

A Global History of Convicts and Penal Colonies

Edited by Clare Anderson

B L O O M S B U R Y

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For Ian Duffield

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The cover image of convicts in French Guiana, *Dans la Courouaïe* (On the Courouaïe River), is reproduced with the kind permission of Franck Sénateur.

Introduction: A Global History of Convicts and Penal Colonies

Clare Anderson

Introduction

In 1415, the Portuguese Empire used convicts as part of an expeditionary force sent to conquer the Moroccan *presidio* (fort) of Ceuta in North Africa. This marked the first known use of condemned criminals by a European power in an expansionary imperial project. Numerous other global powers emulated the Portuguese example in the years, decades and centuries that followed. The Spanish, Dutch, Scandinavians, British, French, Japanese, Chinese, Russians and Soviets all transported convicts over large distances of land or sea; as did the independent states of Latin America, including Cuba, Mexico, Ecuador, Brazil and Argentina. Transportation was a means of punishment, deterrence, population management and, through the expropriation of convict labour, of occupying and settling distant frontiers. Convicts travelled multi-directionally, shipped outwards from Europe and other metropolitan centres, within nations, and between colonies and the so-called peripheries of empires and polities. Excepting Antarctica, its extent touched every continent of the globe.

A conservative estimate of total convict flows within the Western empires during the period from 1415 to the closure of Europe's last penal colony, French Guiana in 1953, approximates to around 900,000 men, women and children. France's impressment of criminal offenders into the army between 1860 and 1976 adds a further 600,000 men to the statistics; and China and Japan in the period to 1912 at least 148,000 more. If we include the continental penal labour camps of Western Europe during the period from 1750 to 1950, this figure grows by perhaps 5 million. Deportation, exile and collective resettlement in Russia and the USSR adds between 10 and 25 million to the statistics (Table 1.1). This global tally substantially augments previously available estimates.¹

These expansive convict flows both succeeded and co-existed with other means of punishing and putting to labour criminalized and socially marginal or undesirable people. In the medieval and early modern period, such punishments included the use of prison and vagrant labour on galleys and in frontier towns, and in workhouses, bridewells, dockyards, arsenals, hulks and *bagnes* (prisons).² From the turn of the nineteenth century, they incorporated new cellular means of incarceration – for

Table 1.1 Global Convict Flows

Empire/Polity	Dates	Numbers
Portuguese Empire	1415–1961	100,000
French Empire	1542–1976	100,000 (+ 600,000 penal impressment)
Spanish Empire	1550–1950	110,000
Russian Empire	1590–1917	1,900,000
Dutch Empire	1595–1942	202,000
British Empire	1615–1940	376,000
China	1644–1912	134,000
Scandinavian Empires	1670–1917	2,000
European penal labour	1750–1950	5,000,000
Japan	1881–1908	14,000
USSR	1928–1953	10,000,000–25,000,000

Sources: Anderson and Maxwell-Stewart, 'Convict Labour and the Western Empires'; Carrie Crockett, 'Russia: Convict Labour and Transportation, 1696–1960', <http://convictvoyages.org/expert-essays/russia-1696-1960> (accessed 8 March 2017); Nicholas and Shergold, 'Transportation as Global Migration'; Joanna Waley-Cohen, 'China: Exile In Traditional China', <http://convictvoyages.org/expert-essays/china> (accessed 9 March 2017) (estimate based on an annual average of 500); Kabato shūchikan, ed., 'Kabato shūchikan enkaku ryakki' [Brief History of Kabato shūchikan], in *Shin Asahikawashishi* 6, ed. Asahikawashi henshū kaigi (Asahikawa: Asahikawashi, 1993; orig. c. 1892), 526–527; Hokkaido shūchikan, ed., *Hokkaido shūchikan tōkeisho* [Statistics of Hokkaido shūchikan] 1–3 (Tokyo: Hokkaido shūchikan, 1892–1894); Hokkaido shūchikan, ed., *Hokkaido shūchikan nenpō* [Annual Report of Hokkaido shūchikan] (Tokyo: Hokkaido shūchikan, 1896–1900), 5–9.

Note: These figures are rounded up or down to the nearest 1,000. Those for the Spanish and Dutch empires, and China, are likely underestimates. Johan Heinsen supplied figures for Scandinavia, Minako Sakata for Japan and Matthias Van Rossum for the Dutch VOC. The Japanese statistics only include transportations to Hokkaido, and not the earlier shipment of convicts to offshore islands. The VOC figures are based on an average of 100 long-distance transportations per year, from 1595 to 1811, and 1,500 per year, from 1816 to 1942. Estimates of USSR gulag transportations depend on which categories of deportations are included in the figures. As such, they range from 10 million persons (Sarah Badcock and Judith Pallot in this volume) to 25 million (Crockett, 'Russia'). Mary Gibson provided the estimates for mobile penal labour in Europe (pre-1914 1.5 million; 3.5 million during and after the Second World War). There are large gaps in our knowledge of European *bagnes* and agricultural colonies. Where statistics do exist, they are often fragmented and represent the standing number of inmates in a particular year, rather than annual admissions. The European figures do not include the 3 million prisoners shipped to death camps and killed immediately. Neither does the table include the forced migrations of the First World War, the foreigners compelled to work in the Nazi death camps or Japan's forced deportations of Koreans and Chinese during the Second World War. See Mark Spoerer and Jochen Fleischhacker, 'Forced Laborers in Nazi Germany: Categories, Numbers and Survivors', *Journal of Interdisciplinary History* 33, no. 2 (2002): 169–204; Matthew Stibbe, 'Introduction: Captivity, Forced Labour and Forced Migration during the First World War', *Immigrants and Minorities* special issue, 26, nos. 1–2 (2008): 1–18. There are currently no available estimates for the independent nation states of post-colonial Latin America.

example, London's Millbank, Peru's Lima and Burma's Moulmein – and offshore island prisons such as Wadjemup (Rottnest) in Western Australia, and Corfu.³ The development of agricultural, industrial and juvenile reform colonies was also important, with establishments including France's Mettray, Belgium's Ruysselede and Beernem, for boys and girls respectively, Mexico's Escuela de Orientación and Ferrargunj in the Andaman Islands.⁴ Many such institutions were run by religious orders, not the state, including in India the Salvation Army, in Latin America the

Sisters of the Good Shepherd, and in the schools for convict children in French Guiana and New Caledonia the Sisters of St Joseph de Cluny.⁵

This history of carceral succession and co-existence, as Sarah Badcock and Judith Pallot argue in this volume for imperial Russia and the Soviet Union, means that there is no need to separate entirely 'deportation' from 'imprisonment'. Rather, penal transportation developed in the aftermath of and in tandem with other forms of punishment, and the architectures of confinement associated with imprisonment, penal colonies and rehabilitative training were syncretic. By the nineteenth century, in numerous global contexts, penal transportation blended convict mobility with carceral immobility. Furthermore, in these locations penal colonies were imbricated with other sites of social discipline and containment that cut across Europe and its empires.⁶ As Ann Laura Stoler puts it, agricultural colonies, penal colonies and overseas settlement were 'conceptually and politically tethered projects'.⁷

A sometimes uneasy and contradictory carceral mix characterized the process of convict transportation and the existence of penal colonies, and this was the result of the oft-times conflicting interests and investments of their various stakeholders, who were keen to profit from convict shipment, expropriate convict labour, effect particular penal outcomes and/or control populations. As Ryan Edwards writes in his chapter on Latin America: 'Penal colonies ... served multiple social, economic, and geopolitical functions.' In these respects, convict transportation as a form of punishment was always explicitly intertwined with both political economy and metropolitan and imperial governmentality. It also had a close relationship to other kinds of free and coerced labour and migration, including extra-judicial or administrative population concentration and exile, and the exploitation of prisoners of war, including in labour battalions.⁸ These different and sometimes incompatible motivations perhaps explain its failure in some places and its persistence long into the twentieth century in others.⁹ Indeed, in modern Europe, as Mary Gibson and Ilaria Poerio show in Chapter 12, many locations for the transportation of convicted offenders were repurposed as places of explicitly political confinement.¹⁰ In the Russian Federation today, argue Sarah Badcock and Judith Pallot, both distance and the deliberate withholding of information about penal destinations from prisoners remain key elements of punishment.¹¹

This collection of essays provides the first global overview of convict transportation and penal colonies, proposing that across a range of contexts over a period of more than five centuries they were key to attempts to satisfy the interlocking but sometimes incompatible desires for punishment, labour extraction, population management and imperial expansion. In some cases – France,¹² Britain,¹³ Russia and the USSR,¹⁴ and India¹⁵ – these histories are relatively well known. In others, knowledge is either non-existent or limited. Until now, there has been almost no work on penal transportation in the Scandinavian empires, scant appreciation of the scale of penal transportation across the early-modern Spanish Empire,¹⁶ and only limited research on the penal colonies of Latin America¹⁷ and Japan.¹⁸ The history of transportation and convict labour in Angola and Mozambique has remained marginal to Portuguese imperial history.¹⁹ There are large gaps in our understanding of convict circuits in the Dutch Empire, especially during the period from 1815 to the Second World War.²⁰ Even where studies on convict transportation exist, some penal colonies are better known than

others. Singapore,²¹ Bermuda,²² Gibraltar²³ and Pulo Condore,²⁴ for example, have not been studied as extensively as the Andaman Islands, Van Diemen's Land (Tasmania) and French Guiana. There also remain large holes in our understanding of convict transportation in China since the early nineteenth century despite or perhaps because of the persistence of *laogai* (labour camps and prison farms) in the modern republic, where an unknown number of many millions of prisoners are today undergoing 're-education through labour'.²⁵

These emphases, distortions and elisions are primarily the result of the tendency to link the history of penal transportation to Europe's outward flows of convicts to colonies overseas – with Russia's continental expansion held up as an exceptional case. They are also partly a consequence of the tendency of historians to work within the frameworks of national, regional or imperial history, and their associated archives. A transnational approach that cuts across polities and colonies is necessary to piece together these histories of geographical mobility and confinement.²⁶ Indeed, the starting point of most chapters in this collection is convict routes and penal colonies, rather than Europe or specific extra-European localities as points of origin or arrival. This enables an appreciation of the diversity and range of penal patterns of connection that sometimes entirely circumvented metropolitan Europe. It also brings to the fore the scale of the transportation of Asians, Africans and other non-European peoples. In this volume, we propose that it is only when we view metropolitan centres, regions and what are often defined as geographical peripheries within a single analytical frame, that we can begin to trace the enormous importance and impact of convict transportation and penal colonies as means of governance and unfree labour supply.

Our global reach is only possible because we have worked collectively to explore common patterns and themes across a wide array of materials, in numerous languages. There are excellent and comprehensive records sets for some of the areas under concern. For others, there are not, and our authors have reached for the trace, piecing their narratives together from archival fragments.²⁷ Our sources include among many others official correspondence and reports, and also a seventeenth-century bailiff's notebook and the writings of a French medical doctor (Portuguese Empire), court records (Dutch Empire), meticulously recorded lists of convicts and their destinations (British Asia and the Australian colonies, French Empire), contemporary penology (Europe, Japan), travel writing (Imperial Russia), journalism (French Guiana), convict memoirs (Japan) and the published work of political leaders (Latin America). For the Russian Federation today, where the Gulag remain in living memory, we have both written memoirs and recordings of oral testimonies, including some by women.²⁸

Here, we note three points. First, as Johan Heinsen remarks with respect to the Scandinavian empires of the seventeenth and eighteenth centuries, convict resistance and agency created anxieties that did not just 'sculpt' the project of transportation but shaped the nature of the archive itself.²⁹ Second, quantities of documents have never been catalogued, or have been lost during natural disasters (Portugal), war (Andaman Islands, Republic of Ireland, Singapore) and in places of convict settlement where the revelation of convict descent was once feared, deliberate destruction (New South Wales).³⁰ Third, beyond official and administrative accounts, there are many

more sources that enable us to interrogate the experiences of convict elites, who were literate and so left textual reflections of their experiences of transportation or exile. We must guard against over-reliance on them in our global storytelling and remain wary of allowing them to represent the experiences of their ordinary brethren. This is a particular issue as regards the Asian and African people transported across European empires, but who neither spoke European languages nor left vernacular traces of their experiences.³¹ That said, there is an undoubted richness to elite accounts, as for example evidenced in the case of the Australian colonies,³² the Soviet Union (Sarah Badcock and Judith Pallot) and Hokkaido (Minako Sakata).

In centring what previously has been understood or represented as numerically insignificant, geographically peripheral or socially marginal in our collective analysis, it is the goal of this volume to show that the transportation of convicts and the existence of penal settlements and colonies were connected to punishment, governance, national and imperial expansion, migration and colonization. It offers a connected history framework of interpretation that positions penal transportation within a range of historiographical and methodological concerns and debates, including some of the key concerns of global history.³³ Within this large macro-historical narrative, and despite the challenges of the archives, we try to keep sight of the convicts themselves, of their experiences, identities and perspectives.³⁴ The history of punishment, legal history, labour history, migration history, historical geography and new imperial history all intersect with the analysis and interpretation of convicts and penal colonies. Convicts, we suggest, were agents of imperial occupation and expansion and labour pioneers. All the global powers used them in order to settle and then push back national and imperial boundaries and borders. To an unprecedented degree, convicts enabled the occupation of land distant from national and imperial centres, both across land and sea. Their presence has left important legacies in the world today.

Mapping, enumeration, colonization and migration

One of the key findings of the research represented in this volume is the global expansiveness and multi-directionality of convict transportation flows, often over large geographies and a very long period of time. As the mapping of penal routes suggests, convicts were not mainly or solely, as has often been previously assumed, transported out of metropolitan Europe, to colonies or frontier zones. Rather, convicts were also or often moved around the territories of nation states and empires. It is also evident that convicts did not necessarily remain in one location during the term of their sentence, but they could be shifted according to labour desires or for reasons of political exigency. Only very rarely, for example in the French Empire during the third quarter of the nineteenth century, were imperially convicted non-European convicts transported to metropolitan jails.³⁵ Writing of convict flows, in their respective chapters on the Spanish and Dutch empires, Christian G. De Vito and Matthias van Rossum refer to 'circuits', as a means to capture the multi-directionality of penal transportation. This approach resonates across the volume as a whole, as does van Rossum's exploration of

the relationship between local, regional and inter-continental convict mobility in this regard.³⁶

Convict voyages were always protracted, involving journeys from home to place of trial, from jails to ports, from ports to huts, barracks or jails, and ultimately to transportation destinations. Johan Heinsen characterizes the gathering of prisoners from across the realm of Denmark–Norway in Copenhagen, and their holding for many years prior to selection, as a kind of ‘serial displacement’. Depending on the period in which they were convicted, convicts marched, often in chain-gangs; rode in carts, wagons, trains and cars; went upriver on boats and barges; and voyaged over bays, seas and oceans in sailing vessels or steam ships. They did not necessarily travel separately from other passengers. The precise, clean lines of the maps presented in this volume do not represent either the multiple stages of each journey or the actual geography of the routes that convicts took. Neither do they show the long periods of time that some convicts spent voyaging into transportation. They could be sent hundreds if not thousands of miles; detained in tents, holding centres or transfer prisons for long periods on the way, over many months if not years. The mobility of convicts through villages, towns, cities and ports, as Christian G. De Vito suggests for Spanish Latin America, created ‘a popular imaginary of punishment’, which impacted on all communities, not just those caught up in the criminal process. Journeys were important for the formation of identities and solidarities, and could also be opportunities for convict escapes, often along routes of flight that ran parallel to their transportation paths, for example in Russia. Where convicts were sent by sea, there were incidents of violent mutiny, including sometimes the murder of captains and crews. These included the dramatic case of the convict seizure of the *Havmanden* on the way to the Danish Antilles (Johan Heinsen), the capture of the New South Wales vessel *Lady Shore* and mutinies on over a dozen Indian convict vessels.³⁷

We have robust figures of annual convict flows for some transportation routes and destinations, particularly within the British and French empires and for Japanese Hokkaido. However, the polycentric nature of early modern empires, the importance of regional jurisdiction, the use of administrative (as distinct from judicial) sentencing, the unreliability of some sets of statistics, and the intrinsically transnational and intra-imperial character of penal transportation, means that in other contexts it is only possible to estimate their extent (Table 1.1).

Apart from in the British and French empires, an especial frustration of the existing data is the inability to trace annual shipments for all contexts. It is thus difficult to connect peaks and troughs in transportation flows, and fluctuations in the number of transportation convicts in any given year, to the larger global political context. These include during times of war, revolution, and anti-imperial or proto-nationalist uprising. Further research will certainly augment examples such as that of the decline of penal transportation from Britain during the Napoleonic Wars (Hamish Maxwell-Stewart), and its sharp rise following the 1857 rebellion in British India (Clare Anderson).

Compared to other labour and migrant flows – enslavement in the Atlantic and Indian Ocean worlds, Asian and Pacific islander indenture, seasonal circulation in the Bay of Bengal and Asia, European migration to the Americas and settler colonies, the Nazis’ use of foreign forced labour – excluding continental Europe, Russia and the USSR,

the absolute number of convicts subjected to penal transportation or impressment may appear somewhat limited in scale (Table 1.2).³⁸ However, it is immediately evident from the data that penal transportation endured for an exceptionally long period of time, and constituted a statistically significant element of coerced or unfree labour migration. Like the penal labour camps of twentieth-century Europe, convict transportation, exile and collective resettlement in Russia and the Soviet Union are not usually incorporated into such estimates. When they are, their longevity and magnitude are striking.

Table 1.2 Global Labour Mobility, 1415–1976

Labour flows	Dates	Numbers
<i>Penal transportation, China and Japan</i>	1644–1912	148,000
Indian Ocean slave trading, by Europeans	1500–1850	* 489,000
Asian indenture in the Caribbean and Indian Ocean	1834–1916	1,451,000
<i>Penal transportation (incl. penal impressment), European empires</i>	1415–1976	1,490,000
Migration: India, China, Japan and Africa to the Americas	1846–1940	2,500,000
Migration: Africa, Europe, N.E. Asia and Middle East to S.E. Asia, Indian Ocean rim, South Pacific	1846–1940	4,000,000
<i>European penal labour camps</i>	1750–1950	5,000,000
<i>Penal transportation, exile and collective resettlement, Russia and USSR</i>	1590–1953	11,900,000–26,900,000
Foreign forced labour, Nazi Germany	1939–1945	13,500,000
Atlantic slave trade	1500–1866	12,521,000
Migration: N.E. Asia and Russia to Manchuria, Siberia, central Asia, Japan	1846–1940	+ 48,500,000
India and Southern China to S.E. Asia, Indian Ocean rim, South Pacific	1846–1940	§ 50,000,000
Migration: Europe to the Americas	1846–1940	^ 56,500,000

Sources: Richard B. Allen, 'Satisfying the "Want for Labouring People": European Slave Trading in the Indian Ocean, 1500–1850', *Journal of World History* 21, no. 1 (2010): 64; Sunil S. Amrith, *Migration and Diaspora in Modern Asia* (Cambridge: Cambridge University Press, 2011); Clare Anderson, 'Global Mobilities', in *World Histories from Below: Disruption and Dissent, 1750 to the Present*, eds. Tony Ballyntyne and Antoinette Burton (London: Bloomsbury, 2016), 169–196; Brij V. Lal, ed., *The Encyclopaedia of the Indian Diaspora* (Singapore: Editions Didier Millet, 2006), 46; Adam McKeown, 'Global Migration, 1846–1940', *Journal of World History* 15, no. 2 (2004): 155–89; Slave Voyages: The Trans-Atlantic Slave Trade Database <http://www.slavevoyages.org/assessment/estimates> (accessed 9 March 2017); Mark Spoerer and Jochen Fleischhacker, 'Forced Laborers in Nazi Germany: Categories, Numbers and Survivors', *Journal of Interdisciplinary History* 33, no. 2 (2002): 201.

Note: These figures are rounded up or down to the nearest 1,000. *Richard B. Allen's estimate is between 431,000–547,000. Adam McKeown's estimates are: ^ 55–58 million, § 48–52 million and + 46–51 million. See note to Table 1.1 on statistical range for Russia and the USSR. These figures do not include the overland migrations of North America, regional migration in the Caribbean and Southeast Asia, immigration into Africa, or internal migration in Europe, Russia, India or China. Many free labour flows were seasonal and/or circulatory, and are thus difficult to capture statistically.

Conversely, it should be noted that even relatively small numbers of convicts are important to histories of mobility and migration. This is because they could constitute a disproportionately large or even majority population in colonizing missions. In the Danish Antilles, for instance, a few hundred convicts at a time were used to prepare the ground for what was ultimately desired: free migration. In this they paralleled the work of more expansive or enduring convict flows, which instigated profound environmental and demographic change.³⁹ As Johan Heinsen writes, 'convicts were propelled into these miniature Atlantic economies by some of the same structural forces that took convicts to the colonies of the much larger European empires'. Similarly, Minako Sakata argues for Hokkaido: 'it would not have been possible to settle people inland without the convict-built roads'. However, in some places the convict presence left a stigma, which in the longer term discouraged later migration. This was especially the case where large numbers of convicts, ex-convicts or exiles occupied and cultivated the best land, or flooded the labour market and reduced wages. Sarah Badcock and Judith Pallot argue in the case of Russia: 'While the climate and isolation were key elements of exile's punitive nature, it was the challenges of finding paid work that often defined exile experience'. The penal history of particular locations sometimes also made it difficult to contract workers for particular labour tasks, which had been degraded through their former association with 'convict work'.

Free migration was not always the ultimate or sole goal of transportation, however. The use of convicts for colonization purposes elsewhere included, sometimes in combination, the development of trade and trading routes (Andaman Islands), the prevention of rival occupation (New South Wales, Hokkaido) or the exploitation of natural resources (USSR).⁴⁰ The fact of penal transportation as a means of labour mobilization and permanent settlement is evidenced in the selection of convicts for transportation on the basis of age and health, the careful recording of convict occupations upon arrival and the skill matching that took place in their allocation to work.⁴¹ In some cases, penal destinations specifically requested convicts experienced in particular jobs or trades, as in the case of the desire to develop silk production in early nineteenth-century Mauritius.⁴² In many places, ex-convicts remained in transportation locations after their release, sometimes receiving land grants or merging into local populations. In the Andaman Islands, they became known as 'pioneers', and in New Caledonia as *forçats-colons* (convict colonists).

Our aim in this volume is not to categorize penal transportation as one peg on a linear scale of freedom and unfreedom but to point to its place on a continuum of mobility, particularly of coerced workers.⁴³ As Johan Heinsen argues: 'convict labour was intertwined with other forms'. Hamish Maxwell-Stewart notes similarly that despite the apparently distinct features of transportation as compared to other kinds of labour exploitation, '[practice] muddied all these boundaries'.⁴⁴ We propose that penal transportation was not simply a punishment but an element of migration history. Convicts sometimes constituted a distinct portion of settler populations and in other contexts blended into larger labour diasporas.⁴⁵

Punishment, labour and repression

It is commonly held that the most important moment in the history of punishment in the modern age was the birth of the prison at the turn of the nineteenth century. This, as Michel Foucault famously argued, signalled a shift from corporal punishment to carceral confinement, and thus pre-modern to modern forms of penal discipline.⁴⁶ This volume suggests a need to reconceptualize this theoretical claim. Of particular note here is not Foucault's periodization, which has been the subject of previous critique, but an appreciation of the relevance of space and mobility to histories of confinement, and most significantly the incorporation of national and imperial territorial ambitions into the analysis. By appreciating the importance of convicts for expansion and colonization, rather we suggest that the history of punishment was not so much characterized by a developing immobilization of prisoners within the walls of jails but by their ongoing geographical mobilization as forced labour, on a global scale.

In the middle of the nineteenth century, Aleksandr Solzhenitsyn wrote of his experiences of the Soviet labour camps as part of what he called a *Gulag Archipelago*.⁴⁷ Three years after Solzhenitsyn's publication in the West, Foucault coined the metaphor 'the carceral archipelago' to bring together a whole swathe of carceral institutions as means of disciplining and surveilling populations, and producing criminality.⁴⁸ Foucault was relatively unconcerned with empire, but as Ann Laura Stoler has shown with respect to various disciplinary institutions in Europe and its colonies, 'the carceral archipelago' created 'nodes in an imperial network'.⁴⁹ This volume proposes that with respect to penal transportation specifically, convict routes and flows were so extensive and multi-directional, and convict settlements and penal colonies were so numerous and widespread, that as an expression and means of power, governmentality, discipline and imperial expansion, from the start of the fifteenth century the carceral archipelago was a global geographical reality that stretched far beyond the USSR and Europe and its colonial spheres of influence, and into post-colonial Latin America and East Asia. Moreover, as Judith Pallot puts it in stressing the ongoing mobility associated with Soviet prison camps: 'Solzhenitsyn's archipelago was not fixed in space'.⁵⁰

From the late eighteenth century, innovations in the punishment of transportation followed the modernization of criminal law and political change. These included the transformation of Spain's *presidios* from military to penal establishments, attached to urban public works; the establishment of separate convict settlements in otherwise free locations, as in the port city of Singapore; and the founding of often isolated penal colonies in places like Van Diemen's Land, Ile Nou (now Nouville) in French New Caledonia, Sakhalin Island in the Russian Far East, and the island of Ushuaia, Argentina. But penal transportation was always connected to local factors, as also to the character and needs of empires and nations. Climate, labour requirements and the availability of other workers were all critically important in shaping both the composition and routes of transportation flows as well as the choice of sites and the work that convicts were made to perform. Thus, during the early modern period, Spain used convicts for the purpose of military defence, and in mines and manufacturing, in what was essentially a land-based empire. Following the independence of Latin

America, its empire took on a more maritime character, and it established new penal colonies including in the Philippines and Cuba. Christian G. De Vito explains this as a ‘double process of the “urbanisation” of punishment and the partial move towards penal transportation proper’.

Across the broad sweep of contexts represented in this volume, the nature of convict work was extraordinarily diverse. It ranged from land clearance to quarrying, from breaking rocks to draining swamps and cutting down forests. Convicts built and repaired basic infrastructure such as forts, arsenals and stores. They constructed their own huts, barracks and jails, and established networks of connection. The latter included roads, bridges and railways, most famously parts of the Trans-Siberian route in Russia, and also canals, lighthouses and dockyards, including in Aden, Bermuda and Gibraltar. Convicts made ropes, bricks and ironwork, kept livestock and grew crops, loaded and unloaded boats, and took employment as servants, cooks, grooms and boatmen. They wove cloth, stitched clothing, manufactured shoes and furniture, and even made art or crafted wooden boxes, shell engravings and other small objects that they sold as curiosities to administrators, guards and visitors. Some convicts became well known for their paintings and craftwork.⁵¹ Further, penal administrators used convicts in new experimental ventures, including the cultivation of coffee, spices, cotton, indigo, pepper, tobacco, sugar cane, wheat and barley; and the mining of coal, tin, nickel, silver and gold. In Hokkaido, as Minako Sakata explains, each penal site was associated with a particular labour function, either agriculture, sulphur or coal mining. The use of convict labour could intensify in times of war, both through convict impressment into the army, as in the Spanish and British empires, and in Russia during the First World War when the nation urgently required new roads and railways.

This is not to suggest that convict labour was necessarily or always efficient or productive. In some cases, convicts were made to perform non-productive labour tasks that the authorities believed were demoralizing and thus particularly punitive.⁵² In other cases, convicts’ poor health often worked against their fulfilment of the labour demands made on them. Global convict death rates compared to those of other local and migrant populations are not currently known, though available figures for some locations suggest appalling levels of mortality. Fully one-third of all convicts shipped to the Andamans died within the first eighteen months of arrival in 1858.⁵³ Almost two-thirds of the convicts sent to French Guiana after 1852 were dead by 1866; and about half of all *relégués* in the colony died during one hunger-stricken year of the Second World War (Jean-Lucien Sanchez). One-third of the convicts working on the Asahikawa to Abashiri road in Hokkaido perished during just one nine-month period in the 1880s (Minako Sakata). Though one of the appeals of convict labour was its expendability, where it intersected with other political concerns such extreme death rates could produce changes in penal policy. This was the case in France’s decision to suspend the transportation of Europeans to French Guiana in 1867, in favour of the apparently more salubrious New Caledonia.

With respect to the global reach of convict labour, there is also a need to rethink current understandings of the historical character of punishment, and in particular the idea that from the late eighteenth-century prisons largely replaced other forms of punishment. Moreover, it is arguable that the carceral rhythms of what we think

of as modern forms of imprisonment actually emerged *from* the experience of penal transportation. As the president of the International Prison Commission, Sir Evelyn Ruggles-Brise, noted just after the First World War, the origins of probationary remission of sentence lay not in prisons but in penal colonies.⁵⁴ Penal transportation did not exist as an addendum to the central narrative of the history of punishment as a story of the rise of the prison but pre-dated it, co-existed with it and shaped it in crucial ways. Beyond its influence on prisoner probation, from the late eighteenth century on, penal colonies were key spaces of innovation in penal technology, perhaps most famously through the development of detailed methods of textual record keeping and later on convict photography and fingerprinting.⁵⁵ The Camp de la Transportation in Saint-Laurent-du-Maroni (French Guiana) even incorporated an anthropometric studio through which all newly arrived convicts passed for measurement and photographing.⁵⁶

Neither was penal transportation exclusively an imperial phenomenon. In Western Europe, as Mary Gibson and Ilaria Poerio demonstrate, in those states that did not have overseas possessions internal displacement or exile was a key feature of punishment. These could include offshore islands, as in the case of Italy. In the Hapsburg Empire, too, convicts were transported over long distances to work on public works programmes.⁵⁷ In other cases, alternative punishments like galley service were concurrent with experiments in transportation. For example, as Jean-Lucien Sanchez argues, in the early-modern period, convicts were simultaneously both put to work on the oars and sent out to Louisiana.⁵⁸

A widespread, global circulation of ideas about convict reform and management techniques accompanied the extensive penal mobility to and around the penal locations explored in this volume. This might be described as a contemporary politics of comparison,⁵⁹ or 'selective bricolage'.⁶⁰ The establishment of the International Penitentiary Congress, first held in London in 1872, brought regularity to previously informal gatherings of penal experts in Europe and North America, and as Ryan Edwards shows included Latin American penologists. Held periodically in the years that followed, all the global powers participated and discussed numerous issues relating to punishment. This included the efficacy or otherwise of penal colonies in effecting the goals of reform and deterrence.⁶¹ Indeed, given the range of stakeholders invested alternatively in convict punishment or in employing convicts as workers, as noted above, the character of convict sites could change over time.⁶² However, some were in practice characterized by little more than hard labour and were only nominally, if at all, committed to the idea of convict rehabilitation.

Beyond these discussions, the pattern of the circulation of knowledge repeats itself across empires and polities. In the seventeenth century, in sending convicts to North America, Sweden drew on its understanding of contemporary British transportation to the Continent (Johan Heinsen). Captain Arthur Philip was given command of the Australian First Fleet because he had previous experience in the conveyance of convicts for the Portuguese. Before the abolition of the slave trade in 1807, the financing and management of convict ships to Australia had an exceptionally close relationship to that of contemporary slave trading vessels.⁶³ In a range of published texts dating from the 1830s, when new such establishments were under consideration, various French

authors weighed up the relative merits of the penal colonies of Australia and Russia.⁶⁴ Russian officials were interested in the operation of French penal colonies.⁶⁵ Japan sent high-ranking officials on a tour of the Indian penal settlement of Singapore, though ultimately they were mainly inspired by France's penal colonies.⁶⁶ The New South Wales system influenced the development of a penal class system in the nineteenth-century Straits Settlements, Burma and Andaman Islands.⁶⁷ Even Germany, which never established penal colonies, was drawn into pan-European discussions and debates.⁶⁸

A key question for historians of punishment must be the very choice of penal transportation in preference to a capital sentence.⁶⁹ Scholars have accounted for the decline in execution rates in Europe with the argument that since the nineteenth century modern forms of confinement have gradually replaced so-called spectacles of suffering.⁷⁰ This volume suggests that this perspective may not work when we decentre Europe from the analysis, and take a wider imperial view. It may even be that in Europe itself, as Timothy J. Coates argues for the modestly populated yet globally ambitious Portugal, it was not so much that new kinds of punishment were favoured over execution but that convict bodies were simply too valuable to kill. This had been the case in Spain and its empire, too, when from the sixteenth century capital sentences were routinely commuted to what were called 'utilitarian' punishments, including galley service. Coates goes on to explain that whilst Britain and Portugal appear to have transported roughly the same number of convicts from the mid-sixteenth to mid-eighteenth century, with a much smaller population, Portugal sent proportionately more overseas. This has profound implications for our understanding of the comparative use of convicts by European powers, and its relationship to imperial statecraft.

Moreover, as we look outwards to the colonies, taking the British Empire as an example, we do not necessarily see a decline in execution rates. Putting to one side its use as a means of spectacular repression in the aftermath of rebellion (e.g. Demerara 1823, India 1857, Jamaica 1865),⁷¹ in the penal colony of New South Wales capital punishments were staggeringly frequent. In 1822 one convict was executed for every 7,000 people in the total population, compared to just one for every 2,500,000 in England and Wales.⁷² This high rate suggests that transportation did not entirely replace the death sentence as a 'spectacle of suffering', but incorporated it. This was also the case for other forms of corporal punishment. In the nineteenth and twentieth centuries, convicts could be fettered with irons around their legs, feet or necks, kept in solitary or dark cells, placed on the treadmill, issued starvation rations, allocated to excessively hard or degrading labour, or sent on to more rigorous penal regimes. As Jean-Lucien Sanchez stresses, the discipline associated with penal transportation could be extraordinarily brutal, including for example in French Guiana the chaining of convicts to their beds. By contrast, in many locations, convicts were provided with rations that were often generous compared to those of comparable plebeian populations, and received monetary and other incentives for compliant behaviour and good work.

It is also important to consider that whilst the shorthand 'penal colony' might be used to describe a broad range of locations in the period since *c.* 1780, and the establishment of discrete convict sites, it is something of a misnomer. Their penal

character could change radically during the period in question here. This was the case of the long-lived *presidio* of Ceuta in North Africa – which transitioned from fort to penal colony, and from Portuguese to Spanish control – and the Australian colony of New South Wales, where the penal system underwent enormous change during its five-decade long existence. Moreover, most penal colonies incorporated multiple sites of punishment, often representing scales of penalty and expressed through diverse forms of penal architecture. These ranged from the co-existence of relatively open huts and barracks, as in Mauritius and Penang, to villages and repurposed military forts and *depósitos*, such as in Luanda and Mozambique Island, and cellular jails like those of Poulo Condore and the Andaman Islands. Ryan Edwards' arguments, both that modern penitentiaries replicated architectural features of *presidios* and that the island of Tierra del Fuego was a 'hybrid' form of penal confinement, for it kept convicts in a radial cellular jail in an offshore penal site, are insightful and might equally be applied to other contexts.⁷³ In the eighteenth century, the Dutch used the offshore islands of Batavia for this purpose (Matthias van Rossum); in the Australian colonies sites of secondary punishment were called 'penal stations'.

What we might conceptualize as penal satellites also developed across empires and penal colonies, and constellations of punishment expanded, shrank and disappeared over time. This was according to the success or otherwise of the enterprises connected with them, for example mines or plantations, or the completion of labour tasks, like the laying of railway sleepers or the building of sea walls. For this reason, Timothy J. Coates helpfully terms the Luanda *depósito* 'a hub or central cog in a much larger system'. Convicts moved in and out of and circulated around penal spaces, according to the exigencies of labour needs and other social or penal considerations. Convicts could be removed to new infrastructural projects, taken out of settlements where there were high rates of escape, or removed when the climate was found to be unsuitable and was associated with high rates of mortality. In many locations too, different categories of convicts were concentrated in different parts of colonies. In French Guiana, some locations held either European or colonially convicted convicts, and others were reserved for recidivists, 'dangerous' offenders, probationers, or the sick and infirm. When convict sites became unsustainable, they could be replaced. This was the case not just in the abandonment of French Guiana in favour of New Caledonia for European convicts in 1867, but the reversal of that decision in 1896 (Jean-Lucien Sanchez).

One especially significant idea that is related to this more nuanced understanding of the architecture and spatial variegation of penal colonies was its intimate connection to the ideology and practice of national and imperial expansion. That is to say, frequently convicts moved through penal stages by moving through and across the lands, seas and oceans of nations and empires. Their sentence could start with hard labour locally in their place of conviction, often in jail, continue with their transfer to a relatively open metropolitan prison, or overseas colonial site, and end with a period of probation in a free or ex-convict village. Britain used Bermuda, Gibraltar and Western Australia as sites of secondary and tertiary punishment, for example, until the third quarter of the nineteenth century. Later on, into the 1930s Portugal sent second-stage convicts to Angola and Mozambique. Russia appended sentences of exile to those of incarceration, with convicts forced to leave their home localities immediately after release from jail.

Perhaps the most extreme example of the penal incorporation of the colonies into judicial practice is that of the French Empire, which after 1885 transported recidivists (*relégués*, or repeat offenders) to New Caledonia and French Guiana, in the latter case into the middle of the twentieth century.

In appreciating the character of transportation as a punishment it is also important to note that not all convicts were judicially convicted. Across Europe, Russia and various colonies thousands of individuals were sent into exile as a result of administrative and other extra-judicial decisions, rather than passage through the courts. In the Dutch East India Company (Verenigde Oostindische Compagnie, VOC) these included through domestic law (for slave masters) or discretionary authority. Ryan Edwards describes the latter in twentieth-century Mexico as producing exile that was ‘unpredictable and precarious’. Penal transportation was also used as a mode of repression and relocation, or what was sometimes termed ‘collective resettlement’. Across contexts, enslaved people, peasants and elites were shipped out of their localities with the express purpose of breaking up communities and associated anti-imperial solidarities. As the essays in this volume show, as early as the 1640s, Sweden sent the rebellious Forest Finns into transportation and, in the 1650s, thousands of convicts were transported from Ireland in the wake of Oliver Cromwell’s invasion. In the late eighteenth and early nineteenth centuries the British sent enslaved rebels out of the British Caribbean, including from Barbados to Sierra Leone in 1816. After the Great Indian Uprising of 1857, they transported rebels and mutinous sepoys (soldiers) to the Andaman Islands. The Spanish in Cuba in the 1890s ‘reconcentrated’ hundreds of thousands of insurgents in the world’s first concentration camps (Ryan Edwards). In the 1920s, Russia employed what Sarah Badcock and Judith Pallot call ‘exisitory violence’, including of urban ‘criminals’ and ‘undesirable elements’. European penal colonies acquired the status of ‘extra-legal institutions of punishment’ in Europe between the two world wars (Mary Gibson and Ilaria Poerio). Later on, the Soviets sent whole families of rich peasants and ethnic groups supposedly belonging to the latter category to *spetsposelenia* (‘special settlements’), on an equivalent scale to the number of prisoners incarcerated in the Gulag.⁷⁴ Mary Gibson and Ilaria Poerio find deep continuities between early modern and nineteenth-century carceral institutions in Western Europe, in this respect, and twentieth-century political dictators’ use of various kinds of camps, including most notoriously those set up by the Nazis for the purpose of human extermination. As they argue: ‘The longevity of the penal colony depended on its adaptability to different purposes and its shifting valence in public discourse.’⁷⁵

It is its political function, perhaps, that partly explains the movement of convicts simultaneously and multi-directionally within the complex and expansive geographies of many polities, and sometimes the sale and transfer of convicts from one empire to another. Examples include Britain’s selling of Caribbean convicts (often formerly enslaved) to the Spanish Caribbean in the seventeenth and eighteenth centuries,⁷⁶ and Prussia’s sale of convicts to the Russians in the nineteenth century. To be sure, in the Spanish Empire, as Christian G. De Vito reveals, inter-regional transportation to far-off destinations was sometimes an express means of punishing what were perceived as particularly serious crimes, though the decision on a convict’s ultimate destination was

sometimes made after their disembarkation at an intermediate geographical point. In the Dutch Empire, high-status, European or repeat offenders usually faced the most far-flung destinations (Matthias Van Rossum). In Latin America transportees were sent to offshore penal colonies in preference to those neighbouring urban centres. The political function of transportation was also sometimes related to the distinct cultural meanings that were associated with it. Clare Anderson argues that in British South Asia, the colonial authorities believed that Hindus particularly feared penal transportation, because to get to their destinations they had to undertake culturally taboo sea crossings and thus would lose caste. In Western Europe and Latin America, on the other hand, internal exile transitioned from being a means of removing common criminals to a means of exacting retribution or deporting and containing political dissidents, sometimes in violation of the rule of law.

A further point of interest is that routes of penal transportation were also often deployed in the banishment of elites, who were subjected to exile or isolation *tout court*, rather than supposedly rehabilitative hard labour. In the seventeenth century, Denmark–Norway used Tharangambadi in India for the exile of high-profile enemies of the king. The VOC exiled religious leaders and others from the Dutch East Indies (Java) to the Cape Colony and Dutch Ceylon. Later on, in the early nineteenth century, British Ceylon exiled Kandyan rebels and royals to various South Indian locations, and to Mauritius. British Burma exiled the royal family to mainland Indian towns and forts, including those earlier used for the Kandyans. During the same period, various Japanese localities exiled convicts to offshore islands (Minako Sakata). The example of French Indochina is also instructive, with enemies of empire sent from all over Southeast Asia to French Guiana and New Caledonia, the Pacific islands and African sites in Gabon and Obock (Djibouti).⁷⁷ In imperial and Soviet Russia, the authorities decided upon the location of exile according to perceived level of political threat, with the most dangerous convicts sent the furthest. In Western Europe, dictators developed a network of sites of internal exile, which as Mary Gibson and Ilaria Poerio argue were *de facto* ‘extra-legal institutions of punishment in the interwar period’. The concentration of exiled prisoners in penal colonies could transform them into spaces of political education. Nationalists and other exiles routinely published accounts of their incarceration or deportation upon release to such an extent that, as Ryan Edwards shows for Latin America, island colonies became ‘the political and intellectual epicentres of the nation’.⁷⁸

Convicts were transported within a range of legal categories during the long period under consideration in this volume, to such an extent that just as the term ‘penal colony’ is a misnomer, the all-encompassing nature of the term ‘convict’ itself is also somewhat problematic. The Portuguese used the term exile, or *degradado* (‘degraded’), with penal destinations dependent on the severity or otherwise of the crime. As Jean-Lucien Sanchez shows, the French created three specific legal categories: *déportés* (politicals), *transportés* (criminals) and *relégués* (repeat offenders). The French system bears some comparison to that of its contemporary, the late Portuguese Empire, which shipped vagrants and recidivists to the African colonies from the late nineteenth century. It kept them separately from convict men and women, who were themselves segregated on the lines of race and gender. The use of transportation to satisfy a diversity of penal functions is far from exceptional. In Russia and the USSR, its use

as means of deportation, relegation and collective resettlement leads Sarah Badcock and Judith Pallot to choose the word 'exile' in lieu of 'transportation', in their words 'to emphasize the integral nature of movement and displacement to all these different modes of punishment'.

Enslavement, indenture, impressment and indigenous contact

Convict transportation was integrally connected to other forms of labour exploitation, and its relationship to enslavement is particularly important.⁷⁹ Generally speaking, during the early period under consideration in this volume, convicts were transported either in preference to or alongside enslaved people and other kinds of coerced, migrant or sojourner workers, who laboured with them in transportation, in *presidios*, public works or plantations. In some instances, for example in the seventeenth- and eighteenth-century Americas, convicts were sold into indenture for a term of service, and referred to as 'servants', or 'slaves'. Here the lines of distinction between legally distinct labour categories were *de facto* blurred. Indeed, as Hamish Maxwell-Stewart demonstrates, the selling of British and Irish convicts into indenture shaped judicial sentencing patterns, which were fixed, 'not for legal reasons, but in order to competitively position convicts within the trans-atlantic market for unfree labour'.⁸⁰ However, experientially, things were more complex, for convicts and indentured labourers were treated in ways both like and unlike, and this varied across and was highly dependent on the peculiarities of local contexts. Sweden, for example, largely transported only convicts who had not committed 'dishonourable' offences, and this explains the lack of distinction between convicts and free labourers compared to Denmark, which transported convicts for crimes of dishonour and placed them in an entirely separate class. This was a system of labour mobility that, as Timothy J. Coates argues for the Portuguese Empire, was 'loosely structured, minimally supervised, and inexpensive for the state'.

Penal transportation preceded and outlived enslavement in modern European empires, and convict flows incorporated women and men from all over the world. It was no more an exclusively European phenomenon that enslavement was solely an African one. Moreover, in certain contexts, in defining the bodies of poor and marginalized Europeans as expendable, it is possible to see it, as Hamish Maxwell-Stewart argues for Barbados, as 'the *ideological* precursor of plantation racism'.⁸¹ In the sixteenth- and seventeenth-century Atlantic world, he demonstrates, white convict labour and indentured servitude did not so much precede plantation slavery as enable the accumulation of the capital necessary for the transition to enslaved labour. Enslaved people then gradually replaced convicts in newly racialized labour systems that had not been apparent in the earlier period. By the eighteenth century, the once common practice of working European convicts and enslaved Africans together had come to an end, as the lines of race distinction hardened.⁸²

Convicts were often preferred for especially hard or dangerous labour. In eighteenth-century Puerto Rico, for example, skilled enslaved men were used as oarsmen on the

galleys, but convicts took the brunt of the load. During the same period, the British sold enslaved persons sentenced to penal transportation to Cuba, where they were put to work in the island's mineral mines. Brazilian 'slave convicts' served their sentence in the penal colony of Fernando de Noronha.⁸³ Both forms of labour were related to convicts' relative expendability, as non-chattel workers who were neither bought nor sold. The same was true in East India Company Asia where, as Clare Anderson shows, paradoxically the use of convicts even enabled the production of rhetoric of enlightened (i.e. non-slave) labour relations in the years around Britain's abolition of the slave trade in 1807. This was part of a larger labour context in which the Company claimed competitive advantage in global markets, for example for sugar, against those producers reliant on enslaved workers in the Atlantic world. Arguably, Indian convict transportation also facilitated the later waves of Asian indentured labour across the Bay of Bengal and Indian Ocean. The malleability of convicts was important too. As a labour force controlled through varying degrees of violence, administrators often preferred convict to free labour, especially where local workers were in short supply, and thus wages were high, or were unwilling to enter into new kinds of labour relations with trading companies or occupying powers. This was the case in the early modern Spanish Americas, seventeenth-century New Sweden, British Burma in the mid-nineteenth century and the Russian Far East later on.

Here, the fact of a convict's criminal conviction can perhaps explain the relative lack of contemporary humanitarian concern about their use as unfree workers, compared to enslaved persons. Indeed, supporters of the slave trade at the turn of the nineteenth century even justified it by comparing African judicial enslavement to British sentences of penal transportation.⁸⁴ In some contexts, penal transportation actually stripped individuals of certain rights of citizenship, as in both Denmark and Russia, where part of the punishment was dishonour. In the eighteenth-century Dutch Empire, too, as Matthias van Rossum explains, sentences of banishment with public works labour were explicit in their intent to ban convicts from their former position in society.

Later on, efforts were made to separate convicts and other workers in penal locations, and this was effected according to changes in ideas about hierarchies of race. In the Portuguese African colonies, for example, according to Timothy J. Coates, though early convict classification was decided on the basis of criminal offence, eventually convicts from Cape Verde, Guiné, São Tomé and Príncipe were kept apart from those convicted in Portuguese Asia: India, Macau and Timor. Likewise, Eurasian (Anglo-Indian) convicts in British Southeast Asia were kept separate from Indians (Clare Anderson). In inter-war Western Europe, note Mary Gibson and Ilaria Poerio, different carceral sites held inmates from religious and racial groups, including Jews, Slavs and Catalonians. In some places, administrators deliberately inverted the racial order with the intention of enhancing the punishment of European convicts. In French Guiana and New Caledonia for example the prison administration employed North African convicts as turnkeys, or *port-clefs*, or to inflict corporal punishment on white Europeans.⁸⁵

A focus on convicts and work, rather than the history of punishment per se, can also help us to explain differences in the comparative chronologies and geographies of

penal transportation. Here, differences in the structure of European nation states and empires, in particular their relative centralization, is important. This determined the availability of convicts for transportation, as in the cases of Denmark and Sweden, as also patterns of movement, for example around the Bay of Bengal. A further key factor was the role of trading companies (East India Company, VOC, New Sweden Company) in driving the demand for and the supply of convicts, even in contexts where they appeared an ad hoc solution to labour problems, rather than an integral part of the forward planning of colonization projects. Here, convicts were not solely utilized as a means of formal occupation or settlement, but also as the supporting labour structure for the interests of trading companies, however interconnected to the desires of Crowns and their maritime empires. Nonetheless, we see the instigation of penal sentences of hard labour in the seventeenth century (Russian *katorga*); and the subsequent use of convicts in tandem with captives, vagrants, Chinese migrants ('coolies') and deserters to develop both the frontiers of the Spanish Empire and ultimately the new nation states of Latin America.

Despite the seeming change in the physical landscape of penal transportation, from blended forms of coerced labour migration to efforts at penal separation, convicts were never entirely kept apart from other workers. Convicts in discrete penal sites probably shared experiences with those sent to the more mixed environments of early modern *presidios* and plantations. In Portuguese Africa, and other locations as diverse as British Bencoolen and Burma, French Guiana and New Caledonia, convicts were leased out, working in various capacities, including for municipalities and in business, agriculture or households. In some cases, these systems were modelled on that of Australian assignment, the allocation of convicts to private employment, despite critique that it produced a lottery of labour and punishment and in some ways reproduced the spirit of enslavement via the institution of a slave master state.⁸⁶ It was also common for convicts to work side-by-side with other coerced or free labour, at least nominally so, including on imperial Russian infrastructural projects and on the public works of Angola and Mozambique.

Just as transportation was connected to enslavement and indenture, in numerous contexts and in various ways convicts and penal colonies also intersected with the mobility, work and military service of armies and navies.⁸⁷ During the early modern period, the Scandinavian and Iberian powers (Portugal and Spain) transported convicts and soldiers on the same vessels, and worked them together in *presidios* and on plantations, to such a degree that until very recently the former have been almost entirely obscured to historians. Portuguese and Spanish convicts were also sent into military service following commutation of sentence.⁸⁸ As Ryan Edwards explains, independent Latin American *presidios* often retained a blended penal/military function. In turn of the nineteenth-century Britain and Ireland, judges sometimes sentenced convicts to military or naval service, as an alternative to imprisonment or transportation. They also placed soldiers and civilians in what Hamish Maxwell-Stewart describes as 'dedicated penal units'. These were often in tropical locations where mortality rates were extraordinarily elevated, including the slave forts of West Africa in the late eighteenth century.⁸⁹ This paralleled the French practice; at least 600,000 convicts were deployed in the North African colonies of Algeria, Tunisia and Morocco,

to serve their sentences in disciplinary companies and battalions.⁹⁰ This was at least five times the number of convicts sent to penal colonies with the French Empire.⁹¹

Later on, in some of the world's great infrastructural projects, convicts commonly worked alongside soldiers – and sailors. This was the case, for instance, in Britain's vast dockyard building programme, which stretched from Bermuda in the Atlantic to Gibraltar in the Mediterranean and Australia's southern Pacific, including Cockatoo Island, Sydney. The military was also deployed to guard and to supervise convict labour, as for example in Brazil's Fernando de Noronha and Portuguese Angola and Mozambique, from the late nineteenth century into the 1930s. Such guards were in many cases from the same economic and social strata as convicts. There, and in numerous other contexts, practices and terminologies of convict organization paralleled that of the military. Uniforms, companies, brigades, barracks, musters, marches, bugles, drills and messes were all features of penal colonies, as was the incorporation of convicts into musical bands and parades.

The cost of convict transportation and maintenance, compared to the value of convict work, was an issue that greatly vexed administrators. In places of population surplus, it was sometimes argued that wage labour would be cheaper. In places with a less plentiful, seasonal or unwilling local workforce, or where soldiers were routinely employed, convicts seemed to cost less. This was the case in Matthias Van Rossum's example of the military works at Banka in Dutch Sumatra. Moreover, convicts often performed work that would not otherwise have been commissioned or completed, and was thus difficult to value. Statistics on the relative cost of convict work cannot then explain in isolation the continuation or abolition of transportation. What is not in doubt is that convicts played a vital role in major infrastructural works and resource extraction at geographical frontiers.⁹² In turn, the desire to both punish and to extract work from convicts produced two kinds of stakeholders in the system – prison administrators and labour overseers – whose interests sometimes converged but in other cases had little care for each other's perspectives or compulsions.

Finally, understanding the relationships between convicts and free populations already living in penal destinations is critical for an appreciation of the character of convict transportation and penal colonies, and their relationship to imperial ambitions and the modalities of colonial rule. Until the end of the eighteenth century, the Portuguese and Spanish empires deployed convicts as cultural intermediaries. They dropped them off on their way into transportation or sent them out beyond the *presidios* to develop what they hoped would become beneficial relations with indigenous ('native') and local populations. In this sense, convicts must be written into the history of imperial contact in places like Latin America.⁹³ The importance of convicts for contact missions in the penal colonies of Australia, the Russian Far East, and the Pacific and Indian oceans is well known. Though there is evidence of interaction via trade and cultural exchange, for example of furs in Sakhalin Island, as foreign occupiers invaded land, and indigenous people resisted them, in many locations there was war and violence with convicts and penal personnel, including administrators, soldiers and guards. Ultimately, imperial governments removed indigenous people from the land that they desired for convicts and colonization. They immobilized indigenous people through internment or restriction to 'reserved' land, in ways that mirrored the confinement of

convicts.⁹⁴ In other instances, indigenous groups were targeted for mass removal. Most notoriously, perhaps, in the 1930s and 1940s Russia collectively resettled entire ethnic groups, notably the kulaks.⁹⁵ Thus convicts occupy a rather ambivalent position in the history of empire building, for they were both colonized and colonizers, repressed and repressive, settlers and evictors. As such, we urge their inclusion not just in histories of migration, punishment and empire, but in the theorization of settler colonialism. Convicts were not always European and neither were they voluntary migrants.⁹⁶

The fate of indigenous people living in or around *presidio* or penal colony sites varied. Much depended on their previous history of contact and disease immunity, as well as the nature and extent of imperial occupation and its associated brutality. In places where there had only been limited prior relations between indigenous people and outsiders such as the Australian colonies and Andamans, in part due to epidemics such as smallpox, and in part due to warfare, there was a dramatic and drastic decline in indigenous populations. In places where trading relations were long established, including Hokkaido and Sakhalin, though indigenous settlements were removed away from the growing towns and cities, and indigenous land sold to prospectors and settlers, despite the radical change to their way of life indigenous people survived in larger numbers. In many cases, they were forced to move far from their homelands in the new penal settlements, but they showed more demographic resilience.

Minako Sakata's reading of Japanese Ainu sources leads her to the conclusion that not only did convict road building stimulate forced relocation and destroy the environment in which they lived, but that escaped convicts greatly troubled the Ainu. A further development over time, in Hokkaido as elsewhere, was the gradual incorporation of indigenous people into carceral rhythms of production, through their entry into both identical kinds of work to convicts and the structures of penal management. In Queensland, for instance, indigenous Australians were incorporated tropical commodity labour.⁹⁷ In turn of the twentieth-century Hokkaido, Ainu people were paid to return escaped convicts. This was also the case for the indigenous, Kanak and Great Andamanese people of the Australian colonies, New Caledonia and the Andaman Islands.

Gender, resistance and agency

Perhaps the most significant social feature of penal transportation in the various polities discussed in this volume was its homosociality, for most locations received mainly or solely convict men. There are glimpses in the archives of sex between male convicts, as in this volume in the case of Japan, though administrators and others often exaggerated or sensationalized accounts in the context of anti-transportation rhetoric. There are very few insights from the men themselves.⁹⁸ When women were transported, they almost always constituted a small proportion of convicts. They made up less than 5 per cent of early modern Portuguese flows, for instance, and about the same proportion of late eighteenth to mid-nineteenth century British Asian ones. Fewer than 1 per cent of French Guiana transportations, and just over 1 per

cent of New Caledonia's, were female. There was a higher proportion of women in the Australian flows; around 15 per cent of all convicts in New South Wales, for example. After arrival in their transportation destination, women were typically kept to what were viewed as appropriately gendered forms of work, including domestic labour, cleaning and stitching. They were not always separated from men, though in general over time they became increasingly segregated. Women's transportation prisons in the Australian colonies were called the 'female factories', as was the sole such institution in the Andamans. In New Caledonia, women were sent to a separate location in Bourail, several hours' travel north of the capital, Nouméa. As for men, we have only snapshots of convict women's sexuality in these and other locations.⁹⁹

Where the global powers had aspirations of permanent settlement, the gender imbalance amongst convicts was a cause of concern. This was because administrators viewed women as both a moralizing influence and as a means of encouraging men to stay on post-sentence and so to populate frontiers.¹⁰⁰ Thus in some places administrators not only promoted marriage between convicts, but encouraged convicts' free wives and families to join them as voluntary settlers, as in Brazil. However, such schemes, including for example the administrative deportation of entire families in the nineteenth-century Spanish Empire, and plans to organize the migration of Algerian women to French Guiana, were far from successful. Many women refused to go, and in practice only small numbers if any went at all.¹⁰¹ In Russia and the USSR, on the other hand, whole families could be sent into exile, including through the mass deportation of ethnic groups to special settlements. This was also the case for the gulag. In contrast, conceived largely as a means of supplying temporary labour gangs for road building and dockyard projects, places like Hokkaido, Bermuda and Gibraltar never imported women, and repatriated all convicts when their work was complete.

Though their visibility in archives is highly variable, it is possible to discern aspects of convict experience in transportation. As Timothy J. Coates writes, 'we see fragments which mean little in isolation but that point to a much larger system at work'. Christian G. De Vito suggests that in the Spanish Empire 'the mobility intrinsic to penal transportation became an unexpected tool for convicts to conceptualize the space they travelled across, to manipulate their identities and influence their punishment and destination'. Transportation convicts challenged their fate in ways that exceeded manipulation and influence, responding to their geographical and cultural dislocation with violence. We mentioned above the incidence of mutiny at sea. After arrival in their destination, convicts resisted the penal regime in manifold ways. They refused to work, attacked their overseers, feigned sickness, went on hunger strike or broke out in open rebellion.¹⁰²

The prospect of escape from what were often relatively open penal environments presented a particular opportunity for convicts and a problem for the authorities. Indeed, Minako Sakata represents convict flight as a manifestation of the key ambiguity of transportation, which in Hokkaido was simultaneously a deadly and yet relatively 'free' experience. Johan Heinsen, meanwhile notes the omnipresence of plots to desert in Scandinavian New Sweden, as does Matthias Van Rossum for the Dutch East Indies. Escape could also, as Hamish Maxwell-Stewart argues for nineteenth-century Van Diemen's Land, have an interesting gendered dimension. There, women

were more likely to desert than men, because of the way in which the penal authorities controlled the labour of female convicts and their children. Christian G. De Vito writes of the Spanish imperial context: 'While open revolts were relatively rare, escapes were frequent and represented the most radical, albeit often temporary, interruption of the mechanism of transportation.'

Despite the brutality and violence of many transportation systems, convicts were able to carve out social space for themselves. As Jean-Lucien Sanchez shows, convicts became engaged in contraband trading. They enjoyed intimate and social relationships, not just with each other but also with men and women in those communities bordering penal colonies.¹⁰³ In some situations, including on the voyage to Australia and on the hulks of Bermuda and Gibraltar, convicts learned to read and write. Penal transportation could be a vector for the spread of proto-nationalist ideas too, as in post-colonial Latin America (Ryan Edwards). There is also the extraordinary case of a convict's assassination of the viceroy of India during an official visit to the Andaman Islands in 1872. Three months beforehand, his fellow convict villagers testified, the assassin had received a letter from the mainland, and wept at the news that his 'brother', a fellow Afghan, had been hanged in Calcutta for the murder of Chief Justice John Norman. He had thrown a feast the night before he plunged a knife into the viceroy's back.¹⁰⁴ In all cases, it was the relative openness of transportation journeys, *presidios*, and penal settlements and colonies that opened up spaces for such manifestations of convict agency.

Penal settlements and colonies were socially and culturally distinct carceral spaces in that they brought together convicts of highly diverse origins, in terms of place of conviction and penal category. The often-lengthy journey into transportation led to the formation of close identity ties, and ultimately syncretic cultures. In this regard, it bears comparison to the Atlantic and Indian Ocean slave trades, Asian indenture and European settler-colonialism.¹⁰⁵ Convicts took languages, religions and other cultural practices to their new destinations. Where there was little choice in travelling and working companions, new kinds of cosmopolitan societies emerged, in which convicts' social and cultural lives underwent remarkable transformations. In these overwhelmingly homosocial locales, European convicts sometimes married non-convict women, including those of indigenous or migrant origin, or people who had been formerly enslaved or were descended from slaves (French Guiana and New Caledonia, Russian Far East). Ryan Edwards helpfully conceptualizes family and community encounters as 'carceral relationships'. In Indian sites like the Andaman Islands, in the absence of culturally appropriate marriage partners, caste distinctions underwent profound change.

In some contexts, convicts did not return to their place of origin or conviction after they had served their sentence. This was either because they were not allowed to, could not afford to (where the state would not pay their passage), or because they had formed local attachments and wished to stay. Indeed, permanent settlement was the very intention of penal colonization in some of the places explored in this volume, including in the Russian Far East, French New Caledonia, Australia and the Andaman Islands. In other locations, states envisaged convicts as sojourner labour force, and paid for their return. This was the case in Hokkaido, for example, as also in Portuguese Africa, where few if any ex-convicts settled in former penal colony sites.

Conclusion

A geographically and chronologically expansive perspective on convict transportation and penal colonies opens out to view their importance in some of the key processes that underpinned global change. The focus on convicts helps to explain some of the textures of punishment and repression, and the history of frontier expansion and overseas colonization. It enables an appreciation of the capaciousness of unfree labour as a relational category, where convict transportation was part of a continuum of coerced labour and migration, alongside enslavement, indentured contract work, military and maritime impressment, and indigenous expropriation. It places ordinary people at the heart of global transformation, including the building of infrastructures of connection, and dramatic changes to natural and human environments over the past 600 years.

The forced movement of convicts over large distances remains integral to criminal sanctions in many parts of the modern world, including most notably in the Russian Federation. Like the nation states of Latin America, Russia remains a high imprisonment society in which the contemporary prison lexicon resounds with historical reference points. Moreover, the 'correctional colonies' that are in use today are both carceral legacies of historic penal sites and incorporative of features of both imperial and Soviet colonies – including a journey experienced punitively.¹⁰⁶ It is also noteworthy that while many penal colony sites emerged out of earlier architectures of confinement, and enveloped or repurposed built structures like military forts and barracks, after their closure some were subsequently transformed into prisons. Camp Est in New Caledonia is today the site of a prison, for example, as is Abashiri in Hokkaido, and Mazaruni in Guyana. Other former penal colony buildings have been transformed into heritage sites and museums, including Robben Island in South Africa, the cellular jail in the Andaman Islands, French Guiana's Saint-Laurent-du-Maroni, and numerous sites in Australia, including Port Arthur. This often sparks controversy.¹⁰⁷

If they were not repatriated, in many instances ultimately convicts and ex-convicts merged with indigenous, enslaved, or other free or unfree populations. This accounts for the absence of penal transportation from the history of some locations. In others, convicts and their descendants retained a sense of history and identity, and today constitute self-aware or politically astute social groups.¹⁰⁸ There remains also the issue of forced removals and penal labour camps in the twentieth century, about which families continue to seek answers. A global history of convicts and penal colonies incorporates governance, territorial occupation, mobility and labour extraction. It opens out to view the nature and extent of subaltern agency, creativity and resistance. From the North Sea to the southern oceans, from offshore islands to littorals and inland frontiers, and from nations and empires to continents and seas, histories of state expansion and imperialism are inextricably linked to penal transportation.

Notes

- 1 Clare Anderson and Hamish Maxwell-Stewart, 'Convict Labour and the Western Empires, 1415–1954', in *The Routledge History of Western Empires*, eds. Robert

- Aldrich and Kirsten McKenzie (London: Routledge, 2014), 102–117. This work revises the figures first proposed by Stephen Nicholas and Peter Shergold: ‘Transportation as Global Migration’, in *Convict Workers: Reinterpreting Australia’s Past*, ed. Stephen Nicholas (Cambridge: Cambridge University Press, 1988), 28–61. On French military impressment, see Dominique Kalifa, *Biribi: Les bagnes coloniaux de l’armée française* (Paris: Perrin, 2009). There is much research to be done on the history of penal transportation in China. For the period 1758–1920, see Joanna Waley-Cohen’s excellent *Exile in Mid-Qing China: Banishment to Xinjiang, 1758–1820* (New Haven, CT: Yale University Press, 1991) and ‘Banishment to Xinjiang in Mid-Qing China, 1758–1820’, *Late Imperial China* 10, no. 2 (1989): 44–71. It has been suggested that since the 1950s, between 15 and 25 million people have died in Chinese prison farms and labour camps: the *laogai*. See Hongda Harry Wu, *Laogai: The Chinese Gulag* (Boulder, CO: Westview Press, 2004) and Philip F. Williams and Yenna Wu, *The Great Wall of Confinement: The Chinese Prison Camp through Contemporary Fiction and Reportage* (Berkeley, CA: University of California Press, 2004). There are currently no statistical estimates of penal transportation in the nation states of post-colonial Latin America.
- 2 Francis Snyder and Douglas Hay, eds., *Labour, Law and Crime: An Historical Perspective* (London: Blackwell, 1987); Thorsten Sellin, *Slavery and the Penal System* (New Orleans, LA: QUID PRO Books, 2016); Pieter Spierenburg, ed., *The Emergence of Carceral Institutions, 1550–1900* (Rotterdam: Erasmus University, 1984); Pieter Spierenburg, *The Prison Experience: Disciplinary Institutions and Their Inmates in Early Modern Europe* (New Brunswick, NJ: Rutgers University Press, 1991).
- 3 *Transactions of the Third National Prison Reform Congress, Held at Saint Louis, Missouri, May 13–16, 1874: Being the Third Annual Report of the National Prison Association of the United States*, ed. E. C. Wines, secretary of the association (New York, NY: Office of the Association, 1874), 483; Neville Green and Susan Moon, *Far from Home: Aboriginal Prisoners of Rottneest Island* (Nedlands: University of Western Australia Press, 1997). The Dutch East India Company used Robben Island in the Cape Colony as an offshore prison from the end of the fifteenth century; the British reconfigured its carceral character when they took control of the Cape in the nineteenth century. See: Clare Anderson, ‘Convicts, Carcerality and Cape Colony Connections in the 19th Century’, *Journal of Southern African Studies* 42, no. 3 (2016): 429–442; Harriet Deacon, *The Island: A History of Robben Island 1488–1990* (Cape Town: David Philip, 1997). On the history of the prison, see Carlos Aguirre, *The Criminals of Lima and Their Worlds: The Prison Experience, 1850–1935* (Durham, NC: Duke University Press, 2005); Florence Bernault, *A History of Prison and Confinement in Africa* (Portsmouth, NH: Heinemann, 2003); Mark Colvin, *Penitentiaries, Reformatories, and Chain Gangs: Social Theory and the History of Punishment in Nineteenth-Century America* (New York, NY: Palgrave Macmillan, 1997); Christian G. De Vito and Alex Lichtenstein, eds., *Global Convict Labour* (Leiden: Brill, 2015); Frank Dikötter and Ian Brown, eds., *Cultures of Confinement: Cultures of Confinement: A History of the Prison in Africa, Asia and Latin America* (Ithaca, NY: Cornell University Press, 2007); Michel Foucault, *Discipline and Punish: The Birth of the Prison* (London: Penguin, 1977); Guy Geltner, *The Medieval Prison: A Social History* (Princeton, NJ: Princeton University Press, 2008); Mary Gibson, ‘Global Perspectives on the Birth of the Prison’, *American Historical Review* 116, no. 4 (2011): 1040–1063; Michael Ignatieff, *A Just Measure of Pain: The Penitentiary in the Industrial Revolution, 1750–1850* (New York, NY: Penguin, 1978); Sean S.

- McConville, *A History of English Prison Administration, Volume 1, 1750–1877* (London: Routledge, 1981); Norval Morris and David J. Rothman, eds., *The Oxford History of the Prison: The Practice of Punishment in Western Society* (New York, NY: Oxford University Press, 1998); Ricardo D. Salvatore and Carlos Aguirre, eds., *The Birth of the Penitentiary in Latin America: Essays on Criminology, Prison Reform, and Social Control, 1830–1940* (Austin, TX: University of Texas Press: 1996).
- 4 Clare Anderson, Madhumita Mazumdar and Vishvajit Pandya, *New Histories of the Andaman Islands: Landscape, Place and Identity in the Bay of Bengal, 1790–2012* (Cambridge: Cambridge University Press, 2016), ch. 2; Alison Bashford and Carolyn Strange, eds., *Isolation: Places and Practices of Exclusion* (London: Routledge, 2003); Ceri Crossley, 'Using and Transforming the French Countryside: The "Colonies Agricoles" (1820–1850)', *French Studies* 44, no. 1 (1991): 36–54; Jeroen J. H. Dekker, 'Punir, sauver et éduquer: la colonie agricole "Nederlandsch Mettray" et la rééducation résidentielle aux Pays-Bas, en France, en Allemagne et en Angleterre entre 1814 et 1914', *Le Mouvement Social* 153 (1990): 63–90; Jeroen J. H. Dekker, *The Will to Change the Child: Re-education Homes for Children at Risk in Nineteenth Century Western Europe* (Frankfurt am Main: Peter Lang, 2001); Paul A. Field, *Working Men's Bodies: Work Camps in Britain, 1880–1940* (Manchester: Manchester University Press, 2013); Luc Forlivesi, Georges-François Pottier and Sophie Chassat, *Éduquer et punir. La colonie agricole et pénitentiaire de Mettray (1839–1937)* (Rennes: Presses Universitaires de Rennes, 2005); Albert Schauwers, 'The "Benevolent" Colonies of Johannes van den Bosch: Continuities in the Administration of Poverty in the Netherlands and Indonesia', *Comparative Studies in Society and History* 43, no. 2 (2001): 298–328; Ann Laura Stoler, *Duress: Imperial Durabilities in Our Times* (Durham, NC: Duke University Press, 2016), ch. 3.
 - 5 Rachel J. Tolen, 'Colonizing and Transforming the Criminal Tribesman – The Salvation Army in British-India', *American Ethnologist* 18, no. 1 (1991): 106–125; M. le Dt Jh Orgéas, 'Contribution à l'Étude du Non-Cosmopolitisme de l'Homme: La Colonisation de la Guyane par la Transportation, Étude Historique et Démographique', *Archives de médecine navale* 39 (March 1883): 251, 255; Archives Nationales d'Outre Mer, Aix-en-Provence (ANOM) H2034 Inspections New Caledonia: Inspection Report, Ducos Penitentiary, 20 April 1912.
 - 6 Ann Laura Stoler, 'Colony', *Political Concepts: A Critical Lexicon* 1 (2011) <http://www.politicalconcepts.org/issue1/colony/> (accessed 5 February 2017); Stoler, *Duress*, 75, 78.
 - 7 Ann Laura Stoler, *Along the Archival Grain: Epistemic Anxieties and Colonial Common Sense* (Princeton, NJ: Princeton University Press, 2009), 132. See also Allyson Jaye Delnore, 'Empire by Example? Deportees in France and Algeria and the Making of a Modern Empire, 1846–1854', *French Politics, Culture and Society* 33, no. 1 (2015): 33–54.
 - 8 Clare Anderson, 'After Emancipation: Empires and Imperial Formations', in *Emancipation and the Remaking of the British Imperial World*, eds. Catherine Hall, Nicholas Draper and Keith McClelland (Manchester: Manchester University Press, 2014), 113–127. Work on prisoners of war includes: Isabel Hofmeyr, 'South Africa's Indian Ocean: Boer Prisoners of War in India', *Social Dynamics: A Journal of African Studies* 38, no. 3 (2012): 363–380; Heather Jones, 'A Missing Paradigm? Military Captivity and the Prisoner of War, 1914–18', *Immigrants and Minorities* 26, nos. 1–2 (2008): 19–48; S. P. Mackenzie, 'The Treatment of Prisoners of War in World War II', *Journal of Modern History* 66, no. 3 (1994): 487–520; Renaud Morieux, 'French

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- 9 Arguably, for the Russian Federation, the twenty-first century.
 - 10 See also: Javier Rodrigo, 'Exploitation, Fascist Violence and Social Cleansing: A Study of Franco's Concentration Camps from a Comparative Perspective', *European Review of History – Revue européenne d'histoire* 19, no. 4 (2012): 553–573. Another example from across the Atlantic is that almost a century after convict importations from Britain and Ireland ceased and after the abolition of slavery in 1864, the idea of penal transportation was transformed into a new kind of punishment in which labour remained central: into the 1920s, the state leased out African-American prisoner chain-gangs to public works projects. See: Edward L. Ayers, *Vengeance and Justice* (Oxford: Oxford University Press, 1984); Colvin, *Penitentiaries, Reformatories and Chain Gangs*; Alex Lichtenstein, *Twice the Work of Free Labour: The Political Economy of Convict Labour in the New South* (London: Verso, 1995); Pete Daniel, *The Shadow of Slavery: Peonage in the South, 1901–1969* (Urbana, IL: University of Illinois Press, 1972).
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- 31 As discussed by Satadru Sen in 'Contexts, Representation and the Colonized Convict: Maulana Thanasari in the Andaman Islands', *Crime, History and Societies* 8, no. 2 (2004): 117–139.
- 32 Tim Causer, "'On British Felony the Sun Never Sets": Narratives of Political Prisoners in New South Wales and Van Diemen's Land, 1838–1853', *Cultural and Social History* 4, no. 5 (2008): 423–435; Lucy Frost and Hamish Maxwell-Stewart, eds., *Chain Letters: Narrating Convict Lives* (Melbourne: Melbourne University Press, 2001).
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- 36 On carceral circuits, see Nick Gill, Deirdre Conlon, Dominique Moran and Andrew Burridge, 'Carceral Circuitry: New Directions in Carceral Geography', *Progress in Human Geography* (OnlineFirst, 2016): 1–22. With respect to convict mobility more generally, this volume's approach follows recent calls for less Eurocentric understandings of labour movement, as more than a straightforward migratory process with an easily defined geographical start and end point. See: Prabhu Mohapatra, 'Eurocentrism, Forced Labour, and Global Migration: A Critical Assessment', *International Review of Social History* 52, no. 1 (2007): 110–115; Tony Ballantyne, 'Mobility, Empire, Colonisation', *History Australia* 11, no. 2 (2016): 7–37. See also Clare Anderson, Carrie M. Crockett, Christian G. De Vito, Takashi Miyamoto, Kellie Moss, Katherine Roscoe and Minako Sakata. 'Locating Penal Transportation: Punishment, Space, and Place c. 1750 to 1900', in *Historical Geographies of Prisons: Unlocking the Usable Carceral Past*, eds. Karen M. Morin and Dominique Moran (London: Routledge, 2015), 147–167; Ward, *Networks of Empire*.
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- 42 Clare Anderson, *Convicts in the Indian Ocean: Transportation from South Asia to Mauritius, 1815–53* (Basingstoke: Macmillan, 2000), 46–48.
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- 54 Evelyn Ruggles-Brise, *Prison Reform at Home and Abroad: A Short History of the International Movement since the London Congress, 1872* (London: Macmillan, 1925), 20.
- 55 Clare Anderson, *Legible Bodies: Race, Criminality and Colonialism in South Asia* (Oxford: Berg, 2004); Jane Caplan and John Torpey, eds., *Documenting Individual Identity: The Development of State Practices in the Modern World* (Princeton, NJ: Princeton University Press, 2001); Julia Rodriguez, 'South Atlantic Crossings: Fingerprints, Science, and the State in Turn-of-the-Century Argentina', *The American Historical Review* 109, no. 2 (2004): 387–416; Robert Shoemaker and Richard Ward, 'Understanding the Criminal: Record-Keeping, Statistics and the Early History of Criminology in England', *British Journal of Criminology* 57, no. 6 (2017): 1442–1461.
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- 58 See also James D. Hardy, Jr, 'The Transportation of Convicts to Colonial Louisiana', *Louisiana History: The Journal of the Louisiana Historical Association* 7, no. 3 (1966): 207–220.
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- 60 Ann Laura Stoler and Carole McGranahan, 'Introduction: Refiguring Imperial Terrains', in *Imperial Formations* (New York, NY: School for Advanced Research Press, 2007), 4–6, 13, 14.
- 61 The prison congress convened subsequently every five years, at venues in Stockholm (1878), Rome (1885), St Petersburg (1890), Paris (1895), Brussels (1900), Budapest (1905), Washington (1910), London (1925), Prague (1930), Berlin (1935) and The Hague (1950). An organizing committee invited all the nations of the world to contribute papers, to comment on pre-circulated questions, and to send delegates. The first London meeting had 400 corresponding members and representatives from twenty countries. In that and later years, they hailed from as far afield as the USA and Canada, Chile, Mexico, Haiti, Jamaica, Scandinavia, Austria, Switzerland, Belgium, France, Germany, Greece, Holland, Italy, Spain, Turkey, India, Russia and Japan.
- 62 Stephen A. Toth writes: 'With their intricate and multiple layers of administration, penal colonies did not operate outside the social world, but in an environment in which there were many areas of conflict and contestation': 'Colonisation or Incarceration? The Changing Role of the French Penal Colony in Fin-de-Siècle New Caledonia', *Journal of Pacific History* 34, no. 1 (1999): 59–74.

- 63 Lauren Darwin, 'Convict Transportation in the Age of Abolition, 1787–1807', PhD Thesis, University of Hull, 2016.
- 64 *On the Penitentiary System in The United States*; Paul Merruau, *Les Convicts En Australie* (Paris: Librairie de L. Hachette et Cie, 1853); Jules de la Pilorgerie, *Histoire de Botany Bay, état présent des colonies pénales de l'Angleterre dans l'Australie our examen des effets de la déportation* (Paris: Paulin, 1836); Marquis de Blossville, *Historie de la Colonisation Pénales et des Établissements de l'Angleterre en Australie* (Évreux: Imprimerie de Auguste Hérissey, 1859); Ivan Foinitski and Georges Bonet-Maury, *La Transportation Russe et Anglaise avec une Étude Historique sur La Transportation* (Paris: Lecène, Oudin et Co., 1895).
- 65 P. Kropotkin, *In Russian and French Prisons* (London: Ward and Downey, 1887).
- 66 Takashi Miyamoto, 'Towards an Evolutionary History of Penological Information in Modern Japan', University of Leicester staff blog (16 April 2014) <http://staffblogs.le.ac.uk/carchipelago/2014/04/16/towards-an-evolutionary-history-of-penological-information-in-modern-japan/> (accessed 7 July 2014).
- 67 Anderson, 'Transnational Histories of Penal Transportation'.
- 68 Matthew Fitzpatrick, 'New South Wales in Africa? The Convict Colonialism Debate in Imperial Germany', *Itinerario* 37, no. 1 (2013): 59–72.
- 69 For an overview, see Clare Anderson, 'Execution and its Aftermath in the Nineteenth-Century British Empire', in *A Global History of Execution and the Criminal Corpse*, ed. Richard Ward (Basingstoke: Palgrave, 2015), 170–198.
- 70 Garland, *Punishment and Modern Society*; Pieter Spierenburg, *The Spectacle of Suffering: Executions and the Evolution of Repression from a Preindustrial Metropolis to the European Experience* (Cambridge: Cambridge University Press, 1984).
- 71 Emilia Viotti da Costa, *Crowns of Glory, Tears of Blood: The Demerara Slave Rebellion of 1823* (Oxford: Oxford University Press, 1997); Gad Heuman, 'The Killing Time': *The Morant Bay Rebellion in Jamaica* (London: Macmillan, 1994).
- 72 Raymond Evans, '19 June 1822: Creating "An Object of Real Terror": The Tabling of the First Bigge Report', in *Turning Points in Australian History*, eds. Martin Crotty and David Andrew Roberts (Sydney: University of New South Wales Press, 2009), 59; Gustav De Beaumont and Alexis De Tocqueville, *On the Penitentiary System in the United States, and Its Application in France; With an Appendix on Penal Colonies, and also, Statistical Notes*, trans. F. Lieber (Philadelphia, PA: Carey, Lea and Blanchard, 1833), 144. See also 'Abstract of Returns as to Trials New South Wales, 1819–1824', in *Historical Records of Australia*, Series I, Volume 11 (Sydney: Library Committee of the Commonwealth Parliament, 1917), 478–479.
- 73 Varied architectures of confinement in the twentieth-century Soviet Union is noted by Pallot, 'Russia's Penal Peripheries', 101.
- 74 Lynne Viola, 'The Aesthetic of Stalinist Planning and the World of the Special Villages', *Kritika: Explorations in Russian and Eurasian History* 4, no. 1 (2003): 101–128.
- 75 The reference to 'adaptation' underscores the need to distinguish between those camps established as part of imperial military strategy against colonial rebellion (e.g. Cuba, the Philippines and South Africa) and the Nazi death camps. See Iain R. Smith and Andreas Stucki, 'The Colonial Development of Concentration Camps (1868–1902)', *Journal of Imperial and Commonwealth History* 39, no. 3 (2011): 417–437. It is also important to recognize the historicity of camps as ambiguous, repressive and/or (claimed) rehabilitative imperial spaces: Amy Kaplan, 'Where is Guantanamo?' *American Quarterly* 57 no. 3 (2005): 831–858; Sibylle Schelplers, 'The Use of Camps

- in Colonial Warfare', *Journal of Imperial and Commonwealth History* special issue 'Hostile Populations', 43, no. 4 (2015): 678–698.
- 76 Diana Paton, 'An "Injurious" Population: Caribbean-Australian Penal Transportation and Imperial Racial Politics', *Cultural and Social History* 5, no. 4 (2008): 451–452.
- 77 Robert Aldrich, 'Out of Ceylon: The Exile of the Last King of Kandy', in *Exile in Colonial Asia*, ed. Ricci, 48–70; Uma Kothari, 'Contesting Colonial Rule: Politics of Exile in the Indian Ocean', *Geoforum*, 43 (2012): 697–706; Lorraine M. Paterson, 'Prisoners from Indochina in the Nineteenth-Century French Colonial World', in *Exile in Colonial Asia*, ed. Ricci, 220–247; Ronit Ricci, 'From Java to Jaffna: Exile and Return in Dutch Asia in the Eighteenth Century', in *Exile in Colonial Asia*, ed. Ricci, 94–116; Ward, *Networks of Empire*.
- 78 This was also the case in twentieth-century British India. See David Arnold, 'The Self and the Cell: Indian Prison Narratives as Life Histories', in *Telling Lives in India: Biography, Autobiography, and Life History*, eds. David Arnold and Stuart H. Blackburn (Bloomington, IN: Indiana University Press, 2004), 29–53. On the concept of the 'political prisoner' as 'the product of modern states and political movements', see categories of incarceration, see Padraic Kenney, "'I felt a kind of pleasure in seeing them treat us brutally.'" The Emergence of the Political Prisoner, 1865–1910', *Comparative Studies in Society and History* 54, no. 4 (2012): 863–889.
- 79 Anderson, 'After Emancipation'; De Vito and Lichtenstein, eds., *Global Convict Labour*; Hamish Maxwell-Stewart, "'Like Poor Galley Slaves": Slavery and Convict Transportation', in *Legacies of Slavery: Comparative Perspectives*, ed. Marie Suzette Fernandes Dias (Newcastle, NSW: Cambridge Scholars Publishing, 2007), 48–61.
- 80 See also: Robert J. Steinfeld, *The Invention of Free Labor: The Employment Relation in English and American Law and Custom, 1350–1870* (Raleigh, NC: University of North Carolina Press, 1991).
- 81 My emphasis.
- 82 See also Abbot Emerson Smith, *Colonists in Bondage: White Servitude and Convict Labor in America 1607–1776* (Chapel Hill, NC: University of North Carolina Press, 1947).
- 83 Peter M. Beattie, "'Born Under the Cruel Rigor of Captivity, the Suppliant Left it Unexpectedly by Committing a Crime": Categorizing and Punishing Slave Convicts in Brazil, 1830–1897', *The Americas* 66, no. 1 (2009): 11–55.
- 84 Darwin, 'Convict Transportation in the Age of Abolition', ch. 1. In the Australian context, however, humanitarians did link convict transportation to enslavement, as well as to Indigenous protection. See Penny Edmonds, "Travelling "Under Concern": Quakers James Backhouse and George Washington Walker Tour the Antipodean Colonies, 1832–41', *Journal of Imperial and Commonwealth History* 40, no. 5 (2012): 769–788; Fiona Paisley and Jane Lydon, 'Australia and Anti-Slavery', *Australian Historical Studies* 45, no. 1 (2014): 1–12. Note also that the Salvation Army was active in humanitarian assistance to prisoners after their release in French and British colonies. On France, see Jean-Claude Vimont, 'Les récidivistes et l'Armée du Salut (1952–1970): L'assistance par le travail au château de Radepont (Eure)', *Criminocorpus* (2012) <http://criminocorpus.revues.org/2016> (accessed 30 March 2017).
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- 86 Captain Maconochie, *Australiana: Some Thoughts on Convict Management, and Other Subjects Connected with the Australian Penal Colonies* (Hobart: J.C. MacDougall, 1839), 6, 37; Richard Whateley, *Thoughts on Secondary Punishments, in a Letter to Earl Grey, to which are Appended, Two Articles on Transportation to New South Wales, and on Secondary Punishments; and Some Observations on Colonization* (London: B. Fellowes, 1832), 116.
- 87 Like convicts, soldiers often circulated around empires. See Ravi Ahuja, 'Mobility and Containment: The Voyages of South Asian Seamen, c. 1900–1960', in *Coolies, Capital, and Colonialism: Studies in Indian Labour*, eds. Rana P. Behal and Marcel van der Linden (Cambridge: Cambridge University Press, 2006), 111–141; Ulbe Bosma, 'European Colonial Soldiers in the Nineteenth Century: Their Role in White Global Migration and Patterns of Colonial Settlement', *Journal of Global History* 4, no. 2 (2009): 317–336. On the relationship between conscription and penal servitude specifically, see Peter M. Beatie, 'Conscription versus Penal Servitude: Army Reform's Influence on the Brazilian State's Management of Social Control, 1870–1930', *Journal of Social History* 32, no. 4 (1999): 847–878.
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The Portuguese Empire, 1100–1932

Timothy J. Coates

Introduction

The Portuguese use of convict labour has its roots in Roman law and the creation of the nation state itself in the high Middle Ages. Convict labour continued in a variety of forms until the great depression of the 1930s ended the Portuguese state's last bold experiments with forced labour in its African colonies. Over this extraordinarily long period, the authorities in Lisbon extracted labour from convicts at home during the medieval period (see below) based on a relatively mild form of punishment/relocation to frontier towns within Portugal. Portugal also had some limited use of galleys and their associated labour. Later the growth of the Portuguese Empire was bolstered by convict labour, providing additional manpower for the army and (to a lesser extent) the navy. In more modern times, the formation of a professional military allowed it to supervise convict labour in controlled areas of Angola and Mozambique, building the necessary colonial infrastructure for free colonization, which followed later.

As a result, convicts and their labour in this very long view of Portuguese history are a critical, yet largely unexplored, aspect of the frontier, state formation, overseas expansion, the military, social control, the slow demise of slavery (in Portuguese Africa), penal reform and New Imperialism. Without their contributions during early modern times, the Portuguese state would have been even more dependent on slavery or the hiring of foreign troops. During the nineteenth and twentieth centuries, Portugal would have had greater difficulties in retaining control of Angola and Mozambique, its two largest and most promising colonies in Africa in the era of the European scramble for colonies. In addition (European and African) convict labour form important but totally neglected chapters in the national histories of both Angola and Mozambique as well as Portuguese colonial history in the nineteenth and early twentieth centuries.

