, 1874-1875, Detainee Fatimata Ndiawar Diop to the Chief of Judiciary Service, September 18, 1871.

ARS 3F/00038: Civil Prison of Saint-Louis, 1874-1875. Response to a query from the Director of Interior to the Secretary General regarding the provision of tobacco to prisoners, May 1st, 1871

ARS 3F/00038: Civil Prison of Saint-Louis, 1874-1875: Letter of the *Juge d'Instruction* to the Chief of the Judiciary Service, December 21, 1875.

ARS 3F/00038: Civil Prison of Saint-Louis, 1874-1875: Prisons of Saint-Louis and Gorée: The warden of the Prison of Saint-Louis to the Chief of the Service of Interior, July 4, 1876; The Chief of the Judiciary Service to the Chief of the Service of Interior, August 9, 1876.

ARS 3F/00038: Civil Prison of Saint-Louis, 1874-1875: Letter to the Chief of the Service of Interior from his representative in Gorée, September 9, 1876.

ARS 3F/00038: Civil Prison of Saint-Louis, 1874-1875, Letter of a brother of a prisoner to the Chief of the Service of Interior, September 29, 1876.

ARS 3F/00038: Civil Prison of Saint-Louis, 1874-1875: Letter of the Saint-Louis Police Chief Officer to the Head of the Service of Interior, January 17, 1877

ARS 3F/00038: Civil Prison of Saint-Louis, 1874-1875: Response of the Chief of the Service of Interior to the Police Officer of Saint-Louis regarding the refusal of prisoners to work, April 7, 1877.

ARS 3F/00038: Civil Prison of Saint-Louis, 1874-1875: Letter of the manager of the prison of Saint-Louis to the Head of the Service of Interior, April 9, 1877

ARS 3F/00038: Civil Prison of Saint-Louis, 1874-1875: Letter of the Police Chief Officer of Saint-Louis and manager of the prison, to the Chief of the Service of Interior, June 9, 1877.

ARS 3F/00038: Civil Prison of Saint-Louis, 1874-1875: Note of the Chief of the Service of Interior to the Governor du Senegal, 28 July 1877; Comments of the Governor of Senegal regarding the issue raised in the correspondence.

ARS 3F/00038: Civil Prison of Saint-Louis, 1874-1875: Investigation conducted by the the Major of the Garrison on the suicide committed by indigenous soldier Samba Mody who was serving life in prison at the prison of Saint-Louis, September 17, 1877.

ARS 3F/00038: Civil Prison of Saint-Louis, 1874-1875: Letter of the Minister for the Navy and the Colonies to the Governor of Senegal, approving a project of an order submitted by the Governor of Senegal, December 8, 1877.

ARS 3F/00038: Civil Prison of Saint-Louis, 1874-1875, Reclamations, internal rules of the prison, instructions, 1870-1876, Administrative inspection of the prison of Saint-Louis, July 30, 1888.

3F/00041

ARS 3F/00041: Civil Prison of Saint-Louis, 1886-89, Report on the Prison of Saint-Louis, General Clerk of the Direction of Interior, July 23, 1888.

3F/00046

ARS 3F/00046: Civil Prison of Saint-Louis, 1892-1900: Letter of Mr. Chaupin to the Director of Interior, April 11, 1892.

ARS 3F/00046: Civil Prison of Saint-Louis, 1892-1900: case of Henriette, warden of the prisons of Saint-Louis, (1892-93): Minute addressed to the Governor of Senegal, regarding warden Henriette, April 1893.

ARS 3F/00046: Civil Prison of Saint-Louis, 1892-1900: Appointment of Wardens; Punishment of a Prison Guard (1898-1900). Reaction of the Magistrate appointed by the Chief of the Judiciary as member of the Prison Surveillance Commission that met on July 6, 1899.

ARS 3F/00046: Civil Prison of Saint-Louis, 1892-1900: Letter of the Prosecutor General, Chief of the Judiciary Service to the Governor General of French West Africa, July 7, 1899.

ARS 3F/00046: Civil Prison Saint-Louis, 1892-1900: Response of the Chief of the Battalion of Gendarmerie in Senegal, to the Secretary General, March 29, 1900.

