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**The American University in Cairo**

**School of Global Affairs and Public Policy**

**LAW AND DISCIPLINE: A PSYCHOLOGICAL TRAP?**

**A Thesis Submitted to the  
Department of Law**

**in partial fulfillment of the requirements for the degree of  
Master of Arts in International Human Rights Law**

**By  
Alaa Mazloum**

**September 2017**

The American University in Cairo  
School of Global Affairs and Public Policy

LAW AND DISCIPLINE: A PSYCHOLOGICAL TRAP?

A Thesis Submitted by  
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to the Department of Law  
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in partial fulfillment of the requirements for the  
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The American University in Cairo  
School of Global Affairs and Public Policy  
Department of Law

LAW AND DISCIPLINE: A PSYCHOLOGICAL TRAP?

Alaa Mazloun

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ABSTRACT

Over the past few centuries people have been trained to be subjects to state power. Today, one cannot define his existence without referring to one's relation as to the state. One defines him/herself as a subject to the power of state x or a term now used "citizen of state x". This is a trap that state power have deliberately trained its citizens to believe to be their reality. For the past two centuries models of discipline and order have been constructed in Egypt. This thesis explores different disciplinary institutions, with a special focus on prisons, used by the state to discipline and order the Egyptian society. This thesis presents two faces of the disciplinary continuum. Starting with the first face, the paper explores and argues that the first use of disciplinary institution was particularly important in the early 1800s to create economically productive members of society. What disciplinary institutions tend to do is to control the psyche of the individual and create a certain perception of who this individual is and what he can do. The paper argues that incarceration results in continuous and systemic destruction of the psyche. In this way, it produces ill-suited individuals for life after prison due to prison's reinforcement of institutionally dependent behavior. In short, disciplinary institutions create dependency. The other side of the state disciplinary continuum is counter disciplinary represented by individuals who resist this power imbalance. Although the change brought forth is temporary, such acts of resistance have indeed succeeded in restructuring the balance of power. This paper encompasses many of the documented experiences of prisoners as evidence of the Foucault's theory on discipline presented. To do so, the paper heavily depends on works of literature and art, namely an Egyptian television production titled *Segn il-Nesa* (Women's Prison), which helps to humanize the law and procedures that govern the prison sector in Egypt. The paper builds the argument through drawing connections between theory and contemporary-and-historic examples on modes of discipline and disciplinary institutions.

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## I. Introduction

Zenat, a fictional character, was an inmate in Al-Qanater Women's Prison in Egypt. She is a sex worker who would deliberately re-enter prison time and time again. Zenat considers the world outside prison to be unpleasant. She describes the world outside prison as "death and prison [as] her medication."<sup>1</sup> In her late days, she suffered from kidney failure and did not have the finances to get treated in a private hospital while treatment in public hospitals was impossible, because of the long waiting lists. Due to these unfortunate circumstances, she decides to re-enter prison and did so deliberately by calling the police and faking having a sexual relationship with the man she would often meet to exchange her sexual services for money. Zenat has always described prison to be a safe place, unlike the world beyond the gates. She said that "within prison there is no one eating someone's flesh".<sup>2</sup> She elaborates saying that in prison everyone is one family with shared concerns. She explained that she has nothing left to sell but her body and if she decided to quit being a sex worker she would die outside of prison. For Zenat, prison is her comfort zone. It is the place she misses when released into the society. She always looks forward to returning back to prison.<sup>3</sup>

Unable to live without associating herself with prison, Zenat, like many others is challenged to cope with the world beyond prison. Zenat has become psychologically and legally attached to prison, as a state institution that defines who she is and what she does. This comes as no surprise, as prisons like other disciplinary state run institutions have worked continuously to convey this exact message to citizens. Prisons, schools, military and other institutions have embedded in the psyche of citizens their identities vis-à-vis state power. Citizens have continuously been trained through state institutions and reminded of who they are, what their potentials are and what they are allowed to do.

Throughout this paper, I argue that the psychological state Zenat has reached is nothing more than a psychological trap. It is a trap that the state power has deliberately trained its citizens to believe to be their reality. For the past two centuries models of disciplining and ordering have been installed in Egypt to discipline people and turn them into citizens to the modern state of

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<sup>1</sup> Fathiya Al-Asal, & Kamelia Abou Zikri, K. 2014. Episode number 2, *Sign el-Nissa* (Women's Prison) , El-Adl Group, Egypt.

<sup>2</sup> By this she meant that unlike the world outside prison is full of people filled with rage, anger and hate plot to destruct one another, prison is free from such people.

<sup>3</sup> *Id.*

Egypt. In making this argument I trace the early uses of military, schools, and prisons in Egypt that have been maintained to bring order to the country.

To build the argument, Part II of this thesis describes the early use of disciplinary institutions and its particular importance in the 1800s to create economically productive members of the society. It argues that although disciplinary institutions might have been successful in forcefully extracting economic gains, they have failed in rehabilitating and reeducating people. Prisons, the main institutions of analysis in this thesis, fail as disciplinary institutions to rehabilitate prisoners. Likely, due to various factors including could be the belief that prisoners are individuals who have lost their will and ability to make sound decisions and manage their lives. Part III discusses how disciplinary institutions tend to controls the psyche of the individual and creates a certain perception of who this individual is and what he/she can do. Part IV presents the other end of the continuum. It presents the counter narrative side comprised of examples and tools used by prisoners to counter the overarching power domination in prisons. Similar to the continuous effort exerted by state power to keep individuals disciplined and under control, some individuals resist and strive to change this status quo. Some present a countering force to the force of domination by wanting to move away from subjugation and rebalancing power and structural agency. They do this by influencing the prisoner-guard relationship, coping mechanisms and acts of resistance.

This thesis is written in an effort to understand the current political and social situation in Egypt. Although, the international legal system has progressed and individuals have the right to freely express their opinions, we witness a new era in mass incarceration of citizens. Trying to understand the key function prison plays in our lives and in the society, I quest the key function prison plays in a prisoner's life. I try to understand the rationale behind the first establishment and the usage of such a disciplinary institution and why was it needed in the first place. To do so, I use traditional and untraditional sources. I trace back the early establishments of disciplinary institutions like prisons, army, school in Egypt and try to find patterns and arguments to could help me and the reader understand the rational of those in power (Foucauldian sense of the term and not the simple use of the term). I also depend heavily on work of literature and art, namely an Egyptian television production entitled Segn il-Nesa, this thesis focuses on humanizing the law and procedures that govern the prison sector in Egypt. I engage with a number of narratives



not only to humanize the law but to engage in a deeper understanding of the implications the laws and procedures employed by the government have on the prisoners themselves. Works of art provide a dimension often silenced by society and express feelings and emotions that would otherwise go unnoticed by law and pure legal analysis of this sensitive topic. The thesis alternates between theory, contemporary and historic examples on modes of discipline and disciplinary institutions.

## II. The Introduction of Prisons in Egypt and Why

### A. The Use of Prisons in Modern Egypt

Egypt witnessed a shift in its penal system in the nineteenth century. Moving away from corporal punishment, the penal system in the country shifted towards imprisonment as the main form of punishment.<sup>4</sup> The establishment of prisons and the use of imprisonment as the main form of punishment was the result of the emergence of a centralized state,<sup>5</sup> legislation of laws and the ability to enact the law and maintain order through an effective police apparatus.<sup>6</sup>

In the 1800s, offenders were no longer punished by corporal or capital punishment<sup>7</sup> but were sent to *Luman* (prison).<sup>8</sup> Instead of being rehabilitated and reformed, prisoners were used for large construction work in Alexandria and elsewhere. Almost all prisoners had to work. Many of them were attached to factories or quarries to supplement the numbers of the “free” workers. Convicts were brought by force to the industrial establishments. Moreover, young convicts who were physically fit, often served their terms as soldiers in the army, or were drafted to the army immediately after the termination of their sentences.<sup>9</sup> “Prison labor had essentially an economic function as a means of provision of manpower for necessary but arduous, dirty or unhealthy work.”<sup>10</sup>

Hard labor was regarded as a form of retribution. Labor in Egyptian prisons in the 1800s under Muhammad Ali Pasha was not only considered a form of punishment that aimed to rehabilitate prisoners but also a way of retribution. Serious offenders were sent to national labor prisons or deported to labor prisons in Sudan. Those whose offences were less serious, were sent to serve prison terms near their residential district/villages and forced to work in factories, or building sites, or in menial jobs in governmental offices.<sup>11</sup> Prisoners serving not too far from their homes were considered to be serving a lighter term in provisional prisons than those who served in national prisons. In the mid-1850s convicts were formally put at the disposal of the Department

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<sup>4</sup> Rudolph Peters, Egypt and the Age of the Triumphant Prison Legal Punishment in Nineteenth Century Egypt, (Annales Islamologiques) Issue 36, 253-285 (2002).

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> Both punishments were abolished

<sup>8</sup> Transliteration of the Arabic word "ألومان", Luman meaning prison

<sup>9</sup> *Supra note 4.*

<sup>10</sup> *Supra note 4.*

<sup>11</sup> *Supra note 4.*

of Industry to be used as a labor pool for work in factories and quarries.<sup>12</sup> In fact, the Law of Agriculture enacted in 1830 reads that a convict may “be employed, with his feet in chains, on the government building sit in the district where he comes from.”<sup>13</sup>

Exploitation in the 1800s under the Department of Industry or in prisons is not very different than exploitation under capitalism today. Similarities between the manner in which prisons are meant to punish prisoners and the manner in which capitalism enslaves workers can be easily drawn. Just as wages serve to pay for a period of labor, the period of liberty serves to pay for an infraction. Time being the only good possessed by a person, is now purchased for labor by capitalism or taken for an infraction by prison. In the nineteenth century, the penal system established prison as a substitute for a fine. The fine was a substitute for day(s) of labor and one goes to prison if he/she does not have the money needed to pay a fine. Thus, time spent in prison represent the equivalent of certain quantity of money. Inspired by capitalism, the penal system no longer punishes through the body or goods, but through time to live.<sup>14</sup>

According to the text of the Law No. 396/1956 that governs modern prisons in Egypt, the ideal purpose of incarceration is prisoner’s rehabilitation and reintroduction to society. When elements of this recent body of law and the initial function of prisons under Muhammad Ali Pasha – in line- with the capitalist use of prisons, are brought together, one can claim that prisons can in fact be institutions of rehabilitation. Prisons are rehabilitative only to produce citizens who will be able to produce in the economic sense of the term upon release.

Nine out of ninety-eight articles of Egyptian Law No. 396/1956 deal directly with labor within prisons. For example, Articles 2 and 3 discuss types of prisons in which prisoners are to be transferred to serve their sentence in time and labor. Article 22 discusses the number of labor hours per day and article 34 discusses the medical conditions that hinder those sentenced to hard labor from serving their sentences. The manner by which the prison governor is to punish prisoners including those sentenced to labor is discussed in Article 44. Respectively, Articles 52, 61 and 62 discuss the criteria and conditions of prisoners’ early release except those sentenced to

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<sup>12</sup> *Supra note 4.*

<sup>13</sup> *Id.*

<sup>14</sup> Michel Foucault, *The Punitive Society*, Lecture Four, 70-72 (1974).

life in prison and hard labor, who may not leave prison unless they have served at least twenty years.

One can argue that prison is a disciplinary institute for the idle. Foucault believes idleness to be the supreme form of revolt and the root of all evil.<sup>15</sup> If prison is regarded as a “rehabilitation” and “re-education” facility, then the only disciplining and re-education process that it provides prisoners involves teaching the idle what labor is. In prison the idle learn the importance of work. A prisoner is to be trained to learn how to earn a portion of his food through working. Upon release, the idle is turned into a productive citizen that is injected into different modes of production in the society whereby he is utilized and used to produce profit.

Although the ideal purpose of incarceration seem to be prisoner’s rehabilitation and reintroduction to society, it is only important because the prisoner learns to become productive citizen which comes in line with the capitalist function, prisons are ought to fulfill as described in the previous section. Prison administrators and reformers view this rehabilitation to be multi-fronted to include moral rehabilitation, education through productive labor, proper discipline and supervision by properly trained, competent, and morally upright prison cadre. Punishment is seen to be the key ingredient in reforming the criminal. Additionally, productive labor is believed to be another essential element for effective rehabilitation. Labor functions to keep convicts constructively occupied, thus preventing slothful behavior through the pursuit of lascivious activities and idleness. Idleness tends to be a serious problem for prison administration because it leads to escapes, fights, riots, and uprisings whereas labor provides prisoners with useful skills that makes them productive within prison and eventually within the society upon their release. Thus, prisoners are rehabilitated and shaped into becoming productive members of society. This is also done to avoid recidivism. Although, ideally prisons are meant to rehabilitate prisoners, it is important to note that many prisoners do not get rehabilitated through productive labor.<sup>16</sup> The failure of prisons to rehabilitate inmates is due to various such as criminal psychology, theories of punishment amongst others discussed in the following section.

### **B. Criminal Psychology**

To rehabilitate inmates, the criminal is to "un-acquire" certain *psychological* characteristics, which dictate his pattern of criminal behavior. Some behavioral scientist like James V.

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<sup>15</sup> Michel Foucault, *History of Madness, The Great Confinement*, 60-65, (2009).