The terminology of medieval and early modern crimes

In order to understand the logic of sentencing, it is important to recognize how legal codes outlined the relative severity of crimes. Before the 1850s, Portuguese legal codes

were compilations collected during the reign of a given monarch and then named accordingly. While there were other collections, three merit special attention: the 1450 *Ordenações Afonsinas*; the 1521 *Ordenações Manuelinas*; and especially the third and most durable of these, the *Ordenações Filipinas*, published in 1603. This last collection remained the law of the land until legal reforms of the nineteenth century. These collections built upon each other, revising but not seriously altering punishments, and maintaining the tripartite view of crime and punishment discussed below.

The terminology used for crimes committed in the Middle Ages and early modern period appears vague to the modern reader when contrasted with our very specific legal terms such as ‘felony’, ‘grand larceny’ or ‘first-degree murder’. Rather, the crown and courts viewed crimes as belonging to one of three very broad categories: unpardonable, serious or minor. Of these three, only unpardonable crimes were crystal clear and consisted of heresy, treason, sodomy, and counterfeiting money or forging documents. This is an odd list to a modern reader but these crimes threatened the state at its religious, political, social and financial roots (respectively) and were dealt with most severely. Those who committed unpardonable crimes received the longest and harshest sentences, such as life to Angola (when sentenced in Portugal or Brazil) or ten years in the galleys. At the other end of the scale, minor crimes were actions such as passing a note to someone in jail or theft of a small object of little value. Sentences for such acts were frequently very lenient, such as six months’ banishment from town or one year in Castro Marim. Some minor crimes were punished by public whippings, depending on the crime and the status of the accused. For example, bakers who sold their bread at places other than their licensed bakery or merchants who used false weights could be whipped rather than sentenced to *degredo* or exile.¹ Every town in Portugal had a pillory where local justice was served as well, again for minor infractions. Just about every other criminal act fell somewhere in the middle or ‘serious’ category and punishments varied widely depending on the court’s understanding of the details of the crime.

Murder, a serious crime (but not unpardonable), is a good example of how elastic this category can be. In the bailiff’s notebook cited below, eleven men were guilty of murder, yet their sentences varied widely: six were sentenced to life in Angola, two were given ten years in Angola, one for five years to the Colônia do Sacramento (extreme southern Brazil, in modern Uruguay), one to Castro Marim for only three years and one to São Tomé for life. On paper they all committed the same crime of murder, yet clearly the court was taking into account the details of their cases and sentencing accordingly.

Minor and serious crimes were also those forgiven in periodic pardons issued by the Old Regime for the birth of a royal child or monarch’s birthday or wedding. For example, King D. Afonso VI issued such a pardon for those guilty of minor crimes to celebrate the entrance into Lisbon of his future wife, the Princess Maria Francisca of Savoy in 1666.

Note that being held in jail was not a customary sentence; in fact, the vast majority of convicts were only in jail until their sentences were confirmed. Nor was the death sentence used with any frequency. It existed and the state was fond of threatening the guilty with its application if they returned before completion of their sentences; however, the

state rarely made good on this threat. Portugal, in fact, was one of the first countries to abolish the death penalty (in stages in the nineteenth century) and the reason for this is clear: even during medieval and early modern times, the Portuguese state very rarely used it. Why? Portugal had a modest population during this period, rising to 1.1 to 1.4 million by 1527, over 2 million by 1732 and 3 million a century later.² This very low population coupled with global manpower requirements translated into a reality where each and every person, including *and especially* the fringe elements of society, was too valuable; implementation of the death penalty would have been counter-productive.³ This is in sharp contrast with several other much more populous early modern states, such as France or the United Kingdom, and basic demography is at its root. Orphan girls and boys, prostitutes, the Roma and especially convicts all offered constructive possibilities for the early modern Portuguese state, and all had their uses.⁴

Rather than jail or death, punishment was banishment or exile for a determined period. This was a sentence of *degrado* or exile; the convict was a *degradado*. The cognate in English is 'degraded', meaning that one's mobility and status were downgraded (from freedom) and restricted. This could and did take various forms. The most lenient of these was simple banishment from a town or jurisdiction for a limited period. For example, for insulting a crown official, a minor crime, someone might be banished from town for six months. A more severe punishment was being sent to a specific locale for an extended period. Two years' obligatory residence in Castro Marim or five years in Angola are good examples (as in the bailiff's notebook, below).

The beginning of the punishment was the transportation itself to the assigned locale. In the first, medieval stage, the guilty made their way alone on foot to a remote frontier town and then had to find a home and some sort of work. In the early modern period, the beginning of the punishment was walking on the chain-gang to Lisbon and being held in Limoeiro prison. Once placed on a ship, we can assume the convict had some mobility and men may have even worked on board if they had the necessary skills. When the ship arrived at the assigned locale, the convict would take his or her papers and report to the local magistrate. They would then have faced the same difficulties of finding a place to live and some sort of work. When the guilty party reached the end of his or her sentence, the local judge was responsible for issuing a certificate affirming this.⁵ Then, in theory, the former convict was free to travel and reside anywhere he or she desired. From what can be gleaned from the parish records, those sent to internal exile in Castro Marim did not remain there and in all likelihood made their way on foot back home. Overseas, it is a different story. After five or ten years' residence in a town, it is more probable that these individuals had created a place for themselves and did not feel the need or have the funds required for a return voyage to Portugal. During modern times, the state transported convicts to Africa, supervised them in a variety of labour schemes and then offered them transport back to Portugal, something their labour had helped pay for. The vast majority appear to have accepted the offer and returned from Africa.

Little has been said so far about women in this chapter and the reason is straightforward: there is precious little documentation on individual convicts before the 1880s and women formed an estimated 5 per cent of the total convict population. The state and Inquisition sent women to Castro Marim and Brazil almost exclusively. A sentence to

Castro Marim was comparatively light when compared to most of Portuguese Africa. Women were deliberately sent to Brazil in disproportionately large numbers compared to men both because it was a healthier climate and the Portuguese population in Brazil was heavily male. Female convicts and sinners offered the promise to stabilize, if not increase, the European population in Portuguese America.

So, in terms of creating new colonizers for distant outposts, for the medieval period the answer is unknown. For the early modern period, this system probably did provide additional colonizers for places where convicts could create new prosperous lives (e.g. Goa, Brazil) but probably not where tropical diseases made such a new life more questionable (e.g. São Tomé, Mozambique Island). In modern times, while some convicts remained in Luanda and Mozambique Island after completion of their sentences, the vast majority appear to have returned to their homelands.⁶ This was in spite of the best efforts made by the state, especially in modern times.

Courts and the collection and transportation of convicts from Portugal

Portugal was precocious in forming a national legal code and judicial system as the state grew during the *Reconquista* (the Christian reconquering of Iberia from Muslims) during the Middle Ages. A system of local and higher courts of appeal developed and sentenced the guilty following the guidelines in national legal codes (as mentioned above). Locally appointed judges (known as 'ordinary') as well as university-trained justices known as 'outside judges' (*juizes da fora*) occupied municipal posts. Above them were district justices (*corregedores*), and both Porto and Lisbon had appeals or high courts. Those guilty of minor infractions and sentenced to a mandatory period within Portugal were given a limited period to make their way (unsupervised and normally on foot) to their places of exile. Typically, this was thirty days but courts could extend this grace period to sixty or ninety days when the guilty parties required more time to settle their affairs. Once they arrived in these distant frontier towns, they would present their papers to the local judge (or town council or other official) to mark the beginning of their sentences.

During early modern times, those guilty of more serious offences were collected on periodic chain-gangs that made their way to Lisbon, adding additional offenders en route. The outline of this collection process was provided in the *Ordenações Filipinas*, but the most detailed explanation appears in a document dated from July 1582. In it, the king orders that each local magistrate certify the names of the convicts being conducted on the chain-gang, their sentences, where they have been banished, for how long, their ages and any identifying marks on their bodies or any deformities in their legs or feet. This last detail was important since it could help identify escapees. These instructions mandated that local jails be emptied every three months and convicts brought to Lisbon once there was a minimum of six convicts. The chain-gang then made its way to Lisbon passing from town to town, supervised by local judges. The gang grew in number by adding those detained in each town. The instructions further noted that this was the manner in which those destined for the galleys were collected

and that these new regulations would end the previously ineffective and unsupervised system by which each prisoner made his own way to Lisbon.⁷

Once they arrived in Lisbon, they were housed in the main jail, Limoeiro, directly above the cathedral and below the Castle of São Jorge. Called ‘limoeiro’ or ‘lemon grove’, originally it had probably been the site of a lemon orchard. The cathedral, in fact, is the probable site of the former mosque of Lisbon and right outside it was a traditional place of execution for the convicted. The entire area around the cathedral (just below Limoeiro) had long been closely associated with justice and punishment, dating from the Islamic era (i.e. before 1147). Limoeiro was but one of several jails in Lisbon. Originally a royal place and later the royal mint, the building was converted into a public prison by 1481.⁸ There were several jails in Lisbon, including a municipal jail and later an ecclesiastical jail but Limoeiro was the main focus for convicts destined to some sort of forced labour.⁹ In Limoeiro, they awaited the departure of a ship for their determined place of exile. Prisoners were held downstairs in the lower floor while the upper floor housed the appeals court. Later, as the number of prisoners increased, the entire building was used as a prison and the courts moved elsewhere. This probably occurred when the building was remodelled after damage in the 1755 earthquake. It continued to be used as a prison well into the early years of the twentieth century when it held a number of prisoners accused of plotting against the republic, established in 1910 (see Figure 2.1).

This was how the system was supposed to work, and if it had been followed accordingly it would have produced a good amount of documentary evidence. However, we have virtually nothing to demonstrate the system in action. The 1755 earthquake in Lisbon destroyed much of the legal documentation and case files that would have facilitated studies of crime in early modern Portugal. There are a couple of random references in documents to escapees from chain-gangs, but these tell us very little.¹⁰

In neighbouring Spain, which also had chain-gangs conducting convicts to work in mines and ports, we have a famous reference in *Don Quixote* where:

The knight ... saw ... a dozen or so men on foot, strung together by their necks like beads on an iron chain and all of them wearing handcuffs. They were accompanied by two men on horseback and two on foot ... ‘That’ said Sancho as soon as he saw them, ‘is a chain of galley slaves, people on their way to the galleys, where by order of the king they are forced to labor.’¹¹

Indeed, such sights must have been relatively common in Portugal as well, and it is easy to imagine similar chain-gangs moving through the Portuguese countryside during early modern times.

A bailiff’s notebook

The most revealing single document demonstrating this collection process is a 1689 bailiff’s notebook from Limoeiro in which he lists the fifty-four convicts in his charge,

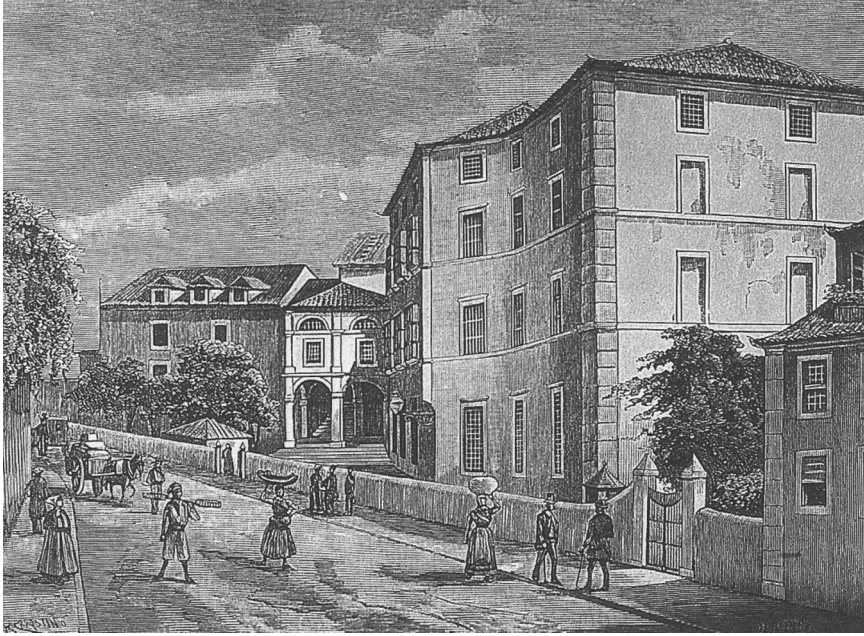


Figure 2.1 Limoeiro prison as shown before 1932. Painting by Ribeiro Cristino

Source: Júlio de Castilho, *Lisboa Antiga*, vol. 9 (Lisbon: Câmara Municipal, 1937), 59

their names, crimes and sentences.¹² In this unique list, the bailiff very clearly states the arrival of eight different chain-gangs (*levies*) in the three year span of his notebook (1689–1691) and also notes arrival dates for the others but does not specifically use the word ‘levy’ or ‘chain-gang’ but given the context, this can easily be assumed. Of this group, forty-six are men, guilty of (when stated) murder (eighteen cases), theft (five cases) and kidnapping (two cases); while contempt, escaping from jail and tobacco smuggling have one transgressor each. The eight women (when stated) are guilty of murder (four cases) and theft (one case). For the men, it is impossible to know details of their crimes but generally if we examine the distance of their places of exile, we can get a sense of the seriousness of their infractions, as discussed above. Murderers were sent to Angola, São Tomé, for ten years to life or in some cases, Castro Marim (i.e. within Portugal). Female murderers were all sent to Brazil and when we know the details of their crimes, they typically killed their husbands.

This particular list also reveals that this collection and transportation system was not as swift or smooth as it appears when reading its guidelines. Several of the inmates had yet to have their sentences confirmed by the high court in Lisbon (thirteen cases) in spite of being in jail from six months to two years. Three inmates were pardoned, another three left jail and had not returned, one died in jail before receiving his sentence, and in two cases, the bailiff noted the inmates were very young and received *deligencia de menoridade*, what one can only assume was an early form of juvenile probation.

Only the first convict listed left for his exile, meaning all the remaining forty-four were still being held in Limoeiro and some had been there for as long as two years.

Such problems in the system have the potential to reveal a great deal. Before 1800, we can learn much more about convicts and the penal system in general when something goes wrong than when everything continues smoothly with no problems or paper trail. Convicts escape from the chain-gang and a local judge writes a letter to an official. Others escape from jail in Lisbon and again, there is a paper trail. A ship sinks at sea and a secretary notes that thirty-eight convicts were on board, bound for India. Convicts from Goa fled to Bengal, beyond the reach of the Goan courts and the legal response was to issue pardons specifically intended to lure them back. Courts in Brazil issue blanket pardons for convicts willing to fight the Dutch. In all of these cases, we see fragments which mean little in isolation but that point to a much larger system at work.

Because of the extraordinarily long time frame and the shifting uses of convict labour discussed here, it might provide greater clarity to divide the state's use of convict labour into four distinctive segments:

1. legal havens of the medieval era and galleys
2. from 1415 to c. 1500
3. from 1500 to 1822
4. from 1850 to 1932

We can now turn to each of these segments. The first three are really one long development, each segment a bit more complex than the previous. The last segment is unique and a complete break from past practices.

Legal havens of the medieval era and galleys

In the first of these segments, which is exclusively internal to Portugal, convicts were encouraged to move to any of a series of border towns in the far north or extreme east of the country (see Map 2.1). This was initiated by the crown on a town by town basis, creating legal havens where male convicts, guilty of a wide range of crimes, could relocate and avoid legal prosecution. Generally, these havens were open to those guilty of virtually any crime, with the notable exception of treason, treachery or individuals sentenced to reside in a specific locale exile (*degredados*). This process was well established by the reign of King D. Dinis (ruled 1279–1325). In 1308 he established Noudar as a legal haven and the number of these havens grew to include the many frontier towns shown on Map 2.1. King D. Fernando (ruled 1367–1383) enacted some of Portugal's first laws aimed at curbing vagrancy and defining the 'deserving poor', stating that 'the poor capable of any work of occupation must engage in it [i.e. agriculture] while those who are elderly or ill shall be given a license to beg'.¹³ In 1406 King João I limited the number of legal havens to five. Slowly over the next two centuries, a much longer list of exclusions and several more towns would be added by royal decree. Those guilty of 'heresy, sodomy, first degree murder, kidnapping a

married woman, [some cases of] theft, and highway robbery' were excluded from havens in 1433, and the *Manueline Ordinances* of 1521 also excluded those guilty of counterfeiting, falsifying statements or injuring judges.¹⁴



Map 2.1 Sites of internal exile within Portugal

Examples of legal havens indicated on the map (date of royal decree establishing status as a haven when known) as follows:

1. Caminha (1406); 2. Chaves (before 1483); 3. Mirandela; 4. Celorico de Basto (1441); 5. Miranda do Douro (before 1483); 6. Freixo d'Espada Cinta (before 1406); 7. Sabugal (1369); 8. Segura (1421); 9. Alhandra (ended in 1586); 10. Sesimbra (1492); 11. Marvão (before 1483); 12. Noudar (1308); 13. Mértola (ended in 1535); 14. Castro Marim (1524).

This is far from a complete list since other towns in Portugal also functioned as legal havens and those listed above were periodically removed or renewed.

The guiding principle behind the creation of these havens was to increase the population in these remote frontier outposts. The details for each town differed and in some cases residents were excused from military service and some taxes. In other cases, the guilty party could even leave the town for a limited period to conduct business as long as he maintained his residence in the town for most of the year. On the other hand, providing additional manpower for garrisons, as needed in wartime emergencies, was a guiding motive for manning these havens. This system was loose and poorly supervised, but it succeeded in removing a dangerous transgressor from society and relocating him (this system was limited to males only) to a distant frontier outpost while providing a buffer from hostile forces. Little is known about what these people actually did since the documentation is scanty. However, as in the Spanish imperial context discussed by Christian G. De Vito in this volume, many must have acted as soldiers, particularly in emergencies. Obligatory residence as a sentence ranged from five to twenty years, depending on the crime and location.

A secondary and more limited use of convict labour during this late medieval times, continuing through early modern times, was in the navy sending men to the galleys. In both cases, numbers were restricted since most legal havens had a cap (ranging from ten to fifty men) and the number and size of the galleys determined their manpower requirements. Galleys had a limited applicability in Portugal since they were designed for use in the calmer waters of the Mediterranean rather than the Atlantic, so Portugal used galleys infrequently. They did use them however, and a sentence to the galleys was typically reserved for unpardonable offences and for ten years, which the courts equated with a life sentence. The Inquisition coordinated with the state to sentence men (normally those guilty of bigamy or sodomy) to time in the galleys.¹⁵ We have a much clearer idea about what these convicts did. The demand for labour on the galleys themselves was limited by their number and the length of the oars. However, by the mid-eighteenth century, a sentence to work on the galleys grew to include the more generic punishment of 'public works' which were normally a variety of naval-related tasks. These might include filling sand bags for ballast, making rope or carpentry work in the shipyards.

Convicts were largely illiterate but we are fortunate to have one exception; Gabriel Dellon, a French medical doctor who ran afoul of the Inquisition in Goa and eventually ended up working in the galleys in Lisbon. He left us the following account of his time there in 1676:

All the convicts were fastened in pairs by the leg, with a chain about eight feet long. Each prisoner had a belt of iron about his waist, to which it might be suspended, leaving about three feet in length between the two. The galley slaves are sent daily to work in the shipyards, where they are employed in carrying wood to the carpenters, unloading vessels, collecting stones or sand for ballast, assisting in the making of rope or in any other labour for the Royal Service, or for the officers who superintend them, though ever so mean and degrading.

Amongst those condemned to the galleys are not only persons committed from the Inquisition and the Civil Tribunals, but also fugitive or intractable slaves, sent by their masters for correction and amendment, Turks who have been captured from the Corsairs of Barbary; and all ... are employed in the most disgusting drudgery, unless they have the money to give the officers ... Each [slave] has his head and beard shaved every month. They wear frocks and caps of blue cloth ... Each prisoner has half a pound of extremely hard and very black biscuit daily; six pounds of salt meat every month, with a bushel of peas, lentils, or beans, with which to do as they please ... They are conducted every morning to the shipyard, which is half a league distant, where they work incessantly at whatever task is given to them to do, until eleven o'clock. From that time until one, is allowed for rest or refreshment. When the one o'clock strikes, they are summoned to resume their tasks until night, and are marched back to the Galley.

When a slave has business in town, he is allowed to go out, and even without his companion if he chooses, on paying a guard, who attends him everywhere.¹⁶

Galleys were obsolete by 1717, but sentences of 'public works' continued for another 150 years, until 1867. For example, for several years after the 1755 earthquake galley prisoners in Lisbon helped clear collapsed buildings and streets of rubble. Those like Dellon sentenced to work in the galleys, were held in a separate prison near the docks at the edge of the Tagus River below the cathedral.

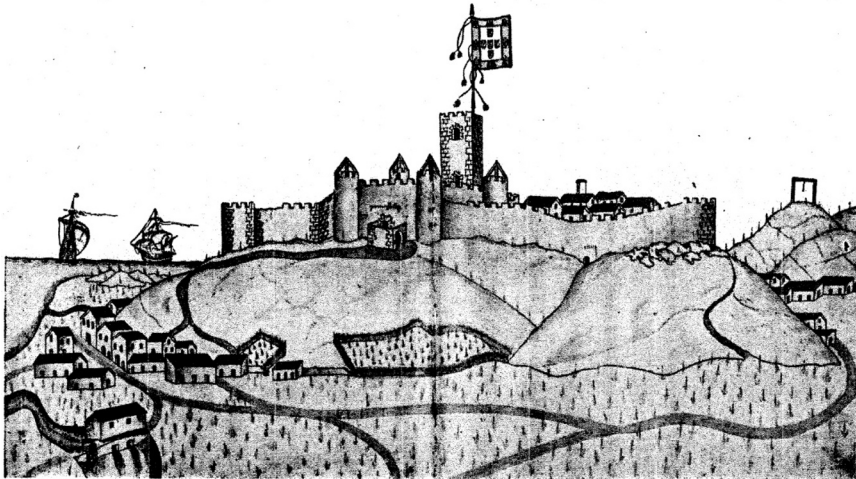
Legal havens in Portugal were abolished in 1692 with the notable exception of Castro Marim (see below) but they were duplicated overseas in both Portuguese Asia and Brazil. In Portuguese Asia, both Daman and Cannanore were legal havens as were two critical fortresses guarding the entrance to harbours in Goa. In Brazil, the town of Nossa Senhora da Conceição had this same function, as did other towns later.

As mentioned above, the notable exception to this first segment of internal legal havens within Portugal is the little town of Castro Marim in the extreme southeast corner of the country along the Guadiana River, only a few kilometres from its mouth on the Atlantic and opposite the Spanish town of Ayamonte (see number 14 on Map 2.1). There were a couple of factors that made this town unique and because of which royal authorities would allow it to continue with this status while other havens were abolished. Castro Marim was one of the last towns captured by the Portuguese during the *Reconquista* and thus has a long history of being on the frontier, the edge of control for the Portuguese crown in Lisbon. It served as the headquarters for the medieval military order of the Knights of Christ, first fighting the Moors and then providing defence against any Spanish forces that might make their way across the river. Castro Marim protected the eastern Algarve (Portugal's southernmost province). The area around the town included Santo António de Arenilha, a fishing village on the Atlantic (modern day Vila Real de Santo António) where the crown was concerned about its loss of revenue from untaxed commerce.

In addition, Castro Marim had a well developed salt industry; salt pans surround the town. Piles of salt can be seen along the river front to the left in Figure 2.2, dating from the early 1500s.

The 1755 earthquake severely damaged Castro Marim as well as Lisbon, and its municipal archives only begin around 1780. We have no documentation showing what this pool of convict labour actually did there. However, it is logical to assume these men and women entered into the work force surrounding them. If that is correct, their (virtually free) labour made the local salt industry and agriculture thrive. For all of these reasons, Castro Marim continued with this unique status as a haven and was used as such with some frequency until the middle of the nineteenth century.¹⁷

The relationship then reversed between Castro Marim and Santo António. Santo António became the thriving regional commercial centre and the fortunes of Castro Marim, without its free labour pool, declined sharply. Its salt industry stopped (providing further evidence that it was supported by convict labour) only to be revived quite recently with modern technology and a niche market in the European Union for organic sea salt. Castro Marim is a good example of how vast, unexplored and multifaceted convict labour can be in the Portuguese case.¹⁸



CASTRO MARIM — Vista tirada da banda do norte

Figure 2.2 Castro Marim as seen from the north

Source: Reprodução anotada do Livro das fortalezas de Duarte D'armas (Lisbon: Editorial Império, 1943).

Initial expansion into the Atlantic and Indian oceans

The second chronological segment outlined above (1415–1500) covers the initial years of expansion of the Portuguese Empire globally. This is obviously a very complex and multifaceted process. Convicts played two very different and equally critical roles: emergency manpower as soldiers and cultural intermediaries. As in the Spanish Empire (Christian G. De Vito in this volume), convict soldiers were at the forefront of the expansion of Portugal into Ceuta in 1415 and North Africa in general in the fifteenth century. North Africa was (from the Portuguese perspective) a military battleground and a continuation of the *Reconquista* in Iberia. The Portuguese were equally eager to enter into the trans-Saharan gold and wheat trade and captured a series of coastal cities in modern Morocco. Finding sufficient troops for this struggle was a never-ending problem for the crown and one solution was a reduction in sentences for those convicts who volunteered to fight. A sentence of *degredo* to a locale in Portugal could be cut in half with such military service. For example, a sentence of four years to Castro Marim could be reduced to two years in Ceuta; there is ample evidence showing approximately eighty convicts moving back and forth from sentences of internal exile to military duty in North Africa during this early period. The primary outposts in Morocco affected were the three largest and most important: Ceuta, Tangier and Arzila.¹⁹

Portuguese military activity in North Africa was extensive in this period. In the century from 1415 to 1515, the Portuguese captured thirteen port cities along the coast of modern Morocco. The reality of this interaction was that the Portuguese were continually seeking out new soldiers to participate in these conquests. After more than a century, King D. João III realized the folly and futility of this North African adventure and withdrew from six of these outposts, strengthening the remaining three: Ceuta, Tangier and Mazagão.

The other role played by convicts in this period was as cultural intermediaries. It was a common practice on the Portuguese voyages of exploration (1400–1500) for the captain to bring several convicts to leave ashore at selected points along the way. These were typically murderers but the details of their crimes did not make it into the documentation. These men were deliberately left ashore in west and southern Africa and Brazil. The objective was for them to make contact with the local people, (ideally) be accepted by them, and learn their language(s) and aspects of their culture. They could then act as intermediaries when the Portuguese returned on the next voyage. Note that the state had nothing to lose and everything to gain in this experiment. If the convict were accepted and learned about the local people, the next interactions would be infinitely easier and more productive. On the other hand, if the convict were not accepted, killed or died due to disease, he could always be replaced.

Along the coast of west Africa, this policy had limited success due to tropical diseases encountered by the Portuguese. Throughout the early modern period, the Portuguese considered coastal west Africa as a virtual graveyard for this reason. However, this policy did result in one long-term development of note. Because of this interaction and trade, Portuguese became the language of commerce in West Africa and a unique ethnic group of Afro-Portuguese flourished in the region. Known as *lançados* or

tangomãos, these people were a successful merchant community.²⁰ While it is true this was driven by trade (not the judicial system) and the documentation shows this group developing later (in the 1550s), how to explain the beginnings of such a group if not with the arrival of abandoned convicts making their lives with the local people, learning their languages and initially facilitating trade with Portuguese merchants?²¹ This Afro-Portuguese group became so successful in avoiding the royal monopolies on trade that the Portuguese crown repeatedly tried to forbid their presence on the African mainland.

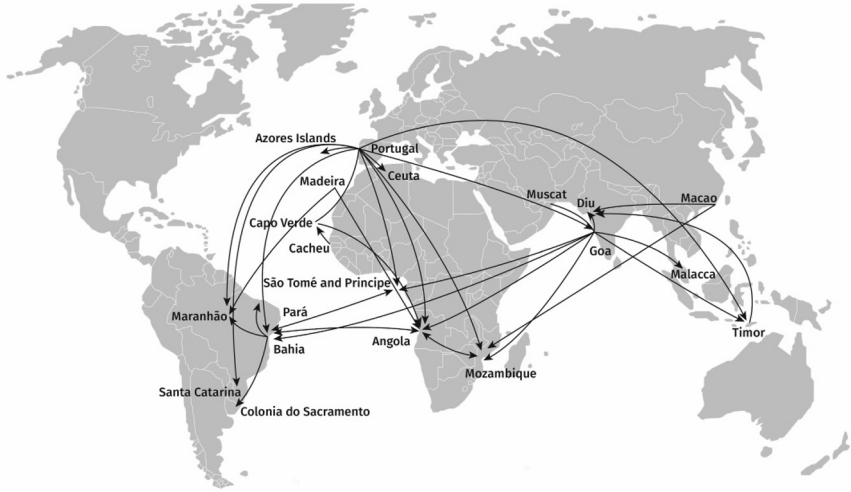
There are a number of interesting cases of such early intermediaries in the first century of the European presence in Brazil. On the first Portuguese voyage to Brazil in 1500, the captain, Pedro Álvares Cabral, left two such convicts. One was Afonso Ribeiro, part of a group of convicts on board, destined to be left along the route to India, as had Vasco da Gama during his voyage three years earlier. Two young cabin boys also abandoned Cabral's fleet in Brazil.²² The convicts were to learn the language and customs of the native peoples after which, it was said, 'no doubt they [the native peoples] will become Christians'.²³

During this initial contact phase in Brazil, many convicts were left along the shore and they were joined by survivors from shipwrecks. The most famous of these figures would have to be Diogo Álvares, better known as *Caramuru*. Exile to Brazil, as Ronaldo Vainfas has argued in his *Dicionário do Brasil Colonial*, 'was the first method used by the Portuguese to learn about the land and peoples of Brazil. In addition to providing interpreters, the punishment of exile to Brazil was increased after 1530 and became one of the main methods of populating the colony'.²⁴ There were undoubtedly many other convict intermediaries such as these but by their very nature they remain at the fringe and frequently beyond any documentation.²⁵ Once the Portuguese arrived in India, the need for intermediaries such as these ended and thus sentencing patterns shifted accordingly to the third segment. These shifts are displayed on a global basis in Map 2.2.

Convicts and the early modern empire

The third phase of this process extended from approximately 1500 until the independence of Brazil in 1822. That is, this phase covers the establishment of a global empire and lasts until its largest segment (Brazil) became independent. It was a period when the convict either provided military service or was envisioned as a settler.

Courts in Portugal, and as the empire grew, in Goa (India, court was established in 1554), Salvador (1609) and Rio de Janeiro (1751) matched distance from it with the severity of the crime to determine the convicts' destination. The more serious the crime, the more distant from the court was the place of banishment. Minor infractions meant being sent somewhere nearby; midrange crimes would mean being sent further away, perhaps overseas but not necessarily too far. Those guilty of the most serious infractions faced the galleys or the most challenging tropical locations in the empire (see Table 2.1).



Laura Vann © www.convictvoyages.org (2017)

Map 2.2 Convict transportation in the Portuguese Empire, 1415–1932

Table 2.1 Early Modern Courts and the Geography of Their Sentencing

Court in	Typical sentence for a minor crime	Serious crime	Unpardonable crime
Lisbon or Porto	Six months banishment from town or one year residence in Castro Marim	Two years in Mazagão (North Africa) or four years in Castro Marim	Life to Angola or to São Tomé, or ten years in the galleys
Goa (India)	One year banishment to Diu	Two years exile to Sri Lanka	Ten years to Mozambique or Timor
Salvador or Rio de Janeiro	One year banishment from town	Two years to Nova Colônia do Sacramento	Ten years to Angola

Convicts as military reinforcements

The seventeenth century in the Portuguese world was an extended period of political and military crises that demanded many more troops than those available to the crown at any given moment. This becomes abundantly clear when the various decrees directing the ever-changing destinations of convicts are compared with the larger political/military reality surrounding them. The two struggles that dominated the century for the Portuguese were the global war with the Dutch Republic (1598–1663)

and the restoration of Portuguese independence from Spain (1640–1668). However, the Portuguese also faced additional enemies, especially in Asia, such as the Omanis and Persians.

It is important to keep in mind that legal codes were quite specific as to crimes and their related places of punishment. They did not change; in times of crises (i.e. 1600–1670) necessity outweighed legality. Convict men were sent where they were most needed at the moment, in spite of any laws to the contrary. Once the crises years passed, the crown had the luxury to follow the established codes or not, as it wished. Three examples should make this clear.

In response to Portugal and its empire becoming part of the Habsburg Union of Crowns (1580–1640), the Dutch began attacking some of the weaker and most profitable locations in this united global Iberian Empire, many of which were Portuguese. They began by attacking São Tomé and Príncipe in 1598 to 1599 and followed this with capture of the Moluccas in 1605. Once the Portuguese broke away from Spain in 1640, they had to face the Dutch alone while also fighting the Spanish on their border. The Dutch attacked Salvador (Brazil) in 1624 to 1625; captured coastal Angola and Malacca in 1641; coastal Sri Lanka in the period from 1638 to 1658, and outposts on the Malabar Coast (S.W. India) in 1663.

The Portuguese were losing this struggle with the Dutch in Asia and thus we find that in the period from 1621 to 1695, the crown issued decrees directing such manpower be sent to Portuguese Asia on nineteen occasions.²⁶ The usual wording was ‘ships are about to depart’, or ‘round up those from places where games are played and vagrants are present’. But the most revealing statement was in 1621: ‘to complete any manpower requirements if a sufficient number of soldiers cannot be found.’²⁷ Similar decrees were issued for Brazil in the 1620s and 1630s, the most notable being a 1626 general pardon for all criminals in Brazil who agreed to fight the Dutch.²⁸ Parts of the Brazilian N.E. were occupied by the Dutch from 1630 to 1654, this last year being a turning point in the Luso–Dutch struggle when the Portuguese lost Sri Lanka and regained Brazil.

Nine similar decrees were issued to send convicts to São Tomé from 1639 to 1679, because, as one decree stated, ‘São Tomé is in great need ... of soldiers to defend the island.’²⁹ Parallel legislation was issued for many outposts under a Dutch threat, including Malacca in 1604, 1622 and 1624 (Malacca was attacked in 1606 and 1634 to 1640, captured by the Dutch in 1641) and Hormuz Island in 1621 and 1622 (Hormuz was captured by the English and Persians in 1622).³⁰

Similar drastic measures were used to conscript convicts for the war against the Spanish, which lasted for much of the 1650s and 1660s. At one point, the crown offered official citizenship to any Roma who enlisted in the army to fight the Spanish.³¹ Other, more traditional, means of recruiting focused on a quota of ‘soldiers’ to fight the Spanish, to be supplied by each town, city and region in Portugal. The first place these authorities looked to fill their quotas was the local jail.³² The military situation was sufficiently dire to warrant a stipulation in Catherine of Braganza’s famous 1661 dowry for King Charles II of Great Britain, a union designed to thwart the Dutch and Spanish in this struggle. The British agreed to send two regiments of cavalry to Portugal upon completion of the marriage ceremony. In the end, the Spanish were exhausted from

the Thirty Years War and the Revolt of the Catalans, and the Portuguese were able to defeat them on the battlefield and sign a peace treaty. The Portuguese paid the Dutch to retain Brazil in the 1661 Treaty of The Hague while the Spanish agreed to peace terms in 1668. These two military struggles exemplify the use of convict soldiers where they were critically needed.

A concrete example of a military emergency occurred in 1669 when the authorities in Lisbon sent a group of seventy-nine convicts to India to bolster the military presence in Goa and elsewhere.³³ In spite of the 1661 treaty, the Dutch were still a problem in South Asia, capturing cities along the Malabar Coast as late as 1663. Of the men in this group, the first ten listed had been sentenced to time in Brazil and now had their sentences cut in half but reassigned to Portuguese Asia to fight the Dutch. When their crimes are stated, they are typically guilty of theft or murder. The list does not state any other information other than the lengths of their sentences, which ranged from two years to life, the majority of which were eight years or longer. Antonio de Mello de Castro, the viceroy, responded to the arrival of this shipment of convicts by saying to the crown, 'The little honour we have in India is not retained with this sort of people. They flee to the land of the Moors ... freeing themselves from their punishment.' In spite of the opinion of the viceroy, the crown had little alternative but to turn to convict soldiers in such times of emergency.

By the eighteenth century, the crown was printing lists of convicts exiled overseas and these lists frequently contained details as to the ages, civil status and crime committed. One good example is from 1783, a list of 100 convict men from the Island of Madeira to be sent to Angola.³⁴ The average age of this group is twenty-five, with the youngest, Manuel da Silva, a young twelve-year-old thief. The oldest was a rare 'volunteer', Duarte Lucio, age thirty-eight. The overwhelming majority of these men (seventy-eight) were single, only seventeen were married and an additional five were widowers. Most were thieves (sixty), trouble-makers (ten) or vagrants (nine); the remainder were volunteers or listed as in the infantry or artillery. All or almost all were born on Madeira. This list represents a solution to several inter-related problems: social control on Madeira, punishment for the guilty, a large, one-time influx of 100 men sent to Luanda, and a response to overpopulation and limited land on a small island.

We have no way of knowing what these men did once they arrived in Angola but again, as in the case of Castro Marim, we can assume they had no choice but to enter into the economic world around them. For such Europeans in Angola this could have included many different activities such as being soldiers, or working for slave traders or merchants.

Convicts as settlers

When not enlisted in the military, the other overriding function of convicts was as settlers in a colony. Another printed list from the eighteenth century provides an excellent example of this practice.³⁵ The list is of 100 men, some with their professions indicated, ages, civil status and years of sentence (but not crime). All were sentenced by the high court in 1755 and destined to leave Lisbon on the ship *São Francisco Xavier*

for Portuguese Asia. In similar numbers to the list cited above, seventy-two were single, fourteen were married, two were widowers and the civil status of twelve was not stated. Their average age was twenty-three, with a thirteen-year-old carpenter named Joaquim da Costa the youngest and the fifty-year-old Agostinho João (no profession stated) the oldest. Their professions are given for less than half the group but when stated are modest: carpenters, millers, street sweepers, herb sellers, cobblers, apprentice sailors, servants and the occasional soldier. Their places of birth are all over Portugal. The minimum sentence was three years (twenty-nine cases), with an additional two sentences of four years, probably in relation to theft or another minor crime. Almost half the group (forty-two) was sentenced to five years, possibly for murder or theft. There are an additional two cases each for six years and eight years (again, probably for theft or murder). A sentence of ten years or life was reserved for unpardonable crimes and there were twenty-three cases in this group.

From these two modest sets of data, we can see some clear trends in this convict population. All 200 are male, since female convicts in early modern times were few (perhaps 5 per cent or less). Women were normally sent to internal exile for minor crimes and to Brazil for serious or unpardonable crimes. In these two lists of male convicts, the vast majority were under twenty-six, not married, guilty of theft or murder, and sentenced to five years or more overseas. This will remain the pattern as we move into modern times as well.

Convict labour in modern times

The fourth and final chronological segment of convict labour focuses on Africa, specifically Angola and Mozambique in the period from approximately 1850 to 1932. Readers may question the gap from 1800 to 1850, a gap resulting from a series of disasters in Portugal during the first half of the nineteenth century. From 1800 to 1850, Portugal endured the departure of the royal family for Brazil (1807), the Napoleonic Wars in Iberia (1807–1814) and a civil war (1828–1834). While the legal system did continue to function, it largely sent convicts to selected locations in Brazil until 1822 and then piecemeal and sporadically to sites in Africa until approximately 1850.³⁶

It is hard to appreciate the great differences that took place in extracting labour from convicts as we move into the nineteenth century. Whereas up to this point, the entire system had been loosely structured, minimally supervised, and inexpensive for the state, these three factors would change radically in modern times. In addition, rather than directly or indirectly impressing convict labour into their ranks, the military itself would now direct convict labour. The military are a key component of this shift, made possible because of its increased professionalization in Portugal in the late eighteenth and nineteenth centuries, a linked subject but one that is well beyond the scope of this chapter.

During the nineteenth century, the legal codes in Portugal were also repeatedly updated and expanded. A set of unrelated issues facing Portugal during the second half of the nineteenth century led to a new use and understanding of *degrado*, this very

old and well-established punishment. The slow end of the trans-atlantic slave trade as well as the prolonged ending of slavery itself in Portuguese Africa led to an increased demand for labour in Angola and Mozambique, Portugal's two largest African colonies. The scramble for colonies in Africa (which defined 'The New Imperialism' of the era) demanded a European presence to cement territorial claims. Penal reform in Western societies, spearheaded by the works of Jeremy Bentham (as well as others) called for a rethinking of punishment and the redemption of the convict. All these issues were blended in the series of new legal codes issued in Portugal beginning in 1852, followed by further reforms in the 1860s and 1880s.³⁷

These very diverse issues culminated in a unique Portuguese experiment in Angola and Mozambique from the late nineteenth century until 1932: the creation of two urban penal colonies in the two colonial capital cities of Luanda and Mozambique Island. These new legal codes envisioned that after prolonged reflection and penitence in Portugal, the convict would cleanse himself or herself of crime. At that point, he or she would be sentenced to extended time in one of the colonies, building infrastructure or providing services to cement Portugal's legal claim in the era following the Treaty of Berlin. In order for this series of coordinated innovations to occur, in addition to the series of legal reforms already mentioned, several new institutions would be created by concerned individuals as well as the state. They would then dovetail their efforts to ensure Portuguese control over its two largest and most promising colonies in Africa.

Inter-locking institutions

The most obvious and central institution for this chapter would have to be the penitentiary of Lisbon. Built in 1873, it reflected the panopticon model of incarceration popular in the second half of the nineteenth century in the USA and Western Europe. This design envisioned individual detention and observation by the guards. The theory was that two to four years of solitary detention would cleanse the guilty (i.e. penitence) which would be followed by redemption through associated hard labour in the colonies. The Lisbon authorities, when drafting these new codes, blended something new (penal reform) with something very old (*degredo*). Unfortunately, even when prison authorities adhered to individual detention, as was done in some other countries, it never achieved its desired results and did little more than challenge the inmate's sanity. In Lisbon, the new penitentiary was quickly overcrowded and cells designed for one prisoner housed two or three inmates. The solution was to move prisoners along to Africa faster than the theory envisioned. As a result, as overcrowding became an issue, many convicts would avoid extended prison time by pardons (for minor offences) or would be sent directly to Africa.

Chronologically the second of these institutions was the Sociedade de Geografia de Lisboa (SGL) or the Geographical Society of Lisbon. Founded in 1875, its members were a roll call of nineteenth-century Portuguese Africanists, explorers and politicians. Through the 1930s, the SGL sponsored expeditions, conferences and publications

aimed at ensuring Portuguese claims to Angola and Mozambique. In many ways, this is what today we might call a 'think tank' that directed Portuguese efforts. On two occasions, the SGL held conferences on the colonization of Portuguese Africa and debated the pros and cons of convict labour (and problems confronting free settlement) in the colonies. Founded by a private group of concerned citizens, the SGL would eventually be duplicated by a state organization with identical goals: the Instituto de Investigação Científica Tropical (IICT) or the Institute for Scientific Investigation of the Tropics. By the 1930s this second organization would cast a heavy, dominant shadow over the first.³⁸ The IICT in turn had a sister, parallel institution dedicated to the study of tropical diseases, the Institute of Tropical Medicine (now known as the Instituto de Higiene e Medicina Tropical) and its affiliated Hospital Colonial. Both were established in 1902 to treat the Portuguese returning from Africa with a wide variety of tropical illnesses. In spite of their lowly status, the government did attend to the medical needs of convicts in the tropics. These expenses were considerable and tropical diseases ravaged the convict population of Luanda. The Portuguese made internationally recognized progress in the struggle against sleeping sickness, especially on São Tomé and Príncipe. Research conducted in Lisbon in these medical institutes impacted the treatment of patients in hospitals in both Angola and Mozambique. The relationship among these institutions is represented in Figure 2.3.

After several false starts, the Lisbon authorities decided to use two historical military fortresses, each in the middle of a city, as the hubs for this African experiment in forced labour. Convicts from Europe and the Atlantic colonies (Cape Verde, Guiné, and São Tomé and Príncipe) were sent to the Fort of São Miguel, an early modern fortress overlooking Luanda. Convicts from courts in Portuguese Asia (India, Macau, Timor) as well as some Europeans were sent to a similar Fortress of São Sebastião on Mozambique Island. Convicts from Angola were remanded to Mozambique and vice versa to prevent any prisoner from having connections beyond the prison walls.

The documentation on the prison in Angola forms the basis for the following discussion because similar materials regarding Mozambique are totally absent in Lisbon. Both prisons operated under identical military guidelines so it is safe to assume these statements are valid for both institutions.

Transported in third class on a steamship at state expense, the convict arrived at his or her destination, was met at the docks by a military guard and escorted to the prison. This journey from Lisbon to Luanda took twenty-four days. Once inside the prison, the convict was recorded in the master register, assigned a number and company, and issued the standard indigo blue uniform. The official title of the prison in Luanda was the Depósito de Degredados or the Depot for Convicts, which was reorganized and fully functioning by 1883.³⁹ The institution in Mozambique was the Depósito Geral dos Sentenciados, or the General Depot for Sentenced Persons.

The internal organization of the prisons was in companies, reflecting their military roots, and both organizations operated under identical guidelines periodically updated and published by the military authorities in Lisbon. Convicts were initially assigned to companies based on their crimes, but this relatively quickly shifted to assignment based on race and gender. The first and second companies were European men, while the third was men from the Atlantic colonies (e.g. Cape Verde, Guiné and São Tomé).

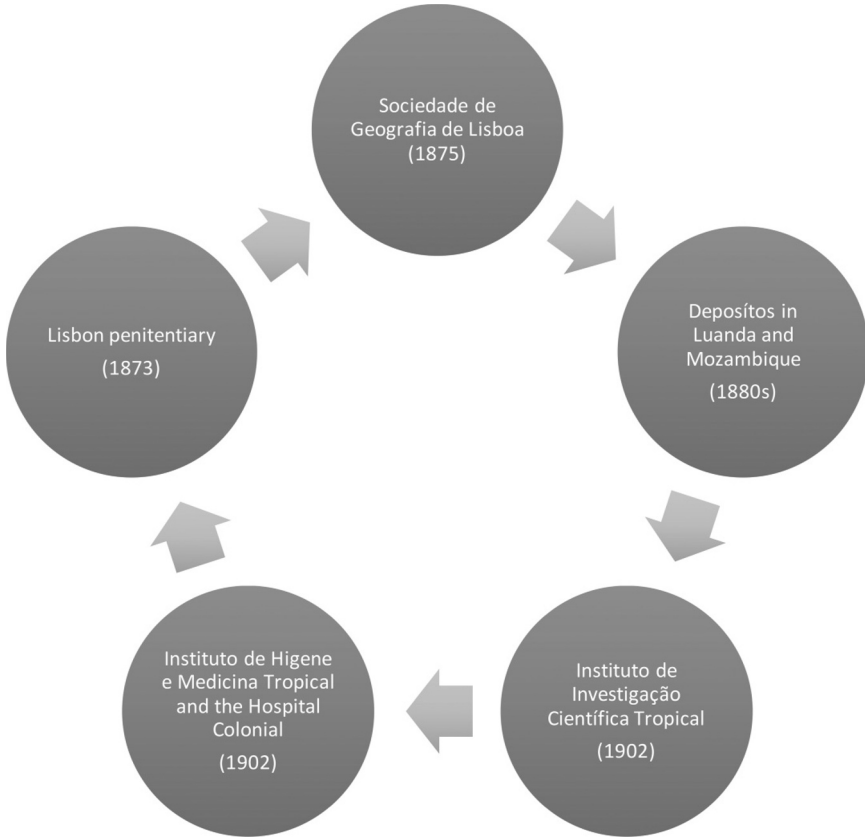


Figure 2.3 Interlocking institutions

Women formed the fourth company, and male European vagrants made up the fifth. In spite of regulations to the contrary, the 1915 photographs of each company show each with well over the proscribed limit of forty-five convicts.

This points to two of the basic flaws in this imperial system caused by a lack of coordination between the judicial authorities in Lisbon and colonial officials in Africa. The prison commander had no way of knowing how many convicts to expect at any given moment, who they might be or the lengths of their sentences. As a result, many convicts avoided detection altogether and left the ship in the dock, never entering the prison. In addition, the prison population fluctuated widely from one year to the next and the commander needed a good deal of imagination to cope with overcrowding in the prison. In the period from 1883 to 1914, in some years fewer than 100 convicts arrived while in other years there were more than 200 or 300 new arrivals. The prison population itself in any given year was between 600 and 1,000 inmates.⁴⁰

The vast majority of these convicts were male, between 90 and 95 per cent of the total, mostly single and 75 per cent of them under the age of forty. They were typically

guilty of murder, theft or assault. Women represented a wider range of ages and were guilty of infanticide, theft or murder.⁴¹ We do not know the details of the women's cases unless these are cited in Depósito documents but in the words of João Pinheiro Chagas, 'If not guilty of infanticide, they are guilty of crimes of vengeance, usually against their unfaithful husbands.'⁴²

The differing nature of the crimes and ages of the male and female inmates points to another issue: marriage between convicts, or more accurately, the lack thereof. From time to time, the authorities in Lisbon posited that convicts might marry and establish themselves in the colony. However, male convicts were relatively young common criminals. Female convicts were older and guilty of a one-time crime of revenge or the desperation of infanticide. In spite of shared language and culture, the men and women of this prison had a great deal separating them and marriages between convicts were, not surprisingly, very rare.

While the internal organization of the prison was clearly defined in military regulations, its labour was not. Looking at the incremental changes from the 1880s forward, it would appear that the prison commander had great leeway in assigning tasks and generally using convict labour as he (or his commanders) wished. By the time the commander's annual report was published in 1915, it is possible to see several different labour schemes at work.

Convicts were assigned terms for their behaviour upon arrival, with all starting at level two or 'suspicious'. Those who obeyed the rules and did not incur any infractions in twelve months were promoted to level one or 'improved'. Those who broke rules in the same period were demoted to level three or 'incorrigible'. Level one inmates could be leased to individuals under a bond and were free to work in Luanda or elsewhere in the colony, under minimal police supervision. Level two inmates were kept under closer vigil in Luanda, might work in the Depósito or in Luanda but would have been required to return to the Depósito at night. Level three inmates worked within the Depósito and might only leave it sporadically, although there is some evidence they were also assigned the most demanding tasks in the interior of the colony, under direct military supervision. The Depósito was then not really a prison in the modern sense of the word since many of the inmates did not live there and others exited and re-entered daily. It was more of a hub or central cog in a much larger system.

The requirements of leasing a convict were restrictive and one has to wonder why someone would want to lease a convict unless he or she possessed some special skill, such as being a musician or an accountant. Many convicts worked in Luanda for the city, sweeping the streets and for the colonial government at the docks, printing shop, police headquarters and many other locations. Work within the Depósito itself was the most regulated and regimented and consisted of eight workshops producing goods. The tailors made the uniforms for the colonial government as well as for the inmates themselves while the cobblers made the matching boots for both. Other workshops included bookbinders, carpenters, tin smiths, street sweepers and barbers; women worked in the tailor's shop, the laundry and the ironing room.

While all this labour sounds very productive and it undoubtedly was, this also points to the greatest pitfall in this scheme. The expenses of sending these convicts to Africa, while also providing their food, shelter, clothing and medical care were very

high. These convicts were not performing any tasks that Angolans could not have been paid to accomplish, and the free population at the time was large. While it is true that (at least in the beginning) they may have replaced slave labour, wage labour would have been infinitely cheaper; convict labour in this scenario was uneconomic, draining the state's resources. It simultaneously made the terms 'Angola' and 'Mozambique' synonymous with 'penal colony' and discouraged free colonization. Angola had long been used as a dumping ground for murderers and serious sinners during early modern times. By the nineteenth century, the Portuguese viewed it as 'the land of the exile'. Perhaps the best example of this is the infamous case of João Brandão, a highway robber and murderer, known as 'the terror of the Beiras' (central Portugal). Finally apprehended by the authorities in 1869, he was sentenced to exile in Angola and became the subject of a popular drama and two songs.

There is little doubt that one of the (many) objectives in creating these new prisons in Africa was to provide additional European settlers for the colony and in the guidelines for the Mozambique prison, this objective is made plain. 'Those convicts familiar with agriculture and who prove to be rehabilitated' could be leased a plot of land for cultivation *before the completion of their sentences*. The land would be theirs upon completion of their sentences and ten years of labour on it. If a convict did not have the financial means to begin farming, the state would loan him farming implements, seed and tools as well as provide food and clothing for the convict and his family for one year. This opportunity was also available to those convicts who completed their entire sentences in prison, that is, those who had not been rehabilitated before completion of their sentences. Given the fact that most prisoners came from urban centres (e.g. Lisbon, Porto) and possessed no skills or interest in agriculture, the number of prisoners accepting this offer of free land must have been low. It is the generous terms offered by the state and its overall intention to create a stable European presence in the colony that are noteworthy.⁴³

The Great Depression led to the closure of the prisons in Africa in 1932 and the abandonment of this experiment in penal reform. The limited successes of the prisons in reforming convicts and the labour they provided was too expensive to merit their continued operation. Salazar's *Estado Novo* regime (1932–1974) then turned to agricultural penal colonies within Portugal for common criminals and more specialized and horrific prisons for political prisoners. In terms of the former, at least one institution, the António Macieira colony, continues operating today, albeit no longer linked to agriculture and renamed 'The Sintra Prison'. In terms of the latter for political prisoners, the Tarrafal camp on the Island of Santiago (Cape Verde, opened in 1933) was infamous for its treatment of Europeans and Africans who resisted Salazar's regime. In both Angola and Mozambique, new prisons were constructed to replace the era of convict labour and house those convicted in the colony. The Angolan prison in Roçadas (modern Xangongo, south central Angola) was opened in 1936 and a new prison was constructed in Lourenço Marques (modern Maputo), Mozambique's capital. By the 1950s, the Salazar government had constructed a new prison complex, the Cadeia Central da Machava for both common and some political prisoners in Mozambique.

Numbers of convicts

Determining the numbers of convicts, one of the most fundamental issues in writing this history of penal transportation, has been difficult and in some cases, impossible. In terms of the Middle Ages and the legal havens, there is precious little documentation to inform us as to how many people were residing in any one place in response to its special legal status. I have previously estimated that from 1200 to 1550, some 21,000 convicts may have relocated to legal havens or been sentenced to *degredo* overseas. This estimate is based on fifty people annually relocating to a legal haven from 1200 to 1415 (10,750) plus seventy-five sentenced annually to *degredo* overseas from 1415 to 1550 (10,125).⁴⁴

In early modern times, I have previously estimated that there were 50,000 convicts and sinners (from Inquisitorial courts) exiled within the Portuguese Empire from 1550 to 1755. This number is probably too low so (as with the figure for the Middle Ages above) it should be viewed as a rough estimate. We will never have an exact count because the documentation is absent (see the section on sources, below). What is interesting about this figure is that it is about the same as estimates for British convicts transported in the same period; and the British population in 1750 was around 6.5 million in comparison to Portugal's 2.4 million at the same time, suggesting the latter used it almost three times more extensively. In the intervening years from 1755 to 1822, Portugal sent approximately 150 convicts overseas annually (10,000), largely to three selected regions of Brazil. To this figure, we need to add twenty-five annually sent to internal exile to Castro Marim (1,675) for a total around 12,000 people in these sixty-seven years.

In the years before the Depósitos were fully functioning (i.e. 1822 to 1881), Portugal exiled approximately 135 convicts and 50 vagrants annually, or 11,000 people to all its colonies, with an increasingly tendency to favour Angola. Looking at the Depósitos, it is easier to arrive at a total but it does not include vagrants, political or military deportees. The Depósito in Luanda was a much larger operation than its counterpart in Mozambique. The Luanda facility alone received well more than half (12,500) of the 16,000 to 20,000 convicts and vagrants sent to colonial exile from 1880 to 1932.⁴⁵

Other lingering issues

Vagrants, their numbers and their labour are largely absent from this chapter, the official figures and reports. Vagrants are a special case since, unlike convicts, they only refused to work; they had not broken any laws. As I have suggested elsewhere in this chapter, the total number of vagrants alone could be significant and the role of vagrancy as it intersects with convict labour in the Portuguese Empire has yet to be explored. Such a study focused on both Portugal as well as overseas would be very instructive. Alongside convicts, recidivists were also transported. However, unlike in the French Empire of the same period (Jean-Lucien Sanchez in this volume), they were very deliberately counted separately and not included in any figures with convicts; political and military

deportees are also not included in any of these figures. Additional investigation into any of these three special cases of exiles would add a great deal to our understanding of convict labour in Portuguese Africa. The military and its use of convict labour is another unexplored link in this process and is especially important given the fact that the military supervised this process in nineteenth- and early twentieth-century Portuguese Africa.

Several sources mention convicts in Luanda, both while incarcerated and after completion of their sentences, as being closely associated with bars and taverns in the city. Convicts in the Depósito faced numerous fines for being drunk while former convicts owned many of the bars. It is obvious that there was a convict nexus spread across the city and probably the entire colony of Angola, stretching back to Portugal, which would make a path-breaking social study.

If the confusion regarding total numbers of convicts were not sufficient, the finances of both African prisons are blended with other budgets, making it impossible to sort out exactly how much it cost the state to administer these two institutions. For example, time and time again, the colonial authorities stated that the Luanda prison was ruinously expensive but the figures they revealed blended its budget with the entire military budget for the colony of Angola or the entire colonial budget itself, without stating what the prison alone cost. What is required to settle many basic questions about the profit, loss, operation, etc. of these two prisons are serious, in-depth institutional studies of each. The documentation exists in the case of Luanda and may or may not exist for Mozambique.

Finally, the list of interlocking institutions listed above have much more to reveal to the study of convict labour than the paucity of works which have appeared to date.

Conclusion

In spite of the problems in determining numbers of convicts and in some cases, being able to say definitively what work they accomplished, it is clear that over the course of many centuries *degredo* had a decisive impact on Portuguese society. It was not a mild punishment; it meant leaving behind all that was familiar and starting anew. It cut the links of family and hometown and cast the individual into a new, unfamiliar and unknown setting, sometimes very far away with little realistic hope of ever returning. When the punishment of *degredo* looms over the members of society, as it did in the case of the Portuguese, it has a deadening effect of severe social control. Anyone who steps out of line by breaking the norms of society faces the possibility of being sent far away, never to return. The result can be a highly conservative society (in social terms) with unbending social norms re-enforced by law.

On the receiving end, during the medieval and early modern eras, *degredo* provided labour where it was either non-existent or scarce. Examples of these included Castro Marim, Cacheu in West Africa and São Tomé. It also offered the promise of colonizers for far-flung outposts of empire, especially those regions unable to attract free colonization, such as the fringe regions of Brazil (e.g. Pará, Maranhão, Colônia

do Sacramento) and the Zambesi River Valley of Mozambique. It was an inexpensive, effective method for the state to use under those circumstances and it provided both soldiers as well as colonizers.

What changed, as we move into modern times, was that the state attempted tighter control (with concurrent higher expenses) while sending convicts to distant colonies where their labour was simply not needed. In addition, their rehabilitation was a deception; their acceptance into colonial society after sentence completion, a myth. The result was uneconomic labour performed by convicts who would rather return home than remain in the colony. If they did remain, they would join the marginal elements of the colonial society and (largely) fail to become the redeemed and productive colonial residents the entire system envisioned.

On the other hand, this modern experiment with the African Depósitos was as much the child of New Imperialism as of penal reform. Redemption of the convicted was a secondary objective at best, in spite of the rhetoric to the contrary. These prisons were never designed or intended to be profitable; clearly they were not. What this experiment did accomplish was to ensure Portugal's presence in Angola and Mozambique. At the same time, convict labour created the colonial infrastructure enabling the free colonization that would follow it after the Second World War. When viewed in this light, this experiment with penal colonies in Africa was somewhat successful. Nevertheless, the Depósitos and their convict labour remain to be fully appreciated or included in the histories of Portugal, Angola or Mozambique.

Notes

- 1 See Eduardo Freire de Oliveira, *Elementos para a história do município de Lisboa*, vol. 6 (Lisbon: Universal, 1887), 166 n. for a list of those in this category.
- 2 M. Lourdes Akola Meira do Carmo Neto, 'Demografia', in *Dicionário de História de Portugal*, vol. 2, ed. Joel Serrão (Porto: Livraria Figueirinhas, 1992), 285.
- 3 A related but as of yet unexplored issue is the use of the death penalty by the Inquisition in light of its very infrequent use by the state. While the Portuguese Inquisition did not burn numerous sinners, whatever number of people killed by the Holy Office would have been greater than those killed by the state, thus accounting for the popular fear of that institution.
- 4 Orphans, the Roma and prostitutes are well beyond the scope of this chapter but the state's use of these figures is discussed in Timothy J. Coates, *Convicts and Orphans: Forced and State Sponsored Colonization in the Portuguese Empire, 1550–1775* (Stanford, CA: Stanford University Press, 2001).
- 5 Such certificates are exceedingly rare. Two were discovered in the registration books for *degradados* in the National Archives in Lisbon and both were for some unusually healthy and strong men who survived ten years in the galleys.
- 6 Without reviewing the master registers of convicts held by the two African institutions, this is something of an educated guess based on comments by the commanders and others.
- 7 These instructions ('Regimento dos degradados') are published in Janaína Amado, ed., *Textos de História* (Universidade de Brasília) 6, nos. 1–2 (1999): 265–279.

- Unfortunately, such lists of convicts on chain-gangs are totally absent in the archives.
- 8 de Oliveira, *Elementos*, 4:389, n. 2.
 - 9 The Tower of Belém (outside Lisbon) was occasionally used to hold special prisoners and across the Tejo River, the Fortress of Trafaria was also occasionally used for prisoners as well.
 - 10 Those interested in sources for early modern and modern crime and punishment in Portugal are referred to my commentary in ‘The Long View of Convict Labor in the Portuguese Empire, 1415–1932’, in *Global Convict Labour*, eds. Alex Lichtenstein and Christian de Vito (Leiden: Brill, 2015), 144–167, as well as the bibliography in Timothy J. Coates, *Convict Labor in the Portuguese Empire, 1740–1932* (Leiden: Brill, 2014), 189–201. There is one bright light on the horizon for future researchers and that is the transference of the judicial materials formerly held in the Convento da Estrela (known as the ‘Feitos Findos Collection’) to the Torre do Tombo. These materials (which had been inaccessible) are from the Casa da Suplicação (High Court in Lisbon) and have yet to be organized or catalogued. Once they are, they should reveal a great deal more from the pre-earthquake period. They consist of 1,400 books of some 900,000 cases.
 - 11 In this passage about the chain-gang, Don Quijote interviews each of the prisoners and eventually sets them free after believing their stories of innocence. Miguel de Cervantes, *Don Quijote de la Mancha*, trans. Samuel Putnam (New York, NY: Viking, 1951), part 1, ch. 22, 239.
 - 12 From the manuscript collection in the Biblioteca da Sociedade de Geografia de Lisboa (BSGL), *reservados* 146-A-9.
 - 13 de Oliveira, *Elementos*, 8:551, n.1 This law is dated 26 June 1373.
 - 14 ‘Couto’, in Serrão, *Dicionário*, 2:224–225 and Henrique de Gama Barros, *História da Administração Pública em Portugal nos Séculos XII a XV*, 2nd edn, vol. 5 (Lisbon: Sá da Costa, 1945), 255–264.
 - 15 One of the most frequent punishments handed down by the Portuguese Inquisition was *degredo* within Portugal to one of the frontier towns (for minor sins) or to Brazil (especially for women) in more serious cases. Sentences to the galleys were reserved for more serious infractions, such as Dellon’s case which was heresy.
 - 16 Selected portions from Dellon’s account in Anant Kakba Priolkar, *The Goa Inquisition*, Part II (Bombay: Bombay University Press, 1961), 75–77. Dellon’s use of the term ‘galley slave’ (at least in the English translation) is interesting while also technically inaccurate. Convicts sentenced to the galleys were not slaves. However, sentences to the galleys were notorious for their hardship and normally reserved for the most serious offenders. Traditionally this was work done by slaves and war captives often for life or very long terms. So in the popular imagination at the time, it would have been easy to view convicts as ‘new slaves.’ Note this usage in Johan Heinsen’s chapter as well.
 - 17 There are cases of Salazar’s *Estado Novo* regime using banishment to Castro Marim as late as the 1940s for women convicted of being lesbians, but by and large this practice ended by the 1880s. See the interview with António Fernando Cascais in the journal *Público* from 7 December 2009, posted at <http://ultimahora.publico.clix.pt/noticia.aspx?id=1392257> (accessed 25 July 2017).
 - 18 This process in Castro Marim is the subject of Geraldo Pieroni and Timothy J. Coates, *Da Couto do Pecado à Vila do Sal, Castro Marim, 1550–1850* (Lisbon: Sá da Costa, 2002).

- 19 The published collections of documentation from fifteenth and early sixteenth century relating to North Africa were not assembled to demonstrate the judicial process at work but do show isolated convicts moving back and forth, between North Africa and internal exile within Portugal. See Pedro de Azevedo, ed., *Documentos das Chancelarias Reais anteriores a 1531 relativos a Marrocos*, 2 vols (Lisbon: Academia das Ciências de Lisboa, 1915 and 1934); António Baião, ed., *Documentos do Corpo Chronológico relativos a Marrocos (1488–1514)* (Coimbra: Universidade de Coimbra, 1925); P. M. Laranjo Coelho, ed., *Documentos Inéditos de Marrocos: Chancelaria de D. João II* (Lisbon: Imprensa Nacional de Lisboa, 1943); and João Martins da Silva, ed., *Descobrimentos Portugueses: documentos para a sua história*, 3 vols (Lisbon: Instituto de Alta Cultura, 1944–1971). See also Timothy J. Coates, ‘Crime and Punishment in the Fifteenth-Century Portuguese World: The Transition from Internal to Imperial Exile’, in *The Final Argument: The Imprint of Violence on Society in Medieval and Early Modern Europe*, ed. Donald Kagay (London: Boydell & Brewer, 1998), 119–139.
- 20 *Lançado*, from the verb *lançar* or throw, in this case, someone who has thrown himself to the other side; a runaway. A *tangomão* was a European trader living as an African.
- 21 On the Afro-Portuguese in West Africa during this period, see the fundamental work by Walter Rodney, *A History of the Upper Guinea Coast 1545 to 1800* (New York, NY: Monthly Review Press, 1980; orig. 1970).
- 22 From the letter from Pedro de Caminha written to King Manuel describing the Portuguese arrival in Brazil and their initial interactions with native peoples, dated 1 May 1500. This letter has been widely published in Portuguese and in an English translation in *The Voyage of Pedro Alvares Cabral to Brazil and India*, trans. and ed. William Brooks Greelee (London: Hakluyt Society, 1938), 14, n. 1.
- 23 *Ibid.*, 29.
- 24 Ronaldo Vainfas, ‘Degredo’, in *Dicionário do Brasil Colonial* (Rio de Janeiro: Objectiva, 2000), 181.
- 25 For an extended discussion on such cultural intermediaries, see Alida Metcalf, *Go-Betweens in the Colonization of Brazil* (Austin, TX: The University of Texas Press, 2005).
- 26 Arquivo Histórico Ultramarino (AHU), *códice* 33, folio 43-43v; Historical Archives of Goa (HAG), *livro dos provisos*, ff. 44-44v; de Oliveira, *Elementos*, 4: 468–469, n. 4; AHU *códice* 16, f. 308v.
- 27 AHU, *códice* 33, folio 43-43v.
- 28 José Justino de Andrade e Silva, *Collecção Chronologica da Legislação Portuguesa*, 10 vols (Lisbon: J. J. A. Silva, 1854–1856).
- 29 AHU, São Tomé *caixa* 2, doc. 35; BSGL *reservados* 3-D-18; AHU *códice* 14, ff. 288v-289; AHU São Tomé *caixa* 2, docs. 100 and 110; *Documentos Históricos*, vol. 67 (Rio de Janeiro: Arquivo Nacional do Brasil, 1928), 18, 25–26; AHU *códice* 17, ff. 24-24v.
- 30 António de Bulhão Pato, ed., *Documentos Remitidos da Índia*, vol. 8 (Lisbon: Academia Real das Ciências, 1880–1982), 265; José Ignácio Abrantes Garcia, ed., *Arquivo da Relação de Goa*, vol. 1 (Panaji: Imprensa Nacional, 1872–1874), 291; HAG 8789, *Livro Verde da Relação de Goa*, ff. 121 and 136v.; HAG 8779 *Índice dos Assuntos da Relação de Goa*, f. 4v.
- 31 Bill M. Donovan, ‘Changing Perceptions of Social Deviance: Gypsies in Early Modern Portugal and Brazil’, *Journal of Social History* 26, no. 1 (1992): 36.

- 32 André Ribeiro Coutinho, *O Capitão de Infantaria Portuguesa*, vol. 2 (Lisbon: Regia Officina Sylvianna e da Academia Real, 1751), 157–184.
- 33 HAG, *monções do reino*, vol. 34, folios 207–209.
- 34 AHU, Madeira *caixa* 3, document 26, dated 17 July 1783.
- 35 This is a very rare printed list located in the Library of the National Palace of Mafra, dated 1755. At the end of the list, it offers even more intriguing information about married couples and others who will be sent in the near future to settle Mozambique. Given the disastrous earthquake that year (1755), these settlers probably never left Lisbon unless it was prior to 1 November.
- 36 In this period, the Portuguese sent convicts to Pará, Maranhão and Santa Catarina in Brazil. After 1822, they used all the colonies in Africa and Asia for convicts but Angola more than the others.
- 37 Coates, *Convict Labor*, 26–29.
- 38 In a move that clearly revealed the rationale behind the creation of the IICT, the government in Lisbon recently abolished it. If there are no colonies, in a time of severe economic crisis, there is no need for the government to be financing an institution focused on tropical Africa. This is in spite of the very high quality of its publications, especially in the areas of biology, geology and other sciences. The irony is that the SGL continues to function from its headquarters in downtown Lisbon.
- 39 It was established in 1866 but re-established by decree in 1876 and reorganized twice, in 1881 and 1883. By this last date, it was accepting prisoners and functioning as envisioned. The prison in Mozambique dates from the same period and followed similar guidelines. The Angolan fortress had previously held convicts sentenced by courts in Angola to service in galleys (public works). See Mário António Fernandes de Oliveira and Carlos Alberto Mendes do Couto, eds., *Angolana, Documentação Sobre Angola*, vol. 2 (Luanda: IICT de Angola, 1971), 484, n.1.
- 40 Coates, *Convict Labor*, Table 8, 66 and the sources cited therein.
- 41 *Ibid.*, Table 9, 70 and the sources cited therein.
- 42 João Pinheiro Chagas, *Diário de um Condenado Político* (Porto: Lelo & Irmão, 1913), 175–176. This is a unique first hand source of prison life in Luanda. A politician and journalist, he left two published accounts of his time in the Angolan prison: this work and *Trabalhos Forçados*, 2 vols (Lisbon: Folha do Povo, 1900).
- 43 *Regulations for the General Prison for Convicts in the Province of Mozambique, 1905*, ch. 6, ‘Colonization Using Prisoners’, published in Coates, *Convict Labor*, 163–164.
- 44 See Coates, *Convict Labor*, 131–132 for an extended discussion of overall numbers.
- 45 This figure is calculated on the basis of 200 convicts annually sent to Luanda for fifty years (10,000) plus seventy-five vagrants and recidivists annually (3,750), plus an additional fifty annually sent to Mozambique and India (2,500), producing a total of 16,250. See Coates, *Convict Labor*, 131–132.

The Spanish Empire, 1500–1898

Christian G. De Vito

Introduction

Scholars have paid relatively little, fragmented and discontinuous attention to the history of convict transportation in the Spanish Empire. The extensive literature on the galleys includes insights and figures on the convicted rowers but does not specifically address galley servitude as a form of convict transportation. Similarly, the important studies available on the legal system in distinct parts of the Spanish monarchy hardly look specifically at sentencing, let alone at the spatiality of punishment. And whereas single episodes and flows of nineteenth-century deportation have been addressed, even the few attempts to provide overviews have disproportionately focused on political deportees. Only two syntheses centred on convict transportation are available to date: Ruth Pike's pioneering study on penal servitude in early modern Spain, published in 1983, and Lauren Benton's more recent chapter in *A Search for Sovereignty*.¹ Both focus on the flows directed to the *presidios*, or military outposts, in the five decades between the end of the Seven Years War (1756–1763) and the beginning of the process of Latin American independence (1810s–1830s).

The history of convict transportation in the Spanish Empire, however, is much longer and includes a broader range of punitive regimes. The first two sections of this chapter take this expanded chronological and thematic frame in order to offer an overview, and to provide, respectively, a general description and periodization of the various forms of convict transportation and a preliminary evaluation of the quantitative scale of the phenomenon as a whole. In the subsequent sections I use the *presidio* perspective to explore aspects of convict transportation that can be equally investigated in relation to other mobility-oriented punishments. First, I seek to provide a comprehensive description of convict flows to the *presidios* and relate them to the structure of the Spanish Empire. I then foreground the distinctiveness of each route

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and the variety of groups of prisoners transported along different routes and standing in each destination, and point to the entanglements and disentanglements between the convict voyages and the journeys of other migrants. Finally, I address the relationship between the process of sentencing, the destinations of transportation and agency, and the role that punishment-related spatial mobility played in the lives of the convicts. All in all, the chapter foregrounds the way convict transportation was shaped by, and in turn impacted on, the structures, spatiality, conceptualizations and goals of the empire – a point that I especially highlight in the concluding section.

Four centuries of mobility-oriented punishments and empire building

Starting in the sixteenth century and up to 1898, and even further, well into the twentieth century, tens of thousands of convicts were transported across the dominions of the Spanish crown.² With a few late nineteenth-century exceptions, however, virtually none of them were destined to convict-only penal colonies like those the British created in Australia and the French in Guiana (see Hamish Maxwell-Stewart and Jean-Lucien Sanchez in this volume). Rather, the destinations of penal transportation in the Spanish Empire were mixed-environments where convicts and other free and coerced individuals co-existed. Moreover, the Spanish experience of convict transportation cut across multiple punitive regimes, each with its own time-span and distinct spatiality. Both characteristics should be understood against the background of the structure and conceptualization of the Spanish Empire. This was not a maritime empire like those created by the Dutch and the English East India Companies, based on the possession of coastal colonies connected to each other by sea routes; on the contrary, it was a polycentric monarchy organized for the control of vast in-land territories in order to exploit directly natural resources and the extensive native labour. Thence the priority assigned to three types of punitive destinations and settings that convicts shared with other imperial subjects as part of broader networks of dependency: those connected to the defence system (galleys and *presidios*); those imbricated prioritarly in the exploitation and disciplining of the native populations, and the workforce more generally (mines and *obrajes*, or textile manufactures); and those related to the practice of banishment, which served the double purpose of removing undesired subjects from certain territories and increase the moral and material control on the remaining populations.

Banishment proved the most long-lasting punishment, with its late medieval roots and its extension into the nineteenth and twentieth centuries, when it overlapped with administrative expulsion decided upon by governors general and other officials. In its original form, it involved the removal of male and female individuals from a determinate place or region for a limited period or for life. Characteristic of the early modern period were also other punitive regimes that included various degrees of geographical relocation. Sentencing male convicts to the Mediterranean galley fleets, in order to serve alongside enslaved and voluntary rowers (*buenas boyas*), was

the single most important punishment from the mid-sixteenth to at least the mid-seventeenth century.³ This involved extensive and repeated transportation across the Crown's Mediterranean dominions: Spain, Sardinia, the viceroyalties of Naples, Sicily and Milan, and the so-called State of the Presidios in coastal Tuscany. As mobile military and punitive environments, the galleys set the convicts centre-stage in key sites of confrontations between Spain and the Ottoman Empire, European policies and privateers. Similarly, convicts from various Spanish American viceroyalties (and more rarely from Spain itself) formed the majority of the rowers of the galleys that made up the most important instrument of Spanish defence in the Caribbean, the Pacific coast of the Viceroyalty of Peru and the Philippines during the second half of the sixteenth and the early seventeenth centuries.⁴

Starting in the first half of the seventeenth century, multiple processes converged to make the *presidios* significant destinations of penal transportation. The shift from maritime to land defences led increasing numbers of male convicts to be assigned to the North African and New World *presidios* rather than to the galleys. These flows initially included only elite exiles forced to join the *presidio* garrisons. As the seventeenth century progressed, however, non-elite convicts were more and more frequently destined to those military outposts in connection with two mechanisms: they might be impressed in the army, as primary punishment or as commutation of other punishments; or they might become *presidarios* following sentences that obliged them to work in the building of military infrastructures.⁵ Both utilitarian punishments developed slowly until the end of the seventeenth century, but the number of convicts transported to the military outposts increased as rules were issued for the major (especially North African) *presidios* in the first half of the eighteenth century, in relation to the reforms introduced by the new royal family: the Bourbons.⁶ Then, between the Seven Years War and the independence of the Latin American territories from Spain (1810s–1830s), a momentous growth took place and sentences and impressment to military outposts reached their zenith.

Coexisting with these transformations was the practice of transporting male convicts to serve in the mines.⁷ These flows of penal transportation were organized regionally, but their main destinations across the empire were part of the same productive chain, for the mercury of the Almadén mines, in Spain, was necessary to the extraction of silver in the mines of New Spain and, to a lesser extent, Peru. In those New World's viceroyalties convict transportation was additionally linked to another important flow of goods that connected the Crown's dominions. Namely, male and female (mainly native) convicts formed part of the workforce of the *obrajes*, where woollen clothes were produced that were subsequently sold in the port cities of New Spain and in Lima and eventually reached also Spain.⁸

Especially during the second half of the nineteenth century, the deep changes in the structure and geography of the empire triggered by the independence of Latin America, the demographic transformations within the remaining territories and the (contested) rise of liberalism in Spain, led to the growing differentiation of the urban and borderland contexts and to a overall specialization of the punitive system.⁹ On the one hand, urban *presidios* became the basis for a system of punishment based on incarceration and extramural work. There, the Spanish term *presidio* itself gradually

changed its meaning: from military *presidio* to penal *presidio*, that is, from military outposts with a mixed population to convict-only penal institutions. In parallel with this process, the employment of convict labour also shifted from military-related infrastructure to urban public works. On the other hand, after the independence of Latin America, in the borderlands convict transportation became more directly connected to colonization, rather than to defensive- and labour-discipline related functions. In this new context, and building explicitly on nineteenth-century British, French and Russian experiences, some penal colonies were established in the southern islands of the Philippines and disciplinary units were formed in the Philippines, the Mariana and Carolina islands and in Cuba to separate deserters and military convicts from the other soldiers, and employ them in reclaiming land and building infrastructures.¹⁰ Further plans were also drawn to create penal colonies elsewhere, for example on the island of Fernando Poo, in the Gulf of Guinea, in the same period as the Portuguese re-established their *Depósito de Degredados* in Luanda (see Timothy J. Coates in this volume). They were especially connected with the need to channel towards colonization the flows of deportees that crossed the empire following anti-colonial and socio-political unrest in Spain and in the overseas 'provinces'. However, most of those plans were never implemented, hampered by the rise of the penitentiary, the related liberal penal discourse, the demographic and ethnic dynamics of the colonies and finally by the Spanish 'loss' of Cuba, Puerto Rico and the Philippines in 1898.

The double process of the 'urbanization' of punishment and the partial move towards penal colonization proper in the borderlands is synthesized in the telling case of the *presidio* in Ceuta, the most long-lasting destination of convict transportation within the empire.¹¹ Traditionally a military environment with a mixed population, in the last three decades of the nineteenth century it developed into what was often referred to as a 'penal colony', with various categories of convicts from peninsular Spain and other parts of the empire now forming by far the majority of the population. Then, after the Spanish loss of Cuba, Puerto Rico and the Philippines in 1898, growing demographic pressure and new ideas concerning the colonization of North Africa led to discontinuation of the penal settlement altogether in 1912. The remaining convicts were eventually relocated to the internal penitentiary colony of El Dueso (Santoña), which during and in the aftermath of the Spanish Civil War became concentration camps for over 7,000 opponents of the Francoist regime (see Mary Gibson and Ilaria Poirio in this volume).¹² Minor flows of deportees reached by now convict-only penal institutions in Fernando Poo, the Canary islands and the newly occupied Spanish Sahara in the 1920s and up to at least the late 1940s.

A quantitatively marginal phenomenon?

A persistent assumption regarding convict transportation in the Spanish Empire postulates that it was a quantitatively marginal and thus barely significant phenomenon.

Implicit in many studies on punishment that focus on single regions, this idea is accepted even in the best informed treatment of transportation to the Spanish *presidios* to date. Indeed, Lauren Benton contends that ‘the scale of convict transportation was small compared to earlier Portuguese and later English and French practices.’¹³ The fact that convict transportation in the Spanish Empire was not conflated with relegation to penal colonies but cut across a broader variety of institutional contexts has possibly played a role in creating and maintaining this perception. Whatever the cause, however, it is safe to say that this view is not sustainable. In fact, even incomplete estimates and figures indicate that the opposite is true.

An attempt to produce estimates on penal transportation across the Spanish Empire was made recently by Clare Anderson and Hamish Maxwell-Stewart.¹⁴ They claim that about 4,000 prisoners were transported from peninsular Spain to Cuba and Puerto Rico from 1769 to 1837, approximately 25,000 along the routes from New Spain to the New World *presidios* between 1550 and 1811, and some 80,000 from peninsular Spain to the North African *presidios* in the period 1550–1911. Taken together, these estimates suggest that 110,000 convicts were transported across the Spanish Empire between 1550 and 1911. This sets the Spanish figures above those for the Portuguese (100,000) and French (100,300) empires, and behind only those of the British Empire between 1615 and 1940 (376,250).¹⁵ In this section I will show that as far as the Spanish Empire is concerned, even Anderson and Maxwell-Stewart’s figures are under-estimated. It is clear that convict transportation was much more extensive than is usually assumed.

The first decades following the Seven Years War are a good starting point. In that period, consecutive waves of transportation from Cadiz and El Ferrol were organized in order to meet the quotas of 900 and 600 convicts at any time, established for the fortification works in Havana and San Juan.¹⁶ High death rates, continuous desertions, releases and hospitalization caused a high turnover among the prisoners, making Anderson and Maxwell-Stewart’s estimate too low. Moreover, convict transportation continued in subsequent decades, by means of a similar mechanism of gathering convicts, vagrants and military convicts in the peninsula and then shipping them to an even broader range of Spanish American destinations. Between 1789 and 1793 and between April 1802 and September 1803, for example, at least 4,600 convicts left the Spanish ports of Cadiz and La Coruña to reach destinations as various as Cuba, Puerto Rico, Louisiana, Cartagena de Indias, Santa Fe, Omoa, Buenos Aires, Caracas and the Philippines.¹⁷ The organization of such multi-destination flows of *presidarios* was the norm also in other parts of the empire. It is the case of the long-term transportation from New Spain to the Philippines, for which various scholars have counted 2,000 military convicts sent from Acapulco to Manila between 1600 and 1693, and 183 *forzados* and 3,999 convicts and military convicts shipped along the same route respectively between 1722 and 1728 and between 1761 and 1811.¹⁸

Research on the sentences pronounced by the many courts scattered across the empire is also suggestive of the volume of convict transportation during this period. It includes significant figures like those listed in Table 3.1:

Table 3.1 Convicts Sentenced to Mobility-related Punishments

Court	Years	No. of convicts	Punitive institution
Madrid-based courts ¹⁹	1668–1760	6,952	North African <i>presidios</i> and galleys
<i>Chancillerias</i> of Granada and Valladolid and <i>Audiencias</i> of Valencia, Cataluña, Sevilla, Navarra, Aragon, Asturias, Mallorca and the Canary islands ²⁰	1783–1790	875	North African <i>presidios</i> , impressment in the army and the navy, banishment
Tribunal of the <i>Acordada</i> , New Spain ²¹	1703–1813	19,410	<i>Presidios</i>

Standing numbers of convicts in single *presidios* at specific times have also been provided, such as those summarized in Table 3.2:²²

Table 3.2 Standing Numbers of Convicts

<i>Presidio</i>	Years	Standing number of convicts
Oran	1772–1788	2,550 (average at any moment)
Melilla	1772–1783	899 (average at any moment)
El Peñon	1774–1786	249 (average at any moment)
Ceuta	1844	2,131
	1888	2,197
Pensacola (Florida)	April 1794–April 1796	193–219
Valdivia (Chile)	1773	1,600
Puerto de la Soledad (Malvinas)	1767–1785	20 (average at any moment)
Martín García (Río de la Plata)	1766–1769	90–110
Montevideo (Río de la Plata)	September 1776	97
Buenos Aires (Río de la Plata)	July 1784–December 1788	70
San Julián (Patagonia)	1780	28
Carmen del Río Negro (Patagonia)	1780	17

Even the selected data I have mentioned so far on major flows, sentences and standing numbers indicate that the quantitative scope of convict transportation in the Spanish Empire has been systematically under-estimated so far. They additionally point to the potential to unearth many more statistic evidences of the quantitative relevance of that historical phenomenon through the study of diverse sources in multiple archives, both in Spain and in its former colonies. Moreover, looking beyond the traditional focus on late eighteenth-century *presidio* sentence, at least two other large areas of research show analogous patterns and wait for scholars to dig into them

further. The first relates to impressment into the army and the navy as a standard punitive regime in the Spanish Empire, similarly to the Portuguese counterpart. In fact, although it is often arduous to extract from the sources the number of convicts who were actually integrated in military companies as a result of impressment, punishment and commutation of *presidio* sentence into military service,²³ available data regarding the impressment of ‘vagrants’ indicate the large scope of such practices. In particular, for the period 1730–1789 Maria Rosa Pérez Estévez has provided a staggering figure of 63,010 vagrants impressed in Spain and transported to various parts of the peninsula and across the empire at large, and other scholars have foregrounded the impact of that mechanism in other parts of the empire.²⁴

The second necessary move in order to reach a more complete picture of convict transportation in the Spanish Empire regards the expansion of the chronological scope beyond the traditional (late) eighteenth-century focus. Especially the integration of the results of the vast scholarship on galley servitude is key to this endeavour. Indeed, the available literature makes it clear that sentencing to the galleys, especially in the Mediterranean, was a mass phenomenon. Table 3.3 gathers some of the available statistics:²⁵

Table 3.3 Convicts in the Galley Fleets Serving the King of Spain

Period	Number of galleys	Total rowers	Convict rowers
Spanish fleet (Mediterranean)			
Late sixteenth century			3,331 (average)
Sixteenth to seventeenth centuries			73% of the total number of rowers
1700–1748			9,306 (total for the period)
Neapolitan fleet			
1568	13	2,127	1,920
1570	20	?	2,940
1584	28	4,310	2,545
1587–1588	7	1,218	771
1601	22	3,257	2,093
1657	4	803	588
Sicilian fleet			
1571	16	3,360	1,838
1576	22	3,824	1,102
1577	?	3,128	1,027
1616	3	?	195

Table 3.3 Convicts in the Galley Fleets Serving the King of Spain (*Continued*)

Period	Number of galleys	Total rowers	Convict rowers
Private fleets (Mediterranean)			
<i>Gian Andrea Doria</i>			
1563	12		1,713
1577–1594			48.1–57% of the total rowers
<i>Tursi family (only the Capitana galley)</i>			
1679		340	160
Caribbean fleet			
<i>Cartagena de Indias</i>			
1583	2	290	174
1622	2	200	100
<i>Havana</i>			
1593	2	253	192

At the other extreme of the chronological spectrum covered in this chapter, nineteenth-century deportations claim their place in this quantitative overview. Anderson and Maxwell-Stewart have estimated that at least 40,000 convicts were transported from Spain during the nineteenth century and about 1,000 were shipped to Fernando Poo from the Philippines, Cuba and Spain between 1862 and 1899.²⁶ A more complete estimate on deportation to Fernando Poo puts the figure at 1,600 for the period 1861–1896.²⁷ When other routes and events are considered, one should include, among others: several hundred *carlistas* – or followers of Charles the Fifth – deported to the Canary islands, Cuba, Fernando Poo and the Mariana Islands in the 1830s to 1840s and in the 1870s;²⁸ approximately 1,000 convicts from Spain and 100 from Cuba transported to Santo Domingo during the short-lived Spanish re-occupation of the island in the 1860s;²⁹ hundreds of Cuban ‘incorrigibles’ deported to the Islands of Pines (Cuba) and Fernando Poo in the second half of the 1860s;³⁰ around 1,600 *internacionalistas* and *cantonistas* deported to the Mariana Islands, Ceuta, Mahon and Fernando Poo in the aftermath of the insurrection of Cartagena in 1873;³¹ at least 300 convicts populating the penal colonies of the Philippines and Carolinas Islands at any time from the 1870s to the 1890s;³² and at least 1,000 Cubans relocated to the Isla of Pines in the 1890s.³³

Looking beyond *presidio* sentences, military impressment, galleys service and nineteenth-century deportations, very little is known on the quantitative consistency of transportation to the mines and the *obrajes* in the New World, although these flows lasted for centuries and were certainly numerous, especially in the seventeenth and eighteenth centuries.³⁴ Punishment to the mines of Almadén, in Spain, similarly spanned from the sixteenth to the eighteenth centuries, but statistics have been provided by Rafael Gil Bautista exclusively for the period 1690–1715, when the Royal prison annexed to the mine hosted between forty and fifty-seven convicts and thirteen to thirty-two slaves.³⁵ A recent book by Manuel Martínez Martínez has addressed

sentences to the peninsular arsenals (Cadiz, Cartagena and El Ferrol) in the last quarter of the eighteenth century. The author has counted 323 *forzados* for the period between April 1773 and October 1775, a figure that foregrounds the quantitative importance of that type of punishment, especially considering the turn-over produced by high mortality rates (26.6 per cent among that group of convicts).³⁶

When the selected quantitative information included in this section are considered against the mass of the still untapped sources and of those that are lost forever, the available statistics appear as the top of an iceberg and it becomes clear that, at this stage of the research, their fragmentation and partiality make it impossible to produce broad estimates. Yet, even the relatively small sets of data that have been processed so far make it undoubtable that convict transportation in the Spanish Empire between the sixteenth and the nineteenth centuries was much larger than the has been hitherto suggested, that it stands the comparison with similar processes in other Western empires and that it mattered not only for its qualitative aspects but also in quantitative terms.