ARS 3F/00046: Civil Prison of Saint-Louis, 1892-1900: Letter of Commandant of the Battalion of Gendarmerie in Senegal to the Secretary General of the Government, May 31, 1900

ARS 3F/00046: Note of the Secretary General of the Government, August 20, 1900.

ARS 3F/00046: Civil Prison of Saint-Louis, 1892-1900: Letter of Lieutenant-colonel Pineau, Arms Commandant to the Secretary General of Government, April 2, 1902.

3F/00049

ARS 3F/00049: Civil Prison of Saint-Louis, 1900; 1909-1912: Requests for Pardon (1910), Lieutenant-Governor of Senegal to Demba Waly N'Daw in Sor who was requesting a presidential pardon for his wife October 25, 1910.

ARS 3F/00049: Civil Prison of Saint-Louis, 1900; 1909-1912: Letter of the Acting Secretary General of the Government to the Head of the Political Bureau in the Governor General's office, 1912.

ARS 3F/00049: Prison civile de Saint-Louis, 1900; 1909-1912, Head of the Prison of Saint-Louis to the Police Chief Officer of the city, Feb. 29, 1912

ARS 3F/00049: Civil Prison of Saint-Louis, 1900; 1909-1912: Letter of Saint-Louis Deputy Police Chief Officer and Head of the Prison of Saint-Louis, to the Secretary General of the Government, December 14, 1912.

ARS 3F/00049: Civil Prison of Saint-Louis, 1900; 1909-1912, Chief Police Officer and warden of the Prison of Saint-Louis to the Secretary General, December 29, 1912.

ARS 3F/00049: Civil Prison of Saint-Louis, 1900; 1909-1912: Dossier Souleymane Diop (1911-1912) Letter from Lieutenant-Governor of Senegal to Governor General of French West Africa. Aug. 31, 1911, regarding detainee Papa Seck aka Souleymane Diop.

3F/00052

ARS 3F/00052: Civil Prison of Saint-Louis, 1903-1906, Correspondence of the Secretary General of the government (1903), Note from the manager of the prison of Saint-Louis, July 29, 1903, See also Letter of Emma Ba, rue Dubois, No. 14, to the Secretary General of the Government, Aug.3, 1903 and August 10, 1903.

ARS 3F/00052: Civil Prison of Saint-Louis, 1903-1906: Correspondence received and sent by the Secretary General of Government (1903). Response of the Chief of the Judiciary Service to a note from the Secretary General regarding a planned order on the allowance for the capture of detainees escaped from the prisons of the colony of Senegal, November 20, 1903.

ARS 3F/00052: Civil Prison of Saint-Louis, 1903-1906: Letter of the Coronel Commandant of the 1st Military Region to the Lieutenant-Governor of Senegal, July 20, 1905.

ARS 3F/00052: Civil Prison of Saint-Louis, 1903-1906: Warning to prisoner Mar Diop (1906): Acting Warden of the Prison of Saint-Louis to Secretary General of the Government, regarding the authorization granted by the Public Prosecutor to the wife of prisoner Mar Diop to bring food to his husband in the prison of Saint-Louis, October 16, 1906.

ARS 3F/00052: Civil Prison of Saint-Louis, 1903-1906: Monthly report on the operation of the prison of Saint-Louis, December 1905.

ARS 3F/00052: Prison civile de Saint-Louis, 1903-1906, Letter of prisoner Souleymane Diop, [recidivist who was not allowed to work outside the prison, asking to be employed for a paid job inside the prison] to the Secretary General of the Government, March 26, 1911.

3F/00053

ARS 3F/00053: Civil Prison of Saint-Louis, 1905: The War Council of Saint-Louis to the Prison Commissioner, December 21, 1905.

ARS 3F/00062: Civil Prison of Saint-Louis: correspondence – notes; reclamations; Case of prisoner Saliou Ndiaye, 1923-1925: Letter of Mrs Ndella Sey, mother of prisoner Saliou Ndiaye to the Gouvernor of Senegal, December 29, 1919; Letter of Mrs Ndella Sey, mother of prisoner Saliou Ndiaye to the Mayor of Saint-Louis, June 7, 1920; Letter of Mrs Ndella Sey, mother of prisoner Saliou Ndiaye to the Gouvernor of Senegal, June 7, 1920.