<sup>16</sup> Kent F. Schull, *Prisons in the late Ottoman Empire Microcosms of Modernity*, (Edinburgh University Press) (United Kingdom), 111-140, (2014).

McConnell, claim there are “two means of educating people or rats or flatworms--we can either reward them or punish them.”<sup>17</sup> If we want to restructure the criminal’s personality then "brainwashing the criminals" is the best solution to use as a restructuring mechanism whereby prisoner "learn(s)" what the society defines as noncriminal behavior. The source of criminality then is defined to be psychological rather than social. The solution to the problem is obvious, i.e. to quarantine the afflicted individual; then subject them to treatment. This is why, psychologically speaking, prisons facilities are believed to serve as correctional facilities in our societies today. <sup>18</sup> However, many prisoners enter and exit prison without being exposed to psychological treatment/training which in return leaves the prisoner unable to cope with the society upon release. It is important to note that education and any psychological training in prison happens through discipline. Therefore, prison facilities with weak disciplining mechanisms or who fail to educate and psychologically train criminals produce individuals who are unable to manage themselves and tend to re-offend.

Those who are unable to properly manage themselves, i.e. offenders who lack self-discipline, are thus viewed by the law as individuals who have lost their will and ability to make sound decisions and manage his/her life. This is a belief shared by prison guards in *Segn il-Nesa* and may reflect a reality.<sup>19</sup> If this work of art does in fact reflect reality then law enforcement officers along with legal institutions believe that offenders have lost their will and ability to make sound decisions.

### **C. Theories of Punishment**

Imprisonment like any other punishment has a theoretical rationalization to what it is believed to do and teach. Punishment aims to attain one of four punishment goals namely, reformation, deterrence, prevention and retribution- all of which are facades to subtle disciplinary power. Unlike the prior decree of Khedive Ismail that claimed prisons to be retributive institutes, Law 396/1956 prima facie suggest a reformative theory of punishment. The reformative theory of punishment views crimes as a result of conflict between the criminal’s character and criminal’s motive. A criminal may commit a crime either because of a strong temptation of his motive is

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<sup>17</sup> Bettina Aptheker. "The social functions of the prisons in the United States." *If They Come in the Morning: Voices of Resistance*, (1971). Available at: <http://www.historyisaweapon.com/defcon1/apthekersocfun.html>.

<sup>18</sup> *Id.*

<sup>19</sup> A rough translation of the Arabic phrase "فقد الأهلية" or Faqid al-Ahlya meaning the loss of the ability to make sound decisions.

strong or because the restraint imposed by his character is weak. Unlike the deterrent theory that works on the motive of the person, the reformatory theory aims at strengthening the character of the criminal so that he may not again become a victim to his own temptation. Reformatory theory considers punishment to be curative and performs the function of a medicine. The ultimate aim of this theory is to bring about a change in the personality and the character of the offender, so as to make him a useful member of the society. Prisons are to serve as a re-educating institution that re-shapes a criminals' personality and molds it into a new personality. Reformists believe that punishment should not be degrading or maiming. Solitary confinement and humiliating punishment are "relics of the past and enemies of reformation."<sup>20</sup> Criminals are to be sent to prison in order to be transformed into law-abiding citizens.<sup>21</sup> It is important to note that the objective of punishment is not to degrade the prisoner but to reform his character. In prison this objective is achieved through solitary confinement, whereby prisoners are to reflect, remorseful, and repent.<sup>22</sup> Prisoners are transformed into law-abiding citizens through a strict education process, i.e. discipline. Although discipline is subtle power, prisoners are reformed through it and their characters are molded into new ones.

As for the deterrent theory, the punishment of imprisonment, fine and even whipping and the death-penalty are justified and acceptable forms of punishment to deter criminals. In comparison, the reformatory theorist opposes all modes of punishment other than imprisonment by saying it is barbaric. Reformists believe that imprisonment and probation are the only instruments available for the purpose of having a purely reformatory system.<sup>23</sup> The deterrent theory is about disciplining the individual through psychologically trapping him to fear offending or re-offending which entails instant self-monitoring and correcting of actions.

Additionally, preventive theorists also claim that prisons serve as a preventive institution by confining individuals in institutions and preventing them from committing further offences. This is done through spatially confining them. Both solitary confinement and other disciplinary methods in prisons serve as a reformatory and re-educative purpose. Such disciplinary methods are used to re-shape a criminal's personality and mold it into a new personality. Moreover,

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<sup>20</sup> Crimes and Theories of Punishment, (126-133) , available at:  
[http://shodhganga.inflibnet.ac.in/bitstream/10603/45012/9/09\\_chapter%204.pdf](http://shodhganga.inflibnet.ac.in/bitstream/10603/45012/9/09_chapter%204.pdf).

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

preventing prisoners from re-offending through physically confining individuals is part of the individual's overall disciplining process. Confinement plays a crucial role in the disciplining process whereby individuals are placed in discipline barracks and or spaces to be disciplined and trained through manipulating the body and mind.

Prisons also serve as a retributive institute by serving as a center where wrongdoers serve their sentence for committing a wrongful act. Since curbing one's liberty is amongst the worst forms of punishment, prisons use time individuals spend in prison as units of life currency that can be exchanged for an infraction.<sup>24</sup> By extension one can say retribution is part of the punishment process present in the overall disciplining process happening at the macro level. With the double system of gratification-punishment being part of the disciplining process, one can argue that when individuals do not in fact become obedient to state authority they are then punished by imprisonment. Thus, the state could be imagined to be a mega disciplining barrack with smaller intertwined institutes of discipline. At the macro level individuals who fail to get disciplined in one of the state institutions are sent to another, in this case it is prison, to serve his/ her punishment for the infraction he/she has done. Through a duplicated system of discipline within prison, the individual then learns to better manage him/herself and become an ideal citizen who knows by heart what is normatively favored by power and what is not.

Claims about prison's failure to naturalize the abnormal or the deviant have been made. Prisons have failed in reducing number of criminals and crimes. Prisons have instead produced more delinquency. It has done so by making it possible for a culture of delinquency to grow and prosper with criminals becoming loyal to one another rather than the society. The culture of delinquency challenges prisoner's ability to reintegrate into the society. Moreover, prisons impoverish a criminal's families by taking away the breadwinner,<sup>25</sup> in some cases leaving them with no source of income. This does not only impoverishes families but again makes the justice

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<sup>24</sup> Stephen Shapiro, Michel Foucault's Discipline & Punish: The Birth of the Prison Reader/Workbook. Available at: [http://www2.warwick.ac.uk/fac/arts/english/currentstudents/undergraduate/modules/fulllist/second/en229/marxfctintros\\_/foucault\\_reader.pdf?\\_\\_hstc=162494947.c79428e34594a9ecb93ea14ebc4d17ca.1382109325061.1383646664633.1383661049186.12&\\_\\_hssc=162494947.13.1383661049186&\\_\\_hsfp=580104783](http://www2.warwick.ac.uk/fac/arts/english/currentstudents/undergraduate/modules/fulllist/second/en229/marxfctintros_/foucault_reader.pdf?__hstc=162494947.c79428e34594a9ecb93ea14ebc4d17ca.1382109325061.1383646664633.1383661049186.12&__hssc=162494947.13.1383661049186&__hsfp=580104783).

<sup>25</sup> *Id.*

system look unjust. Although all required training facilities may be accommodated, prisons are dysfunctional and anti-social learning environments.<sup>26</sup>

#### **D. Law and Control**

The use of law to control subjects and forcefully extract capitalist gains from them comes in line with Samira Esmeir's argument in her book *Juridical Humanity*. Esmeir argues that the role of the legal system in the colonies<sup>27</sup> abroad is said to have had a humanizing aspect of domination. Notably, the penal law did not merely seek to discipline Egyptians but it was also used to make them behave in ways that were "congenial to Britain's imperial economic standing" through optimal extraction of resources.<sup>28</sup>

The establishment of the legal system in the Egyptian modern states can be seen not only as a way to represent an overarching and domineering power of the Pasha that played a role in maintaining order within the society, but also to express power relations. Law was used to generate revenue, maintain order, and rule effectively. States use law to compel citizens to fulfill their interests and follow national and/or international agendas.

The use of law as a tool was not only designed to control the emergence of new forms of subjects in prisons and other state disciplinary institutions but also to use as a systemic way to extract profit from the idle. States are "bi-product[s]- of rulers" and are increasingly refined mechanisms of coercion and capital extraction,<sup>29</sup> law is used as a coercive mechanism. In modern capitalist societies, law is not simply seen as an expression of power relations, but rather a constitutive part of the institutionalized power structure; whereas in the underdeveloped societies, the rule of law is characterized by a degree of arbitrary power.<sup>30</sup> Some legal theorists like Avner Greif have argued that law emerges through individual interactions, leading to the formation of conventional

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<sup>26</sup> *Id.*

<sup>27</sup> With our focus on Egypt as a British colony.

<sup>28</sup> Nimer Sultany, Unmasking Juridical Humanity, *Transnational Legal Theory*, 4:1, 157-166, DOI: 10.5235/20414005.4.1.157. (2013).

<sup>29</sup> Benjamin De Carvalho, The Making of Political Subject: Subjects and Territory in the formation of the State *Theor Soc*, 57-88, (2016) 45: DOI 10.1007/s11186-016-9264-0. Available at: <https://link.springer.com/content/pdf/10.1007%2Fs11186-016-9264-0.pdf>.

<sup>30</sup> Simon Deakin, Geoffrey Hodgson, Kainan Huang and Kathrina Pistor, Legal Institutionalism: Capitalism and the Constitutive Role of Law, (*Journal of Comparative Economics*), 188-200, (2015). Available at: [http://ac.els-cdn.com/S0147596716300087/1-s2.0-S0147596716300087-main.pdf?\\_tid=a8d98a00-9128-11e7-a261-00000aacb361&acdnat=1504499128\\_9d610c566eb127c8d50976b4d2203637](http://ac.els-cdn.com/S0147596716300087/1-s2.0-S0147596716300087-main.pdf?_tid=a8d98a00-9128-11e7-a261-00000aacb361&acdnat=1504499128_9d610c566eb127c8d50976b4d2203637).



rules.<sup>31</sup> It is constitutive of social relations and is necessary for the definition of modern social classes. More specifically, law is a central mechanism of social power.<sup>32</sup>

The establishment of modern subjugation is closely linked to the emergence of modern state formation and modern socio-economic systems. By understanding the link between subjugation and socio-economic systems, we can understand how power subjugates citizens and some factors that influence this domination.

Politics was and still is used to produce and to remedy the individual character and turn them into producers. In the 1800s, the new working class was introduced to virtues of industriousness and self-discipline. Schooling and other disciplinary mechanism were to teach principles of governance and general good. Schools were needed to form the proper mentality in the individual to make every citizen industrious.<sup>33</sup> The role of politics is to mold the individual habits and morals and to make the idle industrious. To do so, discipline and training by an education system is required. This educational system will not aim to supply knowledge, a marketable commodity, whose acquisition makes men better off, but to train those who must do society's daily work in the mentality of perseverance and industry.<sup>34</sup> The acquisition of industrious skills was either taught at schools, armies or in prisons, where the idle were taught how to become productive.

### **E. The Introduction of Subjugation in Egypt**

The concept of subjugation has a long history. Discipline was introduced to the Egyptian society two centuries ago. The military represented an early disciplinary mechanism introduced in the Egyptian society. From 1822 onwards, thousands of Egyptian men were drafted to the army taking along their families and building their own mud barracks against the walls of the camps. The country's new regimentation occurred with this event. Egyptian peasants were turned into soldiers who were confined and trained in barracks.<sup>35</sup>

In the second quarter of the nineteenth century the people of Egypt were made inmates in their own villages. Through government orders, natives were confined to their districts and required a permit and identification papers if they wished to travel outside. Before colonization, the thought of organizing Egypt as a barrack and disciplined army had not occurred to anyone. Acts of

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<sup>31</sup> *Id.*

<sup>32</sup> *Id.*

<sup>33</sup> Timothy Mitchell, *Colonising Egypt*, (University of California Press) 21-121 (1998).

<sup>34</sup> *Id.*

<sup>35</sup> *Id.*

confinement, supervision and regulating the population suddenly dawned on the people. People were looked over, inspected, instructed and supervised in every corner of the village/district. What was new about this nineteenth century attempt to control Cairo, and by extension Egypt, was that for the first time the political power sought to work in a manner that was continuous, uniform, and meticulous. The political power no longer wanted to take a share of what was being produced but wanted to enter into the process of production. Power attempted to discipline, coordinate and increase disciplinary mechanisms to infiltrate and re-order the city.<sup>36</sup>

Discipline was a process of prolonged periods of training and supervision carried out in different state institutions to ensure all citizens were properly trained and disciplined. The manner in which disciplining was carried out in different state institutions is discussed in details in the following chapter.

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<sup>36</sup> *Id.*

### **III. How is Zenat Trained, Disciplined and made into an Obedient Subject?**

#### **A. How are Subjects Made?**

To easily govern subjects in public sphere, power use different discipline techniques to teach individuals obedience. To understand establishment of modern subjugation, i.e. obedient citizen, one must study the different discipline techniques used by power. Whether done in military barracks, schools, factories, or prisons, the discipline process is comprehensive and tackles both the body and the mind of an individual. Through applying Foucault's theory on discipline, this delicate process of teaching obedience can be understood. Prisoners in Egyptian prisons are examples on which I apply Foucault's theory to help us better understand how discipline has occurred and how it is still occurs. Similar analogies will be drawn to other disciplining institutions in Egypt, including school and military barracks. Extensively discussed examples that are historic and contemporary are used below to help us understand the manner in which discipline works.