Presidarios in a polycentric empire

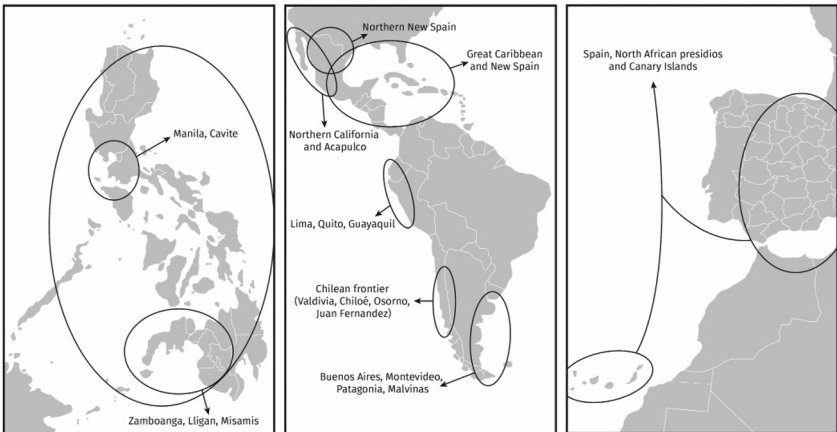
If convict flows to the *presidios* were of quantitative significance in the period 1760s–1810s, the form of their mobility is also connected to the polycentric nature of the Spanish Empire. Not only were there multiple transportation hubs on the Iberian Peninsula – Cadiz, Malaga, El Ferrol and La Coruña – but both long- and short-distance routes existed within each administrative region (viceroyalties and *Audiencias*). Moreover, the networks integrated land and sea routes that have so far being overlooked, especially those connecting various sites within the Viceroyalty of Rio de la Plata, with Spain and with the Chilean and Peruvian ports through the Cape Horn route (Map 3.1):

Besides integrating more flows and destinations than in the partial narratives available so far, this visualization allows for broader interpretations of the relationship between convict transportation and the structure of the empire. The networks and the evolution of the *presidios* mirrored the complex relationships among the various parts of the Spanish crown, beyond simplistic ‘centre’/‘periphery’ or ‘metropole’/‘colony’ divides. Until the independence of Latin America, the Spanish territories were organized as a polycentric monarchy made up of distinct viceroyalties, each of them mirroring the monarch’s power rather than being merely subordinated to it.³⁷ This elaborate construction explains the autonomy the viceroys enjoyed in shaping regional flows of convict transportation and their simultaneous dependence on the crown for most of the related funding (*situado*). At the crossroads of administrative jurisdictions (viceroyalties/captaincies/intendencies), judicial jurisdictions (local magistrates, regional *Audiencias*) and defence- and labour-related imperatives, at least nine regional systems of *presidio*-related convict transportation emerged across the empire, as indicated in Map 3.2. These were the building blocks of the overall network of penal transportation.



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Map 3.1 Penal transportation to the *presidios*, 1760s–1800: overview



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Map 3.2 Regional systems of *presidios*, c. 1760s–1810s

Peninsular Spain belonged to a regional system that included the North African *presidios* and the Canary Islands.³⁸ The arsenals of Cartagena, Cadiz-La Carraca and El Ferrol, besides being penal destinations, served as collecting centres for vagrants, convicts and military convicts, who were marched there enchained in convoys (*cuerdas de presidiarios*).³⁹ Local prisons and castles in those cities played a similar role. From Cadiz, convicts were shipped to Ceuta, while those destined to Oran (until its closure in 1792), Melilla, Peñon de Velez and Alhucemas went through Malaga. By the late eighteenth century, these land- and sea-based convict routes had been in use for nearly two centuries, building on the infrastructures of transportation originally related to galley service.

In the Philippines, the existence of two regions with distinct characteristics prompted internal transportation.⁴⁰ Manila and its port Cavite, in the northern island of Luzon, were directly linked to imperial routes from peninsular Spain and New Spain and redistributed part of those convicts to the *presidio* of Zamboanga, located in the southern island of Mindanao. In turn, Zamboanga, which acted as a strategic military outpost against both Dutch expansionism and the Muslim populations from Jolo and Borneo, was a distributing centre of prisoners to the smaller posts of Misamis (Mindanao) and Calamianes (in the western Palawan islands), whose convict population was additionally made up of natives.

New Spain was the theatre of various flows of convicts, most notably destined for the newly established *presidios* in Upper California – Monterey (1770), San Diego (1772), San Francisco (1776) and Santa Barbara (1782),⁴¹ the Internal Provinces (*Provincias internas*) in the northern part of the viceroyalty,⁴² and the Greater Caribbean. Within the Caribbean system of convict transportation, multiple networks existed, like those connecting Veracruz and Pensacola, Havana and San Juan, and the *presidios* of coastal Venezuela with the Greater Antilles belonging to the Spanish crown. The capital of Cuba, in particular, attracted prisoners from virtually all polities along the coasts of the Caribbean Sea and the Gulf of Mexico, and distributed part of them to Florida, which became directly integrated in its military jurisdiction in 1753.⁴³

Convict circulation in the vast region of the Rio de la Plata orbited around the interconnected urban and port centres of Montevideo and Buenos Aires. From there, four major flows departed. First, the one to the ‘frontier of Buenos Aires’ (*frontera de Buenos Aires*), that is, the line of military outposts to the south of the capital city, from Melincué to Chascomús,⁴⁴ that served as a defence against hostile native populations. Second, the flow to the settlements north of Montevideo, on the eastern coast of the river, which functioned as a *cordón sanitario* around the Portuguese colony of Sacramento until its Spanish seizure in 1777, and as a broader frontier against Portuguese Brazil after that date. Third, convicts were transported along the land-routes that connected Buenos Aires with Tucumán and other internal regions, with destination in the *presidios* that defended the frontier with the hostile *guaycurú* and other equestrian native groups of the Chaco region.⁴⁵ Fourth, a maritime circulation of convicts existed from Buenos Aires to the military outpost in Puerto Soledad in the Malvinas/Falklands islands occupied in 1766, and to the four colonies established in 1779 to 1780 along the coast of Patagonia – from north to south: Fuerte Nuestra Señora del Carmen (1779–1810) on the bank of the Rio Negro; Fuerte San José and

Puesto de la Fuente (1779–1810) in the Valdés peninsula; the castles of Todos los Santos and San Carlos in Puerto Deseado (1780–1781); and Nueva Colonia y Fuerte de Floridablanca (1780–1784) in San Julián.⁴⁶ The island of Martín García, located in the Río de la Plata, served as a place of punishment for smugglers and deserters, and as a temporary deposit for convicts bound for other destinations across the region.⁴⁷ Flows of convicts also proceeded from the peripheral regions of the viceroyalty to Buenos Aires and Montevideo.

In the *presidio* system of the Pacific side of the Viceroyalty of Peru, the capital Lima and its port of El Callao were the main distributing centres, together with Santiago for the Captaincy of Chile. The ‘frontier of Chile’ (*frontera de Chile*) with the native populations, on the one hand, and on the other the integrated *presidios* of Valdivia, Chiloé and the Juan Fernández islands, constituted the main convicts’ destinations. The military fortifications of El Callao, Panama and Valdivia, and the garrisons and (between 1778 and 1801) the Royal tobacco manufacture of Guayaquil were the destinations of convict transportation from Quito and other sites within the Andean region of the *Audiencia* based in that city.⁴⁸ Starting in Quito, other land-routes also brought prisoners to the new settlements of Macas and Quijos as part of an attempt to colonize the Amazonian *selva*.

Regional flows made up the majority of the convict voyages. They were multi-directional and integrated land and sea voyages and short- and long-distance migrations. Besides transporting convicts within their jurisdictions, however, each high court (*audiencia*) and Viceroy had the additional option to send them to *presidios* ‘overseas’ for crimes or circumstances that were perceived as especially serious. In this way, jurisdictional borders could be overcome and convict flows were created *between* regional systems. The convict flow that connected Acapulco in New Spain to Cavite in the Philippines – parts of the same viceroyalty, but on the two shores of the Pacific – is one example for which recent research has foregrounded the *longue-durée* and its deep cultural impact on both sides of the ocean.⁴⁹ Other inter-regional flows included those from the *Audiencia* of Quito to Valdivia, Callao, Panama and Cartagena de Indias. Moreover, convict transportation brought convicts from all over Spanish America to the regional system that included Spain and the North African *presidios*. The peculiar status of Spain within the structure of the polycentric monarchy made peninsular courts and viceroyalties prominent, at least in quantitative terms, in enhancing the integration of regional *presidio* systems through convict transportation. The galleons that connected peninsular Spain with the Caribbean and Acapulco with the Philippines were the main and most long-lasting instruments of such integration, which dated back to the sixteenth century. Along the *Carrera de Indias*, convicts were transported to Havana, San Juan and other destinations in the Great Caribbean: Cartagena de Indias; the main forts in the *Capitanía General de Venezuela* – La Guaira, Cumaná and Puerto Cabello (the latter re-established in the 1770s); and Veracruz in the Gulf of Mexico. The fortified ports in the Great Caribbean, Montevideo, Buenos Aires, Callao and Cavite, besides being key destinations of convicts, functioned as hubs for the further transportation of the *presidarios* from Spain to the military fortifications of Spanish America and the Philippines through sea and land routes. Alternative direct sea-routes from Cadiz to Cavite through Cape Horn and the Cape of Good Hope were

established after the creation of the Royal Company of the Philippines (*Real Compañía de Filipinas*) in March 1785;⁵⁰ however, they were rarely used, if at all, for convict transportation.

Changes across time should be considered too. For example, in the aftermath of the Seven Years War, the military reform promoted by the crown produced an upsurge in the number of convicts and military convicts transported to the *presidios* along the galleons' routes. At the same time, starting in 1765, by gradually multiplying the authorized ports and merchants ships, the 'free trade' policy (*comercio libre*) allowed for the expansion of the convict routes beyond the traditional *Carrera de Indias* and the route of the *Galeón de Manila*.⁵¹ This enhanced the connections among regional systems of convict transportation in the Spanish American viceroyalties, and especially impacted on the convict routes stemming from the peninsula. Cadiz and El Ferrol now came in contact with the ports of Montevideo and Buenos Aires, hubs of the regional *presidio* system of the Rio de la Plata. And Cadiz became connected with relative regularity with Callao through the Cape Horn route, sometimes with stopovers in Montevideo, the Malvinas islands and the Chilean ports of Concepción or Valparaiso.⁵²

The multidirectional, short and long-distance, land and sea routes of the convicts sentenced to the *presidios* reflected the polycentric structure of the Spanish monarchy, which conceded a considerable level of autonomy to the authorities that represented the king in each viceroyalty. At the same time, the widespread flows of convict transportation constructed the empire both materially, by the labour convicts were forced to perform, and culturally, by creating multiple occasions of encounter among individuals with different backgrounds, either convicted or imbricated in other social and labour processes. To this rich history of everyday imperial encounters, I now turn.

Beyond lines and figures

Studying penal transportation is not just about drawing lines on a map or providing aggregated quantitative data. Rather, it is the analysis of a complex social process whose qualitative contents matter. Which specific routes did convicts have to sail and walk? Which groups of convicts were transported along which routes? Who were the individuals that were being transported?

Each voyage implied multiple transportations and, as mentioned above, often integrated sea and land routes. For convicts leaving Spain for the Philippines, for example, the average seventy-day crossing of the Atlantic Ocean was but the first part of what many must have experienced as an almost never-ending journey.⁵³ Once disembarked and gathered in Veracruz, they were first walked the 80 leagues (386 kilometres) distance to Mexico City, where they were temporarily associated to the local prisons or military barracks; they then marched for around one month the 118 leagues (570 kilometres) to the port of Acapulco. Just like in peninsular Spain, as they marched along land-routes, prisoners formed convoys (*cuerdas*), were chained in groups of four to seven and were kept under military surveillance. From Acapulco to the port of Cavite, in the Philippines, the sailing lasted approximately three more months,

including the stopovers in the Guam and the Marianas islands (after approximately one month) and the thirty-to-forty-day long final, dangerous route across the Asian archipelago.

Relatively short-distance transportation was not any less complex. For instance, the land route from Quito to the port city of Guayaquil involved a journey of 269 kilometres and stopovers in six different places across the Andes and the plains.⁵⁴ The voyages shaped the convicts' experience of transportation. Besides constituting an occasion for them to escape, they could be a source of illness and death. The chain-gangs of convicts passing through villages also contributed to the creation of a popular imaginary of punishment. Furthermore, the materiality of the transportation required the existence of an extensive administrative bureaucracy that reflected Bourbon's reformism: it required colonial officers to draft precise rules on the way the transportation was to be organized; officers and soldiers to guard the convoys; court notaries to write down lists of convicts; leaders of the convoy (*conductores*) to be selected and, in turn, to collect accompanying documents from the official in charge for each town where the chain-gangs stopped. Once in Guayaquil, for example, the prisoners and the related dossiers were delivered to the local governor and from this 'to either captains of the Spanish ships departing towards Chile or Peru, or the administrators of the tobacco factory located in the city'. It was this complex logistics and bureaucracy that constituted the everyday reality of convict transportation.

Logistics also matters when the main hubs of transportation are considered. In the city and across the bay of Cadiz, prisoners waiting for transportation were mainly concentrated in four institutions of confinement: the Castle of San Sebastian, the Castle of Santa Catalina, the public jail (*carcel publica*) and the Arsenal of La Carraca. Convicts sentenced by military and non-military courts and by the Tribunal of the Inquisition were held indistinctly in these institutions;⁵⁵ little separation also existed between elite convicts and commoners, notwithstanding the efforts of prison officers.⁵⁶ Attempts were also made to differentiate the convicts according to the perceived gravity of their crimes and in relation to their conduct. While the two castles were considered the most secure institutions and therefore the most appropriate for the authors of serious crimes, only vagrants and individuals sentenced for minor crimes were officially admitted in the Arsenal of La Carraca – 'because everything is combustible there', wrote the prison officer – and in the *carcel publica*, where there was a greater possibility of escape.⁵⁷ However, most of those prescriptions remained on paper, due to the difficulty in the organization of the transportation, the arrival of new convoys from Cartagena, Malaga and other cities in the peninsula, and the related overcrowding of the castles.

What made convict transportation a complex phenomenon was not just the difficulty of its organization, but also the multifaceted profiles of the convicts themselves. To begin with, crimes varied greatly from individual to individual, and from one group of convicts to another. Among those waiting for transportation in Cadiz in the late 1770s and early 1780s, for example, military-related crimes (desertion and neglect of surveillance) prevailed, together with fraud of the tobacco monopoly (theft and smuggling), the latter being considered a particularly serious crime due to the economic importance of the sector for the Treasury.⁵⁸ Transportation was seen as the most appropriate punishment for those crimes, although its length varied greatly

from case to case, ranging from three to ten years overseas *presidio*, or the standard eight years impressment to the garrisons of the Great Caribbean and the Philippines.⁵⁹ Other crimes included the simple fact of being a ‘vagrant’, as for Carlos María Canales, ‘of Turkish nationality, son of Solimán, native of Smirne’; crimes against women like those of Joaquin Poeta, sentenced to eight years *presidio* in Puerto Rico for ‘requesting and persuading his daughter to have sex with him, and others, and making profit out of this illicit trade’; hunting in the king’s forest near the city of Villaviciosa, as in the case of high officer Don Francisco Antonio de Trebiño; and morally unaccepted behaviours like those of don Josef de Momesino, condemned to transportation to Puerto Rico ‘for his notorious bad conduct, lack of application [to work], participation in illicit games, prostitution, critiques against the magistrates, blasphemies, and other excesses of this type.’⁶⁰

As far as the crimes are concerned, no significant difference existed between the prisoners sent from Spain to Havana, Puerto Rico, California and the Philippines, but their proportions varied depending on the route. Military convicts (especially deserters) tended to form the majority of those transported to the Philippines: in 1788 deserters made up 57 per cent of the 108 prisoners sent from Cadiz to Cavite through Veracruz, other significant crimes being the tobacco-related ones (9.2 per cent), murder (6.5 per cent) and vagrancy (4.6 per cent).⁶¹ Conversely, in the same months deserters amounted to one-fourth of the twenty-eight convicts shipped from Cadiz to serve in the garrison of La Guaira in the Captaincy of Venezuela, while tobacco-frauders and murderers respectively constituted one-third and 8.3 per cent of the convoy. Specific circumstances also influenced differentiation between the destinations of military and non-military prisoners. This was the case for the Spanish Antilles in the early 1770s, for example: for security reasons, the former were usually shipped to Puerto Rico, while the latter were shipped to Havana, where enough troops existed to guard them.⁶²

In February 1771, 146 convicts (most of them deserters) were held in the Castle of Santa Catalina, in Cadiz, after their transportation from Cartagena, awaiting their passage to San Juan and Havana.⁶³ Their origins mirrored the general recruitment patterns of the Spanish army in two ways. On the one hand, the ninety-one peninsular prisoners reflected the broad catching areas of the arsenals of Cadiz and Cartagena, their origins including Andalusia, Cartagena and Murcia, Valencia and Alicante, Aragon, and Catalonia. On the other hand, the multi-national composition of the Spanish army was reflected in this group of prisoners, 37.7 per cent of whom (55) had been born in eighteen different European polities. Unsurprisingly, the origins of the military convicts from New Spain were radically different from those of the counterparts transported from Spain, reflecting regional patterns of recruitment: 97 per cent of them were born in present-day Mexico – and especially in the provinces of Mexico City (52.32 per cent), Puebla (7.25 per cent) and Querétaro (3.5 per cent) – while only 2 per cent were European and 1 per cent from other parts of the empire.⁶⁴

The great variety between groups of transported convicts fed the complexity of the social, ethnic and legal composition of the convict population within each destination. In the Californian *presidios*, for example, four distinct categories of prisoners existed besides the heterogeneous group of military convicts transported from the Spanish peninsula.⁶⁵ First were soldiers sentenced to live in California, and

especially those belonging to the San Blas Infantry, that was largely recruited 'from the jails and poorhouses of western Mexico'.⁶⁶ Second, there were soldiers escaping from Colony Ross, the Russian outpost situated approximately 130 kilometres north of San Francisco. Third, sentenced settlers originally brought to Upper California from the province of Sonora as part of the state-sponsored migration promoted by the crown in the 1770s.⁶⁷ Finally, native peoples, who in the 1780s mostly belonged to groups living outside the missions and sentenced for cattle rustling, and in the 1790s to 1800s were either runaways from missions or, increasingly, captured as prisoners of war during punitive expeditions against villages that refused conversion to Christianity.

What we have therefore is an image of distinct types of crime and a variegated composition of convict shipments and populations within each *presidio*. To add to the complexity, the make-up of the prisoners also differed by route, depending on the direction of transportation. For instance, barely any convicts were sent from the Philippines to New Spain and Spain, while the reverse direction, as I have observed, included a numerous and heterogeneous convict population. Moreover, while large numbers of commoners and some elite prisoners were sent from peninsular Spain to the Caribbean and California, on the return voyage the ships carried only small numbers of exiles, including expelled Jesuits, non-Spanish missionaries and elite (and more rarely non-elite) political prisoners involved in anti-colonial insurrections in the 1790s and in the first decades of the nineteenth century.⁶⁸ Exiles sailing from Lima to Cadiz had a similar social status, while convicted passengers leaving the Atlantic port of Andalusia for the capital of the Viceroyalty of Peru were mainly commoners. Military convicts were possibly the only group of prisoners transported from Mexico City to borderlands of northern New Spain, but the convoys heading to the capital of New Spain included 'criminals and vagabonds' and 'Barbarian Indians' deported as a result of the military operations conducted in the area by the Spanish troops in the period 1789–1810.⁶⁹ Captive women and children were part of these *cuerdas*, as in the case of a convoy sent from Mexico City to Veracruz in 1799. During their night stop at the Inn of La Rinconada, near Veracruz, the Apaches were separated from the other *presidarios*. Although locked in a room, the fifty-one native women 'managed to free themselves, attacking the guards with ferocity and completely overpowering them to escape'. In the process, one of them was killed.⁷⁰

Convicts and other passengers

The *cuerdas* that walked along the land routes of peninsular Spain and Spanish America were formed exclusively of convicts, prisoners of war, deserters and likely vagrants. No other free or unfree passengers travelled with them, save from the troops that guarded the prisoners, sometimes themselves convicts in military uniform.⁷¹ Maritime transportation was different in this respect. Because no specific infrastructure for penal transportation along sea routes existed, it relied essentially on military and trade ships. In the military frigates, deserters and other individuals sentenced for military-related crimes were carried together with officers, voluntary

recruits and soldiers. Non-military convicts were also regularly on board these royal ships, but their transportation increasingly also depended on the infrastructures of private navigation. From this perspective, the *comercio libre* policy implied the coexistence of convicts and other kinds of passengers on board the merchant ships. Which other passengers? The official registers mention three main categories: the top-officers (*provisitos*), encompassing viceroys, magistrates, doctors and the high-rank militaries; the stevedores (*cargadores*); and the ‘passengers’ (*pasajeros*), among whom there were priests, missionaries, engineers and lower-rank militaries.⁷² Exceptionally, soldiers and other non-elite passengers were included, such as skilled workers, farmer-settlers and ‘employees of the tobacco manufacture of Buenos Aires’. Following the name of the male passenger, the wives, sons, daughters, nephews and nieces were listed together with the domestic servants (*criados*) and the slaves belonging to each family. Another important group on board was constituted by the crew (*tripulación*), including sailors (*marineros*), cabin boys (*grumetes*) and pages (*pajes*).⁷³ Finally, stowaways (*polizones*) were sometimes on board. When caught during the crossing of the Atlantic they were arrested, and on arrival in the New World usually transported to one of the coastal *presidios*.⁷⁴ Therefore, the variety of the passengers on board one ship was extraordinary. For example, leaving Callao on 11 September 1773, the ship named *San Joseph y las Animas* (aka *el Aguiles*) transported prisoners Francisco Chatre and Don Joseph Naveda – the latter sentenced for murder to six years *presidio* in Peñon de Velez – together with one captain and seven stevedores, one member of a religious congregation, one lawyer, one officer and one merchant, three domestic servants and the black slave Francisco Linder.⁷⁵ Besides the general distinction made on board between those who could afford private cabins (*pasajeros da Camara*) and those who slept between decks (*pasajeros de entrepuentes*) little information exists on the segregation between convicts and others.⁷⁶ According to the official rules, prisoners had to be chained during the entire passage, but at least in some cases this did not happen, as escapes during the stopovers or on entering the ports reveal.⁷⁷

The presence of slaves accompanying their owners on board the merchant ships is of special interest here. Also on the ships were escaped slave stowaways and captured maroons being returned to their masters as prisoners.⁷⁸ In general, however, the circulation of convicts and slaves rarely overlapped in the Spanish Empire, because the crown had no direct sovereignty over the main supply areas of human chattel – the east and west coasts of Africa, Brazil, Jamaica and Curaçao – and therefore slaves were primarily transported separately from convicts, and in most of the cases by non-Spanish companies. Partial entanglements between the two coerced migrations existed at some destinations, most notably in the military fortifications of Havana and San Juan, where both convicts and king’s slaves worked as forced labour in the construction of military and non-military infrastructure.⁷⁹ Conversely, in the *presidios* of the borderlands of northern New Spain, California, Chile and the Rio de la Plata, the presence of slaves was limited to few individuals who accompanied the officers and to members of the *pardo* companies of the local garrisons.⁸⁰ Other types of circulations converged in those military outposts in the borderlands: soldiers, officers and skilled workers coincided with *presidarios*; and both groups with native populations arrived from the missions or via conflict and war, as well as free settlers from nearby or from

the Spanish peninsula. Their land and sea routes did not usually intertwine with those of the prisoners but their destinations often did.⁸¹ Convict routes, then, selectively overlapped and diverged with those of other free and unfree passengers. In all cases, they were part of networks of migration that were shaped by the geography and imperatives of the empire as much as they contributed to shape them.

Agency in sentencing and choice of destination

Similarly to what Timothy J. Coates indicates in this volume for the Portuguese Empire, the royal justice in the Spanish Empire was largely based on late medieval compilations of legislation – the *Siete Partidas* (1265) and the *Ordenamiento de Alcalá* (1348). Collected in early modern compilations such as the *Nueva Recopilación de Leyes de Castilla* (1567) and the *Recopilación de las Leyes de Indias* (1680), these remained current until the early nineteenth century in Spain, and beyond that date in the other dominions of the Spanish crown. While based on such legal codes and subsequent royal orders, sentencing also implied the extensive intervention of the magistrates of both upper and lower courts, aimed to mitigate the harshness of medieval punishments. Indeed, most sentences involving spatial relocation, such as the impressment in the army and the navy, *presidio* sentence and forced labour in the *obrajes* and the mines, stemmed from the judges' decision not to apply, or to commute, the capital punishment decreed by the legislation.⁸² Magistrates across the Spanish Empire did not only decide about the kind of sentence prisoners had to serve. They sometimes also indicated the destinations convicts ought to be transported to.⁸³ The legal value of the sentence bound other officials to those indications when organizing the voyages, as the listing of the destinations together with the names of the prisoners testifies.⁸⁴ However, just as the boundaries between the legal, administrative and political roles of magistrates were porous, their sentences, and especially their destinations, were highly flexible. Moreover, the king did not just concede pardons and amnesties, commute death sentences and modify punishment but could change transportation destinations. When this happened, the motivations are telling, for they indicate the significance attached to different places. The *presidios* in North Africa, for example, were usually perceived as less secure, and transportation thereto from Spain as a less serious sentence than the one to the Indies, partly because of the relatively short distance that separated them from the peninsula.

For example, Charles III decided in June 1781 that convict don Thomas de Viedma y Ugalde, sentenced for 'illicit relationship with a married woman', was to be transported to any of the *presidios* of America instead of Oran and Ceuta, for otherwise he feared the prisoner would 'immediately return to this city [Cadiz]'.⁸⁵ Under other circumstances His Majesty simply did not reckon the sentence to be proportionate to the crime. In May 1786, he ordered Ramón Alonso Gomes to receive a ten-year sentence to the *presidio* in Puerto Rico, and not in North Africa, because 'besides the crimes of fraud, there existed others that made him deserve a more serious punishment'.⁸⁶ In September the following year he considered a five-year *presidio* sentence to North

Africa insufficient for two employees of the royal tobacco manufacture of Seville who had stolen a considerable quantity of cigars; he ordered that sentence be commuted into eight years of transportation to Puerto Rico instead.⁸⁷ The king, and the higher magistrates, could additionally change the destination of a prisoner after the sentence had been pronounced: because of his ‘bad conduct, and perverse manners,’ Pedro de Leon and Antonio Fernandez del Río were transferred from Ceuta to Puerto Rico in August 1788; a few months earlier the same transfer had been imposed on Don Torquato Valdivia, after he had informed a fellow convict of his willingness to ‘desert to the Moors, and apostatize.’⁸⁸

Magistrates seldom sentenced convicts to specific *presidios*. More frequently they used general formulas like ‘to the *presidios* of North Africa’ and ‘to America without specific destination’, and in many cases they indicated no destination at all. Political authorities then had to make that choice. For example, the viceroy in Manila usually decided the actual destinations of prisoners sentenced ‘to the Philippines’ once convicts had arrived in the port of Cavite.⁸⁹ Vagrants and second-time deserters were usually impressed in the *Regimiento Fijo* in Manila; on the contrary, murderers were mainly ‘employed at the Royal Foundry of Manila, the arsenal of Puerto Cavite, and diverse public works in both citadels’ or destined to the garrisons of the *presidios* and *galleys* in Zamboanga, Misamis and Calamianes, the most dangerous places within the archipelago. The southern islands and the Marianas islands were also the destinations for bigamists and ‘sodomites’ sentenced by the Inquisition.

So far, I have foregrounded legal priorities as the guiding principles of decisions about destinations, distance as a direct consequence of the seriousness of the crime, and magistrate and political authorities as the main decision-makers. Legal priorities, however, intertwined constantly with the idea of convicts’ ‘usefulness’, that is, with the constant need for convict labour for military service and military-related works generated by the extensive defence system and by the characteristics of the Spanish dominion. That ‘usefulness’ had the power to reverse legal priorities and modify destinations under certain circumstances. For example, in January 1781 an order disposed that the twenty-seven-year-old prisoner Don Pedro Hidalgo Cisneros, sentenced to ten-year *presidio* in Puerto Rico, might be transported to the work of fortification in Melilla for eight years instead, ‘if he is of no use in it.’⁹⁰ Labour priorities additionally implied an expansion of the range of authorities involved in the decision about destination. Selecting prisoners who could stand hard labour meant that attention had to be paid to their age and physical conditions, and implied the involvement of doctors and medical knowledge. In connection with the selection of convicts for the reconstruction and new fortification of Havana and San Juan, in the aftermath of the Seven Years War, a royal order dated 19 December 1768 thus established that only convicts ‘of robust constitution, and not in advanced age’ were to be shipped to Puerto Rico, alternatively ‘transporting those who haven’t got [these characteristics] to the *Presidios* of Africa.’⁹¹ The Cadiz-based general inspector of the navy, Francisco Xavier Winthuisen, and his counterpart in El Ferrol and La Coruña, Joaquin de Cañaverel, were always accompanied by the proto-doctor (*Protho-Médico*) and senior surgeon of the navy when visiting the local prisons.⁹² These produced lists with the words *util* (useful), *ynabil* (unfit) and *enfermo* (sick) next to the prisoner’s

name. It was not an exceptional case. In June 1790, nineteen convicts held in the Public prison of Cadiz awaiting transportation to the Philippines, Puerto Rico and peninsular arsenals underwent a similar process of selection. Stature (*talla*), skill (*aptitud*) and 'awful sentences' (*feas condenas*) were the main criteria indicated in the records, summarizing the intertwining of physical, labour and legal priorities respectively.⁹³

The complexity of the transportation additionally influenced the destinations, and implied the participation in the decision-making process of other actors beyond the legal and medical professions and the officials with political responsibilities. I have already mentioned the case of the multiplicity of authorities involved in the transportation along the land route between Quito and Guayaquil. Private entrepreneurs like the owners of textile manufactures (*obrajes*) can be added to the picture, for they sometimes ensured convicts destined to cities and *presidios* along the coast stayed in their productive units.⁹⁴ As far as maritime transportation is concerned, it relied on different types of ships (military ships, mail-ships and private ships) of various sizes and tonnages, which usually served multiple purposes.⁹⁵ This meant that in most of the cases only a few prisoners could be transported in each merchant ship. In addition to this, sailing the ocean was a seasonal activity, particularly on routes such as the one along the Cape Horn, and streams and winds led to frequent modification of the dates of departures, not to mention the length of the journey itself.⁹⁶ The combined effect of these circumstances was that prisoners often remained in the prisons and castles of the distributing centres for long periods. The appalling conditions, together with financial considerations and new military and labour priorities, often induced officials to transport them on the first available ship, thus not necessarily to the destinations originally indicated in the sentences. On the other hand, the owners of the private ships sought to take advantage of this situation of continuous emergency that pressed upon the Crown's officials: they did not only accept to take on convicts in exchange for payment or more convenient agreements regarding the goods they were allowed to transport; they also actively petitioned the officers to offer their ships to these purposes and in this way influenced the timing and destinations of the transportation of some groups of prisoners.⁹⁷

For their part, convicts did not passively await to be deported. While open revolts were relatively rare, escapes were frequent and represented the most radical, albeit often temporary, interruption of the mechanism of transportation.⁹⁸ They implied a variegated *repertoire*: from breaking the chains of the *cuerdas* to escalating walls and walking on roofs; from collective escapes from the hospitals to the falsification of royal authorizations for release. Legal options were also available to prisoners in their quest to influence their conditions in more subtle ways, and petitioning was certainly the one they made most use of, particularly during their detention. The forms and goals of petitions varied greatly depending on their social status. In the prisons of Cadiz, individual petitions were the preferred option for elite prisoners, who were able to write and whose aim was usually to avoid punishment altogether by mobilizing their powerful social networks. They insisted on their connections with high-officers and aristocratic families, and clergymen and missionaries sought the help of their congregations, merchants that of their guilds.⁹⁹ Less powerful merchants tried at least to influence the timing of the transportation. For example, when the Inquisition of

Lima accused Manuel Portela of bigamy and sentenced him to be shipped back to his wife in peninsular Spain, this Galician shoemaker implored to be allowed to remain in Peru until he paid back his debt, and got his debtors to pay him, because if he left earlier ‘that money would be lost, with a considerable loss.’¹⁰⁰ French and British prisoners of war forced to work in the Spanish Caribbean or North African *presidios* in the aftermath of the wars that punctuated the late eighteenth century mobilized their consular representatives in order to obtain a quick return home.¹⁰¹ Deserters and commoners imprisoned in Cadiz used different repertoire, with distinct contentions. On the one hand, theirs were often collective endeavours, attempts to compensate with numbers for weak social status and illiteracy. On the other, they tended not to question their sentence but rather to denounce the appalling conditions of detention they had to bear. The keywords here were ‘nudity’ (*desnudez*), ‘destitution’ (*indigencia*), ‘hunger’ (*hambre*) and ‘black fears of death’ (*las negras aprensiones de la muerte*). Against this background – repeatedly confirmed by official investigations¹⁰² – some prisoners unsurprisingly asked to be transported as soon as possible.

Petitions also stemmed from the convicts’ relatives. They frequently asked for the liberation of their relatives and tended to focus on their sufferings in captivity and on the consequences detention and distance had on the convicts’ children and families at large.¹⁰³ However, both in Spain and in the Spanish American viceroyalties a particular and quantitatively relevant stream of petitions originated from families of (mostly) elite young men that requested their son or brother to be transported.¹⁰⁴ This was conceived as a ‘correction of his excesses’, a way to cope with their ‘disorderly conduct and incorrigibility’ and to avoid what ‘might cause, through discredit and dishonour, the ruin of his family’.¹⁰⁵ In these cases, relatives explicitly indicated the expected place of destination and the timing and means of transportation by pointing at specific ships ready to leave the anchor in the ports. By hearing about his brother’s escape from the Castle of San Sebastian and subsequent recapture in the Sierra Morena, the Catalan José de Rubies, on behalf of his father, did not hesitate to ask for ‘due execution’ of his brother’s sentence of transportation to Puerto Rico.¹⁰⁶ Relatives also interfered with the very execution of the sentence, as when they petitioned for further transportation to Puerto Rico of their ‘disordered’ and ‘insufficiently emended’ brothers or sons held in the North African *presidios*.¹⁰⁷ The high social status of most of the requesting families might explain the positive outcomes of this type of petition. At the same time, especially in the *presidios* of the borderlands, some elite *presentado* convicts (‘presented’ by their families) were assimilated into the high-ranks of the local garrisons.

The global lives of convicts

In the 1770s, the Spanish Secretaries of State for the Indies, Julian de Arriaga and José de Gálvez, could count on various, if contradictory, sources when making decisions on the tiny but highly strategic settlement in Puerto de la Soledad (Malvinas/Falklands), where convicts made up some 10 per cent of the total population.¹⁰⁸ Sometimes the correspondence between the authorities in Puerto de la Soledad and Buenos

Aires foregrounded the material difficulties of maintaining the settlement, further confirmed by retired Malvinas officials. Yet at the same time merchants highlighted the profitability of specific economic activities, such as whaling in the Southern Atlantic, and soldiers drew up new maps *in situ* in order to both investigate the possibility for economic exploitation and patrol the coasts to prevent British settlement.¹⁰⁹ On the opposite side of the social spectrum, convict Vicente Palomeque tried to mobilize his own information networks in order to leave the Malvinas as soon as possible.¹¹⁰ Apparently lying on his deathbed in July 1795, he confessed to priest don Juan Marcos de Cora that between his transportations to the island of Martín García and Puerto de la Soledad he had helped a group of men in Buenos Aires to hide weapons and ammunition ready for a 'revolution'. Building on information he gathered during his highly mobile life as a repeat offender and a precarious labourer, in his narrative he carefully included all the 'dangerous classes' the imperial elite were afraid of, especially in that period of war between Spain and revolutionary France (January 1793–July 1795), three years after the slave rebellion in Haiti. The leader of the secret plan – he said in confidence – was a Frenchman named don Domingo, escorted by soldiers and supported by 'more than fifty lords among the richest of Buenos Aires, the majority of them foreigners'; the overseer and some carriers were *indios Paraguay*, the other workers 'various negroes of Don Domingo' and one Galician migrant. Officials in Buenos Aires thoroughly investigated the case but were unable to find any evidence. The following year they came to the conclusion that 'this was a story invented by the *presidiario* in order to be transferred to this Province and improve his fate, or obtain the means for his escape'. By that time, the war with France was over, and Vicente Palomeque, who had long before recovered from his allegedly deadly sickness, was still doing his time in the Malvinas.

The use and manipulation of information and the diverse origins of the convicts themselves were key-factors in enhancing both their understanding of their situation and their attempt to change it. Creating false identities, for example, might involve declaring false origins and migrations. Josef Manuel de Flores, a convict born in Mexico City and condemned for 'excesses' committed in Cumaná (Venezuela), claimed to be a 'moor' captive escaped from the arsenal of Cartagena (Spain), where he had never been but ultimately was transported to.¹¹¹ In the borderlands of South America, peninsular convicts who escaped from the *presidios* of Valdivia, Patagonia or Tucumán hid themselves among the native populations, becoming significant agents of cultural exchange.¹¹² The continuous sequence of escapes, desertions and re-captures in the experience of individual prisoners accentuated their mobility and involuntarily expanded their knowledge about the globe: Juan Bautista Toma, born in Semur-en-Auxois (France), served in the army in Pamplona and Havana, before being sentenced to eight years *presidio* in Ceuta for the attempted murder of a sergeant;¹¹³ the *moreno* multiple-deserter Juan Andrade from Andalusia was transported to Havana, back to Spain and then to the Philippines within a time-span of seven years.¹¹⁴

When foreign nationality, professional mobility and penal transportation overlapped, exceptional life-stories emerged. In February 1777 the Portuguese pilot Juan Diaz sailed from Rio de Janeiro toward Colonia del Sacramento.¹¹⁵ Passing by Montevideo, he was captured by the Spanish troops and brought to Mendoza, where

he remained until January of the following year. Once freed, he headed to the port of Valparaiso in search of a job, but while travelling on land he was apprehended by guards for lack of a passport and shortly imprisoned in Santiago de Chile. Free once again, he embarked to Lima in Valparaiso as deckhand (*mozo*) at the end of August 1778 and kept sailing the South Sea, first as a deckhand and later as a pilot. In March 1789 a group of British seamen boarded his ship and threatened to kill him unless he told them the routes of the whales. ‘Forced to give an answer by the fact that theirs was a bigger ship, and I did not know the English language – he wrote – in order to get free from them I took the liberty to show them a small sea map (but I didn’t give it to them...)’ In the North Chilean port of Iquique he naively reported the event to a local magistrate, and was consequently arrested, and in 1789 transported to Arequipa, Quilca, Lima and finally to Cadiz. From the Andalusian port city, in 1790 he petitioned the Spanish officials through the Portuguese Consul, in the hope of avoiding further transportation.

Diaz’ exceptional voyages suggest the need to view convict transportation as one element of global subaltern mobility at large. They point to the importance of doing further research on the complexity of convicts’ mobility and on the impact that the exchange of information between convicts held in the same *presidios*, prisons, *obrajes* or galleys might have had on their perception of their own experiences, of the punishment they suffered and of the ‘world’.

Conclusion

Convict transportation was shaped by the structures, spatiality, conceptualizations and goals of early modern and modern empires; in turn, it contributed to shape the empires by creating connections among specific places, as well as regions and populations, and across administrative and cultural boundaries. Linked to the land-based structure and polycentric nature of the monarchy, in the Spanish case the ‘networks of empire’ created by penal transportation had two peculiarities:¹¹⁶ they were made across multiple punitive regimes; and flows and destinations were entangled with those of other free and coerced migrants. After providing an overview of the main punitive regimes over four centuries of Spanish penal transportation, this chapter has showed that convict transportation was a quantitatively significant phenomenon, much larger than has been usually assumed. Furthermore, by focusing on the *presidio*-related regional networks of penal transportation in the late eighteenth and early nineteenth centuries, I have contended that convicts played a major role in the empire-building process across all territories of the Spanish crown. In this I have argued in favour of the integrated study of sea and land routes and of long- and short-distance routes, and foregrounded the importance of addressing the minutiae of transportation.

Moreover, as we have seen, sentencing and impressment in the *presidios* have broader methodological interventions for other periods and punitive regimes in the Spanish Empire, and beyond. It is clear that the networks created by penal transportation were made of different fabrics across space and time. Not only did the scale of convict flows

change, but the legal, social, ethnical, gender and age composition of the transported prisoners was different in each place of detention, route, ship, convoy and destination. Global histories of penal transportation must concern itself with these historical discontinuities, addressing both the lines that connected various places and the qualitative differences between them. Furthermore, networks of penal transportation were part of larger circulations of free and unfree migrants. This suggests an urgent need to overcome the existing marginalization, or outright exclusion, of convict mobility from migration and labour history.¹¹⁷ Conversely, there is a need to appreciate the importance of the links and distinctions among all types of human mobility, including convict transportation. Notwithstanding the power inequalities of empire, a range of historical actors of distinct social status and from different geographical sites played a role in the decisions that surrounded penal transportation: from the king and magistrates to colonial doctors, from the relatives of 'disobedient' sons to illiterate commoners. As far as convict agency is concerned, the mobility intrinsic to penal transportation became an unexpected tool for convicts to conceptualize the space they travelled across, to manipulate their identities and influence their punishment and destination. At the same time, penal transportation was not necessarily the only mobility they experienced during their lives. Extended mobility might stem from the experience of repeated military recruitment, desertion and convictions as much as from the combination of foreign origin, professional mobility and conviction. When 'telling convictism through ordinary lives', then, a spatial perspective strengthens the vision of agency as a multisituated and entangled process, rather than a mere transposition of hierarchical statuses and centre/periphery relationships.¹¹⁸

Notes

- 1 Ruth Pike, *Penal Servitude in Early Modern Spain* (Madison, WI: The University of Wisconsin Press, 1983); Ruth Pike, 'Penal Servitude in the Spanish Empire: Presidio Labor in the Eighteenth Century', *The Hispanic American Historical Review* 58, no. 1 (1978): 21–40; Lauren Benton, *A Search for Sovereignty: Law and Geography in European Empires, 1400–1900* (Cambridge: Cambridge University Press, 2010), ch. 4.
- 2 Pedro Alejo Llorente de Pedro, 'Modalidades de la ejecución penitenciaria en España hasta el siglo XIX', *ADPCP* 72 (2004): 311–384; Benton, *A Search for Sovereignty*.
- 3 Irving A. A. Thompson, 'A Map of Crime in Sixteenth-Century Spain', *The Economic History Review* 21, no. 2 (1968): 244–267; José Luis de las Heras, 'Los galeotes de la monarquía hispánica durante el antiguo régimen', *Studia Historica, Historia Moderna* 22 (2000): 283–300; Luca Lo Basso, *Uomini da remo. Galee e galeotti del Mediterraneo in età moderna* (Milano: Selene Edizioni, 2003).
- 4 Silvio Zavala, 'Galeras en el Nuevo Mundo', *Sobretiro de la Memoria de El Colegio Nacional* 18, no. 3 (1976): 115–137; David Wheat, 'Mediterranean Slavery, New World Transformations: Galley Slaves in the Spanish Caribbean, 1578–1635', *Slavery and Abolition* 31, no. 3 (2010): 327–344; Paul E. Hoffman, *The Spanish Crown and the Defense of the Caribbean, 1535–1585* (Baton Rouge, LA, and London: Louisiana State University Press, 1980); Peter T. Bradley, *Spain and the Defence of Peru 1579–1700*.

- Royal Reluctance and Colonial Self-Reliance* (Raleigh, NC: Lulu Press, 2009). A galley fleet also existed in the Spanish Low Countries, probably including convicts among its rowers. Convict transportation in that part of the Spanish monarchy, however, still awaits its historian.
- 5 Pedro Alejo Llorente de Pedro, *El penitenciarismo español del antiguo régimen aplicado a su presidio más significativo: Orán-Mazalquivir* (Madrid: Ministerio del Interior, 2005).
 - 6 Pedro Alejo Llorente de Pedro, 'La pena de presidio en las plazas menores africanas hasta la Constitución Española de 1812', *ADPCP* 61 (2008): 282–296; Benton, *A Search for Sovereignty*, esp. 176–177.
 - 7 Rafael Gil Bautista, *Las minas de Almadén en la edad moderna* (Alicante: Publicacions de la Universitat d'Alacant, 2015); Isabel M. Povea Moreno, 'Los centinelas de la mina de Huancavelica: milicianos, presidiarios y funcionarios reales', *Chronica Nova* 36 (2010): 263–289.
 - 8 Samuel Kagan, 'Penal Servitude in New Spain: The Colonial Textile Industry', PhD diss., City University of New York, 1977.
 - 9 Juan Marchena Fernández and María del Carmen Gómez Pérez, *La vida de guarnición en las ciudades americanas de la Ilustración* (Madrid: Ministerio de la Defensa, 1992), esp. ch. 2; Josep M. Fradera, *Colonias para después de un imperio* (Barcelona: Edicions Bellaterra, 2005); Christopher Schmidt-Nowara, *The Conquest of History: Spanish Colonialism and National Histories in the Nineteenth Century* (Pittsburgh, PA: University of Pittsburgh Press, 2006).
 - 10 Fernando José Burillo Albacete, *La cuestión penitenciaria. Del Sexenio a la Restauración (1868–1913)* (Zaragoza: Prensas Universitarias de Zaragoza, 2011), 62–67, 146–150.
 - 11 Rafael Salillas, *Evolución penitenciaria de España*, vol. 2 (Madrid: Imprenta Clásica Española, 1918), 221–240; Rafael Salillas, *La vida penal en España* (Madrid: Imprenta de la Revista de Legislación, 1888), 244–266.
 - 12 Carmen Gil de Arriba, 'La celda y el taller. El penal del Dueso (Santoña), un ensayo de colonia penitenciaria en las primeras décadas del siglo XX', *Boletín de la Asociación de Geógrafos Españoles* 67 (2015): 349–374; Raquel Collado Quemada, 'Santoña y la colonia penitenciaria de El Dueso', *Monte Buciero* no. 8 (2002): 91–126.
 - 13 Benton, *A Search for Sovereignty*, 165.
 - 14 Clare Anderson and Hamish Maxwell-Stewart, 'Convict Labour and the Western Empires, 1415–1954', in *The Routledge History of Western Empires*, eds. R. Aldrich and K. McKenzie (London: Routledge, 2013), 108.
 - 15 It should be noted that comparatively convict transportation in the British Empire has been studied in the greatest depth, and the high figure might be the result of this rather than the actual difference in the scale of transportation.
 - 16 Archivo General de Indias, Seville (AGI), Indiferente general, 1907.
 - 17 Archivo General de Simancas (SGU), 6830, 1; 6840, 73; 6881, 53; 6899, 25; 6900, 1, 4, 9, 27 and 44; 6934, 63; 6957, 50; 7021, 23, 7056, 18; 7057, 6; 7249, 61; 7250, 38; 7251, 29; 7252, 6, 14 and 18; 7253, 1; 7256, 18 and 20. See also: AGI, Arribadas, 384.
 - 18 José Sánchez-Arcilla Bernal, 'El arbitrio judicial en la Nueva España. Los delitos contra la vida en las cuerdas de reos', in *El Arbitrio Judicial en el Antiguo Régimen (España e Indias, siglos XVI–XVIII)*, ed. José Sánchez-Arcilla Bernal (Madrid: Editorial Dykinson, 2012), 437; María Fernanda García de los Arcos, *Forzados y reclutas: Los criollos novohispanos en Asia (1756–1808)* (Mexico City: Potrerillos Editores, 1996), 7; Beatriz Cáceres Menéndez and Robert W. Patch, 'Gente de Mal

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- 19 Ángel Alloza, *La vara quebrada de la justicia. Un estudio histórico sobre la delincuencia madrileña entre los siglos XVI y XVIII* (Madrid: Catarata, 2000), 258.
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- 52 See esp. AGI, Lima, 1524 and 1525.
- 53 García de los Arcos, *Forzados y reclutas*, 155–180.
- 54 The following description in the text is based on Czeblakow, 'A Prison by Any Other Name', 195–196.
- 55 For the period 1788–1790 see the records in AGI, Arribadas, 548.
- 56 AGI, Arribadas, 287A, Casas, Cadiz, 13 August 1787 and 23 October 1787.
- 57 AGI, Arribadas, 287A, Langaa to Manxon, Isla de León, 5 February 1781; AGI, Arribadas, 287A, Sonora to Interin President of the Real Audiencia de la Contratación, San Ildefonso, 30 August 1786.
- 58 For related records see especially AGI, Arribadas: 287A.
- 59 See for example: AGI, Arribadas, 287A, 'Relación de los Reos entregados a mi disposición...', Cadiz, 9 February 1784.
- 60 AGI, Arribadas, 287/A: Agustín Carlos Rocas, Cartagena, 13 January 1781; Cadiz 10 October 1787; Agustín Carlos Rocas, Cartagena, 13 January 1781; Cadiz, 23 May 1783.
- 61 AGI, Arribadas, 551, 'Relación que en virtud de R.l orden de 5 de Mayo ultimo...', Cadiz, 23 September 1788. See also García de los Arcos, *Forzados y reclutas*, esp. 117–151. For other archival evidence, see esp. AGI, Arribadas, 550, Cadiz 27 June 1788; AGI, Arribadas, 287B, 15 November 1792.
- 62 AGI, Indiferente general, 1907, Aranda, Madrid 19 May 1770. Here the record summarizes a previous communication of Alejandro O'Reilly (February 1769).
- 63 AGI, Indiferente general, 1907, Victoria to Arriaga, Isla de León, 7 February 1771. See also: AGI, Indiferente general, 1907: Cadiz, 3.11.1775, 2.6.1775, 1.7.1775, 1.8.1775. The figure excludes six convicts who escaped, for which no origin and age is provided, and five convicts whose origin is unclear.
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- 68 For example: AGI, Estado, 42, Exp. 7, Porcel to Cevallos, Madrid, 10 July 1802; Roman to Cevallos, Cadiz, 22 April 1803; AGI, Arribadas, 287B, Porlier to Diaz, Cadiz, 14 September 1790. See also: Immaculata Fernández Arrilaga, *Jesuitas rehenes de Carlos III. Misioneros desterrados de America presos en el Puerto de Santa María (1769–1798)* (El Puerto de Santa María: Ayuntamiento de El Puerto de Santa María, 2009).
- 69 For some examples, see: AGI, Arribadas, 287A, Bernal to Manxon, Cadiz, 18 June 1776; AGI, Arribadas, 287A, Sentence by Diego Antonio, Lima, 20 November 1775; AGI, Arribadas, 287A, Gálvez, Cadiz, 4 March 1785, and El Pardo, 14 March 1785; AGI, Arribadas, 287A, González to Guirál, Madrid, 2 February 1788. See also Christon I. Archer, 'The Deportation of Barbarian Indians from the Internal Provinces of New Spain, 1789–1810', *The Americas* 29, no. 3 (1973): 376–385, esp. 377; Vitar, *Guerra y misiones en la frontera*, 184, 266–267, 301.
- 70 Archer, 'The Deportation of Barbarian Indians', 381.
- 71 See for example García de los Arcos, *Forzados y reclutas*, 60, 130, 137–138.
- 72 AGI, Arribadas, 421, 'Libro de Provistos, Cargadores'.
- 73 For one example of mutiny, see AGI, Lima, 1524: Real Tesoro, Cadiz, 26 December 1766.
- 74 For example AGI, Buenos Aires, 525: Macé to Arriaga, Montevideo, 21 February 1767; Macé to Arriaga, Montevideo, 16 June 1766.
- 75 AGI, Lima, 1524, Real Tesoro to Arriaga, Cadiz, 11 September 1773 (and annexes).
- 76 Nadia Andrea de Cristóforis, *Proa al Plata: Las migraciones de gallegos y asturianos a Buenos Aires (fines del siglo XVIII y comienzos del XIX)* (Madrid: Consejo Superior de Investigaciones Científicas, 2009), 66.
- 77 Arribadas; AGI, Lima, 1525, Merida to Gálvez, Cádiz, 20 May 1776.
- 78 For example, AGI, Arribadas, 287B, Calle, Cadiz, 9 August 1789; AGI, Arribadas, 384, 'Cuentas presentadas p.r d.n Lucas Gascon', Cadiz, 7 July 1803.
- 79 For Havana: AGI, Indiferente General, 1907, 'Estado que comprende los Soldados'. Cadiz must have been another important place of interaction between convicts and slaves, given the constant presence of slaves in the city: Arturo Morgado García, *Una metrópoli esclavista. El Cádiz de la modernidad* (Granada: Universidad de Granada, 2013).
- 80 For one example regarding the *presidio* of Valdivia: AGI, Chile, 434, Espinosa to Juareguí, Mancera, 29 November 1773.
- 81 AGI, Estado, 85, Exp. 30, O'Higgins to Principe de la Paz, Osorno, 15 January 1796. See also: Navarro García, 'Poblamiento y colonización'.
- 82 See esp. Sánchez-Arcilla Bernal, *El Arbitrio Judicial en el Antiguo Régimen*. Besides the royal justice, multiple parallel legal systems existed in the Spanish monarchy, including the jurisdiction of the Holy Office and military jurisdiction. They too contributed to the production of mobility-related punishments.
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- 84 For example: AGI, Arribadas, 284; AGI, Arribadas, 548.
- 85 AGI, Arribadas, 287A, Gómez, Cadiz, 30 June 1781.

- 86 AGI, Arribadas, 287A, Sanz, Cadiz, 29 May 1786.
- 87 AGI, Arribadas, 287A, Asme, Cadiz, 19 September 1787.
- 88 AGI, Arribadas, 287A: Valdéz to Guirál, Cadiz, 4 August 1788; Condenuela to Guirál, Cadiz, 21 January 1788.
- 89 Mehl, *Forced Migration in the Spanish Pacific World*, 190–191; García de los Arcos, *Forzados y reclutas*, 121.
- 90 AGI, Arribadas, 287A, Rocas, Cartagena, 13 January 1781.
- 91 Quoted in AGI, Indiferente general, 1907, Aranda to Arriaga, Madrid, 18 December 1769.
- 92 See esp. the following records in AGI, Indiferente general, 1907: Letter to Munian, 6 December 1768; Letter to Gerbaut, Madrid, 16 December 1768; Arriaga to Vegaflorida, Madrid, 17 December 1768; Winthuisen to Arriaga, Cadiz, 23 December 1768; Vegaflorida to Arriaga, Ferrol, 4 January 1769; Winthuisen to Arriaga, Cadiz, 14 January 1769.
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- 96 For the establishment of fixed dates of departures from, and return to, Cadiz and el Callao, see: AGI, Lima, 1524, Virrey del Peru, Lima, 22 January 1766 and the annex. The last departures from el Callao had to take place by 30 November (or by the end of October if the ship was calling in the Chilean ports); the ships leaving Cadiz had to depart by 31 October at the very latest.
- 97 See for instance the records in AGI, Lima, 1525.
- 98 Letter to Guirál, Cadiz, 26 April 1788; Vique to Guirál, Castillo de San Sebastian, Cadiz, 11 April 1788; Manuel de Vique to Manuel González Guirál, Cadiz, 3 May 1788; AGI, 287A: Sanz, Cadiz, 2 October 1787. For an example of punishment of a guard in the aftermath of an escape: AGI, Arribadas, 287A, Cotarro, Cadiz, 16 May 1788.
- 99 See for example: AGI, Estado, 62, Exp. 64, Larruleta, Cadiz, 3 April 1798.
- 100 AGI, Arribadas, 287A, Portela: sentence dated Lima, 21 November 1775.
- 101 AGI, Arribadas, 287A, Gomez y Olmo to Real Tesoro, Cadiz, 1 March 1765; AGI, Estado, 37; Exp. 12; AGI, Estado, 41, Exp. 3; AGI, Estado, 86A, Exp. 33.
- 102 See esp. AGI, Arribadas, 287B, Fondebiela to Guirál, Cadiz, 3 April 1788.
- 103 For example: AGI, Estado, 62, Exp. 64, Larruleta, Cadiz, 3 April 1798.
- 104 Mehl, *Forced Migration in the Spanish Pacific World*, 142–188; García de los Arcos, *Forzados y reclutas*, 99–104; Mawson, 'Unruly Plebeians and the *Forzado System*'.
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- 106 AGI, Arribadas, 287A, Ramón Ribera to Antonio María y Lomas, Cadiz, 12 June 1787.
- 107 AGI, Arribadas, 287A: Marques de Sonora, San Lorenzo, 7 November 1786; Joachin de Condenuela to Manuel González Guirál, Cadiz, 21 January 1788.
- 108 AGI, Buenos Aires, 552 and 553. Malvinas and Falklands were the names used respectively by the Spanish and the British authorities. I will use Malvinas here, following the use of the sources I have consulted.
- 109 Reports of captives' interrogation are held in AGI, Estado, 80, 1. The quotations in the text stem from the interrogation of John Palmer, attached to the letter of Viceroy Arredondo to Alange, Buenos Aires, 23 September 1790; and the interrogation of Loveday, attached to the same letter, 3 August 1789.

- 110 AGI, Estado, 80, Exp. 30, Sanguinate to Valdéz, Malvinas, 23 July 1796.
- 111 AGI, Arribadas, 287A, Roxas to Valdellano, Cartagena, 1 March 1777.
- 112 For the Chaco, see: Vitar, *Guerra y misiones en la frontera*, 252. For the area between Valdivia and Chiloé: AGI, Lima, 686, Exp. 52, Croix to Valdéz, Lima, 5 August 1785.
- 113 AGI, Arribadas, 287B, sentence against Toma, Havana, 17 June 1789.
- 114 AGI, Arribadas, 548, *filiación* of Andrade, Isla de León, 10 July 1788.
- 115 AGI, Arribadas, 287B, Neves to Gonzales Giral, Cadiz, 4 October 1791.
- 116 Kerry Ward, *Networks of Empire: Forced Migration in the Dutch East India Company* (Cambridge: Cambridge University Press, 2008).
- 117 For a similar argument: Anderson and Maxwell-Stewart, 'Convict Labour and the Western Empires', 111.
- 118 Clare Anderson, *Subaltern Lives: Biographies of Colonialism in the Indian Ocean World, 1790–1920* (Cambridge: Cambridge University Press, 2012), 41.

The Scandinavian Empires in the Seventeenth and Eighteenth Centuries

Johan Heinsen

Introduction

In the seventeenth century, Danish and Swedish seafarers plied the same waters, while their monarchs competed for dominion in the Baltic Sea, resulting in a series of wars between the two Scandinavian powers. Denmark (which included Norway and Iceland as well as territories in northern Germany) entered the century with the upper hand, sitting firmly on the Sound that gated the Baltic Sea and using the funds from the toll to build a state-of-the-art navy. Sweden (which included Finland and also came to include a number of possessions around the Baltic) emerged with a cutting-edge army as a serious competitor during the Thirty Years War and later in the century managed to wrestle Scania from Denmark, thereby challenging Danish claims to the toll. Both were empires but sat at the semi-periphery of a North Sea world dominated by Dutch and eventually English commercial interests. Both had ambitions to become the centre of this world, yet suffered defeat. As a result, both monarchs had to content with their middling position in European politics, presiding over huge and scattered territories, but without the capital or the populations to become major powers.

This chapter explores confluences discussed much less frequently. Both Denmark and Sweden dabbled in overseas expansion, drawing heavily on capital and know-how from the Netherlands to create miniature Atlantic empires. Sweden founded the short-lived colony of New Sweden in North America, while the Danes established small trading outposts in India and on the Gold Coast, and, eventually, settled a Caribbean colony on St Thomas in the Lesser Antilles. Both states used convicts to meet the needs for labour across the Atlantic Ocean. They did so at times when their colonies suffered from bad reputations at home and, therefore, failed to attract free migrants and indentured servants. In this way, convicts were a solution to labour problems in the face of contingencies. Additionally, convicts allowed Danish and Swedish authorities to populate their colonies with non-foreigners at times when Dutch influences were seen as a threat. In both empires convicts were repeatedly referred to as 'slaves', and their labour appears to have been a replacement for other types of unfree labour. However, this is where the similarities end, as the two fashioned very different systems regarding

such convicts. The convicts themselves also had very different experiences, owing both to the difference in the social structure of the two colonies and to the environmental differences between the temperate climate of New Sweden and the tropical disease environment of St Thomas.

Both of these systems led to the transportation of very small numbers of convicts. In light of some of the other flows discussed in this volume, they are quantitatively negligible. In spite of this, they add valuable insight into the role of convicts in European colonial expansion in the early modern period. In many ways, convicts were propelled into these miniature Atlantic economies by some of the same forces that took convicts to the colonies of the much larger European competitors. Principally, they reveal how convict labour was intertwined with other forms of free and unfree labour.¹ In this way, these two small-scale operations help us recognize both patterns and deviations within the larger context of colonial and even global history.

This article examines these two systems, the labour problems they were designed to counter and the experiences they forced on the coerced, before turning to a discussion of their similarities and differences that help place them in a larger European context. It will be argued, that Sweden's experiment in convict transportation had much clearer European precedents than the Danish, which had several features that were unique for its time. Some of these features have to do with differences in how convict transportation was grafted to the two states' quite different penal systems. Thus, Denmark had a prison system that, for its time, was highly centralized – something which meant that there was a pool of convict labour in Copenhagen available for transportation when the need arose. Sweden had a less centralized penal system, which resulted in a model that compares more easily to other European states of the period. Other differences, however, are more difficult to explain and might be the products of contingencies.

Finally, this chapter also discusses the challenges of knowing the histories of these convicts as they became part of their respective empires. The convicts in the Danish Empire are heavily documented in the sources; a fact that can be linked to the powerful anxieties their agency provoked even long after this experiment ended. These anxieties sculpted the project itself, and in part helped provoke the abandonment of convict transportation across the Atlantic. In contrast, the Swedish sources on the brief Swedish experiment suggests a less panicked social imaginary that, in turn, makes the experiences of the coerced more difficult to unearth.

From Gothenburg to Delaware

New Sweden was a small, short-lived colony on the western side of the Delaware. The first settlers arrived from Sweden in late March 1638 and established a fort, Fort Christina, named after the Swedish ruler. The colony eventually came to include a number of forts, outposts and small settlements in the region that today includes Delaware, New Jersey and Pennsylvania. It was taken over by the Dutch in 1655.

During this seventeen-year period, the colony was overseen by a trading company, The New Sweden Company, which operated out of Gothenburg – at the time Sweden's



Map 4.1 The Atlantic flows of the Scandinavian empires in the seventeenth and eighteenth centuries

only port in the narrow sea of Kattegat and the only Swedish gateway to the Atlantic that did not go through waters controlled by the Danes. The initial plan for the colony was to plant and harvest tobacco and to engage in the fur trade. Initially, much of the capital and many of the migrants came from the Netherlands, but Dutch investors withdrew their interest after the initial voyage proved a costly venture that provided no real returns on their investment. This forced a re-organization of The New Sweden Company, and a much more active recruitment strategy, seeking Swedish subjects to populate the colony. The use of convicts emerges as part of this plan in the summer of 1639.²

At this point, the Swedish authorities faced difficulties in recruiting migrants to act as their colonial labourers. Colonial indenture did not lure in great numbers of lower-class subjects. Scholars have tied these difficulties to widespread beliefs that America was a dreadful place.³ In this way, the use of convicts appears tied to a question of labour scarcity; convicts were substitutes for indentured servants. At the same time, providing sufficient numbers of migrants from Sweden was itself a means of control. The Swedish colony was located in an area that was highly contested. The Swedes rubbed up against both British and Dutch. Swedish concerns about keeping their colony Swedish manifested in many ways: for instance, Governor Johan Printz (who ruled the colony from 1643 to 1653) was instructed that he was to enforce Swedish as the main language of the colony.⁴ These concerns also influenced recruitment efforts. One of the earliest appearances of the idea of using convicts as colonists, a letter from August 1639 from the Privy Council (which ruled the country as an interim

government until 1644 when Queen Christina had come of age and took over the government) to the county governor of the Swedish province of Wärmaland, specifically mentions the need of populating the colony with Swedish subjects.⁵ Such intertwined objectives in the use of coerced migrants are logical when looking at the organizational impetus behind it. While organized as a trading company, the interests of the New Sweden Company were intimately tied to the interests of the Swedish crown. This was no coincidence, as the men who served on the Queen's Privy Council were also the major Swedish investors in the company.⁶ Impetus to use convicts appears to have come from the Privy Council, principally from Axel Oxenstierna, Sweden's Lord High Chancellor and one of the leaders of the New Sweden Company. The use of convicts must be situated at this interstitial point between the interests of a trading company facing labour shortages and the state.

The organization of convict transportation was always very provisional in the Swedish case. It was undertaken locally by the governors of the counties around Gothenburg after they had been ordered to do so by the Privy Council. Such orders specified who should be transported and under what conditions. The above-mentioned letter to the county governor of Wärmaland suggested that criminals who had families and who had been convicted of desertion in Wärmaland or Älvsborg or those who had in other ways committed crimes worthy of life sentences were to be sent to Gothenburg to be sent to New Sweden. The authorities were to instruct the convict that he had been granted his life. Further, because the wives and children were innocent, the authorities were ordered to be careful and persuasive so as not to cause an uproar among their kin.⁷ Again in June 1641, the Privy Council called for deserters to be transported.⁸ Recalcitrant soldiers and officers were also singled out.⁹ In this way, many of the orders concerned military personnel. For instance, a young horseman from Västergötland by the name of Hans Månsson was deported to New Sweden after having felled six apple trees and two cherry trees at the orchard of a monastery. As the local authority asked the queen what to do with him, it was decided that deportation was a befitting punishment. Thus, he was confronted with the choice: to go with his family to New Sweden to work for six years or be hanged.¹⁰ However, convicted civilians were also transported. We find instances of people transported for petty crimes but also more serious matters such as poaching and adultery. Per Michelsson from Hammarby, for instance, left Gothenburg on a ship in 1643 to serve six years for having spread "hard and rebellious words" about a sheriff.¹¹ No women were chosen, nor any common thieves.¹² The latter seems a conscious decision because theft was a highly dishonouring crime which meant that thieves were shunned as their dishonour could rub off on others. Both these selection criteria stood in marked contrast to the Danes.

The ad hoc way that convict transportation became part of colonization of New Sweden suggests that convicts were seen as an intermediate solution to an urgent problem, not an integral part of the project. Transportation was never extended as a sentence available to Swedish courts in general. Instead, the use of convicts appears in connection only with concrete recruitment efforts as the voyages were prepared.

Karen Ordahl Kupperman has argued that Swedish colonization in North America 'could take advantage of decades of Spanish, French, Dutch, and English experience'.¹³ Not only did backers and political leaders appear inspired by such precedents, but the

fact that the colony's initial leadership was primarily Dutch (having strong connections to the Dutch West India Company), further facilitated such a transfer of knowledge. Kupperman traces such an impact in the privateering and Caribbean trade schemes that featured heavily in the initial plans for the colony and were to make up for initial losses. I would argue that such an inspiration is also apparent in the way Swedish authorities solved the problem of migrant/labour shortages by using convicts. Here, as elsewhere in the project, the Swedes appear to have been inspired by the British.¹⁴ This shows in how they used convicts as indentured servants, serving terms of up to six years as unfree labourers.¹⁵ Of course, Swedish officials had their own experiences with the utilization of criminals in expansionist contexts as well; after the conquest of Ingria in the Baltic in 1617, rebellious peasants and people guilty of damaging forests had been banished there to help settle it with Swedish subjects.¹⁶ However, the specific construction of the convict as an indentured servant, bound and (at least in principle) sellable for a set number of years, hints at an outside influence, most likely to be British. The Danes did not follow such precedents, demonstrating that the status of the convict as a colonial labourer could easily have taken other forms.

The number of convicts in New Sweden is impossible to accurately determine, as convict status does not always figure directly on the surviving passenger lists. However, we can say with some certainty that they made up only a minority of the roughly 600 people who left for New Sweden in the period. Historian Sten Carlsson has identified twenty colonists who were expressly called 'criminals' or 'convicts' in the documents but estimates that the total number was 'much higher'.¹⁷

Various sources indicate that the convicts were called 'slaves'. While both convict labour and indenture was often called 'slavery' as a way of criticizing it in the larger European overseas empires, both Danish and Swedish authorities used the term 'slave' in a different way. The term simply came to signify convict labourers. In Sweden, the word 'slave', was already used about convicts performing hard labour in this way in the 1640s, so it is not surprising to find their colonial equivalents designated by the term.¹⁸ We are more surprised that Governor Johan Printz (who ruled from 1643 to 1655) also appears to have used the term about regular indentured labourers.¹⁹

Tracing the experiences of these colonial labourers is almost impossible. The sources shedding light on daily life in New Sweden are few and almost none of them deal with the worlds of the subaltern. However, from the writings of Governor Printz and others we get glimpses that allow us to at least contemplate what colonial transportation entailed. They hint at a life of destitution. Hunger was a very real threat and a failed harvest in 1643 killed a quarter of the colonists, taking a decidedly class-based toll among the lowest rungs of the small community whom Printz admitted had also suffered from the hardships of labour.²⁰ The rebellious convict Per Michelsson was among those buried that year.²¹ Plots of desertion appear to have been omnipresent – possibly a response to Printz's rule which has been portrayed as quite brutal.²² Convicts were probably sometimes hired out, as their labour power was owned by the company. We know that this happened to the company's indentured servants and soldiers, mirroring practices elsewhere in American colonies. Most of the time, however, convicts laboured directly for the company, performing heavy physical labour and plantation work in the efforts of planting tobacco on the company's plantations. We

only know of a single enslaved African in the colony, so the convicts made up its lowest class. An eighteenth-century description of New Sweden building on now lost eyewitness accounts divided the colony into three groups, the free, the indentured and the convicts. The author argued that the convicts made up a separate class and were 'employed in digging the earth, throwing up trenches, and erecting walls and other fortifications.'²³ This rings true, as Printz engaged upon ambitious building work and fort construction upon his arrival. Other convicts appear to have been singled out to work as soldiers, but in practice this might also have entailed military construction work as well.²⁴ Heavy labour in construction work and on fortifications was not an uncommon punishment for convicts in seventeenth-century Sweden. An ordinance of 1642 called for convicts to be sent to the nearest fortress to do hard labour.²⁵ Printz, who left Sweden in late 1642, might have been following this ordinance, or perhaps he simply used the convicts to solve whatever labour shortages the colony faced. The above-mentioned account then goes on to add that others, 'had no intercourse with them; but a particular spot was appointed for them to reside upon.'²⁶ However, this detail is dubious, as their labour was often performed side by side with the indentured as well as soldiers. Contact was inevitable. However, it does raise the question of the convicts' status in the colony.

Convicts were bound to labour for a number of years in the service of the company in a way that mimicked indenture. However, they were represented as a separate social group in the writings of Printz. This manifested in various ways. While all the convicts appear to have had a set end-date on their labours, this does not appear to have mattered greatly in practice. In 1647, Printz wrote to Oxenstierna asking for how long the 'criminals' were to serve without wages. Oxenstierna replied to him that he would leave it to Printz's 'discretions'. Those who performed well could be allowed wages and, it appears, gain the status of free men. However, 'those who go on in the same wrong way as before, and [do] not exhibit any improvement, may have their punishment increased by you, Sir Governor, or may continue to serve without wages.'²⁷ In this way, Printz held a great deal of power over the lives of the convicts – a power he does not appear to have had over the indentured proper. This introduced legal arbitrariness. In her discussion of convict status in the British colonies of the period, Lauren Benton has asserted that the legal status of convicts after transportation was 'to be worked out in practice.'²⁸ This statement holds true in the case of Sweden as well, and we will also see it apply to the status of convicts in the Danish West Indies.

Yet, despite the introduction of arbitrariness, we should not exaggerate the difference between convicts' experiences and those of the indentured. More often than not, the two groups appear in the sources as one, often simply termed 'labourers'. The indentured are likely to have experienced arbitrariness as well. Besides, the two groups did more or less the same work. Further, the colony did afford the convicts the opportunity to move beyond their convict status. Printz had great power over when to release convicts, but we do know that he in fact did do so, sooner or later. From the rolls of inhabitants, we see how the convicts did eventually become either paid labourers or freemen.²⁹ Further, after gaining their freedom, these convicts appear to have become fully fledged members of the small community. Historians have noted how quite a few ex-convicts rose to prominent positions. Perhaps most notably, the

horseman Hans Månsson transported for cutting down fruit trees eventually gained his freedom and became a captain. Such social mobility is, again, in marked contrast to the experiences of Danish convicts.³⁰

One last group of migrants to New Sweden deserve mention in this context, as they further blur the line between free and coerced. This was a group consisting of the so-called 'Forest Finns'. Originally migrants from the province of Savonia in eastern Finland, these had migrated into Sweden and Norway around the turn of the century, sustaining themselves through a process of slash-and-burn cultivation, turning forests into fields by burning them and planting grains in the ashes. However, as the Swedish authorities came to perceive timber as a valuable resource (in part due to a burgeoning iron industry), such practices became frowned upon. By the late 1630s, there were reports of a number of conflicts, as the Finns did not stop their practices despite being ordered to do so by the crown. The Finns came to be seen as a social, cultural and economic threat that had to be dealt with. Those Finns who did not either settle or go back to Finland were increasingly criminalized and seen as vagrants to be prosecuted.³¹ The colony became another solution. From 1640 onwards, the county governors of several of the counties where Finns had settled, were ordered by the crown to do their utmost to recruit Finns. For instance, Gustav Lejonhuvud who was county governor of Örebro, was ordered in 1640 to give land to those of the Finns he trusted and to attempt to persuade the rest to migrate with their families to New Sweden. Of course, there was an element of coercion involved, as Lejonhuvud was to bring those he could not persuade to court.³² This effectively meant that the Finns were faced with the constrained choice to settle, to migrate or to become convicts. At times, such coercion even became explicit: a letter from the queen to Olof Stake, county governor of Värmland, commended his efforts in recruiting Finns to New Sweden. Apparently, Stake had rounded up a considerable group of Finns and arrested them in the town of Carlstad. Those who still refused the offer were not to be released unless already-settled farmers vouched that the Finns would settle proper farmlands. Unable to provide such sureties they were simply to be forced to go either to New Sweden or to be put in irons and work on crown land.³³

Transportation of Finns solved two problems: it provided highly suitable labour to the colony and it gave Swedish authorities a way to deal with a minority that had become a social problem. Whereas the number of regular convicts is very small, the Finns made up a larger portion of the colony's inhabitants. In the colony, their agricultural skills and their practice in turning forests into farmland proved very useful. Despite migrating under threat of force, there is nothing to suggest that they were seen as a lesser group in the colony. It even seems as if the large numbers of Finns coaxed or coerced into migrating alleviated the need for convicts proper by the early 1650s. At this point large numbers of Finns appear to have agreed to migrate.³⁴ A Swedish traveller going to New Sweden described how in 1653 there were so many families ready to cross the Atlantic at Gothenburg that those migrants who were found to have had criminal pasts were left in Sweden. Even then there were too many, and more than 100 families of 'honest people' had to be left behind as well. This, the traveller asserted, was a marked change, as he explained how criminals had previously been used when the colony was still new and people feared the voyage. The veracity of his claim is,

however, difficult to assess, as the manuscript in which it appeared seems written as a piece of colonial propaganda.³⁵

From Copenhagen to St Thomas

Whereas Sweden left the game of overseas expansion with the loss of New Sweden in 1655, Denmark–Norway created an overseas empire whose phantom remains until today.³⁶ Convicts played a crucial part in the establishment of this empire, although they brought a marked tension to it.

Denmark–Norway became a contender in the European race for colonial possessions in 1620 when an expedition from Copenhagen established a fort at Tharangambadi in India. This settlement persisted until 1845 and was occasionally used as a site for banishment of high-profile convicts at the behest of the king. The first of these high-profile banished was Hans Lindenov, a nobleman who had been a privateer during the Kalmar War against Sweden in 1611 to 1613, but after the peace he had continued what then became outright piracy. He was sentenced to life in prison, but his sentence was later commuted to seven years of colonial servitude. Scholars have conceived of such prisoners as ‘political prisoners’. Another example underlines this. In the 1680s, the colony served as a space of confinement for Jacob Worm, a religious zealot who had been convicted of lese-majesty after penning several works criticizing absolutist rule.³⁷ After the settlement of St Thomas in the Caribbean in 1672, this also became a site for banishment of such high-profile convicts. Of the convicts transported to St Thomas in this way, several appear to have been priests as well, suggesting that this system was useful for the crown in getting religious troublemakers out of the way. There was nothing new in this practice of banishment except for the destination. However, only very few were banished to the colonies and banishment to these specific destinations never became part of the law. Those banished to the colonies at the king’s behest can probably be counted on a few hands. Instead, it is another experiment in coercion that warrants our attention here.

The tiny colony of St Thomas appears to have been envisaged as a plantation economy using unfree labour from its foundation in 1672. Tobacco, cotton and sugar were planted by the first settlers, and because of the Anglo-Dutch wars, a substantial number of Dutchmen and creoles came from the neighbouring islands to form a planter class. Some of these brought enslaved persons to work on their plantations. However, the Danish West India Company did not have a ready source for enslaved Africans for themselves. At the time of its charter in 1671, the rights to African trade, were in the hands of another trading company located in the city of Glückstadt, a Danish port in northern Germany. This might be the reason that their charter granted the West India Company authorities access to a different source of bound labour: convicts serving lifetimes of hard labour in the state’s prisons.

In order to explain this particular implementation of convict transportation, we must take a step back and understand the way it was grafted to an already existing convict flow. In the early seventeenth century, the Danish–Norwegian state had taken

increased control of the machinery of punishment. This meant the institution of new forms of penal labour directly tied to the political and military ambitions of the Danish rulers. This institutionalization of penal labour created a quantitatively small (in the scope of global history), but lasting, circulation of convicts within the Scandinavian Empire.

The result of this reconfiguration of punishment was a bifurcated system of penal labour that would only end with the advent of modern prisons in the middle of the nineteenth century. Until then, the Danish system remained split between two different types of institution that also represented two different and highly gendered ways of connecting punishment and labour: on the one hand, female felons, juvenile delinquents and vagrants were incarcerated in prison workhouses (from 1605 in Copenhagen, later elsewhere in the realm as well). In creating this system, the Danish authorities took heavy cues from the Dutch who had invented what was to become the model for these types of institution in the late sixteenth century.³⁸ On the other hand, male felons were sentenced to hard labour in military or naval institutions, either in the naval dockyard prison of Trunken (1620–1741), the military Stockhouse in Copenhagen (1741–1860), or in various military or naval fortresses throughout Denmark–Norway.

These two strands aimed at mobilizing the labour force in two quite different ways: while the prison workhouses trained their inmates in hopes of transforming the poor into a productive workforce to be of use in workshops or manufactures, in what can be conceived of as an early version of a sort of disciplinary regime (again, taking cues from the Dutch), the institutions of hard labour simply aimed at exploiting the labour of criminal bodies conceived as already lost to society. However, both read as expressions of attempts to fashion Copenhagen into an economic and military stronghold. The proto-industrial complex of the prison workhouse provided cloth for the state's military. The establishment of the naval dockyard prison was similarly motivated as the initial push for bringing larger groups of convict workers to Copenhagen around 1600 appears to have been the need for workers in constructing the military infrastructure that was key to the political ambitions of its time. They also served as galley rowers, though this was given up much earlier in Denmark than in, for instance, France or Spain.³⁹ The naval dockyard prison was established around 1620 as an institutionalization of these earlier practice of using convicts as workers at the lowest rungs of the Danish state's burgeoning naval and military machinery.⁴⁰ Such an institutionalization of convict labour appears to have been motivated in part by the intense labour shortages faced by the Danish navy in the seventeenth century.

The state-driven character of punishment meant that both Copenhagen's prison workhouse and the naval/military institutions received convicts from the entire realm, including Norway and Iceland. Thus, this metropolitan flow brought convicts to the capital, sometimes from afar. This flow was in operation from the beginning of these institutions and even preceded them in some cases. Convicts were usually shipped individually or in very small groups from the port nearest to the court where they had been sentenced. They were also transported over land, though it remains unknown if they did so in the style of chain-gangs that were a common sight in early modern Spain. For most convicts this entailed a separation from kin. Of course, the cost of

transportation also meant that local courts far from the capital were more likely to use other forms of punishment, principally corporal punishments. Looking at the inmate registers of Copenhagen's early modern prisons, it is clear that the farther away the destination the fewer the convicts.⁴¹ However, despite such incentives this trickle of convicts persisted for two and a half centuries.

Colonial transportation was grafted unto this centripetal flow. In their charter of 1671, the king granted the West India Company the right to transport 'as many of those who are convicted to our irons and prison as they [the company] find useful, and of women as many as they desire of those who for their unseemly living are brought to serve in the Spinn House [another name for the prison workhouse] or other places.'⁴² The fact that punishment was so centralized meant that there was a pool of already coerced workers at hand. While the Swedish experiment remained an ad hoc arrangement prompted by a lack of indentured servants, convict labour was part of the institutional organization of the Danish Atlantic from the beginning. This construction does not have immediate European parallels. Whereas the Swedes seem to have followed British practices, the Danes fashioned a different model of coerced labour in empire-building. However, it served the same ends, by providing colonial labourers when such workers (in this case, primarily enslaved Africans, but also indentured servants) were lacking.

However, convicts were seen only as temporary substitutes even in the Danish case. In 1674, the rights to trade in Africa were transferred from Glückstadt to The Danish West India Company, becoming then The Danish West India and Guinea Company and taking over the administration of the two Gold Coast castles then in Danish possession. Theoretically, this should have ended the need for convicts. However, every single attempt at slave trade by the company failed up until the late 1690s. This goes a long way towards explaining why the company kept using convicts well after gaining rights to slave trade.

While convicts were a replacement for enslaved Africans they also stood in as a replacement for indentured servants, as they had in the Swedish case. However, their status was fundamentally differentiated from the indentured. In no way was transportation a commutation, and there was no end date to their colonial servitude. Further, in contrast to the Swedes, it was not only a general anxiety about America that deterred recruitment of servants in the Danish case. The first expedition was a human disaster. Huge numbers of both indentured servants and convicts died in the first voyage in 1671 to 1672 and the death rate only got worse upon arrival in tropical St Thomas where sickness and starvation took heavy tolls. Of the three score of convicts on-board the first ship, only five survived beyond their first year in service of the company.⁴³ Such rates were not unique to the first voyage and overall only a few handfuls of convicts survived their first year in the colony. The indentured fared only marginally better. The governor, a man called Jørgen Iversen who had in his youth come to know colonial servitude first hand as an indentured labourer on English St Christopher, however, seemed bent on using even those who were ill in getting the colony up and running, building a fort and clearing forests for plantations. This caused mariners returning to Copenhagen from the colony to spread stories about the nightmares of colonial servitude. Soon, the company came to lament how 'among the

common people our colony is so badly spoken of that they think that as they come to serve in the West Indies they are worse off than in serving in Barbary.⁴⁴ Indentured servitude was counted as equal to being a 'thrall or slave'.⁴⁵ Such criticism quite aptly pointed towards the interchangeability of colonial labour, and forced the company to continue looking to convicts to solve their recruitment problems. We even see this interchangeability of different groups of labourers directly in the correspondence of the company. For instance, in 1682 the company directors wrote to the king, lamenting how: 'none freely sign up to go there to serve as indentured servants; therefore, we are forced, on behalf of the company, most humbly to petition your Royal Majesty that the company should be allowed to take as many of the convicts of Holmen [the naval dockyard] which might be serviceable to the task'.⁴⁶

Over this period, the company transported between 200 and 250 convicts to St Thomas. Many of these convicts never reached their destination; death, escape and mutiny frustrated this attempt at constructing a regime of labour based on the exploitation of the labour of the convicted. To their number should be added those few cases in which these convicts had their families with them, though most left Copenhagen alone.⁴⁷ Most of them were men chosen among the inmates of Trunken, the dockyard prison in Copenhagen. From what we can tell from the sources, they were almost exclusively drawn from those carrying life sentences. Most convicts appear to have been either thieves or poachers. Most would have been branded or otherwise disfigured, having received physical punishments before being sent to Copenhagen. Prior to embarkation, they had performed intense physical labour in the service of the navy. There, they wore chains and were nicknamed 'iron prisoners'. The work was very demanding, their rations meagre and death rates staggering, with epidemics continually taking heavy tolls.⁴⁸ Their physical deterioration also helps explain the extraordinary death rates during transportation.

This practice of displacement and exploitation was brutally coercive, but to seventeenth-century elites it made perfect sense. In fact, and perhaps surprisingly, there was no inherent problem or scandal in this group of criminals substituting for enslaved Africans. This was due to the stigma of dishonour suffered by the groups of convicts singled out for transportation. Honour and its obverse played a major part in how early modern Scandinavians understood punishment. All convicts whose corporal punishments had in this way involved an executioner or the public display afforded by the pillory were counted as 'dishonoured'.⁴⁹ This was a serious matter; these forms of punishments were seen as defiling, marking the punished as living somewhat outside civic society for the rest of his or her life. Honour was intricately linked to 'honesty' and so the dishonoured were also seen as dishonest, unable to speak the truth and to bear witness.⁵⁰ A dishonoured man could no longer enter into military or naval service. Nor could the dishonoured become citizens. Perhaps most importantly, dishonoured convicts were also considered unpardonable.⁵¹ Thus, it came with very real consequences.