ARS 3F/00062: Civil Prison of Saint-Louis: correspondence – notes; reclamations; Case of prisoner Saliou Ndiaye, 1923-1925, The Mayor of Saint-Louis to the Governor of Senegal, 14 June 1920.

3F/00064

ARS 3F/00064: Civil Prison of Saint-Louis: Imprisonment of Léonie Guèye, underage detainee (13 year old), 1925. Letter of the Public Prosecutor to the Governor of Senegal, Mai 8, 1924 ; Letter of Amadou Sall, stepfather of Léonie Guèye to the Governor of Senegal, February 8, 1925; Letter of Amadou Sall, stepfather of Léonie Guèye to the Governor of Senegal, 12 April 1925

ARS 3F/00064: Civil Prison of Saint-Louis (1925): Letter of Lieutenant-Governor of Mauritania to Lieutenant-Governor of Senegal, January 02, 1925.

ARS 3F/00064: Civil Prison of Saint-Louis (1925): Telegram-letter of the Administrator of the *Cercle* of Sine-Saloum to the Governor of Senegal, March 28, 1925.

ARS 3F/00064: Civil Prison of Saint-Louis (1925): Letter of Lieutenant-Governor of Mauritania to Lieutenant-Governor Senegal, June 18, 1925; Lieutenant-Governor of Mauritania to Lieutenant-Governor of Senegal, June, 24 1925.

ARS 3F/00064: Civil Prison of Saint-Louis (1925): Letter of the Administrator of the *Cercle* of Diourbel to the Governor of Senegal, May 9, 1925.

ARS 3F/00064: Civil Prison of Saint-Louis: Imprisonment of Leonie Gueye, a juvenile detainee (13 years), 1925, Note for the Governor, from the Acting Secretary General of the Government, May 14, 1925.

ARS 3F/00064: Civil Prison of Saint-Louis: Letter of the Secretary General, September 26, 1925.

ARS 3F/00064: Prison civile de Saint-Louis, 1900; 1909-1912, Mayor of the City of Saint-Louis to the Governor of Senegal, June 12, 1925.

ARS 3F/00064: Secretary General of the Government to the Head of the Prison of Saint-Louis, June 20, 1925.

ARS 3F/00064: Prison civile de Saint-Louis, 1900; 1909-1912, Letter of the Head of the Prison of Saint-Louis to the Secretary General of the Government, June 23, 1925

ARS 3F/00064: Secretary General of the Government of Senegal to the Head of the Prison of Saint-Louis, June 20, 1925.

ARS 3F/00064: Civil Prison of Saint-Louis: Imprisonment of Léonie Guèye, underage detainee (13 year old), 1925. Lieutenant-Gouvernor of Senegal to Amadou Sall, Louga, /c Administrator of Louga, April 22, 1925

ARS 3F/00064: Prison civile de Saint-Louis, 1900; 1909-1912, Letter of the Head of the Prison of Saint-Louis to the Secretary General of the Government, June 23, 1925.

3F/00069

ARS 3F/00069: Civil Prison of Saint-Louis, 1941: Annual Report of Mourleau François, warden, on the prison of Saint-Louis in 1940, January 15, 1941.

ARS 3F/00069: Civil Prison of Saint-Louis, 1941: Telegram-Letter of the Secretary General to the Commandant of the *Cercle* of Bas-Senegal, October 30, 1941. Administratively, the city of Saint-Louis was in the *Cercle* of Bas-Sénégal [Lower-Senegal]

3F/00071

ARS 3F/00071: Prison of Saint-Louis, 1923-1924, Letter of the Acting Secretary General to the Governor du Senegal, May 9, 1924.

3F/00073

*ARS 3F/00073: Brief numerical statement of prisoners employed outside, Prison of Saint-Louis, April 25, 1927. The colonial administration itself established a difference between those two categories of detainees, but the details of this difference are unknown.

3F/00076

ARS 3F/00076: Report on the operation of the prison of Saint-Louis in 1934, from the warden of the prison, February 9, 1935.

ARS 3F/00076: Minutes of the Surveillance Commission, Prison of Saint-Louis, June 18, 1936.