Disciplinary institutions, hereinafter referred to interchangeably with prisons, are facilities in which individuals are distributed, fixed in space, and classified. More specifically, the bodies of these individuals are trained, their behaviors continuously coded, and are perfectly maintained to be always visible, surrounded by an apparatus of observation, registration and recording.<sup>37</sup>

#### **B. Punishment Today**

In the modern state, punishment is no longer targeted at the physical body, rather punishment aims at disciplining the mind, emotions and actions. Judgments are passed on "the passions, instincts, anomalies, infirmities, maladjustments, effects of environment or heredity."<sup>38</sup> Moreover, judgments are passed on the psyche of the individual.

Punishment is thus a political tactic, and a way of enacting power, in the Foucauldian sense of the term. It is not a neutral result of objective laws, but rather a form of enacting power. A prisoner is made a subject to power in prison in the same manner they are subjects of the nation-state, a greater power before whom the prisoner is powerless. In prison, a person is reduced to his/her body which is subjected to authority and becomes disempowered. Subjugation is not done

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<sup>37</sup> *Supra note 24.*

<sup>38</sup> *Id.*

through coercion/consensus but rather through power over thoughts. Power is subtle; it is violence targeting the minds.<sup>39</sup>

### **C. Power and Discipline**

This subtle power used in prisons and other institutions to influence behavior and conduct is disciplinary power. Discipline is an infra-penalty; it is a partitioned area that the law has left untouched. Discipline defines and represses mass behaviors that are relatively indifferent in the great system of punishment and are allowed to escape.<sup>40</sup> Disciplinary power fills the gaps which the juridical systems treat with indifference. It organizes the actions of individuals in a productive manner. Discipline is done through “discipline blockade” which is an enclosed institution established in the society to manage negative functions, such as arresting evil.<sup>41</sup> Discipline was once expected to neutralize dangers, fix the useless or disturbed populations, and avoid the inconvenience of large assemblies. Now discipline plays a positive role in increasing the possible utility of individuals. Ever since the eighteenth century, disciplinary power has functioned as an auxiliary of justice in arresting criminals.<sup>42</sup>

Discipline is a type of power comprising a set of instruments, techniques, procedures, levels of application, and targets. It may take over specialized institutions such as penitentiaries or houses of correction or it can be used as an essential instrument in institutions like schools or hospitals to reach a particular end. Discipline could be used by authorities to reinforce or reorganize internal mechanisms of power.<sup>43</sup>

### **D. How Discipline Works**

Individuals are contained in disciplinary institutions in which individuals are exposed to different modes of operation and techniques of discipline. It is important to note that these institutions do not exist in a vacuum. Disciplinary institutions, the modes of operation, and techniques of discipline exist alongside the law to organize relations within the spaces left by the juridical system. Modes of operation and techniques imposed on individuals are symbolized as a gentle

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<sup>39</sup> *Id.*

<sup>40</sup> *Id.*

<sup>41</sup> Michel Foucault, “Discipline and Punishment: The Birth of the Prison”, Translated by Alan Sheridan, 104-195, (1995).

<sup>42</sup> *Id.*

<sup>43</sup> *Id.*

operation of power. Usually, disciplinary forces pass unnoticed and appear symbolically as the natural order of things.<sup>44</sup>

Through discipline, the body is first made submissive and docile. It is then made functional, subjected, used, transformed and improved. Instead of treating bodies in mass, individuals become the primary target in disciplinary institutions. The body becomes the object of focus and under constant supervision with controlling of time, space, movement. The body is trained on an individual level to ease the process of controlling masses.<sup>45</sup>

Discipline is divided into categories that aim to control the body, distributing it in certain and space, time, and controlling with others the activity of each limb within a certain duration that can be individualized or combined to create the bigger picture of organization and production. Discipline aims to correct behavior and normalize other behaviors through hierarchal observation. The hierarchal observation is manifested in the form of a panoptical that creates self-disciplined individuals, eliminating the need for the presence of a physical observer. This subconscious awareness of continuous supervision allows individuals to regularly correct themselves.

To bring theory into practice, Timothy Mitchell speaks; in his book *Colonising Egypt*, of how villages were run like barracks. This was done in the early nineteenth century when Muhammed Ali Pasha decided to install discipline and order in Egypt. Villagers were placed under surveillance of guards at night and during the day.<sup>46</sup> This shows that in order for power to discipline individuals, confinement is a must. Villages were turned into institutions of discipline and villagers were forced to obey the new sets of disciplinary rules. An example of the new disciplinary environment can be drawn even from the lowest classes in Egypt. For instance, the *fellah* or farmer/peasant was under the continuous supervision of inspectors even when he cultivated the land and surrendered his crops to the government warehouse.<sup>47</sup>

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<sup>44</sup> Victor Tadros, "Between governance and discipline: The law and Michel Foucault." *Oxford Journal of Legal Studies* 18.1, 75-103 (1998).

<sup>45</sup> *Supra note* 41.

<sup>46</sup> *Supra note* 33.

<sup>47</sup> *Id.*

### **E. Docile Bodies**

At the disciplinary institution, the body is made an object and target of power. The body is manipulated, shaped, trained and made to obey and respond. Discipline aims to dissociate power from the body on the one hand and turn it into an aptitude, a capacity that it seeks to increase. On the other hand, it reverses the course of energy and the power that might result from the increase of capacity and turns it into a form of strict subjection. What discipline does is that it converges the multiplication of processes acts and activities from different origins scattered in different locations, repeats or imitates these processes that are distinguished in different domains of application, and gradually produces a blueprint of a general method.<sup>48</sup> It is through discipline that bodies are trained to be submissive and immediately responsive to orders and power domination. Bodies are trained to become responsive through different methods such as military training, schooling and patterns of discipline in prisons.<sup>49</sup>

In contemporary Egyptian prisons, prisoners are trained to become submissive and responsive to orders upon joining the labor force in prisons. Prisoners serving time engage in *tasne'* or prison labor, used colloquially by inmates or as *tashghel* as per law 396/1956 within the premises. Inmates work within the cell to sweep and clean it, or in the canteen/kitchen where they cook meals and bake bread, and/or in the *maghsala* or laundry room. Prisoners are paid a wage in exchange for their labor. The money is placed with the *amanat* or cashier 'and is to be given to the prisoner's family and children or to the prisoner him/herself for their personal use.<sup>50</sup> The prisoner's body, as in a factory, is trained to start and end work at a certain hour of the day for a certain number of hours. Prisoners who are incapable of doing any of those tasks such as sweeping, cleaning, or cooking, learn one or the other. Establishing this labor routine the disciplining process of the prison system is established.<sup>51</sup>

### **F. Art of Distribution**

Discipline ensures the distribution of individuals in space. The protected area of discipline is partitioned, i.e. a discipline blockade, and each individual has his own place. The division of space is not limited to break any communication between prisoners and allow supervision but it

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<sup>48</sup> *Supra note 41.*

<sup>49</sup> *Id.*

<sup>50</sup> *Supra note 1.*

<sup>51</sup> *Id.*

is also to make use of all spaces. Discipline is an art of rank and a technique for the transformation of arrangements that locates bodies but does not fix positions.<sup>52</sup>

To reflect more this point, in Egyptian prisons, prisoners are divided in space according to the crime they are accused of. Yara Sallam, an Egyptian female Human Rights Activist, spoke of how female prisoners are divided according to their crimes. Prisoners accused of practicing prostitution were considered to be the lowest rank of all crimes; prisoners accused of considered with dealing with drugs and specifically cocaine were considered to be among the second lowest ranking.<sup>53</sup> The ranks above are distributed among those accused of crimes that have to do with monetary corruption, murder, and politics. Division among prisoners is not only based on their crimes but is also based on their age group as per articles 13 to 20 of Law No. 396/1956. Prisoners are confined in wards and cells according to their status.

It is important to note that rank serves a socially constructed idea, embedded in the idea of categorizing others and differentiating between oneself and others. Understanding the idea of rank is extremely important. This is because one's rank establishes one's power within the ward. Moreover, the law does not only differentiate prisoners in ranking but also in treatment and privileges. For instance, female prisoners in the Segn il-Nesa were placed in different wards depending on each prisoner's crime. All females arrested for being involved in prostitution were confined together, as were political prisoners, murderers, those arrested on criminal charges including drug dealing were confined together, and female mothers serving with infants under the age of two were also confined together.<sup>54</sup> Respectively, privileges entitled to each group of prisoner vary.

A proposed rationale behind this segregation and confinement to space depending on individual rank stems from two possible reasons. The first is that the nature of disciplinary modes each group will need. The second is that power may prefer not mixing groups of individuals who have rebellious tendencies which can in turn, impair the disciplinary process. For instance, a political prisoner who is well read and is part of an opposition group outside prison, may mobilize other inmates, who have already been disciplined and taught to follow orders and turn them into rebel

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<sup>52</sup> *Supra note 41.*

<sup>53</sup> Yara Salam, Time in Prison. Talk presented at SOC 4099 "On Confinement: Prisons, Factories and Mental Asylums" Class in The American University in Cairo, Cairo, Egypt (2016).

<sup>54</sup> *Supra note 1.*

or trouble makers. Power loath such conditions whereby, those disciplined by the institution revolt and refuse to follow orders or obey the law.

### **G. Control of Activity**

Disciplinary power aims at controlling every aspect of the individual's life including control over time. To do so, different disciplinary institutions use different tools to control it. One of the more prominent methods of time control is the timetable. It is an old monastery inheritance. It is the tool for controlling activities by dividing the day into segments. The division of time is extremely minute and activities are governed in a detail border.<sup>55</sup>

The timetable starts by dividing the day of an individual into segments starting from the moment a person arrives at the factory or school or wakes up in the monastery, army, or prison. The timetable is a strict model of control that establishes three things. First, it establishes a rhythm, second it imposes a particular role and third, it regulates the cycle of repetition.<sup>56</sup>

Bringing theory to reality, what is meant here is that physical activities are controlled by the movement of limbs penetrated by time. Each movement is assigned a direction, an aptitude, duration, and an order of succession that is prescribed and well known to the individual. To visualize this minute control of physical movement we can imagine a soldier that is trained to march to the rhythm of the drum. He begins with the right foot as does the whole troops, who raise the same foot at the same time. His body is up high, erect holding itself in balance successively on a single foot bringing the other forward and changing them sequentially.<sup>57</sup> In this way, the timetable controls the physical activity by penetrating the body in a sequential manner where time is a crucial factor that signals to the start or end of an activity.

As for contemporary prison life in Egypt, prisoners have an implicit yet well-known timetable. The timetable is known normatively. New prisoners learn prison routines that have become institutionalized and followed by other prisoners. Forming a pattern in their minds, prisoners wake up between a range of certain hours a day, work within another range of hours, eat and go for walks within another range of period. In Segn- il Nesa, the new prison guard was briefed *verbally*, with no written list of procedures about prison regulations, timing and other guard

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<sup>55</sup> *Supra note 41.*

<sup>56</sup> *Id.*

<sup>57</sup> *Id.*



related tasks. She was told verbally about the recess hours, family visits, and other procedures. Prisoners spend the day working, writing letters to their families and friends or sitting idly. Prison visits start roughly between 09:00 a.m. or 09:30 a.m. lasting for 60 minutes. Parents and families visiting their inmate relatives are divided into two batches; the first is let in at 09:00 or 09:30 am and the other batch is let in as soon as the first batch of visitors leaves.<sup>58</sup> As prisoners spend most of their time in the cell, there are no fixed times for breakfast, lunch or dinner. Prisoners' have their own foods that their families bring with during prison visits and they are free to eat whenever they prefer.

Even though these activities are not written in a timetable they are well-known norms within the prison premises that new comers quickly learn and abide by. Daily activities happen depending on the clock. Activities are carried out at the same time and take almost the same duration every day. Prisoners plan their days around family visits and recess hour. We can roughly say that when the clock ticks, the activity starts, when the clock ticks again after certain duration, the activity ends. Daily routine happens at the same rhythm imposing certain tasks upon some prisoners while others sit idly by. When prisoners are let out for recess, some exercise, some walk, others engage in conversations with their fellow inmates from other wards. As for those who exercise on daily basis, the repetition of same movement at certain pace daily at the same time, using the same sequence and in the same spot creates a rhythm. The clock regulates the cycles of repetition. The same is also evident when prisoners work, whereby they repeat the same cycle of washing, sweeping, cooking; daily and at the same time moving the same limbs together, as if they parts of one single machine.

#### **H. The Organization of Geneses**

As stated earlier, disciplinary power regulates the relation between time, bodies, and labor forces to assure an accumulation of duration. Discipline divides time in prison into successive and repetitive segments within strict time frames.<sup>59</sup> The organization of prisoners into confined spaces and the corresponding division of labor between inmates result in the production of large quantities of washed laundry, cooked food, and cleaned cells. Activities are broken down into time spans and adjusted threads of activities. These threads are later organized according to a

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<sup>58</sup> *Supra note 1.*

<sup>59</sup> *Supra note 41.*

succession of elements. Prisoners specialized in washing work along with those specialized in drying to clean large number of bed sheets, clothes, towels, and other washable items.