In a way dishonour signalled the perpetual loss of ones belonging to the community. In this way, it can be likened to the social death that scholars have seen as marking the life of the enslaved. In his classic *Slavery and Social Death*, Orlando Patterson argues that what distinguishes the enslaved from other forced labourers was the fact that

the enslaved were effectively seen as non-subjects – as having no social life outside the relations of domination that they were subjected to. Slavery was ‘a substitute for death, usually violent death’. Such an existence of non-subjectivity and ‘conditional commutation’ was exactly what characterized the dishonoured convicts carrying life sentences.⁵² Certainly, the extraction of convict labour and subsequent transportation of convicts were driven by many of the same economic and political forces that created and sustained Atlantic slavery; as subaltern labourers, they were more or less interchangeable. However, the analogy goes further. In his attempt at defining what makes a ‘slave’, Patterson has argued that being outside the game of honour and reputation was a key constituting feature in slavery itself.⁵³ This further highlights the likeness of these two categories of labourers.

Contemporaries certainly saw this likeness as well. By the eighteenth century ‘slavery’ became a punishment as such in Denmark–Norway that persisted until the 1850s – although this was a form of slavery in which convicts as such (only their labour) could be commodified.⁵⁴ In his summation of natural law, eighteenth-century scholar Ludvig Holberg drew a telling analogy to Atlantic slavery in a remark on the dishonoured: ‘in the same way slaves are thought not to be proper members of a city.’⁵⁵ To lose honour was to cease having part in the political body. Curiously, the earliest instance of the term ‘slave’ used about convicts in Denmark–Norway that I have seen is from 1682 and regards a group of convicts shipped on a company ship from Bergen in Norway (where several ships stopped along the way, suffering desertions and then taking on more convicts to fill the ranks) to St Thomas fashioned by the company bookkeeper. Thus, the term was employed first by people who knew full well the difference, had it mattered to them.⁵⁶ The term was used, although rarely, by authorities in the colony as well.⁵⁷ On at least one occasion, those authorities sentenced runaway convicts in the colony to sale.⁵⁸ While the systems of criminal justice on the island itself were from the beginning differentiated according to race, the category of dishonour even blurred such lines as it cut across races. This was not only the case with transported convicts. When white military personnel in the Danish West Indies committed offences, they were also at times convicted of hard labour in chains, which was also referred to as ‘slavery’ and at least one commentator explicitly likened this to the conditions of ‘another dishonoured slave or negro.’⁵⁹ Such penal labour was akin to the hard labour punishment of ‘fortress slavery’ common for male felons on Danish and Norwegian soil.

Elites saw dishonoured subjects as ideal colonial labourers. This marks a contrast to Sweden: while similar notions of dishonour prevailed in Sweden, the Swedes seem to have consciously avoided transporting the groups tainted by dishonour, such as common thieves – the group that made up the majority of the Danish convicts. This was a key difference that goes a long way towards explaining why convicts in Sweden were identified more with the indentured, while in the Danish case they were a fully separate class.

Perhaps most importantly, the analogous status of convict and enslaved revealed itself in how their labour was in the eyes of company authorities interchangeable. In the sources, we find various hints of the work that convicts were put to, and continually we find enslaved Africans working alongside them. In the earliest years of the colony,

the male convicts performed an array of tasks: clearing land, hauling building materials in the construction of the fort, producing limestone, herding cattle, fishing, harvesting salt, etc. The smaller group of convict women performed domestic labour. We also find hints of how solidarities could form between these groups of subaltern workers. In a long letter from 1681, the colony's first governor lamented how convicts would resist whenever they were to be beaten, 'which manner a party of them had learned from the negros, throwing themselves on the ground when they were to be punished.'⁶⁰ There is, however, one crucial difference between convicts and enslaved Africans which show that despite their interchangeability they remained distinct social groups: convicts appear only on a few occasions to have performed actual plantation labour, and then only as a form of added punishment. One instance involved a case of failed desertion. After an attempt at escape, a group of two convicts and two soldiers were sentenced to perform labour chained together in pairs of two on the company plantation. Led by a cattle thief by the name of Jens Pedersen, they later managed to run away in a canoe but were caught. The other convict, Peder Vognmand, was then made to execute Pedersen.⁶¹ Why plantation labour was otherwise not seen as befitting of convicts is unclear. One possibility is that the company simply did not have a demand for plantation labour in this initial phase. Another possibility explaining this key difference would be the widespread notions that Africans were simply better at plantation work.

Despite solving a labour problem, convicts were seen as problematic. Their superiors lamented their idleness and insubordination.⁶² In the colony, the convicts were effectively the property of the governors who held great power over them. As in New Sweden, it was decided by the company to let the governor single-handedly decide when and if to release them – although as almost all of the Danish convicts carried life-sentences this was more in line with their actual legal status as lives lost. Besides, the formally dishonoured among them were seen as unsuitable for freedom. The first governor, Jørgen Iversen, used great amounts of violence in order to force his labourers to become productive. He justified such violence by describing how, 'I have had there a party of handed-over bodies to toil with who took heed of neither good words or threats, and therefore I myself had to beat them ... if I wanted them to do what I with good words asked of them'. None in the company office in Copenhagen appear to have questioned his conduct when he was later accused by his adversaries in the colony of beating several convicts to death – a charge he partly admitted although he explained the brutality as an attempt at animating their lethargic bodies.⁶³ This brutal indifference speaks multitudes to how the convicts were perceived. However, while the power of officials over the convicts was excessive, it was not monolithic, as it appears in part as a response to acts of resistance on the part of the convicts themselves. Several desertion plots involving convicts (and sometimes indentured servants) can be traced in the sources. As early as June 1672, two convicts and two indentured servants ran away in a company vessel.⁶⁴ Theft was another ill that followed with them.⁶⁵ Even the act of transportation itself proved difficult as the convicts would attempt to run away whenever they were close to harbour. In an instruction for a ship's captain, the directors portrayed them as a 'multitude of indomitable people' and argued that it took special measures of authority for them 'to be forced to obedience.'⁶⁶ Thus, convicts rendered the empire dissonant and anxious.

At one point, they did even more than that. In early November 1682, a frigate, the *Havmanden* ('the Merman'), with upwards of 100 convicts on-board set sails towards St Thomas. At the time of the voyage, the company was struggling and it had taken all its efforts and money to get the voyage together. The directors hoped that this voyage and the company labour it brought to the colony would help them regain full control of the island which they perceived to have become dangerously heterogeneous because of an increasing influx of Dutch from elsewhere in the Caribbean. However, on-board conditions quickly deteriorated and by January 1683, the convicts had formed an alliance with a few of the sailors. On 20 January, they mutinied, killed the captain and the governor who was to go to St Thomas. A convict from Trunken was elected as the new captain, assisted by a mixed band of convicts and sailors. His name was Jokum Gulliksen, and he was a former naval quartermaster who had actually been in the service of the company before, having seen the Danish Gold Coast stations first-hand in a failed slaving voyage in 1680–1681 in the very same ship. In that previous voyage, he watched most of his fellow mariners die from tropical diseases. Because of the shortage of hands, he advanced to the position of master, but after his homecoming he was sentenced for negligence and theft from the ship. After the mutiny, his right-hand man was the ship's sailmaker Peder Frandsen who had also been part of the disastrous African voyage. Gulliksen and his fellow mutineers attempted to bring the ship to Ireland in order to sell the ship and share the spoils, but their alliance ruptured and a large part of the convicts were put ashore in Flores in the Azores, before Gulliksen, Frandsen and a small band of convicts and sailors tried bringing the ship back to Copenhagen, apparently hoping to be pardoned because they had salvaged the ship. However, by late March the ship was wrecked on the Swedish coast. Nine of the mutineers were hanged outside Copenhagen's northern gates, Gulliksen and Frandsen among them.⁶⁷ (See Figure 4.1.)

The wreck accelerated the company's deterioration. While it managed to send a series of smaller vessels to St Thomas in the 1680s (most of which carried smaller contingents of convicts), the company was eventually forced into hibernation, and the trading rights transferred to private entrepreneurs. A part of the island was also leased to a trading company from Brandenburg. Eventually, by the late 1690s, the company was re-organized and re-emerged. They then received a new charter – without the clause granting access to convict labour. This was possible as, in the meantime, the island had been furnished with enough enslaved Africans through other channels to make it a veritable slave trading *entrepôt*.⁶⁸

From this point on, company leaders refused to take on convicts, even as successive Danish kings showed interests in using the Caribbean colonies to alleviate the rising pressure on their penal institutions. Such interests were also inspired by British practices. By 1737, this interest materialized in a request in which the king enquired if the colonies could again be used for the disposal of convicts, on a larger scale than the occasional banishment.⁶⁹ However, the company directors refused the request. They argued that they had taken the 'horrible examples of the past' into consideration and found that convicts would be of utmost danger to the colony. Not only was it 'to be feared that during the voyage they might rebel or do other evil misdeeds as had happened earlier', it was also likely that, 'instead of being of service to the colonists, [the convicts]

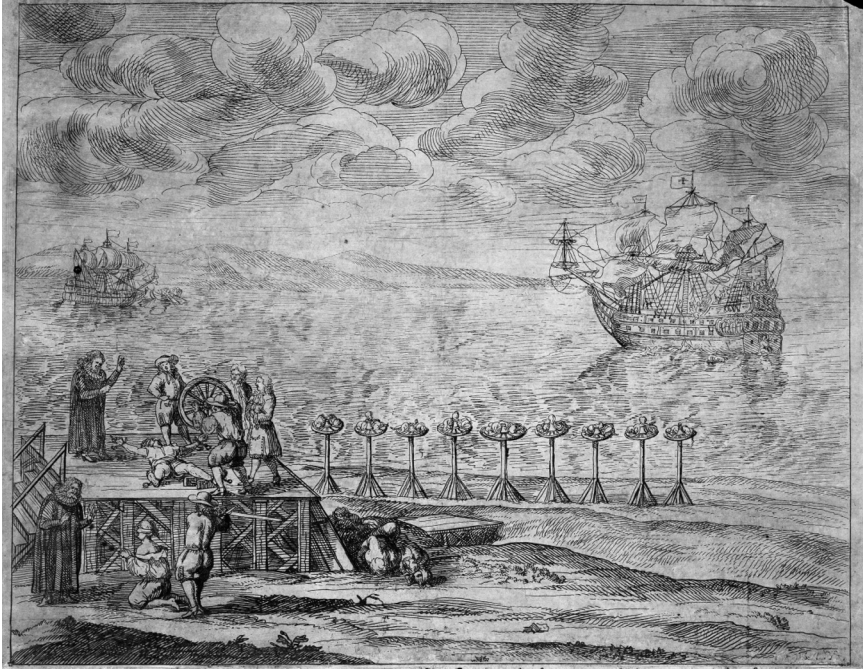


Figure 4.1 Illustration accompanying a leaflet from 1683 detailing the mutiny of the convicts and sailors on the *Havmanden* and the execution of the mutineers. Jan von Gent, *Dette er en Grundelig Beretning* (Copenhagen: 1683)

Source: The Royal Library, Copenhagen.

might cause great harm, not only with their scandalous living, but also with seduction to desertion, insubordination as well as causing other disasters.⁷⁰ The king seems to have listened, but in 1746, his successor tried again. This time, the directors produced a series of arguments against using felons as colonial workers. While the British had been able to transport convicts to North America, the Danish case was argued to be different as the British colonies were both stronger and climatically different from the Danish. The tropical heat in the Caribbean would underline fundamental differences between ‘African slaves and Europeans’. ‘White slaves’, they argued, were simply unable to work in the tropical heat. Nor could they provide their own sustenance through gardening. Yet, the real threat was that they were not different enough: the colonies’ racialized social order and its differences would collapse as the mixing of these unfree labourers would deteriorate ‘the discipline among the slaves’. Tuning their readers into intense, but normally unstated, anxieties about the construction of racial hierarchies, the directors argued that ‘these negroes are in many ways superior to the Christians’. The enslaved would realize their superiority and their fears evaporate ‘when they see that whites or Christians also become slaves and are treated in the same way and with the same humiliations as negroes’. Further, the convicts would be determined to regain

their lost freedom 'and when they become mixed or come into contact with the blacks, who themselves are also inclined to rebellion, they will strive towards it, together with them resorting to the most desperate of measures and begin miserable revolts in those countries.'⁷¹ The letter then went on to recount the mutiny in 1683. Not only did such events prove the damage that convicts would bring, their recollection were also in the way of the act of transportation itself, as the mutiny was still in 'fresh memory' making it impossible to get crews for such a voyage.⁷²

However, beginning in 1738, the company had agreed to take on youths from the prison workhouse in Copenhagen on the premise that they had not arrived there for any 'dishonest reason'. They were to serve, not as convicts, but as indentured servants. Here we find a model that fits a northern European mould better than the experiments of the late seventeenth century. This practice was then repeated several times in the 1740s although it is unclear how many the company took on.⁷³ A conservative estimate would number these convicts at around 100 persons. This also raises the question as to whether more convicts hide among those figuring as indentured in the Danish sources in other periods.

Interestingly, much of what we know of convicts in the Danish Empire comes from documents found in the same archival box in which these anxious letters appear. There is a reason for this: much of this material was gathered as part of the company's documentation of the dangers of convict transportation. For instance, a long and detailed journal that describes the mutiny of 1683 only exists in a copy which dates from this period and which appears to have been copied in preparation of the abovementioned letters. Thus, much of our knowledge about the convicts in the Danish Empire is possible because of the meeting of opposed interests: the wish of kings and their officials of using the colonies as penal colonies conflicting with the nervous social imaginary of the West India and Guinea Company directors. The fears that become visible in these nervous writings are the conditions that allow us to understand the agency of the convicts which the documents were copied and kept to illustrate. No such conflicting interests or eruptions of anxiety shaped the history of convicts in the Swedish case, which is much more difficult to know, in part because of this difference.

Comparisons

Both the Danish and the Swedish use of convicts in their seventeenth-century colonial empires rest firmly within a European tradition of solving problems of recruitment by coercing criminals into colonial servitude. Yet there are important differences within this European trend and even between these two neighbouring empires. Beginning with the convicts themselves, we might say that the Danish convict experience was decidedly more brutal than the Swedish. This had roots in several factors: firstly, the tropical conditions in the Caribbean as opposed to the temperate climate of North America created a considerable difference in putting the convicts at risk. While the Swedes did experience famine following bad harvests, destitution and sickness took a much heavier toll among their Danish counterparts; Secondly, the Danish convicts

carried life sentences as opposed to the Swedish who all had a set end date on their unfreedom, which appears modelled on indenture. In practice, a few of those convicts who survived for more than a handful of years at St Thomas did, however, gain some degree of freedom, but we find none of the upward social mobility of the Swedish. This is also linked to the fact that most of the Danish convicts were perpetually stigmatized due to their dishonour while the Swedish convicts had been chosen among groups who were not seen as perpetually alien to society (mainly military transgressors, petty criminals and Finns). Thirdly, the Swedish convicts did not work side by side with enslaved African whereas the Danes became part of what was from the start designed to be a plantation economy based on coercive exploitation and enslavement. A fourth difference pertained to many, but not all, convicts in the two small empires: many of the Danish convicts experienced a sort of serial displacement (many of them having been transported from somewhere else in the realm to Copenhagen and many also having been in prison for several years before being selected for transportation), while almost all of the Swedish appear to have been transported after their initial sentence and with most being from the counties surrounding Gothenburg. All of these factors help explain why several convict colonists in New Sweden could rise to prominent positions and become respected members of the small colonial community while convicts at St Thomas led brief lives of violence and struggle. In short, we might say that these differences resulted in convicts in New Sweden approximating the status of the indentured, while the convicts on St Thomas approximated that of the enslaved.

The organization of convict transportation also differed markedly between the two empires. The Swedish system was more akin to an ad hoc series of banishments while the Danish system was firmly institutionalized and linked to specific sites of incarceration. This also meant that transportation was closer to being a form of punishment in itself in Sweden (and in some cases the convicts were faced with the choice of some other form of punishment instead), while it was grafted to an already existing system of internal exile and penal labour in the service of the Danish-Norwegian state, in a way as a form of added penalty. Lastly, we might say that the Swedish system differed from the Danish in that it was also designed to rid Sweden of groups that were seen as social threats – deserters, men who avoided conscriptions and, most importantly, the forest Finns. No such ambition marked the Danish system, where the only problem solved by it was that of scarcity of labour in the Caribbean, but where the highly centralized penal system allowed for transportation to become firmly baked into the model of empire.

Yet, there were also many similarities. Firstly, convicts' legal status was blurred and somewhat improvised in both instances, which left much power over their lives in the hands of governors. While I have tried to show that they enjoyed different social status in the colony, they shared the experience of being at the mercy of their superiors in a situation where their legal status was ill-defined. Secondly, convicts' social status in both cases was thought of (but, as argued, probably mainly experienced by the Danish convicts themselves) as akin to a form of slavery, the difference being that in the Swedish case this term was applied to all unfree groups, while in the Danish it did not apply to the indentured. Thirdly, both systems saw the convicts becoming colonial labourers at times when the recruitment efforts of the trading companies

(both heavily subsidized by the state) into whose hands they were placed suffered from popular beliefs and storytelling about the hardships of colonial life. Thus, while both systems were small (though significant within the context of the miniature scale of these colonial empires themselves), they reveal just how structurally important the use of convicts was when faced with difficulties and contingencies in recruitment in the building of overseas empires. Finally, convicts in both colonies were used in ways that mirrored the use of convicts as workers in military construction practices at home.

It remains clear that convict transportation was prompted by the question of labour. Had labour been ample, convict transportation would most likely have been confined to the sort of banishments I noted about the Danish colony in India. However, faced with labour shortages seventeenth-century mercantilist logic turned to the penal system. This causality makes the variations all the more interesting; when two empires so alike and intertwined crafted such different systems we should ponder how this variation reveals a whole lot about the muddled process of empire-building and all the contingencies and variables involved. There were many different, mutating models of empire.

Epilogue: Later flows

If it was not for the West India and Guinea Company authorities' anxieties (prompted by convict agency), the history of the Danish Empire might have turned out very different. Throughout the period in which the company faced and rejected requests to take on convicts, successive kings and their officials discussed and explored every avenue for the use of convict labour in colonial settings. This resulted in several experiments: for instance, twenty-four convicts, twelve men and twelve women, were sent to Greenland (and forcibly coupled) in the late 1720s in a failed colonization attempt under Governor Claus Paars. Plans floated about using convicts on a greater scale in Greenland, but never materialized.⁷⁴ A similarly short-lived experiment in the 1750s and 1760s saw several small contingents of convicts shipped from Copenhagen to the Finnmark in northern Scandinavia – at the time a sort of colonial frontier populated by the indigenous Sámi people.⁷⁵ Danish and Norwegian authorities struggled in their attempts at populating it with migrants at a time when the climate made it inhospitable. This might explain why the Finnmark was used as a site for banishment from other parts of Norway – a practice at least dating back to the late seventeenth century when the Norwegian Law Code of 1685 made such exile a sanctioned form of punishment for Norwegian courts. It continued being used in this regard even after Norway gained independence from Denmark in 1814. The convicts appear to have laboured in the local fishing industry. However, the idea of using this site for convicts sent all the way from Copenhagen which emerged in the 1750s was novel. The trading company which at that point held rights to trade in the Finnmark also protested. Their officials argued that Danish convicts were not used to the harsh arctic climate.⁷⁶ This might explain why the largest contingent of convicts shipped to the Finnmark were a contingent of

Icelandic convicts sent there in 1763 – convicts who had already been transported from Iceland to Copenhagen.⁷⁷ Why this experiment was also abandoned is unclear. However, it testifies to the Danish–Norwegian state’s intense interest in using this form of punishment. Had the West India and Guinea Company not protested, new flows of white ‘slaves’ across the Atlantic would surely have been established.

While these schemes were abandoned, Atlantic crossings have persisted into the modern period. In the mid-nineteenth century, it became relatively common to grant convicts release on the condition that they emigrate to North America. The number of inmates turned semi-coerced emigrants is unknown, but scholars have documented how at least 1,100 people did so with the help of Copenhagen’s police alone.⁷⁸ This practice persisted into the first decades of the twentieth century. An even more enduring flow has been running in the opposite direction. I noted how the Copenhagen prisons from whence the convicts came served as the prisons of the entire Danish–Norwegian state. This centripetal circulation, which saw convicts transported towards the centre of the empire, continued unabated, finding expression in new ways, some of which persist to this day. For instance, in the second half of the nineteenth century, as slavery in the West Indies was abolished, the enslaved became Danish subjects proper, meaning that they also became part of the Danish penal system. Even before then, convicts had occasionally been shipped from the West Indies to serve sentences in Copenhagen prisons. Until the Danish West Indies were sold to the USA in 1917, quite a few Caribbean people traversed the Atlantic in order to serve prison time in Danish penal institutions.

So have subjects from Greenland, which although it is now self-governed still remains part of the Danish kingdom. In fact, some Greenlandic convicts still cross the Atlantic, as do convicts from the Faroe Islands. In the prison of Herstedvester, a closed prison near Copenhagen that houses many inmates suffering from various kinds of mental illness, there is a special ward for Greenlandic inmates. Most of them have been sentenced in Greenland but have been transported to Denmark because they are considered too great a risk to house in the institutions of their native country. Some of them do not speak Danish, and they are severed from family and friends.⁷⁹ As of this writing in late 2016, long overdue plans are in the works to establish a new institution in Nuuk to house these inmates on their native soil beginning in 2018, though it remains unclear if its capacity will prove sufficient. In this way, the transportation of the convicted remains a very real marker of Denmark’s colonial history and its persistence.

Strangely, as one chapter in this story of forced mobility appears about to close, another opens. This one is not indicative of colonial pasts but perhaps of Scandinavia’s partaking in global futures of punishment; Norway recently engaged in a new experiment in convict transportation. Because its prisons have become increasingly overcrowded, Norwegian authorities have made a bilateral agreement with the government of the Netherlands to send convicts to a facility called *Norgerhaven* in Noordenveld in the north-eastern part of the country. The facility is a special ward that is part of larger prison facility for Dutch inmates. The Norwegian ward opened in September 2015 seeing the transportation of more than 200 convicts across the aerospace of the North Sea.⁸⁰

Notes

- 1 Christian G. De Vito and Alex Lichtenstein, 'Writing a Global History of Convict Labour', *International Review of Social History* 58, (2013): 285–325.
- 2 Frederik Ekengren, Magdalena Naum and Ulla Isabel Zagal-Mach Wolfe, 'Sweden in the Delaware Valley: Everyday Life and Material Culture in New Sweden', in *Scandinavian Colonialism and the Rise of Modernity*, eds. Magdalena Naum and Jonas M. Nordin (New York, NY: Springer, 2013), 169–187; Amandus Johnson, *The Swedish Settlements on the Delaware*, 2 vols (Philadelphia, PA: The University of Pennsylvania Press, 1911), 1:129–132.
- 3 Magdalena Naum, 'The Malady of Emigrants: Homesickness and Longing in the Colony of New Sweden (1638–1655)', in *Archaeologies of Mobility and Movement*, eds. M. C. Beaudry and T. G. Parno (New York, NY: Springer 2013), 165–177. Such dread made army officials consider transportation to New Sweden a fitting punishment for draft dodgers and deserters. See Lars Kaag to Axel Oxenstierna, 1 July 1648, printed in *Rikskansleren Axel Oxenstiernas skrifter och brevväxling*, 2 series, vol. 9 (Stockholm: P. A. Norstedt & Söners Förlag, 1898), 684.
- 4 A host of other initiatives meant to create New Sweden in the mould of Sweden proper is discussed in Ekengren, Naum and Wolfe, 'Sweden', 174.
- 5 The Privy Council to Olof Stake, 8 August 1639, printed in *Handlingar Rörande Skandinaviens Historie*, vol. 29 (Stockholm: Kungliga Samfundet för utgivande av handskrifter rörande Skandinaviens historie, 1848), 210–212. For more on worries about getting Swedish subjects to replace the foreigners, see also: Johnson, *Swedish*, 1:125.
- 6 The organizational history of the Swedish Empire has been explored by Stellan Dahlgren in his 'New Sweden: The State, the Company and Johan Risingh', in *The Rise and Fall of New Sweden: Governor Johan Risingh's Journal 1654–1655 in its Historical Context*, eds. Stellan Dahlgren and Hans Norman (Stockholm: Almqvist & Wiksell International, 1988), 1–44.
- 7 The Privy Council to Olof Stake, 8 August 1639, printed in *Handlingar Rörande Skandinaviens*, 210–212.
- 8 *Handlingar Rörande Sveriges Historia: Svenska Riksrådets Protokoll*, vol. 8 (Stockholm: Kungl. Boktryckeriet, 1898), 640.
- 9 Naum, 'Malady', 169; Margareta Revera, 'The Making of a Civilized Nation: Nation Building, Aristocratic Culture, and Social Change', in *New Sweden in America*, eds. Carol E. Hoffecker et al. (Newark, DE: University of Delaware Press, 1995), 25–53; see the list of passengers on the ship *Kalmar Nyckel* in 1641 printed in Johnson, *Swedish*, 1:151–153. It lists both a deserter and a convicted soldier among the migrants. Interestingly, it also lists a servant of Clas Fleming, a member of the Privy Council, who was to go to New Sweden as punishment for some unspecified crime.
- 10 Royal Letter to County Governor Carl Siggesson, 13 April 1641, printed in *Handlingar Rörande Skandinaviens*, 1848), 217–218; Johnson, *Swedish*, 1:151; Sten Carlsson, 'The New Sweden Colonists, 1628–1656: Their Geographical and Social Background', in Hoffecker et al., *New Sweden*, 171–187 (esp. 174).
- 11 Carlsson, 'New Sweden', 175.
- 12 Johnson, *Swedish*, 1:238–43; *Handlingar Rörande Sveriges Historia: Svenska Riksrådets Protokoll*, vol. 10 (Stockholm: Kungl. Boktryckeriet, 1905), 354.
- 13 Karen Ordahl Kupperman, 'Scandinavian Colonists Confront the New World', in Hoffecker et al., *New Sweden*, 89–111.

- 14 For an introduction to British practices, see Hamish Maxwell-Stewart, 'Convict Labour Extraction and Transportation from Britain and Ireland, 1615–1870', in *Global Convict Labour*, eds. Christian Giuseppe De Vito and Alex Lichtenstein (Leiden: Brill, 2015), 168–196. See also Maxwell-Stewart in this volume.
- 15 In the earliest efforts to recruit in 1639, it appears that the convicts were allowed to return to Sweden after only a couple of years. This appears to have been abandoned for later voyages.
- 16 Revera, 'Making', 25–53.
- 17 Carlsson, 'New Sweden', 181.
- 18 For an example, see Sigfrid Wieselgren, *Fängselsor och Fångvård: Från äldre tider till våra dagar* (Stockholm: P. A. Norstedt & Söner, 1895), 146.
- 19 Per Lindeström, *Per Lindeströms Resa till Nya Sverige 1653–1656* (Stockholm: Wahlström & Widstrand, 1923), 131–132.
- 20 Johan Printz's report, 1647, printed in Amandus Johnson, *The Instruction for Johan Printz* (Philadelphia, PA: The Swedish Colonial Society, 1930), 129–130. This caused 'all of them except the freemen' to wish to leave New Sweden (*ibid.*). In a report from 1644, Printz specified who had died: '25 have died during this year at different places, as the daily register shows, 12 labourers, 8 soldiers, 2 freemen, 2 women [and the preacher]'. Johan Printz's report, 1644, printed in *ibid.*, 109.
- 21 Carlson, 'New Sweden', 175.
- 22 Naum, 'Malady', 170.
- 23 Thomas Campanius Holm, *Description of the Province of New Sweden* (Philadelphia, PA: McCarthy & Davis, 1834; orig. 1702), 73. Holm also relates what he admits is second-hand knowledge:

In the beginning of Governor Printz's administration, there came a great number of those criminals, who were sent over from Sweden. When the European inhabitants [of the colony] perceive it, they would not suffer them to set their foot on shore, but they were all obliged to return, so that a great many of them perished in the voyages. This was related to me [a seventeenth century traveller], amongst other things, by an old trust-worthy man, names Nils Matsson Utter, who, after his return home, served in his Majesty's life-guards.

Ibid.

While the actual veracity of this story is disputed by the fact that Printz in 1647 had convicts as labourers, this story suggests that stories about convicts circulated and influenced how people understood New Sweden.

- 24 Johnson, *Swedish*, 152–153.
- 25 Johan Thorsten Sellin, *Slavery and the Penal System* (New York, NY: Elsevier, 1976), 60–61.
- 26 Holm, *Description*, 73.
- 27 Johan Printz, 'Report of Gov. Printz for 1647, and the Reply to it', *The Pennsylvania Magazine of History and Biography* 7, no. 3 (1883): 271–285 (quote from 283).
- 28 Lauren Benton, *A Search for Sovereignty: Law and Geography in European Empires, 1400–1900* (Cambridge: Cambridge University Press, 2010), 173.
- 29 Such rolls are found as an appendix to Johnson, *Swedish*, 699–726.
- 30 Carlsson, 'New Sweden', 171–187 (esp. 174).
- 31 Johnson, *Swedish*, 1:148–149.
- 32 Royal Letter to County Governor Gustav Lejonhuvud, 30 July 1640, printed in: *Handlingar Rörande Skandinaviens Historie*, 29:213–216.

- 33 Royal Letter to County Governor Olof Stake, 16 April 1641, printed in: *Handlingar Rörande Skandinaviens Historie*, 29:218–220. Some Finns convicted of burning forests and sentenced to labour in the service of the military actually petitioned to be sent to New Sweden with their families instead. See Johnson, *Swedish*, 1:149; *Handlingar Rörande Sveriges Historia*, 8:165.
- 34 See Juha Pentikäinen, ‘The Forest Finns and Transmitters of Finnish Culture from Savo via Central Scandinavia to Delaware’, in Hoffecker et al., *New Sweden*, 291–301.
- 35 Lindeström, *Per*, 50–51.
- 36 Sweden did not expand overseas until the 1780s when they gained possession of St Barts in the Caribbean.
- 37 Gunnar Olsen, *Vore Gamle Tropekolonier: Ostindien 1616–1732* (Copenhagen: Forlaget Fremad, 1967), 45 and 189–192.
- 38 For more see Olaf Olsen, *Christian 4.s tugt- og børnehus*, 2nd edn (Copenhagen: Worminatum, 1978); Peter Agerbo Jensen, ‘Christian IV’s tugt- og børnehus: Social institution eller merkantilistisk foretagende?’, *Kulturstudier*, no. 2 (2012): 6–27.
- 39 In 1620, the king announced that convicts sentenced to the galleys were instead to be sent to Copenhagen to work. Knud Klem, ‘Christian 4. og Bremerholm’, *Handels- og Søfartsmuseets Årbøger* (1977): 76–108. For more on Trunken see Frederik Stuckenbergh, *Fængselsvæsenet i Danmark 1550–1741* (Copenhagen: G. E. C. Gad, 1893).
- 40 This makes Trunken among the first criminal prisons in the world. Pieter Spierenburg has argued that the Amsterdam Rasphouse was the first prison in the world to house only criminals (as opposed to beggars, vagrants, orphans, etc.). The turning point for Amsterdam was 1654, when an institution for non-convicted inmates was erected. Trunken was, however, older than this. Pieter Spierenburg, *The Prison Experience: Disciplinary Institutions and Their Inmates in Early Modern Europe* (Amsterdam: Amsterdam University Press, 2007; orig. 1991), 143–150.
- 41 Domme over fangerne på Bremerholmen, boxes. 1–16, Holmens chef (søetaten), Rigsarkivet, Copenhagen.
- 42 The charter is printed in Ole Feldbæk, *Danske Handelskompagnier 1616–1843: Oktrojer og interne Ledelsesregler* (Copenhagen: Selskabet for Udgivelse af Kilder til Dansk Historie, 1986), 365–380.
- 43 See Fortegnelse huad det folck som döde paa henreysen til St Thomas hafuer kost Compagniet, Box 138, (1671–)1679–1709, 1749–1750 Calculations of affairs, etc. West India and Guinea Company, Rigsarkivet, Copenhagen.
- 44 Copybook of letters, p. 328, Box 41, 16 December 1671–7 November 1676 Letter copybook, West India and Guinea Company, Rigsarkivet, Copenhagen. Stories about unfreedom in northern Africa circulated widely in seventeenth- and eighteenth-century Denmark. For more see Martin Rheinheimer, ‘From Amrum to Algiers and Back: The Reintegration of a Renegade in the Eighteenth Century’, *Central European History* 36, no. 2 (2003): 209–233.
- 45 Copybook of letters, p. 212, Box 42, 18 November 1676–25 July 1682 Letter copybook, West India and Guinea Company, Rigsarkivet, Copenhagen.
- 46 Copybook, fol. 18, Box 34, 11 April 1682–10 January 1688 Copybook of petitions, West India and Guinea Company, Rigsarkivet, Copenhagen.
- 47 The reason for this might be that they had committed crimes that were serious enough to merit divorce. However, it is impossible to prove this hypothesis as practice at the time appears not to have fully conformed with the laws on the matter.

- 48 These figures as well as the examples mentioned are based on the entry books of the Admiralty found at the National Archives in Copenhagen. See Domme over fangerne på Bremerholmen, boxes 1–16, Holmens chef (søetaten), Rigsarkivet, Copenhagen.
- 49 The belief that coming into contact with the pillory was dishonouring was so strong that it made repairs to it difficult. Such task had to be shared out among all the artisans in a given city. Hugo Matthiessen, *De Kagstrøgne: Et blad af prostitutionens historie i Danmark* (Copenhagen: Samlerens Forlag, 1986; orig. 1919), 61.
- 50 Erling Sandmo has explored this tight link between honour and truth in his *Voldssamfundnets undergang: Om disciplineringen av Norge på 1600-tallet* (Oslo: Universitetsforlaget, 2002), 136–143. He has found that losing one's honour for crimes such as theft or adultery also meant that the criminal was seen as a liar.
- 51 Tyge Krogh, *Oplysningstiden og det magiske* (Copenhagen: Samleren, 2000), 342–348 and 592. Authorities feared that housing such dishonoured elements would defile the honour of the military institutions themselves.
- 52 Orlando Patterson, *Slavery and Social Death: A Comparative Study* (Cambridge, MA: Harvard University Press, 1982), 5–6.
- 53 Patterson, *Slavery*, 44–45.
- 54 This was not merely seen as a rhetorical similarity. For instance, describing the VOC's enslaved African workers at the Cape colony, an East India traveller in 1732 remarked how: 'the company has there a house for slaves, in which they keep 200 black slaves, who do the tasks that might be needed, both men and women. They are treated like the convicts of Bremerholmen in Denmark, except they are not in irons and can walk about town as they please when they are done working.' J. H. Huusman, *En kort Beskrivelse over Skibets Cron-Printz Christians lykkelige gjorde Reyse baade til og fra China* (Copenhagen: H. K. M. private bogtrykkeri, 1760), E2.
- 55 Ludvig Holberg, *Introduction Til Naturens- Og Folke-Rettens Kundskab, Uddragen Af de fornemste Juristers besynderlig Grotii Pufendorfs og Thomasii Skrifter* (Copenhagen: Johan Kruse, 1716), 2:110.
- 56 See Fortegnelse huad det folck som döde paa henreysen til St Thomas hafuer kost Compagniet, Box 138, (1671–)1679–1709, 1749–1750 Calculations of affairs, etc., West India and Guinea Company, Rigsarkivet, Copenhagen.
- 57 Johan Lorents to the company Directors, 19 December 1689, Box 510, 1687–1692 Copybooks, kept at St Thomas, West India and Guinea Company, Rigsarkivet, Copenhagen.
- 58 Johan Heinsen, *Mutiny in the Danish Atlantic World: Convicts, Sailors and a Dissonant Empire* (London: Bloomsbury, 2017).
- 59 See for instance, J. L. Carstens, 'Beskrivelse om Alle de Danske, Americanske eller West-Jndiske Ey-Lande', *Danske Magazin* 8, no. 3 (1970): 237. Of course there was one key difference between these categories, both of which contemporary Danes conceptualized as slaves: the children of convicts were born free.
- 60 Iversen to the company directors, 12 October 1681, Box 78, 1672–1681 Incoming and outgoing letters and documents 1681, West India and Guinea Company, Rigsarkivet, Copenhagen.
- 61 Johan Heinsen, 'Flygtige stemmer: Straffefanger i Dansk Vestindien', *TEMP* 13, (2016): 4–26.
- 62 See for instance, Iversen to the company directors, 15 September and 12 October 1681, Box 78, 1672–1681 Incoming and outgoing letters and documents 1681, West India and Guinea Company, Rigsarkivet, Copenhagen.

- 63 Iversen to the company directors, 12 October 1681, Box 78, 1672–1681 Incoming and outgoing letters and documents 1681, West India and Guinea Company, Rigsarkivet, Copenhagen. I have discussed Iversen's letters and its construction of the convict labourer at length in Johan Heinsen, 'Dissonance in the Danish Atlantic: Speech, Violence and Mutiny, 1672–1683', *Atlantic Studies* 13, no. 2 (2016): 187–205.
- 64 Iversen to the company directors, 12 October 1681, Box 78, 1672–1681 Incoming and outgoing letters and documents 1681, West India and Guinea Company, Rigsarkivet, Copenhagen. See also Minutes, p. 5, Box 484, 6 March 1672–2 October 1684 General register (The Governor's Council), West India and Guinea Company, Rigsarkivet, Copenhagen.
- 65 Heinsen, *Mutiny*.
- 66 Ordre oc Instrux for Capitain Jan Bloem, 31 October 1682, Box 27, 1671–1690 Instructions, commissions, contracts and sworn statements, West India and Guinea Company, Rigsarkivet, Copenhagen.
- 67 Heinsen, *Mutiny*.
- 68 Jens Olav Bro-Jørgensen, *Vore Gamle Tropekolonier: Dansk indtil 1755* (Copenhagen: Fremad, 1966).
- 69 J. L. v Holstein to the company directors, 14 August 1737, Box 181, 1671–1753 Correspondence concerning the expatriation of delinquents, prisoners and paupers to the West Indies, West India and Guinea Company, Rigsarkivet, Copenhagen.
- 70 The company directors to J. L. v Holstein, 21 September 1737, Box 181, 1671–1753 Correspondence concerning the expatriation of delinquents, prisoners and paupers to the West Indies, West India and Guinea Company, Rigsarkivet, Copenhagen.
- 71 They explicitly referenced the rebellion of enslaved Africans on St Jan in 1733. For more on the rebellion see Louise Sebros, 'The 1733 Slave Revolt on the Island of St John: Continuity and Change from Africa to the America', in Naum and Nordin, eds., *Scandinavian*, 261–274.
- 72 The company directors to J. L. v Holstein, 28 November 1747, Box 181, 1671–1753 Correspondence concerning the expatriation of delinquents, prisoners and paupers to the West Indies, West India and Guinea Company, Rigsarkivet, Copenhagen.
- 73 The poor-relief directors to the company directors, 12 February 1738, Box 181, 1671–1753 Correspondence concerning the expatriation of delinquents, prisoners and paupers to the West Indies, West India and Guinea Company, Rigsarkivet, Copenhagen.
- 74 See Hans Egede, *Omstændelig og udførlig Relation Angaaende Den Grønlandske Missions Begyndelse og Fortsættelse* (Copenhagen: Joh. Christ. Broth., 1738), 241; Finn Gad, *Grønlands Historie II: 1700–1782* (Copenhagen: Nyt Nordisk Forlag, 1969), 158.
- 75 Kirsti Strømbull, *Kystfisket i Finnmark – en retts historie* (Oslo: Universitetsforlaget, 2011), 13–17.
- 76 The directors of the Icelandic Company to J. L. v. Holstein, 4 December 1751, Kopibog 1750 C–1753, Det kgl. oktrojerede Islandske Kompagni, Rigsarkivet, Copenhagen.
- 77 Slaverulle, 1741–1770, Box 32, Københavns Stokhus, Landsarkivet for Sjælland, Copenhagen.
- 78 Christian Larsen, 'Hvor mange forbrydere har Amerika ikke befriet os for? Københavns Politis eksport af kriminelle 1864–1905', *Fortid og Nutid* (2001): 193–206. See also John Bertelsen and Birgit Kirkebæk, *Uønsket i Danmark – bortsendt til Amerika* (Copenhagen: SFAH, 2014).

- 79 Their conditions have been studied from an anthropological perspective in a master's thesis. See Julie Rahbæk Møller and Marlène Elisabeth M. J. Spielmann, *Udsatte indsatte: en antropologisk analyse af grønlandskdømtes erfaringer i fængsler i Danmark og Grønland* (Copenhagen: Institut for Antropologi, 2006). In what appears an attempt at preventing isolation, each convict has the right to have the flight paid for one relative once a year. See <http://www.anstaltenvedherstedvester.dk/KL-1822.aspx> (accessed 5 January 2016).
- 80 See <https://www.regjeringen.no/no/aktuelt/norgerhaven-fengsel-i-nederland-apnet/id2438108/> (accessed 5 January 2016).

The French Empire, 1542–1976

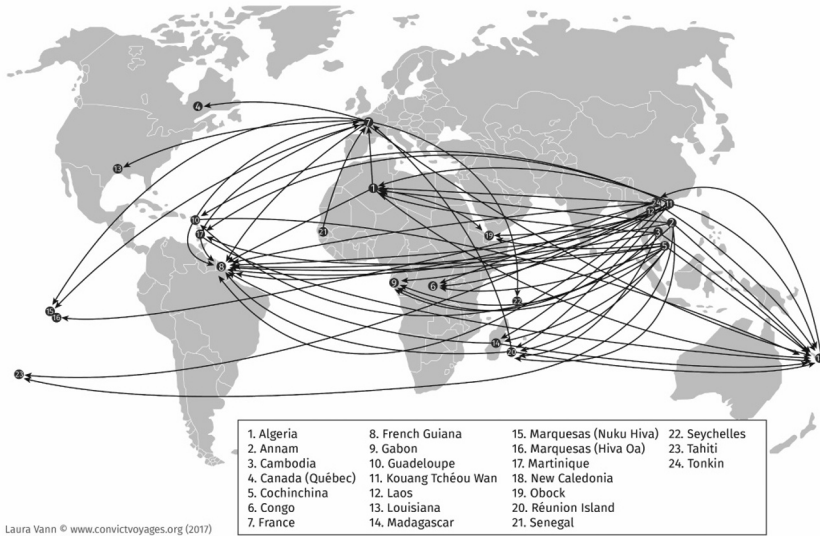
Jean-Lucien Sanchez

Introduction

From 1852 to 1953 more than 100,000 convicts (*bagnards* or *forçats*) from France and the French colonial empire were sent to penal colonies (*colonies pénitentiaires* or *bagnes coloniaux*) located in French Guiana and New Caledonia. Inspired by the penal colonization model set up by Great Britain in Australia,¹ the French legislature of the Second Empire wanted to use convicted offenders to expand the empire while contributing to the enrichment of the metropolis. The goal was threefold: to empty the port prisons (*bagnes portuaires*) of Brest, Toulon and Rochefort of their convicts and expel them from the metropolis while simultaneously granting the colonies an abundant workforce; to promote colonial development; and to allow more deserving convicts to become settlers.² Ten years after penal transportation to Australia had begun to slow (and was finally ended in 1868), France undertook a project that would continue for an entire century. French practice developed to incorporate the whole empire, and colonially convicted convicts were transported to French Guiana and New Caledonia, as well as to smaller penal colonies in Obock, Gabon and Indochina. In Saint-Laurent-du-Maroni and Nouméa, convicts or former convicts could be heard speaking Arabic, Swahili, Vietnamese, Corsican or Malagasy; living together at a crossroads that gathered all the outcasts from France and its colonial empire.

This chapter will situate the history of French penal transportation (and its many variations) from the sixteenth to the twentieth centuries in a global perspective. The first experiments in penal colonization attempted during the *Ancien Régime*, notably in Louisiana, all failed. Hard labour was, however, employed in French galleys (*galères*) and port prisons. It was also widely used in *hôpitaux généraux* (general hospitals), prisons and *colonies pénitentiaires agricoles* (agricultural penitentiary colonies, so-

The author thanks Clare Anderson, Mary Gibson and Hamish Maxwell-Stewart for their review of this chapter.



Map 5.1 Convict transportation in the French Empire, 1542–1976

Note: This map was produced by Lorraine M. Paterson.

called ‘*bagnes pour enfants*’). But with French colonial expansion throughout the nineteenth century, the empire became a central element in French penal policy and social control. *Déportation* (deportation) and *internement* (internment) was first used for political offenders. Then came the 1854 and 1885 laws on *transportation* and *relégation* (relegation). In colonial Africa and Indochina, in addition to the enforcement of *déportation*, *transportation* and *relégation*, colonial populations were also subject to the ‘native code’ (*code de l’indigénat*) and its numerous labour obligations. Further, in France condemned unruly soldiers to hard labour in the military prison of ‘Biribi’ (*bagne militaire de ‘Biribi’*).

Early experiments during the *Ancien Régime*

The first French attempt at a penal colonization dates from 1542, when Jean-François de La Roque de Roberval was allowed to take approximately fifty convicts to colonize Canada. In 1555, King Henri II authorized Nicolas Durand de Villegagnon to take prisoners to establish the colony of ‘Antarctic France’ in Brazil. In 1556, Henri II also permitted the sending of convicts to Corsica, and the following year, allowed Troilus de la Roche de Mesgouez to include prisoners in the colonizing party at Île de Sable (off

Canada).³ In 1627, the *Compagnie de la nacelle de Saint-Pierre Fleurdelysée* (Company of the nacelle of Saint-Pierre Fleurdelysée) obtained permission to capture vagrants and beggars and keep them in servitude for six years, with their only obligation to clothe and feed them. At the end of the seventeenth century, Jean-Baptiste Colbert, *contrôleur général des finances* (controller general of finance) authorized the shipment of women from the *hôpital général* to Canada, where they were to be taken as wives by settlers. Finally, an 1763 ordinance authorized parents to request the deportation of their children to the island of *La Désirade* (off Guadeloupe), for ‘the honor and tranquility of their families’: by 1767, fifty-seven had been so deported.⁴

But the main test of penal colonization during the *Ancien Régime* occurred in Louisiana in the eighteenth century. After 1717, John Law, owner of the *Compagnie d’Occident* (Company of the West), was granted a commercial monopoly in Louisiana for twenty-five years, provided he supplied it with a workforce and settlers. When he failed to do so, the decision was made to send released prisoners, vagrants, orphans and prostitutes from the *hôpitaux généraux* to Louisiana. Several ordinances during 1718 to 1720 encouraged judges to condemn former convicts, exiles and vagrants to deportation. The General Police Lieutenant Thierry d’Argenson gave orders to the provincial administrators (*intendants de province*) to increase the arrests of beggars, and an armed squad nicknamed the *Bandouliers de Mississipi* was created to arrest vagrants in Paris. However, by 1720 their excesses had prompted the State Council (*Conseil d’Etat*) to prohibit the deportation of vagrants to Louisiana. This incident served as the inspiration for the Abbé Prévot’s novel *Manon Lescot*, and had the important consequence of postponing the French experiment with penal colonization. This was in contrast to the British who, as Hamish Maxwell-Stewart notes in this volume, had begun transporting convicts to Virginia and Maryland. As Saint-Simon points out in his *Mémoires*, John Law’s bankruptcy, the extortionist acts of the *Bandouliers* and, in particular, the rejection of convicts by free settlers in Louisiana all led to the failure of these early French efforts.⁵

The use of hard labour in the metropolis

These limited penal colonization experiments were quickly abandoned in favour of service on the galleys, which was arguably the true ancestor of the penal colonies. Indeed, the term *forçat* (convict) actually derives from the Italian *forzato*, from the verb *forzare*, to force. It refers both to the people who were condemned to row in the kings’ galleys and those who were condemned to work in the port prisons. The word *chiourme*, which means ‘convicts’ in prison slang, also comes from the Italian *ciurma*, derived from the Latin *celeusma*, which means ‘song of those condemned to the galley’. Thus, convicts were the penal descendants of those condemned to row in galley ships.⁶

From classical antiquity to the middle ages, the galleys were powered by free rowers who were warriors or professional sailors, the *galleoti*. But starting in the fifteenth century difficulties in recruiting rowers forced the authorities to establish the penalty

of galley service. France had had galleys since its annexation of Provence in 1481, and they were located in the city of Marseilles. To expand the quantity of rowers and to empty the prisons of the kingdom, the kings encouraged judges to condemn large numbers of people to the galleys. They included vagrants, who were the biggest targets of the *commites* and *argousins* (i.e. prison guards) in the galleys, as well as those who had been defeated in naval wars, heretics, insurgents and slaves. The judges sentenced as many as 60,000 individuals to terms of years or life in the galleys. In order to make them recognizable and thus prevent escape, they were burned with a hot iron on the right shoulder with the three letters 'GAL'.⁷ From the late eighteenth century onwards, the galleys had diminished in value because they had to compete with faster sailing ships. A 1748 ordinance transferred galley crews to the control of the Department of the Navy which henceforth sentenced the *chiourme* to hard labour, keeping them locked up in port prisons. By 1830, however, only three port prisons remained, in Brest, Toulon and Rochefort, and the average number of convicts fluctuated between 6,000 and 7,000 annually.⁸ Convict chain-gangs built or repaired ships and participated in various activities in the ports. Convicts sentenced to a limited term wore a green cap and were employed in *petite fatigue*, or light labour. Those condemned for life wore a red cap and were employed in hard labour, or *grande fatigue*.⁹ To reach the port prisons, convicts were chained together like condemned to the galleys before them, and under the supervision of the *garde-chiourmes* (prison guards) had to cross the entire kingdom on foot amidst the jeers of the public.¹⁰

Labour was always at the centre of penal practice, as were religion and education, and in particular the rehabilitation and correction of prisoners.¹¹ During the *Ancien Régime*, elites represented beggars and vagabonds as idle and lazy, and thus necessarily criminal. They were condemned to galley service, colonial deportation and after 1656 confinement in general hospitals, as means of both confining them and making them work. This was what Michel Foucault famously called the 'great confinement' (*grand renfermement*).¹² First opened in Paris, after 1662 *hôpitaux généraux* were built in other French cities. After 1767, *dépôts de mendicité* (workhouses) succeeded them, and by 1808, every French *département* (region) had to have one. Workhouses existed throughout the nineteenth century, and their objective was to force vagrants and beggars to work in order to promote their social reintegration.¹³ During this period, labour was also mandatory for French prisoners. For some authors, the use of penal labour was at the origin of the development of prisons from the second half of the eighteenth century.¹⁴ The penal code of 1791 included the following punishments: *fers* (irons, i.e. hard labour 'for the benefit of the State either in the *maison de force*, or in ports and arsenals, or the extraction of mines, or for the drying of the marshes, or, lastly, for any other arduous work'), *réclusion* (imprisonment) in a *maison de force*, *gêne* (embarrassment, i.e. total isolation of the prisoner), *détention* (i.e. imprisonment) and *déportation*. Labour was compulsory for those condemned to *fers* and to *réclusion*. Those condemned to *gêne* and *détention* had a choice: The prison administration provided bread and water, and prisoners could work in order to improve their conditions.¹⁵ The penal code of 1810 further hardened the prison regime. Custodial sentences for criminal offences included: hard labour for a term of years or in perpetuity, *déportation* and *réclusion*. For less serious crimes ('correctional matters'), sentences included

imprisonment in *maisons de correction* (jails). However, labour was now mandatory for all prisoners. The money earned by prisoners in *maisons de correction* was used to pay their detention costs, improve their diet and build savings for their release. Under the *Consulat*, in 1801, the first *maisons centrales de détention* (penitentiaries) were created. First built in Belgium (Ghent and Vilvoorde), Napoleon generalized them to the whole of the French Empire in 1808 (Embrun, Clairvaux, Fontevrault, Bicêtre, Saint-Lazare, Eysses, etc.). Penitentiaries received all prisoners sentenced to more than one year's imprisonment; labour was also compulsory. In exchange for providing food, clothing and wages to the prisoners, private contractors could use prison labour (*entreprise* system).¹⁶ This system caused numerous scandals, as prisoners were often exploited and subjected to very harsh working conditions, as in the Clairvaux *maison centrale de détention* where many died because of ill-treatment.¹⁷ This system came to an end in 1927, but labour remained compulsory for all French prisoners until 1987.

Regarding minors, the penal code of 1791 designated all those under sixteen years of age as juveniles.¹⁸ The 'discerning' minor (*mineur discernant*) could be convicted, while the 'non-discernant' juvenile (*mineur non-discernant*) was either returned to their parents or placed in a *maison de correction*. At the beginning of the nineteenth century, minors were incarcerated in the same institutions as adults, and subjected to the same regime. Gradually, separate wards were set up in the prisons, and then juvenile establishments were built, including the Petite Roquette prison in 1836. Then, following the creation in 1839 of the penal colony of Mettray by Frédéric-Auguste Demetz, the 1850 law on the education and patronage of juvenile prisoners organized their imprisonment in penal or correctional colonies (*colonies pénitentiaires ou correctionnelles*).¹⁹ The state encouraged the management of these establishments by private contractors, and young prisoners were subjected to compulsory labour, in particular agricultural work. This was a vocational apprenticeship designed to enable juveniles training in preparation for release, away from supposedly criminogenic cities. Many penal and correctional colonies opened in France (Gaillon, Aniane, Eysses, Auberive, Belle-Île-en-Mer, etc.) and the colonies (Algeria, Réunion island and Senegal).²⁰ Despite the fact that they were transformed into *maisons d'éducation surveillée* (educational institutions) in 1927, the conditions in these establishments were very harsh. In 1934, for example, pupils of the *maison d'éducation surveillée* of Belle-Île-en-Mer revolted and a major press campaign denounced the '*bagnes pour enfants*'. These institutions disappeared in 1945, when *éducation surveillée* (monitored education) was reformed by an ordinance on delinquent childhood (*l'enfance délinquante*).²¹

Déportation for political offences and internment

Penal colonization was reactivated during the French Revolution. The penal code of 1791 ordered the *déportation* of repeat offenders and recidivist beggars according to the law of *Vendémiaire* 24, year II in the French Republican calendar. For the members of the Convention, the *déportation* of convicts was motivated by the Enlightenment,

which had in great part inspired the redaction of the penal code and advised the humanization of sentences in contrast to the penalties of the *Ancien Régime* which were by then considered barbarous. The model of penal colonization that Great Britain had developed in Australia represented a real step forward for most Enlightenment philosophers.²² On *Brumaire* 11, year II of the French Republican calendar, the Convention decided to deport convicted repeat offenders and beggars to Fort Dauphin, which was renamed Fort-de-la-Loi, in Madagascar. Two convoys set sail but were stopped because of the war with Great Britain; hence the penal experiment ended right there.²³ Ultimately, for the first part of the nineteenth century, France authorized *déportation* only for political reasons.²⁴ Two 1792 decrees established the *déportation* of rebellious priests to the civil constitution of the clergy and designated French Guiana as their destination. Then on 5 September 1797, the *Directoire* banished all priests who disturbed the 'public peace'. From 1797 to 1801, 300 priests were deported to Conamama in French Guiana, of whom only 149 survived.²⁵ In addition to the rebellious priests, France also sent political deportees of the *coups d'état* of 18 Fructidor and Thermidor to French Guiana: including General Jean-Charles Pichegru, Guillaume Tronçon du Coudray, André-Daniel Laffon de Ladebat and François Barbé-Marbois.²⁶ Others convicted for political offences were deported elsewhere: after the assassination attempt against the First Consul Napoleon Bonaparte in December of 1800, seventy convicts were deported to the Seychelles.²⁷ After the repression of the riots of June 1848, a decree declared the *déportation* of any individual who had taken up arms (*pris les armes à la main*), and subsequently the government shipped 462 prisoners to Algeria.²⁸ Although the government of the Second Republic abolished the death penalty for political offences, it was immediately replaced by a new law of 1850, which designated the Marquesas Islands as a site of *déportation*. This new law ordered 'simple deportation' on the island of Vaitahau, and 'deportation in a fortified enclosure' on the island of Nuka Hiva. This measure, however, was soon deemed too expensive and in the end affected only three deportees.²⁹ After the *coup d'état* of Louis-Napoléon Bonaparte and the riots that followed, an 1851 decree ordered the *déportation* of any individual guilty of belonging to a secret society and placed under police surveillance (*surveillance de la haute police*). Algeria thus received 6,147 *déportés* (first of all in Bône and then in the penitentiary of Lambèse) and, again, French Guiana received 3,146.³⁰ In 1858, after the failed attempt of Felice Orsini against the Emperor Napoleon III, 349 Republicans were also deported to Algeria.³¹ The law of 23 March 1872 modified *déportation* destinations. New Caledonia replaced the Marquesas: the peninsula of Ducos was reserved for 'deportation in a fortified enclosure' and the islands of Pines and Maré were reserved for the 'simple deportation'. The first *déportés* to New Caledonia were Algerians. A great revolt had broken out in Kabylie in 1871, led by Bachagha El Mokrani. This insurrection was fiercely repressed and the administration deported 101 insurgents, who they called 'Arabs', to New Caledonia: those condemned to 'simple deportation' (including Mokrani) were sent to the island of Pines, while thirty-two others, condemned to 'deportation in a fortified enclosure', were imprisoned on the Ducos peninsula.

Another insurrection also led to the sending of *déportés* to New Caledonia: that of the *Commune*. Following the defeat of France against Prussia and the fall of Napoleon

III, the signing of the armistice on 18 January 1871 led to the beginning of a popular revolt in Paris between those who wished to continue the war and those who wanted the armistice. The government then moved to Versailles and a confrontation started between the *Versaillais*, led by Adolphe Thiers, and the *Communards*. This civil war ended in a terrible repression called the *semaine sanglante* (Bloody Week, 21–28 May 1871); 4,150 insurgents were condemned to *déportation* to New Caledonia: 900 to ‘deportation in a fortified enclosure’ (on the Ducos peninsula), about 2,900 to ‘simple deportation’ (on the Isle of Pines) and 323 to hard labour (in the Nou Island penitentiary, off Nouméa). Most of these *déportés* were not subjected to hard labour and some were joined by their families. Others made their mark on the colony, like Louise Michel, who assisted the Kanaks during their 1878 revolt,³² and Henri Rochefort, who escaped from the colony in 1874.³³ All these *déportés* were granted amnesty in 1880 and were able to return to France.

Déportation for political offences continued with an 1895 law, which designated the Îles du Salut (Royal, Saint-Joseph and Devil’s islands), off the coast of French Guiana, as well as New Caledonia’s Ducos peninsula, as places of ‘deportation in fortified enclosure’. The first and most famous *déporté* to French Guiana was Captain Alfred Dreyfus, imprisoned on Devil’s Island from March 1895 to June 1899.³⁴ Thirty-seven other *déportés* followed him, most of them convicted of treason during the First World War. Unlike the other two categories of convicts (*transportés* and *relégués*), *déportés* were not subject to hard labour.³⁵

The internment was also an important tool of political repression that was set up by France in its metropolis and in its colonies. Internment was an administrative security measure that resulted in a deprivation of liberty against individuals considered dangerous.³⁶ It had its origin in the Law of Suspects of 17 September 1793, which allowed imprisonment or house arrest of ‘enemies of the Revolution’. From 1841 until the early 1880s, Algerian prisoners of war and insurgents were interned in ‘castles or fortresses of the interior’ (*châteaux et forteresses de l’intérieur*) in metropolis (like Emir Abd el-Kader in 1847), mainly in *Sainte-Marguerite* island (off Cannes) and in the ‘depot of Arab internees’ (*dépôt des internes arabes*) of Calvi (Corsica).³⁷ During the First World War, 60,000 Austrians, Germans, French from Alsace-Lorraine and ‘suspects and indesirables’ (like prostitutes, suspects of espionage or vagrants) were interned in ‘concentration camps’ (*camps de concentration*) situated far from the battlefield.³⁸ And to compensate for the shortage of manpower due to this war, about 220,000 colonial and Chinese workers (75,000 Algerians, 35,000 Moroccans, 18,500 Tunisians, 5,500 Malagasy, 49,000 Indochinese and 37,000 Chinese) were recruited and sent to France. Sometimes, as in the case of Algerians and Indochinese, they were forcibly requisitioned. They were placed in camps and worked in very difficult conditions. The same situation occurred again in 1939 when 20,000 Indochinese workers were forcibly requisitioned and sent to France to work.³⁹

Then, the Decree-Law of 12 November 1938, ordered the internment of ‘undesirable foreigners’ in camps and the Law of 18 November 1939, ordered the internment of ‘any individual, French or foreign, considered as dangerous for national defense or public security’. Then, refugees from the Spanish Civil War (in metropolis and in Algeria and Tunisia) or German and Austrian refugees who fled Nazism were interned in camps from 1939. The next year, they were interned in foreign workers’ companies (*compagnies de travailleurs étrangers*, CTE), which became later groups of foreign

workers (*groupements de travailleurs étrangers*, GTE), where labour was compulsory.⁴⁰ They were then Jews, Gypsies (internment camps for nomads), foreigners and various political opponents who were interned in camps during the Vichy regime (1940–1944). Many of them were then sent to Nazi concentration and extermination camps.⁴¹ From 1938 to 1946, internment affected about 600,000 people in France.⁴² In parallel, more than 600,000 French people were subjected to compulsory labour and sent in camps located in Germany for the Compulsory Labour Service (*service du travail obligatoire*, STO), in order to support the German war effort.⁴³

Finally, during the war of Algeria (1954–1962), about 10,000 activists of the National Liberation Front (*Front de libération nationale*, FLN) and the Algerian National Movement (*Mouvement national algérien*, MNA) were imprisoned in French prisons.⁴⁴ Some had been convicted in Algeria and were sent to France to be incarcerated. They obtained the status of political prisoner in 1959 (special category A regime, '*régime de catégorie A*').⁴⁵ Most of them after their release from prison were interned in centres for house arrest (*Centre d'assignation à résidence*, CARS) run by the Ministry of the Interior: 15,000 were interned there.⁴⁶ Many Algerians were also incarcerated or interned in Algeria during the war. There were three kinds of centres: the *centres d'hébergement*, which were intended for internees placed under the authority of the prefectures; the triage and transit centres (*centres de triage et de transit*), which were under the responsibility of the army and which kept suspects waiting for interrogation; and the military centres of internees (*centres militaires d'internés*), which were destined for the combatants prisoners by the army and not judged. In 1960, there were 15,000 detainees and 20,000 internees in Algeria.⁴⁷ But in addition, 2,350,000 Algerians (26 per cent of the total population) were interned in regrouping camps (*camps de regroupement*) run by the French army and intended to deprive the FLN of assistance from the local population.⁴⁸

The 1854 law on *transportation*

In nineteenth-century France, overseas settlement represented the ideal solution to what was called the 'social question'. For the first half of the century, elites believed that poverty was a result of people's lack of education and property, which forced them to work for miserable wages.⁴⁹ Humanitarians worried over the precarious situation of the landless proletariat, who possessed nothing but their own labour, since they were subject to the vagaries of economic conditions and could occasionally be led either to revolt or to crime. Penal colonization gave convicts property, giving them the opportunity to become self-sufficient, and in this way operated as a 'social valve' for France. Defenders of *transportation* maintained that it solved the problem of released convicts, who often relapsed after they had served their sentence in port prisons.

The law on *transportation* was presented to parliament on 4 June 1852 and was voted on 30 May 1854. Yet before the vote could take place, under a decree of 27 March 1852, all convicts then detained in port prisons were ordered to serve their sentences in French Guiana. This decree followed a report from the Ministry of the Navy, in which he offered convicts the opportunity to volunteer for *transportation*. The minister promised a softening of the standard sentences; 2,000 convicts immediately signed up.

Transportation mainly affected convicts from port prisons as well as those who had been recently released from those prisons. Indeed, port prisons were generally regarded as sites of corruption where the enforcement of sentences was not rigorous enough to intimidate convicts. In addition, port prisons were quite expensive to maintain and convicts were competing with the free labourers of the arsenals. The government also worried that the contact between labourers and convicts would set a bad example for the free workers.

The government also wanted to deter released convicts from returning to France and sought to force them to settle permanently in French Guiana. Article 6 introduced the principle of '*doublage*' ('doubling'): those who were sentenced to less than eight years of hard labour had to remain in the colony upon their release for a period equivalent to the duration of their sentence; those convicted to lengthier sentences were required to remain for life. By staying in the colony, recently released convicts were obliged to work and to contribute to its prosperity, and therefore that of France. Convicts were thus employed in 'the most painful occupations of colonization and all public works'.⁵⁰

Female *transportées* could also be sent to French Guiana.⁵¹ Even though women condemned to hard labour could choose either to go to French Guiana or to serve their sentence of hard labour in a French *maison centrale*, from a legislative perspective the *transportation* of women would facilitate marriages between convicts and help promote settlement. Those who served with good behaviour could be assigned to work for individual employers, colonial public services or enterprises; benefit from a land concession; or even get married. Crimes and offences committed by *transportés* were adjudicated by a local special court, the Maritime Special Tribunal (*Tribunal maritime spécial*). In all, from 1852 to 1936, almost 52,000 men and 394 women were sent to French Guiana (Table 5.1).

To these should be added the 1,000 people from Martinique, Guadeloupe and French Guiana who were condemned to *réclusion* and were designated as *réclusionnaires coloniaux*, or the second category of *transportation*, and would serve out their sentences in the prisons of French Guiana.

Table 5.1 Annual Number of *Transportés* Present in French Guiana, 1876–1912

Year	Men	Women
1876	3,684	161
1877	3,519	144
1878	3,525	131
1880	3,443	119
1882	3,250	142
1884	3,444	124
1885	3,406	115
1886	3,443	119
1896	5,115	45
1899	5,630	41
1900	4,237	14

Table 5.1 Annual Number of *Transportés* Present in French Guiana, 1876–1912 (Continued)

Year	Men	Women
1901	4,438	16
1902	3,647	16
1904	4,106	9
1905	4,113	6
1907	4,195	6
1908	4,458	4
1909	4,551	4
1910	4,477	3
1911	5,839	8
1912	6,120	8

Source: *Notices sur la transportation à la Guyane française et à la Nouvelle-Calédonie, 1876–1912*.⁵² Detailed statistics for the period 1852–1869 can be found in Spieler, *Empire and underworld*, 227–230.

Many of the *transportés* who were sent to French Guiana came from different parts of the French colonial empire, especially from Algeria (see Figure 5.1).⁵³



Figure 5.1 Convicts in the port of Algiers ready to embark aboard the ship *Loire*, bringing them to French Guiana

Source: Collection Léon Collin/Criminocorpus, 1906–1910.

But it is difficult to determine exactly from which colonies and in which proportion because official statistics do not specify them.⁵⁴ However, from the beginning of *transportation* in 1852 to 1881, of the 22,706 *transportés* who arrived in French Guiana, 9.12 per cent were of ‘Asian, African or Polynesian origin’ and 3.02 per cent were *réclusionnaires coloniaux* from Martinique, Guadeloupe and French Guiana (Table 5.2).

As noted above, the French government initially selected French Guiana as the destination for the *transportés*. The abolition of slavery in 1848 had led to economic difficulties for the colony’s settlers, and the new workforce of convicts was intended to form a new labour supply.⁵⁵ The first convoy of 301 convicts left Brest for Cayenne on 31 March 1852 aboard the ship *L’Allier*.⁵⁶ They stopped and settled in the Îles du Salut.

The number of convoys multiplied thereafter. The decision was then made to settle convicts on the mainland: first in Rémire, and then in western French Guiana at Montagne d’Argent and the penitentiary of Saint-Georges-de-l’Oyapock. But those locations were very unhealthy, and the administration decided to abandon them, in 1864 and 1856 respectively. As the convoys increased, however, it became necessary to create new camps to accommodate the incoming convicts, who in 1855 numbered 3,780 individuals. For this reason, two hulks were created: one in the harbour of Cayenne and the other at the mouth of the Kourou River. These impractical sites were soon replaced by two further camps: Sainte-Marguerite and Saint-Augustin, located near Cayenne in La Comté. However, outbreaks of yellow fever and malaria compelled the administration to close them.

The administration then decided to change its strategy. Under the direction of commodore Laurent Baudin, in 1857 part of the prison was transferred to the Maroni region in western French Guiana. This camp in Saint-Laurent (named in honour of Laurent Baudin) was devoted to the development of the Maroni territory. For the first time, the mortality rate of the convicts decreased. An 1860 decree established the penitentiary territory of Maroni (*territoire pénitentiaire du Maroni*) as ‘exclusively reserved for the purposes of the *transportation*’. There, after a period of settlement, the most deserving *transportés* could obtain a land concession. Yet from 1852 to 1866, the

Table 5.2 Convict Transportation Flows, 1852–1881

Type of convict	Number of convicts
<i>Forçats de race blanche</i> (‘white race’ convicts)	16,776
<i>Forçats d’origine africaine, asiatique ou polynésienne</i> (convicts of Asian, African or Polynesian origin)	2,081
<i>Réclusionnaires</i> (sentenced to <i>réclusion</i>)	687
<i>Repris de justice</i> (recidivists)	2,816
Political offenders (affiliated to secret societies)	329
Expelled European foreigners	8
Volunteer <i>transportés</i>	9
Total	22,706

Source: Vice Admiral Peyron, *Notice sur la transportation à la Guyane française et à la Nouvelle-Calédonie pour les années 1880–1881* (Paris: Imprimerie nationale, 1884), 87.

number of convicts who obtained a land concession was barely 899. In addition, there were only 130 convict marriages, just 20 women and children came from France to join male convicts, and only 75 (out of 124) children survived birth in the colony.⁵⁷ In response to the lack of a coherent plan for colonization, and in the absence of direction from the Ministry of the Navy, successive governors of the colony tried to locally administer the *transportation* process: as a result, camps opened and then closed, forest clearance started and then stopped suddenly, and so on. Legislation was sparse, the implementation of the *transportés* piecemeal and there was never any coherent vision.

As a result, *transportation* to French Guiana quickly became a failure. *Transportés* did not become self-sufficient; the number of concessions dropped to 732 in 1867, and soon all attempts at growing food crops were unsuccessful. This situation proved costly to the budget of the Colonial Office: the expenses for the prison of French Guiana reached an enormous 3,762,660 francs for the single year of 1865. In addition, the mortality rate of the convicts was appalling: while between 1852 to 1866, French Guiana had received 21,620 *transportés*, by 1866 only 7,466 were still alive (Table 5.3).⁵⁸

Released *transportés* were unable to find jobs or to settle in the colony. They were rejected by the local population and placed in competition with under sentence *transportés* who were either working in the prisons or leased out by the administration to local enterprises

Table 5.3 Mortality Rate of *Transportés* in French Guiana, 1852–1867

Year	Average workforce	Number of deaths (by disease)	Proportion of deaths per 100 individuals	Accidental deaths
1852	1,500	72	4.8	0
1853	2,703	519	19.2	0
1854	2,689	246	9.1	0
1855	2,954	754	25.5	0
1856	3,702	909	24.5	0
1857	4,139	346	8.4	0
1858	4,400	357	8.1	0
1859	5,177	514	9.9	0
1860	5,597	462	8.3	0
1861	6,376	507	8	0
1862	6,139	469	7.6	0
1863	6,233	357	5.7	0
1864	6,512	263	4	0
1865	7,595	395	5.2	0
1866	7,655	558	7.2	57
1867	7,557	560	7.4	24

Source: *Notices sur la transportation à la Guyane française et à la Nouvelle-Calédonie publiée par les soins de son Exc. M. l'amiral Rigault de Genouilly, ministre de la marine et des colonies*, 28.

or individuals at very low wages. The primary argument for this undertaking, the desire to transform convicts into settlers, was completely destroyed, and the government decided to abandon *transportation* to French Guiana: in 1867, all the European *transportés* were henceforth sent to New Caledonia, while only the colonial *transportés* continued to be sent to French Guiana. The milder climate of New Caledonia, geographically closer to its Australian model, was viewed as more conducive to colonization with penal labour, and mortality rates were indeed lower than those of French Guiana.

The penal colony of New Caledonia

From 1864 to 1931 about 30,000 convicts were sent to New Caledonia: 21,204 men (and 328 condemned locally) and 525 women were *transportés*; 3,945 men and 20 women were *déportés*; and 3,319 men and 453 women were *relégués*.⁵⁹ Table 5.4 shows the number of convicts present in the colony during the period 1876–1912.

Table 5.4 Annual Number of *Transportés* in New Caledonia, 1876–1912

Year	Men	Women
1876	6,769	124
1877	7,655	110
1878	8,218	175
1880	8,009	155
1882	8,870	156
1884	9,634	176
1885	9,842	155
1886	10,413	155
1896	9,361	76
1899	7,806	74
1900	7,340	76
1901	6,867	73
1902	7,272	72
1904	6,419	67
1907	5,227	60
1908	4,915	60
1909	4,685	60
1910	4,427	51
1911	4,171	56
1912	3,949	56

Source: *Notices sur la transportation à la Guyane française et à la Nouvelle-Calédonie, 1876–1912*.

Among them was a significant minority of Algerians, for in 1889 the Ministry of the Colonies had ordered that all Maghrebians be sent not to French Guiana but to New Caledonia. They totalled 1,822 *transportés*, 236 *déportés* and 1,623 *relégués*. For these men, known locally as 'Arabs', the island took the name of *Caledoun*.⁶⁰

New Caledonia had been a French colony since 24 September 1853, following its occupation by commodore Febvrier Despointes. It became a penal colony in an 1863 decree signed by the Emperor Napoleon III.⁶¹ A first convoy of 250 *transportés* sailed from the port of Toulon on 5 January 1864, on the ship *Iphigénie*, which took 123 days to reach its destination. The convicts were welcomed by Governor Guillain who installed them on Nou Island, facing the harbour of Nouméa. They built a penitentiary, which became the colony's main institution of confinement, where they were supervised by about 150 guards and 17 Kanak (indigenous) policemen.⁶² The governor organized the *transportés* into four classes: the first class consisted of the best-rated convicts, who were likely to obtain a commutation of sentence or a pardon. They could be hired by private individuals, obtain a land grant or be classified as 'artisans'. The second category included *transportés* who had incurred more than six punishments during the previous year: they were subjected to the least laborious hard labour. The third category included more serious offenders or those who were considered lazy: they were subjected to the hardest labour. The fourth category included those condemned by councils of war (*conseils de guerre*) or considered 'incorrigible'. They could be chained, locked up at night or sent to the prison of Napoleonville (Canala), which was reserved for 'incorrigibles' until 1870. Subsequently, after 1887 'incorrigible' *transportés* were incarcerated in the harsh environment of Camp Brun. In 1895, Camp Brun was replaced by the new disciplinary district of Camp Est on Nou Island. Other penitentiaries opened their doors as new convoys arrived, including at Ducos and Bourail, which held convict women.

An 1880 decree had relaxed *transportation* discipline by abolishing corporal punishment in French Guiana and New Caledonia, but the disciplinary regime became considerably harder after 1891. Then, the wages of the *transportés* were abolished and the number of classes shrank to three: the first-class *transportés* could obtain a land grant, be employed by individuals, or benefit from commutation of sentence or pardon. Those of the second class were employed in the works of colonization or of public utility. Third-class *transportés* were subjected to the most arduous hard labour: they were separated from each other during the night and subjected to silence day and night. However, after 1887, all the European *transportés* condemned to more than eight years' hard labour were once again sent to French Guiana, and New Caledonia welcomed only the most highly rated *transportés*. There, the administration began to hire out convicts to private mining companies. To exploit the large deposits of nickel situated on the island, thousands of convicts worked in the mines of la Pilou, Bernheim and Thio, notably for the Higginson Company. Historian Louis-José Barbançon has described this privatization of the convict workforce as characterized by 'contracts of human flesh'.⁶³

The number of land concessions multiplied in places like Bourail, La Foafonwhari, Diahot and Poembout. Indeed, the *transportés*, as in French Guiana, were condemned to sentences that required them to remain in the colony after their release (*doublage*). Many were then given an agricultural or industrial concession. Thanks to

an 1884 decree, the penal administration retained control of 110,000 hectares in New Caledonia, including in the Belep islands, Isle of Pines, and on the ‘*Grande Terre*’ (‘Big Land’) in Bourail, La Foa-Fonwhari, Diahot, Pouembout-Koniambo and Prony.

Penal colonization, and the subsequent arrival of free settlers from France, reduced substantially the territory of the indigenous inhabitants of the island, the Kanaks. On 25 June 1878, several tribes led by Chief Atai attacked settlers in La Foa-Fonwhari and Bouloupari and killed 140 people. The repression was intense because the French feared that the insurrection would spread to the rest of the island. Atai was killed in September 1878 and gradually the insurrection was totally suppressed: whole tribes were decimated, nearly 800 insurgents were killed and 750 were deported to the Isle of Pines and 300 to Belep islands.⁶⁴

From the end of the nineteenth century, the local population increasingly criticized the penal colony of New Caledonia, because convicts competed with free workers and the penitentiary controlled a lot of land. Appointed in 1894, Governor Paul Feillet took steps to ‘turn off the dirty water tap’ and to abolish the penal colony. The decision was taken in 1897 to stop sending convicts to New Caledonia: all convoys were henceforth sent to French Guiana.⁶⁵ But the abolition of the New Caledonia penal colony was gradual. Little by little, the release of convicts led to the closure of various penitentiaries and the last *transportés*, *déportés* and *relégués* were concentrated on Nou Island. It was not until 1931 that the penal colony officially closed (Figure 5.2).



Figure 5.2 Former ‘Arab’ convicts installed in the asylum of the east camp, on Nou Island, New Caledonia

Source: Collection Léon Collin/Criminocorpus, 1906–1910.

The penal colony of French Guiana

In 1885, a new category of convicts appeared: the *relégués*. Convicted by the law of 27 May 1885 concerning the *relégation* of recidivists, the *relégués* were repeat offenders mostly guilty of theft and vagrancy.⁶⁶ After the ‘major criminals’ of the Second Empire, the ‘petty criminals’ of the Third Republic were regarded as ‘incorrigible’ and were considered particularly dangerous.⁶⁷ This sentence resulted in ‘perpetual confinement’ in a colony and created a dual system. *Relégués* with sufficient financial means were classified in a system of individual relegation (*relégation individuelle*): they had freedom of movement but were not allowed to leave the colony. Those who did not have sufficient means, in other words the vast majority of them, were classified in a system of collective relegation (*relégation collective*): like the *transportés*, they were incarcerated in a penitentiary where they were supervised by prison guards and subjected to hard labour.

Nicknamed the ‘*pieds-de-biche*’ 3,740 men and 457 women were sent to New Caledonia from 1887 to 1897, and 17,375 men and 519 women were sent to French Guiana from 1887 to 1938 (Table 5.5).⁶⁸ In New Caledonia, they were incarcerated in the Isle of Pines, Ouaménie and Prony. In French Guiana, they were incarcerated mainly in the penitentiary of Saint-Jean-du-Maroni and its neighbouring sub-camps.⁶⁹

The arrival of the first convoy of *relégués* in French Guiana in June 1887 coincided with the resumption towards French Guiana of the convoys of European *transportés* sentenced to more than eight years of hard labour. Then, as we have seen previously, in 1897 all convoys of convicts to New Caledonia were suspended. From that point until 1953, French Guiana received convicts condemned to *transportation*, *déportation* and *relégation*, despite the failures experienced in the Second Empire. This change was accompanied by a shift in policy. The utopian ideals of the earlier model were replaced by a tougher stance towards convicts: prison was no longer intended to provide

Table 5.5 The Number of *Relégués* Arriving Annually in French Guiana and New Caledonia, 1887–1900

Years	French Guiana	New Caledonia
1887	648	405
1888	507	557
1889	523	401
1890	573	100
1891	285	802
1892	377	264
1893	281	464
1894/1895	940	667
1898	480	0
1900	648	0

Source: *Notices sur la relégation à la Guyane française et à la Nouvelle-Calédonie, 1887–1900.*

rehabilitation but exclusively as a convenient means of purging criminals from France and some of the French colonies (mainly Algeria).

Most of the Guianese prison facilities in the late nineteenth century were concentrated in Maroni. The rest of the colony had smaller penitentiaries. Cayenne had a penitentiary with an average of 300 *transportés* who were employed in the maintenance and cleanliness of the city or were loaned out to individual employers or local businesses. A number of them were also employed in building the main colonial road or in logging camps. Established in 1859, the penitentiary of Kourou was composed of the penitentiary of Les Roches and two agricultural sites located nearby. Off the coast of Kourou, the penitentiary of Îles du Salut was an archipelago of three islands. The most dangerous *transportés* were incarcerated on Royal Island. *Transportés* sentenced to reclusion by the *Tribunal Maritime Spécial* were incarcerated on Saint-Joseph's Island and, as mentioned above, those who were condemned to 'deportation in a fortified enclosure' were settled on Devil's Island.

In 1880, Saint-Laurent officially became a prison town (*commune pénitentiaire*) within the larger boundary of the Maroni prison territory, giving the prison administration the responsibility for developing a vast terrain.⁷⁰ But the concentration of the convicts in Maroni, which the colony's General Council (*Conseil général*) had repeatedly requested during the second half of the nineteenth century, was not without its drawbacks. The General Council did not really want the convicts to intermingle with the free population in and around Cayenne, so the majority of the convicts were placed on sparsely populated territory isolated from the rest of the colony. As most of the free population lived in eastern French Guiana, mainly in Cayenne, the convicts therefore could not integrate with local people.

In addition, at the end of the nineteenth century, the management of the prison administration was established in Saint-Laurent, which created a significant political problem for the colony. In accordance with the law, the governor, who resided in Cayenne, had 'supreme authority' over the prison and its director. But in reality, since the main facilities of the prison were concentrated in Maroni and there was no road between Cayenne and Saint-Laurent, the prison director had complete autonomy over his territory. This situation caused tensions between the governor and the director of the prison administration, because they did not share the same ideals. Indeed, we can describe this phenomenon as a 'double colonization' of French Guiana: the governor was responsible for the development of the colony while the director had to manage the prison and enforce penalties.⁷¹ These antagonistic functions were one of the reasons for the failure of penal colonization in French Guiana. It was really a dispute over sovereignty that prevented the convicts from working for the colony and becoming settlers once they were released from prison. As the journalist Georges Le Fèvre wrote:

French Guiana, a country without population, without industry, without trade and without agriculture, has two capitals. This inert, bicephalous monster is ridden by two elephant drivers, who keep trying to move it forward by hitting the same head. The governor in Cayenne shouts: 'Gee!' And the director at Saint-Laurent replied: 'Dia.' It has been fifty years ago that this little game has been going on, and the beast does not move forward.⁷²

The prison administration required convicts to help it to develop the vast territory of Maroni. However, its agents had been recruited not for their knowledge of tropical agriculture but for their ability to monitor and punish convicts. For a century, the Ministry of the Colonies regularly sent orders to the director of the prison administration to take measures to ensure the development of the Maroni, and especially to promote the prison's self-sufficiency for food rations. But these goals, despite colonial objectives and the efforts of several generations of convicts, were never achieved.

Labour was the main activity of the *transportés*, but the level of intensity of their work differed according to their qualifications and was especially dependent upon which of the many possible jobs within the camp they held. The more skilled workers, such as carpenters, cooks or accountants, or those who managed to find employment at the hospital or infirmary fared much better. But loggers, miners and farmers were subjected to tough and dangerous conditions. As in New Caledonia, the *transportés* were divided into three classes. The third class was compelled to perform the most arduous hard labour. The second class was forced to do less exhausting labour but was prohibited from labouring for private individuals or obtaining an agricultural concession. These opportunities were only offered to the *transportés* in the first class. However, this classification could change according to the behaviour of the *transportés*: they could move up in class, but they could also be downgraded. The most 'incurable' *transportés* were incarcerated in the bush camp of Charvein, where the living conditions were particularly harsh.

As in New Caledonia, the process of the abolition of the penal colony of French Guiana was protracted. It began in 1923 following the investigation of the journalist Albert Londres for the newspaper the *Petit Parisien*, which informed the public about the cruelty of what it viewed as an archaic institution.⁷³ In 1933, the Salvation Army, led by Captain Charles Péan, arrived in the colony to help ameliorate the conditions of released convicts.⁷⁴ Meanwhile, Guyanese deputy Gaston Monnerville pressed the French Parliament for the closure of the prison, which was finally agreed upon in 1936.⁷⁵ But the signing of the decree into law (*décret-loi*) in 1938 only abolished *transportation* to French Guiana, and not *relégation*. It was only in March 1945, after the Second World War, and after many *relégués* had died of hunger and exhaustion in prison (almost 48 per cent died in 1942),⁷⁶ that the decision was taken to 'liquidate' the penal colony. Under the direction of Lieutenant Colonel Doctor Sainz and the Salvation Army, repatriation convoys were organized; the last ones left in August of 1953.⁷⁷ The penalties of hard labour and *déportation* were officially abolished in 1960 and *relégation* in 1970.⁷⁸

Africa and Indochina

The French made extensive use of hard labour to punish colonized populations in other parts of the empire. If courts could impose the penalties of *transportation*, *relégation* and *déportation* on colonial populations (who were subject to the French penal code), they could also subject them to hard labour because of the exceptional legal regime

that applied in the French colonies: the native system (*régime de l'indigénat*). Colonial populations had the status of French subjects: they had French nationality (and were therefore subject to the sovereignty of France), but they did not have French citizenship (and thus did not have the same rights as French citizens).⁷⁹ The native code (*code de l'indigénat*) was the pillar of this policy of domination. Established in Algeria in 1881, it set up an exceptional legal regime to repress criminal offences. Until 1946 it was enforced by administrative authorities who could condemn colonized populations to internment (i.e. imprisonment, house arrest or *déportation*), order them to pay fines (collective or individual) or sequester their property, including land.⁸⁰

The *code de l'indigénat* was later extended: to Cochinchina, New Caledonia, and French East Africa (*Afrique orientale française*, AOF) in 1881 Annam, Tonkin, Laos and Leeward Islands (Îles-Sous-le-Vent) in 1887, Cambodia in 1897, Mayotte and Madagascar in 1898, French Equatorial Africa (*Afrique équatoriale française*, A.E.F.) in 1901, Somalia Coast (*Côte des Somali*) in 1907, Togo in 1923 and Cameroon in 1924. In Algeria, those condemned to internment could be either interned in Calvi; incarcerated in an Algerian penitentiary; or placed under house arrest in remote areas.⁸¹ In Senegal, they could be exiled and interned in the French territories of Casamance, Mauritania or the AEF.⁸² In the AOF, an 1887 decree allowed, without the possibility of appeal, penalties of fifteen days' imprisonment and fines of 100 francs. This discretionary power applied to many special offences in the colonies (which did not exist in the metropolis), such as delays in paying taxes or refusing to participate in *prestation* (labour service on public works for a certain number of days per year). In 1923, a further colonial decree ordered that vagrants should be put to work for private enterprises or on public works. In this way, the native code enabled the infliction of hard labour on colonized populations, compensating for labour shortages, especially after the abolition of slavery.

This was also the case for those sentenced to imprisonment. The French imperial penitentiary was a powerful state tool. Its aim was to suppress opposition and to enable political domination; it did not seek to correct or socially reintegrate colonial detainees.⁸³ It also provided an abundant workforce to support colonial economic production. Indeed, the regulations of most penitentiary institutions imposed hard labour on 'native' detainees (but not Europeans),⁸⁴ including in French Guinea (after 1895) and the AEF (1894). Such prisoners were forced to work in agriculture or on public works (including in stone quarries, and in building roads and bridges). They could also work for private contractors who rented them from the administration.