ARS 3F/00076: Letters of the warden of Saint-Louis to the *Commandant de Cercle* of Bas-Sénégal, April 6, 1937 and May 4, 1937.

3F/00094

ARS 3F/00094: Decree Project punishing prison escapes in French West Africa, 1927.

ARS 3F/00094: Circular of the Governor of Senegal sent to all the *Commandants de Cercles*, April 27, 1927. Among all 13 *Cercles* of the colony, only two (Diourbel and Dagana) were not concerned by this survey.

ARS3F/00094: Inspector of Administrative Affairs, Note on prison escapes, November 9, 1927.

ARS 3F/00094: Letter of the Governor of Senegal to the administrators of the *Cercles*, No. 93 C, April 27, 1927. The *Cercles* of Diourbel and Dagana were the only two that were not concerned by this investigation.

3F/00098

*ARS 3F/00098: Letter of the Chief of the Political Bureau, No. 400 BP, October 10, 1929.

3F/00101

*ARS 3F/00101, Letter-Circular of the Governor General of French West Africa to the Governors of the colonies of the Federation, No. 057, March 3, 1927.

ARS 3F/00101, Order of the Governor General of French West Africa, January 22, 1929.

*ARS 3F/00101: Decision of the Governor of Senegal Regarding Penal Labor, No. 756 GA, January 03, 1930.

*ARS 3F/00101: Note on the Employment of the Prisoners by the Communes, Secretary General, 1932

*ARS 3F/00101, Letter of the Governor General of French West Africa to the Governor of Senegal, No. 597 A5, September 27, 1933.

*ARS 3F/00101: Letter of the manager of the Prison of Saint-Louis to the Administrator of the *Cercle* of Bas-Sénégal, Sept. 10, 1932.

*ARS 3F/00101: Order of the Governor General of French West Africa modifying the General Order of January 22, 1927, October 28, 1932.

3F/00105

*ARS 3F/00105: Annual Reports of the Warden of the Prison of Saint-Louis, for 1933 (January 20, 1934), 1934 (January 9, 1935) and 1935 (January 16, 1936).

*ARS 3F/00105: See Art. 4 of the Decision of the Governor of Senegal, No. 75 GA, January 04, 1930.
the Government, August 19, 1932. See also Letter-Circular of the Secretary General of the Government to the Superior Administrator of Casamance, the Delegate of the Government in Rufisque, the Deputy Controller, the Administrators of the *Cercles*, and Mayors, August 20, 1932.

*ARS 3F/00105: Letter-Circular of the Governor General of French West Africa to the Governors of the Colonies and the Delegate of the Government in Dakar, No. 403 AP/3, November 14, 1930.

3F/00110

*ARS 3F/00110: Colonial Inspector Monguillot, Inspection Report on the Penitentiary Services of Senegal, February 1936.

3F/00111

*ARS 3F/00111: Circular of the Governor General of French West Africa to the *Commandants de Cercles* of Senegal and the Higher Administrator of Casamance, August 3, 1936.

CAOM: Centres des Archives d’Outre-mer

CAOM: Sénégal and Dépendances XI, 21: 1816-1895 (Régime pénitentiaire ; Saint-Louis ; Dakar, Correspondance diverse), Report dated November 8, 1834, on the material situation and the regime of prisons in Senegal.

CAOM: Senegal et Dependances XI: 21: 1816-1895 (Regime penitentiaire; Saint-Louis; Dakar, Correspondance): Letter of the Governor of Senegal et Dependances to the Minister for the Navy and the Colonies, August 9, 1884.

CAOM: Senegal et Dependances XI: 21: 1816-1895 (Regime penitentiaire; Saint-Louis; Dakar, Correspondance): Notice about the penitentiary regime in Senegal, Director of Interior, Saint-Louis, December 10, 1885.

CAOM Sénégal and Dépendances XI 21 : 1816-1895 (Régime pénitentiaire ; Saint-Louis ; Dakar, Correspondance diverse). Letter of the Governor of Senegal and Dependences to the Minister for the Navy and the Colonies, Saint-Louis, February 14, 1886.