Like an assembly line, each prisoner works to complete their activity or parts of the activity over a span of time. Those baking, bake in duration, and so do those that cook, and those who wash. The activity is concluded with an examination to see whether or not the person has reached the required level of production. Prisoners' completion of activity is measured by the units cooked, baked, washed and cleaned.

The prison as a disciplinary institution functioning today in Cairo and as a micro representation of the Egyptian society today no longer resembles the Cairo that Timothy Mitchell described in his book. The Cairo that was described by a European visitor in the 1850s was one of visual turmoil; an indescribable place that was a chaos of color and details <sup>60</sup> no longer exists. Although the city does not represent a perfect disciplinary model as it stands today, it is no longer a “disorienting” experience with natives speaking unknown languages, strangers brushing past in strange clothes and unusual colors, unfamiliar sounds and smells, as the city was known for the absence of order.<sup>61</sup> There were absent in the 1850s have signs and names and instructions on how to walk around. All of which were details absent in the 1850s.<sup>62</sup> Although not perfectly organized, to a great extent one can find some sort of order and a plan that never existed prior to the 1850s. The restructuring of Egypt by Muhammed Ali Pasha into a modern kind of power followed this European description of Egypt. Egypt was to be ordered and made into a picture-like and legible plan available for political and economic calculation. The colonial power wanted the country to become readable like a book.<sup>63</sup>

### **I. The Composition of Forces**

Discipline is not only about dividing activities over time spans and measuring the completion of activities but also the compiling these separate activities and consolidating them. Activities are brought together to have a final complete result. Individuals operate at two levels. On an individualistic level, individuals follow and execute orders on a one by one base and on larger scale when they simultaneously become part of a bigger scheme.<sup>64</sup> On an individual level,

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<sup>60</sup> *Supra note 33.*

<sup>61</sup> *Id.*

<sup>62</sup> *Id.*

<sup>63</sup> *Id.*

<sup>64</sup> *Supra note 41.*

prisoners follow orders. They cook and/or clean and are simultaneously part of the prison as an institution that produces certain units of food to feed a certain number of prison staff and prisoners, clean laundry items to produce a certain number of clean laundry.

Taking the discussion back to Egypt in the 1850s as described by Mitchell, the goal was to order Egypt into a picturesque and a legible plan available for political and economic calculation. This was possible only through the existence of a disciplinary institution. No longer were things in Egypt undocumented or unknown; almost everything now was known by those in power. The number of citizens could be determined, the number of national production in each economic sector could be counted and brought together and calculated. This again only became possible with the establishment of state institutions that were keen to track every minute detail in the country.

### **J. The Means of Correct Training**

The chief function of disciplinary power is to train. Disciplinary power trains the moving, useless, and confused bodies. It does so by dividing them into a multiplicity of individual elements of small, separate cells, organic autonomies, genetic identities and combinatory segments.<sup>65</sup>

As for modern prison experience, prison authority governed by law 396/1956 has the duty as per the law to discipline trouble makers in prison. The law dedicated six articles<sup>66</sup> which prison authorities should abide by to discipline prisoners. Prison authorities are to train prisoners in case they disobey orders or create trouble. The process by which prison authorities can ensure prisoner's discipline includes correctional means such as hierarchical observation, normalizing judgment and examination.

Historically, training individuals to become disciplined subjects was not a speedy process. Disciplinary mechanisms introduced to Egypt grew exponentially in the 1800s. Besides the first disciplinary institute introduced to Egypt, i.e. the barracks and training camps; the new military plan established schools for specialized military cadre –including cavalry, infantry, naval officers, doctors, veterinarians, and engineers-. The new plan included improved drill and training of troops. The plan later called for a system of fifty primary schools for military

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<sup>65</sup> *Supra note 41.*

<sup>66</sup> Articles 43- 48 of the Law No. 396/1954 address discipline, the English word for "تأديب", meaning disciplining, within prison.

recruitment, four of which were placed in Cairo. The plan laid down uniform rules governing discipline, curriculum, exams, clothing, teaching staff, administration, and inspection. Students were under continuous supervision during class, their walks outside the school and in their dormitories. Discipline was to be strictly military in style and punishments were to be graded according to the misdemeanor.<sup>67</sup>

Schools were established to train pupils to create a system of order. The new political obsession in the 1800s was order and discipline of modern schooling. Schools as an institute of discipline were a perfect system to diffuse obedience without diminution and implicating every individual in the system of order. Schools were meant to produce individual citizens. In its production of individual citizens, schools were to perfectly model society modeling authority and obedience present within it.<sup>68</sup>The schooling system was the best way to convince four or five million individuals that one thing is better than another. Schools were meant to change the taste and habits of the entire population. This could not have happened without new means of education that teach individuals how to become modern political subjects.<sup>69</sup>

Schooling was important to establish political authority over a population. Political authority over population can be established through one of two modes: suppression or tutoring. The former works upon the body while the latter focuses on long term orientation and works on the mind. The emergence of political power in Egypt sought to capture the individual body and to maintain continuous control over it.<sup>70</sup>

Schooling was meant to model the perfect society and to teach individuals collective sense of morality. This was done to start the establishment an Egyptian society. This morality was a system of discipline based on regularity and authority. It is a form of discipline that inculcated schooling in the modern state. From an early age, the child learned to coordinate his acts and regulates them. Through schooling, the child acquired self-mastery, self-domination, self-determination, and self-restraint the taste for discipline and order in behavior. Teaching of

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<sup>67</sup> *Supra note 33.*

<sup>68</sup> *Supra note 33.*

<sup>69</sup> *Id.*

<sup>70</sup> *Id.*

morality in primary schools is to make the child understand his country, to make him aware of its needs, and to prepare him for the collective tasks that await him.<sup>71</sup>

Bringing and schooling are intended not only to discipline the body but to form the morals, i.e. the minds, of the child. The moral order of the community and the set of rules or values that should be acquired by an individual were things to be learnt early on in childhood. Education was thus intended to train the physical body of the child and form his/her mind and character. An individual with good character is the only guarantee that a society in which affairs are secured and ordered can be found. Thus, the formation of a person's mind is the means to create social order where students are taught obedience, submission to school discipline, and regulations. This will accustom them to respecting the regulation, order and the laws of the state at a later stage.<sup>72</sup> Although discipline in schooling relies on supervision, the system of surveillance was not to start in school or the army but from birth,<sup>73</sup> whereby the individual is controlled by the state from birth through documentation that imposes an identity upon him/her and keeps track of the individual at all stages of life until death. This is done in a manner that ensures direct and life-long surveillance.

#### **K. Hierarchical Observation**

A crucial element that helps ensure discipline and order is hierarchal observation or what can be more simply called supervision. Discipline presupposes a mechanism of cohesion through observation that forces individuals to conduct themselves in a certain manner. Disciplinary power is solely exercised through observation with each gaze forming a part of an overall functioning of power. Disciplinary institutions create a mechanism of supervision that makes it possible to see everything constantly with a single unwavering gaze allowing nothing to escape. The disciplinary gaze is continuous, uninterrupted network of gazes supervising the entire space that needs to be supervised; however, it is done discreetly. Discipline operates by calculated gaze not by force.<sup>74</sup>

This disciplinary mechanism is found in all disciplinary institutions. Khalid Fahmy writes about the use of supervision, in his book translated as the *All Pasha's Men: Mehmed Ali, His Army and*

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<sup>71</sup> *Id.*

<sup>72</sup> *Id.*

<sup>73</sup> *Id.*

<sup>74</sup> *Supra note 41.*

*the Making of Modern Egypt*. As a disciplinary mechanism, the Egyptian army was established for the sole purpose of controlling the psyche of the soldier.<sup>75</sup> Constant supervision made discipline and order seem like the norm. With the fear of incarceration embedded in the minds of soldiers, they were chained mentally not physically, thereby putting their actions into check<sup>76</sup> and restraining from any prohibited act. This, in return, maintained discipline and order.

The use of the gaze to discipline individuals is a very delicate matter that requires special attention and understanding of the phenomena. Power does not have to confine individuals in a disciplinary institution to ensure their compliance with state orders and policy. Instead, disciplinary power targets the psyche of an individual and makes him subconsciously aware of the presence of power at all times. This means that there is no need for power to be physically present to ensure discipline. Power conducts itself differently and focuses on controlling the psyche of individuals rather than simply their bodies.

The shift can be traced back to the change in the way power was used to punish wrongdoers. There was a shift from physically punishing wrongdoers to mentally disciplining them. Public physical punishment practiced earlier in the 1800s aimed at punishing the body so as to impose as much pain as possible on the body. This can be interpreted as a form of revenge achieved through power for breaching the rules and punish the wrongdoers. He, the wrongdoer, was to be humiliated in front of as many people as possible and consequently to deter as many people as possible from committing the same crime.<sup>77</sup>

This was particularly evident in Egypt under Muhammed Ali Pasha, who used to personally feel offended by the crimes committed by wrongdoers. Wanting revenge for the breach, the Pasha asked for harsh physical punishments to be executed on the bodies of criminals. The Pasha used public punishment as a way to reestablish his sovereignty that was breached by the offender<sup>78</sup> and tarnished by the criminal act. Public punishment that was used to showcase the Pasha's undefeatable power before his subjects, overtime no longer served this purpose.<sup>79</sup>

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<sup>75</sup> Khalid Fahmy, *Kol Rejal Albasha, Mehmed Ali w Jayshuh w Bena' Masr al-Haditha*, (Dar Al Shorouk Press) (Cairo, Egypt) 200-220 (2012).

<sup>76</sup> *Id.*

<sup>77</sup> *Supra note 41.*

<sup>78</sup> This is a rough translation to the original Arabic words (سيادة) or seyada, meaning sovereignty

<sup>79</sup> *Supra note 75.*

The Pasha no longer wanted to claim his sovereignty and authority after its tarnishing but instead wanted to overwhelm his subject with his constant presence that would deter them from committing a crime in the first place. As a result, there was a shift in the thinking of state power. While the Pasha wanted to overwhelm his subjects with his constant presence, he was limited from being physically present due to the nature of the material human body that disabled him from being omnipresent. The Pasha had to figure out a way to make this possible. Law and order established in Egypt as a result.<sup>80</sup>

Law in the country was established to represent the overarching and domineering power of the Pasha which played a role in maintaining order within the society. Law was used to figuratively replace the Pasha by representing his wants, needs, and how he wanted to run the country. Using law, the Pasha had control over the docile bodies of citizens through controlling their psyche.<sup>81</sup>

Duties were imposed on the Egyptian society through laws and were executed through hierarchical observation. This was first practiced in Egypt in the 1820s, when the rural populations were induced to begin cotton production and other commodities for European consumption. Duties and quotas were minutely detailed, and people's performance was continuously monitored and reported. The general system of dependence and subordination were thoroughly explained in a sixty-page booklet issued in 1829, - *La'ihat zira'at al-fallah wa-tadbir ahkam al-siyasa bi-qasd al-najah- Programme for Successful Cultivation by the Peasant and the Application of Government Regulations*. The booklet described in detail how peasants were to work in the field and cultivate crops. Their confinement to their villages, and their duties, and the duty of those who were to guard and supervise them were all detailed. Peasants were monitored on the performance of their tasks as laid down in the booklet. These included working in the field under the supervision of the *ghafir*, or village watchman, and being punished by whipping with the *kurbaj* or cudgel in case they failed to cultivate their fields as required.<sup>82</sup>

This mode of disciplining subjects is again highly evident in contemporary prisons in Egypt. Although, the duty of supervision falls on the shoulders of prison guards, the supervision does not end with the absence of the guards. This is because guards and the prison administration appoint different prisoners to maintain this disciplinary tool. For instance, *Al-nabatshya*-female

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<sup>80</sup> *Id.*

<sup>81</sup> *Id.*

<sup>82</sup> *Supra note 33.*

informant- (known as such among female prisons and *mokhbir* or male informant) are chosen to maintain the disciplinary function of observation during the absence of prison guards. The chosen prisoner assume the role of *Al-nabatshya/mokhbir*, is usually chosen from a pool of inmates who have long sentences. This role is assigned to ensure that the hierarchal observation remains continuous. Even upon the departure of the prison governor from prison, he knows what happens inside each cell behind closed doors. It is worth noting that the *ilnabatshya/mokhbir* does not only report the acts of his/her fellow inmates but also reports the acts of prison guards. In doing everyone in prison including the prison guards is under observation during all hours of the day.

Prison guards, who are commonly assigned to supervise certain cells, are themselves subject to the power of the institution. They follow the same methodology in ensuring order is maintained. They assign prisoners to be *nadorgeya* (known as such in Egyptian female prisons) to serve as watchdogs in the ward. Working on parallel planes, *ilnabatshya* reports to the prison governor on acts of both her fellow inmates and prison guards, and so does the, *nadorgeya*. *Nadorgeya* and her male counterpart in Egyptian prisons report all acts of their fellow inmates to the guard who assigned this role to them.<sup>83</sup> Thus the existence of a watchdog within a prison block ensures the continuous and disconnected gaze that discipline prisoners and compels inmates to conduct themselves in an obedient manner.