Until 1919, the organization of hard labour in the AEF was mainly based on labour requisitioning: the administration relied on 'native' chiefs (*chefs de cercle*) to obtain workers for colonial public works. This forced recruitment was particularly brutal and resulted in large population displacements, particularly in the case of the construction of railway lines or the carriage of rubber.⁸⁵ Mortality and escape rates were very high, especially during the building of the Congo–Ocean Railway. Indeed, the novelist André Gide and journalist Albert Londres both denounced particularly harsh working conditions there.⁸⁶ Faced with pressure from the International Labour Office, following a conference in Geneva on forced and compulsory labour, in 1930 France regulated hard labour across the empire. At the time this consisted of: *prestation*; the second part of the military contingent (*deuxième portion du contingent militaire*), which required

certain 'native' soldiers to work on public worksites (nicknamed '*tirailleurs-la pelle*'); prison labour; and the obligation to cultivate, i.e. to compel native farmers to grow crops.⁸⁷ In 1946, the French abolished both hard labour and the *régime de l'indigénat* in the colonies.

In Indochina, inmates in provincial prisons and central prisons were also subjected to hard labour, including road construction.⁸⁸ Those condemned to *déportation*, *transportation* and *relégation* could serve their sentence in Indochina but also in French Guiana (997 were sent there between 1885 and 1922), New Caledonia, Obock, Pnom-Penh and Gabon.⁸⁹ In Indochina, they could be incarcerated in isolated penitentiaries, including at Poulo Condor, Phu Quoc and the Île de la Table (islands off Saigon), Lao Bao and Buon Ma Thuot (Annam), Cao Bang, Ha Giang, Thai Nguyen, Son La and Lai Chau (Tonkin).⁹⁰ The annual number of convicted persons incarcerated in these penitentiaries was, from 1913 to 1941, around 3,300 (Table 5.6).

Table 5.6 Number of Indochinese People in Penitentiaries, 1913–1941

Year	Number in penitentiaries
1913	2,301
1914	2,415
1915	2,317
1916	2,219
1917	2,460
1918	2,392
1919	2,638
1920	2,987
1921	2,778
1922	2,810
1930	3,297
1931	3,666
1932	4,895
1933	4,723
1934	4,242
1935	4,279
1936	3,850
1937	3,648
1938	3,767
1939	4,043
1940	4,349
1941	6,813
Total	73,424

Source: Zinoman, *The Colonial Bastille*, 58.

Located south of Saigon, 180 kilometres from the coast, the island of Poulo Condor became a penal colony in 1862.⁹¹ An 1862 decree divided the convicts into two categories: those incarcerated for rebellion or common crimes and those condemned for war. The first category was employed on public works. The second was granted land concessions. Both underlined the use of Poulo Condor as a French tool of repression in Indochina following initial colonization in 1858. The first *bagne* was built in 1875 and could accommodate 800 convicts. Subsequently, the administration gradually enlarged it: the second *bagne* was constructed in 1916 (for 960 convicts) and the third in 1928 (for 640 convicts). In *bagne I* were incarcerated common criminals sentenced to hard labour. In *bagne II* were imprisoned political prisoners (especially nationalists and communists) who were not subjected to hard labour. And in *bagne III* were incarcerated the ‘incorrigibles’, i.e. those who were guilty of escape or assault against supervisors or their convict assistants. The imprisonment regime was very hard and there were many revolts. This included a rebellion in 1882, when 150 convicts, facing the brutality of their regime of hard labour, revolted and killed two French officers. During a second, in 1890, one Vietnamese guard and nine convicts were killed. In 1918, one French officer, two Vietnamese guards and seventy-two convicts died in another violent uprising.

Prison overcrowding and the desire to expel political prisoners liable to revolt or incite revolt resulted in the sending of 531 Indochinese convicts to French Guiana in 1931. They were placed under the supervision of Senegalese soldiers in the territory of Inini, which was under the exclusive direction of the governor of the colony (and not the director of prison administration), in three special penitentiaries (*établissements pénitentiaires spéciaux*, EPS): Crique Anguille, Saut Tigre and La Forestière.⁹² With great organization and solidarity, several strikes broke out among these convicts, including in November 1937, at the Crique Anguille camp, where all convicts (i.e. 152 individuals) went on hunger strike. In May 1944, these penitentiaries were closed and the convicts were gradually repatriated to Vietnam from 1954 to 1963.

Like the Indochinese, other colonial *transportés* and *relégués* including Malagasies and Tunisians could also serve their sentences in their colonies. The governors of the colonies made the decision regarding local imprisonment or transportation overseas. In the AOF, *transportés*, *relégués* and *déportés* could serve their sentences in the penitentiaries of Grand Bassam (Ivory Coast) and Porto Novo (Dahomey); in AEF, they could serve their sentences in the penitentiaries of Bria and Bambari (Ougangui-Chari), Fort-Lamy (Chad) and Libreville, Loango and Djolé (Gabon).⁹³

An 1886 decree authorized the transportation to Obock of convicts condemned to hard labour in the French territories of the Indian Ocean. From April 1887 to August 1893, a total of 161 convicts from the French Indies (mainly Pondicherry), as well as Réunion island, the island of Sainte-Marie (off Madagascar) and French Africa were sent to the penitentiary of Obock, situated on the east coast of Africa (now the Republic of Djibouti) (Table 5.7).

This penitentiary of Obock was thus exclusively intended for colonial subjects who were used to build basic infrastructure. But the numerous escapes of the convicts (they were monitored by only seven guards) and the very high mortality rate among them led to the rapid closure of this penitentiary in 1895. The surviving convicts were

Table 5.7 Origin of Convicts in Obock, 1887–1893

Origin of convicts	Number of convicts	Percentage
French India (Pondicherry)	114	70.80
Mascarene Islands (Réunion)	38	23.60
East Africa	9	5.6
Total	161	100

Source: Colette Dubois, 'Obock, un bague éphémère et méconnu (1886–1895)', *Ultramarines* 21 (2001): 21, 22.

transferred to French Guiana. In 1967, the former penitentiary of Obock was occupied by the French army. Following the Declaration of Independence of Algeria, the 3rd *bataillon d'infanterie légère d'Afrique*, installed in 1967 on the naval base of Mers el Kebir (Algeria), was moved to Obock, in the French territory of the Affars and Issas (*Territoire français des Affars et des Issas*). This battalion was dissolved on 31 March 1972.

Finally, an 1887 decree created penal establishments in Gabon (Africa) for Indochinese and Chinese hard labour convicts. Two convoys brought 161 individuals to Libreville. But the mortality rate was so high (113 deaths) that the prison was soon closed in 1900.⁹⁴ Later, from 1898 to 1913, another penal establishment was opened at Djolé (Gabon) but reserved only for African *déportés* (condemned to imprisonment) from different African colonies (notably Senegal, Dahomey, Sudan, Ivory Coast, Guinea and Chad). Gabonese *déportés* were sent to other African colonies (Oubangui-Chari, Chad or Ivory Coast).⁹⁵

'Biribi'

From 1830 to the early 1970s, between 600,000 and 800,000 soldiers were sent to *Biribi* (i.e. Algeria, Tunisia and Morocco), where they constituted between 1 and 2 per cent of the French army.⁹⁶ But, as Dominique Kalifa has demonstrated, *Biribi* consisted of an aggregation of repressive structures.⁹⁷ Governed by an 1818 ordinance, disciplinary companies (*compagnies de discipline*) concerned soldiers who were not convicted by court martials but who nevertheless 'persevere[d] by faults and contraventions which cannot be repressed by disciplinary penalties'. They were divided into two classes: the fusiliers and the pioneers (harder). These disciplinary companies existed, among others, in the *légion étrangère* (Foreign Legion, settled in Algiers), alongside 'native' troops, and within colonial troops (in Tonkin, Cochinchina and Madagascar). In 1824 were added the disciplinary sections of the navy (settled in Saint-Pierre in Martinique, also called *peaux de lapin*, or rabbit skins). These men were mainly employed in hard labour and the development of colonial infrastructure.

The situation was different for those soldiers who were incorporated in the *Bataillons d'Infanterie Légère d'Afrique* (the batallions of the African Light Infantry; also called *Joyeux* [happy] or *Bat'd'Af'*). Created by an order of 1832, the *Bat'd'Af'* were

intended for soldiers leaving prison, soldiers coming from disciplinary companies still under sentence and volunteers. An 1889 law added young conscripts who had been sentenced to more than three months' imprisonment before they joined the army or who were in prison at the time of their conscription. These battalions constituted a test corps, a means of rehabilitating former convicts, through military service and development work. Soldiers convicted of crimes or military offences were incarcerated in military prisons (for accused prisoners and prisoners sentenced to less than one year of imprisonment) or military penitentiaries (for those sentenced to more than one year of imprisonment). Those sentenced to labour on public works (*peine des travaux publics*) were incarcerated in *ateliers* (workshops) *de travaux publics*.

Created by an 1860 ordinance, the *disciplinaires coloniaux* (also called *cocos*) were intended for soldiers who had undergone correctional sentences of more than three months' imprisonment, in other words the 'incorrigibles' from the military penitentiaries and the *Bat'd'Af*'. The *disciplinaires coloniaux* were incarcerated on different sites, in Algeria, Réunion island, Senegal, New Caledonia, Guadeloupe, Martinique and Madagascar. A later law of 1889 created another corps, the *exclus de l'armée* (military underclass): it included soldiers who were had been sentenced by criminal courts (including *transportés*), *relégués* and those condemned to more than two years' imprisonment with loss of civil rights. The *exclus de l'armée* convicted in the colonies had to be employed in those colonies; otherwise, those from France and Algeria were to be employed in Algeria.

Here are summarized the different categories forming the 'special corps of the French army' which were installed mainly in the North African colonies of Tunisia, Algeria and Morocco. Not only were they intended to remove various categories of 'undesirables' from France and the French army, they also, like all imperial punishments, had a further objective: to assist colonial development via the supposedly regenerative virtues of colonial labour. Despite its remoteness, the atrocities committed in *Biribi* and the draconian regime of the *chaouchs* (prison guards) were denounced very early on by journalists, novelists, anti-militarists and former convicts. They included Georges Darien, who in 1890 published a testimony on his experiences during his imprisonment in Tunisia. Subsequently, campaigns by the journalists Jacques Dhur for *Le Journal* and Albert Londres for the *Petit Parisien* led to important reforms in *Biribi*, notably the abolition of public works in 1928.⁹⁸ *Biribi* was from that date suspended, though it did not officially come to an end until 1976, i.e. fourteen years after empire came to an end in North Africa and all soldiers were repatriated to France.

Conclusion

Since the *Ancien Régime*, hard labour constituted a powerful lever of constraint through which the French state could discipline and profit from many categories of its population, including: vagrants, beggars, prostitutes, abandoned or delinquent children, 'natives', convicts, prisoners and mutinous soldiers. By supporting and adapting to changes in the economy of France between the eighteenth and twentieth centuries, the penalty of

hard labour was later exported to the French colonies. Further, for more than a century, French Guiana, New Caledonia and Algeria in particular helped France to reduce its prison population and to get rid of so-called dangerous offenders. They also served to regulate the colonial populations considered threats to the French Empire. If political repression was important to French penal policy, so was economic exploitation, for the use of convict labour in French colonies made it possible to compensate for the loss of unfree labour following the abolition of slavery. Practices of domination thus circulated throughout the French Empire, with hard labour taking on different characteristics according to local economic and social configurations.

There are few descendants of the convicts in French Guiana but they nevertheless left many vestiges and traces of their time there. The prisons have recently been restored; and the Guyanese people, like Australians, have been confronting this aspect of their past history and turning it into an object of pride. The Transportation Camp of Saint-Laurent today houses a museum run by the Centre for the Interpretation of the Architecture and Heritage of Saint-Laurent (*Centre d'interprétation de l'architecture et du patrimoine*).⁹⁹ The Îles du Salut, managed by the National Centre for Space Studies (*Centre national d'études spatiales*), also incorporate a museum.¹⁰⁰ There are many descendants of convicts and penal administrators in New Caledonia today, and the island's history of penal colonization has thus become the object of an important memorial investment. There are today, for instance, many descendants of Maghrebian convicts still present in New Caledonia (and there are associations of descendants, such as the Association of Arabs and Friends of the Arabs of New Caledonia). Since the 1990s, many former penal buildings have been preserved and enhanced by local people and associations. A museum dedicated to the prison of New Caledonia should soon open its doors in the old bakery of the penitentiary of Nou Island.¹⁰¹

Notes

- 1 On the influence of the British model of penal colonization in Australia, see Colin Forster, *France and Botany Bay: The Lure of a Penal Colony* (Melbourne: Melbourne University Press, 1996). See also Colin Forster, 'Convicts: Unwilling Migrants from Britain and France', in *Coerced and Free Migration: Global Perspectives*, ed. David Eltis (Stanford, CA: Stanford University Press, 2002), 259–291; Colin Forster, 'Prison or Deportation: Botany-Bay and the French Penal Debate, 1814–1832', in *Workings Papers in Economic History*, no. 136 (Canberra: Australian National University Press, 1990), 1–36; Briony Neilson, 'The Paradox of Penal Colonization: Debates on Convict Transportation at the International Prison Congresses 1872–1895', in *French History and Civilization: Papers from the George Rudé Seminar 6*, ed. Julie Kalman (2015), 198–211, <http://www.h-france.net/rude/rudevolve/NeilsonVol6.pdf> (accessed 26 January 2017). See also Hamish Maxwell Stewart in this volume.
- 2 Michel Pierre, *La terre de la grande punition. Cayenne 1852–1953* (Paris: Autrement, 2001; orig. 1982), 19. About the history of the French Guiana penal colony, see: Alexander Miles, *Devil's Island, Colony of the Damned* (Berkeley, CA: Ten Speed Press, 1988); Miranda Frances Spieler, *Empire and Underworld: Captivity in French*

- Guiana (Cambridge, MA: Harvard University Press); Jean-Lucien Sanchez, 'French Guiana. The Penal Colonization of French Guiana 1852–1953', *Convict Voyages* (2015) <http://convictvoyages.org/expert-essays/french-guiana> (accessed 7 February 2017); Peter Redfield, *Space in the Tropics: From Convicts to Rocket in French Guiana* (Berkeley, CA: University of California Press, 2000); Stephen A. Toth, *Beyond Papillon: The French Overseas Penal Colonies, 1854–1952* (Lincoln, NE: University of Nebraska Press, 2006).
- 3 Eric Fougère, *Le grand livre du bagne en Guyane et Nouvelle-Calédonie* (Sainte-Clothilde: Éditions Orphie, 2002), 43.
 - 4 Eric Fougère, *Des indésirables à la Désirade* (Matoury: Ibis Rouge éditions, 2009). See also Arlette Farge and Michel Foucault, *Le désordre des familles, lettres de cachet des Archives de la Bastille* (Paris: Gallimard, 1982).
 - 5 Saint-Simon, *Mémoires (1716–1718)*, vol. 6 (Paris: Gallimard, 1986), 570. See also Charles Frostin, 'Du peuplement pénal de l'Amérique française aux XVIIe et XVIIIe siècles: hésitations et contradiction du pouvoir royal en matière de déportation', *Annales de Bretagne et des pays de l'Ouest* 85, no. 1 (1978): 67–94.
 - 6 Gabriel Audisio, 'Recherches sur l'origine et la signification du mot bagne', *Revue africaine* 98, nos. 452–453 (1957): 363–368.
 - 7 André Zysberg, *Les Galériens. Vies et destins de 60 000 forçats sur les galères de France, 1680–1748* (Paris: Seuil, 1987). See also Pieter Spierenburg, 'Prison and Convict Labour in Early Modern Europe', in *Global Convict Labour*, eds. Christian G. de Vito and Alex Lichtenstein (Leiden: Brill, 2015), 112; André Zysberg, 'Galley Rowers in the Mid-Eighteenth Century', in *Deviants and the Abandoned in French Society: Economies, Sociétés, Civilisations*, eds. Robert Forster and Orest Ranum (Baltimore, MD: Johns Hopkins University Press, 1978), 83–110; André Zysberg, 'Galley and Hard Labor Convictions in France, 1550–1850', in *The Emergence of Carceral Institutions: Prisons, Galley, and Lunatic Asylums, 1550–1900*, ed. Pieter Spierenburg (Rotterdam: Erasmus University of Rotterdam, 1984), 78–124; Jacques-Guy Petit, *La prison, le bagne et l'histoire* (Paris and Geneva: Librairie des Méridiens, Médecine et Hygiène, 1984); Jacques-Guy Petit, Nicole Castan, Claude Faugeron and Michel Pierre, *Histoire des Galères, Bagnes et Prisons, XIII–XXème siècles. Introduction à l'étude pénale de la France* (Toulouse: Privat, 1991); Nicole Castan, André Zysberg and Jacques-Guy Petit, *Histoire des galères, bagnes, et prisons en France de l'Ancien Régime* (Paris: Payot, 2002). See also Mary Gibson and Ilaria Poerio in this volume.
 - 8 Philippe Henwood, *Bagnards à Brest* (Rennes: Ouest-France, 1986); Frédérique Joannic-Seta, *Le bagne de Brest, 1749–1800: l'émergence d'une institution carcérale au siècle des Lumières* (Rennes: Presses universitaires de Rennes, 2000); André-Roger Voisin, *Le bagne de Rochefort* (Turquant: L'apart, 2011); Jean-Paul Meyrueis and André Bérutti, *Le bagne de Toulon* (Gémenos: Autres Temps, 2010).
 - 9 Michel Pierre, *Le Dernier Exil, histoire des bagnes et des forçats* (Paris: Gallimard, 2008; orig. 1989), 40; Michel Pierre, *La légende noire du bagne. Le journal du forçat Clemens* (Paris: Gallimard, 1992), 54.
 - 10 Sylvain Rappaport, *La Chaîne des forçats, 1792–1836* (Paris: Aubier, 2006).
 - 11 Michel Foucault, *Discipline and Punish: The Birth of the Prison* (New York, NY: Random House, 1975). See also Jacques-Guy Petit, 'The Birth and Reform of Prisons in France, 1791–1885', in *The Emergence of Carceral Institutions: Prison, Gallies and Lunatic Asylum*, ed. Spierenburg, 125–147.
 - 12 Michel Foucault, *Madness and Civilization: A History of Insanity in the Age of Reason* (New York, NY: Routledge, 2006).

- 13 Jean-François Wagniar, *Le vagabond à la fin du XIX^e siècle* (Paris: Belin, 1999), 133.
- 14 Georg Rusche and Otto Kirchheimer, *Punishment and Social Structure* (New York, NY: Columbia University Press, 1968; orig. 1939).
- 15 Jean-Claude Vimont, *La prison. À l'ombre des hauts murs* (Paris: Gallimard, 2004), 17.
- 16 Jacques-Guy Petit, *Ces peines obscures. La prison pénale en France (1780–1875)* (Paris: Fayard, 1990), 143–180. See also Jacques-Guy Petit, Claude Faugeton and Michel Pierre, *Histoire des prisons en France, 1789–2000* (Toulouse: Privat, 2002); Patricia O'Brien, *The Promise of Punishment. Prisons in Nineteenth-Century France* (Princeton, NJ: Princeton University Press, 1982); Gordon Wright, *Between the Guillotine and Liberty: Two Centuries of Crime Problem in France* (New York, NY, and Oxford: Oxford University Press, 1983); Michelle Perrot, 'Delinquency and the Penitentiary System in Nineteenth Century France', in *Deviants and the Abandoned in French Society*, eds. Forster and Ranum, 210–219. If private contractors were not interested or available, the penal administrator organized and worked prisoners (*régie* system).
- 17 Dominique Fey and Lydie Herbelot, *Clairvaux. Vies emmurées au XIX^e siècle* (Lille: TheBookEdition, 2013), 334–362. See also Dominique Fey and Lydie Herbelot, 'Les dérives d'un système: Le scandale de Clairvaux en 1847', *Criminocorpus* (2014) <https://criminocorpus.revues.org/2887> (accessed 7 February 2017).
- 18 Jean-Jacques Yvorel, 'Histoire de la justice des mineurs depuis 1791', *Criminocorpus* (2015) <https://criminocorpus.org/fr/ref/25/17950/> (accessed 13 February 2017). See also Christian Carlier, *La prison aux champs. Les colonies d'enfants délinquants du nord de la France au XIX^e siècle* (Paris: Les Éditions de l'Atelier, 1994).
- 19 Jacques Bourquin, 'La difficile émergence de la notion d'éducabilité du mineur délinquant', *Criminocorpus* (2012) <http://criminocorpus.revues.org/1938> (accessed 13 February 2017).
- 20 Bruno Maillard, "'Ils sortiront des hommes". Les enfants du pénitencier de l'Îlet à Guillaume (île de la Réunion) 1864–1879', *Criminocorpus* (2012) <http://criminocorpus.revues.org/1770> (accessed 13 February 2017); Ibrahim Thioub, 'Marginalité juvénile et enfermement à l'époque coloniale: les premières écoles pénitentiaires du Sénégal, 1888–1927', in *Enfermement, prison et châtiments en Afrique. Du 19^e siècle à nos jours*, ed. Florence Bernault (Paris: Karthala, 1999), 205–226.
- 21 Jean-Jacques Yvorel, 'Ordonnance 45–174 du 2 février 1945 relative à l'enfance délinquante', *Criminocorpus* (2012) <https://criminocorpus.org/fr/reperes/legislation/45-174/> (accessed 16 February 2017).
- 22 Voltaire, *Mélanges, Commentaire sur le livre des Délits et des Peines* (Paris: Gallimard, 1961; orig. 1766), 785–786.
- 23 Louis-José Barbançon, *L'archipel des forçats. Histoire du bagne de Nouvelle-Calédonie (1863–1931)* (Lille: Presses universitaires du Septentrion, 2003), 31.
- 24 Jean-Claude Vimont, *La prison politique en France: genèse d'un mode d'incarcération spécifique, XVIII^e-XIX^e siècles* (Paris: Anthropos, 1993). See also Jean-Claude Vimont, 'A History of Political Detentions in France', *Criminocorpus* (2013) <http://criminocorpus.revues.org/2977> (accessed 13 February 2017).
- 25 Maurice Barbotin, *Conamama, Camp de la mort en Guyane pour les prêtres et les religieux en 1798* (Paris: L'Harmattan, 1995), 220–232.
- 26 Spieler, *Empire and Underworld*, 35.
- 27 Louis-José Barbançon, 'Aux origines de la guillotine sèche. La déportation dans les Assemblées révolutionnaires', *Criminocorpus* (2007) <http://criminocorpus.revues.org/147> (accessed 17 January 2017).

- 28 Louis-José Barbançon, 'Transporter les insurgés de juin 1848', *Criminocorpus* (2008) <http://criminocorpus.revues.org/153> (accessed 17 January 2017).
- 29 Louis-José Barbançon, 'La loi de déportation politique du 8 juin 1850: des débats parlementaires aux Marquises', *Criminocorpus* (2006) <http://criminocorpus.revues.org/149> (accessed 17 January 2017).
- 30 Barbançon, *L'archipel des forçats*, 63–65.
- 31 Jean-Claude Vimont, 'Les déportés républicains de 1858', *Criminocorpus* (2013) <http://criminocorpus.revues.org/1943> (accessed 13 February 2017).
- 32 For further details, see below.
- 33 Danielle Donet-Vincent, 'Louise Michel, de la déportation à l'aventure', *Criminocorpus* (2011) <http://criminocorpus.revues.org/1089> (accessed 7 February 2017). See also Jean Baronnet and Jean Chalou, *Communards en Nouvelle-Calédonie. Histoire d'une déportation* (Paris: Mercure de France, 1987); Louise Michel, *Mémoires* (Paris: La Découverte, 2002; orig. 1886).
- 34 About Dreyfus affair, see Vincent Duclerc, *Alfred Dreyfus. L'honneur d'un patriote* (Paris: Fayard, 2006). See also Alfred Dreyfus, *Cinq années de ma vie 1894–1899* (Paris: La Découverte, 2006; orig. 1901).
- 35 Philippe Collin, 'Charles Benjamin Ullmo (matricule 2)', *Musée Criminocorpus* (2017) <https://criminocorpus.org/fr/ref/25/18604/> (accessed 30 August 2017). But a large number of anarchists were condemned to *transportation* because they were condemned for ordinary crime. See Colombe de Dieuleveult, 'Lettres et récits d'Alexandre Marius Jacob: les contraintes de l'écriture ordinaire', PhD diss., Université de Rouen, 2015. See also Colombe de Dieuleveult, 'Alexandre Jacob, forçat anarchiste en Guyane: politique ou droit commun?', *Criminocorpus* (2013) <http://criminocorpus.revues.org/2410> (accessed 7 February 2017); Jean-Marc Delpéch, 'Parcours et réseaux d'un anarchiste, Alexandre Marius Jacob, 1879–1954', PhD diss., Université de Nancy 2, 2006; Jean-Marc Delpéch, *Voleur et anarchiste, Alexandre Marius Jacob* (Paris: Nada éditions, 2015); Daniel Vidal, *Paul Rousseau, le bagnard de Saint-Gilles* (Paris: Éditions du Monde Libertaire; Brussels: Éditions Alternative libertaire, 1998); Philippe Blandin, *Eugène Dieudonné* (Paris: Éditions du Monde Libertaire; Brussels: Éditions Alternative libertaire, 2001); Yves Frémion, *Léauthier l'anarchiste. De la propagande par le fait à la révolte des bagnards, 1893–1894* (Montreuil: l'Échappée, 2011). The anarchists could also be condemned to *relégation* following the law of 28 July 1894 tending to repress the anarchist pursuits (*loi tendant à réprimer les menées anarchistes*), forming a part of the so-called 'scoundrels laws' ('*lois scélérates*') voted between 1893 and 1894. About these laws, see Francis de Pressensé, un juriste and Émile Pouget, *Les lois scélérates de 1893–1894* (Marseille: Le Flibustier, 2008; orig. 1899).
- 36 Marc Bernardot, *Camps d'étrangers* (Bellecombe-en-Bauges: Éditions du Croquant, 2008), 62–63.
- 37 Sylvie Thénault, 'Une circulation trans méditerranéenne forcée: l'internement d'Algériens en France au XIX^e siècle', *Criminocorpus* (2015) <http://criminocorpus.revues.org/2922> (accessed 26 February 2017). Internment was also introduced in New Caledonia in 1887, in Indochina and in AOF in 1904 and in Tunisia in 1934. See Olivier Le Cour Grandmaison, *Coloniser. Exterminer. Sur la guerre et l'État colonial* (Paris: Fayard, 2005), 210.
- 38 Jean-Claude Farcy, *Les camps de concentration français de la Première Guerre mondiale (1914–1920)* (Paris: Anthropos, 1995), 129.

- 39 Dornel Laurent, 'L'appel à la main-d'œuvre étrangère et coloniale pendant la Grande Guerre : un tournant dans l'histoire de l'immigration?', *Migrations Société* 6, no. 156 (2014): 51–68; Luguern Liêm-Khê, 'Ni civil ni militaire: le travailleur indochinois inconnu de la Seconde Guerre mondiale', *Le Mouvement Social* 2, nos 219–220 (2007): 185–199.
- 40 GTE were located in the metropolis of Algeria, Tunisia and Morocco. See Denis Peschanski, *La France des camps. L'internement (1938–1946)* (Paris: Gallimard, 2002), 226.
- 41 See Mary Gibson and Ilaria Poerio in this volume.
- 42 Peschanski, *La France des camps. L'internement (1938–1946)*, 475.
- 43 Patrice Arnaud, *Les STO. Histoire des Français requis en Allemagne nazie 1942–1945* (Paris: CNRS éditions, 2010), 11.
- 44 Emmanuel Blanchard, 'Contrôler, enfermer, éloigner. La répression policière et administrative des Algériens de métropole (1946–1962)', in *La France en guerre 1954–1962. Expériences métropolitaines de la guerre d'indépendance algérienne*, eds. Raphaëlle Branche and Sylvie Thénault (Paris: Autrement, 2008), 329.
- 45 Fanny Layani, 'La détention des militants nationalistes dans les prisons de France métropolitaine pendant la guerre d'Algérie', PhD diss., Université de Paris I, being drafted. Activists of the Organization of the secret army (*Organisation de l'armée secrète*, OAS), supporters of French Algeria, also benefited from this regime. See Pierre Calvas, 'Les généraux de l'OAS à la prison de Tulle: réalités et rumeurs', *Criminocorpus* (2012) <http://criminocorpus.revues.org/1777> (accessed 26 February 2017).
- 46 Emmanuel Blanchard, 'Police judiciaire et pratiques d'exception pendant la guerre d'Algérie', in *La guerre d'indépendance des Algériens 1954–1962*, ed. Raphaëlle Branche (Paris: Perrin, 2009), 270.
- 47 Sylvie Thénault, 'Interner en République: le cas de la France en guerre d'Algérie', *@mnis* 3 (2003): 213–228. See also Sylvie Thénault, 'Assignation à résidence et justice en Algérie 1954–1962', *Le Genre humain* 3, no. 32 (1997): 105–115; Sylvie Thénault, *Violence ordinaire dans l'Algérie coloniale* (Paris: Odile Jacob, 2012).
- 48 Michel Cornaton, *Les camps de regroupement de la guerre d'Algérie* (Paris: L'Harmattan, 1998; orig. 1967), III.
- 49 Louis Chevalier, *Labouring Classes and Dangerous Classes in Paris during the First Half of the Nineteenth Century* (Princeton, NJ: Princeton University Press, 1978).
- 50 Article 2 of the Law on Execution of Hard Labour of 30 May 1854, Louis-José Barbançon, 'Déportation, transportation et relégation française', *Musée Criminocorpus* (2006) <https://criminocorpus.org/fr/ref/25/16931/> (accessed 17 January 2017).
- 51 Odile Krakovitch, *Les femmes bagnardes* (Paris: Perrin, 1998). See also Odile Krakovitch, 'Les femmes dans les bagnes de Guyane et de Nouvelle-Calédonie', *Histoire de la justice* 3 (1990): 51–68; Odile Krakovitch, "'Le bien d'autrui tu ne prendras ...'" ou à Cayenne pour le vol d'une paire de draps. L'envoi de femmes aux bagnes de Cayenne et de Nouvelle-Calédonie pour vols et escroqueries, de 1858 à 1883', *Bulletin d'Information des Études Féminines* 13 (1983): 61–81; Katia-Christiane Ferré, *Graine de bagnarde, Marie Bartete (1863–1938)* (Le Coudray-Macouard: Feuillage, 2014); Marine Coquet, 'Coloniser par la voie pénale: de l'idéal familial à la réalité coloniale des rapports entre les sexes dans la colonie pénitentiaire du Maroni (Guyane française, XIXe–XXe siècle)', in *Enfermement III, le genre enfermé, hommes et femmes en milieux clos (XIIIe–XXe siècle)*, ed. Isabelle Heullant-Donat (Paris: Publications de la Sorbonne, 2017), 105–125.

- 52 The complete collection of the *Notices sur la déportation, la transportation et la relégation à la Guyane française et à la Nouvelle-Calédonie* (from 1852 to 1912) is available on Criminocorpus: ‘Notices bagnes coloniaux’, *Musée Criminocorpus* (2017) <https://criminocorpus.org/fr/ref/118/23/> (accessed 28 august 2017).
- 53 Michel Pierre, ‘Les Algériens au bagne de Guyane’, *Histoire de la justice* 26 (2016): 171–187.
- 54 The *Notices* use categories such as ‘European’, ‘Arab’ and ‘Black’, but do not specify the colony of origin of the *transportés*.
- 55 Danielle Donet-Vincent, *De soleil et de silences. Histoire des bagnes de Guyane* (Paris: La boutique de l’histoire, 2003), 93. See also Danielle Donet-Vincent, ‘De l’esclavage et du bagne en Guyane française’, *Revue d’histoire du XIXe siècle* 18 (1999) <http://rh19.revues.org/149> (accessed 7 February 2017); Pascale Cornuel, ‘Guyane française: du “paradis” à l’enfer du bagne’, in *Le livre noir du colonialisme, XVI–XXIe siècle: de l’extermination à la repentance*, ed. Marc Ferro (Paris: Fayard, 2003): 208–219; and Michel Pierre, ‘Aux origines du bagne ou le temps de l’utopie’, *Actes. Cahiers d’action juridique trimestriels*, nos 45/46 (1984): 67–69.
- 56 On convict shipment, see Franck Sénateur, Bernard Cognaud and Paul Mauro, *Martinière: Le Transport des forçats (1910–1955)* (Rennes: Marines Éditions, 2008). See also Jean-Lucien Sanchez, ‘Les convois de forçats en direction des bagnes coloniaux: l’exemple de la Martinière’, in *Fureur et cruauté des capitaines en mer*, ed. Pierre Prétou (Rennes: Presses Universitaires de Rennes, 2012), 236–251.
- 57 *Notices sur la transportation à la Guyane française et à la Nouvelle-Calédonie publiée par les soins de son Exc. M. l’amiral Rigault de Genouilly, ministre de la marine et des colonies* (Paris: Imprimerie Impériale, 1869), 16.
- 58 About the health conditions of the convicts in French Guiana and New Caledonia, see the testimony of Dr Léon Collin, *Des hommes et des bagnes. Guyane et Nouvelle-Calédonie, un médecin au bagne, 1906–1913* (Paris: Libertalia, 2015). See also Claire Jacquelin, *Aux bagnes de Guyane. Forçats et médecins* (Paris: Maisonneuve & Larose, 2003).
- 59 Louis-José Barbançon, ‘La “Nouvelle”: le bagne des antipodes’, *L’histoire* 64 (2014): 33.
- 60 Louis-José Barbançon and Christophe Sand, *Caledoun. Histoire des Arabes et Berbères de Nouvelle-Calédonie* (Nouvelle-Calédonie: Association des Arabes et Amis des Arabes de Nouvelle-Calédonie, 2013), 36.
- 61 Isabelle Merle, *Expériences coloniales: La Nouvelle-Calédonie, 1853–1920* (Paris: Belin, 1995), 62. See also Isabelle Merle, ‘La Nouvelle-Calédonie, 1853–1920. Naissance d’une société coloniale’, *Cahiers du Centre de Recherches Historiques*, no. 11 (1993): 17–26; Isabelle Merle, ‘The Trials and Tribulations of the Emancipists: The Consequences of Penal Colonization in New Caledonia, 1864–1920’, in *France, Oceania and Australia: past and present*, ed. Robert Aldrich (Sydney: University of Sydney, 1991), 39–55; Isabelle Merle, ‘Les vagabonds de la colonie: misère et exclusion des libérés du bagne calédonien’, in *La Nouvelle-Calédonie ... d’avant 1914*, ed. Association Pacifique (Ministère des DOM-TOM) (Paris: Editions Pacifique, 1992), 76–78; Robert Aldrich, *The French Presence in the South Pacific, 1842–1940* (London: Palgrave Macmillan, 1990).
- 62 Barbançon, ‘La “Nouvelle”’, 33. On prison guards in New Caledonia and French Guiana, see Stephen A. Toth, ‘The Lords of Discipline. The Penal Colony Guards of New Caledonia and Guyana’, *Crime, Histoire & Sociétés/Crime, History & Societies* 7, no. 2 (2003): 41–60.
- 63 Barbançon, ‘La “Nouvelle”’, 33.
- 64 Barbançon and Sand, *Caledoun*, 86.
- 65 *Ibid.*, 89.

- 66 See Jean-Lucien Sanchez, 'Histoire de la récidive en France (1791–2011)', *Musée Criminocorpus* (2013) <https://criminocorpus.org/fr/ref/25/16939/> (accessed 30 January 2017).
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The Dutch East India Company in Asia, 1595–1811

Matthias van Rossum

Introduction

One morning in the middle of December 1728, around eight o'clock, the convict Pieter Ewouts from Middelburg was ordered 'with several other convicts' to walk from the convict barracks in the artisans' quarter of the Dutch colonial city of Batavia to the artillery. The convicts walked through the city chained in pairs. Pieter was also in chains, which 'linked him to another European'. Only two months earlier, he had been a young sailor on the Dutch East India Company (Verenigde Oost-Indische Compagnie, VOC) ship *Coning Carel*. He was brought before the *Raad van Justitie* (Court of Justice) of Batavia after he had stabbed a fellow crew member during a drunken fight in the city. The Court of Justice sentenced him 'to be fiercely beaten and consequently put in chains in order to be banished for the period of three consequent years of labour at the Company's public works without payment'.

After the convicts arrived at the artillery that morning, they were commanded 'to unload heavy planks from a vessel lying behind the artillery and to carry them in'. It was during this work that Pieter's chains had broken loose. He would later claim that 'one of the heavy planks had fallen on the chain', causing 'one of the shackles to bend' and break. Pieter and his fellow convict did not hesitate. 'Together they left the artillery and swam across the river', in the words of Pieter's later testimony before the Court of Justice of Batavia. They 'came on land again near the *Hoenderpassersbrug*' (chicken market bridge), where Pieter and 'the European left each other without ever seeing each other again'.

Pieter declared he had 'ever since this time sought to flee from here [Batavia] and in the meantime he had been here and there during the day, while at night he had slept at the Company's equipage wharf in the vessels that laid on the ridge to be worked on, until yesterday when he was caught'. Captured as a runaway convict, Pieter Ewouts was again brought before the Court of Justice. The prosecutor pointed out that – freeing himself from his chains – he had violated the earlier sentence of the court and demanded that he serve an extra two years of convict labour. Perhaps because Pieter had not been found guilty of crimes such as theft or violence during his escape, the

Court of Justice decided to convict him 'to the period of one year in addition to his previous banishment'.¹

This chapter studies the practices of convict labour and transportation in the Asian empire of the Dutch East India Company in the seventeenth and eighteenth centuries. The VOC was created in 1602 from several smaller Dutch trading initiatives that had started to sail to Asia from 1595 onwards.² Soon after its foundation, the Company would become a key player in trade and imperial politics throughout maritime Asia. The Estates General of the Dutch Republic gave the Company monopoly rights for trade *on* as well as the trade *within* Asia, and it granted it sovereignty rights to act on behalf of the Republic in relation to foreign powers and its settlements and subjects. The construction of the VOC was an explicit part of the strategy to shift the theatre of the independence war between the Dutch Republic and the Iberian empires to Asia. As a Company-State, the VOC always combined mercantile, military and governmental functions. In the Batavian Revolution, the VOC was nationalized (1795) and formally dissolved (1798), but its trade charter and overseas governmental structures would last much longer. At the height of its influence, roughly from 1640 to 1750, the Company combined extensive territorial control in regions such as Java, the Banda islands, the Moluccas, Ceylon and Southern Africa (the Cape of Good Hope) with trade and politics in regions where it exerted less influence. This led to a variety of other arrangements, ranging from the possession of forts or settlements (Malacca) to factories and trading houses, as in Canton (China), Deshima (Japan) and Surat (western India). Until deep into the eighteenth century, the VOC operated the largest merchant fleet throughout Asian waters.³

The study of penal practices of the VOC has been taken up mainly from the perspective of 'banishment' or 'exile' and has focused strongly on the Cape of Good Hope, especially Robben Island.⁴ It has also shown the extensive interaction and mobility between Robben Island and other punitive sites at the Cape.⁵ Case studies for other places are limited, and have been restricted to Batavia and Galle (Ceylon).⁶ Further research has explored the history of penal connections between Batavia and the Cape, drawing attention especially to the banishment of princes and local royalties.⁷ It is important to note that in all these studies, 'banishment' has almost exclusively been understood as a form of 'exile'. This explains why, for example, Kerry Ward only distinguishes between banishment 'to the fatherland', 'to a specific place within the Company's realm' and 'to banishment outside' the VOCs realm, without explicitly referring to the possibility that punishments labelled as banishment were executed locally with less degrees of mobility.⁸ This explains why historians have seen some islands, like that of Edam (Batavia), more 'as a prison and holding site for prisoners and exiles waiting for the next departing fleet', rather than as a convict island that had its own specific function as a site of punishment (especially the rope factory).⁹ Although studies acknowledge the existence of other circuits of penal transportation, the focus on elite convicts and the notion of 'exile' has remained very persistent.¹⁰

This chapter will show that patterns of transportation and the employment of convicts were more complex than has been recognized. It will improve our understanding of VOC penal practices by shifting the perspective back to the relation between local, regional and intercontinental penal practices, and the links between

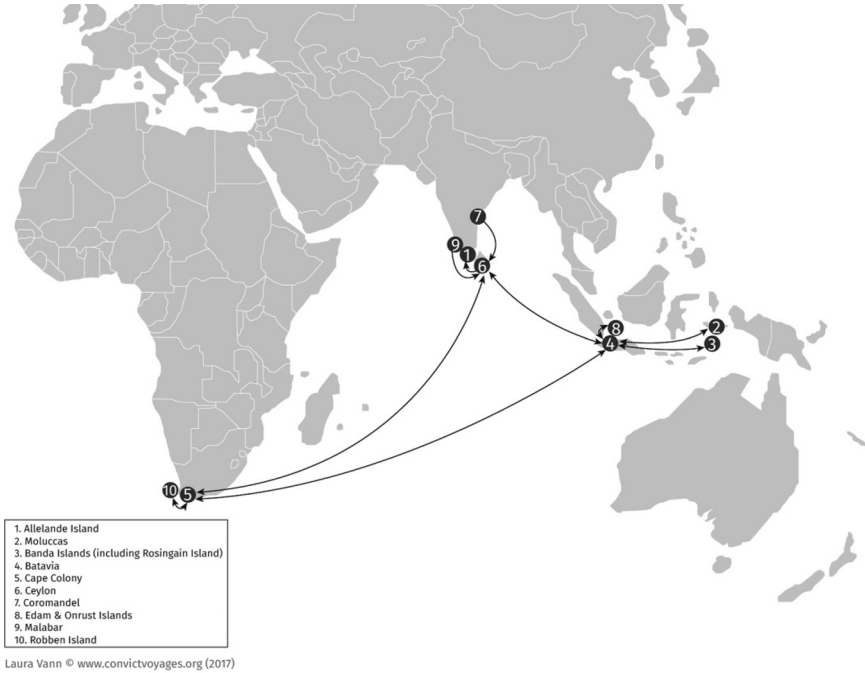
(judicial) punishment, convict labour and banishment. It provides an overview of the penal system of the VOC by exploring these different circuits of convict placement and the variety of convict labour sites. It reveals the importance of penal hard labour and the particular meaning of 'banishment' in the context of the VOC and its local, regional and intercontinental penal circuits and legal systems. The penal system of the VOC was much more complex than the practice of exiling rebellious kings and nobles to Ceylon or Robben Island. Convicts from different parts of the Indonesian archipelago, India and other parts of Asia were placed in sites throughout the VOC empire. These could be urban sites, such as the *gemeene werken* (public works) in the middle of Company settlements, or isolated islands, for example Edam. The circuits of convict labour and transportation were closely linked to the circuits of justice created by the Company. In contrast to the later colonial state period (from 1816 onwards), the number of convicts was not large – perhaps totalling a few hundred or thousand convict labourers at any one time. The function of convict labour in this VOC-period, however, should be viewed especially through its strategic role with respect to upholding various (coercive) labour regimes. The punishment of hard labour was used to discipline contract, *corvée* and slave labourers.

This chapter points toward the existence of local and regional circuits of convict labour and (dis)placement that were much larger than intercontinental convict flows. The penal system did bring about important connections between the different ends of the VOC empire, most notably Batavia and its islands Onrust and Edam, the region of Ceylon (and the Coromandel Coast), the Cape of Good Hope and the Banda Islands. Most connections or contacts, however, came into existence through the placement of convicts who had been transported over long distances amidst much larger groups of local and regional convicts. Furthermore, it is important to note that the penal system of the VOC was never explicitly directed outwards – convicts were not only exiled from the centres to the fringes of empire (from Batavia to Robben Island, for example). The VOC system of convict labour and transportation was always multidirectional – with similar numbers of convicts being sent from Ceylon and the Cape to Batavia – and directed inwards as much as outwards – with perhaps the most important convict islands located at the heart of the empire, in the bay of Batavia (Map 6.1).¹¹

Banishment and convict labour in the Dutch Asian Empire

In order to understand penal practices under the VOC, it is crucial to note that convict labour, banishment and exile were not distinct punishments. In rare cases Company courts would inflict the punishment of banishment outside all forts, cities and places under the jurisdiction of the Company. Or, they would rule that a Company subject would be sent back to the *patria* (Dutch Republic) – often after having served another punishment. Breaking this prohibition by 'return to the area of the Honourable Company after having been banned' was actively prosecuted by the Company.¹²

'Banishment', however, unlike exile, did not generally or specifically refer to removal from a specific location. The essence of the punishment was rather to *ban a convict*



Map 6.1 Convict islands and long-distance convict transportation under the Dutch East India Company

from (his or her former position in) society or normal Company life.¹³ Sentences that were referred to as *banishment* by Company officials, therefore, did not necessarily entail movement over large distances. The case of Pieter Ewouts that opened this chapter is telling in this respect. He was convicted to work in chains in the artisans' quarter (*ambachtskwartier*), which was located in the urban centre of Batavia. This was referred to as 'banishment'.¹⁴

Further, sentences of 'banishment' – whether the convict was transported or remained in their place of conviction – always included penal labour. Convicts were taken to public works, or other locations, where they lived and worked in or without chains.¹⁵ After having deserted for three years, in 1747, for instance, the 'Moor' (South-Asian) sailor Ramiam received the following sentence in Bengal: 'banishment in order to work in the rope factory on the island Edam for a year'.¹⁶ In 1760, the sailor Phillip de Bertherand from Luxemburg was convicted to be 'sent off locked in chains to the Island Rosingain in Banda, or somewhere else by the order of the Honourable High Council of India, as a *pernicious and unworthy subject of human society*, in order to work there for fifty years *ad opus publicum* (for the public good) without wages and to remain in banishment'.¹⁷

Banishment and 'chain'-sentences (*kettingstraffen*) all implied hard penal (convict) labour in public works that could be either local or on the other side of the VOC empire.

Geographic dislocation could be part of this sentence, but this was not necessarily the case. The sentence was used as a way to mark convicted people as marginal and dishonourable. This in itself was seen as a form of banishment. In combination with the imposition of labour that was even harder than most workers would normally endure, this reflects the disciplinary value of a sentence mostly for sailors, soldiers, slaves and other workers. The main exception to this may have been the well-studied exiled rebellious indigenous royalties. They were sent to regular convict sites (mostly Ceylon, Robben Island, Edam, Rosingain), but were exempted from work, enjoyed small allowances and were allowed to bring some of their belongings, family and entourage.¹⁸ So what then can we learn about the functioning of this system of penal practices and transportation?

The development of penal practices combining the disciplining of workers through convict labour and a specific interpretation of banishment can be traced back to the very beginning of the activities of the VOC in Asia. The city regulations of Batavia, collected and renewed in 1642, mention that 'no person [of the militia] shall leave his guard without the consent of his officer [and] anyone who will be found to have been absent from his guard at night will be whipped [and] after repetition [he will] also be banished without wages for the period of five years to work on a ship bringing in stones.'¹⁹ Similar punishments were employed for 'any deserter, fugitive or runaway.'²⁰ And a few years before the establishment of the city regulations, the same punishment was ordered for anyone found damaging sugar cane on the plantations outside the city.²¹ These regulations ordered that the convicted should be 'locked in chains and banished *ad opus publicum* (to the public works).'²²

This punishment, chained convict labour (*kettingstraf*), was by far the most common sentence issued in the VOC empire. A surviving list of criminal sentences executed by the Court of Justice of Batavia, during a nine-month period in 1718, provides a rare insight into how frequently different punishments were employed. Of the forty-seven defendants who were convicted in a total of thirty-three criminal court cases 'related to the interest of the Company', the Court sentenced almost half, twenty-two persons, to labour in chains. Other sentences included the death penalty (four persons), banishment from the VOC empire or repatriation (four persons), demotion from rank and entitlements (seven persons) and fines (ten persons).²³

This was not only the case in Batavia, the centre of the overseas VOC empire, but in other settlements too. The records of the Court of Justice of Cochin, in Southwest India, indicate that 31 per cent of the 483 sentences (preserved in the files of 284 court cases) entailed convict labour for several years or the rest of the convict's life. One fifth of the sentences ordered banishment from the city or exile from VOC territories.²⁴ In Galle, located at the southern point of Ceylon, the Court of Justice dealt with twenty-two criminal cases in the period 1776–1786. Twenty of these cases involved fifty-nine suspects. Only six of them were discharged as innocent. Five were convicted with a fine – in the case of three sailors this was combined with the physical punishment *laarsen* (to be thrown from the bow of the ship into the water) – and two petty officers were degraded to the position of sailor.²⁵ Five people were sentenced to death (all of them were Asians, either locals from Ceylon or soldiers from Southeast Asia). Only three were banished from the jurisdiction of the VOC. As in Batavia, *kettingstraf* was

the most common punishment, and a total of thirty-two suspects were so sentenced. Excluding one sentence of life and one of unknown duration, the average length of this punishment was almost fourteen years (Figure 6.1).²⁶



Figure 6.1 Chained convicts at work, Cornelis de Bruyn, c. 1701–1711

Source: Rijksmuseum Amsterdam, RP-T-1964-364-8(V).

Circuits of law – Circuits of labour

The penal practices of the VOC were marked by a strong relationship between different legal systems and the different spatial scope of punishments. The judicial system of the VOC operated on three levels, all intimately linked with maintaining social order and regulating labour regimes. This resulted in three main routes through which people entered the convict system: (1) through criminal courts (*Raad van Justitie*; *Schepenbank*); (2) through the direct authority of magistrates (directors, governors, overseers of *corvée* (obligated) labour); (3) through domestic law (the authority of the head of the household and/or slave owner).

For the first route, the variety of *legal courts* throughout the VOC empire was large. Every VOC settlement had a *Raad van Justitie* (Court of Justice), dealing with criminal (and civil) cases that involved Company personnel or Company interests.²⁷ In Batavia, there was also the *Schepenbank* (Court of Aldermen), which heard cases that involved other elements of the population.²⁸ Similar courts were present in regions where the VOC exercised authority over significant territories and populations, such as the *landraad* (Land Council) in (rural) Ceylon. Many VOC settlements, such as Galle, Colombo and Jaffna, also had separate civil courts.²⁹

The second and third routes are of crucial importance in understanding *local* convict systems and the dynamics that developed outside the sphere of legal courts and criminal justice. Magistrates' law bestowed many higher and lower Company officials with what could be called *discretionary authority*, giving them powers to execute punishment without elaborate or formal court procedures. This power extended from the highest officials in the service of the VOC, including governors, *commandeurs* (commanders), fiscals and the *landdrost* (bailif), to lower officials, who directly supervised specific work places. It was, for example, explicitly stated that the *dessave*, a *landdrost* functioning as head of a rural district on Ceylon, had the right to 'correct common delicts such as absence, misuse, etc, with fines, punishment with the *rotan* (rattan stick) or *sjambok* (whip), and also confinement in chains.'³⁰

Thirdly, *domestic law* gave slave owners the authority to punish their enslaved subjects with 'domestic and civil punishments'. These included whippings or beatings with the *rotan*. Formally, slave owners were not allowed to 'lock their slaves in chains, jails or otherwise.'³¹ They were allowed, however, to confine them and transfer them to the Company – which could lock them up or make them work on the *gemeene werken*, together with convicts.

The penal system dealing with the hard labour convicts produced by these different legal systems enforced punishments on three levels: (1) local employment of convicts in public places and work sites in the places where they had been convicted; (2) regional transportation to the public work places of other cities; and (3) long-distance intercontinental transportation to isolated places such as islands. The practices of transportation and confinement were related to the duration of punishments and the legal routes through which they entered the penal system.

People punished for minor offences by masters, officials or courts received punishments entailing chained convict labour for periods of short to medium duration (several weeks or months to five years). Making up the bulk of the convict

population, these convicts were sent mainly to local destinations, such as the *gemeene werken* of the settlement. These local, regional penal circuits were much larger than the intercontinental circuits of penal transportation. As long as they were not sold or confiscated, slaves sent to convict labour by their masters (based on domestic law) remained locally, and were placed on the public works of the respective settlements. Convicts sent to hard labour through the discretionary authority of Company officials remained either on the local or regional level.

These regional routes supplied the VOC with large numbers of convicts. As cases from eighteenth-century Ceylon indicate, Company officials actively used their right to send offenders into convict labour outside the procedures of legal courts. In October 1758, for example, Jan Lubertsz Dijkhof, the overseer of the *gemeene werken* of Galle, 'locked in chains, in order to work on the Company's public works until further notice, the cinnamon peelers with the names of Deur Pedroe and Attenekittie don Simon for the reason of absence from their obligated duties'. Three days later, Talapitil Christoboe was sentenced to labour on the public works for the same reason.³² These men were not convicted by the Court of Justice but were sent there 'by the Honourable Commander'.³³ In the same month, the Sinhalese men Simon and Baka were sentenced by the Court of Justice in Galle to be locked in chains and placed on the public works for the period of five and three years respectively.³⁴

The convicts punished by Company officials in Ceylon all remained on a local or sometimes regional level, being sent from rural Galle to its urban *gemeene werken*. The administration of Galle's *gemeene werken* provides an interesting insight in the scale and the effects of these different routes into the convict system. In August 1745, for instance, the workforce of the *gemeene werken* of Galle consisted of 138 slaves, 23 Chinese convicts and 35 other convicts. Of the latter, five had been convicted by the commander, mostly for disobedience, deceit and desertion, seven convicts had been sent in by the fiscal, mostly for desertion, theft and deceit, and fourteen had been convicted by the overseer of the Mahabadde (the obligatory cinnamon tax for a group of villages around Galle), mostly for absenteeism or failure to pay taxes. The Court of Justice convicted only nine of them.³⁵ In another example from 1750, the workforce of the *gemeene werken* consisted of 119 slaves and 108 convicts. The Court of Justice had sentenced just thirty-six of the convicts, a very diverse group of slaves, contract workers and women, from European, Sinhalese, Javanese and other origins. The *commandeur* and the *fiscaal* sent the rest of the convicts to the *gemeene werken*. Some were 'Moors', but most were local Sinhalese.³⁶

Only the convicts sentenced to banishment and hard labour by the various legal courts of the VOC could end up in local, regional or intercontinental circuits. The decision on the place where convicts were to serve their sentence was left to either the governors or the governing councils under which legal courts resided. This means that it can be difficult to trace convicts' final destinations. Nevertheless, the sentencing practices of the Courts of Justice in Batavia and Galle provide important insights into the penal practices of the VOC.

Out of the twenty-two persons convicted to chained convict labour by the Court of Justice of Batavia in 1718, for example, six were ordered to serve part of their sentence on the island of Rosingain (Banda archipelago). They had all been sentenced

to relatively long sentences (six to ten years), often for repeat offences. Most other convicts sentenced to convict labour by the Batavian Court of Justice remained locally, and were sent to the *ambachtswartier* of Batavia. Five out of the six prisoners transported to Rosingain were even convicted after a failed attempt to escape the *ambachtswartier* where they had been working as *kettingganger* (convict labourers). One of them, Jan Hendriksz Stok from Sardam, had been convicted in Batavia for theft only a few months earlier, when he was working as a sailor on the ship *Nieuwburg*. He was sentenced to two years' convict labour, without any reference to the place where this was to be served.³⁷ Transportation to Rosingain, therefore, functioned as both a more severe punishment and as a secondary punishment for convict runaways.

For Galle, more information is available on the practices of convict placement, because the governor or council of Colombo approved the sentences of the Court of Justice. In addition, they decided convicts' destinations. The orders from Colombo therefore provide information on both slight changes in sentences and their execution. The case of the family of the Christian man Ihellepittie Widjediere Philip Gammea shows some of these dynamics. They were villagers living in Makawitte near Matura, and were convicted for the murder of Lokoe Appoe. The Court of Justice of Galle sentenced Ihellepittie and his son Meddewatte Gammege Wattoe to death. The wife of Ihellepittie, Mahawitte Hewagammege Adonsa, was sentenced to be flogged, branded and 'put in chains in order to work at the public works of this city for the rest of her life'. The wife of his son, Balegammege Balehamie, and the daughter and sister of Meddewattegammege Poentjihami, were sentenced to flogging and public works in chains for ten years. In Colombo, this sentence was approved, though Mahawitte's life sentence was reduced to ten years, while Balegammege and Meddewattegammege were to serve only five years. The governor ordered that they be sent to the *gemeene werken* of Galle.³⁸

For the period 1776 to 1786, the approvals and orders from Colombo to the Court of Justice in Galle have been preserved. They provide details of the operation of the punishment of transportation. As seems to have been the case in Batavia, most convicts remained in Galle (twenty-two of the thirty *kettingstraf* convicts for which a destination is known). Fifteen others were sent to work on the *gemeene werken* and four to labour in the city's *materiaalhuis* (storage house). Colombo ordered just two convicts to Colombo, two to Jafnapatnam (in the far north of Ceylon), two to the island Allelande (near Tuticorin, Southeast India) and one each to Robben Island and the island of Rosingain (in the Banda archipelago).

Similar to the local circuit of domestic and magistrates' law, there was a clear relation between convicts' geographical placement and the duration and severity of the punishments inflicted by Courts of Justice. These patterns are clearly visible in the Galle convict records (1776–1786). On the local level, the twenty-two convicts ordered to remain in Galle to serve their *kettingstraf* were on average sentenced to 6.5 years convict labour, with punishments varying between one and fifteen years. The convicts sent to the *gemeene werken* served shorter sentences. The duration of their sentences was on average 5.5 years. Most sentences ranged between one and five years, with only three convicts sentenced to longer periods (one each for the duration of ten, fifteen and twenty-five years). The convicts sent to the *materiaalhuis* were sentenced to

longer terms, ranging between five and fifteen years (the average duration of these four sentences was 11.25 years). The six convicts transported on a regional level all served longer sentences. The convicts sent to Jafnapatnam (likely to the *gemeene werken*) were sentenced to fifteen and twenty-five years. The two convicts transported to Allelande were sentenced for twenty-five years and for life. The Colombo convicts were both sentenced for fifty years. Finally, the two convicts transported on an intercontinental level, to Robben Island and Rosingain, were also serving sentences of fifty years.³⁹

Though surviving data is limited, it clearly shows that minor offences mainly attracted short sentences performed locally, often in the settlements' *gemeene werken*. More serious crimes often resulted in transportation to a different region. Only convicts sentenced for longer periods of time (in these cases, over twenty-five years) were transported over longer distances. They had often committed serious crimes (murder, mutiny) or were perceived as politically dangerous (such as local nobles). As early modern legal practices provided much space for ambiguity, this relation was not completely consistent. Amongst the convicts sentenced to serve short-to-medium duration sentences (one to five years) in chains in the *gemeene werken* of Galle, for instance, were Ceylonese inhabitants, slaves and Southeast Asian soldiers or *mocquadons* (work overseers) who had committed theft, kidnapping and even murder. Convicts sentenced to longer punishments had committed similar offences. Several thieves were transported for longer periods to Allelande, Jafnapatnam and Robben Island. Convicts tried for murder could be sent to Colombo, Rosingain or remain in Galle.

The status of the convict was of crucial influence on the sentence inflicted by the courts. Both very high and very low status could have an aggravating effect on the duration and the location of the *kettingstraf*. Offenders who were already *kettingganger* when they committed a crime (usually theft) were given lengthy sentences (at least ten years in addition to their prior punishment), and were often relocated to far away islands. In 1777, for example, Rejap, a twenty-five-year-old convict from Samarang in the *gemeene werken* of Galle, was convicted for breaking into the city's ammunition store. He was sentenced to work for the Company for life in chains by Galle's Court of Justice. The Council of Colombo then ordered his shipment to the island of Allelande.⁴⁰

European convicts who committed what were considered as serious offences (assault, murder, corruption), were also more likely to be transported to far-distant locations, especially convict islands. In 1779, for example, the captain of the militia Joan Godfried Pauli from Leipzig was convicted for an assault on Corporal Joseph Diederich. Galle's Court of Justice sentenced him to run the gauntlet (*spitsroede*) six times with a battalion of 144 men, deportation to the Dutch Republic and discharge from service. The governor and court in Colombo, however, were 'very displeased with the procedure and the sentence', and sentenced him to fifty years' banishment and hard labour on the island of Rosingain. This was approved by the Court of Justice of Batavia, which concluded that 'fiscal De Moor of Galle had not performed his duty [in] demanding a military punishment against a murderer'.⁴¹

The sentences issued by the Court of Justice of Batavia in 1718 indicate similar patterns. Five of the convicts sent 'in chains' to Rosingain had been *kettinggangers* in the *ambachtskwartier*, convicted of theft, violence and an attempt at escape.⁴² The other man sent to Rosingain as a convict labourer was the Maltese sailor Jan de Vis,

who was convicted for sodomy, an offence that was taken very seriously by the VOC.⁴³ The rest of the lengthy sentences (of six to ten years) were bestowed upon Europeans for *kwetsen* (assault including attempted murder). One slave was also sentenced to six years' convict labour in chains for this offence (on another slave). It is also clear that the death penalty was more often used for slaves. For example, three slaves from Solor were given capital sentences for the offence of breaking, entry and theft. One European soldier received the death sentence for assaulting and hurting a sailor. This compares to Galle (1776–1786), where death sentences were also bestowed upon the Ambon convict Mosoe Robo and the soldier Saijar Krokot, both for murder.⁴⁴

Gemeene werken, mines and *tuchthuizen* (houses of discipline)

As hard labour was the most important punishment employed in the VOC empire, a range of sites were used for the employment of convicts. These places were located in both urban and remote rural environments. Public work places called the *gemeene werken* existed in almost every VOC town. To work *ad opus publicum* in this context, of course, meant to work for the profit of the Company. The convicts performed labour on roads, canals, forts and other general works. Often, they worked together with slaves and (in Ceylon) local *corvée* workers. In many Company towns, convicts sentenced to the *gemeene werken* were placed in other urban locations as well, mainly in storage houses and artisan work places. Although little information is available on the exact nature of convict work, this was the case, at least, in Colombo, Cochin and Banda Neira (Indonesian archipelago).⁴⁵

In Batavia, many convicts were housed in the *kettinggangerskwartier* (chain-gang labourers' quarter), later also referred to as the *kettingbaai* (chain-gang labourers' bay). This was part of the larger *ambachtskwartier*, where in total some 1,000 convicts and slaves worked. The convicts were used for various tasks throughout the city. This included work in the *gemeene werken* and *artillerij* (artillery), and the building and repair of roads, bridges and canals.⁴⁶ In 1760, for instance, some forty convicts were at work in Galle, mainly employed in the building and repair of the fort but also stationed in the *materiaalhuis* and the *smederij* (blacksmiths').⁴⁷ At the Cape of Good Hope, convicts were placed both in the *gemeene werken* and *batterij*. In 1728, for instance, there were thirty-seven convicts in the latter – all male, and of European, Asian or African origin. Only four convicts were placed in the *gemeene werken*, two European or *mestizo* women, and one male and one female slave.⁴⁸ In 1729, they were joined by sixteen slaves. They had been sentenced to one year's labour on the *gemeene werken*, following a prior year's imprisonment in the 'slave lodge'.⁴⁹

In various sites, convicts were isolated from (urban) society. This was in part due to the nature of their work in remote locations. Convicts were employed, for example, in silver and gold mines. These included the Crawang mines (Java) and the Perak mines (Sumatra). In the late seventeenth century, the working population of the mines of Silida (Sumatra) also included a small number of convicts; in 1691, for example, they numbered six.⁵⁰ In the Silida-mines, the VOC preferred the labour of several hundreds

of enslaved workers from Nias, Madagascar and other regions, augmented by contract workers, mainly skilled labourers and soldiers.⁵¹ It is possible that the VOC in the region used slave and perhaps convict labour as well.⁵² Indeed, we know that in 1733, for example, convicts were employed in mines, unchained.⁵³ Other isolated places were in use as well. Towards the end of the century, for example, the Company built a general *banditenplaats* (prison) near Banjoewangi, east Java. The region had been placed under the direct control of the VOC only from 1772 onwards. The military post and prison seem to have been established by the 1790s.

In other cases, the isolation of convicts was the result of the separation of the mentally ill (*gestoord* or *krankzinnig*). Indeed, there was a precedent with respect to slaves in Batavia; those who were considered 'out of their mind' were placed in the Chinese hospital in order 'to prevent accidents that could be caused by insane slaves.'⁵⁴ The *tronk* (jail) functioned as a local site of temporary incarceration. It was mainly used for people that were suspected of committing a crime or offence, such as slaves suspected of running away. It was also used, however, for people who were declared temporarily insane. In 1785, for example, the Buginese slave Kroro, owned by the merchant Meijer, was locked in the Batavian *tronk* for a month, on the order of the merchant's wife, because, she claimed, 'he had been deprived of his senses.'⁵⁵ Other places were in use as well. In Galle, in 1751 it was ordered that the Sinhalese Atturliegeij Dingie Nainde be locked in the *materiaalhuis*: 'to be secured and banished there for the rest of his life'. The insane man, they noted, 'must be locked in the *tronk* during moments of rage.'⁵⁶ In the Banda archipelago, during the same period, a small island near Rosingain was used to confine a group of 'collected and crazy nine slaves.'⁵⁷

As we have seen, women were sentenced to the local *gemeene werken* and islands such as that of Edam to serve their sentences side by side with male convicts.⁵⁸ Some female convicts were placed apart, however. The *tuchthuis* (house of discipline) in Batavia functioned as a place of confinement for Christian women from the entire VOC empire. City regulations ordered that 'unruly' women and female prisoners should be sent there. They had to earn their living by working on the order of the *regent* or 'mother' of the house.⁵⁹ Other Company towns, for example on the Malabar coast (Cochin), Coromandel coast (Nagapatnam, Paliacatte) and Ceylon (Colombo, Galle), did not have *tuchthuizen*, and so sent female convicts to that of Batavia.⁶⁰ In January 1699, for example, the Court of Justice of Paliacatte (Pulicat) sentenced the Christian woman Catharina Galban to be so banished for six years, for 'having committed impurities with a heathen pariah.'⁶¹ The Council of Coromandel in Nagapatnam annulled the sentence due to her young age.⁶² The *tuchthuis* was a very small institution, housing women who were under punishment for 'forgetting their honour.'⁶³ In 1705, for instance, only five women were confined in the *tuchthuis* of Batavia. Three were locals, and one each came from Macao (China) and Bantam (Java). The sentences varied from one year to life or 'until further notice'. Their names seem to indicate they were mostly women of *mestizo* or European descent: Joanna Cordosa, Adriana Jansz and Aletta Abrahamsz from Batavia, Mina from Macao and Meytsily from Bantam.⁶⁴ In July 1713, in total six female prisoners resided in the *tuchthuis*. Their children were placed in the *arm-en weeshuis* (poorhouse and orphanage),⁶⁵ while they were put to work at domestic tasks such as making clothing for the Company.⁶⁶ The

gendered division of work and confinement in the *tuchthuis* seems strongly related to the notion of respectability. In contrast to the separate treatment of Christian European and *mestizo* women, however, Asian and non-Christian women would be imprisoned and sent to regular sites of punishment such as public works and convict islands.

Convict islands

The practice of placing convicts in different work places – either locally, regionally or intercontinentally – was complemented by the practice of sending them to prison islands. Fulfilling a pivotal role in the VOCs convict system, these islands developed their function as places of confinement and employment in the second half of the seventeenth century. The Company further intensified its use of prison islands over the eighteenth century.

Robben Island (Cape of Good Hope)

Robben Island, located off the coast of the Cape of Good Hope, seems to have been the earliest place of banishment for convicts, from the middle of the seventeenth century onwards. Although important, it was not the largest convict island. Its history is better known than the other VOC-convict islands, however, as it remained in use in later periods.⁶⁷ Already in 1611, the English East India Company had formulated plans to ship convicts (from Europe) to the Cape of Good Hope. The first ten were shipped in 1615, and fled to Robben Island, fearing the attacks of the Khoikoi on the mainland. The experiment failed and ships passing the Cape took the convicts away. From the late 1650s onwards, the Dutch employed Robben Island as a convict site.⁶⁸ The size of the convict population seems to have been comparable to the smaller island of Rosingain, rather than the large prison island of Edam. In 1730, for example, forty-seven convicts were confined on Robben Island.⁶⁹ They were mainly Europeans (twenty-nine), sent from Cape Town (sixteen) and Rio de la Goa, near present-day Maputo (seven), and only sometimes from Batavia (two) and Ceylon (two).⁷⁰ A smaller number of Asian and African convicts were sent from Cape Town (seven), Batavia (six), Ceylon (three) and Coromandel (two). They were ‘Moors’ (three), slaves (six), *mestizos* (one), Sinhalese (one), Chinese (one), and former rulers (two).⁷¹ Convicts on the island cut stone and collected shells; the latter for the manufacture of lime (for mortar). European convicts may also have been involved in hunting, as indicated by the presence of seal slaughtering knives.⁷²

Edam (Bay of Batavia, Java)

The island Edam, lying just off Batavia, was by far the most important island for the confinement of prisoners by the VOC. It first brought Edam into use in 1685, when it was described as ‘untamed’.⁷³ The island was given to *Gouverneur-Generaal* Joannes Camphuys in order to ‘clean it and to make it into a hunting ground with all different

kinds of wild animals.⁷⁴ In September 1685, Camphuys visited the island to inspect the new hunting grounds and was said to have ‘enjoyed his meal there.’⁷⁵ In the years after, the island was used for recreational visits and diplomatic receptions.⁷⁶ It did not take long before it also started to play a role in the hard and pragmatic power politics of the Company. Already in 1688, Tonkenak, the king of the *negorij* (village) Raccauw, had been placed on the island with his followers ‘in order to be maintained and stationed there.’⁷⁷ He had been sent up from Timor in the aftermath of local rebellions.⁷⁸ It was reported in 1686 that he was suspected of a ‘ceremonial conspiracy [with others] in order to execute a never-ending hostility against the Honourable Company.’⁷⁹ In 1689 he was ‘locked in chains,’ and ‘transferred to Batavia.’⁸⁰ The characteristics of the island, isolated and cleared for recreational purposes, seem to have made Edam suitable for such high-placed prisoners and exiles.

The use of the island, however, did not remain limited to this purpose for long. Although Edam seems to have retained its function as a place for imprisoned Asian royalty during the eighteenth century, either as exiles or a holding post for convicts sentenced to transportation to the Cape of Good Hope or Ceylon, the island also became a destination for ordinary convicts.⁸¹ References to the transportation of non-elite convicts to the island can be found as early as 1703. In July of that year, for example, twenty-one slaves were sent there to work, ‘until the departure of the ships to Ceylon.’⁸² In November 1703 and again in 1705, it seems that convicts were sent to Edam, not to await transit, but as a transportation destination.⁸³ In 1705, the VOC installed a sawmill, for convict works.⁸⁴ More importantly, around the same time, the island became the site of a large rope factory.

Edam became one of the most important sites for detaining Asian and European convicts in the nineteenth century. The free workers, convicts and slaves stationed on the island were employed in the rope factory, carpentry, logging wood and other work. The *Generale Landmonsterrol* (General Land Muster Role) of the year 1751 provides insight in the composition of the convict labour force of Edam. There were 111 convicts on the island: 40 ‘European Bandits’, thirteen ‘Inland Christian Bandits’ and 58 ‘Inland Unchristian Bandits’. The Asian Christian convicts consisted of ten Asian soldiers and three burghers. The non-Christian convicts were ‘1 inland soldier, 39 Javanese, 3 Buginese, 2 Malabar, 1 Bengal slave, 2 Javanese women, 1 Balinese, 7 Inlanders, 1 Inland woman, 1 Chinese.’⁸⁵ By 1788, the number of Asian convicts had increased to a total of 124. The ‘inland’ muster role mentions ‘124 [Asian] convicts on the Island Edam, being 7 Inland Christian banished, 24 Inland Christian and unchristian female banished, [and] 93 Inland unchristian male banished.’⁸⁶

Onrust (Bay of Batavia, Java)

The nearby island Onrust, also in the Bay of Batavia, was used by the VOC as a shipyard, artisans’ quarter and place of storage. The convicts that were sent from Batavia seem to have been mostly skilled in tasks that were relevant for work on the island. This could range from carpentry to caulking. Regulations from 1752 mention that convicted soldiers would be sent to Edam and sailors to Onrust ‘in order to work in the rope factory and under the flag.’⁸⁷ In 1769 it was ordered that from a group of

convicts sent from the Javanese east coast, the ‘old and worn out’ and the ‘young under the age of fifteen’ were to be released from their chains ‘in order to work more freely, and especially be taught to caulk.’⁸⁸ However, at least after the Fourth Anglo-Dutch War (1780–1784), maps illustrate the existence of a *kettinggangershuis* (house for chained convicts). Convicts were housed there until the early twentieth century.

Rosingain (Banda Islands)

In the Banda-archipelago, the small island of Rosingain was a crucial site for the banishment of convicts from all over Southeast and South Asia. Located just off the largest island, Lontorbesar, it was depopulated by the VOC in the first half of the seventeenth century as part of its aggressive policy to gain a monopoly over the production of nutmeg.⁸⁹ After 1650, the by then desolated island was used to confine convicts. The convicts were employed to collect limestone.⁹⁰ In 1695, the Company drew up plans to plant nutmeg trees.⁹¹ Convicts were sent to Rosingain from Banda, Ambon, Batavia and other parts of the VOC empire.⁹² In 1690, it was reported that thirty-two convicts were on the island – twenty-five Europeans, who were ordered to be recollected and send to the public works of Banda Neira, and seven ‘native bandits,’ ‘whose sentence stated that they had been confined there to seek a living and watch over the post.’⁹³ In 1696, the island hosted some twenty-three convicts. Most convicts (seventeen) performed forced labour and were maintained in their livelihood by the Company. These were mostly men: ten Europeans, three Eurasians (*mixtiesen*, from Batavia and Banda) and four Asians (*swarten* from Bengal, Malacca and Batavia). One woman from Banda received rations, as she was ‘old, disabled and not unfit for any service’. Five others, three men and two women, were ‘outside the service and had to take care of themselves.’⁹⁴ The island was still in use for the confinement of convicts from Batavia and other places at the end of the eighteenth century.⁹⁵

Allelande (Coromandel Coast)

In South Asia, another convict island was in use by the VOC, Allelande, off the southeast coast of India.⁹⁶ Two references in the *Generale missiven*, in 1713 and 1740, locate it ‘near Tuticorin,’ present-day Thoothukudi.⁹⁷ Around the middle of the eighteenth century, there are references to the repair of ships on Allelande, which seem to indicate that there was then a wharf on the island.⁹⁸ The island seems to have been in use from at least the beginning of the century. In 1715, for example, captured messengers from the north of Ceylon, carrying letters from rebels asking for assistance from the king of Kandy, were ordered: ‘in chains to be sent to Colombo, from where they should be banished further to the island Allelande.’⁹⁹ In 1739, it was reported that the *vidae*n (overseer) of the Chalias (*corvée*) workers in the cinnamon gardens had been sentenced to ten years ‘on the wharf on the island Allelande’ due to ‘negligence and covetousness’. Ten other leaders were ‘put in chains immediately’.¹⁰⁰ Shortly afterwards, two *modliars*, district heads of *lascorins* (soldiers), were sent to the island.¹⁰¹

The *Regulations of the rights and duties of the heads and inhabitants in the district of Matura*, implemented from Colombo in 1758 after a local revolt, refer to the island as a place of punishment. They ordered that *pagters* (tenants) could not demand more than the prescribed taxes from the local population, or to tax arbitrarily or when the 'crops are still too young in the field'. If they did so, they would be 'punished with the chain [and convict labour] and with banishment to the island Allelande for 50 years'.¹⁰² In 1776, similar instruction for the surroundings of Colombo, Matara and Galle, especially with regard to the production of cinnamon, referred to punishments in which offenders would be shipped to the island Allelande for five years' convict labour.¹⁰³

Discipline, hierarchy and resistance

The convict islands used by the VOC were places of labour and production, but they were also intended as places of discipline. These two elements came together in 1664, in a proposal to establish a convict island near Batavia. Company officials reported that the city did not have a proper house of correction for those 'who in no other way can be kept from evil'. The house of correction (*spinhuis* or *tuchthuis*) that existed in Batavia was, as we have seen, used only for European and *mestizo* woman. The rest of the (predominantly male) convict population was kept chained in pairs, but the Company claimed that this was insufficient to manage the local population. Both Dutch and others had, it stated, 'too much freedom and too much opportunity to obtain arrak (liquor) and become drunk'. It thus proposed to build a new house of correction 'on the island with the *prahu* (small vessels), wharf and the weavers' workshop, because there the convicts could be used for different kinds of work'.¹⁰⁴

The 1664 plan to develop an isolated *tuchthuis* for male convicts was not realized, although the VOC would continue to develop both the large chain-gang quarter (part of the artisans' quarter) in Batavia as well as the islands of Edam and Onrust as sites for convict labour and punishment. The convicts housed in the artisans' quarter worked outside during the day but were 'kept in chains during the night', in the so-called *ketting baeij* – referring probably to *boei* (prison) or *baaierd* (a place used to house strangers or prisoners). According to one eighteenth-century writer, the prisoners were separated from the Company's slave houses. Male and female convicts also had their own *ketting bay*.¹⁰⁵ Similar arrangements seem to have been in place at the public works of other settlements. At the Cape, most female convicts were housed in the *slave logie* (slave lodge). There they were probably separated from both Company slaves and slave convicts. The convicts placed in the artillery (*batterije*) at the Cape were mainly European males, with included some male slaves.¹⁰⁶ In Galle, similar divisions probably existed in the allocation of convicts over the multiple sites that made up the *gemeene werken*.

The convict islands were marked by similar arrangements, although these differed according to the nature of labour. Edam and Onrust were clearly the most developed of the convict islands, incorporating artisanal workshops, rope factories and wharves.

On Edam, European and Asian convicts were housed separately. European convicts were kept in an attic, probably on one of the larger buildings used as warehouse or workshop. The attic was accessible through a staircase, which could be closed from the outside with a *grendel* (bolt). The Asian convicts were kept in a different location, referred to as the *hok van de inlandse banditen* (the pen of the inland bandits). The island also had a jail (*tronk*) that appears to have been used for disobedient convicts. European employees, mostly sailors and artisans, lived in their own quarters referred to as a *casie* (house or place). The slaves on the island were either accommodated by their European employees or kept in separate places. During the day, the Edam convicts seem to have been able to move around the island (in chains or more freely) in order to go to their work or to the *biermaet* – a place to buy food or extra rations.¹⁰⁷

Convicts on the island of Onrust seem to have been housed in similar ways, including for slaves in their owners' homes or in attics with barred windows.¹⁰⁸ A map of the island drawn by sergeant Barbier in 1803 locates the *kettinggangerslogie* (chain-gang lodge) in the same building as the quarters of a military guard.¹⁰⁹ On the island Rosingain there were fewer built structures and this seems to have influenced the way in which convicts were housed and treated. Indeed, one late seventeenth-century order requested information on 'how and where the bandits are laboring daily', and directed their overseers to find 'a suitable place where they could be locked securely during the night and outside [work] time'.¹¹⁰ On Robben Island, convicts were kept in the *kraal* (pen) or the *bandiet huisje* (bandit house). It is possible that Asian convicts were located in the *kraal* and European convicts in the *bandiet huisje*. The panorama of colonel Gordon, drawn in 1777, only refers to *gevangene logies* (prisoners' lodges), however. These were separate from those of soldiers and overseers.¹¹¹

Both in the urban public works as well as on convict islands, the carceral regime of the VOC leaned on distinctions in the categories of prisoners that were expressed in the way they were chained. These chains were applied and removed by Company blacksmiths, who kept monthly records. Little is known about the penal policy in this respect, but evidence indicates that there were different classes of convicts. Some were kept in chains, usually in pairs, others were not. There were differences between 'long' and 'short' chains and seemingly also between 'light' and 'heavy' chains. Some convicts, especially those who were seen as flight risks, were not fettered to others.¹¹²

Scattered references provide some insights into the distinctions between convicts in these respects. In July 1703, for example, the *dagregister* (daily registers) of Batavia referred to the transportation of twenty-one convicts to Edam. Eighteen of them were Javanese convicts and 'without chains'. The remaining three were 'previously slaves of the burger Van Dyk' and were 'in chains'. With the departure of ships to Ceylon the men – presumably referring to all the convicts – would be 'sent as slaves'.¹¹³ In November of the same year, the Javanese Warga Djewa, who was caught in the Batavian countryside and sent from Cheribon to Batavia, was ordered 'to be locked in chains and put to work with his comrades on [Edam] island'. He would also be shipped off to Ceylon 'as being one of the collaborators of the murdered rebel Radeen Alieth'.¹¹⁴

Such arrangements were not merely expressions of social stratification, but were a crucial part of the VOCs attempts to control convict populations. As the example of Pieter Ewouts indicates, convicts did not willingly submit to the VOCs penal regime.

They tried to escape whenever they could, and even staged collective uprisings in their attempts to run away. For example, though details are sparse, we know that a group of (presumably convicted) Balinese slaves revolted and escaped from the island of Edam in 1715. In similar fashion, Asian convicts plotted a revolt on Robben island in 1751. In 1772, Asian convicts successfully rebelled on the island Edam and escaped with one of the islands' vessels. Edam was again confronted with Asian convict revolts in 1779 and 1782. Further, the spirit of discontent amongst convicts preceded a wave of revolts and violence amongst VOC slaves and sailors. For instance, in 1782 Balinese slave sailors and soldiers revolted and hijacked the *Mercurur*. It took an armed VOC ship several days and multiple attacks in order to defeat the slaves. Many slaves fled and the *Mercurur* was burned to the ground in the Sunda Strait. Frightened by conspiracies, authorities suspected slaves of 'running amok' on the VOC-ship *Slot ter Hoge* in 1783. A violent uprising of Chinese sailors followed on the *Java* (1783), possibly planned in cooperation with the slaves on board. In 1790, slaves were suspected of conspiracy on board the *Haasje* (1790).¹¹⁵

The Dutch colonial state system

Revolutionary turmoil at the end of the eighteenth century resulted in the demise of the VOC as an organization. In the Fourth Anglo-Dutch War (1780–1784) and in the wars following the Batavia Revolution and French occupation of the Dutch Republic (1795), the VOC empire lost most of its settlements in southern Africa and South Asia. The VOC settlements in Southeast Asia remained intact until the British occupied parts of the Indonesian archipelago in 1811. Five years later, the British again handed over these settlements to the Dutch state.¹¹⁶ Dutch colonial officials were immediately confronted with large numbers of convicts, some who had been in local prisons since the earlier Dutch occupation, and others transferred to the Netherlands by the British. They responded in ways that seem to reflect practices of both the VOC and the British in Asia (see Anderson in this volume).

In December 1816, for example, 473 convicts arrived in Batavia from Banjarmassin; they were divided between the *boeijen* of the Raad van Justitie (the jail under the city hall of Batavia) and the *kettinggangerskwartier* (convict quarters).¹¹⁷ The British sent other groups of convicts from Banjarmassin to Samarang and Sourabaya. In April 1817, it was reported that there were 314 men and 98 women in Batavia, 166 men and 188 women in Samarang, and 229 men and 131 women in Sourabaya, in total 1,126 convicts.¹¹⁸ Dealing with this sudden influx, the Dutch released all those who had served his or her full sentence of banishment for the maximum of five years. Convicts with more severe sentences were to fulfil the rest of their banishment working as had been the case during the British occupation on the spice plantations of Banda.¹¹⁹ Released convicts were 'to be enabled to return to their places of origin or otherwise to be enabled to earn their livelihood in the best way possible.'¹²⁰ They could choose between returning to Banjarmassin as 'free colonists', or undertaking paid work on a cotton plantation in the *bovenlanden* of Batavia belonging to one J. Fraser. Similar solutions were sought for later convict transfers.¹²¹

After the Dutch state had dealt with these convicts, it routinely employed banished convicts as forced labour. There were remarkable continuities with respect to both the VOCs sites of convict punishment and the judicial system, in the years following its demise. For instance, convicts were mainly sentenced by the (local) criminal courts on Java and Madura, and could also be detained on the order of state officials. One important development was sentencing by the courts of local princes and sultans that fell under the rule of the Dutch colonial state. In 1820, for example, the court of a sultan named Perdatto sentenced fourteen convicts to perpetual banishment, and the Resident of Djokjakarta (Yogyakarta) ordered that they be sent to Banka island.¹²²

Much more than in the VOC period, when convict labour was of especial value as a means of work discipline for contract, *corvée* and slave labourers, convicts increasingly became an important part of the colonial work force in the Dutch East Indies. The number of convicts grew and new destinations for convict labour arose. Besides the spice plantations of Banda, the mining districts of Banka and Padang, on the west coast of Sumatra, became important convict destinations. Convicts were also favoured for military works. Indeed, in 1819, the Resident of Banka requested 300–400 Javanese *kettinggangers*, as a replacement for the Chinese workers then used for military construction. His preference for convicts was based on what he viewed as the comparatively high cost of free labour. If they were not immediately forthcoming, he requested that convicts then destined for Banda be sent to Banka instead.¹²³

The abolition of the slave trade in the early nineteenth century stimulated the demand for other sources of coerced labour. During the nineteenth and twentieth centuries, these carceral and labour patterns evolved gradually, along with the Dutch state's changing strategies of exploitation. In the first decades of the nineteenth century, the new colonial state of the Netherlands East Indies developed a refined system of mobilization of labour through compulsory labour service (*herendiensten*) in combination with the compulsory cultivation of market crops (*cultuurstelsel*). Thus the labour service of local populations was made available for the development and exploitation of plantations, infrastructure and public services, such as policing, municipal sanitation and maintenance.

Conclusion

The early modern convict practices of the VOC operated on three levels. Most convicts, often convicted for minor offences by legal courts or Company officials, received punishments entailing chained labour for periods of short to medium duration (several weeks or months to five years). Making up the bulk of the convict population, these convicts were sent mainly to local destinations, such as the *gemeene werken* of Company settlements. More serious offences or crimes often resulted in regional transportation elsewhere, for example to the *gemeene werken* of nearby cities. Only convicts sentenced for longer periods of time (at least several years) were transported over greater distances. These convicts had often committed severe crimes (murder, mutiny) or were politically dangerous (local nobles).

Convicts entered the penal system via three main routes: (1) through criminal courts (*Raad van Justitie; Schepenbank*); (2) through domestic law (the authority of the head of the household and/or slave owner); (3) through the direct authority of magistrates (directors, governors, overseers of *corvée* labour). Many workers were convicted through criminalized labour offences or offences related to labour conflicts. This was true for convicts sentenced by criminal courts but even more so for convicts sent to penal labour through domestic law or on the authority of magistrates. In most places convicts were forced to work – either on public works (*gemeene werken*) or isolated locations like mines or rope factories where they often laboured with slaves and *corvée* workers. From the second half of the seventeenth century onwards, the VOC used several islands as sites to detain and employ convicts.

The penal system of the VOC had an important disciplinary function for other labour regimes, most notably those of contract, slave and *corvée* labour. The number of transportation convicts was significant but probably never exceeded several hundred, or perhaps one thousand, at any point in time. Convicts were sent to places where they performed hard labour, and where their labour could be used in a productive way. On islands, convicts were used in producing rope, in work adjacent to ships' repair, or in collecting wood and lime stone. In urban environments, convicts were employed in maintenance and construction of forts, walls, roads and canals. Distinctions were made between different classes of convicts (more or less dangerous, or more or less prone to flee) and between European and Asian convicts. This strongly impacted relations between convicts on the work floor as well as their strategies of escape from convict sites.

The Dutch colonial state system, after the intermittent period of British occupation, built upon the earlier VOC system. The abolition of the slave trade changed the strategic disciplinary role of convict labour into that of the last supplier of coerced labour together with locally raised *corvée* labour. The different forms of coerced labour – *corvée* and *convict* – had been deeply connected since VOC times but would now be developed and exploited in unprecedented ways. Convict labour itself slowly developed into a serious alternative for 'free' and enslaved labour. At the same time, convict labour remained an important disciplinary measure for *corvée* labour and forms of 'free' labour. Penal sanctions were developed to regulate these labour regimes, including all kinds of regulations that punish *corvée*, contract and so-called free workers with convict labour if they did not live up to obligations or expectations.¹²⁴ The effect and meaning of these histories of coercion for the late Dutch colonial case are still to be uncovered and explored more fully by future historical research.