CAOM: Senegal et Dependances XI: 21: 1816-1895 (Regime penitentiaire; Saint-Louis; Dakar, Correspondance): Report by Inspector General, Espent, to the Minister for the Colonies, April 13, 1888, regarding the operation of prisons of Senegal.

CAOM: Senegal et Dependances XI, 21: 1816-1895 (Regime penitentiaire; Saint-Louis; Dakar, Correspondance): Order of the Governor of Senegal et Dépendances, July 21, 1888.

CAOM: Sénégal et Dépendances XI 21: 1816-1895, (Régime pénitentiaire; Saint-Louis; Dakar, Correspondance diverse), Minutes of the 1st meeting of the Prison Surveillance Committee, Saint-Louis, August 2, 1888. The Director of Interior is at the same time the chair of this committee whose main role was to make sure that every penitentiary practice followed the law.

CAOM Senegal et Dépendances XI, 21: 1816-1895 (Penitentiary Regime; Saint-Louis; Dakar, Correspondance), The Acting Governor of Senegal et Dépendances, to the Minister for the Navy and the Colonies, August 5, 1888, regarding prisons in the colony

CAOM: Sénégal et Dépendances, XI, 21: 1816-1895 (Régime pénitentiaire ; Saint-Louis ; Dakar, Correspondance diverse), Letter of Inspector General Espent to the Minister for the Navy and Colonies, about the situation of the Prison of Saint-Louis, April 23, 1896.

SECONDARY SOURCES

Anderson, D. M., *Histories of the Hanged: Britain's Dirty War in Kenya and the End of Empire*, London: Weidenfeld & Nicolson, 2005.

Applebaum, A., "A History of Horror", A review of Joël Kotek and Pierre Rigoulot, *Le Siècle des Camps*, Paris: J. C. Lattès, *The New York Review*, October 18, 2001, p. 41 (pp. 40-43)

Aguirre, C., *The Criminals of Lima and their Worlds: The Prison Experience, 1850-1935*, Durham and London: Duke University Press, 2005.

Arendt, H., *Les Origines du Totalitarisme. L'Impérialisme*, Paris Fayard, 1997.

Arnold, D., "The Colonial Prison: Power, Knowledge, and Penology in Nineteenth-Century India", in Ranajit Guha (ed.), *A Subaltern Studies Reader, 1986-1995*, pp. 140-178, London, Minneapolis: University of Minnesota Press, 1997.

Asiwaju, A. I., "Control Through Coercion. A Study of the *Indigenat* Regime in French African Administration, 1887-1946," *Bulletin de l'Institut Fondamental d'Afrique Noire*, n° 1, t. 41, série B, janvier 1979, p. 35-71.

Ba, B., « Histoire du Personnel Pénitentiaire Colonial au Sénégal, 1863-1960 », Mémoire de DEA, Département d'Histoire, Université Cheikh Anta Diop de Dakar, 1997.

Babou, C. A. M., *Fighting the Greater Jihad: Ahmadou Bamba and the Founding of the Murridiyya of Senegal, 1853-1912*, Ohio University Press, 2007

Badinter, R., *La prison républicaine (1871-1914)*, Paris: Fayard, 1992

Baghai, K., "Punishment as Reason and Passion: Bentham, Kant, Nietzsche, Durkheim" *Paper presented at the annual meeting of the American Sociological Association, Montreal Convention Center, Montreal, Quebec, Canada, Aug 10, 2006 Online <PDF>. 2008-05-07 <http://www.allacademic.com/meta/p101425_index.html>*

Bancel, N., Blanchard, P., et Vergès, F., *La République Coloniale*, Paris, Albin Michel, 2003.

Bathily, A., *Les Portes de l'Or: Le Royaume de Galam (Sénégal) de l'Ere Musulmane aux Temps des Négriers (XVIIe-XVIIIe Siècle)*, Paris: L'Harmattan, 1989

Benton, L., *Law and Colonial Cultures: Legal Regimes in World History, 1400-1900*, New York, Melbourne, Madrid, Cape Town, São Paulo: Cambridge University Press, 2002.