### **L. Normalizing Judgment**

Complementing the hierarchal observation or the supervisory gaze is a small penal system that lies at the heart of all disciplinary systems. This penal system tends to punish the slightest departure from correct behavior. Punishment can be anything and everything capable of making someone absorb the offence they have committed. This can extend from humiliating them to confusing them. Punishment is an element of a double system of gratification-punishment. This system operates during the process of training and correction which defines behavior and performance on the basis of two opposed values - good and evil, instead of the simple division of prohibition-(permissible – prohibited).<sup>84</sup>

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<sup>83</sup> *Supra note 1.*

<sup>84</sup> *Supra note 41.*



Ever since the concept of discipline and order was introduced in Egypt, the penal system of punishing the slightest deviation has existed. Referring to Mitchell's example discussed earlier about farmers in rural Egypt; the *fellahs* were punished by the *ghafir* using a *kurbaj* in case they did not meet their quota in harvest.<sup>85</sup>

As for punishment within Egyptian prisons, prisoners' experience has in fact testified to this theory of punishment within disciplinary institutions. In fact, female prisoners featured in *Segn il-Nesa* have provided numerous examples. For instance, a female prisoner who has managed to smuggle in a hair curler, a prohibited item, was punished with confiscation, while the prisoner who reported her was rewarded by the guard with the curler for her own use.<sup>86</sup>

Acts like these that are either punished or rewarded create the norms for what is acceptable within prisons and what is not, thus, representing the system of gratification-punishment. This system of gratification-punishment disciplines prisoners with no need for escalating the problem to prison administration. Punishment and reward vary depending on the gravity of the act. Although a hair curler, though prohibited by prison rules was punished by confiscation<sup>87</sup>, acquisition of other items could lead to a prisoner to be locked up in solitary confinement for to fifteen days.<sup>88</sup>

### **M. Examination**

The process of discipline is incomplete without assessing the process through examination. The process of examining the subject is a way that combines the techniques of an observing hierarchy and those of a normalizing judgment. Examination is a clear manifestation of individuals' subjugation to power. The examination system introduces individuals to a system of documentation whereby his archived facts can be calculated, compared and used for statistical formulation. The process of documentation and archiving facts objectifies the individual making him an object of study and calculation.<sup>89</sup>

Referring to the *fellah's* example again, the crops harvested by him will be documented by the state. Similarly, many other acts of citizens in Egypt can be recorded by the government.

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<sup>85</sup> *Supra note 33.*

<sup>86</sup> *Supra note 1.*

<sup>87</sup> *Supra note 1.*

<sup>88</sup> As per the article 43 to 48 of Law 396/1956

<sup>89</sup> *Supra note 41.*

Analysis of this disciplinary tool can be easily related to the acts that inmates do in Egyptian prisons, especially when it has to do with mistakes or offences made within the cells and on the prison premises. For instances, prison authorities record in a prison's file all the offences committed by him/her. This documentation and record keeping does in fact have an effect on the duration prison of terms. For instance, when a presidential pardon is announced, those with bad behavior, i.e. who have committed offences earlier which have been recorded, then do not get released. This is because presidential pardons and other forms of pardons related to early release of prisoners is based on good conduct. It is through this record keeping that power maintains control on subjects. By documenting minute details, power can easily manipulate and control subjects through knowing their shortcomings and mistakes.

### **N. Panopticon**

All aforementioned modes and tools of punishment would not work were it not if it was not for the panopticon. The panopticon is an ideal disciplinary mechanism that arranges spatial units and makes it possible to observe inmates continuously and to recognize them immediately. The panopticon is a machine that produces homogeneous effects of power, regardless of who operates it or what motive animates those operating it. It can be used to carry out experiments, to alter behaviors and to train or correct individuals. It can be used to try out different medicines and monitor their effects, to try out different punishments on prisoners according to their crimes and character and seek the most effective ones. It can also be used to teach different techniques to workers and decide what the best technique is. From a glance through the panopitcon one can judge how the entire establishment is functioning without anything being concealed. The Panopitcon structure lays down the principle that power is visible yet unverifiable.<sup>90</sup>

The panopticon makes inmates an object of information and never subject to communication.<sup>91</sup> In Egyptian prisons, the traditional panoptic architecture in the middle of the prison premises is missing. However, the objective of the panopticon, of maintaining continuous undisturbed observation, is still carried out. The governor depends on both prison guards and *nabatshya/mokhbir* to report what each prisoner is doing. Prison guards depend on *nadorgya* to report to them what each prisoner is doing. Nonetheless, prisoners knowing who the *nabatshya/mokhbir* among them are self-regulate and hence self-discipline themselves. To avoid

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<sup>90</sup> *Supra note 41.*

<sup>91</sup> *Id.*

getting into trouble and being punished, prisoners tend to be on their best behavior at all times in case the *nabatshya/mokhbir* or the *nadorgya* are watching. Thus, prison guards, *nabatshya/mokhbir* and the *nadorgya* replace the architectural building and perform the function of hierarchal observation, normalization of judgment, and that of the panopticon.

### **O. Violence as Means to Discipline**

Along with the aforementioned modes of discipline and correctional training tools, prisons in the Middle East depend on another tool of discipline. This tool is violence. Violence is used in many formal and informal institutions to discipline individuals. Violence is used in informal disciplinary institutions such as the homes of nuclear families whereby parents use violence to discipline their children and make them follow orders. This belief in violence and its correlation with discipline and order is shared by many formal and informal institutions. Violence in prisons is used for many reasons of which discipline is just one of them.

Prisons in Egypt, like many others in the Middle East, hence developed a violent arrival routine as a show of power. As soon as a group of new prisoners arrive to prisons, they are met a “welcome” party. Contrary to welcome parties we see in our personal circles that are enjoyable, welcome parties in prisons are violent. The welcome party, usually carried out in male prison facilities, is a key event where power, subjugation and prisoners’ role are set out to everyone clearly. The party differs from one prison to another and from one country to another. For instance, the welcome party in Egypt is different from that in Syria. Upon arrival Egyptian prisoners are welcomed with physical violence and verbal abuse as a means to deter prisoners from disobedience, rebellion and or spurring riots within prison.<sup>92</sup> Prisoners in Egypt describe their welcome party to be “merely” beating and humiliation.

In Syria the welcome party is different and extremely violent. Yassin El-Hajj Saleh, a Syrian ex-political prisoner and public intellectual, speaks of his welcome party in his book.<sup>93</sup> Saleh says he was forced to undress until he was naked of except for his boxers. He was then beaten with cables on his feet for 100 times. Saleh explains that there are some prisoners who get beaten with

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<sup>92</sup> Hussein Khodary, *‘an al-Hayah fi Sujon il- ‘Askar fi Masr*, Modawanat Al-Jazeera, Available through Proxy at: <https://eu1.proxysite.com/process.php?d=joV9uUKXGUschsfVVE3Wi9ZHeXUFniRwosqw02XZ7KPwWDTyJzprCC9os1XD1K%2BpRB2vzWF5v6lXiSzWg5TVqnQnBmruclr5YJjMWh9DG30rt6B84UQnWu0g044YzWUCnuc6bXpHp2ufhZtxQp5%2FFwoFf57LXoUuv5rW1HUq61VpATSNORhnoTeb4ZC1PzC4hxwIFCS6m0KdUp0QBRrsHQtr03HxNAFkwt8YveR%2BqRNXJmxKXIhYS8SGqMcihGs%2B8PL40A%3D%3D&b=1>

<sup>93</sup> Yassin El-Hajj Saleh, *Bil Khalas Ya Shabab*, 16 *‘Am Fi Sijoon Al-soriya*, (Dar AlSaqqy) ,25-35, (2017)

cables while others get wheeled.<sup>94</sup> Depending on a prisoner's crime prisoner is beaten more or few number of times. Saleh says the Islamists imprisoned with him were beaten with cables to their feet 500 times.<sup>95</sup> Saleh spoke of his prison experience in Syria as an experience that was all about humiliation and the breaking of the prisoner's soul (*kasrit ain*). Imprisonment is a demeaning, esteem-squashing, and debasing state Saleh.<sup>96</sup>

Moreover, humiliation and violence are not the only "disciplining" methods used in prisons in the Arab world. There are more forms of violence used to discipline prisoners and get them to follow orders. In Syrian prisons, prisoners experience different tools of violence. One of these methods is wheeling, as mentioned by Saleh. It is a method by which the prisoner is asked to step into a car tire with his legs and head coming out from either sides of the wheel and his hands tied behind. After doing so, the prisoner is showered with all sorts of torturing methods including beating and whipping.<sup>97</sup> The purpose of this kind of disciplining process is to demean the prisoner.<sup>98</sup> The process of wheeling is not only used in the welcome party. It is one of the methods used by the guards to punish any prisoner at any time.

The German Chair is another torturing method used in Syrian prisons. It is said that this torturing method originates from Nazi prisons and its history can be traced back to the Middle Ages.<sup>99</sup> During the German chair experience the prisoner's wrists and feet are tied tightly to either side of the chair. The back of the chair can be extended to make the prisoner lay back as if sleeping. The movement of the chair and the manner in which it opens backwards causes permanent damage in the prisoner's spinal cord leaving him paralyzed.<sup>100</sup> Another torturing method used in Syrian prisons is the Flying Carpet. This is a disciplining method whereby the prisoner is tied to a piece of wood that is either a square or takes the shape of a human body. This method involves a range of violence that includes beating and whipping. The wooden piece can also be folded so that the prisoner's head touches his toes.<sup>101</sup> The Ghost is another disciplining method, whereby the prisoner is suspended from the ceiling with the tips of his toes touching the floor and his hands

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<sup>94</sup> Refer to p. 28

<sup>95</sup> *Supra note 93.*

<sup>96</sup> *Id.*

<sup>97</sup> *Id.*

<sup>98</sup> *Supra note 92.*

<sup>99</sup> Ammar Al-Ma'mon . (2015, June 25). Ash-har Wasael Al-Tazieb fi Alsujoon Al-Arabiya . Retrieved March 25, 2017, available at: <http://raseef22.com/life/2015/06/25/torture-methods-used-in-arab-prisons/>

<sup>100</sup> *Id.*

<sup>101</sup> *Id.*

hanging up from the ceiling. While being tied to the ceiling, the prisoner experiences all sorts of beating and whipping after which he is left suspended between the floor and the ceiling. The word “Ghost” in Arabic can be linked to the status of lightness or buoyancy that happens to the prisoner during this process of disciplining/torture in a way that is close to being a ghost.<sup>102</sup> The Room and the Key, is another disciplining/torturing method whereby rational and logical thinking is disrupted. The prisoner is placed in a room with a high ceiling and a key is hung from the highest point possible. A ladder is drawn on the wall starting from the floor all the way up to the keys. The prisoner is asked to climb up the ladder to get the keys in order for him to exit the room.<sup>103</sup> This method does not aim to bruise the body but rather to destroying the prisoner’s psyche. Lastly, solitary confinement is an important disciplinary method used in almost all prisons all over the world. This method is supposedly meant to assist a prisoner in reforming his character. A prisoner is placed in a room on his own for several or more days. This method of disciplining is usually done to prisoners who have acted abnormally or violated a rule.<sup>104</sup> Although violence maybe used to discipline prisoners, it is again the subtle power of discipline that teaches prisoners how to properly conduct themselves. Even though violence may be seen as the reason for prisoners’ reformation, it is in fact the psychological implications that this violence has over prisoners that actually disciplines them. The psychological element is one of the key elements in the disciplining process. Through a double system of gratification and punishment, prisoners are disciplined.

Disciplining prisoners is not restricted to physical violence and abuse. New methods of disciplining prisoners are being practiced in Egyptian prisons. For instance, in the Egyptian Scorpio Supermax prison, prison authorities have been disciplining inmates by depriving them of their medicines, dragging some out of their prisons using fierce dogs that tear their clothes away, force feed those who use hunger strikes to protest, and above all placing them for prolonged periods of solitary confinement.<sup>105</sup> The same argument about psychological implication violence have over prisoners can be made in the Egyptian case. However, it is important to note that these

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<sup>102</sup> *Id.*

<sup>103</sup> *Id.*

<sup>104</sup> *Id.*

<sup>105</sup> Human Rights Watch, “We Are in Tombs”. (2016, December 16). Retrieved April 08, 2017, available at: <https://www.hrw.org/report/2016/09/27/we-are-tombs/abuses-egypts-scorpion-prisonp>.

images of extreme violence in Egyptian and Syrian prisons are façades for the subtle power of discipline.

Examples of different methods of discipline dating back to the mid nineteenth century were traced in this chapter to contextualize Foucault's theory on discipline with the Egyptian and Middle-Eastern context. In the Middle East, disciplining prisoners takes many forms. The chapter started with illicit disciplinary power through the use of *nadorgya* or *nabatshya* to other forms of explicit disciplinary methods that range from physical violence, medication deprivation, neglect, poor treatment, and physical and mental torture. Prison authorities tend to use all forms of illicit and explicit methods of discipline to convey one message, i.e. power within the prison premises remains in the hands of those running the institution representing the state. These methods are used to remind prisoners over and over of their subjugation to the prison official authorities and their stance vis-à-vis the state. After all of the above, it comes as no surprise to learn that prisoners follow prison conduct not because their characters have been reformed but because they try to avoid physical violence and mental torture, even when they might be deeply rebellious and want to tear the prison system and rules apart.