Notes

- 1 Nationaal Archief (NA), The Hague, Archive of the Verenigde Oost-Indische Compagnie (VOC), 1.04.02, inventory number 9350, court case 8.
- 2 For a history of the VOC: Femme S. Gaastra, *De geschiedenis van de VOC* (Zutphen: Walburg Pers, 2001); Eng. trans. as Femme S. Gaastra, *The Dutch East India Company: Expansion and Decline* (Zutphen: De Walburg Pers, 2003).

- 3 Matthias van Rossum, *Werkers van de wereld. Globalisering, arbeid en interculturele ontmoetingen tussen Aziatische en Europese zeelieden in dienst van de VOC, 1600–1800* (Hilversum: Verloren, 2014).
- 4 Nigel Penn, 'Robben Island 1488–1805', in *The Island: A History of Robben Island, 1488–1990*, ed. Harriet Deacon (Cape Town: David Philip Publishers, 1996), 9–32.
- 5 Gerald Groenewald, 'Panaij van Boegis: Slave – Bandiet – Caffer', in *From Diaspora to Diorama: The Old Slave in Cape Town*, ed. Robert Shell (Cape Town: NagsPro Multimedia, 2013), 591–609.
- 6 Lodewijk Wagenaar, *Galle. VOC-vestigiging in Ceylon. Beschrijving van een koloniale samenleving aan de vooravond van de Singalese opstand tegen het gezag, 1760* (Amsterdam: Bataafsche Leeuw, 1994); J. Leonard Blussé, 'On the Waterfront: Life and Labour around the Batavia Roadstead', in *Asian Port Cities, 1600–1800: Local and Foreign Cultural Interactions*, ed. Haneda Masashi (Singapore: NUS Press, 2009), 119–138.
- 7 Kerry Ward, *Networks of Empire: Forced Migration in the Dutch East India Company* (Cambridge: Cambridge University Press, 2009).
- 8 *Ibid.*, 117.
- 9 *Ibid.*, 100.
- 10 Ronit Ricci, 'From Java to Jaffna: Exile and Return in Dutch Asia in the Eighteenth Century', in *Exile in Colonial Asia: Kings, Convicts and Commemoration*, ed. Ronit Ricci (Honolulu, HI: University of Hawai'i Press, 2016), 94–116.
- 11 This chapter is based mainly on court records of the VOC. These detailed and unique sources provide important insights into the VOC's legal procedures and sites of punishment. Other sources are key to the contextualization of these records, especially the *plakaatboeken* (public ordinances) and *generale missiven* ('general letters' reporting the state of the overseas activities of the VOC to the governing body in the Dutch Republic, the Gentlemen XVII). Two current projects will enable the expansion of our knowledge. Firstly, a large body of rich and detailed archival material from the (local) VOC sources preserved in the Arsip Nasional Republik Indonesia in Jakarta is currently being brought online in the Sejarah Nusantara project funded by the Corts Foundation. (See for more information: <https://sejarah-nusantara.anri.go.id> [accessed 1 September 2016]). Second, based on scanned archival material from the Nationaal Archief in The Hague, the International Institute of Social History in Amsterdam is indexing the criminal court records of the VOC Courts of Justice (*Raden van Justitie*). It is starting with Cochin and Batavia (<https://socialhistory.org/en/projects/between-local-debts-and-global-markets-explaining-slavery-south-and-southeast-asia-1600> [accessed 1 September 2017]) and together with Leiden University continuing for other early modern Dutch overseas settlements in the project 'Resilient diversity: The governance of racial and religious plurality in the Dutch Empire, 1600–1800' (NWO Vrije Competitie Grant, 2017–2021).
- 12 See for example the case against Cornelis Jacobsz van der Putte from Brugge. Original: 'wederkeren in het gebied van de E: Comp: naa dat ten eeuwigen daage daar uijt gebannen geworden was'. NA, VOC, 9420, 5.
- 13 Ward, *Networks of Empire*, 117.
- 14 NA, VOC, inventory number 9350, court case 8.
- 15 For example, in the cases against Frans Alles from Venice and against Aert Aaertse Hoogkamer from Vlaardingen, the *waterfiscaal* (water fiscal) demanded that he be sentenced 'to be locked in chains for three years in order to work without wages on the Honourable Company's common works and to stay banished'. Original:

- ‘vervolgens voor den tijd van drie jaren in ketting geklonken te worden omme daar ingedurende dien tijd sonder loon aan ’s E: Comp: gemeene werken te arbeijden en gebannen te blijven’ NA, VOC, 9373, cases 42 and 48.
- 16 NA, VOC, 9412, case 16. Original: ‘voor den tijd van een jaar op het Eijland Edam gebannen sal werden om voor de kost in de lijnbaan dienst te doen.’
- 17 NA, VOC, 9467, 13. Original: ‘vervolgens in de ketting geklonken naar het Eijland Rosingain in Banda, dan wel elders naar het goedvinde van de Edele Hooge Indiasche Regeering, als een pernitiese ende menschelijk zamenleving onwaardig subject versouden te werden omme aldaar den tijd van vijftig eerstkomende en agter eenvolgende jaeren ad opus publicum sonder loon te arbeijden en gebannen te blijven.’
- 18 Ward, *Networks of Empire*, 179–237, 271–272, Ricci, ‘From Java.’
- 19 J. A. van der Chijs, *Nederlandsch-Indisch Plakaatboek*, part I (Batavia: Landsdrukkerij, 1885–1900), 570–600. Original sentence: ‘bovendien den tyt van vyff jaeren op een steenhaelder sonder gagie gebannen worden.’
- 20 van der Chijs, *Nederlandsch-Indisch Plakaatboek*, I, 570–600. Original: ‘op pene van in de kettingh gekloncken ende ad opus publicum gebannen.’
- 21 van der Chijs, *Nederlandsch-Indisch Plakaatboek*, I, 432.
- 22 *Ibid.*, 570–600. Original: ‘op pene van in de kettingh gekloncken ende ad opus publicum gebannen.’
- 23 NA, VOC, 7545, Batavia 1, 20.
- 24 NA, Archive of the Nederlandse bezittingen India: Digitale duplicaten Chennai (Chennai), 1.11.06.11, Criminele processstukken van de Cochin Raad van Justitie, inventory numbers 16, 46, 69, 77, 85, 87, 106, 113, 114, 119, 145, 158, 232, 232A, 235, 247, 249, 274, 284, 318, 355, 360, 370A, 370B, 376, 393, 434, 440, 454, 485, 495, 498, 502, 538, 586, 592, 603, 612, 620, 625, 785, 1116, 1236, 1278, 1367, 1391. This data has to be analysed further and will be made available as Matthias van Rossum, Alexander Geelen, Bram van den Hout and Merve Tosun, *Database Court Records Cochin 1681–1792*, International Institute of Social History (2019).
- 25 Sri Lanka National Archives (SLNA), VOC Archives, Record Group 1, inventory number 4670.
- 26 SLNA 1/4670; 1/4629.
- 27 van Rossum, *Werkers van de wereld*.
- 28 Eric Jones, *Wives, Slaves and Concubines: A History of the Female Underclass in Dutch Asia* (DeKalb, IL: Northern Illinois University Press, 2010).
- 29 Lodewijk Hovy, *Ceylonees Plakkaatboek*, part I (Hilversum: Verloren 1991), c.
- 30 *Ibid.*, cviii. Instruction for the Dessave, issued in 1707, quoted by Hovy from Valentijn.
- 31 van der Chijs, *Nederlandsch-Indisch Plakaatboek*, I, 171.
- 32 SLNA 1/2766, number 32, folio 409.
- 33 SLNA 1/2766, n. 23.
- 34 SLNA 1/2766, n. 32, folio 409.
- 35 SLNA 1/5906.
- 36 SLNA 1/2766, n. 23.
- 37 NA, VOC, 7545, Batavia 1, 20.
- 38 SLNA 1/6470.
- 39 SLNA 1/4670; 1/4629.
- 40 SLNA 1/6470.

- 41 Ibid.
- 42 NA VOC 7545, Batavia 1, 20.
- 43 Ibid. See also van Rossum, *Werkers van de wereld*.
- 44 SLNA 1/6470.
- 45 NA, VOC, 8041, Banda 3, 97–163.
- 46 NA, VOC, 9350, case 8; 9355, 17; 9382, 17; 9383, 24; 9408, 26, 30; 9416, 59.
- 47 Wagenaar, *Galle*, 59–60.
- 48 CJ3188/6–13.
- 49 CJ3188/26–27.
- 50 NA, VOC, 8495, Sumatra 228–230. The Company operated the Silida mines from 1669 until it rented them out to two locals: Radja Nangsatta and Malim Sutan in 1738.
- 51 *Generale Missiven*, X, 142.
- 52 *Generale Missiven*, IV, 385.
- 53 *Generale Missiven*, IX, 501–502.
- 54 VOC, NA, 3504, 7.
- 55 VOC, NA, 9515, case 16.
- 56 SLNA 1/2758, n. 23.
- 57 NA, VOC, 8041, Banda 3, 97–163.
- 58 Arsip Nasional Republic Indonesia (ANRI), Archive of the VOC (VOC), 1024, f. 878.
- 59 van der Chijs, *Nederlandsch-Indisch Plakaatboek*, 1, 570–600.
- 60 Bauke van der Pol, *Mallabaarse Brieven. De brieven van de Friese predikant Jacobus Canter Visscher (1717–1723)* (Zutphen: Walburg pers, 2008), 220, letter 26.
- 61 Original: ‘over gepleegde onkuijsheijt met een heijdens paria’
- 62 NA, VOC, 8313, Coromandel, 176–181.
- 63 ANRI, VOC, 861, f. 160–165.
- 64 ANRI, VOC, 2527, f. 476.
- 65 ANRI, VOC, 936, f. 445–459.
- 66 ANRI, VOC, 868, f. 292–298.
- 67 Ward, *Networks*. Groenewald, ‘Panaij van Boegis’
- 68 Penn, ‘Robben Island’.
- 69 CJ3188/28–31.
- 70 We do not know the sending location for two European convicts.
- 71 For some, ethnic or previous social status was not registered.
- 72 Paul Truter, ‘The Robben Island Rebellion of 1751: A Study of Convict Experience at the Cape of Good Hope’, *Kronos* 31, no. 1 (2005): 34–49, 44.
- 73 ANRI, Dagregister van Batavia, 2499, f. 689, 15-08-1685. ‘gevende het voor dese bhajj leggende woest Eijland Edam’.
- 74 ANRI, Dagregister van Batavia, 2499, f. 689, 15-08-1685. ‘om het te suijveren en tot een warande voor alderhande wild gedierte te gebruiken’. Gaastra mentions that Camphuys was in possession of a ‘buitenhuis’ on the island Edam, where he received his guests. Gaastra, *Geschiedenis*, 106.
- 75 ANRI, Dagregister van Batavia, 2499, f. 689, 15-08-1685.
- 76 ANRI, Dagregister van Batavia, 2507, f. 377–378, 13-08-1691.
- 77 ANRI, Dagregister van Batavia, 2503, f. 268, 22-06-1688.
- 78 *Generale Missiven*, V, 311.
- 79 Ibid., 37. Reported by lieutenant Jan Fransz on 20 August 1686.
- 80 *Generale Missiven*, V, 311. The VOC employed divide-and-rule tactics in this region of the Indonesian Archipelago (around the Molucca Sea). After Tonkenak was

- imprisoned, it was noted that now ‘the parties on Roti are robbing each other, one can best leave them to themselves.’
- 81 Ward mentions the use of the island in this way as well: *Networks of Empire*, 100, 213.
- 82 ANRI, Dagregister van Batavia, 10 July 1703.
- 83 ANRI, Dagregister van Batavia, 9 November 1703; 25 August 1705.
- 84 Hans Bonke, ‘Het eiland Onrust. Van scheepswerf van de VOC tot bedreigd historisch-archeologisch monument’, in *Hollanders uit en thuis*, eds. M. H. Bartels, E. H. P. Cordfunke and H. Sarfatij (Hilversum: Verloren, 2002), 45–60.
- 85 *Generale Landmonsterrol 1751*, NA, VOC, 5199.
- 86 *Generale Landmonsterrol 1788*, NA, VOC, 5236.
- 87 van der Chijs, *Nederlandsch-Indisch Plakkaatboek*, VI, 158. Original: ‘de soldaten naar het eiland Edam en de zeevarenden naar Onrust om ... voor de kost, zonder loon, te werken in de lynbaan en onder de vlag’.
- 88 ANRI, VOC, 1048, 637–639.
- 89 A nineteenth-century report on entrepreneurial opportunities in the island recounts this early history. See: *Rozengain, een der eilanden van de Banda groep. Een goudmijn in de toekomst. Plan tot ontginning en ontwikkeling van dat eiland* (Rotterdam: Nijgh and van Ditmar, 1872).
- 90 NA, VOC, 8041, Banda 3, 97–163.
- 91 ANRI, VOC Marginalia, 2514, f. 746.
- 92 ANRI, VOC Marginalia, 2511, f. 666–667; 2508, f. 59–60.
- 93 NA, VOC, 8041, Banda 3, 97–163.
- 94 VOC NA 8046, Banda 2, f. 365–366.
- 95 Ary Huysers, *Beknopte beschrijving der Oostindische etablissementen* (Utrecht: Abraham van Paddenburg, 1789), 29.
- 96 Due to their unfamiliarity with the island, the editors of the *Generale missiven* mistakenly explained that Allelande was a misspelling of Alendele, an island at the south coast of Madura. Hovy in the index of the *Ceylonees Plakkaatboek* points out that Allelande is in fact off the south coast of India, near Ceylon. *Generale missiven*, VII, 24 and 183. Hovy, *Ceylonees Plakkaatboek*, II, index.
- 97 *Generale missiven*, VII, 24, 183.
- 98 *Generale missiven*, X, 896.
- 99 *Generale missiven*, VII, 183.
- 100 *Generale missiven*, X, 202; on the wharf, 896.
- 101 *Generale missiven*, X, 426.
- 102 Hovy, *Ceylonees Plakkaatboek*, II, 603, plakkaat 425–430.
- 103 *Ibid.*, 783, plakkaat 539–549.
- 104 *Generale Missiven*, III, 471. Original: ‘Een goet tuchthuys hebben wij hier gantsch nodigh om in op te sluyten degene, die op geen andere van quaet te doen afgehouden connen worden ende dewelke hier doorgaens, Godt beter’ t, in geen kleyn getal en sijn, soo Nederlanders als andere. Tot noch toe worden deselve in de keten gehouden twee en twee aen malcander, maer en connen op die wijze niet gehouden in de ordre, die om sodanige luyden te temmen wordt vereyscht, om se te veel vrijicheyt hebben ende te veel gelegentheyt om achter den arak te comen ende dronken te worden, waardoor se dan dikmael tot noch meerder swarigheyt comen te vervallen. Om waerin te voorsien wij goet hebben gevonden metten eersten, dattet teweeg sullen connen brengen, een vast huys voor dat volk te laten bouwen, daer se ingesloten ende beter aen haer dienst gehouden sullen connen worden ende gedenken hetselve te begrijpen op het eylant, daer nu het prauwenhuys ende de weverije is, omdat se daer tot verscheyden werken sullen connen worden gebruykt.’

- 105 Johan Wolfgang Heydt, *Allerneuester Geographisch- und Topographischer Schau-Platz von Africa und Ost-Indien* (Nuremberg: J. M. Tetschner, 1744), 94.
- 106 Groenewald, 'Panaij'. CJ3188.
- 107 NA, VOC, 9499 case F. *Biermaet* also existed on board VOC ships.
- 108 Willemijn Schmidt, "'Maar zig alleen in dien toestand gedragen heeft als een mensch'. Slavenrechtzaken en de VOC', *Acta Historica* 3, no. 4 (2014): 16–22.
- 109 Gerritt Knaap et al., *Grote Atlas van de Verenigde Oost-Indische Compagnie II* (Voorburg: Asia Maior/Atlas Maior, 2007), 187.
- 110 NA, VOC, 8041, Banda 3, 97–163.
- 111 Penn, 'Robben Island', 21, 24.
- 112 Wagenaar, *Galle*, 60.
- 113 NA, VOC, 9499, case F. Original: 'de andere 18 meestschuldige nevens de 3 gew: lijfeijgenen van den burger Van Dyk dewelke'; 'de 3: laaste in ende andere buyten de ketting om aldaar aan den arbeyd geset en aangehouden te warden tot het vertreck der scheepen na Ceylon werwaarts mede verstaan is deselve als slaven te versenden.'
- 114 ANRI, Dagregister van Batavia, 9 November 1703. Original: 'Niets anders voorgevallen dan dat heden avond in Rade van India goetgevonde wiert in de ketting te laten klinken ende soodanig by syne mackers aanden arbeyt op het eyland te setten den Javaan Warga Djewa door den vaandrager Palm in de Bataviase bovenlanden opgevat ende over Cheribon herwaarts gesonden als synde eene der complicen van den omgebragte rebel Radeen Alieth.'
- 115 Convict revolts are explored in 'Running Together or Running Apart? Desertion, Revolt and Patterns of Inclusion in the VOC Empire, 1650–1800' presented at the workshops 'Runaways: Desertion and Mobility in Global Labor History, c. 1650–1850' in Amsterdam, 2015, and Pittsburgh, 2016. Forthcoming in edited volume. On slave revolts, see: Matthias van Rossum, "'Amok!' Mutinies and Slaves on Dutch East Indiamen in the 1780's', *International Review of Social History* 58, Special Issue (2013): 109–130.
- 116 Gaastra, *De geschiedenis van de VOC*, 170. C. F. van Fraassen, P. J. Klapwijk, *Herrinering aan een reis naar Oost-Indië. Reisverslag en aquarellen van Maurits Ver Huell, 1815–1819* (Zutphen: Walburg Pers, 2008), 20. The transfer of power had been decided upon in Europe in the autumn of 1815, but was only effected in Asia in July 1816.
- 117 NA, 2.04.10, 2367, n. 18, bijlage 215. A. Hallema, 'Waar de vroege vaders van Oud-Batavia vergaderden. Het Stadhuis te Batavia', *Tropisch Nederland: veertiendaagsch tijdschrift ter verbreiding van kennis omtrent Nederlandsch Oost- en West-Indië* 5, no. 7 (1932), 99–103.
- 118 NA, 2.04.10, 2395, bijlage 583.
- 119 NA, 2.04.10, 2367, n. 10, bijlage 304.
- 120 Ibid.
- 121 Ibid.
- 122 NA, 2.04.10, 2452, n. 4.
- 123 NA, 2.04.10, 2452, n. 16.
- 124 More on this in the paper 'Railways, Prisons and Warfare. Penal Systems and Colonial Mobilization of Labour in the Netherlands East-Indies, 1850–1942' presented at the European Social Science History Conference (Valencia, 2016) and at the workshop 'A History of Penal Regimes in Global Perspective, 1800–2014', *The Weatherhead Initiative on Global History* (Harvard University, 2015).

Transportation from Britain and Ireland, 1615–1875

Hamish Maxwell-Stewart

Despite recent research which has revealed the extent to which penal transportation was employed as a labour mobilization device across the Western empires, the British remain the colonial power most associated with the practice.¹ The role that convict transportation played in the British colonization of Australia is particularly well known. It should come as little surprise that the UNESCO World Heritage listing of places associated with the history of penal transportation is entirely restricted to Australian sites.² The manner in which convict labour was utilized in the development of English (later British) overseas colonial concerns for the 170 years that preceded the departure of the First Fleet for New South Wales in 1787 is comparatively neglected. There have been even fewer attempts to explain the rise and fall of transportation as a British institution from the seventeenth to nineteenth centuries.

In part this is because the literature on British systems of punishment is dominated by the history of prisons and penitentiaries.³ As Braithwaite put it, the rise of prison has been ‘read as the enduring central question’, sidelining examination of alternative measures for dealing with offenders. The ‘great confinement thesis’ seeks to explain the history of judicial sanctions as a function of state power. Where central authority was weak systems of kin based restorative justice dominated. As early modern states evolved monarchs imposed their authority through the use of judicially sanctioned violence. The development of more effective institutions of government was accompanied by a rise in professional police forces and systems of surveillance, including the penitentiary – a process associated with a shift in punishment from the body to the mind.⁴ The long use of penal transportation by the British state fits uneasily with this account.

The overseas deployment of convict labour is usually thought of as an early modern response to crime, a form of state sanctioned terror which subsequently became outmoded as governments accumulated sufficient resources to construct prison estates. Even in metropolitan Britain, however, transportation remained a common form of punishment until the mid-nineteenth century.⁵ In the colonial world it was more dominant still. As Anderson has demonstrated, it persisted in British Asia until the late 1930s.⁶ While convict transportation had its barbaric moments, it evolved as an institution over time in similar fashion to the prison. In its nineteenth-century form it

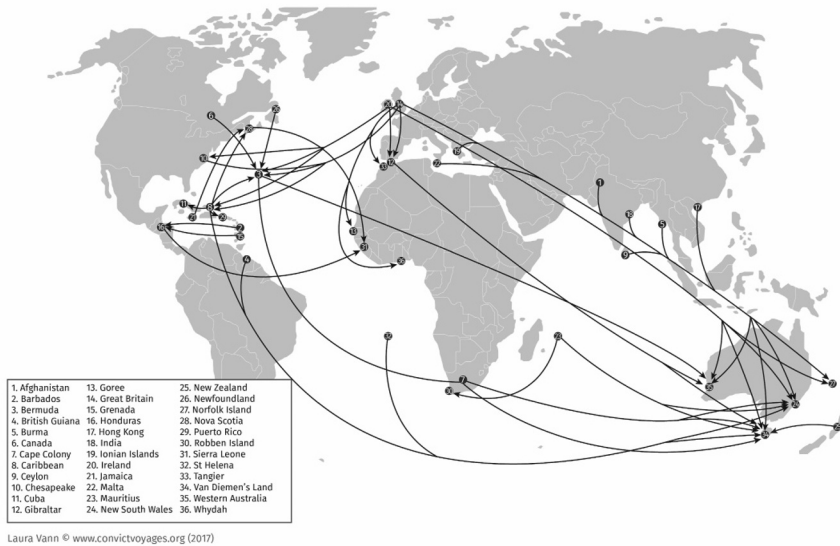
was positively benign compared to metropolitan alternatives for punishing prisoners. Death rates for convicts labouring in the Australian transportation system were a quarter of those for prisoners subjected to separate treatment in Britain's Millbank penitentiary for example.⁷

This chapter will sketch the evolution of penal transportation in the Anglophone world from the early seventeenth century until convict labour ceased to be transported to the Gibraltar docks in 1874. It will place the experience of convict forced migration to the Australian colonies within a wider imperial context. Transportation evolved in response to the challenges associated with the formation of Atlantic colonies, as well as metropolitan agendas. A series of different interrelated mechanisms were used to forcibly remove 'problematic' individuals from England, Scotland and Ireland to the New World Colonies in the seventeenth and eighteenth century. Not all of these systems were formally recognized in law but they were all regarded as legitimate ways of dealing with societal threats. While the majority of those subjected to transportation were formally sentenced in a civil or military court of law, others were sent by edict issued by the head of state or one of their subordinates.⁸

The chapter will start by charting the close relationship between British transportation practice and other systems of labour mobilization. It will go on to explore the origins of penal transportation in the Elizabethan and Stuart eras, before providing an outline of the manner in which convict labour convicted in Britain and Ireland was deployed in the period 1615–1875 (see Figure 7.1). It will end by using a long-run view of penal transportation from Britain and Ireland to suggest ways in which the great confinement thesis might be adapted to more effectively engage with the history of the British overseas deployment of convict labour (see Map 7.1).

Convict, soldier, slave and servant

One reason why it is important to situate penal transportation within the context of other unfree migration flows is that it can be surprisingly difficult to distinguish different forms of labour exploitation. Broadly speaking there are three features that characterized the British use of convict labour – traits which individually might be shared with other unfree migrations systems, but collectively help to distinguish the trans-global movement of convict labour from other practices used to manage bonded workers. First, the length of time that a convict was ordered to serve was fixed by a sentence passed by a court or other state imposed sanction. Second, the transported were removed from the place of conviction to an overseas colony where they were subjected to forced labour. Third, it was the labour of the convict that was bought and sold, rather than their person – a distinction that has important intergenerational implications. The children of convicts were usually born free (or at least were not treated as convicts). This was the case even when the convict had been sentenced to transportation for life. As the length of servitude was fixed by a sentence, judicially imposed unfreedom was difficult to transfer from one individual to another.⁹



Map 7.1 Transportation in the British Empire to Atlantic and Australasian destinations 1615–1875

While convicts were sentenced to transportation in a variety of different West Indian courts these have been combined into one location to assist legibility (number 8). For similar reasons the colonies of Lower Canada, Upper Canada and New Brunswick have also been combined (number 6).

Practice muddled all of these boundaries. There are plenty of examples of convicts in the Anglophone world who were treated in ways normally associated with other groups of bonded workers. In part this is because English (subsequently British) penal transportation evolved in tandem with other unfree labour systems. It was critically informed by indenture, slavery and military service, yet it also helped to shape these experiences too. The point can perhaps be best made with reference to one of the least well known sites of penal transportation – the English colony of Tangier.

This small North African enclave was part of the dowry provided to Charles II on his marriage Catherine of Braganza in 1661. Despite fierce attacks from the Alaouite rulers of Morocco, the English held the town for the next twenty-four years. In order to improve the defences, the garrison built a mole to protect the harbour and a small galley fleet was raised to ward off attack by sea. Amongst the defenders there were few, however, who found themselves in Tangier by choice.¹⁰

The labour force that dropped blocks of stone into the Atlantic and manned the galley sweeps came from places as diverse as Aleppo and Angola. They were housed in a *bagnio* – a term used to describe a barracks where hostages, prisoners, servants and galley slaves were detained at night, but released for work during the day.¹¹ The French term *bagne* used to describe a place in which convicts were held is derived from the

same root.¹² Some inhabitants of the Tangier *bagnio* were slaves, Greeks captured in Tripoli or other parts of the North African littoral, while others were dispatched there for crimes committed against the state. George Fleetwood, for example, was sent to Tangier for regicide – he had signed Charles II's death warrant.¹³ Seventeenth-century Scottish courts also passed sentences of penal servitude. Between the Pentland rising in 1666 and the 1680s the usual fate of those who 'proved too obdurate' or who failed to make their peace with the Scottish state was to be transported to the West Indies, Virginia or Tangier.¹⁴ Those dispatched to Tangier laboured alongside Algonquin who had been conveyed eastwards across the Atlantic after being forced into servitude in the aftermath of the brutal 1676 to 1677 war fought in New England.¹⁵

The inhabitants of the Tangier *bagnio* were thus motley in all senses of the term. Brought up practising different faiths (Islam, Greek Orthodox, various branches of Protestantism and animism) they spoke multiple languages and served under a variety of different contractual arrangements – although all were exploitative. The Algonquin, whom the captain of the galley *Margaret* thought were as good if not better than Moorish slaves, were particularly difficult to place in a precise legal category.¹⁶ By the 1650s all the Anglophone colonies in North America had introduced laws that gave private individuals the right to the labour of indigenous peoples convicted of offences. Some were sold as slaves to third parties as a means of securing monetary restitution. In not clear how many of the Algonquin who ended up in Tangier had been judicially enslaved as a result of court imposed sanctions and how many had been captured in military conflicts.¹⁷ Were they slaves, convicts or prisoners of war? In practice it mattered little, they rose at the same time as the other inhabitants of the *bagnio*, ate the same food and performed the same labour. In the seventeenth-century Atlantic the line between, servant, slave, convict and soldier was often paper-thin.

Whereas penal labourers become unfree as a result of a court sentence or other judicial sanction, as the experience of the Algonquin illustrates, similar mechanisms were used to bestow unfreedom on tens of thousands of other coerced British plantation workers. By 1700 it was apparent to European observers that West African legal systems had adapted in order to maximize the number of charges which could result in a sentence to slavery. An examination of the origins of slaves taken in British early nineteenth-century West African slaving operations revealed that 35 per cent had been taken as captives in warfare and just over 10 per cent had become enslaved as a result of judicial sentence. As Emmer puts it, slaves were "produced" by wars or courts of law.¹⁸ While those courts did not operate under English (or Scottish) law, the labour of the condemned was given value by British commercial interests. It was also the British who paid the shipping costs to supply slaves minted by West African courts to the Anglophone plantations.¹⁹

A trade in individuals (or their labour) is likely to impact upon the laws employed to constrain others. Slavery and indenture provided seventeenth-century New England courts with opportunities to commodify punishment. Increasing resort to African slave labour intensified this process. This was not a new experience. Judicial slavery was widespread in early medieval England. It was usually enforced only after the offender failed to pay compensation. Its attraction was that it was relatively easy to administer as long as a buyer could be found for the convicted. Such sanctions became

less common as the use of slavery declined in Western Europe. They were rare after the twelfth century and thereafter penal enslavement was increasingly replaced with punishments which mutilated or otherwise marked the body of the offender.²⁰

The decline in penal enslavement coincided with a general reduction in the use of slave labour in European societies. By the fifteenth century slavery had ceased to exist in England and was rare elsewhere in Western Europe. In the main this is because mixed agriculture, with its high seasonal variations in demand for labour, is not particularly suited to slavery. The introduction of horse-drawn ploughs exacerbated the issue by reducing ganging at the expense of the employment of skilled teams of workers. The bulk of agricultural work undertaken in Europe became more suited to the use of serf labour rather than slaves.²¹ Feudal lords thus allowed common, and even private ownership, of land in return for labour services, which over time were increasingly substituted for rents. Exceptions included mining and mono-cultivation of plantation crops. A Scottish Act of 1672, for example, empowered the owners of coal mines to use vagrants and those who had ‘escaped hanging for thefts’ as unfree labour.²² The development of New World plantation economies rekindled demand for unfree labour and Anglophone legal systems quickly responded.

The forms of judicial unfreedom that resulted were thus shaped by Atlantic labour markets. Sentencing structures in particular developed in response to the demand for the New World indentured servants – a device by which the labour of prospective migrants was purchased for an agreed term by a shipping contractor. The contractor profited from this arrangement by selling the labour of the migrant to New World buyers. Like indentured servants, convicts were sold upon disembarkation in the American colonies. The practice shaped sentencing structures. The minimum sentence to transportation was established as seven years in the seventeenth-century.²³ Their conviction histories made convicts less attractive to prospective buyers compared to indentured labour. Such disadvantages were offset by the additional years that felons were bound to serve. Only 2 per cent of indentured servants over the age of fourteen signed contracts for more than seven years and only 10 per cent for more than six. The average length of servitude for male convicts landed in Baltimore between 1767 and 1775 was nine compared to under four years for indentured servants.²⁴ In short, the length of a sentence to transportation was fixed, not for legal reasons but in order to competitively position convicts within the transatlantic market in unfree labour.²⁵ In this sense the English legal system ‘minted’ convicts in similar fashion to the manner in which West African courts responded to rising demand for slaves. The practice had a long legacy. The minimum sentence to transportation remained seven years until the last convicts were shipped to Gibraltar in 1874.²⁶

The origins of penal transportation in the Anglophone Atlantic 1550–1660

It is tempting to locate the origins of penal transportation in the practice of banishment – a judicially imposed sanction that commonly required an individual to remove

themselves from the realm on pain of death. Banishment is an ancient punishment that survived in the British Atlantic where it operated in parallel with penal transportation. As Morgan and Rushton point out, it was particularly common in Scotland before 1800 and was used in seventeenth-century New England as a means of dealing with religious dissent.²⁷ It continued in use in British administered North American jurisdictions over the course of the eighteenth and early nineteenth centuries, particularly in relation to capital respites.²⁸ In 1834, for example, André Kellerstine was sentenced to transportation for life to Van Diemen's Land by a court in Montreal as punishment for 'returning from banishment' to 'to see his dying mother'.²⁹

Banishment was attractive in that it was cheap to administer compared to more formal sanctions. It was usually reserved as a punishment for those of means as they could afford to pay for their own removal. Unlike transportation to a penal colony, however, the banished did not forfeit property rights in their labour power and were therefore not forced to work. By contrast, penal transportation was based on the premise that it would put the labour of the unruly and idle to productive use. It was punishment that targeted the poor, particularly the masterless poor.

It is no accident that houses of correction and the use of prison labour to power galleys were adopted at the same point in time as Western European states started experimenting with the overseas use of convict labour. Work-orientated punishments were commonly justified in early modern Europe because they returned a public good. As Thomas Moore argued, the use of convicts as 'slave' labour was an appropriate penalty for a major crime since it resulted in a greater benefit to society than execution.³⁰

The construction of workhouses was particularly common in sixteenth-century northern Europe, where access to alternative colonial or maritime markets for coerced labour was at first limited.³¹ London's Bridewell Palace was converted into a workhouse for the poor in the 1550s – its name later became a generic term for houses of correction. By the end of the sixteenth century a quarter of all English counties possessed at least one bridewell.³² These were punitive institutions where 'sturdy beggars' and 'disorderly persons' were compelled to work by order of magistrates or other legally constituted courts in order to earn their sustenance. They were a response to rising population levels and falling living standards exacerbated by enclosure and loss of access to common land. Rural employment and under-employment resulted in a drift of the poor to towns and cities in an era in which labour was increasingly seen as a godly requirement. Those that did not work, or could not, were liable to be criminalized.³³

Plans to transport the unproductive members of society first emerged in the late sixteenth century. Richard Hakluyt wrote to Elizabeth I in 1584 to suggest that 'loyterers and idle vagabondes' should be condemned to service in Newfoundland and other parts of the Americas where they could be employed in a number of tasks including felling timber, manufacturing pitch and tar, mining metals, planting sugarcane and gathering cotton ('whereof there is plenty').³⁴ Inundated by the tide of vagrants, London's Bridewell turned transportation for the poor into a reality in the early seventeenth century.

Between 1617 and 1648 the Bridewell Court books contain orders for the transportation of 1,106 individuals condemned to service in Barbados, Virginia, Bermuda and 'the sea'.³⁵ While it is unlikely that all of these were actually contracted to

shipping merchants, the court books only contain details for a third of those committed to Bridewell.³⁶ In the first half of the sixteenth century this institution alone may have condemned several thousand to transportation. As Rushton and Morgan demonstrate, the practice continued until well after the Restoration. Apprenticing the convicted poor to merchants emerged as a cost efficient way of dealing with petty offenders.³⁷

Scottish cities got in on the act too. Edinburgh magistrates petitioned the Privy Council of Scotland early in the seventeenth century for permission to send thieves and prostitutes to Barbados and other Atlantic destinations. This trade lasted until the Navigation Acts of the 1660s excluded Scotland from directly trading with English colonies.³⁸ Other English cities and towns also organized for the transportation of vagrants and petty criminals. It is commonly argued that before the passage of the 1717 Transportation Act, all those transported from England and Wales were capital respites. The Bridewell Court records demonstrate that this was not the case.

Capital respites were first transported about the same time as bridewell inmates started to make their way across the Atlantic. Following an appeal by Governor Dale of Virginia, James I decreed in 1615 that prisoners sentenced to death 'whoe for strength of bodie or other abilities shall be thought fitt to be ymployed in forraine discoveries' should be spared on condition of overseas service.³⁹ The first seventeen convicts so pardoned were handed over to Sir Thomas Smith, governor of the East India Company, in the same year. Rather than being shipped to Asia, however, they probably ended up in Virginia. There is little evidence that substantial numbers of capital offenders followed until the outbreak of war in 1642. Even after this, flows remained limited until the passage of the Transportation Act in 1717.⁴⁰ As Morgan and Rushton argue, transportation started as a means of disposing of the 'uncontainable poor' before later being adapted into an integral part of the formal criminal justice system.⁴¹

Convicts could also be 'produced' by war. As Pestana points out, while a bloody civil war was fought to put an end to Stuart tyranny, it led to a dramatic increase in the number held in bondage in the wider Atlantic world. As early as 1643 articles appeared in the London press advocating transportation for Loyalist sympathizers. The largest deportation from England occurred after the battle of Preston in 1648 when an unknown number of the 9,000 Scottish prisoners who had been captured were transported. Other prisoners of war also ended up in the New World after the battles of Dunbar and Worcester.⁴² In 1654 the Parliamentary commander in Highland Scotland was empowered to transport all those he encountered under arms to the plantations. Thereafter further transportations occurred in the wake of the Argyle and Monmouth rebellions of 1685 and the 1715 and 1745 Jacobite rebellions.⁴³ The practice continued to be used as a means of dealing with rebellious slave populations. Jamaica's Trelawney maroons were 'transported' to Nova Scotia in 1796 and then subsequently relocated to Sierra Leone in 1800.⁴⁴ As late as 1816 over 100 slave rebels from Barbados were shipped via Honduras to the same West African colony following the failed Bussa Revolt.⁴⁵

Many others were transported out of Ireland in the aftermath of the Cromwellian invasion of 1649–1653. Contemporary accounts put the number felons, vagrants and prisoners of war conveyed to Barbados in the 1640s and 1650s at 12,000.⁴⁶ Even accounting for exaggerations, it is apparent that during the Interregnum substantial

numbers of individuals were forcibly transported to the New World by one means or another. Beckles estimates that between 1645 and 1650 at least 8,000 indentured servants arrived in Barbados, many of whom were transported.⁴⁷ This was a period when voluntary migration to the colonies declined while New World demand rose.⁴⁸ The capture of Jamaica as part of Cromwell's Western Design in 1655 more than doubled the amount of Caribbean acreage in English hands.⁴⁹ While this paved the way for British domination of sugar production in the long-run, it increased immediate demand for labour – a problem exacerbated by limited English access to West African slaving markets in the mid-seventeenth century – still largely dominated by the Dutch and Portuguese.⁵⁰

The gap in supply and demand was bridged by shipping those that the Puritan rulers regarded as 'the degenerate poor'.⁵¹ By 1652 justices of the peace were empowered to apprehend beggars and vagrants and send them to ports for trans-shipment to the New World.⁵² Four years later judges were ordered to send lists of criminals convicted in assizes to London in order to identify suitable recruits. In the same year 1,000 London poor were sent to Barbados.⁵³

The experience of indenture and convict transportation in the seventeenth-century Caribbean helped to shape later attitudes to labour, aiding the subsequent shift to chattel slavery.⁵⁴ Following a collapse in the London price of cotton and indigo in 1641 to 1642, the planters in Barbados started to experiment with sugar production. This resulted in a marked increase in work intensity. The clearing of new ground in particular was undertaken by indentured labour (much of it transported). Indentured servants were cheaper than slaves because they were contracted to work for shorter periods of time – an average of six years in mid-sixteenth-century Barbados. Transported labour was particularly cheap and, in this period, abundant. Their prevalence prompted Henry Whistler to describe the island as a 'Dunghill wharone England doth cast forth its rubidg: Rodgs and hors'.⁵⁵

The owners of European labour had no vested interest in their charges after their term of servitude had expired and treated many as disposable assets. Certainly conditions of service deteriorated mid-century. Whereas apprentices and servants in England remained in control of their leisure time outside the hours they laboured for their masters, in Barbados all of the servants' time was owned. The Servant and Slave code of 1661 all but eliminated 'freedom dues' – the customary payments made to servants who survived their contracted period of service. Long before this Barbadian courts had become adept at using the indiscretions of servants to extend periods of service. Thus, even those who had not been judicially transported were at risk of being converted into convicted labour by colonial courts.⁵⁶ The treatment of Europeans working on Barbadian plantations in the period 1645–1660 shocked visitors. As Richard Ligon, a visitor to Barbados, noted, 'I have seen such cruelty there done to servants, as I did not think one Christian could have done to another'.⁵⁷ Tellingly he thought they were treated worse than slaves who are 'kept and preserv'd with greater care'. Servants had, in his words, 'the worser lives, for they are put to very hard labor, ill lodging and their dyet [is] very sleight'.⁵⁸

Because their workforce was largely drawn from the idle, dissolute and dangerous, planters could justify the ill-usage to which they were subjected. It was easy to argue

that those condemned into service by magistrates, higher courts and military tribunals were paying for past indiscretions. Planters could also maintain that they were engaged in a public good by inculcating habits of industry. As Newman put it, this was a class-based system of exploitation shaped by ethnic and religious prejudices, one in which 'English, Scottish and Irish convicts, vagrants, rebels and prisoners of war whose lives were forfeit ... could be treated as disposable labour.'⁵⁹ In Barbados convictism was the ideological precursor of plantation racism.

The profits generated through the employment of indentured labour enabled planters to accumulate the necessary capital to transition to slave labour.⁶⁰ After 1650, substitution with African slave labour became increasingly common. From 1660 on demand for European labour in the Caribbean as a whole started to decline. Whereas in 1640 there were thirty European servants to every slave, by 1680 there were seventeen slaves for every servant.⁶¹ After the 1660s it became increasingly uncommon for European bonded labour to be employed in field work. Over the course of the second half of the seventeenth century labour exploitation became increasingly racialized in stark contrast to previous experience.

Convict transportation 1660–1787

The Interregnum (1649–1660) marks a turning point in the history of the English use of penal transportation as a judicial sanction. The experience of Barbados provided abundant evidence that penal servitude in the New World was a severe penalty, rather than an opportunity to make a fresh start. Secure in this knowledge, transportation for pardoned offenders convicted of felonies increased in the second half of the century.⁶² As before, many other offenders, including those convicted of misdemeanours, were at risk of transportation through less formal routes. Thus, in 1661 inmates in seven London prisoners were transported to Jamaica following the granting of a royal warrant to the Lord Mayor of London authorizing their removal.⁶³

As an instrument of criminal justice, transportation was constrained by its reliance on private interests. From the start it had been dependent on the market in Atlantic indentured labour, but market demand fluctuated. Some criminals were also worth more than others. Gender, age, skill and state of health could all affect cost, as could the offence for which the prisoner had been convicted. Arsonists, for example, commanded a particularly low price.⁶⁴ The crippled could be especially difficult to sell, and yet those afflicted with conditions that restricted their ability to work were over-represented amongst prison populations. In order to better utilize the Atlantic market for labour as a means of disposing of the bodies of the idle, dissolute and dangerous, greater state regulation was required.

The rise in conviction rates which accompanied the 1697 and 1713 partial demobilization of the armed forces provided further impulse for change.⁶⁵ As bridewells filled with an influx of felons sentenced to hard labour new legislation was prepared.⁶⁶ The Transportation Act of 1717 ushered in two important changes. It extended the scope of transportation for felonies to criminals other than those reprieved from

capital offences. Second, it provided a financial incentive to merchants in the form of a subsidy to ensure that transportation sentences were actually carried into effect.⁶⁷ It was no longer possible for those seeking to purchase the labour of prisoners to pick the most valuable and leave the remainder.

Legislative change coincided with a substantial regional shift in the Atlantic demand for transported labour. The preference for slave labour over indentured servants that had started in Barbados spread to the Leeward Islands, Jamaica and then South Carolina. The last shipment of convicts to Jamaica arrived in 1717.⁶⁸ As demand for slaves grew in plantation economies, indentured labour was at first reserved for skilled and supervisory positions before falling totally out of favour. By the 1760s rice planters in South Carolina rejected further imports of convict labour, relying instead on the recruitment of plantation workers who were uniformly black.⁶⁹

Hardening attitudes to race led to increasing segregation. Whereas it was common for slaves and European convicts to be employed in the same fields in the seventeenth century, by the eighteenth this was rare. Although courts in the Caribbean were empowered to sentence slaves to transportation, this usually resulted in the sale of the condemned to the Spanish – Cuba and Puerto Rico were common destinations. Sale proceeds were used to compensate former owners and the device had the added advantage that it ensured that chattel slaves were not converted into a different form of bonded labour as a result of the court's decision.⁷⁰

The reduction in demand for European convicts in plantation economies was offset by growing demand for labour in the Chesapeake. Between 1718 and 1776 around 50,000 convicts were transported, 90 per cent of whom were sold in Maryland and Virginia. The conditions under which they served differed greatly from those in Barbados. This was particularly the case after the 1730s when the economy diversified shifting away from tobacco to mixed agriculture.⁷¹ Maryland runaway notices reveal that many convicts were employed in skilled and semi-skilled positions. Others worked in the iron industry or as farmhands and domestic servants. By the mid-eighteenth century there appears to have been little difference in the way that convicts were employed compared to other indentured workers.⁷²

This was not to say that the conditions were not coercive. Children born to convict women in Virginia, for example, were automatically indentured to their mother's master until they reached the age of twenty-one. This device was used to compensate owners for the costs of raising offspring born to their unfree charges.⁷³ It is thus not true that the children of convicts were always born free – a distinction often made between slave and transported labour. Some runaway convicts also bore the marks of coercion – either in terms of the scars of the lash across their back or the marks left by fetters on their legs.⁷⁴

Nevertheless, there was a growing perception in Britain that transportation was losing its deterrent value. A booming colonial economy created other problems. As the volume of transatlantic shipping increased, so did the ease with which felons could return from transportation.⁷⁵ As doubts about the efficacy of Britain's trade in convicts grew in metropolitan circles, colonial opposition also started to mount. Transportation was unpopular with colonial free workers as competition with unfree labour reduced wage rates. In the end the American Revolution forced the issue. The war put an end

to continued transportation and the new American Republic introduced legislation banning further imports. No convicts were sent to the Americas between 1777 and 1782 and while a small number were despatched from Ireland subsequent to this, the trade was soon abandoned when they proved unsaleable.⁷⁶

With no place to send convicts the British government warehoused those sentenced to transportation in hulks anchored in the Solent and Thames estuaries. These had first been pressed into service to hold prisoners of war during the Seven Years War. The Hulk Act of 1776 was initially passed for two years in the belief that the transatlantic trade in convicts would soon resume. With the loss of Britain's former colonies, it became apparent that a more permanent solution would have to be sought.

The British government could at this stage have decided to embark on a national penitentiary programme of the sort advocated by Jeremy Bentham. Instead it balked at the costs, attempting instead to find alternative sites to deploy convict labour. In 1775 to 1776, at the beginning of the outbreak of hostilities 746 felons were despatched to the island of Goree off the coast of Senegambia. This was an important British Slave trading base. When the Dutch entered the war in 1780 further drafts of convicts were sent to bolster the garrisons on the thirteen British forts that dotted the West African coast from Goree to Whydah. The experiment was not a success. Death rates were high and many of the surviving convicts absconded, some even deserting to the Dutch. The scheme also met with rising opposition from West African slaving interests concerned that convict transportation would undermine European authority by showing that peoples other than Africans could be enslaved.⁷⁷ Similar concerns derailed a plan to send convict labour to Honduras in 1784 and 1785.⁷⁸

The British government changed tack. Under the terms of the Treaty of Versailles that brought an end to the war with its former American colonies, Britain had been granted exclusive rights to the Gambia River. They now proposed to send convicts to McCarthy Island about 320 kilometres from the river mouth. The plan was to use the services of outward bound slaving vessels to defray the costs of their transportation. The novel feature of the scheme was that once disembarked convicts were to be left to their own devices. This departure from previous policy had the advantage of disarming concerns that convict transportation to Africa would provide a challenge to the increasingly racialized division of labour in the Atlantic world.

The idea was scotched following the release of the report of a parliamentary committee in 1785 which criticized the scheme on two contradictory grounds. On the one hand it was concerned about high death rates and on the other that the 'Idea of composing an Entire Colony of Male & Female Convicts, without any other Government or Control but what they may from Necessity be led to Establish for themselves can answer no good or rational purpose'. The Committee recommended that if 'his Majesty think fit to establish a new Settlement for Enlarging the Commerce of his Subjects, the labour of these Convicts may be employed to the most useful Purposes'.⁷⁹ It proposed that felons should instead be sent to Das Voltas Bay in South West Africa where their labour might be used to establish a station for the resupply of outward bound East Indiamen. This scheme was also abandoned when no suitable site could be located.⁸⁰

The costs of shipping convicts to India and Madagascar were briefly investigated in 1786, although neither of these options appears to have been seriously contemplated.⁸¹ There is no legal reason why convicts could not have been deployed in the Indian Ocean, although East India Company cooperation would have been required. If the Company had been willing to acquire the labour of British and Irish convicts in similar fashion to the way in which shipping contractors had acquired rights to convict labour in the Atlantic trade, felons could have been shipped to colonies it controlled without breaching the Company's monopoly rights.

India House, however, had plenty of felons of its own. While the East India Company was not averse to using convict labour to secure strategic objectives, as Clare Anderson argues in this volume, it had no need to acquire that labour from the British government. Indeed, there were very good reasons for it to distance itself from such a venture. Just as the Company of Merchants trading out of Africa had opposed the importation of felons to its forts and factories, so the East India Company feared that the introduction of European convict labour might undermine labour hierarchies based on race. In fact, the Company later used the British penal colonies in Australia to dispose of European convicts sentenced on the Indian subcontinent, while Asian and Eurasian offenders were sent to Company-run penal settlements.⁸² The bifurcation of transportation flows on the basis of race is illustrative of the nature of the problem that the metropolitan government faced in its search for an alternative location to send British and Irish convicts in the 1780s.

In the event the British government made the decision to transport convicts to Botany Bay, a location first proposed by the botanist Joseph Banks to a House of Commons select committee in 1779. While other submissions had been confined to the shores of the Atlantic (Gibraltar, Gambia, Florida and Georgia were all raised as possible destinations), Banks had spruiked the merits of New South Wales. The announcement that convicts would be sent to Botany Bay triggered a wave of suggestions for more severe alternatives. Letters were written to the British press urging the government to swap convicts for European sailors held captive on the Barbary Coast, banish them to work underground in coalmines or sell them as slaves to the plantation economies of the Caribbean.⁸³ Yet, as circumstance had already revealed, the latter was not a viable option. Botany Bay's singular advantage was its great distance from other colonial enterprises. There was little risk that the deployment of European convicts there would present a challenge to pre-existing systems of exploitation based on race.⁸⁴

The military deployment of convict labour 1702–1875

Prior to sending convicts to Australia the British had plenty of experience with the deployment of convict labour in the public sector. They had been used in dock work dredging harbours and loading warships as well as being co-opted into military service. The latter had a particularly long history. Vagrants had been impressed into military service in Elizabethan England.⁸⁵ Forced military service was a convenient

way of operationalizing the overseas deployment of the labour of those who had been judicially condemned.

As in the French, Spanish and Russian empires, British penal transportation systems interconnected with military labour markets in complex ways.⁸⁶ It was not just rebels and prisoners of war that were at risk of transportation. Military courts were empowered to sentence members of the armed forces to transportation *or* continued service (usually within dedicated penal units earmarked for service in tropical areas). Those units could also take recruits sentenced to transportation by civilian courts, although the extent to which this occurred varied over time. In short, two parallel systems of transportation operated within the British Empire – one directed at supplying labour to the armed forces and the other to meet colonial public and private sector demand. Flows of convicts were switched between these systems according to wider imperial needs.

Whenever Britain was at war the number of convicts transported declined (see Figure 7.1). Shipping costs rose during Atlantic conflicts largely as the private sector had to compete with the navy for maritime labour, driving up wages. Military recruitment also resulted in fuller employment leading to a reduction in crime and hence conviction rates. In the eighteenth century military recruiters competed with the private sector for the reduced supply of convict labour. As early as the War of Spanish Succession (1702–1715), prisoners were recruited into the armed forces.⁸⁷ Felons were reprieved on condition of overseas service on a regular basis from 1756 on. British units arriving in Lower Canada in that year were said to be almost entirely composed of ‘convicts and Irish Papists’.⁸⁸

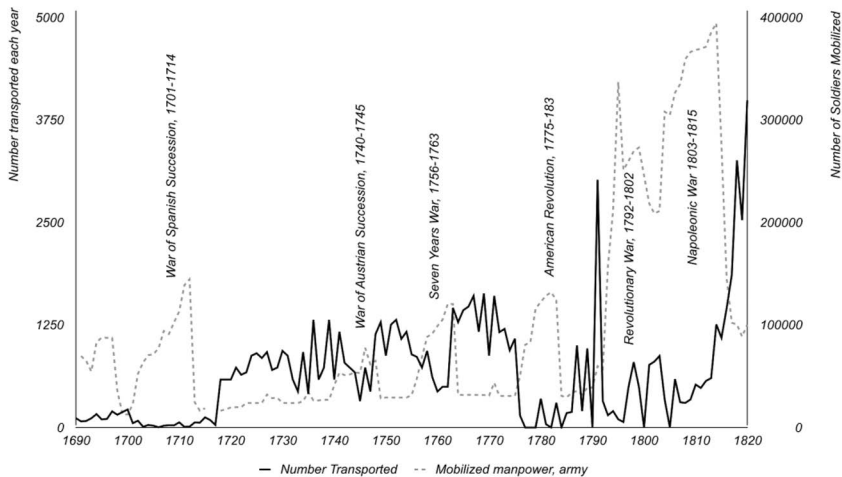


Figure 7.1 The strength of the army and transported convicts, 1690–1820

Sources: Oxley and Meredith, 'Condemned to the Colonies', 23; K. Floud, K. Wachter and A. Gregory, *Height, Health and History: Nutritional Status in the United Kingdom, 1750–1980* (Cambridge: Cambridge University Press, 1990), 44–46.

The use of military transportation increased during the French Revolutionary and Napoleonic Wars particularly for units earmarked for service in tropical theatres. Death rates for British troops in West Africa in the early nineteenth century, for example, were twenty times greater than those for troops billeted in barracks in the British Isles.⁸⁹ The use of convicts protected regular recruits from the dangers associated with tropical service. The numbers deployed were not insignificant. Buckley estimates that around 20 per cent of the regular British army in the Windward and Leeward Islands between 1799 and 1802 was composed of civil and military offenders.⁹⁰ Others were sent to Africa. The African Corps established in 1800 and based at Goree took over the role of the ill-fated independent companies that were finally disbanded in 1784. While the regiment went through several title changes it was long-lived. As late as 1822 a draft of convict volunteers were sent to the Cape to join the newly styled Royal African Colonial Corps.⁹¹

Some hulk registers for the period 1802–1814 provide details of how each convict was disposed of. Examination of a sample of 2,057 men held on the *Perseus* and *Laurel* hulks between these years reveal that only a quarter were discharged to an Australian bound transport vessel. Nearly 16 per cent were enlisted in military units, principally the Royal African Corps, 6 per cent were sent to the Royal Navy and 4 per cent retained to work on dockyard projects.⁹² Many more recruits for penal battalions were supplied by military courts. In an exhaustive study of the York Chasseurs, a unit that served in the West Indies in the years 1813 to 1816, Peter Lines traced the origins of 1,530 recruits. Over 90 per cent of the regiment was composed of deserters and military convicts, many of them from the Savoy Prison, the London institution used to hold those convicted by military courts.⁹³ It is estimated that at least 15,000 convicts were recruited into the British army over the course of the eighteenth and early nineteenth century.⁹⁴

As well as military service, the British continued to use convict labour on public infrastructure projects in the Atlantic. Between 1824 and 1863 over 9,000 were sent to Bermuda and between 1842 and 1874 another 4,000 to Gibraltar where they were used to construct docks and fortifications for use by the Royal Navy.⁹⁵ Those stationed at Bermuda were housed in hulks, while those sent to Gibraltar were initially kept in hulks but later accommodated in barracks on shore. Despite their location both stations were managed as part of the metropolitan British hulk establishment. This helped to ensure that Atlantic bound flows of convict labour did not intersect with the use of other bonded workers. A complicated system by which European convicts were relocated following Atlantic service ensured that penal transportation to the region could not be construed as a form of Atlantic settlement. While some were shipped on to the Australian colonies, the majority of those who survived were returned to Britain.

At both stations convicts were mainly employed quarrying rock, dressing stone, and constructing fortifications and associated buildings. Despite high mortality – yellow fever was a persistent problem – the use of convict labour in Bermuda was justified on economic grounds. The cost of employing convicts was estimated to be two-thirds that of free labour. This despite the payments of small sums of money to convicts as an incentive – a practice that was commonly followed in British hulks, but not in Australia. The length of the working day was also considerably shorter than in

the Australia penal colonies – eight hours compared to ten. For these reasons convicts were said to have preferred to be sent to Bermuda rather than being shipped to New South Wales and Van Diemen's Land.⁹⁶

The principal metropolitan institution which managed the inward and outward flow of convict labour, including those sent to Bermuda and Gibraltar, was the hulks. Between 1776 and the mid-1850s they formed the wooden walls of Britain's carceral empire. Since the hulks were the entry and exit point for tens of thousands of British and Irish convicts, their registers can be informative. A study of a sample of hulk registers for the period 1835–1845 reveals, for example, that amongst the ranks of 'returned' Bermuda convicts were men convicted in Antigua, Barbados, Demerara, Gibraltar, New Brunswick, Nova Scotia, Jamaica, Saint Christopher, Tobago, and Upper and Lower Canada. Britain's nineteenth-century Atlantic colonies often took advantage of Bermuda's relative proximity to ship prisoners there, rather than across the Atlantic to Britain in preparation for the long voyage to the Australian penal colonies. Rather than being returned post-sentence, these men were discharged into British society. This is how Quashey, convicted of arson in St Kitts in January 1834 and Toby, convicted of sheep stealing in Antigua in the same year, found their way to England.⁹⁷ They were in effect transported from colony to metropole.

Australia 1787–1868

After 1787 most convicts transported from Britain and Ireland were sent to Australia. In its early stages transportation to New South Wales and Van Diemen's Land retained many of the features that had shaped convict transportation in the seventeenth- and eighteenth-century Atlantic. The most important difference was the initial absence of a colonial private sector. The first governor, Captain Arthur Phillip, assumed that property rights in the labour of convicts were assigned to him. He referred to them as 'servants of the Crown' and treated them as though they were indentured labourers bound to serve for a period of time fixed by the courts in Britain.

The language that developed in New South Wales to describe the civil status of convicts betrayed the connection with the Atlantic roots of transportation. Convicts still under sentence were described as in 'servitude' and those that were free as 'emancipated' – terms that explicitly aligned transportees with other categories of unfree labour.⁹⁸ In the first three decades of settlement it was also common to provide former convicts freedom dues, mirroring seventeenth- and eighteenth-century Atlantic practice. In some North American colonies time-expired indentured servants were provided with blocks of land.⁹⁹ While such payments were rarely made to emancipated convicts after the mid-eighteenth century – Phillip resurrected them.¹⁰⁰ He supplied former convicts with grants of land of between 20 and 80 acres.

There were other ways in which early colonial Australia was surprisingly free. Colonial custom quickly placed limits on the rights that the crown had in convict labour. After government hours the prisoners' time was restored to them and they were free to work for wages until the official start of the next day – in marked contrast

to practice in seventeenth-century Barbados. Government time ended at midday on Saturday, for example, and did not commence again until sunrise on the Monday morning.¹⁰¹ Convicts were encouraged to work after government hours in the private sector in order to pay for their lodgings. Before the completion of Hyde Park Barracks in Sydney in 1819 there was little government accommodation for prisoners, most of whom rented rooms in the private sector. Archaeological evidence suggests that the communities of serving and former convicts living in Sydney's Rocks district enjoyed a higher standard of living than working-class Britons. They ate a diet that was richer in protein and some possessed Chinese imported porcelain and other luxury items.¹⁰²

As Phillip understood that property rights in convict labour had been assigned to him he assumed that he had the authority to both pardon prisoners and to transfer those property rights to others. Accordingly, he provided the colony's early farmers with convict labour in the hope that this would enable them to become more productive. In the three years following Phillip's departure and the arrival of his successor New South Wales was run by the senior military officers. The latter promptly expanded the practice that Phillip had established, effectively privatizing a proportion of the available convict labour. They also allocated sizeable tracts of crown land to themselves although they were careful to provide grants to others too since they calculated that this would make any attempt to reverse their actions both administratively and politically difficult. By 1815 the private deployment of convict labour had become established practice.

The number of convicts arriving in Australia increased substantially following the ending of the Napoleonic Wars (see Figure 7.1).¹⁰³ Worried about the financial implications the British government set up an enquiry to investigate ways of cutting costs. The resulting report recommended a number of changes designed to ensure that transportation was both feared by the British working class and cheap enough to keep the taxpayer happy. Most of these hinged on expanding the use of the private sector, rather than investing in public infrastructure. While land had been purchased in 1799 at Millbank in London to build Bentham's panopticon, these plans were now abandoned. Although a penitentiary was constructed on the site, it was built to a radically different design. Completed in 1821 it operated in part as a holding facility for convicts awaiting transportation. It functioned in effect as an ancillary to the transportation system rather than an alternative.

After 1822 government control of land and labour was used as a means of attracting capital to the Australian colonies. The policy of granting small blocks of land to time-expired convicts was discontinued and instead grants of crown land were only provided to migrants who could demonstrate that they possessed at least £500.¹⁰⁴ Each settler was entitled to the services of one convict for every 100 acres received. Rather than swelling the ranks of the government gangs in Sydney and Hobart, the bulk of the colony's convict workforce was 'assigned' to landholders and business owners who were charged with clothing, housing and feeding their unfree charges. The policy was designed to promote the production of fine wool, lessening the dependence of the British textile industry on imports from the European continent, while simultaneously saving money.¹⁰⁵

Legislation was prepared to underpin the policy shift. The 1824 Transportation Act attempted to cement private property rights in convict labour, providing masters with

the legal right to hire out the labour of prisoners that had been assigned to them or even to sell them onto third parties for profit. This would have provided masters in Australia with much the same powers as those possessed by the owners of convict labour in Britain's former American colonies. A strict interpretation of the Act was that it cut across the governor's right to recall assigned servants, or pardon them before the termination of their sentence without compensation. It is perhaps not surprising that it was never fully enforced in Australia where it became a matter of political and legal controversy. Nevertheless, the legislation provided a vivid demonstration of the extent to which the British government thought that security in property rights in convict labour formed a crucial underpinning to colonial economic success. It also provides an example of the extent to which legal freedoms for transported convicts declined steadily in the 1820s and 1830s – a time when their labour was seen as crucial for transforming the colonial economy.¹⁰⁶

Increasingly the hours that convicts worked were regulated and opportunities to earn money limited. Following the completion of Hyde Park Barracks in Sydney in 1819 it became the norm for public works prisoners to be housed behind government walls at night.¹⁰⁷ The system of passes was tightened up, regulating travel from one place to another, and the colonies were divided into police districts each complete with its own magistrates' bench. The latter were empowered to punish prisoners for infraction of the rules and regulations governing convict labour. Indeed, Chief Justice Forbes in New South Wales thought that for all intents and purposes assigned convicts were slaves.¹⁰⁸

George Arthur, the governor of Van Diemen's Land agreed. His publication, *Defence of Transportation*, included a section entitled 'The interests of the slave owner and assignee compared'.¹⁰⁹ He argued that as people of 'dissolute habits' convicts 'must serve an apprenticeship in assignment and be accustomed to exertion' before they 'can be useful'.¹¹⁰ Invoking parallels with plantation slavery he asserted that the masters of convict labour in the Australian colonies 'may draw, from his knowledge of their crimes, a sanction, quite as satisfactory as that arising from difference of colour, for any severity he would practice against them'.¹¹¹

Analysis of punishment levels reveals the extent to which they were dependent on local labour market conditions. When the cost of feeding and clothing a convict rose, the number of prisoners sentenced to hard labour on the public works also increased shifting the cost of maintenance onto the government. Convicts with skills that were in colonial demand were also less likely to be punished than unskilled shipmates.¹¹²

The integration of private and public labour markets shaped convict experience in other ways too. It was common for minors who accompanied their convict parents to Australia, or were born to convict mothers in the colonies, to be housed in state-run orphan schools where they were liable to be forced into apprenticeship contracts with free settlers until their parents had gained their freedom.¹¹³ Such measures ensured that convict women and their children did not become a financial burden on either the colonial government or private sector employers of female convict labour.¹¹⁴ Government policies aimed at restricting family formation help to explain the high female rates of absconding.

Slave runaways in British North America were overwhelmingly men. Women accounted for only 7.2 per cent of advertised runaways in New England; 8.4 per cent

in Virginia and 10.2 in Pennsylvania.¹¹⁵ A study of the early nineteenth-century Cape Colony reveals that only 10 per cent of runaway slaves there were female.¹¹⁶ Ties to children bound female slaves to their place of work, making them less likely to desert. By contrast 22 per cent of runaway notices in Van Diemen's Land were for female absconders, despite the marked under-representation of women compared to British North American and Cape slave populations. In fact, proportionally female convicts were *more likely* to be posted missing than male (0.35 absconding notices per transportee compared to 0.30 for men).¹¹⁷ The peculiar ways in which transportation systems sought to control the supply of female labour, and that of their offspring, informed resistance strategies – a reminder that control of sex and reproduction was not limited to slavery.

While the use of convict labour in Australia was exploitative, it also exhibited features more commonly associated with the rise of the penitentiary. Flogging for example declined sharply in the 1820s, predating the reductions in the use of physical punishment in the army and British factories by a decade. The decline in the use of the lash was accompanied by an increase in sentences to solitary confinement and the treadmill.¹¹⁸ Convicts were also subjected to levels of surveillance that were unusual in early nineteenth-century Britain and Ireland. Australian record systems were amongst the first in the Anglophone world to adopt unique identifiers in an attempt to track individuals over their life course.¹¹⁹ Surgeon superintendents argued that the systems of control developed for managing convicts on the voyage to Australia could be used to improve discipline in other institutions including prisons, houses of correction and large factories.¹²⁰

State regulation impacted on convicts in other ways too. Prior to their embarkation for the Australian colonies convicts were credited a proportion of the value of the work they had undertaken in prisons and hulks while awaiting transportation. On arrival in Australia these sums were banked on the convict's behalf. Further pecuniary rewards might increase the amount credited to each convict, while infractions could result in deductions. The balance (including interest) was made available to convicts upon emancipation, easing transition into the free economy.¹²¹

Regulation of convict bodies had some beneficial outcomes. Monthly age specific death rates for convicts bound for Australia were half those of free transatlantic migrants sailing from English ports in the years 1836 to 1853.¹²² Death rates for convicts under sentence were also remarkably low, they were less for example than those for soldiers serving in the Australian garrison.¹²³ Astonishingly, there was no increase in morbidity or mortality on convict vessels departing from Irish ports before and after the commencement of the great famine. Pre-voyage health checks, prison and voyage diets and strictly imposed hygiene regimes appear to have offset the impact of a major subsistence crisis in stark contrast to outcomes on free immigrant vessels departing Ireland.¹²⁴ Low death rates does not necessarily mean that transportation was benign – they tell us little, for example, about the psychological impacts of forced labour migration. Indeed, as unfree subjects, convicts made ideal medical subjects. Surgeon superintendents split their unfree charges into cohorts treating each in different ways and documenting the results.¹²⁵

As was the case with transportation to Britain's North American colonies, reports of high colonial living standards led some metropolitan critics of transportation to

question its deterrent value. Others criticized the manner in which the experience of convicts under sentence in Australia reflected the caprice of individual masters, rather than the severity of the offence for which they had been transported. There was also continued criticism of the physical nature of colonial punishment regimes. While the use of flogging declined in Van Diemen's Land in the 1820s, sentences to hard labour on the roads in and out of chains remained common. There were other subtle differences in the ways in which punishments were implemented in metropolitan prisons and Australia. Convicts sentenced to the treadmill in Australia literally ground out their corn. In English prisons, however, treadmill mechanisms were rarely attached to grinding gears. The labour prisoners expended was literally to no avail.¹²⁶

Another inquiry into penal transportation to the Australian colonies issued its report in 1838 recommending the abolition of transportation. William Molesworth, the young aristocratic chair, used the use of flogging in particular to highlight the similarities between the suffering of convicts and slaves. The report also argued that transportation corrupted colonial life through its reliance on violence and failure to check the alleged homosexual proclivities of criminals.¹²⁷ A parsimonious government balked at the financial implications of constructing an alternative home based penitentiary programme and instead compromised. Transportation to New South Wales was abandoned and, while convicts continued to be sent to Van Diemen's Land, the way in which their labour was deployed was reorganized in order to bring it more into line with the principles of prison management advocated by British and Irish penal reformers. In future all newly arrived convicts would have to serve a probationary term of labour within the public sector, the duration of which was determined by the length of the sentence imposed upon them by a British or Irish court. Service in the private sector was conditional on the successful completion of this first stage. Even then settlers had to purchase the labour of convicts, albeit at minimal rates.

The probation system proved unpopular from the start. Its introduction served little to address the concerns of metropolitan critics of transportation while considerably increasing colonial opposition. The probation stations were expensive to build and maintain. As well as constructing roads and other public sector infrastructure, the labour of convicts was used to cultivate grain in direct competition to the private sector. At the same time the reduction in assigned servants drove up labour costs. Shocked by the manner in which the 1838 Parliamentary inquiry had depicted colonial society, colonial opposition mounted. The proliferation in the number of same-sex institutions was particularly criticized as providing fertile ground for the spread of homosexual vice.¹²⁸

In an attempt to address these concerns the British government moved to integrate metropolitan and colonial penal systems. From 1842 on it became increasingly common for convicts sentenced to transportation to serve part of their sentence in Millbank or Pentonville penitentiaries. There they were subjected to separate treatment, a form of sensory deprivation which strictly limited contact between inmates. Separate prisons were also constructed in Australian penal stations with the intension of curbing refractory behaviour amongst the 'worst' of the colonial convicts. Other convicts were transported first to Bermuda and Gibraltar before being forwarded to the Australian colonies to complete the final stages of their sentence. From the mid-

1840s they were joined by others who served the bulk of their sentence in Britain before being landed in the colonies, sometimes already equipped with conditional pardons. Dubbed Pentonvillians nearly 2,000 such former penitentiary inmates were despatched to Port Phillip in the years 1844 to 1849. There were also attempts to use this form of penal migration to land convicts in the Cape Colony and reintroduce transportation to New South Wales. The shift in policy was accompanied by a decline in the use of hulks as holding depots for convicts awaiting transportation. In 1839 over two-thirds of all male convicts sentenced to transportation in English and Scottish courts were accommodated in hulks. By 1847 this had declined to under a third as the new penitentiaries at Parkhurst and Pentonville came on line. By the mid-1840s a sizeable proportion of the remaining hulk population consisted of convicts considered too unfit to be transported or to undergo the rigours associated with confinement in the new penitentiaries.¹²⁹

The changes did little to appease colonial opposition to transportation. The attempt to land convicts in the Cape failed in the face of determined settler resistance.¹³⁰ Similar anti-transportation demonstrations were held in Sydney, Launceston and Hobart. An embryonic Australian trade union movement increased its opposition to transportation. Even under the probation system the difference in wages paid to passholder convicts employed in the private sector and free labour was sufficient to impact on working-class standards of living.¹³¹ Transportation to the Port Phillip District ceased in 1849 and to Van Diemen's Land in 1853. A shortage of labour in Western Australia meant that colonial opposition to continued transportation was not universal. Between 1850 and 1868 a further 9,000 convicts were landed in that colony. By then transportation to Bermuda had ceased although convicts continued to be sent to Gibraltar. The final eleven convicts transported from Britain and Ireland arrived there in 1874. The following year the Gibraltar convict establishment was closed down marking an end to a policy that had commenced 260 years previously.

Conclusion

Michel Foucault traced the origins of confinement in England to the development of bridewells in the sixteenth century which he claimed were later absorbed within the walls of the local prisons to which they were often attached.¹³² J. H. Langbein agreed, both galley service and the workhouse emerged in Europe over the course of the sixteenth and seventeenth centuries, later converging to form a prison system in the eighteenth. The shift away from terror as the principle means of delivering justice was accompanied by an increased emphasis in the use of work as a correctional tool – a transition that culminated in the construction of British and Irish penitentiaries in the nineteenth century.¹³³ These institutions sought to subdue those incarcerated behind their forbidding walls, preparing them for labour in factories. The prison in this sense was a mechanism of normalization that sought to render men and women 'docile and useful'.¹³⁴

Yet the extent to which Pentonville and other separate treatment regimes attempted to render prison labour useful is debateable. In stark contrast to Bentham's design

for a panopticon, the work conducted by prisoners in Pentonville was designed to be pointless. The emphasis the penitentiary placed on unproductive labour shocked Benthamites.¹³⁵ John Stuart Mill, for example, argued that for the prison ‘to instill a *desire* to work in shiftless and lazy inmates it would need to function as a miniature model of the free-track economy’.¹³⁶ In this respect Pentonville, an exclusionary system, contrasted strongly with the colonial deployment of convict labour. The latter, at least in its nineteenth-century form, was designed to instil convicts with the necessary work ethic to prepare them for the transition to free labour post their release. As Arthur argued, the partnership between the public and private sector enabled the principles of prison discipline to be more effectively realized in Van Diemen’s Land than ‘could be attained within the walls of a penitentiary’.¹³⁷

Rather than forming a straight line from the bridewell to the nineteenth-century penitentiary, punishment strategies in the Anglophone world doglegged in the seventeenth century into the Atlantic via the transport vessel. This was a prison of an altogether different kind to Pentonville – part gaol and part factory.¹³⁸ It was used to convey the criminalized poor to England’s New World colonies and assist the process of turning them into plantation workers. Experimentation with convict labour in the English Atlantic colonies informed the transition to slave labour. Justification for the exploitation of plantation workers based on negative generalizations about race, developed out of Protestant zeal for putting the idle poor to work. As Robert Sanderson, the Bishop of Lincoln, urged in 1689: ‘let us harden our hearts against them ... and execute the severity of the law upon them, and not spare them’.¹³⁹ Penal transportation also impacted on other ways of organizing Atlantic workers, including indentured labour and military service.

The relationship between penal transportation and other labour mobilization systems was complex and interrelated. It was Atlantic labour markets that shaped transportation sentencing policy. While penal transportation enabled a reduction in the metropolitan use of the gallows, for many this was little more than a stay of execution. Death rates for transported plantation workers in sixteenth-century Barbados were so high that few survived to emancipation.¹⁴⁰ It was a seventeenth-century English equivalent of the dry guillotine – as French prisoners later referred to transportation to Guiana.¹⁴¹ Transportation may have allowed for more flexible use of the royal prerogative, saving some from the gallows, but it simultaneously created punishment options that had not previously existed for non-capital offenders. The outcomes could be just as severe for those who had been capitally relieved.

The English (later British) experience of the overseas deployment of convict labour was far from static. Innovation was essential since all successful penal transportation systems sow the seeds of their own demise. The role of convict labour was to catalyse colonial development while simultaneously acting as a deterrent to other would be offenders. As colonial economies developed, alternative sources of labour were either attracted through free migration, or purchased using the profits derived from exploiting convicted labour. As notions of labour exploitation based on race hardened, the range of options for deploying convicts narrowed. Despite these limitations, transportation from Britain and Ireland proved a remarkably durable device. It lived on in the Atlantic in the form of compulsory military service and forced dockyard labour – surviving the

abolition of slavery in the British Empire by four decades. In the case of Australia, the lack of alternative sources of labour provided the British state with the opportunity to use convict transportation as an engine to seize and settle a continent.

The complex relationship that developed between the public and private sector in the Australian colonies enabled some features of transportation to Britain's former American colonies to be retained, while embracing other genuine innovations. This is particularly so in terms of health outcomes. Convict Australia illustrates the extent to which state regulation could result in decreased morbidity and mortality rates. Much of this was a product of experimentation. Because they were unfree convict bodies could be scrubbed and scrutinized. They could also be documented in ways that foreshadowed later developments in English criminal record keeping.¹⁴² As Arthur argued: 'Bentham's notion that gaolers should possess a personal interest in the reform of convicts is beautifully realised in Van Diemen's Land'.¹⁴³ It was in the interests of the settler to drag the laggard before the magistrates' bench for punishment and for the convict to protect their financial interests lodging in the savings bank, or to otherwise bend their back to ensure they stayed clear of the chain-gang, penal station or female factory.

British penitentiaries developed first as part of the transportation system, rather than in opposition to it. Their role was to subject convicts to strict regimentation and isolation before they were embarked for shipment overseas. As the transportation system retreated in the face of metropolitan and colonial opposition, the punishment of British and Irish offenders was effectively nationalized. By the time the last convict vessel arrived in Western Australia in 1868 the management of convict labour convicted in Britain and Ireland was securely in public hands.

Foucault's critics have argued that, while discipline increased in many English local prisons in the first half of the nineteenth century, few if any became disciplinary machines along the lines of Pentonville. In fact, many penal reformers became disillusioned with the Pentonville experiment after the impact of prolonged isolation on mental and physical health became apparent. As A. Brown argues 'inconsistency and controversy' dogged local and convict prison policy for much of the nineteenth century.¹⁴⁴ If Foucault's disciplinary moment arrived it did so at least in the context of the British and Irish prison system in the second, rather than the first half of the nineteenth century. There is an argument, however, that this in turn owed much to a prior colonial disciplinary trajectory – a carceral archipelago that linked penitentiary, hulk, dockyard, military service, factory and colonial farm.

Notes

- 1 Clare Anderson, and Hamish Maxwell-Stewart, 'Convict Labour and the Western Empires, 1415–1954', in *Routledge History of Western Empires*, eds. Robert Aldrich and Kirsten McKenzie (London: Routledge, 2014), 102–117; Christian De Vito and Alex Lichtenstein, 'Writing a Global History of Convict Labour', *International Review of Social History* 58, no. 2 (2013): 285–325; Christian De Vito, Carrie M. Crockett,

- Takashi Miyamoto, Kellie Moss, Katherine Roscoe and Minako Sakata, 'Locating Penal Transportation: Punishment, Space, and Place c. 1750 to 1900', in *Historical Geographies of Prisons: Unlocking the Usable Carceral Past*, eds. Karen M. Morin and Dominique Moran (London: Routledge, 2015), 147–164; Hamish Maxwell-Stewart, 'The Rise and Fall of Penal Transportation', *Oxford Handbook of the History of Crime and Criminal Justice*, ed. Anya Johansen (Oxford: Oxford University Press, 2016), 635–654.
- 2 'Australian Convict Sites', UNESCO, <http://whc.unesco.org/en/list/1306> (accessed 20 December 2016).
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The British Indian Empire, 1789–1939

Clare Anderson

Introduction

Between 1789 and 1939 the British transported at least 108,000 Indian, Burmese, Malay and Chinese convicts to penal settlements around the Bay of Bengal and Indian Ocean, and to prisons in the south and west of mainland India. The large majority of these convicts were men; and most had been convicted of serious crimes, including murder, gang robbery, rebellion and violent offences against property. In each location, convicts constituted a highly mobile workforce that was vital to British imperial ambitions. The British exploited their labour in land clearance, infrastructural development, mining, agriculture and cultivation. They also used them to establish villages and to settle land. Asian convicts responded to their transportation in remarkable ways. They resisted their forced removal from home, led violent uprisings and refused to work. They struck up social and economic relationships with each other and with people outside the penal settlements. They joined cosmopolitan communities or helped to forge new syncretic societies. If ‘creolization’ and ‘coolitude’ capture conceptually the interactions and culture and identity outcomes of enslaved and indentured people in the Indian Ocean world, ‘convitude’ might do the same work for the experiences of transported Asian convicts.

This chapter begins with an examination of East India Company (EIC) law at the end of the eighteenth century, tracing the origins of penal transportation to the prohibition of slave exports from Bengal. It goes on to quantify the volume of and map convict flows, and to consider some of the features of penal journeys, both under Company and British crown governance.¹ The chapter conceptualizes penal transportation as both an important feature of British punishment, and a means to manage resistance against imperial occupation or policy. It also argues that transportation mobilized forced labour and played a vital role in the extension of British power. In these respects, the chapter lays stress on the multi-directionality of transportation, and its relationship to frontier expansion and political economy. It also foregrounds its gendered dynamics, and explores its carceral character, connections to other kinds of labour, and relationship to indigenous destruction and confinement. Finally, the chapter argues that the presence of convicts in multiple locations around the Bay of Bengal and Indian Ocean has left important legacies in the world today. In some places, these are

manifested in labour practices, and in others in the politics of community formation and the representation of the colonial past.

Law, punishment and slavery in South Asia

The British first debated the introduction of convict transportation in South Asia in 1773, in the context of more than a century long history of metropolitan penal transportation, and the selling of convicts into contracts of indenture in the American colonies (see Hamish Maxwell-Stewart in this volume). The EIC then ordered that all life convicts should serve their sentences in Bencoolen, though it is not clear whether any were actually sent. Fifteen years later in 1788, Governor-General of India Charles Cornwallis prohibited the export of slaves from the Bengal Presidency. Though the EIC continued to own so-called 'government slaves', from then on it no longer bought or sold them. It was in this context that, the very next year, 1789, the Company gave permission to a free trader to transport twenty life prisoner *dacoits* (gang robbers) to the island of Penang for a period of three years.² It directed that their labour would be to his own profit – on condition that he paid the cost of the passage, issued rations, prevented escapes and did 'not in any respect maltreat them either by the infliction of severe corporal punishment or obliging them to undergo excessive hard labour or by compelling them to eat any food, or perform offices which may be repugnant to the rules and customs of their cast[e] or tribe'.³ The EIC itself first transported convicts in 1790, when it sent seven men from Bengal to Penang.⁴ There then appears to have been a hiatus (for no records of further transportations exist) until 1793 to 1796, when the Company transported Bengal convicts to the Andamans. After it abandoned the Islands in 1796, it transferred the convicts to Penang. From 1797, Bengal shipped convicts to Amboyna and Bencoolen, and by 1798 to 1799 Madras and Bombay began the transportation of convicts to these settlements.

The EIC argued that the punishment of penal transportation was peculiarly apt in the South Asian context.⁵ It described transportation as an especially useful punishment for Brahmins, high-caste Hindus who could not without risk of cultural and social outcry face judicial execution, and so previously had been banished without hope of return from their home localities. There was at this time a belief among some administrators that culturally Indians were at risk of caste pollution if they crossed the sea, or *kala pani* (black waters), and so it was said that they especially dreaded transportation. This made it an ideal deterrent against crime. But convicts were rarely sentenced to simple transportation; their penalties almost always specified or included hard labour. Thus, British understandings of Indian culture and society, and the need for workers in the context of a local move against slave trading came together in the development of a radically new kind of punishment in the subcontinent. The Company shipped convicts to territories as it expanded outwards from continental South Asia. They provided a vital work force for infrastructural and other kinds of development, particularly during the early years of settlement, in the context where alternatives sources of bonded labour were in short supply.

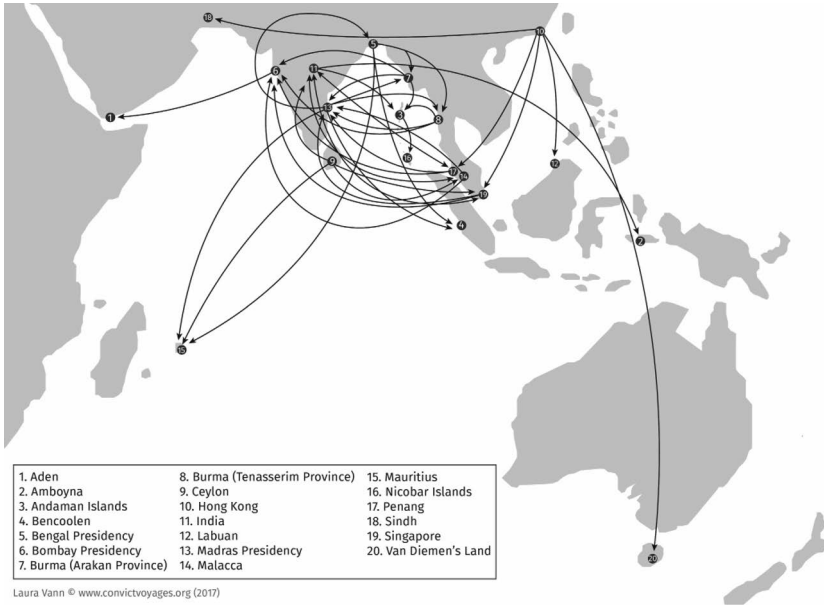
The Company did not pass laws on transportation until a few years after its inception. It then, in effect, codified and further extended already established practice. Regulation IV (1797) directed that all sentences of imprisonment for seven years or more would be commuted to transportation. Regulation II (1799) extended the punishment to escaped prisoners. In 1803, Regulation LIII commuted the punishment of mutilation to imprisonment or transportation.⁶ Regulation VIII (1808) ordered life transportation for the crime of attempted murder and for all *dacoits* not sentenced to death. Regulation IX (1808) ordered life transportation for ‘notorious suspects’ who refused to surrender themselves to the authorities.⁷

By the end of the first decade of the nineteenth century, over 3,000 Indian convicts had been transported to the first penal sites: Bencoolen, Amboyna and the Andaman Islands, as well as Penang (Map 8.1 and Table 8.1).

Despite the regulations, there were often delays in implementing sentences. Moreover, some convicts escaped, and others returned home after serving their time, both taking with them information about transportation and so reducing its deterrent appeal. At the same time, the EIC opened a large new jail in Alipore, just outside Calcutta.⁸ Subsequently in 1811 the Company repealed all the transportation regulations and ordered that lifers be imprisoned there.⁹ The jail soon became overcrowded, though, and faced with growing expense in 1813 the Company reintroduced transportation.¹⁰ The next penal site was Mauritius, approved by Regulation XV in 1816, which also allowed for the employment or transfer of convicts to other destinations.¹¹ At the time, Mauritius was not a Company settlement, but following the Napoleonic Wars it had been acquired by the British crown. Its first governor, Robert Townsend Farquhar, was formerly the lieutenant governor of Penang, and so he was well acquainted with the usefulness of Indian convicts. Regulation XVII (1817) added burglary, theft and robbery accompanied by violence, wounding or maiming to the list of transportation offences; and made the escape of life convicts a capital crime and the escape of term convicts liable to re-transportation. In 1819, transportation offences grew to include arson, robbery by open violence, attempted or actual burglary or theft, and robbery accompanied by attempted murder or serious injury.¹² The next destinations were Singapore and Malacca (1826), the Burmese provinces of Arakan and Tenasserim (1830), and Aden (1841).

With a few small variations, the regulation of transportation in the Bombay and Madras presidencies largely followed Bengal practice. All three regions sent convicts condemned to sentences of life and a term of years. At the turn of the nineteenth century, before it began overseas shipments, note also that Madras sent a few convicts around the coast to Bengal.¹³ Meantime, Straits Settlements¹⁴ and Burmese convicts moved in the other direction, journeying outward from the eastern edges of the Bay of Bengal to mainland jail sites in the south and west of the subcontinent, in the Madras and Bombay presidencies. Finally, convicts were shipped from the crown colony of Ceylon to both Mauritius and the Company territories of the Straits Settlements. The British Asian colonies of Hong Kong and Labuan also participated in this network of regional convict flows (Map 8.1 and Table 8.1).