Bernault F., (ed.), *A History of Prison and Confinement in Africa*, Portsmouth, NH: Heinemann, 2003

_____ “De l’Afrique Ouverte à l’Afrique Fermée: Comprendre l’Histoire des Réclusions coloniales” in Florence Bernault (ed.), *Enfermement, Prisons et Châtiments en Afrique, du 19^e Siècle à Nos Jours*, Paris, Karthala, 1999, p. 28.

Camara, C., *Saint-Louis du Sénégal: Evolution d'une Ville en Milieu Africain*. Dakar: IFAN, 1968

Conrad, J., *Heart of Darkness* (edited by D.C.R.A. Goonetilleke), Peterborough, Ontario: Broadview Press, 1999

Cooper, F. and Stoler, A., *Tensions of Empire: Colonial Cultures in a Bourgeois World*. Berkeley: University of California Press, 1997.

Coursier, A., *Faidherbe, 1818-1889: Du Sénégal à l’Armée du Nord*, Paris: Tallandier, 1989.

Coquery-Vidrovitch, C., *L’Afrique et les Africains au XIX^e Siècle: Mutations, Révolutions, Crises*, Paris: Armand Colin, 1999

_____ “Le travail forcé en Afrique”, *L’Histoire*, n° 69, p. 100-104

_____, “Le Postulat de la Supériorité Blanche et de l’Infériorité Noire”, in Marc Ferro, ed., *Le Livre Noir du Colonialisme. XVI^e-XIX^e siècle: De l’Extermination à la Répentance*, Paris: Robert Laffont, 2003, pp. 863-925.

Coquery-Vidrovitch, C., et Moniot, H., *L’Afrique Noire de 1800 à nos jours*, Paris: PUF, 1993

Curtin, P. D., *The West and the World: The European Challenge and the Overseas Response in the Age of Empire*. New York: Cambridge University Press, 2000.

Diagne, B., "Saint-Louis du Sénégal et sa Population au XIX^e Siècle: Les Mutations Politiques, Economiques et Sociales d’une Ville Coloniale”, Thèse de 3^e Cycle, Département d’Histoire, Université Cheikh Anta Diop de Dakar, 2003.

Dikötter, F. and Brown, I., (eds.), *Cultures of Confinement: A History of the Prison in Africa, Asia, and Latin America*, Ithaca, N.Y.: Cornell University Press, 2007.

Diouf, M., *Le Kajoor au XIXe Siecle: Pouvoir Ceddo et Pouvoir Colonial*, Paris: Karthala, 1990.

Elkins, C., *Imperial Reckoning: The Untold Story of Britain's Gulag in Kenya*. New York: Henry Holt and Company, 2005.

Fall, B., *Le travail forcé en Afrique-Occidentale française (1900-1946)*, Paris, Karthala, 1993

_____, "Manifestations of Forced Labor in Senegal: as Exemplified by the Société des Salins du Sine-Saloum Kaolack 1943-1956", in Abebe Zegeye and Shubi Ishemo (eds.) *Forced Labor and Migration: Patterns of Movement within Africa*, New York: Hans Zell Publishers, 1989, pp. 269-288.

Faye, O., Mythe et histoire dans la vie de Kaañ Fay du Cangin (Sénégal) *Cahiers d'études africaines*, Année 1994, Volume 34, No. 136, p. 613 – 637

Foucault, M., *Discipline and Punish*, New York, Pantheon Books, 1977

Frerejean, A. et Klein, C.-A., *L'Appel de l'Afrique : Les Pionniers de l'Empire Colonial Français*, Paris: Perrin, 2002, p. 69

Gueye, M., "Les Transformations des Sociétés Wolof et Sereer de l'Ere de la Conquête à la Mise en place de l'Administration Coloniale", Thèse pour le Doctorat d'Etat, Département d'Histoire, Université Cheikh Anta Diop, Dakar, Senegal, 1990

Hawthorne, W., "Nourishing a Stateless Society during the Slave Trade: The Rise of Balanta Paddy-Rice Production in Guinea-Bissau." *Journal of African History* 42. (2001): 1-24.

Hegel, G., *The Philosophy of History*, New York: Dover, 1956

Ignatieff, M., "State, Civil Society, and Total Institutions: A Critique of Recent Social Histories of Punishment", *Crime and Justice*, Vol. 3. (1981), pp. 153-192

Jones, H., "Citizens and Subjects: Métis Society and the Struggle over Colonial Politics in Saint-Louis, Senegal, 1870-1920", Ph.D. Diss., Dept. of History, Michigan State University, 2003.