## **IV. The Other End of the Continuum**

### **A. Is that it?**

Contrary to the negative trajectory of this paper to this point tackling as it has such subjugation, domination, control and power, this chapter presents the other end of the continuum. Just as power exerts continuous effort to keep individuals disciplined and under control, some individuals resist and strive to change this status quo. Wanting to move away from subjugation, some individuals aim at rebalancing power and restructuring agency. This chapter will briefly explore few narratives that do the following: first, it humanizes the rough text of the law by providing us with insights on how the law is translated into action in prison; second, it address the implications legal text <sup>106</sup> has on prisoners physically and psychologically; third, it assesses whether the claims made by the law are true or not; lastly, it provides us with the narratives of individuals who have resisted power dominance in prison.

The narratives derived from Segn-il-Nesa are of added value as they capture the essence of life in prison through their work. Unlike interviews read online or short talks, this artistic production provides a substantial addition to this thesis. The narratives bring procedures and law governing the Egyptian prison sector to life, humanizing it with emotions, and cries that would otherwise be silenced by law and society. The four narratives extensively addressed here are of the main characters. They were specifically chosen because they relate to the Foucault's theory on discipline discussed earlier. Some of these narratives discussed below defy the claims that the state claims.

Before delving into the narratives, it is worth mentioning that these counter movements have existed since discipline was imposed on Egyptian society in the 1800s. These narratives are have been silenced to date. Although, some characters in the narratives discussed below were unsuccessful to bring about change but they have tried to challenge the status quo.

Resistance forces to disciplinary power have been in place since the introduction of military and other disciplinary institutions in Egypt. Since the first use of army as a method of control employed in villages in the 1840s, counter movements were present. Prior to the 1840s, villages

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<sup>106</sup> Specifically Law 396/1956 and other ad hoc decisions issues that deals with prison management in Egypt.

in Egypt were organized as personal estates with regimes of spatial confinement employed. This regime confined villagers spatially allowing discipline and supervision.<sup>107</sup> With the impetus to restructure Egypt, villages were rebuilt in a manner that codified a visible hierarchy. Rebuilding the villages made the village read legibly. Now the villages were looked at as a formulation with each household's livestock and livelihood compressed on a list able to be documented and made accessed for future use.<sup>108</sup> This move towards rebuilding the villages came in after the failure of punishment to systemically suppress the political uprisings that occurred after many villagers were forcefully conscripted into the army. Starting 1822 onwards, thousands of Egyptian men were drafted into the army taking along their families and building their own mud barracks against the walls of the camps. Egyptian peasants were turned into soldiers who were confined and trained in barracks. The Ottomans issued a pamphlet that described what the new "permanent" body of army members would do. The pamphlet described fully the careful control of sound and gestures that only a system of discipline could achieve.<sup>109</sup> In response to this imposing of military conscriptions, an enormous number of eligible men absconded from their villages and some of those sent for military service mutilated themselves to avoid conscriptions.<sup>110</sup>

In contemporary Egypt, the counter narratives one may encounter in prisons are many. Zenat, a fictional character,<sup>111</sup> is an archetype of inmate in Al-Qanater Women's Prison in Egypt. She is a former female sex worker who would deliberately re-enter prison as she saw it as her zone. A place she runs to when the world beyond the bars gets too hard for her.

Linking Zenat's story with the previous discussion on theories of punishment we find that prison has failed to deter Zenat from continuing to commit the same crime repeatedly. Unlike what the legal text proclaims, prisons are not reeducation facilities that discipline and rehabilitate prisoners. Prisoners like Zenat seem to have entered and exited prison without a single aspect of her life changing. After losing hope of survival outside prison bars, she found nowhere else to go to but back to prison. In this case, prisons have not only failed to fulfill their duty before the law and the society in rehabilitating prisoners it has also created a new problem of recidivism. Prisons have encouraged females like Zenat to commit offences deliberately for the mere sake of

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<sup>107</sup> *Supra note 33.*

<sup>108</sup> *Id.*

<sup>109</sup> *Id.*

<sup>110</sup> *Id.*

<sup>111</sup> See Zenat's full story in the Introduction section of this thesis



going back to prison. It might be due to the fact that she is unable to cope with the world around her or that she does not feel safe being outside her comfort zone after spending so much time in prison. Prison being an anti-social institution has not prepared her to reintegrate in the society, although all prisoners are entitled to this preparation program.<sup>112</sup> The fact that Zenat deliberately tries going back to prison is evidence of dependency. When in prison she is protected, fed, and provided with medication when ill among other gains. Zenat longs for this service provision that she can hardly find elsewhere outside prison given her impoverished life. Zenat thus prefers to stay in prison – even though many see it as a freedom curbing institution. The issue that is crucial here is the dependency factor that comes into play. It is as though Zenat finds herself in a vacuum when not in prison. Her mere existence is dependent on the prison and the power dimension in it, that defines who she is, what she does, when should she eat, clean, sleep, go for her walk and carry on her daily routines. Her mind is trapped in a prison dependency syndrome that seems to have a hard time getting out of.

Dalal is another fictional character who is also a female inmate in Al-Qanater prison. She has also been in and out of prison for practicing prostitution. Unlike Zenat who sees prison as her life, Dalal sees prison as part of her life cycle. Like Zenat, Dalal enters and exists prison periodically. Again, in Dalal's case prison does not seem to have deterred her from committing further acts of prostitution. Although Dalal herself has stopped practicing prostitution, she has become a Madame for business, and employees other females that do. She bought a factory that produces *abayas or galabyat* to be sold in Gulf countries. To promote her employees' services she makes them model abayas as if in a photo shoot, and send these pictures to her "clients" in the Gulf countries. Her clients would then choose one of the models, i.e. sex workers, who would then travel to the Gulf for a certain period of time as per the client's request and then return back to Egypt. Dalal was unfortunate and was eventually convicted for running a transnational prostitution network.<sup>113</sup>

Dalal was used to prison and was not bothered by the cycle of entering and exiting. Like Zenat, Dalal was not deterred by her periodic sentences in prison. Having a different set of causes for going back in prison, Dalal was not motivated to go back to prison because she was poor, but because it was the nature of her work. Although Dalal tried quitting prostitution she was not

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<sup>112</sup> See article 66 of Law No. 396/1956

<sup>113</sup> *Supra note 1.*

accepted back by her family. Even though, she promised her mother not to be involved in such activities again, her mom refused to let her stay at home and asked her to leave. She found nowhere else to go but to her aunt and her aunt's husband who was her pimp. Dalal fell back into the cycle of providing sexual favors and became accustomed to periodic visits to prison.

Looking at Zenat's and Dalal's stories, the same argument of prison failure can be revisited in spite of both characters having had different motivations for entering and exiting prison. In spite of the differences, common findings is shared between both cases including: a) a lack of societal acceptance of ex-convicts and thus the reintegration of the ex-convicts into the society becomes impossible, and b) the failure of the prison system to deter the crime, rehabilitate the convict, reeducate the convict combined with the lack of pre-release session that would help them cope with their re-entry into old environments.

Another interesting story which illustrates prison failure to hold up legal claims made on rehabilitating prisoners, is that of Set Aziza, another fictional character who was also serving her sentence in Al- Qanater Women's Prison. Like the earlier stories, Set Aziza enters and exits prison periodically for selling drugs. However, unlike Zenate and Dalal, she does not only find prison a comfort zone but also a home she owns and runs. Set Aziza is a mother figure who showers everyone with her protection and care including the prison guards. She was accustomed to paying a sum of money to prison guards every month whether or not she is in prison. This monetary sum was a bribe for past and future encounters. Although, Set Aziza barely asked for favors, she holds an overarching power in her ward that no one can deny or challenge. Within the prison premises Set Aziza has her own workers- inmates- that make her food, cleaned her bed and attend to all her requests.<sup>114</sup> Set Aziza adds a new layer to this dimension of fluid entrance and exit of prison with her undeniable power in prison and the manner in which she conducts herself within prison among her fellow inmates.

The argument on prison's failure to rehabilitate and reeducate prisoners discussed earlier can be restated in Set Aziza's story, but Set Aziza has an added dimension. Here, we see how Set Aziza whether through her money, personal charisma, or business outside prison is powerful in prison. Those living with her know that Set Aziza will not allow anyone to bother them and would stand up for them. Her fellow inmates appreciate and respect her. They would lovingly do anything to

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<sup>114</sup> *Supra note 1.*

please her. This is because they know once Set Aziza likes someone; she will adopt the inmate and treat the inmate as her own daughter. It might also be because Set Aziza has no children of her own and feels and acts like a mother to all those who are younger than she is in prison. The other interesting dimension in Set Aziza's story is the fact that even prison guards are in awe of her power. While this could be because of the bribes she pays them every month, but that even the prisoner's governor respects her, suggests a more complex picture.<sup>115</sup>

The last story set borrowed from Segn il-Nesa is of Ghaliya. Ghaliya was an ex prison guard. She is married to a fearful and unfaithful husband, Sabr. Sabr ran away after stabbing an old man in Ghaliya's house and when the police arrived, Ghaliya was the one arrested and was falsely accused of a crime she did not commit. Sentenced to seven years in prison for a crime she did not commit, Ghaliya was furious and wrathful. However, her first two years in prison were filled with the laughter and joy of her son, to whom she gave birth to in prison. As soon as her boy completed his second year, he was sent away to an orphanage which was to act as his guardian until his mother was released. Ghaliya was hopeful that she soon would be able to see her son again. One day sadly, her son fell sick and passed away. This was a turning point for Ghaliya who wanted to take revenge on her husband for all the pain she had suffered. When Ghaliya was a prison guard she was not trained to re-educate or rehabilitate prisoners and as a prisoner now she was also not rehabilitated. After serving seven years in prison Ghaliya was released and began to look for her husband with mixed feelings of betrayal, injustice and thirst for revenge. Ghaliya found her husband and confronted him. The confrontation was violent and led to the death of Sabr, her husband. Ghaliya was then returned to prison for homicide and was sentenced to a longer sentence.<sup>116</sup>

The aforementioned narratives considered together lead to one of three possible conclusions. One can say that these narratives are evidence of the failure of prison as a disciplinary institution and that these characters (Zenat, Dalal, Set Aziza and Ghaliya) have been neither reformed nor disciplined; One can say that the aforementioned characters along with other prisoners were accustomed to the modes and tools of discipline and that they had become numb to and disrespectful of norms, rules and laws; that there is an asymmetrical relationship between these narratives and Foucault's theory on discipline and a loop in the disciplinary mechanism. This

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<sup>115</sup> Set Aziza was never shown to be giving the prison governor a bribe

<sup>116</sup> *Supra note 1.*

loop could possibly highlight prison guards' vital role in the disciplinary process. However, we can only claim that corrupt guards exist in Set Aziza's case and not in Zenat's, Dalal's or Ghaliya's case. The reason behind why disciplinary modes have not worked on these female prisoners as aspired for by theory and law might be attributed to prisoner adaptation techniques that have made them numb. Or it could be that disciplinary power has indeed succeeded in staying discreetly a part of prisoners' lives whereby the entrance and exit of prison as a disciplinary institution is seen as part and parcel of the life cycle of prisoners.

### **B. Prison guards**

Present throughout this thesis, prison guards are vital players that influence the prison experience. Prison guards like prisoners are confined within the walls, by their uniform and strict codes of conduct. Prison walls, rules and regulation alone do not determine how inmates experience prison. Although prison guards may sympathize with prisoners, they are sometime rough and aggressive. This is usually to maintain order and discipline.

Prisoners and prison guards' relationship is a key element in prison experience. This is because to prisoners, prison guards represent the law and judicial system. The guard- prisoner relationship tremendously impacts prisoners' evaluation of the prison system and of the law generally. If the prison guards are nice, kind and helpful then prisoners evaluate their prison experience well, and attribute this fairness and kindness to all prison authorities.

This was evident in Yara Sallam's talk, when she referred to the kindness of the prison guard who otherwise did not talk to prisoners the way he used to talk to Yara.<sup>117</sup>

Moreover, the relationships between guards and prisoners are at the heart of prison life. Prison safety and security does not solely depend on "passive security" resulting from bars, high walls and electronic devices. Prison safety and security requires "dynamic security" based on positive interactions and constructive relationships between staff and prisoners, with mutual respect and trust. Besides prison rules and regulations, the staff-prisoner relationship is important for the prisoners' well-being. This is extremely important especially when it comes to the level of psychological distress that appears to be related to the way prisoners experience their interactions

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<sup>117</sup> *Supra note 53.*

and relationships with officers. If the prison staff is good and supportive then prisoners evaluate their prison experience to be fair and describe it positively.<sup>118</sup>

While it may be true that the prisoner-guard relationship is the benchmark for prisoners' evaluation of the system's fairness, this may also be a factor to why prisons do not deter, prevent, or reform prisoners' character. Stories narrated by many prisoners testify to the importance of the relationship between prisoners and guards.