The next key change in the history of penal transportation came in 1858, when in the aftermath of the Indian revolt (or ‘mutiny’) of 1857, the British crown took



Map 8.1 Convict flows in British Asia, 1789–1939

Note: 'India' denotes either flows from all three presidencies, or from unknown locations in the subcontinent.

direct control of Company territories in South Asia, including Burma and the Straits Settlements. During the rebellion, mutineers and rebels had attacked and broken open jails across the north of the subcontinent, leaving the Company with an unprecedented penal crisis. At the same time, fearing the spread of rebellion, the British authorities in the Straits Settlements and Burma objected to the transportation of convicts sentenced for rebellion or mutiny. The former were concerned about the prospect of an uprising in the Indian garrison, the latter believed the convicts might combine in revolt with the jail peons, police and free Muslims.¹⁵

Though they had abandoned their first settlement in the Andamans in 1796, due to high rates of sickness, the British remained interested in the Islands. This was because they lay at the centre of the China trade routes but were inhabited by hunter-gatherer peoples who displayed hostility to passing or shipwrecked vessels. And so in March 1858, the British sent the first batch of convicts, sentenced in the aftermath of the 1857 rebellion, to the Andamans.¹⁶ Transportation continued, until in the context of discussions about their penal efficacy and their expense, plans were drawn up to abandon the penal colony in 1921. Subsequently the British tried to encourage other settlers. However, their efforts failed, and due to ongoing labour shortages convict transportation continued until 1939. The Islands received more convicts (over 83,000) in total than anywhere else in the British Empire. They were not only much larger than the Asian settlements, but they superseded the numbers sent to any single Australian penal colony (New South Wales and Van Diemen's Land received approximately

Table 8.1 Convict Transportation in British Asia, 1789–1939

Transported from	Transported to	Dates	Number of convicts
Bengal, Bombay and ^Madras presidencies	Penang	1789–1860	5,459
Bengal Presidency	Andaman Islands	1793–1796	265
Bengal and ^Madras presidencies	+ Amboyna and Bencoolen	1797–1823	2,823
^Madras Presidency	Bengal Presidency	1800	143
Bengal, Bombay and ^Madras presidencies	Singapore	1826–1859	4,882
Bengal, Bombay and ^Madras presidencies	Malacca	1826–1831, 1854–1866	1,196
^Madras Presidency	± Straits Settlements (unspecified location)	1829–1840	444
Bengal Presidency	± Straits Settlements (unspecified location)	1855–1856	187
Bengal Presidency	§ Burma	1830–1858	5,920
^Madras Presidency	§ Burma	1836–1860	878
Straits Settlements and Burma	Bombay and Madras Presidencies	1836–1864	*1,400
Hong Kong	Van Diemen's Land	1844	10
Hong Kong	Singapore and Penang	1846–1856	404
Hong Kong	Labuan	1851–1858	130
Bengal Presidency	Mauritius	1815–1818, 1827	908
Bombay Presidency	Mauritius	1826–1837	453
Bombay Presidency	Aden	1841–1850	163
Ceylon	Mauritius	1819–1823	49
Ceylon	Malacca	1858–1866	587
Ceylon	Singapore	1859–1865	205
British India incl. Burma, and Mysore and Hyderabad	Andaman Islands	1858–1939	83,313
Total			108,419

Sources: IOR P (judicial and public proceedings) series (Bengal, Madras and Bombay presidencies), 1789–1860; IOR V/10 Andaman Islands, Straits Settlements and Burma annual reports, 1858–1860; Christopher Munn, 'The Transportation of Chinese Convicts from Hong Kong, 1844–1858', *Journal of the Canadian Historical Association/Revue de la Société historique du Canada* 8, no. 1 (1997): 113–145.

^ May include convicts from the princely states of Hyderabad and Mysore.

+ The destination is not always specified, though note that the British only held Amboyna 1796 to 1802 and 1810 to 1814. In 1825, Bencoolen was ceded to the Netherlands under the Anglo-Dutch Treaty of that year.

± The Straits Settlements: Penang, Malacca and Singapore after 1826.

§ Burma: Arakan and the Tenasserim and Martaban Provinces.

* Estimate.

Note: There are no systematic figures on Indian convict flows before 1858. The numbers presented here are gleaned from scattered references located across hundreds of IOR volumes. Though the pre-1858 figures include all recorded instances of transportation, it is likely that they underestimate the scale of the flows, perhaps by as much as 20 per cent. This allows for gaps in the records, as well as the inclusion of convicts from the princely states (Hyderabad and Mysore) and Supreme Court convicts, whose shipments were not always recorded. There are few archives of the flow of convicts from S.E. Asia to Bombay and Madras. The estimate presented here is extracted from periodic returns, which largely date from the later 1850s, and is almost certainly too low.

Note also that the table details the date ranges of convict flows. In some cases, the penal settlements remained operational after actual transportations ceased. The penal settlement in Mauritius remained open until 1853, Burma until 1862, and the Straits Settlements until 1868, after their general administration was transferred from the India Office to the Colonial Office.

79,000 and 68,000 convicts respectively, not including an estimated 5,000 inter-colonial shipments). Over the long period of the Andamans penal colony, the Indian authorities ordered (and then suspended) the transportation of term convicts, unlike during the first half of the nineteenth century when both life and short sentenced convicts were transported. They also introduced volunteer settlement schemes for prisoners from mainland jails (after 1926). Just as the dramatic increase in penal transportation during 1858 to 1859 can be attributed to the repression of the 1857 uprising, the prohibition against term convicts during 1869 to 1875, and again between 1906 and 1911, helps to explain some of the troughs and peaks in transportation flows (Figure 8.1).

Convict journeys

Indian convicts began their journey into transportation at the moment of their conviction. They would already have spent some days or weeks in a district lock-up or jail before their appearance in front of British magistrates and judges. If found guilty, and until the abolition of the practice in 1849, Bengal and Madras convicts were then tattooed on the forehead with *godna*, a permanent ink mark of their name, crime and date of sentence.¹⁷ All convicts were transferred to a holding jail in preparation for their shipment overseas: Alipore in Bengal, Chingleput in Madras or Tannah in Bombay. They travelled there on foot, boat and/or train, in groups known as *challan*. This initial penal transfer could necessitate the traversing of vast distances and diverse landscapes, as convicts voyaged across plains and forests, villages and towns, and along rivers and coasts, for hundreds and in some cases for over 1,000 miles. Convicts sentenced in Southeast Asia journeyed over relatively shorter distances but also by various means including river steamer (Figure 8.2).

The end point of this first stage of their voyage was a carceral institution that held convicts from all over the subcontinent, and therefore from diverse social, cultural, linguistic and religious backgrounds. It was in these confined spaces that some

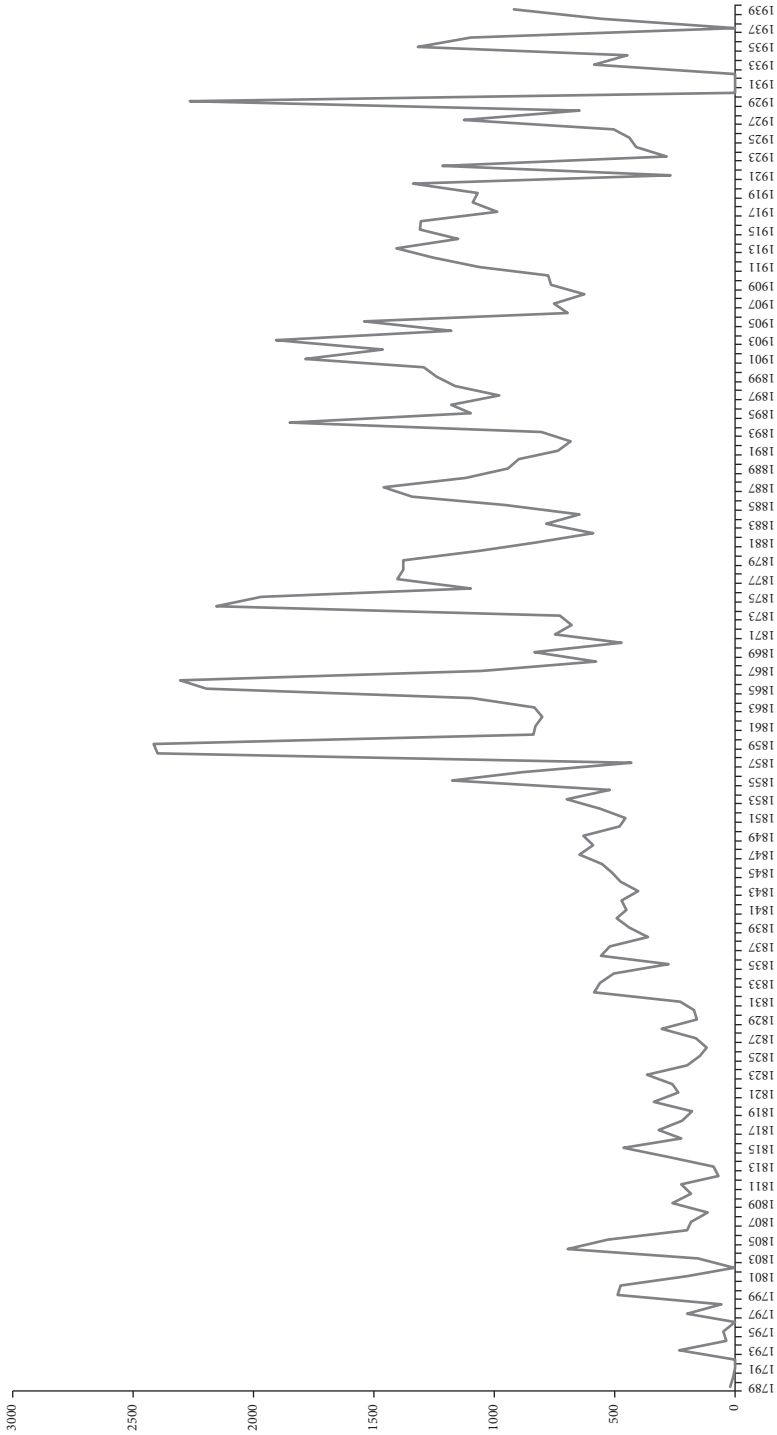


Figure 8.1 Indian convict transportation flows, 1789–1939

Sources: IOR P (judicial and public proceedings) series (Bengal, Madras and Bombay presidencies), 1789–1860; IOR V/10 Andaman Islands, Straits Settlements and Burma annual reports, 1858–1869.



Figure 8.2 ‘A gang of Dacoits being conveyed down the river from Mandalay to Rangoon [Burma] on board one of the Irrawaddy Flotilla Company’s steamers. These men ... were sentenced to transportation for various terms. As shewn in the picture, they are about to receive their morning meal’

Source: W. W. Hooper, 1886. The British Library, India Office Records, Photo 312/(76).

convicts began to forge the ties of brotherhood that would, as we will see, become so important as they continued onwards to their transportation destination. And they did this through further travel on a river vessel, which took them out for their embarkation at the mouth of rivers near the sea. Ships departing from Calcutta sometimes sailed down the coast, and picked up more convicts in Madras, before going eastwards across the Bay of Bengal.

During the first fifty years of transportation, most convicts were shipped to the penal settlements on one of the Company’s China fleet. The Company had a monopoly over long-distance trade routes until 1834, and following the signing of formal agreements with ships’ captains, convicts were sent into transportation on trading voyages. Unless they were carrying especially notorious convicts, vessels were not specially fitted out for them, and they spent the journey between decks, travelling alongside cargos of cotton, silk, betel, opium and dates, and constrained by fetters. The number of convicts on board varied widely, from a small handful of two or three individuals to over 200. If convicts travelled alongside large quantities of goods, and though they were supposed to receive the same space allocation as lascars (sailors) and, later, indentured labourers (men and women contractually bound to employers overseas), vessels could become very overcrowded. If there were no China fleet ships available or willing to carry convicts, the Company administration tendered for private trading vessels, for they were permitted by the terms of its charter to work short-distance routes. The use of

private contractors bears comparison with earlier British Atlantic practices. In 1834, the Company lost its monopoly on long-distance trade routes and subsequently all convict voyages to the Southeast Asian settlements, Aden and Mauritius were tendered to such private carriers.

In both cases, ships were procured after the jail superintendent in one of the presidencies signalled the presence of transportation convicts to the authorities. In Bengal, the secretary to the judicial department then requested that the superintendent of the marine department procure a passage. After a Company vessel was found (or a private one was tendered), he inspected and reported on it. The jail superintendent was informed that the ship was ready, and instructed to have the convicts ready for embarkation on a particular day and at a particular time. The military board supplied the ship provisions for the convicts, which it did through the commissariat department. It also provided a guard.¹⁸ In Bombay, the superintendent of the Indian navy made the arrangements directly with the session judge in charge of Tannah jail. He was also responsible for checking that the vessels were seaworthy and that convicts could be adequately lodged and secured. It was the master of the ship's responsibility to apply for a guard if he thought one was necessary.¹⁹ As ships sailed, captains were given lists of the convicts and other related paperwork, and ordered to hand the documents over to the authorities when they arrived. Medical attendants were not routinely sent on board, for the primary purpose of these voyages was not convict transportation but trade. Therefore, ships did not disembark Indian convicts in Southeast Asia and then embark Southeast Asian convicts and take them back to the mainland. Rather, they deposited Indian convicts before voyaging on to the China routes. They embarked Southeast Asian convicts on their way back to the presidencies.

In the first half of the nineteenth century, the cost of transportation varied according to the availability of ships and the number of days they spent at sea. From Bengal and Madras, it cost around 60 rupees per convict for the voyage to Bencoolen, 35 to 40 rupees to the Straits Settlements, 30 rupees to Burma, and 60–75 rupees to Mauritius. Shipping links from Bombay were less regular, and most transportation journeys comparatively long. Transportation to Burma and the Straits cost about 75 to 80 rupees per convict, and Mauritius varied between 50 and 100 rupees. The captain of the vessel was charged with provisioning the convicts. Those who ate cooked food (largely Muslims) received lascar rations of rice, dhal (lentils), fish, tobacco, betel nut, salt, ghee (clarified butter), tamarind, chillies, pepper, garlic and onions. Those who did not cook (caste Hindus) were issued with the same, except that they were given sugar, *poha* (flaked rice) and parched gram in lieu of rice, dhal and fish.²⁰ There was a bottle of wine and a bottle of lime juice for every two and a half convicts.²¹ Despite the apparent attention to religious and caste strictures in the regulations, convicts complained on a number of occasions that rations and water were in short supply.²²

It is perhaps surprising that in the period to the 1840s shipboard death rates were extremely low; less than 1 per cent (25 deaths out of 2,676 transportations) for Bengal ships sailing between 1793 and 1848, for example. This can perhaps be explained by the decease of sick, elderly or vulnerable prisoners during often long-distance journeys to their port of embarkation, or while awaiting transportation in jail. Indeed, during the first half of the nineteenth century prison death rates sometimes hit 25 per cent.²³ Nevertheless, for convicts, conditions on board could be grim. The below decks

temperature could be unbearably hot, convicts became ill with seasickness and there were outbreaks of dysentery. Incidents of suicide, though infrequent and sometimes indistinguishable from the 'accidental drownings' recorded in the colonial archives, were rare but not unknown.²⁴ In the 1850s, however, five single ships crossing the Bay of Bengal experienced devastating convict mortality – of up to 20 per cent. This seems to have been the result of a combination of factors, which included overcrowding but also short rations and the generally debilitated state of those transported following the great uprising of 1857.²⁵ With respect to the latter it is worthy of note that during this period migrant labourers indentured to the sugar colonies in Mauritius and the Caribbean suffered even higher death rates at sea.²⁶ Their incidence on particular convict ships during this period was perhaps also related to the imposition of restrictions on convicts' shipboard mobility in the aftermath of several violent mutinies, which produced great hardship amongst those on board. Indeed, once at sea, the captain's authority was paramount; and convict ships could be violent and brutal places.²⁷

In the years after 1834 when journeys were tendered to private ships, there were twelve violent outbreaks on convict vessels. These included in 1854 the *Clarissa* mutiny, which involved so many convicts that their cases had to be heard in Calcutta's Town Hall, for they could not fit in the city's court room. In some cases, convicts had formed tight bonds with each other as they awaited their transportation; and they took their grievances against the Company and their punishment onto the seas. Some travelled prepared, discussing plans in jail, and sewing files, nails and emery boards into the folds and ends of their bedding,²⁸ Others were skilled sailors, including in the 1838 case of the *Catherine* convicted pirates under sentences of transportation from the Straits Settlements to Bombay, and had the capacity to take and then navigate a ship.²⁹ But convicts were also given the opportunity to escape because they were incorporated into shipboard routines; they worked as sweepers, cooks and overseers, and were engaged in the loading and unloading of provisions and cargo.³⁰ We know almost nothing of convict women's experiences on transportation vessels, except that they were lodged separately from men and were sometimes allowed to remain on deck.³¹ But we do know that convicts – sometimes assisted by the knowledge such women accrued – were able to exploit inadequacies in their guard, including the safe storage of weaponry, and seize a momentum that enabled them to attack ships' captains and crew, and in some instances to kill their masters, take control of vessels and flee.

There was an intensely subversive element to their actions, for sometimes convicts struck off their chains and fettered the captain. They dressed up in the crew's clothing, feasted at the captain's table and threw overboard the ship's papers.³² Following a mutiny on the *Virginia*, off the coast of Bombay in 1839, the authorities laid down a lengthy set of instructions. They ordered that convicts be embarked in future by the superintendent of police, not the navy as was established practice, and regulated the convict guard and its weaponry as well as movement around the ship, rationing, chaining, punishment and the issue of medicine.³³ Still, mutinies continued during the period to 1858. Though there is no firm evidence that any such unrest broke out on Andaman-bound ships in the period after that date, in 1890 the Indian government introduced the SS *Maharaja* as the sole vessel for the shipment of convicts to the penal colony. Unlike the earlier vessels, it was properly fitted out for their secure transport,

its only other cargo being Andaman personnel, troops, subsistence imports and goods for sale.

Imperial expansion, convict labour and penal management

Before the British occupation of the Andaman Islands in 1858, with few exceptions, in all three presidencies most convicts were sentenced to transportation generally and not to shipment to a particular place. The site of their relocation was then decided according to the availability of ships, the capacity of the settlements and the presidencies' view of the most pressing labour demands. As a result, EIC officials in Southeast Asia alternatively objected to the sending and receiving of convicts and/or competed for convict supply. The Company viewed convicts as particularly valuable in newly acquired territories, and there is a clear association between the chronology of EIC expansion and the corresponding direction of transportation flows. Convicts were shipped to Penang (est. 1786) and the Andamans (est. 1789), for instance, soon after Company occupation. They were sent to Bencoolen, which had been under EIC control since the seventeenth century, following the start of a programme of public works at Fort Marlborough. At this time, the Bencoolen administration was not wholly enthusiastic about receiving them. The local distaste for convicts was perhaps related to the 'spirit of mutiny' that they reported in some high-caste men who they swiftly returned to Bengal.³⁴ But it was also connected to the stigma of convict settlement. Bencoolen Resident Walter Ewer wrote in 1800 that his predecessors 'felt their dignity hurt by being turned into a Botany Bay'. Resident Ewer in contrast was unfailingly enthusiastic about convicts. Bencoolen was thinly populated, and a deadly smallpox epidemic had recently killed many Malay workers. He put some convicts to public works and hired others as servants to free settlers. 'The convicts', he wrote in 1800 'are the most useful inhabitants in the settlement'.³⁵ There was a similar connection between the decimation of free populations by disease and the instigation of convict transportation to Amboyna in the Moluccas. In 1801, the British resident there wrote that recently so many people had died from 'a violent epidemic' (presumably smallpox), that there were not enough labourers for the nutmeg plantations. Calling for convicts, he noted that as trees were left uncultivated, and fruit unpicked, Company revenue was suffering.³⁶

After the abandonment of the Andamans in 1796, due to high rates of sickness and death, the 270 surviving convicts were transferred to Penang, which continued to receive convicts until 1860. At the turn of the century, some convicts in Penang were employed in brick and lime manufacture, their importation enabling the cancellation of free labour contracts on these works. Others were put to work in agriculture and allowed to keep a share of their produce. As EIC officials in Bengal put it, this would 'encourage industry'.³⁷ Road building was another especially important convict occupation, because during this period of early settlement better communications were necessary to open up Penang for cultivation, but the island lacked a sufficient population to tax in order to pay for them.³⁸

As they came under British control in 1815, 1824, 1828 and 1839 respectively, Mauritius, Singapore and Malacca, Burma and Aden were also sent convicts. Mauritius first took them in 1815, Singapore and Malacca in 1826, Burma in 1830, and Aden in 1841. In all these locations, again there was a close association between convict labour and infrastructural and other kinds of agricultural and commercial development. Despite their dispersal over the Bay of Bengal, and beyond, convicts were organized and worked in remarkably similar ways, and the EIC gave clear orders about the work convicts should do and their penal organization and discipline. Convicts in the settlements were engaged in land clearance, plantation labour, cultivation, road and bridge construction, and building work. They cut and sawed timber, made pots, cloth, bricks and tiles. They rowed boats, drove carts and cut grass. They worked as gardeners, watchmen and herdsman.³⁹ A few dozen Eurasian convicts were sent to Indian penal settlements too, including the Andaman Islands after 1858. In a clear drawing of lines of racial distinction in the settlements, they were not put to hard labour. Rather, they were employed as servants to Europeans, or worked as clerks or overseers in the settlements. In this way they became penal intermediaries, working between the white administration and its Asian convict labour force.⁴⁰

In many places, including Bencoolen, convicts were allotted small plots of land, and allowed to grow their own food, and to keep goats and poultry. Here, there was a desire to reduce the overall cost of the penal settlements.⁴¹ The sale of vegetables, eggs and livestock also brought convicts into local markets and trade. Some convicts were even used in diplomatic missions and military engagements. For instance, two dozen or so were hired out to the army in Bencoolen, including during its 1800 dispatch to Labuan in the South China Sea.⁴² A handful of men were transferred from Mauritius to Madagascar when Britain undertook negotiations in the region in the 1820s.⁴³ Others were employed as soldier-bearers during the Naning War in Malacca (1831–1832).⁴⁴

One of the key features of the penal settlements, as in the *presidios* of the early modern Iberian empires and in the Dutch East India Company settlements, was their relative openness (see Timothy Coates, Christian De Vito and Matthias van Rossum in this volume). Convicts lived in jails, barracks, huts and camps that were not necessarily locked or separated from surrounding indigenous, migrant or settler communities. The nature of convict employment meant that most worked outdoors. Below we will discuss the implications of this particular form of carceral confinement and spatiality for labour management and convict experience. Meantime, note that another feature of the penal settlements was the incorporation of convicts into the penal system.⁴⁵ They routinely worked not just as sweepers (*mehtars*), washermen (*dhobis*) and cooks (as in jails), but as overseers (*tindals*) over other convicts, as well as clerks. Soldier convicts transported to the Straits Settlements and Burma in the aftermath of the Anglo-Sikh wars in the 1840s were employed as prison guards in places like Moulmein (Burma). The continued employment of Indians in Singapore into the 1970s seems connected to their historic presence as convict warders.⁴⁶

Convicts also worked as servants and grooms to British officials. Most Company officials began their careers in mainland India, and their employment of Hindustani (or other vernacular) speaking convicts over local workers who conversed, for example, in Burmese or Malay meant that they did not have to learn another new

language.⁴⁷ Paralleling early-modern British practices in the Atlantic world (see Hamish Maxwell-Stewart in this volume) there were instances when convicts were hired out to private employment too, particularly in the late eighteenth and early nineteenth centuries. This did not always meet with the approval of the mainland authorities, who were keen to ensure all convict labour was turned to the Company's account.⁴⁸ Their approbation was also in part connected to the belief that such work was not the 'hard labour' to which convicts had been sentenced.⁴⁹ Indeed, on these grounds in 1837 the Madras Presidency threatened to remove its convicts from the Straits Settlements and send them to what it perceived of as the harsher environment of the Tenasserim Provinces (Burma).⁵⁰ The critique of the hiring out of convicts was also related to the contemporary desire to distance convict labour from slave labour, and the EIC was keen that private individuals did not control the transported penal workforce.

With respect to convict management, during the first half of the nineteenth century, penal class systems developed across each of the settlements. That these were developed locally reveals the extent of the decentralization of the EIC's system. Moreover, penal practices circulated around the region, including from the Australian colonies. The first penal class system was introduced in Bencoolen in 1800, and it was further refined in 1820. It divided convicts into three classes, according to their sentence and conduct. Well-behaved and long serving convicts were not subject to hard labour but were employed in paid work, including as artificers.⁵¹ These rules were modelled on those then in force in the penal settlement of New South Wales, and were subsequently applied in Penang and Singapore.⁵² In 1845, they were developed further, both in the Straits Settlements and Burma. Sixth class 'incurables' worked on the chain-gang, and first-class convicts became overseers. Following further good service and conduct, convicts were issued with tickets-of-leave, which constituted a form of probation. Though they were not entirely free, they were allowed to live outside the penal settlement and engage in paid employment, as long as they did not misconduct themselves, in which case they could be recalled to convict service.⁵³

After 1858, the Southeast Asian system was extended to the Andaman Islands, though by then under crown rather than Company control, and ticket-of-leave convicts became known as self-supporters. At the end of the nineteenth century, there were efforts to separate them from under sentence convicts, and to settle them in different villages. The nature and extent of their socio-economic connections meant that this proved impractical, and the trial was abandoned. The completion of the radiating cellular jail in 1906 gave the penal class system in the Andamans a different character to that of the earlier settlements. All convicts served an initially harsh stage in the prison and were then sent out to the districts to work. The small number of elite nationalists who were imprisoned in the Islands at the start of the twentieth century spent their entire sentence in the cellular jail, and they were not put to productive labour. Further, it is important to appreciate that before colonial occupation, indigenous hunter-gatherer peoples inhabited the Andamans, and there were no free settlers. This rendered the islands economically, culturally and socially distinct from the earlier penal settlements of India, which were otherwise situated in places that were populated by local and migrant peoples, including slaves as well as

seasonal labourers. We will explore this point of difference, and the impact of the penal colony on the Islands' indigenous hunter-gatherer peoples, later on.

Returning to convict management, alongside the use of incentives to encourage good conduct, the settlements' officials retained an armoury of corporal punishments in order to manage resistance and rebellion. Convicts pretended that they were too ill to work, rubbed and opened up sores, and deserted their labour.⁵⁴ As well as organizing and participating in shipboard mutinies such as those discussed earlier, convicts engaged in other forms of collective action. For example, in 1818, seventy-five convicts hired out to the Bel Ombre sugar plantation in Mauritius deserted their work. They claimed that there had been a deterioration in their working conditions, for Hindus of all castes were forced to cook and eat with slaves. There was a violent confrontation between the convicts and their guards, and their rebellion culminated in the largest criminal trial of the entire British period in Mauritius.⁵⁵ Convicts by necessity worked with tools including hammers, crowbars and pick axes, and they could turn them into weapons against their guards. In 1847, for instance, 120 Indian convicts at work in the Burmese port of Moulmein did exactly that, drawing out their working implements to fight their overseers.⁵⁶

As well as mobility down the penal classes, convicts found guilty of such breaches of discipline could be flogged, fettered, put to severe forms of labour like stone breaking or transferred to remote sites of further punishment. These included, during some periods of settlement, Viper Island in the Andamans. Floggings were inflicted in front of all convicts and formed a dramatic spectacle, deterring others against misconduct. Floggings were severe, the strokes inflicted with a rattan cane, and it was not unheard of for convicts to die from their wounds.⁵⁷ Convicts could also be brought before the courts and made subject to further sentences of transportation, in punishment for misdemeanours. For example, a few of the Indian convicts transported to Mauritius faced reconviction and were sent to Robben Island in the Cape and to the Australian penal colony of Van Diemen's Land.⁵⁸ In these ways, the convict settlements of the British Empire were deeply connected to each other and to other forms of punishment.⁵⁹

These penal class systems and modes of punishment and reward underpinned claims that transportation rehabilitated convicts. In this respect, the management of the penal settlements in British Asia – including as noted above through the incorporation of regulations from the penal colony of New South Wales – included elements of metropolitan and imperial discourse on the appropriate treatment of prisoners and convicts. However, the violence of convict forced labour and penal settlements' attachment to corporeal sanctions differentiated them from the cellular confinement and non-productive labour that grew in favour in metropolitan penitentiaries over the course of the nineteenth century. A further point of distinction between British, Australian and South Asian practices is that Indians were never made subject to the supposedly 'moralizing' influence of Christian instruction. Nervous of inciting anti-British sentiment, particularly in the aftermath of claims that the 1857 revolt was a response to fears of forced conversion, missionaries were prohibited from jails and penal settlements.

Nineteenth-century contemporaries certainly drew attention to the peculiarity of the Indian settlements, compared to British prisons. They remarked on the persistence

of hard labour and the need for a system of privilege and reward to encourage good conduct in what were relatively open carceral spaces.⁶⁰ One of the key areas of innovation in metropolitan incarceration was the removal of prisoners from public works labour and their employment inside the walls of jails. In British colonies, however, prison administrators tenaciously held on to them as an important source of labour. They consistently refused to abandon the use of prisoners on outdoor works, arguing for it as an important means of reform. The great contemporary advocate of penal labour at the time, Bengal's Inspector-General of Prisons, F. J. Mouat, visited the Straits Settlements in 1851. He later wrote: 'there exists in no other country a more remarkable example of the successful industrial training of convicts.' He described St Andrew's Cathedral in Singapore, designed and built by convicts, as 'one of the finest specimens of ecclesiastical architecture which I had seen in the East'. Convicts in Singapore also built the Horsburgh Lighthouse and Government House (now the National Museum).⁶¹

Indian convicts were over and over again employed in the building of urban infrastructures and means of communication. It was Indian convict labour that laid the foundation for the connection of port cities and their littorals to each other and to inland frontiers. This included through the building of bunds, harbours and dockyards. In the first half of the nineteenth century, for example, Indian convicts in Mauritius laboured on the citadel in the capital Port Louis and expanded the island's network of roads to connect the city to its sugar plantations. They worked side by side with privately owned and government slaves, Liberated Africans (the illegally enslaved and trafficked men, women and children apprenticed into government service after the abolition of the slave trade in 1807), locally raised *corvée* (obligatory) labour and locally convicted prisoners. The latter included ex-slave apprentices and Indian indentured labourers who found themselves in breach of contract after their introduction into the island from 1834.

Convict work was connected not just to the first years of imperial settlement but also to the expansion of trade, commerce and imperial power. Convicts were used to open up or to expand the establishment of new commodities for export. The Mauritius government specifically requested convicts experienced in the manufacture of silk, to augment the convict-run sericulture established in the 1810s. Two decades later, Ceylon convicts were imported into Malacca with the intention of augmenting the labour supply on cinnamon plantations. Coal was first discovered in Burma in 1838, inland in the Tenasserim Provinces, and the first parties of convicts were sent to the mines in 1840. They were also employed in tin mining, though it was not long before skilled Chinese workers arrived and, willing to take low 'coolie' wages, ultimately, they displaced the convicts.⁶² The stationing of the Indian convicts in Burma at some distance from convict headquarters in Moulmein brings us to the issue of the mobility of Indian convict labour. Convict gangs circulated both within and without regions; they were marched out to work in places of need, and transferred across and between settlements when they closed or when particular labour desires arose elsewhere. In Mauritius, for example, though their headquarters were on the coast at Grande Rivière, convicts lived in temporary 'flying camps' as they worked all over the island on the roads. Convicts were transferred from Bencoolen to Penang, following the cessation of

the former to the Dutch in 1825. They were moved around the Straits Settlements. After the Burmese penal settlements closed in 1868, they were transferred to the Andamans.

Accompanying the mobility of convict labourers, there was an element of circularity to convict transportation in the Indian Ocean, too. In this regard, it is interesting to note the simultaneous flow of convicts outwards and inwards from and to India (Map 8.1 and Table 8.1). The first destination for the Straits and Burmese convicts sent to the mainland was Bombay's Mahableshwar jail. There, they were employed in jail manufacture, including of rattan furniture. Later on, they were allocated to other presidency prisons and worked as skilled labourers, gardeners and on public works. Following this precedent, from the 1860s, Burmese, Chinese and convicts were sent to the Nilgiri Hills of the Madras presidency, to work in cinchona cultivation. They also worked on the construction of Lawrence Asylum, a school for the children of deceased officers of the British army. Convicts led at least one mass escape.⁶³ Near Lovedale, Lawrence School remains open today as a place for the education of the children of Indian elites.

As mentioned above, the British were keen to re-colonize the Andamans in 1858 because they were strategically situated on British trading routes. The convicts shipped to the Islands in 1858 built the entire penal settlement and its associated infrastructure. The only other workers during this early period were drawn from the Indian army and navy; there were no free settlers. In both the nineteenth and twentieth centuries, as the population swelled with ex-convicts and convict descendants, the British experimented with various schemes to render the Islands economically self-sufficient. Logging was important during the whole period. By 1870, government had established an experimental garden at Haddo.⁶⁴ By the 1910s, it had set up mustard oil, cane and rope factories; tea and yam gardens; hemp, rubber, coffee and coconut plantations; and lime tree groves.⁶⁵ By the 1920s, the cultivation of cotton, bananas, pulses, mangoes and grapes were all under trial; and government was supporting ex-convicts in setting up co-operative societies to procure supplies of and set prices for rice and coconuts.⁶⁶ Over the near-century-long history of the penal colony, there were also various schemes through which self-supporters were granted or leased land, to cultivate to their own advantage. Note also that after British settlement of the Nicobar Islands in 1869, some Andaman convicts were transferred to work at Nancowry, which was the site of a satellite penal settlement until its closure in 1888.⁶⁷

Enslavement, indenture, migrant labour and indigenous confinement

Overall, the penal intentions of transportation in British Asia – convict reform, rehabilitation and progression through classes of punishment – were inseparable from the rapacious labour needs of expanding empire.⁶⁸ And, as such, convict transportation was also intertwined with other kinds of free and coerced labour and migration. There is an argument that in the context of growing abolitionist sentiment towards the slave trade in Britain, which was critical of the plantation economies of the Atlantic world,

the EIC abolished slave exports in order to position itself as the instigator of more enlightened labour relations as it expanded its influence across the Bay of Bengal.⁶⁹ But what has not been previously well or sufficiently understood and appreciated is that the Company often favoured convicts as their replacement supply, rather than the use of other kinds of seasonal or migrant labour. In the context of the EIC's abolition of slave exports from Bengal in 1788, for example, the British resident at the Moluccas Islands drew an unambiguous connection between the first shipments of convicts and the decline in slave imports following the transfer of the settlement from the Dutch. The shortage of slaves, he claimed, 'never occasioned such universal distress as at present'.⁷⁰ The British liberated 'government slaves' in Bencoolen in 1818, and there was an immediate fourfold increase in Indian convict numbers.⁷¹ Convicts were sent to the crown colony of Mauritius, too, in the aftermath of the abolition of the slave trade in 1807, as soon as the British took control of the island from the French in 1815. The number of convicts in Mauritius peaked in 1834, the year of slave emancipation.

Despite the constant threat of escape, and the ever-present threat of violence, it is notable that during the early years of settlement in new locations, Company officials remained steadfast in their desire for Indian convicts. This can be explained by the lack or high cost of local labour, the seasonality that typified alternative migrant labour sources, and/or the remarkable degree of coercion that was available to the administration in controlling the convict workforce. For example, the EIC initially established a labour force in Penang after 1787 by employing lascars, *sepoys* and artificers from Bengal, importing slaves from Bencoolen, and calling upon merchants in Canton to induce Chinese workers to migrate.⁷² It also imported a few dozen Bengal convicts. By 1795 it had become concerned about the availability and cost of free labour. The Malays would not engage in public works labour, it claimed, and both Chinese and mainland sojourner labourers from the Coromandel coast demanded high wages.⁷³ Not long afterwards, Penang received convicts transferred from the abandoned Andamans settlement, and by 1798 convict transportation direct to the island had restarted.⁷⁴ The experience of Penang was not unique. In 1804, the Bencoolen resident also claimed that convicts were fitter for plantation and public works labour than 'Malay coolies', and cost half as much.⁷⁵

Issues around labour supply, seasonality and suitability coalesced with the desire for coercion to produce a strong and tenacious desire for convict importations in British Burma. Indeed, in 1845 the commissioner of Arakan lamented that it was almost impossible to hire day labour in the port. This was because most of the locals owned land and so were unwilling to hire themselves out – except for very high wages. Migrant workers, he wrote, largely from Bengal, came to work the rice harvest, but returned home before the southwest monsoon began in April. During the rains, it was impossible to procure labourers.⁷⁶

Moreover, administrators in Burma preferred convicts as a more malleable alternative to free workers. In 1853, the assistant commissioner detailed his difficulty in preventing migrant labourers from deserting their work; and stressed the utility of convicts accustomed to working in gangs. Convict labour, he stated, was far more skilled, and gangs of 200–300 could be made ready to march out to work at any time, even during the rainy season. They worked in land reclamation, road

building, drain cutting, and in the construction of bunds and the planting of trees. The local Burmese, he claimed, were either 'ashamed' or 'excessively averse to dig'. Moreover, he was able to control the convict workforce in ways that would have been unpalatable to local or migrant labour. 'We should not have the hold over coolies that we have over the convicts', he wrote, detailing the means available to punish them. These included: cutting their money ration, placing them in irons or enforcing task work. 'Not so with coolies', he added, noting any attempt to cut their pay would likely prompt a labour strike.⁷⁷

As such, convict transportation in the Bay of Bengal and Indian Ocean was always linked to other forms of coerced and free labour and migration. The preference for convicts across contexts can be illustrated via contemporary calculations of the value of convict work, which was heavily dependent on the local context, and especially the availability of free labour, and its willingness to stay in employment. The general view during the early years of transportation to any given place was that a convict workforce was far cheaper than hired free labour. In Arakan and Tenasserim, for instance, claims about the prohibitive cost of local labour underpinned the first request for Indian convicts following annexation in 1828.⁷⁸ British military engineers in far distant Aden in the 1840s calculated that convicts could be compelled to do more work than free labourers, making them better value for money.⁷⁹

Complicating the issue of labour value, however, was the fact that in many instances convicts performed work that would not otherwise have been done. In 1847, Governor W. J. Butterworth of the Straits Settlements noted that for this reason it was impossible to calculate the real worth of convict labour. Because they worked on projects that were otherwise not resourced, their value would always, he claimed, be far greater than crude comparisons with the cost of free labour implied.⁸⁰ Nevertheless, as the Straits Settlements began to flourish, doubts started to emerge about the desirability of the convict presence. This was in part because there were never enough convicts to satisfy the need for labour and so other sources had to be located. But it was also connected to worries that the presence of convicts would put off investors, impede the development of trade and thus work against free migration. Indeed, from the 1840s merchant interests in the Straits Settlements started to express their doubts about the long-term feasibility of the penal settlement.⁸¹ Convicts were highly visible, because they worked outdoors in gangs. This strong public presence was not wholly compatible with the orderly image of empire that European residents wished to project. Moreover, through their accommodation and rations convicts appeared to enjoy better conditions than some free workers. The first calls for the abolition of transportation to the Straits emerged in the early 1850s, when the local press lamented that the settlements had become 'a common sewer'; a place of transportation for 'the very dregs of the population' of India.⁸² In other locations, it was not so much the convict stain as the inadequacy of convict numbers that underpinned the demise of penal transportation. Mauritius, for example, started encouraging indentured Indian immigration in 1834, and this was to prove the long-term solution to labour shortages in the aftermath of the abolition of slavery in that decade. Ultimately, however, it was the Indian uprising of 1857 that dealt the final blow to penal transportation in the surviving penal settlements (the Straits and Burma), for as noted above it was feared that convicts would fan the flames

of rebellion. At this time, in Singapore the dispensability of Indian ‘offscourings’ was noted. ‘We are no longer an infant colony’, merchant traders petitioned, a discourse of anti-transportation similar to that seen earlier in Britain’s American and early Australian colonies.⁸³

As penal transportation to the Andamans got underway in the second half of the nineteenth century, it became further interconnected to indenture in South Asia and the Indian Ocean. This was in part because of similarities in the process of sentencing (convicts) and contracting (indentured labourers), for both were legal processes. A further meeting point between the labour systems was that convicts and indentured labourers travelled to ports of embarkation in gangs (similarly called *challan*), either on foot, river steamer or train; stayed in jails or depots before embarkation; went on to their destination by sea; and ultimately were put to bonded forms of work with associated restrictions on freedom of movement. These similarities were not lost on ordinary Indians. In 1882 investigation in the north of the subcontinent found that potential migrants viewed the prospect of overseas indenture as a form of penal transportation. They asked what crime they had committed to be indentured, and described both penal settlements and plantations as *kala pani*. In some cases, they also confused returned migrants with released Andaman convicts who had made their way home.⁸⁴

Despite the cessation of transportation to those settlements established prior to the 1857 uprising, during the 1850s and 1860s (Table 8.1), and the relatively small number of convicts compared to the hundreds of thousands of indentured, seasonal and *kangani* (personally recruited) workers by then circulating in the Bay of Bengal and Indian Ocean, the early convict presence had enduring consequences for labour relations. Two decades after its abolition in Mauritius in 1853, for instance, an 1875 royal commission noted that the earlier penal settlement perhaps explained ‘the tenacity with which ... the traditions of slavery and forced labour have been adhered to in much of the legislation of the colony’.⁸⁵ In the middle of the twentieth century former assistant commissioner of Burma John Furnivall claimed that though the importation of convicts was a ‘common sense policy’, penal transportation was a ‘bad guide for empire builders’. This was partly because convicts drove out or discouraged the migration of free labour, which was unable to compete with it. It was also because the work performed by convicts became stigmatized. In these ways, in the longer term, the presence of convicts both diminished the supply of free workers and raised the rate of wages. Moreover, outdoor labour became stigmatized. Furnivall claimed that in these ways the existence of the penal settlement had created a barrier between the British and the Burmese. Although the penal settlement was abolished in 1862, this division endured until 1939.⁸⁶

The Andaman Islands continued to receive convicts up to the Second World War. Though, as we have seen, post-1858 it drew on practices of convict management developed earlier in other penal settlements, in important ways the Islands diverged from them. Indigenous hunter-gatherers, who engaged neither in settled cultivation nor trade, inhabited the Andamans. Paralleling Australia, Britain’s intention from the moment that the first convict ship arrived was to colonize and populate territory that was perceived as lacking sovereign owners, and thus as *terra nullius*. British crown

policy veered between total non-contact with indigenous islanders, and contact and containment. Though in 1858 government ordered administrators and convict settlers to avoid conflict, there followed sexual attacks on island women by naval brigadesmen, as well as the kidnap and confinement of women, men and children intended to broker the formation of cultural intermediaries. Indigenous people resisted British occupation of their islands. In the early years, they fired upon convict working parties and killed convict escapees. In later years, they targeted convict overseers (who wore distinct uniforms) but left other convicts alone. Extraordinary levels of violence against indigenous people – sexual assaults, warfare and arson – underpinned colonization. Previously unknown diseases further decimated indigenous populations.⁸⁷

During the nineteenth century and into the turn of the twentieth, the non-indigenous, non-convict population in the Islands grew and diversified. To some extent this was through the importation of convicts' families from the mainland, but during the early years it was mainly due to convict releases and the birth of (free) children – and eventually their grandchildren and great-grandchildren. Over time, and with indigenous islanders declining in number and increasingly forced to dwell sedentarily on reserved land, it became clear that the population of convicts, self-supporters and convict descendants would never be large enough to develop the Islands economically. Moreover, the cost, penal intentions and reformatory outcomes of the colony were increasingly subject to mainland critique. Thus, the Indian Jails Commission recommended in 1919 to 1920 that the penal colony be abolished. After then, the Andamans attempted to transition to a free colony, for instance by offering interest free loans on land grants, and encouraging free mainland settlers.⁸⁸ Between 1923 and 1926, a few dozen Burmese Karenni families migrated to Middle Andaman, assisted by a Baptist missionary. Their descendants still live in the village of Webi today. A dozen Anglo-Indian settlers were waved off from Calcutta in 1923, though in contrast to the Karenni their efforts at settlement ended in disaster. They were city people, with no prior agricultural experience. They were allocated poor-quality land in an isolated part of South Andaman. The promised equipment did not materialize, and they received no support or guidance. Twelve months later, just two men were left.⁸⁹ During the 1920s, the Andamans received other coerced settlers too: a few hundred members of the Bhantu 'criminal tribe', and a few thousand Moplah rebels convicted in the aftermath of the Malabar Rebellion of 1921. The descendants of both communities still live in the Islands to this day. However, a concurrent volunteer transportation scheme for Indian prisoners failed to produce the volume of migrants required. The much-desired free population did not materialize, likely because the stigma associated with the penal colony put them off. And so, despite the British desire to abolish transportation, and to introduce free workers, convict shipments continued until 1939.⁹⁰

Women, gender and sexuality

The large majority of convicts transported from India to locations around the Bay of Bengal and Indian Ocean during the period 1789–1939 were men.⁹¹ However, women

were a minority of many of the flows, and a close examination of gendered patterns of transportation enables us to explore further the relationship between penal settlements and imperial ambition. Before the 1820s the EIC transported few convict women. This was in part likely because women were sentenced to transportation in such limited numbers.⁹² It was also because in the very early years of transportation, with the exception of the Andaman Islands, in locations with established agriculturalist and/or trading populations, convicts were used not as settlers per se, but as a means to clear land and to build and develop infrastructure. Their mobility as a labour force was paramount. Therefore, at least initially, convict women were not sent to the early settlements in Bencoolen or Penang. In what was a mirroring of the practice of allowing women to follow the mobile camps of *sepoys* (soldiers), however, the British encouraged convicts' wives and female relatives to accompany them. As early as 1800, it was said that 'a due proportion of women will tend most effectually to preserve good order and improve the morals of the convicts.'⁹³ The idea that women had a moralizing influence on male convicts was repeatedly expressed over ensuing decades.

Convict women were only sent to EIC outposts after initial land clearance and infrastructural labour was complete. They were viewed as a means of encouraging ex-convicts to stay permanently in the settlements – as were convicts' free wives. And so, in 1806 for instance, Bencoolen ticket-of-leave convicts were granted land, seeds and livestock, and their families were given the right of inheritance.⁹⁴ As Bengal Inspector-General of Prisons F. J. Mouat wrote later in the 1850s, one of the early goals of transportation had been to provide settlers for 'unoccupied' lands.⁹⁵ There is scant data on the transportation of convict women or the migration of convicts' families, in part perhaps because both were so limited. Just six women were transported to Mauritius, for instance, and around fifty to Burma. For unknown reasons, until the 1840s, Bombay seems to have transported the majority of Indian women convicts. From then on, Bengal and Madras started to send female convicts overseas in larger numbers usually for crimes of infanticide, or the murder of spouses or other men known to them.

There exist fragmented yet quite detailed records of the number of convict women in Penang, Singapore and Malacca, and they present an interesting picture of the gendering of transportation and transportation locations (Table 8.2). Three things are clear. First, women were transported initially in only tiny numbers. Even by 1847, they made up just 1.9 per cent of total convict stock. Second, women were not sent in equal portions to the three settlements. Indeed, Malacca only rarely received female convicts during this period. Third, the proportion of convict women increased over time, particularly during the 1840s and 1850s. Excluding Malacca (which held only one or two female convicts in the 1860s) we see that whilst in 1847 just 2 per cent of convicts in Penang and Singapore were female, by 1854 this figure had risen to 5 per cent, by 1858 to 6 per cent and by 1866 to 7 per cent. This was almost certainly because the local administration wished to encourage the permanent settlement of former convicts in the region.

Antipathy towards the sending of female convicts in Malacca must have been connected to the nature of labour there, for convicts were largely sent out into the jungles in working parties to build roads. Moreover, the number of male convicts was

Table 8.2 Total Number of Convicts (and Number of Convict Women where Specified) in Penang, Malacca and Singapore, Selected Years, 1812–1866

Year	Penang	Malacca	Singapore	Total
1812	^119(5)			
1816	752 incl. ^151(8)			
1820	^165(6)			
1824	1,469(24)			
1831	^89(4)	216		
1834	^97(5)	190	704	
1838	566	284	855	1,705
1842	721		<161 + *655	
1847	601(26)	199	1,409	2,209(42)
1851	823	317(0)	1,379(49)	2,519(49)
1854	1,080(69)	596(0)	1,803(80)	3,479 (149)
1858	1,413(106)	534	2,139(119)	4,086 (225)
1860	1,256(93)	532	2,275(124)	4,063 (217)
1862	1,089(89)	514	2,055(120)	3,658 (209)
1866	801(73)	745(2)	1,681(112)	3,227 (187)

Note: This table includes figures for years where data is available. Convict numbers are usually recorded by presidency, and due to gaps in the records the figures are often incomplete. Due to the scattered nature of the records, this data above represents convict numbers in a wide range of months. Further, it is not always possible to discern the number of women in the settlements. Where no such figures are recorded, the extent of their presence is unknown.

^ Figures for Bombay convicts only.

< Figures for Bengal convicts only.

* Figures for Madras convicts only.

Sources: IOR P (judicial and public proceedings) series (Bengal, Madras and Bombay presidencies), 1812–1858; IOR V/10 Straits Settlements annual reports, 1858–. See also Anoma Pieris, *Hidden Hands and Divided Landscapes: A Penal History of Singapore's Plural Society* (Honolulu, HI: University of Hawai'i Press, 2009); Nagendiram Rajendra, 'Transmarine Convicts in the Straits Settlements', *Asian Profile* 11, no. 5 (1983): 509–517; K. S. Sandu, 'Tamil and other Indian convicts in the Straits Settlements, A.D. 1790–1873', *Proceedings of the First International Tamil Conference Seminar of Tamil Studies* vol. 1 (Kuala Lumpur: International Association of Tamil Research, 1968), 197–208; Constance M. Turnbull, 'Convicts in the Straits Settlements 1826–1867', *Journal of the Royal Asiatic Society, Malayan Branch* 43, no. 1 (1970): 87–103. Where the primary sources at my disposal contradict the figures given in the secondary literature, I have used the primary sources.

the smallest in the Straits, and by the late 1840s the majority of convicts were said to be either in hospital or infirm.⁹⁶ The relatively large increase in convict numbers overall during the 1850s was the result of the opening up of Malacca as a destination for transportation convicts from Ceylon. They were only transported for what the queen's advocate described as 'very aggravated' or repeat serious offences, and so were mainly men.⁹⁷

As noted above, the Andamans were colonized using convicts, and in 1858 there were no local or migrant settled cultivators on the Islands. From the very first

Table 8.3 Percentage of Convict Women in the Andaman Islands, 1858–1940

Year	Percentage of convict women	Year	Percentage of convict women
1858	0	1900	6.1
1860	4.5	1905	5.1
1865	6.3	1910	5.1
1870	8.4	1915	4.7
1875	11.4	1920	3.5
1880	9.6	1925	2.8
1885	10.3	1930	2
1890	7.4	1935	1.3
1895	7	1940	0.02

Note: There is full data for this period; this table shows figures for every five years after 1860. Before 1876, the percentages are for 31 December; from 1876, they are for 31 March. Figures have been entered for the first of each pair of years (i.e. a figure for 1889–1890 has been entered as 1890, etc.).

Sources: India Office Records (IOR) P (judicial proceedings) series; IOR V series: Annual Reports Andaman and Nicobar Islands.

shipments, the British thus routinely transported convict women. Though in 1860 the Islands held a smaller proportion of convict women than the Straits Settlements, their numbers quickly rose and by 1870 the Andamans overtook the earlier settlements of Penang and Singapore (Table 8.3). At various points over its near-century-long history it also actively encouraged convicts' families to migrate, often though without success.⁹⁸

In all the settlements, including the Andamans, convict women were largely kept at domestic forms of labour, notably cleaning, grinding grain and sewing. These were traditionally low-caste forms of employment, and suggest a de-casting of convict women in transportation. This was a contrast to the management of men, which was to a limited degree sensitive to their former caste occupations. Until the 1840s, convict men and women were not kept separately from each other and often cohabited together. Even when the authorities made moves to accommodate them apart, as in the Straits Settlements, in practice they continued to live together.⁹⁹ Andaman self-supporters routinely had families and lived in villages outside the capital, Port Blair.

Still, the sex ratio in all the Indian penal settlements was grossly imbalanced. This led to the emergence of administrative concern about fights over women, prostitution and homosexual relations. In 1856, for example, it was said that convict women in Burma were having sexual relationships with jail guards, paid for in gold jewellery.¹⁰⁰ 'Immorality' was from time to time discussed by the Andaman administration, including with respect to women's promiscuity and sex between locally born (i.e. convict descended) boys.¹⁰¹ In 1911, Census Commissioner R. F. Lewis went as far as to claim that self-supporting convicts in the Andamans prostituted their female children, for they were 'a source of revenue to unscrupulous parents; a valuable asset, not to be lightly parted with.'¹⁰² In 1919 to 1920 the abolitionist Indian Jails Committee drew attention to earlier claims that 'unnatural vice' was widespread in certain districts of the Islands.¹⁰³

Given their relative mobility, it is also the case that male convicts were able to establish intimate relationships with free populations. In Mauritius, for example, after they began to arrive in large numbers in the late 1830s, some convicts married indentured women. Given that overall men predominated in the sex ratios of indenture, this suggests that the convicts had been able to accrue the relative wealth necessary to make them attractive partners.¹⁰⁴ In the Andaman archives too, there are textual remnants of escaped convicts having sex or children with indigenous women – and likely there were many more such liaisons of which no paper records survive.¹⁰⁵

Transportation, political contingency and convict solidarities

As Figure 8.1 shows, there were sharp peaks in convict flows during the period under consideration. It is possible to connect some of these to specific years when the East India Company and later the British crown were invoking penal transportation as a means of suppressing rebellion, and exporting rebels. The use of transportation as a means of quashing forms of anti-colonial solidarity – as a strategy of colonial governmentality – stretched back to the turn of the eighteenth century. Then, after the wars of 1799 to 1805, Polygar chiefs were shipped out of the former Tirunelveli kingdom of south India – to Bengal and to Penang. The Second Maratha Wars of 1803 to 1805, also contributed to the sharp rise in transportations at this time. During the Third Maratha War of 1816 to 1819, the overall number of convict transportations stayed relatively high. In the 1810s and again in the 1820s, Kandyan nobles were exiled from Ceylon to Mauritius. They were kept quite apart from the ordinary Indian convicts, the latter on occasion being allocated to them as servants. Transportation was also used increasingly in the 1840s, as a means of getting rid of soldiers who had fought the British during the Anglo-Sikh wars (1845–1846, 1848–1849). The most dramatic sudden rises of all, though, came in the aftermath of the Santal rebellion of 1855 and the 1857 revolt, when rebels were sent in the former case to the penal settlements of Southeast Asia and in the latter to the Andamans. The exile of the Manipuri royal family in the Andamans followed in the 1870s, after the Anglo-Manipur War of Assam. In 1877, the British also exiled the deposed sultan of Perak, Abdullah Jaffar Moratham, to the Seychelles.¹⁰⁶

Disguised within these figures are the subaltern peasant rebels of empire, who were almost continuously transported overseas during this period. Many of the first convicts shipped to Mauritius in 1815 for instance were from peasant and tribal groups, convicted in regions of the Bengal Presidency in near-permanent revolt against Company appropriation (of land) and extortion (or tax collection). Some of the convicts sent to Aden in the 1840s were transported in the aftermath of the rebellion in Kolhapur, which protested against EIC annexation.

It is possible to trace the transmission of anti-British sentiments over long distances, via the transportation of convicts. For instance, in the 1840s and 1850s there were several violent outbreaks amongst convicts transported after the Anglo-Sikh wars and consequent EIC annexation of the Punjab. In the aftermath of the conflict, the British

transported dozens if not hundreds of former soldiers to Southeast Asian locations, including Singapore and Moulmein. One convict, Bhai Maharaj Singh, transported to Singapore, was described as a ‘saint-soldier’. He had led anti-British forces during the Second Anglo-Sikh War, and according to the British deputy commissioner at the time: ‘He is to the Natives what Jesus Christ is to the most zealous of Christians ... This man who was a God, is in our hands.’¹⁰⁷ The British attempted to keep him away from the bulk of Indian transportation convicts, confining him in the civil jail on Pearl’s Hill. Bhai Maharaj Singh wrote of his experiences in letters to India, in which he expressed a strong desire to go home, but he died in Singapore in 1856. His shrine is now the centrepiece of the Silat Road *Gurdwara* (temple), where Sikh worshippers remember him today as a nationalist hero.¹⁰⁸

Another hundred or so convicts in Burma were thugs from the upper provinces of Bengal. At the time, the British were making concerted efforts to ‘extinguish’ ‘thuggee’ (*thagi*) – which they represented as a pseudo-religious ritual of theft and murder by strangulation. In fact, as recent research has shown, *thagi* was a kind of militarized practice, closely related to the military labour market in the region, and in which a large percentage of the male population was engaged.¹⁰⁹ Some of the convicts transported to Burma were allegedly so violent that on arrival they were made to wear leg fetters and handcuffs – attached with a chain to an iron neck ring.¹¹⁰

Such convicts were not kept apart from other ordinary transportation convicts, and they often joined together to resist their situation. There were mass escapes in Burma in the years after 1843, for example, after discipline generally was tightened up and common messing was introduced (so that convicts cooked and ate together, rather than according to their own desires or cultural or religious imperatives).¹¹¹ In 1846, transportation convicts attempted to break out of the jail on Ramree Island (off the coast of north Burma), and when they failed instead burnt down their wards and the guardrooms.¹¹² Some violent episodes were inspired by convict knowledge of the weaknesses of the system. In 1847, for example, 120 convicts working on the Burmese roads attempted to get away. The Commissioner of Arakan claimed that he had no power to judicially punish any of them, for they were already subject to hard labour in chains, with limited rations. The convicts knew this all too well.¹¹³

Transportation could also constitute a vector for the spread of insurrection, for convicts drew on and perpetuated the wider-ranging socio-political and anti-colonial grievances that had on occasion underpinned their initial transportation. In this respect, it is important to note that there were sometimes significant connections between the land-based rebellions for which some of the Indian convicts were transported, convict mutinies at sea and uprisings in the penal settlements. In Aden, it was the Kolhapur rebels who led ongoing attempts to kill their guards and to escape, including one mass attempt in 1844 in which five convicts died. A further convict mutiny at one of the coal depots in Burma, in 1849, involved 100 Punjabi men, who tried to escape while they were employed in weighing and packing coal. They did not succeed, and three were left dead and eight severely wounded in the ensuing gunfight. Commissioner A. Bogle reported: ‘the Secks [Sikhs] had ... bound themselves by an Oath never to return to the prison and to eat beef sooner than abandon their purpose ... Bold men will ever be

found keen to emancipate themselves from thralldom, and when determined upon it, they are not to be restrained'.¹¹⁴

Bogle's comments on the Sikh convicts' oath brings us to the question of culture and religion in transportation. They were not made subject to Christian proselytization, but otherwise we know relatively little about convicts' religious practices. Fragments in the archives suggest that in the period to the 1850s in many locations Hindu and Muslim convicts built and worshipped in temples and mosques, often alongside the free population. To be sure, transported convicts both led and participated in the Muharrum, which marks the end of the period of mourning for the martyrdom of the Prophet's grandson Husayn. In Singapore, they broke out in riots in 1856, after government banned their procession.¹¹⁵ They also took charge of the cremation or burial of their dead, according to community traditions.¹¹⁶ The Andaman Islands after 1858 had a different religious character to the pre-revolt settlements. Though a few low-caste men were employed as sweepers and a few high-caste Brahmins worked as cooks, otherwise the British took little notice of caste in allocating convicts to labour. They also refused to allow the construction of religious buildings, and would not let caste *panchyats* (councils) sit, even in self-supporter villages. The Andamans thus witnessed some astonishing transformations in caste, and the emergence of transformative social and religious formations (including Hindu/Muslim inter-marriage without conversion) that were distinct from those of the mainland.¹¹⁷

Conclusion

The volume of convict flows around the Bay of Bengal and Indian Ocean from the late eighteenth to mid-twentieth centuries was a fraction of that of the circular mobility and migration of Asian contract, indentured and *kangani* labour during the same period. Nevertheless, as a detailed examination of the figures shows, penal transportation was used as a means of population management, or governmentality; and of providing the EIC and British crown with labour vital to its geographical and strategic expansion in and beyond the Bay of Bengal, including with respect to the transportation of convict women and families, permanent settlement. From the late eighteenth century onwards, in many locations convicts were preferred to slaves and other free workers. Finally, convicts were the first settler-colonists of the uncolonized (if not unpopulated) Andamans, both in 1793 and again in 1858, and if not willing colonizers they were tools of indigenous dispossession.

In the middle of the nineteenth century Indian convict flows gathered pace just as outward metropolitan ones were being abolished (see Hamish Maxwell-Stewart in this volume). This reveals the variegation of imperial penal practices. In particular, it opens out to view the importance of race in imperial policy, for the labour of Asian convict bodies was exploited in settlements and colonies for a much longer period of time than that of the British and Irish. Further, the use of penal transportation as a punishment for serious offences in the Indian Empire until the Second World War cautions against the idea that the emergence of modern punishment in the nineteenth century was

characterized by a global shift from the corporal to the carceral. Not at all, if we take an empire-wide view of the persistence of particular penal forms.

There is no question that there are large numbers of Indian convict descendants living today in places like Mauritius, Myanmar (Burma), Malaysia (Penang, Malacca) and Singapore, as well as in the Indian hill station of Ootacamund (Burmese, Malay and Chinese). However, they have little history that is recognizably separate or distinct. This post-emancipation outcome tells us a great deal about the depth of convict social and cultural mobility during the transportation era, as also the relations and connections that existed between convicts and other people. These were so important that through marriage and other intimacies ultimately convict descendants have simply 'disappeared'. In the Andamans, however, where indigenous islanders were not settled cultivators, and where as we have seen there were almost no other free settlers, today there exists a distinct, convict-descended community. They are known as the 'pre-42s' or the 'local-born', and in the aftermath of Indian Independence in 1947 have enjoyed particular state sanctioned privileges, including access to education and government employment.¹¹⁸ Though the eminent nationalists incarcerated in the Islands' cellular jail were all repatriated, today India celebrates the symbolic importance of the Andamans in the Indian freedom struggle. It also perceives the Islands' religious and cultural harmony – a social aftermath of cosmopolitan convict flows – as so profound that it calls for the whole nation to follow the model of 'unity in diversity'. It is extraordinary, indeed, that a once feared imperial penal colony is now transformed into a moral lesson for an entire nation.

Notes

- 1 The EIC was a British trading company that governed parts of the Indian subcontinent in the period before the 1857 revolt. In 1858, the territories formerly under EIC control were transferred to the British crown.
- 2 The EIC renamed Penang Prince of Wales Island in 1786, though officials routinely referred to it by both names.
- 3 India Office Records, British Library (IOR) G/34/3 (30 January 1789): E. Hay, secretary to government Bengal, to Francis Light, superintendent Prince of Wales Island, 21 January 1789.
- 4 IOR G/34/4 (30 June 1790): John White, register foudjarry adawlat (criminal court), to Light, 14 March 1790.
- 5 Tapas Kumar Banerjee, *Background to Indian Criminal Law* (Calcutta: R. Cambray and Co., 1990); Radhika Singha, *A Despotism of Law: Crime and Justice in Early Colonial India* (New Delhi: Oxford University Press, 1998).
- 6 Jörg Fisch, *Cheap Lives and Dear Limbs: The British Transformation of the Bengal Criminal Law, 1769–1817* (Wiesbaden: Franz Steiner Verlag, 1983), 53, 61, 72.
- 7 A legal loophole in this regulation was addressed in 1822. British parliamentary papers (PP) 1824 (23): regulation V (Bengal) 1808: A regulation for amending certain provisions of Regulation IX, 13 June 1822.
- 8 Banerjee, *Background*, 93–94, 362.

- 9 Resolution of the Bengal government, 10 December 1811, cited in Banerjee, *Background*, 94–95.
- 10 Clause Third, Section II, Regulation IX, 1813, cited in Fisch, *Cheap Lives*, 78.
- 11 PP 1819 (13): Papers relating to East India affairs: viz. regulations passed by the governments of Bengal, Fort St George [Madras] and Bombay, in the Year 1816: Regulation XV, 18 May 1816.
- 12 PP 1819 (13): Regulation XVII (Bengal) 1817: A regulation to provide for the more effectual administration of criminal justice in certain cases, 16 September 1817. See also Fisch, *Cheap Lives*, 73, 95.
- 13 IOR P/401/32: memorandum, J. P. Willoughby, secretary to government Bengal, 10 August 1836.
- 14 Penang, Malacca and Singapore were collectively known as the Straits Settlements after 1826.
- 15 IOR P/146/12D: A. Fytche, officiating commissioner Tenasserim and Martaban Provinces, to E. Lushington, officiating assistant secretary to government Bengal, 22 July 1857.
- 16 IOR P/188/50: instructions to G. F. Edmonstone, secretary to government of India, n.d.; IOR P/188/54: E. H. Man, superintendent Andamans, to C. Beadon, secretary to government of India, 11 May 1858.
- 17 Clare Anderson, *Legible Bodies: Race, Criminality and Colonialism in South Asia* (Oxford: Berg, 2004), ch. 2. The Bombay Presidency never tattooed convicts.
- 18 IOR P/142/60: note by under-secretary to government Bengal, A. R. Young, 29 December 1846.
- 19 IOR P/402/30: memorandum, J. P. Willoughby, secretary to government Bombay, 19 January 1839.
- 20 IOR P/403/24: J. Burrows, superintendent of convicts Bombay, to Willoughby, 29 November 1843.
- 21 IOR P/402/37: J. Glen, secretary medical board Bombay, to L. R. Reid, acting chief secretary to government Bombay, 12 August 1839.
- 22 IOR P/145/18: deposition of Boor Singh son of Humeer Singh no. 115, 6 July 1854 (*Clarissa*).
- 23 David Arnold, 'The Colonial Prison: Power, Knowledge and Penology in Nineteenth-Century India', in *Subaltern Studies VIII: Essays in Honour of Ranajit Guha*, eds. David Arnold and David Hardiman (New Delhi: Oxford University Press, 1994), 167; David Arnold, *Colonizing the Body: State Medicine and Epidemic Disease in Nineteenth-Century India* (Berkeley, CA: University of California Press, 1993), 103–104.
- 24 IOR P/144/55: F. Church, resident councillor Singapore, to E. A. Samuells, superintendent Alipur jail, 30 September 1830, enc. list of provisions distributed to the Bengal convicts on board the *Margaret Skelly* as stated by the Hindu convicts, n.d.; IOR P/402/30: depositions of Captain F. N. Pendencygrass, 12 January 1839, 19 January 1839.
- 25 IOR P/144/55: Church to Samuells, 30 September 1853; IOR P/405/1: E. A. Blundell, officiating governor Straits Settlements, to C. G. Lumsden, secretary to government Bombay, 17 January 1850; IOR P/146/4: R. Macpherson, executive engineer and superintendent of convicts and roads Singapore, to H. Somerset Mackenzie, resident councillor Singapore, n.d.; IOR P/407/20: A. Ward, civil surgeon Tannah jail, to M. Melville, acting assistant sessions judge, 30 November 1858.

- 26 IOR P/188/57: *Reports by Dr Mouat on the Mortality of Emigrants from Calcutta to the West Indies 1857–1858*.
- 27 Detailed accounts of convict ship mutinies are: Clare Anderson, “‘The Feringees are Flying – the ship is ours!’”: The Convict Middle Passage in Colonial South and Southeast Asia, 1790–1860’, *Indian Economic and Social History Review* 41, no. 3 (2005): 143–186; Clare Anderson, ‘Convict Passages in the Indian Ocean, c. 1790–1860’, in *Other Middle Passages*, eds. Marcus Rediker, Cassandra Pybus and Emma Christopher (Berkeley, CA: University of California Press), 129–149.
- 28 IOR P/402/30: deposition of Captain F. N. Pendygrass, 19 January 1839; J. A. Forbes, acting senior police magistrate, to Willoughby, 22 January 1839; IOR P/145/32: H. Fergusson, superintendent Alipur jail, to A. W. Russell, under secretary to government Bengal, 24 January 1856.
- 29 IOR P/402/30: depositions taken before the officers and crew of the brig *Catherine* now employed by government for the conveyance of convicts from Bombay to Penang and Singapore; IOR P/403/24: S. Garling, resident councillor Singapore, to Willoughby, 14 September 1843.
- 30 See for example the following EIC ships’ logs: IOR L/MAR/B/210A *Lord Duncan* (1799); IOR L/MAR/B/232B *Dover Castle* (1801); IOR L/MAR/B/3C *Castle Huntly* (1814).
- 31 IOR P/402/30: information of Captain F. N. Pendygrass (*Catherine*), 19 January 1839; IOR P/405/34: E. Baynes, superintendent of convicts Bombay, to H. E. Goldsmid, secretary to government Bombay, 12 December 1851.
- 32 IOR P/403/5: J. W. Salmond, resident councillor Penang, to Willoughby, 15 July 1841; IOR P/403/6: deposition of Michael Anthony, 7 June 1841.
- 33 IOR P/403/2: ‘Instructions to the officers of convict ships’, n.d.
- 34 IOR Z/P/569: Broff, Crisp and Coles, to Richard Earl of Mornington, governor general in Council, 16 January 1799.
- 35 IOR P/5/13: Walter Ewer, commissioner Fort Marlborough [Bencoolen], to H. Tucker, secretary to government Bengal, 19 April 1800. Botany Bay was the first site of British settlement in New South Wales, in 1788.
- 36 IOR P/5/25: extract foreign department, 9 September 1801 – extract from a letter from the resident at the Molucca Islands, 11 July 1801.
- 37 IOR P/5/12: Bengal public proceedings, 22 May 1800, no. 6 para. 14.
- 38 IOR P/5/13: Lieutenant Governor George Leith, Penang, to G. H. Barlow, secretary to government Bengal, 31 May 1800.
- 39 IOR P/141/18: E. A. Blundell, commissioner Tenasserim Provinces, to R. D. Mangles, secretary to government Bengal, 17 September 1836; IOR P/141/66: Blundell to G. A. Bushby, secretary to government of India, 22 June 1842; Clare Anderson, *Convicts in the Indian Ocean: Transportation from South Asia to Mauritius, 1815–53* (Basingstoke: Macmillan, 2000), 46–48.
- 40 Anderson, *Legible Bodies*, 119–122. Eurasians were later known as Anglo-Indians.
- 41 IOR P/5/12: Ewer to governor general in council, 7 February 1800.
- 42 IOR P/5/19: Ewer to Governor General of India First Marquis Wellesley, 18 December 1800, enc. statement of convicts hired by individuals from primo May to ulto October 1800.
- 43 Anderson, *Convicts in the Indian Ocean*, 48–49.
- 44 Emrys Chew, ‘The Naning War, 1831–1832: Colonial Authority and Malay Resistance in the Early Period of British Expansion’, *Modern Asian Studies* 32, no. 2 (1998): 382.

- 45 For a nineteenth-century account of the convict system in Bencoolen and the Straits Settlements, see J. F. A. McNair, *Prisoners Their Own Warders: A Record of the Convict Prison at Singapore in the Stratis Settlements Established 1825, Discontinued 1873, Together with a Cursory History of the Convict Establishments at Bencoolen, Penang and Malacca from the Year 1797* (Westminster: Archibald Constable and Co., 1899).
- 46 Rajesh Rai, 'Sepoys, Convicts and the "bazaar" Contingent: The Emergence and Exclusion of "Hindustani" Pioneers at the Singapore Frontier', *Journal of Southeast Asian Studies* 35, no. 1 (2004): 1–19.
- 47 John Furnivall, 'The Fashioning of Leviathan', *Journal of the Burma Research Society* 29, no. 1 (1939): 41.
- 48 IOR P/140/52: J. J. Harvey, assistant commissioner Arakan, to C. Macsween, secretary to government Bengal, 1 September 1834; Macsween to F. Dickinson, superintendent Arakan, 22 September 1834.
- 49 IOR P/141/1: C. E. Trevelyan, officiating secretary prison discipline committee, to R. D. Mangles, secretary to government Bengal, 30 June 1836.
- 50 Tamil Nadu State Archives (TNSA) judicial proceedings (JP) vol. 326B: S. G. Bonham, governor of Penang, to H. Chamier, chief secretary to government Madras, 21 April 1837.
- 51 IOR P/129/32: rules for the management of convicts in Bencoolen, 18 June 1800; a regulation for the management of the convicts transported from Bengal to Fort Marlborough, 5 August 1806; IOR P/134/48: Bencoolen regulation for the better management of the Bengal convicts, 5 October 1820.
- 52 IOR P/136/66: minute on the management of convicts at Prince of Wales Island, 8 March 1825; IOR P/137/37: J. Crawford, resident councillor Singapore, to W. B. Bayley, secretary to government Bengal, 20 April 1825; IOR P/142/37: regulations for convict management Singapore, 23 June 1825 (rev. 1 December 1825).
- 53 IOR P/142/37: W. J. Butterworth, governor of Singapore, to A. Turnbull, under secretary to government Bengal, 26 February 1845.
- 54 McNair, *Prisoners Their Own Warders*, 152–155; Anderson, *Convicts in the Indian Ocean*, 68–69.
- 55 Clare Anderson, 'The Bel Ombre Rebellion: Indian Convicts in Mauritius, 1815–53', in *Abolition and its Aftermath in Indian Ocean Africa and Asia*, ed. Gwyn Campbell (London: Routledge, 2005), 50–65.
- 56 IOR P/142/62: J. R. Colvin, commissioner Tenasserim Provinces, to F. J. Halliday, secretary to government Bengal, 22 February 1847. For Mauritius see also Anderson, *Convicts in the Indian Ocean*, 61–62.
- 57 IOR P/144/20: minute by the governor of Bengal, 31 March 1852; A. P. Phayre, commissioner of Arakan, to J. P. Grant, secretary to government of Bengal, 18 February 1852; history of the case of a prisoner named Mohcum Sing who died from the effects of flogging, J. Kearney, sub-assistant surgeon, 28 January 1852. For more details of secondary punishments in Indian penal settlements, see Clare Anderson, 'The Execution of Rughobursing: The Political Economy of Convict Transportation and Penal Labour in Early Colonial Mauritius', *Studies in History* 19, no. 2 (2003): 185–197.
- 58 Anderson, *Convicts in the Indian Ocean*, 75–79; Angus Calder, *Gods, Mongrels and Demons: 101 Brief but Essential Lives* (London: Bloomsbury: 2003), 7–10.
- 59 During the early nineteenth century convict (and slave) lepers in Mauritius were also subject to transfer to Ile Curieuse (Seychelles) and Diego Garcia. Anderson, *Convicts in the Indian Ocean*, 42.

- 60 IOR P/141/1: H. G. Bonham, resident councillor Singapore, to J. P. Grant, secretary prison discipline committee, 5 April 1836; Mangles to Trevelyan, 13 September 1836.
- 61 Frederic J. Mouat, 'On Prison Ethics and Prison Labour', *Journal of the Royal Statistical Society* 54, no. 2 (1891): 232.
- 62 G. B. Tremenheere, executive engineer Tenasserim Division, 'Second Report on the Tin of Mergui', *Journal of the Asiatic Society of Bengal* 11 (1842): 839–852.
- 63 TNSA JP 12 November 1867, 139–140: superintendent of police Coimbatore to magistrate of Coimbatore, 24 October 1867; TNSA JP, 20 November 1867, 244–246: W. J. Wilson, inspector-general of jails Madras, to chief secretary to government Madras, 7 November 1867. The bark of the cinchona plant has properties used to manufacture the anti-malarial drug quinine.
- 64 Royal Botanic Gardens, Kew, MR/105 India: Andaman and Nicobar Islands 1870–1928: Report of the Royal Dover Gardens, Haddo, Port Blair, 1870–1871.
- 65 IOR V/10/620: *Report on the Administration of the Andaman and Nicobar Islands and the Penal Settlement of Port Blair for 1918–9* (Calcutta: Superintendent of Government Printing India, 1919).
- 66 IOR V/10/620: *Report on the Administration of the Andaman and Nicobar Islands and the Penal Settlement of Port Blair for 1926–27* (Calcutta: Government of India Press, 1928); IOR V/10/620: *Report on the Administration of the Andaman and Nicobar Islands and the Penal Settlement of Port Blair for 1927–28* (Calcutta: Government of India Press, 1929).
- 67 R. F. Lowis, *Census of India, 1911: Volume II, The Andaman and Nicobar Islands* (Calcutta: Superintendent of Government Printing, 1912), 61.
- 68 For Mauritius, see Anderson, *Convicts in the Indian Ocean*, 57–58. On Singapore, see TNSA JP Vol. 326B: Bonham to Chamier, 21 April 1837.
- 69 Andrea Major, *Slavery, Abolitionism and Empire in India, 1772–1843* (Liverpool: Liverpool University Press, 2012).
- 70 IOR P/5/25: extract foreign department, 9 September 1801 – extract from a letter from the Resident at the Molucca Islands, 11 July 1801.
- 71 IOR P/136/53: J. W. Rule, superintendent of convicts Bencoolen, to Edward Presgrave, officiating secretary to government Bengal, 7 January 1825.
- 72 IOR G/34/2: Cornwallis &c to Captain Francis Light, 22 January 1787.
- 73 IOR G/34/1 Major Kyd's second report relative to Penang and the Andamans, 2 August 1795.
- 74 IOR P/4/40: Governor General's note, 7 March 1796.
- 75 IOR P/6/2: Ewer to Wellesley, 22 June 1804.
- 76 IOR P/142/46: A. P. Phayre, principal assistant commissioner, Arakan, to Major D. Williams, in charge current duties, commissioner's office Kyouk Phyou, 10 December 1845.
- 77 IOR P/144/46: W. J. Law, second principal assistant commissioner Akyab, to H. Hopkinson, commissioner of Arakan, 5 July 1853.
- 78 IOR P/138/56: extract of a letter from the civil commissioner in the Tenasserim Provinces, 14 December 1827.
- 79 IOR P/403/9: J. B. Haynes, political agent Aden, to L. R. Reid, chief secretary to government Bombay, 11 April 1842.
- 80 IOR P/142/60: Butterworth to Young, 9 December 1846.
- 81 IOR P/142/42: Butterworth to Turnbull, 24 September 1845; Turnbull to Butterworth, 7 January 1846.

- 82 Constance M. Turnbull, *A History of Singapore, 1819–1988* (Oxford: Oxford University Press, 1996), 55.
- 83 IOR P/188/47: 'The Panic' [Singapore], n.d.
- 84 IOR P/2057: Major Pitcher's report on the result of his inquiry into the system of recruiting labourers for the colonies &c: D. G. Pitcher, judge small cause court Lucknow, on special duty, to secretary to government North West Provinces and Oudh, 17 June 1882. For a detailed investigation of the parallels between penal transportation and indentured labour, see Clare Anderson, 'Convicts and Coolies: Rethinking Indentured Labour in the Nineteenth Century', *Slavery and Abolition* 30, no. 1 (2009): 93–109.
- 85 PP 1875 (C.1115 & C.1115-1) Report of the royal commissioners appointed to enquire into the treatment of immigrants in Mauritius, 27.
- 86 Furnivall, 'The Fashioning of Leviathan', 43.
- 87 Clare Anderson, 'Colonization, Kidnap and Confinement in the Andamans Penal Colony, 1771–1864', *Journal of Historical Geography* 37, no. 1 (2010): 68–81.
- 88 Government of India home department resolution, 27 February 1926, reproduced in *Andaman and Nicobar Gazette: Extraordinary*, 18 March 1926; 'Future of the Andamans: Conversion to a Self-supporting Community', *The Times of India*, 1 March 1926.
- 89 IOR MSS Eur F531/46 Hawes papers: 'Report from A.E. Young, 28 January 1926', *The Anglo-Indian* 19, no. 4 (1926): 13–15.
- 90 Clare Anderson, Madhumita Mazumdar and Vishvajit Pandya, *New Histories of the Andaman Islands: Landscape, Place and Identity in the Bay of Bengal, 1790–2012* (Cambridge: Cambridge University Press, 2016).
- 91 All of the Southeast Asian convicts transported to mainland India who I have located in fragmentary surviving records were also male.
- 92 We do not have data for this period, but we know that for a later six and a half year period, just 127 Bengal women were sentenced to transportation: IOR P/145/22: transportation of convict women from the Bengal presidency, 1848–[July] 1855.
- 93 IOR P/5/12: 22 May no. 6 para. 71; IOR P/129/32: resident Bencoolen to the board of trade, 15 August 1806; IOR P/138/17: J. Anderson, secretary to government Penang, to H. Shakespear, secretary to government Bengal, 5 March 1827; Shakespear to Anderson, 29 March 1827.
- 94 IOR P/129/32: A regulation for the management of the convicts transported from Bengal to Fort Marlborough, 5 August 1806.
- 95 Frederic J. Mouat, *Report on the Jails of the Lower Provinces of the Bengal Presidency for 1856–7* (Calcutta: John Gray, 'Calcutta Gazette' Office [report and app. IV]; P. M. Cranenburgh, Military Orphan Press [appendix I-III], 1857), 21.
- 96 IOR P/143/16: Butterworth to Young, 12 November 1847.
- 97 The National Archives, Kew CO54/322: H. C. Selby, queen's advocate, to Governor H. G. Ward, 17 May 1856.
- 98 Satadru Sen, 'Domesticated Convicts: Producing Families in the Andaman Islands', in *Unfamiliar Relations: Family and History in South Asia*, ed. Indrani Chatterjee (New Brunswick, NJ: Rutgers University Press, 2004), 261–291.
- 99 IOR P/142/37: Butterworth to Turnbull, 26 February 1845, enc. report A: present system of management and discipline of convicts at Singapore, Superintendent. D. A. Stevenson, 9 January 1845.

- 100 Frederic J. Mouat, *Reports on Jails Visited and Inspected in Bengal, Bihar and Arracan* (Calcutta: F. Carbery, Military Orphan Press, 1856), 188–189; IOR P/145/22: F. J. Mouat, inspector-general of Jails Bengal, to C. J. Buckland, secretary to government Bengal, 24 May 1856.
- 101 IOR P/4755 Home (Port Blair) July 1895, 79–81: measures for the prevention of immorality among free persons at Port Blair; IOR P/9716 Home (Port Blair) July 1915, 1: suspension for the present of the grant of permission to released convicts to remain in the settlement.
- 102 Lowis, *Census of India, 1911*, 67.
- 103 *Report of the Indian Jails Committee, 1919–20* (London: Her Majesty's Stationery Office, 1921), 279.
- 104 Anderson, *Convicts In the Indian Ocean*, 86–91.
- 105 IOR P/206/61: statement of convict no. 276 Doodnath Tewarry, 26 May 1859; London Metropolitan Archives H01/ST/NC/17/9: statement of convict no. 2467 named Sham son of Sarung, Moosulman ... escaped from the settlement ... on the 2nd July 1859, and ... captured by his voluntary return ... on the 2 August 1859.
- 106 Uma Kothari, 'Contesting Colonial Rule: Politics of Exile in the Indian Ocean,' *Geoforum* 43, no. 4 (2012): 697–706. See also Clare Anderson, 'A Global History of Exile in Asia, c. 1700–1900,' in *Exile in Colonial Asia: Kings, Convicts, Commemoration*, ed. Ronit Ricci (Honolulu, HI: University of Hawai'i Press), 37–79.
- 107 Clare Anderson, *Subaltern Lives: Biographies of Colonialism in the Indian Ocean World, 1790–1920* (Cambridge: Cambridge University Press, 2012), 110–114.
- 108 M. L. Ahluwalia, *Sant Nihal Singh Alias Bhai Maharaj Singh: A Saint-Revolutionary of the 19th Century Punjab* (Patiala: Punjabi University, 1972).
- 109 Kim A. Wagner, *Banditry and the British in Early Nineteenth-Century India* (Basingstoke: Palgrave, 2009).
- 110 IOR P/142/40: H. M. Durand, commissioner Tenasserim Provinces, to Halliday, 20 November 1845.
- 111 IOR P/142/61: H. Bower, magistrate in charge of Moulmein Jail, to Colvin, 21 January 1847.
- 112 IOR P/142/57: E. Money, executive officer Arakan division, to Major William Sage, superintending engineer Southeast Provinces, 11 November 1846.
- 113 IOR P/142/60: A. Bogle, commissioner Arakan, to Halliday, 27 November 1846.
- 114 IOR P/143/40: Bogle to Grant, 16 November 1849.
- 115 Anoma Pieris, *Hidden Hands and Divided Landscapes: A Penal History of Singapore's Plural Society* (Honolulu, HI: University of Hawai'i Press, 2009), 176–187.
- 116 Mouat, *Report on the Jails of the Lower Provinces of the Bengal Presidency for 1858–9* (general printing department – report and appendices; special reports of jails Alipore jail press), appendix I: special reports of the jails in the Lower Provinces of the Bengal Presidency for the year 1858–1859 (Ramree Island, Burma), 115.
- 117 Lowis, *Census of India, 1911*, appendix B: J. M. Woolley, 'Convict Marriages in the Andamans,' reprinted from the *Indian Medical Gazette* 47, no. 3 (1912). See also Anderson, Mazumdar and Pandya, *New Histories of the Andaman Islands*, ch. 5.
- 118 1942 was the year of Japanese occupation; the appellation 'pre-42' invokes the idea of a person's settlement in the Andamans before Indian independence (1947), and includes people descended from the Bantus and Moplahs.

Post-Colonial Latin America, since 1800

Ryan C. Edwards

Introduction

This chapter explores penal colonies in Latin America since 1800, ranging from the peripheries of Colombia and Argentina, to island settlements in Brazil, Mexico and Chile.¹ Though not entirely comprehensive, the goal is to expand our knowledge of penal colonies and convict transportation, as well as clandestine and ‘non-modern’ forms of detention. This approach recognizes a broad set of incarceration practices within Latin America, and emphasizes those forms that fall outside the more widely studied scientific radial penitentiary. The goal is to trace how convicts helped construct and colonize post-colonial Latin America, and to highlight how the changing categories of ‘criminal’ and ‘subversive’ shaped national identities, geographies and histories.

With these multiple examples and sites, an attempt to synthesize prison histories in Latin America still brings to the fore a broader set of problems within the categorization and historicizing of ‘independence’, ‘post-colonial’ and ‘Latin America’ – the latter term was not used until the 1840s. The broader region constitutes much of the continental Western Hemisphere as well as the Caribbean and other island territories, and more than a few complications arise. While most of the territory under Spanish colonial rule dating back to the early sixteenth century gained independence in the 1820s, some notable exceptions such as Cuba and Puerto Rico remained under the Crown’s control until 1898. Though Brazil was relinquished from the Portuguese crown in 1822, it became a large monarchy in a hemisphere of republics until its own transition to democratic independence in 1882. Islands in the Caribbean such as Jamaica and Haiti, or mainland colonies such as French Guiana and portions of the United States, do not fit easily into a colonial or national purview of ‘Latin America’. And yet, in practice, these spaces were often part of a broader New World hemisphere, one in which ideas, models and peoples circulated widely.

Rather than reify political boundaries that, in practice, were far more fluid than a colonial/post-colonial rupture can capture, this chapter focuses on Latin America from the early nineteenth century to present day. The terms ‘modern’ and ‘post-colonial’, therefore, must be understood loosely as summary statements used to navigate rather than to strictly define the field.² Similarly, while it is clear that many reformers in Latin

America looked to Europe and the United States for models and plans for penal and penitentiary reforms, the reduction of these efforts to either mimicry or a truncated-modernity ignores some of the ways in which Latin American nations enacted certain liberal reforms before their northern/western counter-parts. The abolition of slavery, for example, was completed in most of Latin America before Britain's abolition of slavery in 1833 and the end of the US Civil War in 1865.³ As recent scholarship has shown, there was often a link between abolition and the rise of racialized justice systems throughout the Americas.⁴ Penitentiaries and penal colonies, in this regard became sites that helped transform national spaces and identities. Comparative approaches can be productive in revealing dialogic rather than declensionist histories.

This chapter, therefore, is interested in origins, but not necessarily originality. Penologists and reformers, populist and authoritarian regimes, those who were subjugated and those who critiqued crime and prison systems, were all acting within and responding to transformations that happened on local, regional and global scales. With respect to penal reform and convict transportation, Latin America presents an interesting synthesis of elements within a modernizing world.⁵ Rather than a set of regional analyses, this chapter works through various themes to understand the plurality of penal regimes in Latin America and the multiple ways in which various groups of actors engaged in or responded to these systems. Section one begins with independence and the rise of national prison systems as part of broader state formations. Section two looks at island and agricultural colonies as forms of social control, claims to territory and the development of peripheral spaces. Section three looks at political prisoners and the tactics used by authoritarian regimes to combat dissent and steer politics in moments of changing demographics and waves of immigration. Section four discusses detention and disappearances during the various Latin American 'dirty wars', and the subsequent rise of neoliberalism in penal systems. The chapter concludes with a few thoughts on future research and questions that scholars are asking about the history of detention, incarceration and the afterlives of prisons in Latin America. While the chapter is synthetic and fashioned to provide an overview of post-colonial penal operations in Latin America, it is also an invitation for further research that makes broader connections with the political, social, cultural and environmental histories of the region.