Kane, N., *Répertoire Série F: Sécurité Publique au Sénégal. Police, Gendarmerie, Prisons (1840-1956)*, Dakar: Direction des Archives du Sénégal, 1997.

Kane, O., *La Première Hégémonie Peule: Le Fuuta Tooro de Koli Tengella à Almaami Abdul*, Paris, Dakar : Karthala, Presses Universitaires de Dakar, 2004

Konate, D., "Ultimate Exclusion: Imprisoned Women in Senegal," in Florence Bernault (ed.), *A History of Prison and Confinement in Africa*, Portsmouth, NH: Heinemann, 2003, pp. 155-164.

Kotek, J. et Rigoulot, P., *Le Siècle des Camps: Detention Concentration, Extremation. Cent Ans de Mal Radical*, Paris: Lattes, 2000."

Le Cour Grandmaison, O., "The Exception and the Rule: On French Colonial Law", *Diogenes*, Vol. 53, No. 4, 34-53 (2006)

Lévy-Bruhl, L., *L'Ame Primitive*, Paris: F. Alcan, 1927, and *Les Fonctions Mentales dans les Sociétés Inférieures*, Paris: F. Alcan, 1928

Lukes, S. and Scull, A. (eds.), *Durkheim and the Law*, Stanford: Stanford University Press, 1995.

Lunn, J., *Memoirs of the Maelstrom: A Senegalese Oral History of the First World War*, Portsmouth, N.H: Heinemann, 1999

Mamdani, M., *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism*, Princeton University Press, Princeton, N.Y. David Phillip, Cape Town: Fountain, Kampala; and James Currey, London, 1996.

Mason, H., "The European Enlightenment: Was It Enlightened?", *The Modern Language Review*, Vol. 94, No. 4. (Oct., 1999)

Mbaye, S., *Histoires des Institutions Coloniales Françaises en Afrique de l'Ouest (1816-1960)*, Dakar: Direction des Archives du Sénégal, 1991

Mbembe, A., *On the Postcolony*, Berkeley: University of California Press, 2001.

_____, "France-Afrique: The Idiocieties that Divide Us", *Africultures*, Sept. 05, 2007)

Morris, N. and Rothman, D., (eds.), *The Oxford History of Prison. The Practice of Punishment in Western Society*, New York; Oxford, Oxford University Press, 1996.

Kalala Ngalamulume, "City Growth, Health Problems, and Colonial Government Response: Saint- Louis (Senegal) from Mid Nineteenth Century to the First World War", Ph.D. Diss., Dept. of History, Michigan State University, 1996

O'Brien, P., *Correction ou châtement: histoire des prisons en France au XIX^e siècle*, Paris: PUF, 1988

_____, *The Promise of Punishment: Prisons in Nineteenth-Century France*, Princeton, N.J., Princeton University Press, 1982.

Perrot, P., (ed.), *L'Impossible Prison. Recherches sur le Système pénitentiaire au XIX^{ème} siècle*, Seuil, 1980

Petit, J.-G., *Ces peines obscures. La prison pénale en France (1780-1875)*, Paris : Fayard, 1990

Petit, J.-G. et al., *Histoire des galères, bagnes et prisons (XIII^e-XX^e siècles). Introduction à l'histoire pénale de la France*, Paris: Privat, 1991

Pieterse, J. N., *White on Black: Images of Africa and Blacks in Western Popular Culture*, New Haven and London: Yale University Press, 1992

Robinson, D., *The Holy War of Umar Tal: The Western Sudan in the Mid-Nineteenth Century*, Oxford: Clarendon, 1985.

Rothman, D., *The Discovery of the Asylum: Social Order and Disorder in the New Republic*, Boston and Toronto, Little Brown, 1971 (reprint 2002)

Sané, S., *Le Contrôle des Armes à Feu en Afrique Occidentale Française*, Paris: Karthala-CREPOS, 2008

Saul, M. and Royer, P., *West African Challenge to Empire: Culture and History in the Volta-Bani Anticolonial War*, Athens: Ohio University Press; Oxford: James Currey, 2001.