Moreover, prison guards' primary task is to maintain order and control of the prison. They do so through assuring a smooth operation of the facility. The guards' ability to maintain order and control of the prison depends on their position within the power prison hierarchy. However, as briefly discussed in the case of Ghaliya, guards get little preparation and training on how to deal with occupational problems including who to refer to for what problem and when. Unfortunately, prison guards are always immediately confronted with occupational problems to which they have no ready or standard solution. In return, these occupational problems create an environment of uncertainty and dependency.<sup>119</sup>

As for uncertainty in prisons, it arises from three sources. The first source is the guards and prisoners find themselves in structured conflict. This is because both parties have conflicting interests. Prisoners find themselves in an extremely subordinate position which, in return sparks prisoners' interest in challenging guards' at any given time. The second reason is related to the uncertainty stemming from the feeling of being endangered. This feeling stems from the fact that prisons as institutions of discipline and confinement, are at risk of violence at any moment. Guards being few in number as compared to prisoners and unarmed most of the time, feel endangered. The third reason that causes uncertainty stems from the ambiguity and role strain that characterize guard duties. Most guards have received inadequate training before being deployed into prisons, consequently, they know very little about their duty and what is expected of them. This is quite confusing for guards that should focus on two duties simultaneously: treatment and acting custodian. That is because treatment duty goals call for personal

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<sup>118</sup>James B. Jacob & Harlod G. Retsky, H. G. Prison Guard. *Journal of Contemporary Ethnography*, 4(1), doi: 10.1177/089124167500400102, 5-28, (1975). Available at: <http://journals.sagepub.com/doi/pdf/10.1177/089124167500400102>.

<sup>119</sup>Lynne Goodstein and Doris Layton MacKenzie, *The American Prison: Issues in Research and Policy Vol 4* (Plenum Press) (New York and London), 191-206, (1999).

relationships with prisoners while the custodial role needs requires for an impersonal relationship. The custodial role calls officer to fully enforce the law and control behavior.<sup>120</sup> This causes confusion in the role and a source uncertainty that leaves guards with no escape, but, to try and cope with an environment of uncertainty and dependency. To keep themselves safe, guards are to rely on the control structure that the prison enforces to maintain order.

In trying to find other means to cope with their uncertain environment, guards may use informal means such as guards depending on prisoners<sup>121</sup> to maintain order and keep themselves safe. A dependency relationship between the guard and prisoners is meant to make both parties reliant on each other for the completion of a task or an activity. Guards are dependent on prisoners for their safety and the completion of certain duties. While prisoners' depend on guards to gain access to items that are otherwise prohibited. The factors that create dependency here is the prisoners' ability to influence a guard's safety and goal attainment. This dependent relationship between prisoners and guards is sustained through an ongoing give-and-take, imposition, bargaining, a set of working agreements and understandings that are usually negotiated within parties.<sup>122</sup>

A dependent relationship by no means suggests that the guards will not fulfill their duties of maintaining order and control. Bearing in mind the dependency relationship between both parties, guards may either use repression or accommodation as means of informal control. Guards that decide to use repression as means of informal control opt to become more custodial and more punitive towards prisoners and their relationship with prisoners is more detached, contractual and formal. These are guards that favor reducing their dependence on prisoners. These guards may use verbal assaults and varying degrees of physical violence as a socially structured tactic to control prisoners. Guards tend to use repressive means of informal control are limited by the power they possess and create relatively unstable conditions. Repression can destroy the cohesion that exists within prison facilities and undermine the guards' legitimate authority. In fact, using repression to gain control over prisoners may have an opposite effect that leads to riots and an constantly extremely unsafe working environment for guards.<sup>123</sup>

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<sup>120</sup> *Id.*

<sup>121</sup> *Id.*

<sup>122</sup> *Id.*

<sup>123</sup> *Id.*

Guards that tend to use accommodation as a mean of informal control often succeeded in maintaining stability and order among prisoners. This is done by granting prisoners special favors and allowing minor violations/offences to pass. The prisoner-guard relationship characterized by accommodation is the means by which control over prisoners is sustained by maintain a relationship with the leaders in prison. Prisoner leaders are expected to maintain control over other prisoners. Such a relationship helps regulate the flow of contraband such as goods like drugs and alcohol and other activities like gambling. Informal leaders of religious, class or other groups are selectively chosen to influence the housing and work assignments of prisoners. Guards are thus required to satisfy these leaders in exchange for their ability to maintain control. Guards give prisoners titles and a certain degree of authority to maintain order among members of their group. Even gang leaders play a vital role in maintaining order and control within prisons. Prison leaders receive privileges and status in exchange for maintaining control over members of their gangs.<sup>124</sup> “Snitches”, known as *nadorgya /nabatshy* discussed earlier are cultivated to report information about other prisoners.

Although effective in maintaining control over prisoners, the form of relationship that entails reciprocity discussed above can be seen as authority corruption. Guards use and abuse their authority to create a degree of prisoner dependency on them. This, in return, makes any prisoner initiative, such as activism and protest regulated by guards. Informal control is based on working agreements between guards and prisoners that become routinized over time and later on institutionalized into normative expectations. However, these relationships are effective means of control that increase predictability and decrease uncertainty.<sup>125</sup> Without these relationships, guards would have to exert more effort to control prisoners. However, this does not mean that formal control structure is useless as it sets broad parameters of control within prisons and serves as the ultimate mechanism of control when complete disorder threatens. Yet, the formal control structure fails to manage daily activities in prison. Formal control structure does not resolve the problem guards face such as uncertain working environment.<sup>126</sup>

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<sup>124</sup> *Id.*

<sup>125</sup> *Id.*

<sup>126</sup> *Id.*

### **C. Counter Narrative**

Prison fosters institutional dependency by infantilizing inmates, altering their self-concepts, undermining their self-esteem and limiting their authority. Prisoners self-perception is defined by their past conduct and pre-prison life. When prisoners are prevented from continuing meaningful levels of contact with individuals outside of prison, prisoners feel that time has stopped until they can resume their former identities once again. Not only has the time stopped for those who have stopped being able to recognize themselves but there are others who lose their ability to autonomously make decisions. This is due to the few opportunities that prisoners get to exert their full control over their lives and make decisions. This is also notably due to the fact that prison institutional life creates a sense of helplessness through minimizing one's control, choice, and predictability. These are three key mechanisms through which an individual achieve his/her sense of control.<sup>127</sup>

With everything scheduled or dictated from daily activities, living arrangements, clothing and communication, inmates are left with very few choices to make every day. Imprisonment, in itself, reinforces a daily reality of a prisoner's inability to exert control.<sup>128</sup> The formal institutional organization has a negative impact on inmates. Stripping inmates of their identities and impending control-limiting mechanisms undermine inmates' abilities to cope with their environments both within prison and later after their release. Effects of reduced control on one's own life and outcomes can cause depression, anxiety, and increased health risks. Moreover, prisoners are preoccupied by fear and the prospect of becoming institutionally dependent.<sup>129</sup> Additionally, Incarceration results in continuous and systematic destruction of the psyche. It produces individuals ill-suited for life after prison due to prison's reinforcement of institutionally dependent behavior.<sup>130</sup> This is specifically evident in the narratives of Zenat and Dalal discussed earlier.

### **D. Structural Agency**

In prison the body is both an active agent and is acted upon. It is a locus of action and a target of power. That is to say, power is a set of actions upon other actions. It is a relationship between an active person and another person that is not. Power is basically an attempt by one agent to conduct the conduct i.e. to control the conduct of the other. For instance, in a relationship one

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<sup>127</sup> *Id.*

<sup>128</sup> *Id.*

<sup>129</sup> *Id.*

<sup>130</sup> *Id.*



person ceases to act then a relationship no longer exists. Thus, power requires a person who acts and a person who is acted upon by those actions.<sup>131</sup>

Power within prison facilities is a tug of war. Prison facilities have such an overarching, compelling power; prisoners try to counter this power by acts of resilience. These acts are rebalance power or to gain some sort of power. However, the compelling power of the institution refuses to let through acts of resilience and power rebalance succeed. Prison authorities continuously suppress all acts of resilience and hence reinforce their dominance power. In an effort to resist this overwhelming control by the institution, prisoners try to change the institution agency through acts of resilience and rebellion.

It is worth noting that even though prison authorities are the dominant power, prison authorities fear civil disobedience including suicides attempted and hunger strikes. Saleh speaks of his experience in Syrian prisons in 1985 when it was time for presidential elections in Syria. A ballot box was placed in one of the rooms and prisoners were asked to cast their votes. However, political prisoners along with other prisoners were to chant for “Mr. President”, at that time Hafez Al-Assad. Saleh along with some of his fellow political prisoners refused to vote and chant. Prison authorities then took away prisoners books, cups and mini gas cylinders on which they relied on for cooking. Saleh and his inmates were agitated and some raised their voices saying they had had enough of Hafez. A few days later after a prisoner tried to commit suicide; prison authorities feared the unpredictable acts of prisoners and decided to return all prisoners’ belongings back to them.<sup>132</sup>

The fight to balance and rebalance power in prisons is an ongoing conflict. Some prisoners want their voices to be heard. They want to have some authority within the prison premises. With prison guards having an upper hand on prisoners, at times they allow minor offences to pass in order to maintain control as was discussed earlier. However, these moments of prisoners getting away with minor offence can be seen as a moment of power rebalance -minor incidents of victory. These incidents reflect dependency relationships between prisoners and guards allow for minor infractions to occur because at those moments prisoners have the upper hand. Without

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<sup>131</sup> Nick Crossley, *Body-Subject/Body-Power: Agency, Inscription and Control in Foucault and Merleau-Ponty*, *Body & Society*, Sage Publications (London, Thousand Oaks and New Delhi), (Vol. 2(2)), (1996).

<sup>132</sup> *Supra note* 93.

prison leaders, guards would be in everlasting danger that they would not be able to cope with. However, it is due to these few moments of victory over prison guards that prison's order is maintained and violence is controlled. As explained earlier, such instances are deliberately and allowed in order to maintain control and reduce the uncertainty in the working environment. Even though, prison authorities have domineering power most of the time, acts of resilience can rearrange power dynamics within prisons for short periods of time.

The last act of resilience this paper will address is hunger strikes. Hunger strikes are strikes in which prisoner(s) announce their continuous fasting for days until their requests are answered by authorities. Many prisoners use hunger strikes to make a statement about certain prison conditions that they reject and refuse to accept. Some prisoners use the strike as a political statement to counter the overwhelming power authorities have over prisoners. Prisoners may use hunger strikes to make a statement and send illicit messages to authorities. Wanting to gain back the loss of control over their lives and daily decisions, prisoners may seek to use hunger strike to make a statement on agency and control. Through strikes prisoners try to challenge prison authority that controls the surrounding environment including visits, meals, and movement. Those on hunger strike tend to prove that they still have control over their bodies; an effort to convey the political statement prisoners wants to make through their hunger strike. Prisoners try to convey their ability to control and make decisions. As mentioned earlier most prisoners lose the sense of control over their lives due to the lack of control, choice, and predictability. It can be argued that hunger strikes are psychological responses translated into physical activity enacted by prisoners after to the loss of control over all other aspects of his life. The loss of privacy, control over one's movement, meals, dress code, sleeping hours, and access to medication, food and even visits can all cause psychological breakdowns. This leaves prisoners with nothing but the struggle to regain some sort of control over their lives served by hunger strike to prove to him/herself and to prison authorities that he/she still has some sort of control over his/her body.

This global act of resilience is present among Egyptian prisoners. An Egyptian prisoner, Khalil al-Aqeed, a 25 year-old prisoner began a hunger strike on March 2016 to protest the prison administration treatment. Al Aqeed was beaten, locked in his cell for several months at a time without being let out to exercise or walk. He lived in a cell that was extremely hot and had poor ventilation in the summer which caused him skin rashes. It is important to note that Al Aqeed

had been shot in the head by police shotgun pellets during the 2011 uprising. He suffered from severe headaches that would sometimes lead him to bang his head against his cell wall. His hunger strike was a way to request to be moved to another prison facility. “He didn’t want to get out of prison. He wanted to go to another prison and to be treated like others in prison”, said his relative.<sup>133</sup> Prison authorities tried countering Al-Aqeed’s act of resilience through confining him to his cell, denying him medicine for his chronic headaches and closing the slot in his door that allowed inmates to communicate with guards and one another. When Al-Aqeed refused to break his strike, the prisoner’s former Chief of Investigation visited Al-Aqeed’s cell with a “riot control squad,” who beat him severely and moved him to a “discipline cell”, i.e. solitary confinement.<sup>134</sup>

Al-Aqeed’s story is one of many stories present in Egyptian prisons. Other prisoners began a hunger strike to protest poor prison conditions in Egypt. The strike began in February 2016, and within a month timespan at least 57 inmates had joined the strike. Government authorities responded by threatening prisoners with violence, while actually beating others. By August 2016, only a few prisoners had continued the strike.<sup>135</sup> Abdullah al-Shamy, a well-known Al Jazeera correspondent who was imprisoned in Egyptian facilities, was among those on strike. He was forced to end his hunger strike twice whereby officers force-feed him and even sedated him without his consent during one of those attempts.<sup>136</sup>

It is wrongful to think of resistance and changing power structure and agency within prison to occur only in organized forms of resistance and riots, escape attempts, or hunger strikes. Changing structural agencies can be done through challenging dietary provisions, dress codes, self-care, or means to cope with prison or psychological survival techniques.<sup>137</sup>

### **E. Coping**

Prison is an overwhelming experience. It disorients the individual from his pre-prison life and introduces him/her into a new life. The experience is rough and difficult. Changes in location, people, guards, dietary habits dress code and more are exorbitant amount of change for an

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<sup>133</sup> *Supra note 105.*

<sup>134</sup> *Id.*

<sup>135</sup> *Id.*

<sup>136</sup> *Id.*

<sup>137</sup> Ben Crewe, Power, Adaptation and Resistance in a Late-Modern Men’s Prison, (British Journal of Criminology) (47.2), 256-275, (2007). Available at: [http://www.ross.mayfirst.org/files/power-adaptation-resistance\\_0.pdf](http://www.ross.mayfirst.org/files/power-adaptation-resistance_0.pdf).

individual to endure overnight and learn to cope with. Thus different prisoners cope with the experience of imprisonment differently. Depending on the situations prisoners are placed in, they behave differently to cope with their new surroundings.