Scott, J. C., *Domination and the Arts of Resistance: Hidden Transcripts*, New Haven: Yale University Press, 1990.

Sen, S., *Disciplining Punishment: Colonialism and Convict Society in Andaman Islands*, Oxford and New York: Oxford University Press, 2000.

Sene, I. "Colonisation Française et Exploitation de la main-d'œuvre Carcérale au Sénégal : De l'Emploi des Détenus des Camps Pénaux sur les Chantiers des Travaux Routiers, (1927-1940)", *French Colonial History*, Vol. 5, 2004, pp. 153-171.

_____, "Introduction à l'histoire de la main-d'œuvre carcérale au Sénégal: De l'emploi des détenus des camps pénaux sur les chantiers des travaux routiers, (1927-1940)", *Mémoire de DEA, Département d'Histoire, Université Cheikh Anta Diop, Dakar*, 1999-2000.

_____, "Contribution à l'histoire des établissements pénitentiaires au Sénégal: La prison de Saint-Louis de 1920 à 1944", Mémoire de maîtrise d'Histoire, Université Cheikh Anta Diop de Dakar, 1998.

Sinou, A., *Comptoirs et Villes Coloniales du Sénégal* Saint-Louis, Gorée, Dakar, Paris: Karthala et ORSTOM, 1993.

Stoller, S., "Horrific Comedy: Cultural Resistance and the Hauka Movement in Niger", *Ethos*, 12:2, Summer 1984, pp. 165-188.

Thiou, I. "Juvenile Marginality and Incarceration During the Colonial Period: The First Penitentiary Schools in Senegal, 1888-1927," in Florence Bernault (ed.), *A History of Prison and Confinement in Africa*, Portsmouth, NH: Heinemann, 2003, pp. 79-96.

_____, "La gestion de la marginalité juvénile dans la colonie du Sénégal : de l'abolition de l'esclavage aux écoles pénitentiaires, 1848-1906", *Les Cahiers Histoire et Civilisations*, No. 1, p. 117-130.

_____, "Sénégal: La Prison à l'Epoque Coloniale. Significations, Evitement et Evasions", in Florence Bernault, ed., *Enfermement, Prisons et Châtiments en Afrique, du 19^e siècle à Nos Jours*, Paris, Karthala, 1999, p. 285-303.

_____, "L'Historiographie de l'Ecole de Dakar et la Production d'une Ecriture Academique de l'Histoire", in Momar Coumba Diop (dir.), *Le Sénégal Contemporain*, Paris: Karthala, 2002, Tome 2, pp. 109-153.

_____, "Conquête coloniale et résistances des sociétés "lignagères" dans les Rivières du Sud. Abdou Ndiaye et la "pacification" de la Guinée portugaise (1894 - 1919)", in Coquery-Vidrovitch et al., *Des historiens Africains en Afrique. Logiques du passé et dynamiques actuelles*, Paris, L'harmattan, 1998, pp. 191-213

_____, « Sénégal : la santé des détenus dans les prisons coloniales, *Revue sénégalaise d'Histoire*, Nouvelle série n° 2-3, 1996-1998, p. 89-100.

_____, "Banditism Social and Ordre Colonial : Yaadikkoon (1922-1984)", *Annales de la Faculté des Lettres et Sciences Humaines*, UCAD, Dakar, 1992, No. 22, pp. 161-173.

Thiou, I., Ba, B., et Sene, I. "Sénégal: un système pénitentiaire en crise. Acteurs et enjeux des débats en cours". *Revue française d'Histoire d'Outre-Mer*, t.86, n°324-325, 1999, p.124-148.

Toth, S., *Beyond Papillon: The French Overseas Penal Colonies, 1854-1952*, France Overseas Empire, Lincoln, NE; University of Nebraska Press, 2006

Webb Jr., J., The Trade in Gum Arabic: Prelude to French Conquest in Senegal, *Journal of African History*, Vol. 26, Nos.2-3, 1985, pp. 149-168.

Zinoman, P., *The Colonial Bastille: A History of Imprisonment in Vietnam, 1862-1940*, Berkley, Los Angeles, London: University of California Press, 2001.