The disorienting experience of prison may cause some prisoners confusion and loss. As mentioned earlier, some face difficulty in recognizing themselves as they had different perceptions of who they were before entering prisons. Females are at a higher risk of suffering from being lost and confused. This is particularly evident among female Egyptian prisoners. A female prisoner, Sarah Khaled, said that she had not seen herself in a mirror for three months.<sup>138</sup> Mirrors in Egyptian female prisons are prohibited, probably for safety measures. This can lead female inmates in Egypt to lose their pre-prison self-identity. Female prisoners, like other females across the world, get their self-reassurance from looking at themselves in the mirror. Regardless of the societal norms that have pushed females across the world to identify themselves through their physical appearance, the mirror is of crucial importance to females in general and in prison specifically. This is especially true for females who lack any other source of self-reassurance due to confinement circumstances. Females in prison have no family members, friends, husbands, lovers or any other source of support within the facilities of the prison. Although, the mirror might seem an insignificant object for some, it is crucially important to others, especially those who are trying to hold onto a thread from the past.

Furthermore, females have expressed their sadness over the fact that everyone else but themselves know what they looked like before entering prisons but no one recognizes them after release. Female prisoners said they were shocked when they saw themselves for the first time in a mirror after months and maybe years of being denied access to a mirror in prison.<sup>139</sup> When prisoners forget how they look, they can start doubting their old identity. This is crucially important because once they have lost their old self, it becomes easy for prison to define who these prisoners are and install a new identity on them and by which they will start associating themselves with. Lastly, the importance of mirrors should not be seen as only for maintaining appearance. Although partially true, mirrors help prisoners reaffirm their femininity, class, gender, and other criteria that create a sense of self-identity.

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<sup>138</sup> Ravy Shaker, "Inside Egypt's Women's Prisons." Mada Masr. 8 Mar. 2017. Available at: <http://www.madamasr.com/en/2017/03/08/panorama/u/inside-egypts-womens-prisons/>

<sup>139</sup> *Id.*

Another coping narrative is by Yara Sallam, who was arrested in 2014 and served her sentence in Al-Qanater Women's Prison. To cope with her confined environment, Yara used to ask her family and friends to buy her items she was accustomed to having before entering prison. When Yara was still in prison, she used to drink her almond milk behind prison bars. She asked her friends to bring in her yoga mat so she could meditate. She wanted to repaint the prison walls but was denied permission to do so. Along with some of her fellow political prisoners, Yara used to create fridge magnets and origami out of left over tea packages and paper. Yara refused to wear the prison uniform that was a long white dress and wanted a white dress of her own instead. She asked her friends to buy her a white dress that did not feel like that of the prison.<sup>140</sup>

Other forms of coping may include some prisoners' involvement in forming pseudo-families in which women play specific roles such as husband, cousin, or daughter and providing emotional support to other family members. This is an attempt to identify unitary inmate social structure. Moreover, there are some female inmates who resort to homosexuality to obtain emotional security during incarceration.<sup>141</sup>

Like Yara, Asmaa Hamdy worked to cope with her environment in prison. Like many other prisoners, Asmaa found her solace in writing letters to her friends and family. For her, letters were her only window through which prisoners got a sight of the outside world. As for Mohamed Hassanien, a political prisoner, he felt responsible towards his imprisoned wife and would try to cheer her up when they met during court sessions. In one of the court sessions where both met, Hassanien wanted to cheer up his imprisoned wife, Aya Higazi, by gifting her origami made from an empty juice bottle. Sadly, the prison administration refused to send his gift to his wife.<sup>142</sup>

As for Esraa Al-Tawel who feared forgetting her family and loved ones, asked her sister to make her a necklace that carried the picture of Esraa's loved ones including a picture of her fiancé. Mahinour El-Masry is another political prisoner from Alexandria who found solace in writing. She would write to her friends to tell them about her plans and aspirations. El-Masry once wrote a letter to her friend to tell her about the plans she had in mind and wanted to do once she stepped out of prison. In her letter to her friend, Mahinour glued a picture of the sea and described it to be her favorite place. In efforts to reassure herself and maybe her friend,

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<sup>140</sup> *Supra* note 53.

<sup>141</sup> *Supra* note 119.

<sup>142</sup> *Supra* note 138.

Mahinour wrote saying, “soon this black cloud above our lives will go away.”<sup>143</sup> Other prisoners found solace in practicing their religion. Samia Shenin, a 65 years old prisoner sentenced to death, used to make rosary (*sebha*) out of olive stones. When weaving was still allowed within prison premises, some prisoners used to weave clothes and other items that were gifted and sold out of prison with a tag of “Made in Prison” attached to it.

Moving across the region to a neighboring country in the Levant, Syria, has witnessed waves of mass incarceration recently. Among those who escaped prison or were released were some interviewed by international humanitarian organizations. These interviews contained some coping techniques, shared below. These short narratives introduce us to the variety of ways in which prisoners can cope with his/her unfavorable environment. Coping as a mechanism is not only used to be able to survive long days in prison but also to maintain a connection with one’s self when everything else seems to be falling apart.

Yassin El-Hajj Saleh coped with prison by trying to tame it. He called the prison a monster. For Saleh coping with the prison environment was like taming a monster. Saleh, said that some of the important ways to tame this monster i.e. coping with being a prisoner includes the possession of books, pens and any other form of education. Yet, Saleh thinks a key ingredient in taming the monster is to tame one-self. He believed that an important way to cope with the prison is by acknowledging the fact that one is in fact a prisoner and prison is indeed a place of confinement. Saleh believes that the best thing to do is to let go of one’s old pre-prison identity. Prisoners who do not let go of their identities face difficulty adapting and in coping with imprisonment, according to Saleh.<sup>144</sup>

Some prisoners in Syria have coped with their imprisonment experience by trying to stay neutral. A prisoner shared his experience in prison when he was forced to sit and watch a guard beat his fellow detainee for an entire hour. The detainee was beaten harshly with different tools including, a hose and an iron bar among other items. The prisoner said he had to stay neutral or else the guards would hit him too like they had done previously. “I had to sit there and watch the guards beat a male detainee for an hour. They beat them with different objects, a green hose, a silicone bar, and an iron bar that had a ball with spikes at the top. I cried the first three times

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<sup>143</sup> *Id.*

<sup>144</sup> Amnesty International, The desperate survival methods used by prisoners in Syria. Available at: <https://www.amnesty.org/en/latest/campaigns/2016/08/desperate-survival-methods-prisoners-syria/>

when they made me watch but the guards hit me. We had to stay completely neutral the entire hour. I would tell myself that it's not real, it's just a scary movie that would last for fifteen minutes and then it's over," said a prisoner.<sup>145</sup>

Some prisoners adapt to their surrounding environment in prison by befriending their fellow inmates. Friendship within prison premises evolves quickly with many caring and loving one another as if they are family members. Ironically, most prisoners express the probability of never befriending their fellow inmates if they were outside prison. In prison a secular inmate became best friends with a devoted Sunni Muslim, which according to them was extremely unlikely to happen outside prison. The only reason these impossible friendships became possible was because inmates shared similar experience within prison. Prisoners share everything, from clothes to tears to their state of mind and feelings.<sup>146</sup>

There are other coping mechanisms that have been reported in Syria. For instance, in winter, prisoners try to cope with the intensely cold room they are in by sharing blankets and making a cocoon to save heat. This is especially critical because prisoners are left with the clothing they wore upon arrest. If prisoners were arrested in summer, they suffer terribly in winter.<sup>147</sup>

Unlike the Egyptian female prisoners who were upset for not being able to connect with their old selves, prisoners in Syria try to forcefully forget who they were. This is especially true for prisoners with long sentences who deliberately decided to forget their old identities. A prisoner said that he learnt to let go of all his thoughts about his family and friends. He lost all the memories he had. He no longer remembers the faces of his friends from university. He lost all the faces from the past few years and remembered nothing but his mother's face from when he was younger.<sup>148</sup>

Starvation is another aspect of prisons in Syria that inmates have to deal with. Prisoners, to stay alive must mix bizarre and unusual foods together. This was a way that made them feel like they

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<sup>145</sup> *Id.*

<sup>146</sup> *Id.*

<sup>147</sup> *Id.*

<sup>148</sup> *Id.*

had had a full meal. They would combine rice, soup, orange peels and egg shells into one piece of bread. Even though they themselves were disgusted by the combination, they say it helped.<sup>149</sup> Trading food was another form of coping. Many prisoners placed in solitary confinement prisoners were crying from hunger. One prisoner cried in a cell out of hunger because all he could think of was food. A fellow prisoner tried to figure out a way to help him and so he decided to give him half a portion of his bread for that day and half a portion of rice. Prisoners in Syria were in a real battle for survival. If a prisoner volunteers to give up his whole meal to a starving inmate, he would end up dying himself. Prisoners would spread out the food and share food portions with that one prisoner who was suffering the most.<sup>150</sup>

As strange as it may sound, prisoners in Syrian prison would take turns being tortured as another form of coping with the bizarre prison environment. In periodic torture cycles held in Syrian prisons, guards' would always ask prisoners to send five people to be tortured, and prisoners would organize themselves so that the very young and the very old would not have to go. Some prisoners volunteered to be tortured only because they needed to scream. The prison experience has made many become numb to pain and any sort of emotion. Prisoners would volunteer to be beaten to feel the pain again.<sup>151</sup>

To conclude, strikes, acts of resilience and coping are ways in which prisoners try to take control of their bodies and psyches. Prison's overwhelming and domineering power that plans and interferes with prisoners day-to-day activities, leave prisoners feeling useless. The lack of control, the inability to make decisions and the lack of clear vision of what the future holds are all things that make prisoners feel worthless in the world beyond the prison bars. Zenat's story provided a true illustration of this. It is evident that incarceration results in continuous and systematic destruction of the psyche. It produces individuals ill-suited for life after prison due to prison's reinforcement of institutionally dependent behavior. Lastly, narrative discussed in this chapter of Zenat, Dalal, Set Aziza and the others served as evidence to counter the claims the state makes through law. The narrative proved fallacies in theories on subjugation, punishment, and Foucault's theory of discipline and how prisons were discussed to be among the ideal architecture to train citizens to become subjects. Although the theory does in fact unfold cleanly

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<sup>149</sup> *Id.*

<sup>150</sup> *Id.*

<sup>151</sup> *Id.*



through the historical trace, the power of counter-resilience power is never mentioned which in return weakens all theories mentioned above.

## V. Conclusion

Through narratives like Zenat's, this thesis has explored state-run institutions of discipline. In order to understand the early introduction of discipline and order in the Egyptian society, this thesis explores Foucault's theory of discipline with a special focus on prisons. With discipline and order introduced to the Egyptian society in the first half of the nineteenth century, reasons to understand why this imposition of power on the society to maintain powerful control of the subjects happened was tackled. Individuals were gradually introduced to the idea of citizenship, order, discipline and social mortality. The process through which citizenship, order and discipline were introduced to the society to teach Egyptians how to become ideal subjects has been discussed. The birth of what we know today as the Egyptian society came as a result of this shift towards imposing discipline and order on Egyptian people.

All classes of the society that we know of today have been introduced to different modes of discipline through different disciplinary institutions. Starting with the peasants, power in Egypt imposed military conscription on many peasants. This was the first disciplinary institution to be introduced to the Egyptian society. Later on, schools were introduced with the aim of teaching children at an early age how to coordinate their acts and to regulate them. Children were to acquire self-mastery, self-domination, self-determination, and self-restraint the taste for discipline and order in behavior. Schools were meant to produce *individual citizens while modeling a perfect society*.

Later on prisons as a disciplinary-rehabilitative institution were introduced in Egypt. However, the early usage of this institution was not for rehabilitative purposes. Prisoners were considered free laborers. Many prisons were attached to factories or quarries and other industrial establishments with numbers of "free" workers. Progressively, the institution evolved to be a disciplinary rehabilitative institution as pronounced by Law No. 396/1956. Governed by this law, prisons implemented many of the strategies and disciplinary techniques discussed by Foucault. Alternating between Foucault's theory on discipline and Timothy Mitchell's, and-Khalid Fahmy's Foucauldian understanding and documentation of the historic uses of certain institutions in Egypt, I argue that we are trained subjects. We have been trained for the past two centuries to understand ourselves as citizens' vis-à-vis the state. We have been trained only to conduct ourselves in a manner that is pleasing to those in power.

Like Zenat, we have been trained psychologically to believe in the perception of who we are and what we do as imposed on us by the state and what it thinks of us. We have become psychologically and physically attached to an idea of citizenship and subject-hood that we cannot imagine our lives without.