Independence and the rise of national prison systems

Penal reform was a component of the modernizing independent nation-state. For most of the colonial period (1510s–1810s), punishment had been administered through bodily injury, banishment, forced labour, and in extreme cases, execution. However, as Timothy J. Coates and Christian G. De Vito show in this volume, penal reform was already on the minds of elites and officials in colonial Latin America during the Bourbon Reforms of the mid to late eighteenth century.⁶ These reforms did address issues of law and punishment to a small degree, as penologists wrote treatises on enlightenment reform as undertaken in Europe.⁷ Though their main focus reorganized

Spanish governance in the Americas, including the creation of new viceroyalties, tax collection and a general tightening of Spanish control. Promise of penal reform was disrupted by the wars of independence that broke out in 1810, though prominent independence leader José de San Martín renewed calls for penal reform in Peru in 1821, showing that revolutionaries also saw a modern penitentiary system as part of nation state formation.⁸ The general desire of new statesmen, jurists and other professionals was to regularize penal systems in their newly independent nations. Penal reform, nevertheless, was a slow process that lagged behind other issues such as land reform, education and the building of other government branches. Penal colonization in this equation proved more pragmatic for young nations looking to consolidate their land holdings, develop peripheral spaces and forge national boundaries during the early and mid-nineteenth century.

Territorial claims on the margins were first coupled with military outposts, and were often manned by convicted criminals. A dual system was enacted in which state expansion was effected through penal institutions that linked convict labour and public works at the frontiers and borderlands, while modern penitentiaries were erected in urban areas to display an increasingly scientific form of incarceration-rehabilitation. The use of military outposts (*presidios*), which were a regular fixture during the colonial period, was also commonplace during the early years of nationalism. From northern Mexico to the southern stretches of the Southern Cone, conscripts and convicts (*presidarios*) were placed side by side to claim national territory along the frontier.⁹ These fortified spaces were economical, as convicts were rarely remunerated for their labours and services. Thus, aside from transportation costs and maintenance of the site, expenses were quite low. Labour in these spaces generally produced modest infrastructure such as roads, as well as the clearing of land for ranches and agricultural use. Conquests over indigenous groups acquired new lands, which enabled the construction of modern infrastructure such as telegraph lines and transportation mediums.¹⁰ Military conflicts often drew troops and convict conscripts from one region of the country to another, as well as pulling from urban centres, as seen in the Southern Cone.¹¹ The late colonial to early independence period therefore marked a continuity in the use of outposts that employed convicts and conscripts to render legible the claims of the state. However, the term *presidio* was increasingly associated with prison spaces, often for military offenders, as opposed to strictly military spaces.¹²

While the *presidios* protected or consolidated land claims, the national urban penitentiary displayed progress to the citizenry as well as foreign investors and scientific communities. Rio de Janeiro became the first city in Latin America to initiate such a modern penitentiary. In 1834, just over a decade after Brazil was transferred from the Portuguese crown to a monarchy in its own right, construction began on the facility, which was then completed in 1850. During the time that it took to finish construction on the Brazilian House of Correction, Chile began work on its penitentiary in Santiago in 1844. Similarly, the project took over a decade to complete. In subsequent decades, modern penitentiaries were built in the capitals of Quito, Ecuador, in 1874, Buenos Aires, Argentina, in 1877, and La Paz, Bolivia, in 1896. In each instance, architectural models from the USA and Europe were used for blueprints. In Peru, for example, the most prominent model was the central-rotunda radial pavilion of Eastern State

Penitentiary in Philadelphia, designed by John Haviland. Peruvian penologist Pas Soldán had travelled to Philadelphia in 1853 and began work in Lima in 1856. These institutions often went by the term *panóptico*, though they rarely followed the architectural panopticon model proffered by Jeremy Bentham in 1798. Rather, they were most often radial penitentiaries with a central rotunda, and pavilions, usually between five and eight, that stretched from the centre. Most penitentiaries were two storeys and contained between a few hundred to over a thousand individual cells with iron bars and stone walls. Bathrooms, kitchens, infirmaries and workshops made these institutions highly functional, and in theory, hygienic, as they were spatially portioned for various activities, rewards and punishments.

Each institution was coupled with penal reforms, of which there was a general wave across Latin America from the 1870s to 1890s. This was a period defined in many regions by strong military and authoritarian leaders who forced liberalism onto the peripheries while making grand displays in the capitals.¹³ The *científicos* (technocrats and scientific statesmen) of leaders like Mexico's Porfirio Díaz (1876–1911) thus placed an emphasis on modernization through technologies such as railways and telegraph lines, grand boulevards and ornate architecture, as well as institutions such as the penitentiary. Latin American theorists travelled to international prison congresses to compare their systems and statistics, and enact new laws based on prevailing methods used in the USA and Europe. Mexico for instance was featured in the First International Penitentiary Congress held in London in 1872. The country was criticized for lacking a central authority – a critique which resonated with an increasingly centralized state. Moreover, its cellular prisons lacked the transparency and visitation rights that had become common in the USA and Europe.¹⁴ Lawmakers sought to make public, or at the very least accessible to authorities, the conditions of these institutions. Following the congress, architect Antonio Torres Torija started construction on a new penitentiary in Mexico City in 1885. He based the structure on plans by Lorenzo de la Hidalgo from 1848 that drew heavily from Jeremy Bentham's work. After nearly fifty years, in 1900, the national penitentiary in Mexico City was inaugurated.¹⁵

More nations would participate in subsequent gatherings, which placed Latin America within an increasingly global penology network. Reformers such as British Captain Alexander Maconochie, commander of the convict station of Norfolk Island in Australia, resonated with multiple penologists in Latin America. Enrique Cortés, who attended the 1872 London congress working on the behalf of Spain and Latin American nations, used Maconochie's oft repeated quote to open his 1871 work, *La cuestión penal*: 'Let us build more on suggestion and less on strength; let us use more encouragement and less walls.'¹⁶ While walls would continue to go up in and around most penitentiaries, there were significant transformations in the form of incarceration. At the International Penitentiary Congress of 1878 in Stockholm, for example, the Argentine delegation noted, 'The approved resolutions will be like the treatment prescribed by a medical doctor to combat illness. If we are sicker than other countries, we should try to demonstrate it and indicate the symptoms of our social ills so that we may find a remedy.'¹⁷ And yet, no one message rang true across the hemisphere. Each nation took multiple approaches to incarceration, rehabilitation and utilizing convicts as resources.

Latin American penologists grew in number and drew on foreign practices to measure their own needs and success. While inspiration came from abroad, there was still not a consensus as to which foreign model worked best. Even in the USA and Europe, reformers had failed to identify a perfect penitentiary architecture and regime of reform, rehabilitation and deterrence. The Sixth International Prison Congress held in Brussels in 1900 showed an overall desire to modernize and render scientific the practice of incarceration, and debates continued among the participants as to how exactly to achieve these ends. For example, representatives revealed conflicting results regarding recidivism. Some demanded the most 'severe [treatment] within the limits of common humanity' for first time offenders so as to deter them from repeat offending, while others denied the efficacy of increased severity. A few delegates argued that the spatial aspects of a penitentiary were less important than the tenure of one's sentence, noting that the longer one's incarceration the less likely one's return to crime.¹⁸ What stifled Latin American nations most in these early congresses was a lack of statistics on this question of re-offending. Recidivism rates were largely a mystery, and the penitentiaries were too new and often underfunded to yield consistent or reliable results.

Modern penitentiaries, therefore, were hospital-like on the one hand, for they sought to cure criminals of their bad ways. And yet, they were also laboratories, in that they sought solutions to unanswered criminal questions. Buildings, in this sense, have long been designed with bodies in mind. They become a prosthesis of the body, extending the functions of both through a building-body assemblage.¹⁹ This fluidity, and its emphasis on chemistry and biology spoke to scientists' obsession with transmission during the turn of the century. The body (*cuervo*), as historian Kristen Ruggiero argues for the case of Argentina, suggested a complete entity, whereas flesh (*carne*) was vulnerable and connected with others and therefore was in need of monitoring and manipulating.²⁰ Contagion and disease metaphors held great purchase for scientists and social control. Criminality could be spread through environments and contact, and influences like alcohol could awaken latent criminal tendencies.²¹ Institutions like the National Penitentiary in Buenos Aires became places of experimentation as much as places of rehabilitation. Their infirmaries and anthropometry rooms provided data to fill professional journals across the sciences. The ordering, therefore, of cells and penal institutions began and continued outside the prison walls, and stretched to other institutions. By bringing these worlds together, a fledgling group of experts hoped to better understand the national social body and its criminal underbelly. Science and pragmatism were often at odds as to how unwanted and dangerous peoples could best be used. Increasingly, they were disposed of beyond the city centre.

Island colonies and forging the frontier

Modern penitentiaries in capital cities were a way of displaying progress and participation in a global intellectual community. Though the social body that they addressed and sought to perfect often proved too complicated for a single fix. Penitentiaries were

accompanied therefore by another form of punishment: the establishment of penal and agricultural colonies in the frontiers, borders and islands of burgeoning nations (see Map 9.1). These colonies were pragmatic undertakings within a larger penal network that developed peripheral and liminal spaces, but also served to suppress and remove political opposition and detain unwanted immigrants and labour agitators. A mixed cohort of convicts, captives, deserters and 'undesirables' had long been sent to the frontiers of loosely defined national territories. Their continued use during the post-colonial period existed alongside new forms of coerced labour in the wake of the abolition of slavery between the 1820s and 1850s in most of Latin America. This included the importation of contract workers known as 'coolies' from China and other parts of Asia, who extracted guano and nitrates from Chile and Peru, and built the railways of the North American west (including Mexico). Migrant workers captured by *engancheros* (coercive hiring teams) were also forced to labour and actively develop the peripheries of Latin America. This often had profound ecological consequences, especially for lands traditionally held in common by indigenous communities that were increasingly privatized and exploited for a range of raw materials, from coffee and henequen to petroleum.²² Penal colonies and coerced convict labour, in other words, served multiple social, economic and geopolitical functions.

Island penal colonies have a long history in Latin America and proved useful under newly independent governments. These spaces included little-known regional islands and stretches just off urban coastlines. Distant locations were also common, and some loom large in global imaginaries, such as the Galapagos Islands, which lie nearly 1,400 kilometres from the Ecuadorian capital of Quito and are best known for their role in Charles Darwin's theories of evolution, and the Juan Fernández Islands west of Chile made famous for inspiring the story of Robinson Crusoe. Representations of these islands oscillated between torture and abuses on the one hand, and idyllic paradises on the other. In practice under national governments, island and frontier colonies produced local autonomy and limited central bureaucratic oversight, as distance made inspections difficult, and de facto rules often superseded official laws.

Each island tells a different story. In the circum-Caribbean, those stories hinged on the transatlantic slave trade and its demise during the nineteenth century. Brazil's unique colonial relationship to Portugal, and its late abolition of slavery, produced a combination of military and convict institutions. While Spanish American nations engaged in violent wars for independence, Brazil made a relatively peaceful and tactful transition to independence in 1822, wherein independent Brazil became the sole monarchy in the Americas under the rule of Pedro I, the son of Portuguese ruler João VI. The young Brazilian nation sought to expand west into the Amazon, where little progress had been made during the colonial period.²³ As expansion continued into the interior, islands were used to house convicts and deserters, and by the 1850s these practices took large scale forms. The island of Fernando de Noronha located over 500 kilometres off the coast from Recife and Natal became an agricultural prison colony in 1856. Fernando de Noronha would hold the largest concentration of convicts in the Brazilian Empire, reaching more than 1,600 in population. The island functioned as a large plantation, and in many ways, served as a microcosm that highlighted the racial and free/unfree tensions within Brazilian society.²⁴ Convicts came from overflowing



Laura Vann © www.convictvoyages.org (2017)

Map 9.1 Convict transportation in independent Latin America

city jails and were arrested largely under vagrancy and poor laws. Later reforms in the 1860s and 1880s tried to construct a sustaining agricultural colony where convicts cultivated manioc, cotton and other crops. Women were eventually brought to the

island to promote the settlement by families. Indeed, heterosexual conjugality was a mainstay of the colony, but to little success in the long-term, as single men continued to be the target demographic for imprisonment. Transportation placed a priority on longer sentences due to costs. There were proposals in the 1880s to make the island a place of rehabilitation, similar to that of the modern penitentiary, though such proposals were not enacted. Slavery continued in Brazil until 1888, by which time conscription was coupled with penal servitude as the most prominent form of social control.²⁵ Fernando de Noronha proved difficult to maintain, and after multiple transfers of administration and policy, the project was decommissioned in 1897. Military conscription of 'criminals' reached upwards of 12,000 at this time, serving the broader role of penal justice and social control as it surpassed the roughly 10,000 people held in the prison system as a whole.

Spanish Caribbean nations also revealed tensions between colonialism, slavery and independence. The most infamous of these systems occurred in Cuba during the struggle for independence in the 1890s. In the wake of the Haitian Revolution (1791–1804), the Spanish crown intensified its use of slave labour in Cuba to become the world's largest sugar producer during much of the nineteenth century.²⁶ However, the abolition of slavery in Cuba in 1886 fuelled debates regarding the island's potential independence from Spain. As rebels fought Spanish loyalists in 1894, the military enacted the world's first concentration camps in 1896.²⁷ While the initial goal was to relocate insurgent groups from the outskirts, civilians, to varying degrees, were captured by the *reconcentración* (literally reconcentration) and moved to towns and cities. Of the roughly 300,000 people relocated, it is estimated that at least 100,000 individuals died in these camps, mainly from starvation and disease.²⁸

The Cuban case was exceptional for its scale, and overshadowed neighbouring imperial holdings. In nearby Spanish Puerto Rico, for example, which had been a marginal military outpost, a similar history with protracted slavery produced fears among the Creole class. Maroon communities of escaped slaves in the mountains and rugged peripheries forged clandestine and criminalized landscapes that put elites on edge. Though the island contained a formidable penal archipelago by the late 1800s, the island's institutions were hardly regularized.²⁹ These spaces, such as La Puntilla, had military connections to form criminal/military *presidios* through their relation and proximity to naval docks and munitions depots. Puerto Rico and Cuba are in some sense outliers given their Spanish colonial status until the turn of the century. They reveal, however, colonial/post-colonial connections that existed elsewhere.

Venezuela also had a long history of penal institutions, such as Puerto Cabello prison. Also known as San Felipe Castle, this was Venezuela's first fortified town dating back to the 1830s. It would later serve as an important connector with the neighbouring penal colony of French Guiana, as escapees were put to work, and socialists would be detained in the 1930s. Inmate labour constructed the road that linked Ciudad Bolívar and Caracas, thus highlighting the local, regional and international connections formed by these institutions.³⁰ The circum-Caribbean, therefore, marked the confluence of imperial powers and highlights how penal flows were not always limited to a single empire or nation.

In Central America, a number of penal code reforms looked toward infrastructure development. The 1880 Costa Rica penal code pushed an agricultural-penal agenda of labour and reform that coupled infrastructure and land improvement with social order, and in 1919, Panama established its own penal colony near Panama City.³¹ The standout nation in the region, however, was Mexico. There, proposals for an island penal colony date back to the 1850s, followed by proposals a decade later for the Yucatán and Baja California peninsulas.³² The goal was for convicts to serve short sentences before being granted freedom to cultivate family plots of land. Convict transportation increased under the reign of Díaz (best known as the *Porfiriato*). Under Díaz the Mexican economy boomed, as he and his *científicos* brought progress and investments to the state and its frontiers. However, progress came through order, often in the form of oppression. Inmate populations increased, and while many prisoners were held in city jails, after the 1894 penal reform, prisoners held at the Belem gaol (later replaced by the Lecumberri prison) were frequently transported to the Valle Nacional in Oaxaca, the Yucatán and Quintana Roo as contract labourers for large land-owners. As such, the Ministry of the Interior and national deputies worked together to scientifically solve the problem of overcrowding and recidivism.

Still, island transport offered the most practical option, and in 1908 the Mexican state opened a penal colony on the Islas Marías in the Pacific, just over 100 kilometres from the Mexican coast. Rather than political prisoners or violent offenders, many of these transportees were *rateros* (petty thieves). A stand out feature, however, was that many of those transported to the island had not been formally processed, and therefore, chances of being exiled were unpredictable and precarious. More than 2,200 individuals were sent to the Islas Marías in 1910 alone.³³ Small stores and other social amenities, such as a theatre and sporting grounds, supported a small civilian and government population. Work ethic and family life were central to the mission, as government officials had the right to grant land to the convicts. Inmates performed various labour tasks, including work in the salt quarries and the felling of timber, as well as work in the stables and chicken coops. Most of those exiled were young working-class men (a common demographic for such locations), though women and minors were also sent to the island. The female population was rarely more than a few dozen, however, as they were often outnumbered by male counterparts nearly forty to one.³⁴ While the Mexican Revolution (1910–1920) ultimately slowed transportation to the Islas Marías, the subsequent *cristero* rebellion (1926–1929) reinvigorated the island as a site for the banishment of Catholic deportees who challenged many of the revolution's secular reforms.³⁵ In 1947, banishment was eliminated in Mexico. Islas Marías, however, continued to serve as a federal prison, and garnered the attention of foreign penologists studying the island setting as an alternative to fortified prisons.

Chile's island and frontier colonies had also grappled with colonial orders. While slavery was not central to Chilean society as it was in the Caribbean, independence and revolutionary figures sustained the use of island incarceration. The Juan Fernández Islands, located roughly 700 kilometres west of Valparaíso, had long been used as a space of banishment by the colonial *audencias* in Lima, Santiago and Quito. As a military outpost, it served to combat potential incursions from competing European

empires. The islands had been a space for pirates and privateering, and the young Chilean republic after independence was unable to supplant clandestine practices with permanent settlers. It began as a dumping ground for political opponents, first Chilean revolutionaries who opposed Spanish rule, then those who opposed the new Chilean state in the 1820s. By the 1830s, a strong-armed conservative government executed many of the individuals exiled to the island, much to the dismay of the public.³⁶ The colony rarely held more than a few hundred prisoners and even fewer free settlers. They fed on modest crops of produce and goats that had been imported to populate the island, as well as sea lions and other aquatic fare. Concerted attempts to develop the island beyond a holding space were not seriously pursued. By the 1850s, private colonization became the new focus, including proposals from financiers from Bolivia, Switzerland and the United States. Prisoners were granted more leniency, but this resulted in an inmate mutiny and multiple escapes. By 1852 the colony was abandoned, and it remained closed until the late 1860s, during which time most convicts were transported to the new penitentiary in Santiago.³⁷

Islands often proved problematic for their isolation and disconnect. Frontier spaces could, at least potentially, be brought into developing networks and the geo-body. But this too was a complex task. Colombia, for example, has been called a country of regions, which provides a diversity of crops, climates and terrains, but also, a difficulty in uniting these spaces. In the Llanos of Colombia, proposals for agricultural colonies dated back to the 1850s in attempts to spur development. Indeed, conservative and liberal regimes both utilized agricultural penal colonies as a means of development by the end of the century.³⁸ Following a war with Peru in the Amazon district of Leticia (1932–1934), new attempts were made. The men – they were almost always men – who populated these colonies were a mix of criminals, vagrants and immigrants. Inmates cleared the land for the planting of maize, bananas and yucca, as well as cattle grazing. While such colonies often suffered from underfunding and local corruption, the increase in government presence in these regions, especially when fertile such as in Acacías, just south of Bogotá, attracted volunteer settlers to farm and stay permanently. An inmate population in Acacías of roughly 500 helped create a town that supported 35,000 inhabitants by the 1960s. In the less desirable soils of Araracurara in the far south, conversely, such undertakings yielded little in the form of free settlers, despite a larger labour core reaching upwards of 1,600.³⁹ Similar institutions were founded in Ecuador in 1936 and Bolivia in 1942.

The southern stretches of the Southern Cone brought together island and frontier challenges. In Argentina, famed *caudillo* (strongman leader) Manuel Rosas used exile and prisons to control dissenting political figures as well. During these nascent years of statehood, some exiled figures wrote formative works condemning undemocratic rule and even sought to subvert sovereignty by joining with neighbouring powers.⁴⁰ By the late 1890s, Argentine statesmen commissioned the Ushuaia prison, which started as a military outpost on Staten Island to the east of Tierra del Fuego. The island, however, proved too remote and difficult to provision, so it was moved to the protected bay on the Beagle Channel. For geopolitical purposes, the penal colony was placed just a few kilometres east of the Chilean border to reinforce the presence of the Argentine state in the wake of a tenuous border treaty in 1881.

Rather than serve solely as a military prison, reformers blended the penitentiary and penal colony to offer a hybrid approach to incarceration for civilian recidivists. Prison Director Catello Muratgia wrote an extensive global history of prisons and proffered a new way forward with an 'open door' institution in southernmost Patagonia.⁴¹ Construction began in 1901 on a radial cellular prison that offered all of the scientific spaces and designs one would expect from a modern penitentiary. But Ushuaia was also a distant penal colony used to colonize southern Patagonia on the island of Tierra del Fuego. In 1911 the military and civilian prisons merged and focused on recidivists, most of whom had committed violent crimes. Inmates were housed in 370 penitentiary cells, though the population regularly surpassed 500. Rooted in a frontier rehabilitation ethos, inmates spent their days labouring as lumberjacks and firefighters (Figure 9.1).⁴² A prison garden provided produce, and inmates tended to chicken coops, a bread bakery, and provided rations for themselves, prison employees, and sometimes the town. Over the following decades the inmates constructed roads and government buildings, and provided electricity for the growing town. The prison coupled colonization and development, and while family households were scant, economic development and land use were greatly transformed. An all male prison population provided a large work force, though directors lamented the lack of potential female suitors for the inmates who might encourage family settlement upon release. Some believed that indigenous women from the island should be gathered



Figure 9.1 Inmates labouring in Monte Susana in Ushuaia, Argentina, 1933

Source: Archivo General de la Nación, Dpto. Doc. Fotográficos, Buenos Aires, 18360A.

to form relationships with the men, though the plan was never implemented. Non-convict families would eventually move to the region, as inmate labour built the infrastructure of Ushuaia providing for future industries. For example, today Tierra del Fuego National Park, inaugurated in 1960 to protect the forest once felled by inmates, attracts tens of thousands of tourists each year. Also, Ushuaia was designated as a duty free zone, as its port connects Pacific and Atlantic economies. Industry and manufacturing built upon the infrastructure erected by inmates, which tourists can see through the prison-turned-museum in 1997.

Penal colonies were, at the very least, disruptive of existing social, economic, environmental and political networks, while productive of others. Whether sent to a distant island or frontier agricultural colony, the exile of prisoners added physical space to the distance between loved ones and their incarcerated family member. As milestones occurred, such as the birth of a child, news could be hard to come by. In one instance, a man exiled to Ushuaia became a father but could not contact his newborn child. The mother published a photo of their baby in *Caras y Caretas* in the hopes that the magazine might circulate in the prison and therefore offer an image of the child to the new father.⁴³ Thus, while theorists promoted heteronormative families as the ideal for national identity, penal colonies most often ensured their severance and dislocation.

In theory, each of these scenarios was meant to rehabilitate inmates, often through hard physical labour that would break them mentally and physically in order to then build them up in the eyes of the state. There was an irony, however, in that agricultural colonies often failed to provide inmates with job skills that they desired for urban life. Results were quite mixed regarding whether inmates stayed and settled these regions after their sentences. Therefore, a disconnect between theory and practicality often thwarted any such transformation. Moreover, for most frontier prisons the question of future settlement by free labourers, rather than freed convicts, was at the core of these projects. There was a clear appeal for the settling of terrestrial frontier regions, whether for exploitable resources or to fend off encroaching political neighbours, as was also the case in Japanese Hokkaido (see Minako Sakata in this volume).

It is difficult to calculate how many convicts were sent to penal colonies in Greater Latin America. Accurate and consistent statistics varied from site to site. Self-sustaining economies often destroyed or forestalled non-prison endeavours, and shifts in management led to inconsistencies. Economic relationships could prove scandalous, as local merchants often price-gauged the prison for things like meat rations, and conversely, the prison undercut local merchants by producing goods such as eggs and bread for townspeople at cheaper rates. Such controversies could at times discourage proper record-keeping. And yet, these islands and frontier colonies could be microcosms of broader society. At times, one could locate all the trappings of society, in isolation. The ills of the nation, and those individuals most likely to precipitate its decline, could in theory be best addressed at this smaller scale. In either case, transportation of convicts and unwanted groups in the tens of thousands created new carceral geographies within and beyond the boundaries of nascent nation states.

Political prisoners, mobility and legibility

By the first decades of the twentieth century, while penal colonies and 'non-modern' forms of incarceration were still in use, criminology reached its apogee. Jurists, anthropologists, detectives and statesmen read the works of criminologists and theorists in Europe and compared their respective 'social questions.' However, neither the Italian positivist school of 'born criminality', nor the French school of social crime where 'societies get the criminals they deserve', were adopted wholesale. Rather, Latin American thinkers studied these theories within the contexts of their own cities and populations, and sought local ways to deal with their situated issues.⁴⁴ Crime and delinquency became, in general, a social pathology that was diagnosed along national lines, though through transnational networks. The velocities of modernity produced dense city populations and trans-urban flows that criminalized neighbourhoods and classes, and sought to relocate and reorganize a variety of social groups.

Convict voyages therefore, to no small degree, could begin when one emigrated from Europe – as well as Asia and Africa – to the Americas. Many of these groups were labelled 'criminals' in advance, as booming immigrant populations and labour movements were contrasted with a rising Right in countries like Argentina, Brazil and Chile.⁴⁵ In addition to violent criminals and petty thieves, anarchists, labour organizers and outspoken students were regularly under surveillance by professionalizing police units and militant governments who increasingly worked together. Authorities actively collapsed the line between illegality and subversion to solve what they saw as social questions within their changing demographics at the turn of the century.⁴⁶ While only a fraction of these individuals were transported to distant colonies, the mobility and spatial impact of turn of the century criminology and penal codes should not be understated. In the early decades of the 1900s, exile and expulsion became new fates through residency orders and laws of social defence that targeted political groups.⁴⁷ Thus, coupled with deportation, colonies far removed from urban centres offered forms of political control in changing nation states.

Some countries had explicit codes that spoke to political crimes. Indeed, political prisons had long represented a particular class with regard to incarceration, and exile was a central factor in their punishment. Ruling parties, often of conservative and military regimes, used internal exile through penal colonies as a way to remove influential figures engaged in political dissent. As historian Carlos Aguirre notes, this category was imprecise across history and regimes, and could include participants in military insurrections, labour strikes, opposition party members and those recently ousted by coups. And yet, some generalities can be identified. When political prisoners were housed in urban penitentiaries they were often placed in a separate wing from common criminals. In part, political prisoners preferred the separation as they did not identify with 'criminals' and believed they had committed no crime (or in some cases, their crimes were justified in the face of unjust authority).

In Peru, the 1889 Law of Repression stated that political crimes should be treated, through law and punishment, the same as other crimes. Such laws were tested over time, as the penal islands of El Frontón and San Lorenzo served as destinations for political prisoners in the early 1900s. When President Augusto Leguía came to power

for the second time, in 1919, he imprisoned many of the previous members of the administration, as well as journalists and labour organizers. San Lorenzo was opened in 1921 as a destination for these political figures. The island became 'big business', with more and more figures incarcerated as repression increased through the 1920s.⁴⁸ In 1927 upwards of forty of José Carlos Mariátegui's collaborators were arrested in a 'communist conspiracy', and two years later 180 more were arrested and Mariátegui was placed under house arrest.⁴⁹ The famed communist writer, who examined the connections and limits of Marxism with an indigenous Peruvian past, died the following year in 1930.

Authoritarian regimes often target journalists and writers. Porfirio Díaz in Mexico targeted a group that came to be known as the 'Club of Incarcerated Journalists'. The club exposed the shortcomings and hypocrisies in the penal code. Though, their emphasis was on the need for separate facilities for political prisoners, and not necessarily the terms under which one was incarcerated for political dissent.⁵⁰ By the early twentieth century, prisons became sites of convergence for political figures, activists and students, as well as common prisoners who might be 'radicalized' through political interactions and personal experiences.⁵¹ Mexico was part of a Greater Caribbean in which Leftists moved from port to port. One could travel from Veracruz to San Juan, Puerto Rico, then on to Tampa Bay, Florida, whether to mobilize comrades, or evade capture.⁵²

Some of these spaces had long histories that took on new significance as places of detention. The Isla de Pinos in Cuba had been a place of imprisonment and banishment for the Spanish Empire that continued through the national period. The most famous individual to be confined there was José Martí in 1870. Martí demanded independence from Spain, travelled widely in the Americas, was later exiled to New York and authored the iconic poem, 'Nuestra América'.⁵³ Though he would not be the last revolutionary to be incarcerated in the Cuban system. In 1926, the Cuban government constructed the Cárcel Modelo on the island. By 1933, revolutionaries were imprisoned, and the institution became a gathering ground of intellectuals.⁵⁴ Twenty years later the well-known revolutionary Fidel Castro would be imprisoned in Isla de Pinos before the successful Cuban Revolution in 1959.

While exile was intended to sever ties, it could also serve to make new connections and give voice to distant regions. This was the case in Ushuaia, Argentina. The penal colony was part of public imaginations from its inauguration in 1902. However, the prison took a new hold on the population when Simón Radowitzky, an anarchist from eastern Europe, assassinated the Buenos Aires chief of police, Ramón Falcon in 1909. Radowitzky became a martyr for the anarchist cause in the following decades. This was particularly timely when, in 1921, there was a military assault on 1,500 striking farm workers, many of them anarchists and socialists, just north of Ushuaia in the province of Santa Cruz.⁵⁵ Comrades and sympathizers fought to shed light on these far-flung attacks and the distant penal colony that lay beyond continental Patagonia. While most political prisoners distanced themselves from common criminals, Radowitzky was characterized as the 'guardian angel' of his fellow inmates in Ushuaia.⁵⁶ Publications noted that he provided clothing, medicine and other resources he had obtained for inmates in need. The extent to which such stories are true is hard to prove, but such

accounts reveal the good versus evil sagas established by distant and mythic penal colonies when populated by celebrity radical figures.

Such influence had been a fear of criminologists, like Dr José Belbey, who described the connection between anarchists, feeble-mindedness and criminality, stating that the 'environment acts strongly upon them' as they 'oscillate in accord with the spiritual and moral climate that surrounds them. They are suggestible to a high degree, like weather vanes moved by the wind'.⁵⁷ Fellow criminologist Francisco de Veyga was suspicious for other reasons, arguing that anarchists were less about the political ideals that they espoused and instead sought eternal praise as martyrs. 'Every anarchist today is predisposed to crime', he argued, 'and do not need an inspiration for crime other than the example of those who have already fallen, whose painful but sublime footsteps they follow to their own sacrifice'.⁵⁸ Suggestibility and vanity, therefore, were both signs of a weak constitution. Anonymity, conversely, also became a key concern for criminologists, as the masses, and one's ability to blend into the crowd, put authorities on edge. Popular publications like *Caras y Caretas* in Argentina mocked how coach drivers, who regularly went on strike, could clean up for images to be used on identification cards but then quickly grow long beards, wear tattered clothing and appear to be wholly different people.⁵⁹ Similarly, Chilean IWW (Industrial Workers of the World) labour organizer Juan Onofre Chamorro purposefully distorted the physiognomy of his face when he knew he would be in the public eye.⁶⁰ Visibility and recognition became a concern for those policed, as well as those doing the policing, as such practices thwarted the supposed objectivity of cameras and crime sciences.

While targeted groups sought to evade recognition, political prisoners often shed light on penal colonies and prison environments. Radowitzky was released in 1930, and in September of that year a military coup took hold of Argentina. Beginning in 1931, members of the Unión Cívica Radical, the political party that had ruled Argentina from 1916 to 1930, were exiled to Ushuaia. Before departing southward, many of them were held in the Martín García Islands on the Río de la Plata. The largest group of roughly forty *confiados* included literary figure and Rector of Buenos Aires University, Ricardo Rojas. They were called *confiados* because, rather than being incarcerated in the penitentiary, they were confined in private homes, with some liberties to move about the town. Rojas and others, like Martí had from Cuba, produced accounts of their internal exile in southern Patagonia that were published in magazine, newspapers and memoirs.⁶¹

Political prisoners, in this regard, stand out in the archives. Whether they received trials or were exiled directly, the public often knew of their cases. Moreover, their political status meant that they often existed in the historical and public record, even before their sentencing. Exile only heightened their celebrity, if not their visibility. These processes could catapult lesser known figures into a public lexicon. By following these individuals in their exile, prison narratives inform shifts in national histories as the experiences of prominent figures transform the way scholars think and write about the nation. In addition to Buenos Aires and Havana, Lima and Santiago, island prisons became incubators of a new politics. From the Juan Fernández Islands of Chile to the El Frontón of Peru, these island prisons could shift, if only temporarily, the political and intellectual epicentres of the nation.

But this was not always the case. While some exile sites and their captives are well documented, others have left only fragmented traces that are subsumed by other histories. The north and south of Chile offer two examples. State conflict with the Mapuche in southern Chile dates back to the colonial era. Where the Spanish Empire had failed to pacify or eliminate indigenous groups, such as in Patagonia, convicts were sent in the 1840s by the Chilean state to Fort Bulnes (named after then president, Manuel Bulnes) on the edge of the Magallanes archipelago. Fires ravaged the settlement, however, and it was relocated to Punta Arenas, where a new prison was inaugurated in 1907.⁶² The city had grown by the 1930s, though indigenous groups remained strong in the south. State initiated forest camps were organized to permanently settle itinerate and nomadic groups. Conflicts over land use led to labour strikes, and in 1934, two paramilitary groups marched on the strikers. Some rebels were taken prisoner, others fled to Argentina, while hundreds more were marched to the nearby city of Temuco. Many, however, never arrived in the city, and for some historians they are considered the first disappeared group in modern Chilean history.⁶³ In the north of Chile, a different group was targeted a decade later. In 1948, the Law of Permanent Defence of Democracy outlawed and purged the Communist Party. Labour activists were also seen as security risks. At least 600 individuals were sent to prison camps in Chile's northern town of Pisagua. As Lessie Jo Frazier has shown, the town that began as a 'Penal Fishing Industry City' would be used multiple times in the following decades as a site for political repression.⁶⁴ While the site was notable again during the coup of 1973, there is some evidence that even before political targets, homosexual men were exiled there in the 1920s, many of whom were tossed overboard while in transit. Without revered political figures to represent these varied groups, their stories are drowned out by other histories and lost in the archives. However, the arid climate of the northern coastal desert preserved bodies, such that when mass graves were dug up, their forms were intact to help tell the story.

Political prisoners, and those more generally considered to be subversive, therefore, were not created equal. The privileging of a penal colony or convict history often rests on the spectacular nature of certain events, the infrastructures and monuments built by incarcerated individuals, or the categories under which peoples were targeted. Martí, Mariátegui and Rojas have long loomed large in Latin American history, first as writers and only secondly as political prisoners exiled to penal colonies. Other groups have remained nameless masses, while some have yet to reappear in the historical record. There is a danger in letting martyrs stand in for the whole. What histories lie under the surface of penal colonies, either through acts of silencing or erasure, requires further work.

Detention and the rebirth of the prison

While political opponents and agitators were targeted in the early 1900s, penal reforms were also enacted. These new penal codes, from Argentina in 1922, to Mexico in 1929 and 1931, to Colombia in 1936, and Panama in 1922 and 1942, sought to once again address the specific needs of the state and demographic and cultural changes within each

nation. There was also a growing Latin American identity, and experts were meeting more frequently at international conventions in an attempt to form an inter-American network of knowledge. In 1938, the Latin American Congresses of Criminology held its first meeting in Buenos Aires, followed by meetings in Santiago in 1941, and Rio de Janeiro in 1944. By the third meeting it had become a hemispheric institution, and the name was changed to the Pan American Congress on Penal Sciences. Indeed, in the wake of the First World War and the onslaught of the Second World War, the United States showed an increasing interest in Latin America.⁶⁵ The Congress on Criminalistics held in Santiago in 1944, for example, had representation from the US Federal Bureau of Investigation (FBI). Political repression was increasingly couched in terms of security, and states collaborated to fight threats, real or imagined. That same year, 1944, only Mexico, Uruguay, Chile, Costa Rica and Colombia, were democracies; in 1946, only Paraguay, El Salvador, Honduras, Nicaragua and the Dominican Republic were not.⁶⁶ Dictatorships had been toppled in Latin America following the Second World War. Rising middle classes, urbanization, unions, literacy and militant students all demanded democracy, while communist and socialist parties softened their radicalism and joined popular fronts. This reign, however, was short-lived; 1947 and 1948 marked a shift away from democracy. The creation of the US Central Intelligence Agency (CIA) and increased hemispheric initiatives, mixed with growing labour repression meant that by 1954, dictators once again ruled most of Latin America.⁶⁷

Each of these shifts in power would have impacts on prison reform and policing tactics in the second half of the twentieth century. In 1961 the Kennedy administration implemented the Alliance for Progress, which was designed to foster inter-American relations and combat communism following the Cuban Revolution and failed invasion of the Bay of Pigs.⁶⁸ The role of the CIA in the coups in Guatemala (1954) and Chile (1973) are well documented, as are the international surveillance programs under Operation Condor in the 1970s. In Augusto Pinochet's Chile (1973–1990), for example, it is estimated that more than 2,000 people were disappeared, while another 30,000 were detained and tortured in secret police sites, as well as in iconic spaces such as the National Soccer Stadium in Santiago. Similar revelations have come to light in recent years. A collection of documents was recently released that reveal US knowledge, and to some degree approval, of 'the process' (*el proceso*) in neighbouring Argentina beginning in 1976.⁶⁹ Roughly 30,000 people labelled 'subversives' were rounded up in the streets, stolen from their homes, tortured in secret camps and disappeared, many into the Atlantic Ocean. Across the Americas, secret and clandestine prisons were established in peripheral deserts or forests, but more often, they were hidden in plain sight in urban neighbourhoods.

Authors have struggled to characterize shifts in penal systems in the wake of these dictatorships. Some have argued that Latin America made the neo-liberal transition to the 'penalization of poverty', while others have highlighted the hybrid modes and application of hyper incarceration.⁷⁰ The supermax prison has recently been exported to Latin America along with new transnational networks such as the involvement of the Inter-American Development Bank.⁷¹ In Colombia, for example, incarceration rates increased by more than 300 per cent between 1994 and 2004 in what has been called 'authoritarian liberalism'.⁷² In neighbouring Venezuela, social welfare and reform under a Bolivarian Hugo Chávez nonetheless relied on a punitive system.⁷³ And, as is

well documented, Cuba is front and centre for the US War on Terror because of the 'detention' site at Guantanamo Bay.⁷⁴ Though Latin America was not simply a recipient of foreign flexes of power. In each case, these are marked shifts from the populist and social democracies of the mid-century.

International and transnational dialogues and networks created new, shifting and hybrid institutions. In recent decades, deals such as the North American Free Trade Agreement (NAFTA), though not directly oriented toward penal reform, have created policing units and narco-economies that create new landscapes of criminality and incarceration. For example, the import of inexpensive subsidized corn from the United States has driven rural maize farmers off the land. In many cases, they have switched to marijuana or opium production to survive.⁷⁵ Similarly, the traditional cultivation and usage of coca leaves in the Andes has been outlawed through trade agreements with the USA in an attempt to choke the cocaine industry. Thus, *cocaleros* who cultivate coca leaves for tea and non-synthetic uses became criminals overnight for a practice that has little to do with the drug trade.⁷⁶

In each case, thinking through post-colonial and contemporary convict transportation as linked to immigration, and even asylum seekers, becomes plausible. Prison populations in nearly every country in Latin America have increased since the 1950s, and the region has witnessed a 'rebirth' of the prison.⁷⁷ By 2010, the total prison population across Latin America surpassed 1.4 million, with Brazil and Mexico entering the top ten incarcerated populations in the world in absolute numbers, and El Salvador and Cuba entering the top ten for rate of incarceration.⁷⁸

Conclusion

Penal colonies and convict labour were integral components of state-formation and development in post-colonial Latin America. From infrastructure and agriculture, to reimagining the nation and nationalism, a diverse group of captives transformed the islands and peripheries of the hemisphere. Recognizing these contributions places Latin America within a broader global history of penal colonization. The continuation and in many cases heightened collaboration across American nations highlights the vast reach, top-down as well as bottom-up mobility, and overall spatial significance of prisons and policing in Latin America. While national histories of these themes have been explored, it is clear that they are insufficient for understanding the phenomena and impact of convict histories across the hemisphere. Penal colonies, convict transport, exile, and international policing and frontier security, have been evolving and interconnected endeavours of state formation, development and social control since independence in Latin America.

At the local, national and regional levels, important processes for understanding, closure and memory have given rise to a constellation of 'dark tourism' in Latin America.⁷⁹ These sites range from schools of terror such as the Naval School of Mechanics (ESMA) in Buenos Aires, to prisons-turned-private property in Uruguay,

and island colonies-turned-ecological destinations in the Caribbean. The ‘afterlives’ of carceral sites often succumb to economic forces, leading to the construction of shopping malls and luxury condominiums in former architectures of incarceration.⁸⁰ Historians of Mexico are particularly familiar with these transformations. Lecumberri Palace, often called the ‘Black Palace’, served as a prison in Mexico City for most of the twentieth century, especially for political prisoners in the final decade of the Porfiriato as well as the Dirty War of the 1970s. In 1980 the prison was converted into the national archives, such that researchers browse through documents in former cells.⁸¹ More importantly, these are rarely singular transformations. People have been vigilant to preserve the memory of loved ones whose bodies will never be found, such as the Mothers of the Plaza de Mayo, in Argentina, who march regularly in honour of disappeared children and other family members. Prisons and exile tightly entangle space, memory and violence, in ways that are still being explored and exposed.

While convict transportation may be a limited practice, at least in recent years, our understanding of carceral geographies is expanding. Prison studies, therefore, cannot be confined to the walls that enclose inmates, or the islands that were intended to hold exiles. Rather, prison studies raises questions and reveals linkages that are often more telling of ‘free’ society than incarcerated worlds. This chapter has offered multiple examples across Latin America in the post-colonial period, though it is not exhaustive and there are surely more examples to be explored in the future. Latin America was not a uniform entity following independence; penologists, criminologists and others met at international conferences and read widely, but ultimately, local demographics, politics and economic situations inflected their situated reform efforts. Like elsewhere in the world, the efforts generally fell short of their goals and rhetoric, such that transportation, exile and ‘premodern’ practices persisted. But rather than failures, such shortcomings should be seen as productive of new conversations, initiatives and protests.

Notes

- 1 While the field is still relatively young, important case studies and edited volumes in recent years have shed light on Latin American penal history and its role in a broader global carceral archipelago. Two volumes in particular, to which this chapter owes much gratitude, are of note: Ricardo D. Salvatore and Carlos Aguirre, eds., *The Birth of the Penitentiary in Latin America* (Austin, TX: University of Texas Press, 1996); Ricardo D. Salvatore, Carlos Aguirre and Gilbert M. Joseph, eds., *Crime and Punishment in Latin America: Law and Society Since Late Colonial Times* (Durham, NC: Duke University Press, 2001). See also the chapter, Ricardo D. Salvatore and Carlos Aguirre, ‘Colonies of Settlement or Places of Banishment and Torment? Penal Colonies and Convict Labour in Latin America, c. 1800–1940’, in *Convict Labour*, eds. Christian G. De Vito and Alex Lichtenstein (Boston, MA: Brill, 2015).

- 2 I thank Ernesto Bassi for pointing me to Ann Stoler's work on concepts and categories as shortcuts, which references Bernard Cohn's 'summary statements' and the desire for 'working' concepts that embrace 'temporary' fixations rather than permanent placeholders. See the epilogue in Ann Stoler, *Carnal Knowledge and Imperial Power: Race and the Intimate in Colonial Rule* (Berkeley, CA: University of California Press, 2002). Indeed, Bassi's work does an excellent job of disrupting colonial and national boundaries to understand circulation and broader Hispanic worlds. See *An Aqueous Territory: Sailor Geographies and New Granada's Transimperial Greater Caribbean World* (Durham, NC: Duke University Press, 2016).
- 3 The death penalty was similarly eliminated in many nations much earlier than in other empires or polities. For example, former commonwealth colonies continued to hold capital punishment laws, but in instances such as Jamaica and Barbados, executions had largely ceased by the 1970s. For an overview of prison studies in the Caribbean, see the collection of essays in Rosemary Brana-Shute and Gary Brana-Shute, eds., *Crime and Punishment in the Caribbean* (Gainesville, FL: University of Florida Press, 1980). Capital punishment had largely ceased by the mid- to late nineteenth century in Latin America, though secret executions, especially of political subversives and racialized targets, can be found well before the rise of dictatorships in the later twentieth century. In Argentina, for example, where the 1853 constitution was supposed to mark a departure from the frontier justice of Juan Manuel de Rosas, capital punishment continued to be used as a deterrent for crime, especially with regard to the lower classes. Ricardo D. Salvatore, 'Death and Liberalism: Capital Punishment after the Fall of Rosas', in Salvatore, Aguirre, and Joseph, eds., *Crime and Punishment in Latin America*, 308–341.
- 4 Multiple academic works and documentaries have tackled this topic in the past decade. See Alex Lichtenstein, *Twice the Work of Free Labor: The Political Economy of Convict Labor in the New South* (New York, NY: Verso, 1996); Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York, NY: The New Press, 2012).
- 5 Here I do not want to confuse 'modernizing' with 'modernity'. Modernity is central to much of what is discussed in this chapter, but the point here is to understand Latin America within global shifts and attempts to keep up, and at times lead, in positivist sciences, social reforms and political transformations. For an essay that reorients some common held conceptions of post-colonial Latin America in this regard, see José C. Moya, 'Introduction: Latin America – The Limitations and Meaning of a Historical Category', in *The Oxford Handbook of Latin American History*, ed. José C. Moya (New York, NY: Oxford University Press, 2011), 1–24. See also the analysis of colonial versus post-colonial Latin America in relation to approaches in global history, Matthew Brown, 'The Global History of Latin America', *Journal of Global History* 10, no. 3 (2015): 365–386.
- 6 See Christian G. De Vito and Tim Coates in this volume.
- 7 See, for example, Manuel Lardizábal y Uribe, *Discurso sobre las penas: Contrahido á las leyes criminales de España, para facilitar su reforma* (Madrid: Joachin Ibarra, 1782).
- 8 For more on these early endeavors, see J. Carlos García Basalo, *San Martín y la reforma carcelaria: aporte a la historia del derecho penal argentino y Americano* (Buenos Aires: Ediciones Arayú, 1954).
- 9 See Donna J. Guy and Thomas E. Sheridan, eds., *Contested Ground: Comparative Frontiers on the Northern and Southern Edges of the Spanish Empire* (Tucson, AZ: University of Arizona Press, 1998). Beyond this pairing of the military and penal

- system, which would continue to varying degrees over the years, the symmetrical star design of many *presidios* was not far off that of the radial pavilions of the bourgeoning modern penitentiary. Thank you to Nicholas Myers for helping to reveal this comparison. See 'A Brief History of Militarization in the U.S.-Mexico Borderlands', Latin American Studies Program Blog, Cornell University (September 2016) <http://blogs.cornell.edu/lasp/2016/09/> (accessed 15 April 2017).
- 10 John E. Hodge, 'The Role of the Telegraph in the Consolidation and Expansion of the Argentine Republic', *The Americas* 41, no. 1 (1984): 59–80.
 - 11 See Richard O. Perry, 'Argentina and Chile: The Struggle for Patagonia 1843–1881', *The Americas* 36, no. 3 (1980): 347–363; Ricardo Salvatore, 'The Crimes of Poor *Paysanos* in Midnineteenth-Century Buenos Aires' in *Reconstructing Criminality in Latin America*, eds. Carlos A. Aguirre and Robert Buffington (Wilmington, DE: Jaguar Books, 2000), 59–84.
 - 12 An excellent engagement with *presidios* and convict labour during the long nineteenth century and transition from colonialism to independence is, Christian De Vito, 'Convict Labour in the Southern Borderlands of Latin America (c. 1750s–1910s): Comparative Perspectives', in *On Coerced Labour: Work and Compulsion after Chattel Slavery*, eds. Marcel van der Linden and Magaly Rodríguez García (Leiden: Brill, 2016), 98–126.
 - 13 Jeremy Adelman has described the decades following independence in Latin America (roughly 1820s–1850s) as 'anarchy'. While this description is perhaps too dismissive of the political machinations of *caudillos* (political boss-men who ruled before the consolidation of state governments), the chronology fairly captures the transition in Latin America from a post-independence period of clientalism to a post-1850s period of bureaucratic order. See *Republic of Capital: Buenos Aires and the Legal Transformation of the Atlantic World* (Stanford, CA: Stanford University Press, 1999).
 - 14 E. C. Wines, *Report on the International Penitentiary Congress of London* (Washington, DC: Government Printing Office, 1872).
 - 15 Mexico, despite innovations elsewhere, was surprisingly late with the creation of a penitentiary in 1900. An excellent essay covering the history of these prisons can be found in Carlos Aguirre, 'Prisons and Prisoners in Modernising Latin America (1800–1940)', in *Cultures of Confinement: A History of the Prison in Africa, Asia, and Latin America*, eds. Frank Dikötter and Ian Brown (Ithaca, NY: Cornell University Press, 2007), 14–54.
 - 16 Enrique Cortés, *La cuestión penal* (New York, NY: M. M. Zarzamendi, 1871).
 - 17 Quoted in Julia Rodríguez, *Civilizing Argentina: Science, Medicine, and the Modern State* (Chapel Hill, NC: University of North Carolina Press, 2006), 37.
 - 18 Samuel J. Barrows, *The Sixth International Prison Congress Held at Brussels, Belgium, August 1900: Report of its Proceedings and Conclusions* (Washington, DC: Government Printing Office, 1903).
 - 19 Michelle Murphy, *Sick Building Syndrome and the Problem of Uncertainty: Environmental Politics, Technoscience, and Women Workers* (Durham, NC: Duke University Press, 2006), 11–13.
 - 20 Kristin Ruggiero, *Modernity in the Flesh: Medicine, Law, and Society in Turn-of-the-Century Argentina* (Stanford, CA: Stanford University Press, 2004), 102–109.
 - 21 Eusebio Gómez, *Estudios penitenciarios* (Buenos Aires: Talleres Gráficos Penitenciaria Nacional, 1906).

- 22 Recent works have explored the relationship between forced labour and ecological change. For just a few examples, see Myrna I. Santiago, *The Ecology of Oil: Environment, Labor, and the Mexican Revolution, 1900–1938* (New York, NY: Cambridge University Press, 2006); Edward Melillo, 'The First Green Revolution: Debt Peonage and the Making of the Nitrogen Fertilizer Trade, 1840–1930', *American Historical Review* 117, no. 4 (2012): 1028–1060.
- 23 Hal Langfur, 'Uncertain Refuge: Frontier Formation and the Origins of the Botocudo War in Late Colonial Brazil', *Hispanic American Historical Review* 82, no. 2 (2002): 215–256.
- 24 See Peter M. Beattie, *Punishment in Paradise: Race, Slavery, Human Rights, and a Nineteenth-Century Brazilian Penal Colony* (Durham, NC: Duke University Press, 2015).
- 25 Peter M. Beattie, 'Conscription versus Penal Servitude: Army Reform's Influence on the Brazilian State's Management of Social Control, 1870–1930', *Journal of Social History* 32, no. 4 (1999): 847–878.
- 26 For more on Cuba and the reconciliation of liberalism and slavery in the era of abolition, see Dale Tomich, 'The Wealth of Empire: Francisco Arango y Parreño, Political Economy, and the Second Slavery in Cuba', *Comparative Studies in Society and History* 45, no. 1 (2003): 4–28.
- 27 Jonathan Hyslop, 'The Invention of the Concentration Camp: Cuba, Southern Africa and the Philippines, 1896–1907', *South African Historical Journal* 63, no. 2 (2011): 251–276.
- 28 On 'reconcentration', see John L. Tone, *War and Genocide in Cuba, 1895–1898* (Chapel Hill, NC: University of North Carolina Press, 2006), 193–224.
- 29 See Toribio Núñez, *Ciencia social según los principios de Jeremías Bentham* (Madrid: Imprenta Royal, 1835).
- 30 See the recounting in René Belbenoit, *Dry Guillotine: Fifteen Years among the Living Dead*, trans. Preston Rambo (New York, NY: Blue Ribbon Books, 1938), 203–204.
- 31 The penal colonies, however, were short-lived and a penitentiary model became the focus with the inauguration in 1909 of the facility under the Ministry of War. For more on the Costa Rican case and a broader critique of the political historiography of the nation, see Steven Palmer, 'Confinement, Policing, and the Emergences of Social Policy in Costa Rica, 1880–1935', in Salvatore and Aguirre, eds., *The Birth of the Penitentiary*, 224–254. On Panama, see the innovative historical approach in Ezer Vierba, 'The Committee's Report: Punishment, Power and Subject in Twentieth-Century Panamá', *Rethinking History* 17, no. 1 (2013): 2–37.
- 32 Miguel Gil, *La tumba del Pacífico* (Mexico City: Ediciones de La Prensa, 1931–1932).
- 33 Pablo Piccato, 'Cuidado con los Rateros: The Making of Criminals in Modern Mexico', in Salvatore, Aguirre and Joseph, eds., *Crime and Punishment in Latin America*, 246–247.
- 34 The island received some early attention from writers and scholars. See the census numbers in Pérez Espinoza Alfredo, *El penal de las Islas Marías* (Mexico City: n.p., 1937).
- 35 Matthew Butler, 'Mexican Nicodemus: The Apostleship of Refugio Padilla, *Cristero*, on the Islas Marías', *Mexican Studies* 25, no. 2 (Summer 2009): 271–306.
- 36 For an early history of the islands, see Benjamín Vicuña Mackenna, *Juan Fernández: Historia verdadera de la isla de Robinson Crusoe* (Santiago: Rafael Jover, 1883).
- 37 Ralph Lee Woodard, *Robinson Crusoe's Island: A History of the Juan Fernández Islands* (Chapel Hill, NC: University of North Carolina Press, 1969); Marco Antonio

- León León, *Sistema carcelario en Chile: Visiones, realidades y proyectos (1816–1916)* (Santiago: Centro de Investigaciones Diego Barros Arana, 1996).
- 38 It should be noted that the term ‘frontier’ is a contentious one in Latin America. For many decades scholars refused the term as a US-centric category. In recent years, however, the term has received new attention from scholars who claim that denial led to overlooking complex elements of Latin American history in the hinterlands. See Richard Slatta, ‘Comparing and Exploring Frontier Myth and Reality in Latin America’, *History Compass* 10, no. 5 (2012): 375–385; Hal Langfur, ‘Frontier/Fronteira: A Transnational Reframing of Brazil’s Inland Colonization’, *History Compass* 12, no. 11 (2014): 843–852.
- 39 Jane M. Rausch, ‘Using Convicts to Settle the Frontier: A Comparison of Agricultural Penal Colonies as Tropical Frontier Institutions in Twentieth Century Colombia’, *SECOLAS Annals* 34 (2002): 26–48.
- 40 While exiled in Chile in the 1840s, for example, future president of Argentina, Domingo Fausto Sarmiento, spoke with individuals in the Chilean government in an attempt to convince them that the Chilean state had a rightful claim over Patagonia. While in exile, Sarmiento wrote the now seminal text, *Facundo: or, Civilization and Barbarism* (1845). For more on the border disputes between Chile and Argentina during this time, see Perry, ‘Argentina and Chile’, 352.
- 41 Catello Muratgia, *Breve estudio sobre la regeneración de los delincuentes: precedido por datos históricos generales sobre sistemas penitenciarios* (Buenos Aires: Imprenta Tragant, 1905). For more on Ushuaia, see Ryan Edwards, ‘From the Depths of Patagonia: The Ushuaia Penal Colony and the Nature of “the End of the World”’, *Hispanic American Historical Review* 94, no. 2 (2014): 271–302.
- 42 Ryan C. Edwards, ‘Convicts and Conservation: Inmate Labor, Fires and Forestry in Southernmost Argentina’, *Journal of Historical Geography* 56, no. 2 (2017): 1–13.
- 43 ‘Una grata información’, *Caras y Caretas* 338 (1906).
- 44 Positivist criminology became a dominant practice, as some scholars would travel to Europe to observe and adopt particular practices, though home-grown thinkers also flourished. And yet, while figures like Argentina’s José Ingenieros had forged a criminology school in 1907 that embraced a biology-environment hybrid, Lombroso and positivist criminology had a larger and more lasting impact on the Argentine state from 1890 to 1940, and the institutional language of dangerousness and social defence guided these new policing and detective tactics. Ricardo Salvatore, ‘Positivist Criminology and State Formation in Modern Argentina, 1890–1940’, in *Criminals and Their Scientists: The History of Criminology in International Perspective*, eds. P. Becker and R. Wetzell (New York, NY: Cambridge University Press, 2006).
- 45 An excellent study that captures the similarities as well as changing waves of the Right is, Sandra McGee Deutsch, *Las Derechas: The Extreme Right in Argentina, Brazil, and Chile, 1890–1939* (Stanford, CA: Stanford University Press, 1999).
- 46 Jose C. Moya, ‘The Positive Side of Stereotypes: Jewish Anarchists in Early-Twentieth-Century Buenos Aires’, *Jewish History* 18, no. 1 (2004): 19–48.
- 47 For example, border disputes in Chile and Peru painted Peruvian labourers as ‘black’ anarchists who threatened Chilean society, while anti-Semitism in Argentina othered Eastern European immigrants. Raymond B. Craib, *The Cry of the Renegade: Politics and Poetry in Interwar Chile* (New York, NY: Oxford University Press, 2016), 41–48.
- 48 Abelardo Solís, *Once años* (Lima: Talleres Gráficos Sanmartí y Cia, 1934), 54.
- 49 Carlos Aguirre, *The Prisoners of Lima and Their Worlds: The Prison Experience, 1850–1935* (Durham, NC: Duke University Press, 2005), 132–139.

- 50 Multiple stories were published in *El Monitor Republicano* (Mexico City), in 1889. See Robert Buffington, 'Revolutionary Reform: Capitalist Development, Prison Reform, and Executive Power in Mexico', in Salvatore and Aguirre, eds., *The Birth of the Penitentiary*, 180–182.
- 51 On the importance of prison memoirs as broader historical sources, see the introduction in Peter Zinoman, *The Colonial Bastille: A History of Imprisonment in Vietnam, 1862–1940* (Berkeley, CA: University of California Press, 2001). See also the exchanges between imprisoned politicians and communists in Kasian Tejapira, *Commodifying Marxism: The Formation of Modern Thai Radical Culture, 1927–1958* (Kyoto: Kyoto University Press, 2001).
- 52 See, for example, the accounts in Kirwin R. Shaffer, *Black Flag Boricuas: Anarchism, Antiauthoritarianism, and the Left in Puerto Rico, 1897–1921* (Urbana, IL: University of Illinois Press, 2013).
- 53 Martí's imprisonment allowed him to attack the Spanish prison system directly in his 1871 publication, *El presidio político en Cuba* (La Habana: Ucar, García y Cía, 1944).
- 54 Rafael E. Saumell, *La cárcel letrada: Narrativa cubana carcelaria* (Madrid: Editorial Betania, 2012).
- 55 See the seminal work from 1980, Osvaldo Bayer, *La Patagonia Rebelde* (Buenos Aires: Booket, 2010).
- 56 See Alberto del Sar, *Ushuaia: La Tierra Maldita Tomo I* (Buenos Aires: Gurkunkel, 1924); International Institute of Social History (IHS) Bro 396/21, *Historia del mártir Simón Radowitzky*.
- 57 Quoted in Jonathan Ablard, *Madness in Buenos Aires: Patients, Psychiatrists, and the Argentine State, 1880–1983* (Athens, OH: Ohio University Press, 2008), 15.
- 58 Veyga assessed Planas Virella, a Spaniard who attempted to assassinate Argentine President Quintana in 1905, by citing Virella's biological and psychological irregularities, which were genetic and could similarly be witnessed in his sister's hysterical and epileptic attacks. See Rodríguez, *Civilizing Argentina*.
- 59 M. García Ferrari, *Ladrones conocidos, sospechos reservados: Indentificación policial en Buenos Aires, 1880–1905* (Buenos Aires: Prometeo Libros, 2010).
- 60 In Chile, subversives went as far as to mock the police in court for planting poorly made bombs in the attempt to frame these groups. Raymond B. Craib, *The Cry of the Renegade: Politics and Poetry in Interwar Chile* (New York, NY: Oxford University Press, 2016), 122–123. Moreover, targeting of the Left often brought socialists to the aid of anarchists, who were generally at odds during this period. See, for example, Alfredo L. Spinetto, *Las Cárceles Argentinas: El Régimen de Ushuaia* (Buenos Aires: Ministro de Justicia e Instrucción Pública, 1924).
- 61 Ricardo Rojas, *Archipiélago: Tierra del Fuego* (Buenos Aires: Editorial Losada, 1942).
- 62 On the shifts in the Chilean penal system, see Marco Antonio León León, *Encierro y corrección: La configuración de un sistema de prisiones en Chile, 1800–1911* (Santiago: Universidad Central de Chile, 2003).
- 63 Thomas Miller Klubock, *La Frontera: Forests and Ecological Conflict in Chile's Frontier Territory* (Durham, NC: Duke University Press, 2014), 90–92.
- 64 Lessie Jo Frazier, *Salt in the Sand: Memory, Violence, and the Nation-State in Chile, 1890 to the Present* (Durham, NC: Duke University Press, 2007), 165. Frazier draws, in part, from discussions with activist and historian, Leonardo Fernández.
- 65 Negley Teeters, who attended these meetings and toured much of Latin America, noted many of the advances set forth by these reforms but also condemned the continued use and proposal for frontier prisons organized around development

- rather than rehabilitation. See Negley K. Teeters, *Penology from Panama to Cape Horn* (Philadelphia, PA: Temple University Press, 1946).
- 66 For an excellent discussion on this shift, see the conclusion in Greg Grandin, *The Last Colonial Massacre: Latin America in the Cold War* (Chicago, IL: University of Chicago Press, 2004).
- 67 The American FBI starting in the 1940s also targeted Leftists groups through the Special Intelligence Service (SIS). See Marc Becker, *The FBI in Latin America: The Ecuador Files* (Durham, NC: Duke University Press, 2017).
- 68 The Cuban case provides for an exploration into punishment regimes under a communist government and comparisons to Soviet gulag. Luis Salas, *Social Control and Deviance in Cuba* (New York, NY: Praeger, 1979).
- 69 The atrocities of this period often evade the traditional use of prisons and penitentiaries, and instead enact genocide and mass disappearances. Truth commissions and testimonials, therefore, have become crucial for recovering events and experiences. In the case of Chile, a publication of documents can be found in Peter Kornbluh, *The Pinochet File* (New York, NY: The New Press, 2003). For Argentina, many have turned to the prison memoir, Jacobo Timmerman, *Prisoner without a Name, Cell without a Number* (New York, NY: Alfred Knopf, 1981).
- 70 Markus-Michael Müller, 'The Rise of the Penal State in Latin America,' *Contemporary Justice Review* 15, no. 1 (2012): 57–76. Müller is expanding the theoretical work of Loïc Wacquant in the global North/West. See also Fiona Macaulay, 'Modes of Prison Administration, Control and Governmentality in Latin America: Adoption, Adaptation and Hybridity,' *Conflict, Security and Development* 13, no. 4 (2013): 361–392.
- 71 See Jarrett Blaustein, 'Exporting Criminological Innovation Abroad: Discursive Representation, "Evidence-Based Crime Prevention" and the Post-Neoliberal Development Agenda in Latin America,' *Theoretical Criminology* 14, no. 4 (2015): 1–20; Julie de Dardel and Ola Söderström, 'The Rise and Fall of Supermax: How the US Prison Model and Ultra Punative Penal Policy Travelled to Colombia,' *Maison D'Analyse des Processus Sociaux* (2015): 1–22.
- 72 Manuel Iturralde, 'Colombian Prisons as a Core Institution of Authoritarian Liberalism,' *Crime Law and Social Change* 65, no. 3 (2016): 137–162.
- 73 However, inmates themselves seemed to be in charge of much of the ordering within some of these penal institutions. Andrés Antillano, Iván Pojomovsky, Verónica Zubillaga, Chelina Sepúlveda and Rebecca Hanson, 'The Venezuelan Prison: From Neoliberalism to the Bolivarian Revolution,' *Crime Law and Social Change* 65 (2016): 195–211.
- 74 It bears repeating that this institution has its origins in the Spanish-American-Cuban-Philippine War. It was in the treaty that ended Spanish colonialism and converted Caribbean holdings to a US protectorate that gave the United States a lease for Guantanamo Bay. On the recent legal contortions of the space, see Derek Gregory, 'The Black Flag: Guantánamo Bay and the Space of Exception,' *Geografiska Annaler, Series B* 88, no. 4 (2006): 405–427.
- 75 Oeindrila Dube, Omar García-Ponce and Kevin Thom, 'From Maize to Haze: Agricultural Shocks and the Growth of the Mexican Drug Sector,' *Journal of the European Economic Association* 14, no. 5 (2016): 1181–1224.
- 76 The rise of the 'Pink-Tide' in South America since the late 1990s helped mitigate violence in Bolivia and Ecuador, while the increased policing of cocaine in Colombia has shifted the underground economy to Peru and neighbouring countries. While

- the cocaine industry brought *cocaleros* into a global public view, overcrowding in prisons has also reached new levels of publicity that have shed light on these situations. New forms of visibility have linked labour to criminality, not through convicts, but traditional practices legally transformed overnight by new transnational drug policies. The relationship between labour and illegal commodities has been recently explored. See Paul Gootenberg, *Andean Cocaine: The Making of a Global Drug* (Chapel Hill, NC: University of North Carolina Press, 2009); Ursula Durand Ochoa, *The Political Empowerment of the Cocaleros of Bolivia and Peru* (New York, NY: Palgrave, 2014).
- 77 Paul Hathazy and Markus-Michael Müller, 'The Rebirth of the Prison in Latin America: Determinants, Regimes and Social Effects,' *Crime Law and Social Change* 65, no. 3 (2016): 113–135.
- 78 Sarah Badcock and Judith Pallot (in this volume) make a similar point about the Russian federation as a high imprisonment society. For more on contemporary incarceration rates worldwide, see 'Highest to Lowest – Prison Population Total,' *World Prison Brief* (WPB) http://www.prisonstudies.org/highest-to-lowest/prison-population-total?field_region_taxonomy_tid=All (accessed 24 September 2017). It should be noted that for the Americas, the USA is in the top ten for both categories (absolute population and percentage of population).
- 79 Michael Welch, 'Penal Tourism and a Tale of Four Cities: Reflecting on the Museum Effect in London, Sydney, Melbourne, and Buenos Aires,' *Criminology and Criminal Justice* 13, no. 5 (2013): 479–505
- 80 Susana Draper, *Afterlives of Confinement: Spatial Transitions in Postdictatorship Latin America* (Pittsburgh, PA: University of Pittsburgh Press, 2012).
- 81 A common quip is that the political prisoner wing was in fact the top political science department in the country. The Dirty War in Mexico is less recognized than those in the Southern Cone, but recent work, including a prison memoir, have brought the issue to light. See Alberto Ulloa Bornemann, *Surviving Mexico's Dirty War: A Political Prisoner's Memoir* (Philadelphia, PA: Temple University Press, 2007). For US audiences the prison was made famous by Dwight Worker, who escaped from Lecumberri in 1975 and wrote about the experience in *Escape* (San Francisco, CA: San Francisco Book Co., 1977).

Russia and the Soviet Union from the Nineteenth to the Twenty-First Century

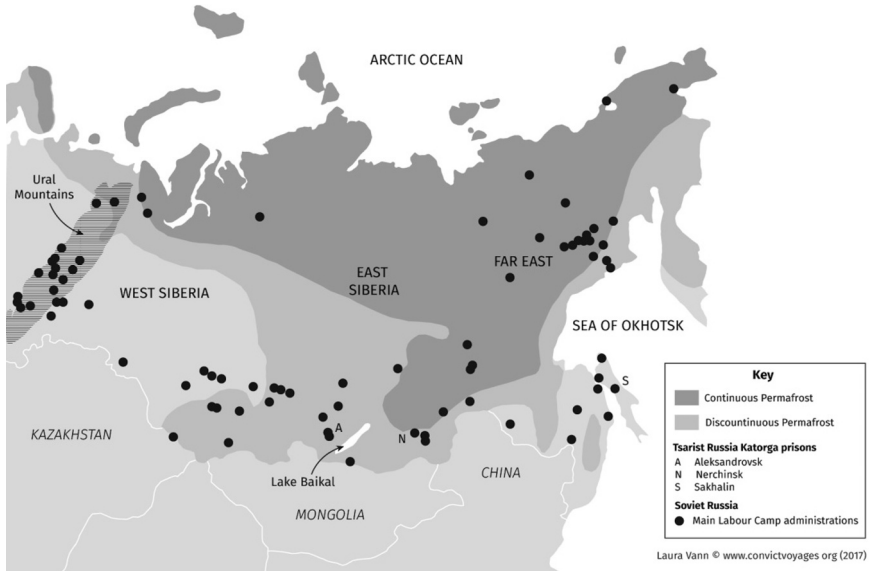
Sarah Badcock and Judith Pallot

Introduction

Transportation to the Arctic circle and the interior of Eurasia by successive Russian states is perhaps the most iconic and certainly the most long-lived of territorial strategies of social control, and has been utilized from the sixteenth century to the present time. In both Imperial Russia and the Soviet Union, a large proportion of convicts sentenced to custody were sent to the peripheries without the right, when they were released, of returning home. The convict journeys we discuss in this chapter encounter successive stages of Russian history from Imperial Russia, eighty-two years of Soviet power and the past twenty-five years of post-Soviet transformation (see Map 10.1). Inevitably, generalization over such a time span risks oversimplification. We discuss the experience of exile over the centuries through individuals' experiences, drawing on a combination of published testimonies and autobiographies, outsiders' reports and conversations with those still living.

While elements of Russia's penal history are globally distinctive, Russia did not operate in a penal vacuum. The Russian state engaged with broader transnational discourses that developed in the nineteenth century about the move from punishment to control and reform of prisoners, and the development of a unified penal system.¹ In Europe these changes marked a broader shift away from convict transportation, while in Russia and the Soviet Union the selection of remote places as sites of punishment and exclusion endured. The Russian state was uniquely positioned to use movement as a means of punishment against its citizens. Russia's Empire sprawled across a single great continent, unlike the Western European maritime empires, and this made the division between centre and colonies diffuse and uncertain. Siberia was an integral part of the polity but was also treated as a colonial space and a zone of exclusion, which could serve a triple function of punishing miscreants, colonizing empty space and protecting the homeland by removing pernicious influences.

Throughout this chapter, we will refer to the subjects of punishment as exiles. We use this term to encapsulate those who were deported, transported and resettled as well as those whose destination was a contained space like a camp or a prison. In



Map 10.1 Location of Imperial hard labour prisons and Soviet labour camps

using a single term to describe different elements of the punished population, we do not intend to imply that their punishments are essentially the same thing. By selecting this terminology, however, we seek to emphasize the integral nature of movement and displacement to a variety of different punishment modalities. The longevity of the use of the peripheries as the primary site of punishment has created a distinctive punishment style in Russia that we describe as ‘in exile imprisonment’.² The term encapsulates the idea that a custodial sentence necessarily involves being sent away to a distant location. It is the product of merging two punishment modalities, exile and confinement. While these two modalities were legally separate for much of Russian history they have nevertheless been intricately inter-related for at least the past two centuries. Historians of Russia have until recently struggled to incorporate the dual modality of exile into their theorization of punishment, tending to compartmentalize deportation and imprisonment.³ In this respect, research on Russia lags behind that on other jurisdictions, which while maintaining a distinction between mobile and static punishments, have long recognized that what happens at the destination is integral to any understanding of penal transportation.⁴

This chapter is structured thematically, with each section exploring a specific aspect of penal journeys, drawing on examples from across our chronological remit. The first section offers a brief exploration of the context and history of exile in Russia, the intersections of Russian experience with Foucauldian theory and the problems implicit in the binary treatment often meted out to ‘political’ and ‘criminal’ exiles. The second section explores penal journeys, looking in turn at journeys on foot and in carriages, by boat and in trains. The third and final section outlines five destinations for exiles, considering hard labour prisons, exile, special settlements, the gulag camps

and contemporary prisons. We conclude with some reflections on the implications of Russian exile for punishment today.

Historical uses of exile in Russia

Prisoner exile has been used in Russia since the sixteenth century but its character and purpose has changed over time; it has been used as a means for settling empty lands, securing frontiers, mobilizing labour and natural resources, incapacitating and exacting retribution against offenders, and of social regulation.⁵ The Decembrists, a group who came to epitomize the sufferings of political exile in late Imperial Russia, were punished with Siberian exile as a result of their participation in a failed rising against the tsar Nicholas I in 1825. The wives of some of the conspirators accompanied their husbands voluntarily, and their names became watchwords for penal suffering and female endurance and loyalty.⁶ By the end of the nineteenth century, the use of exile as a tool for colonization had receded in significance, as free settlement of the Empire's peripheries had made penal colonization rather redundant. The purpose of exile was emphasized more as a means to punish the individual through movement and exclusion, and as a means to protect the state by removal of dangerous elements of society from its core. A clear paradox emerged in this period that bedevilled late Imperial policy makers. As the peripheries of the Empire became progressively more settled, more 'Russian' and more integral to the polity, they correspondingly became less suitable as sites for exile.⁷ Some large metropolitan prisons and reformatories equivalent to Pentonville and Philadelphia State Penitentiary were built in Russia, but they failed to undermine the primacy of expulsion and exile as a means of exacting retribution and of social control. The late Imperial Russian state expressed a commitment to move away from exile and towards more controlled and contained forms of penal management. Exile to Siberia was abolished on 12 June 1900 except for political and religious offenders, but despite this legislation, the use of Siberia as a destination for exile actually increased significantly between 1900 and the revolution of 1917.⁸

After the 1917 Revolution, exile was incorporated into the Soviet penal code. Exile was used throughout the Soviet period as a means of dealing with social deviancy, criminality and political opposition both as a single punishment, and in combination with a carceral sentence. The use of exile, in its broadest sense, began to be used after the Revolution as a preventative mechanism that was applied collectively against potential class enemies and other groups believed to constitute a threat to national security or social order. Collective deportations were an extreme form of 'regulation by exclusion' that took the groups and individuals affected by them to different destinations and on different terms. The best-known examples were the deportations of the allegedly rich peasants' households during the collectivization drive in the 1930s and of a variety of ethnic groups during, and in the immediate aftermath of, the German invasion of the USSR and the Soviet annexation of the Baltic States and territories on the western borderlands.⁹ These delivered whole households or separate family members to

destinations in the northern forests of the Urals and West Siberia and the semi-deserts of Northern Kazakhstan. They were given the task of setting up collective farms or mobilized into the timber, mining and construction industries alongside convicts and free workers.

These mass deportations had, in fact, been anticipated well before the rise of Stalin. The deportation of whole social groups as a preventative measure had its antecedents in the 1905 and 1917 revolutions and in the 1920s when forced migrations, internments, ethnic cleansing and exile were used by late Imperial and early Bolshevik government alike to cleanse potentially disruptive elements from cities.¹⁰ Episodes of 'exisitory violence' continued through the 1920s in the so-called 'mass operations' that were used to cleanse the metropolitan centres of 'undesirable elements'.¹¹ These measures were applied to supposed class enemies but they also applied to 'ordinary criminals'. In the 1920s, for example, known recidivists were subject to pre-emptive banishment for periods of three years and in one measure that came to be known as the 'minus six', criminals and other potentially disruptive elements were debarred from living in the six most important Soviet cities, including Moscow and Leningrad. The secret police, given the task of implementing the measure, deposited the victims on the outskirts of second-order towns. There was a further pre-emptive sweep of the major cities to cleanse them of ex-convicts, currency traders, small-scale free traders (so-called NEPmen) and other undesirable elements in 1927 and 1928. 'Dangerous elements' identified as beggars and hooligans were removed from the gold mining areas from 1928 onwards.

Deportations aimed at particular social strata continued to be used by the state after Stalin's death in 1953 and were used, albeit on a lesser scale, by his successors to remove potentially troublesome elements from the major cities. In the later Soviet period, Moscow and St Petersburg were kept free of disorder by preventing juvenile offenders who had served their sentence in borstal or juvenile labour colonies from returning to their home cities.

The resonances of Russia's convict voyage tradition are to be found in popular culture and among the people drawn into the penal nexus as prisoners, prisoners' relatives and penal personnel today. Historical references abound in today's prison lexicon – prisoners talk about being transported in Stolypin carriages, a reference to Peter Stolypin, the Russian prime minister associated with mass political repressions in the aftermath of the 1905 Revolution. The tsarist designation of exile destination in West Siberia as 'not such a faraway place' (*mesta ne tak otdalennie*) is a common euphemism in use among prisoner relatives to describe being imprisoned.

Russia is not a good fit with Foucauldian models, which posit a modernizing state moving away from punishment of the body, and towards control, regulation and regimentation in the penal space of the modern prison.¹² Corporal punishment did recede in the nineteenth century, and imprisonment became increasingly prominent in Imperial Russia and a mass phenomenon in early Soviet Russia. But in the early years of Soviet power this was not associated with greater state knowledge and control over the bodies and minds of the punished. The Russian and early Soviet state sought but failed to 'know' its population.¹³ In the Imperial period, the state struggled to even establish the location and approximate numbers of its punished

population.¹⁴ Foucault represented transportation as a transitional, pre-modern form of social control occupying a space, temporally and existentially, between sovereign punishment and modernity's disciplinary technologies.¹⁵ His failure to understand the carceral nature of the Russian exile system, as brilliantly observed by Jan Plamper, led him to make the rather extraordinary argument that the Soviet Gulag's inspiration lay in the French system of *relégation*.¹⁶ The location of camps in the inhospitable geographical peripheries and the long and painful journeys that convicts endured to reach them figure in all accounts of the Soviet Gulag, but it is the labour camp – the place of confinement – that has become universally accepted as the defining feature of the Stalinist penal system. Recent research focusing on particular places has produced more integrated histories of punitive spaces in the peripheries, while our understanding of the process of mass deportations has been enhanced by Lynn Viola's pioneering study.¹⁷

Foucault's notion of the modern penal system controlling and knowing both the body and the mind of the prisoner is confounded by the daily realities of Russia's penal space. Accurate figures about the actual numbers of exiles in Siberia were only correlated at the end of the 1890s. There was no concrete information on death rates, on escapes, or on how many exiles had ended their sentences and left the region. Official statistics often did not include spouses and children that accompanied the exiles.¹⁸ The broad figures that emerge serve to expose the differences in scale between Imperial Russian and Soviet punishment. Imperial Russia sent around half a million people into exile from the sixteenth to the nineteenth century, and approximately a further 1 million people were exiled to Siberia between 1800 and 1917. These approximate figures did not reflect actual numbers of exiles in their places of residence. A significant number of exiles ran away. The Irkutsk prison inspector reported in 1897 that they did not know exactly where 67 per cent of the exiles in the region were.¹⁹ Though large when compared to other contemporary transportations (for examples of Britain, France and Japan, see Anderson, Maxwell-Stewart, Sakata and Sanchez in this volume), these numbers pale when compared with the numbers of people expelled to the peripheries during the Soviet era. One source estimates that nearly 6 million people were deported as members of a social group or received a sentence in the criminal courts.²⁰ The deportations of peasants during the collectivization drive (1930) and of ethnic groups during wartime (1941–1942) clearly stand out.²¹ Scholars are still trying to establish the number of convicts who were sent to gulag camps in Siberia and the North and Northern Kazakhstan between 1929 and 1961, and who faced exile after the completion of their sentence. The currently available figures, including convicts sentenced to camps in the European USSR and in metropolitan centres, are generally now accepted as being in the range of 10–12 million. While rates of incarceration today are nowhere near the grotesque figures in the millions for the Stalin Gulag, Russia remains a high imprisonment society, like the Latin American states (Edwards in this volume).²² Since 2000, prison population rates have been falling in Russia from over 1 million prisoners in total in 2000 (729 prisoners held per 100,000) to 686,200 (445 prisoners per 100,000 population) in 2015. While this reduction in prison population by almost half is remarkable, contemporary imaginings of the former Soviet Union as a gulag society have endured.²³

The majority of exiles across our period were rank-and-file criminals from the lower classes and the hundreds of thousands of men, women and children from the peasant and labouring classes caught up in mass peasant and ethnic minority deportations.²⁴ Some exiles were convicted in a court for a specific offence, but many were exiled administratively, without recourse to the courts, both as individuals or as we have discussed already, as families or as part of whole social groups. A major distinction in the sources across our period was drawn between 'criminal' exiles and 'political' exiles. In both the Imperial and the Soviet periods, this binary reflected the existence of explicitly political offences in the criminal code. In the Soviet Union after the Second World War, it also reflected the concentration of prominent political convicts in special camps.

A challenge for scholars across our period is the more or less complete absence of criminal exile testimonies until the present time. The only first person ego-documents of life in prison and exile were produced by political exiles. These accounts almost without exception presented sharp binaries between political and criminal exiles, with the political portrayed as morally, culturally and intellectually superior to criminal exiles. In Gulag testimonies the categories of criminal and political victims of Stalin's repression are mapped onto those deserving and undeserving of their fate. Criminal offenders, many of whom would have been sentenced in the Soviet period for trivial offences, appear in testimonies very rarely. Such binaries occlude a more nuanced understanding of daily realities in exile and have served to dehumanize criminals in penal narratives.²⁵

In the post-Stalin years the proportion of 'official' political offenders declined.²⁶ Reforms of the criminal and correction codes in the 1960s decriminalized some actions that had in previous decades sent victims to the camps, legal process replaced the most egregious voluntarism in the criminal justice system, and punishments became more proportionate to the crime than previously. But the USSR remained a highly punitive society and, after a brief respite under Khrushchev, continued to react to political dissent, threatened and actual, with prison sentences, exile or, in a new torment, sectioning for psychological treatment.²⁷ Sentencing took forward the post-war era practice of separating political and criminal offenders. In post-Soviet Russia the definitions of criminality and understandings of offending behaviours have changed. Political offences were eliminated from the criminal code in 1997 and some other offences were decriminalized. The majority of prisoners in Russia today are young men serving sentences for drug-related offences, theft and burglary. The incarcerated population in this respect bears much greater resemblance to prison populations in other developed countries.

Journeys

Across our period, travel constituted an integral part of exile punishment, framing exiles' divorce from society and their movement from the known to the unknown through the experience of dislocation and isolation. While a number of common

features emerge in exile journeys, the differences outweigh the continuities over the years. The method of travel, for example, changed across centuries and political regimes. The advent of train transport from the late 1880s lessened the physical suffering of exilic journeys. In the Imperial period, convicts knew what their destination would be, whereas in the Soviet and post-Soviet landscape, exiles often did not, and often still do not, know their final destinations. While spouses and children sometimes accompanied exiles in Imperial Russia, these families came voluntarily. In the Soviet period, mass deportations of ethnic and social groups involved the forced movement of whole families or even whole communities. These mass deportations had catastrophic implications for the conditions of transit. Their scale and the exceptionally neglectful and callous approach of state attitudes in the Soviet period set it aside as quantitatively and qualitatively worse than what had gone before.

On foot and by carriage

Lengthy journeys on foot or by carriage characterized Imperial Russian exile, and continued to feature through the Soviet period. In Imperial Russia before the construction of the Trans-Siberian railway in the 1890s, exiles' journeys were broken into daily stages, which connected towns with other population points and also towns with their nearest railway or port. In Imperial Russia, security in transit tended to weaken the further the distance travelled from European Russia and from the major prisons, regardless of the prisoner's status. Prisoners were escorted along the way by convoy commands on the main routes. Officers of the convoy commands were members of the regular army infantry, though in more remote locations irregular guards drawn from the local population sometimes escorted prisoners. While European Russia could boast a relatively well-developed network of gendarmes, and the major prisons and tracts employed military convoys, these melted away for prisoners directed to more remote locations. A baggage train followed every party, carrying luggage, invalids, prisoners from the privileged classes, the sick, women with young children and children under the age of twelve.²⁸

Up until the 1880s, epic foot stages and crowded barges transferred convicts from central Russia to their penal destinations, usually in Siberia.²⁹ The officers of the Chernigov regiment, who had participated in the Decembrist rising at the end of 1825, for instance, travelled the entire 4,600 miles (7,046 *versts*) from Mogilev to Nerchinsk *katorga* prison in eastern Siberia on foot. The journey took them eighteen months and was reportedly more agonizing than the hard labour sentence it preceded.³⁰ As Russia's railway network developed, the number of exile foot stages was reduced. The state sought to cut down on their length because they offered opportunities for escape, were expensive to administer and tended to worsen conditions for those in transit. Semirechensk in Kazakhstan, Semipalatinsk in Turkestan, Archangelsk and Tobolsk headed the Main Prison Administration's shame list of provinces with the longest foot stages.³¹

The lack of other means of transport in much of eastern Siberia beyond Irkutsk meant that prisoner parties still went on foot and by barge between settlements, often for hundreds of miles. This means of transport necessitated long periods of time set

aside for journeys and long periods in transit prisons along the way. Conditions in Imperial Russian transit prisons were notoriously vile. Ekaterina Breshkovskaia, a political exile and grand dame of the revolutionary movement, recalled the state of those which she encountered in 1878 on her journey to prison in Kara, eastern Siberia:

They [Siberian prisons] were individual republics, full of violence, abuses, thefts, dirt, infection and disorder. The prisoner had absolutely no rights ... The prisons were in a terrible state of disrepair. They were dirty and unpainted. The passages were not swept; the chimneys and stoves were not cleaned. There were no lights except one tiny, smoking lamp at the end of the passage.³²

Time spent in transit prisons constituted an integral part of exilic journeys. Length of stay varied from overnight to several months. Prison administration regulations stated that special stage buildings were to be built every 15 to 20 miles for overnight stops. They were usually wooden huts and were maintained either by the local community or by the state, dependent on whether the tract was internal or for exile. The stage buildings, even according to reports of the Main Prison Administration, were not fit for purpose. The main prison inspector's report described them in 1910 as 'in general ... dilapidated, stuffy, poorly equipped and conducive to escape'.³³ They had changed little since the political prisoner Petr Iakubovich had described the filth, overcrowding, cold, starvation and lawlessness of the staging posts on the road to Siberia in 1887.³⁴ Irkutsk's governor-general himself acknowledged that conditions for prisoners on foot stages were extremely miserable: for the whole 2,000 miles from Irkutsk to Yakutsk, apart from the first point outside Irkutsk, there were no stage buildings. Prisoners had to stay in small, dilapidated and dirty township or village prisons, or even more frequently, because of the lack of transit prisons, in the homes of residents, in the open or in tents.³⁵ This meant that the movement of prisoners was only possible during the warmer months of the year. Money for food for these disordered transfers did not always arrive in good time, and there was often a severe shortage of the clothes necessary for the severe northern cold.³⁶

Yakutsk town was a short stop for many exiles on their journeys further north. While the journey to Yakutsk town from Irkutsk was long and arduous, it could be overshadowed by the journeys that exiles made to their final named destinations in among the most sparsely populated and remote parts of the Russian Empire. The path from Yakutsk to Viliuisk stretched for 470 miles, from Yakutsk to Ust-Maia was 222 miles, from Yakutsk to Verkhoiansk was 596 miles and the journey from Yakutsk to Sredne-Kolymsk was 1,534 miles.³⁷ Exiles and their convoys had to travel by sledge, on horseback, by reindeer or with dogs in Yakutsk region, because of lack of roads, high rocks, hills, swamps and impassable forest.³⁸

Aleksandr Dobrokhotin-Baikov travelled from Moscow's Butyrka prison to distant Yakutsk province in 1911. Even though his main modes of transport were train and boat, travel on foot and in carts were also key features of his experience. He had to walk from Irkutsk central prison to Aleksandrovsk *katorga* and transit prison, around 40 miles away, over two days:

After two weeks we were directed on foot, a party of 200, to Aleksandrovsk central. The journey around the hills was an absolute Golgotha. Physically exhausted by sitting and bad food, several of us, me included, could not walk far and fell from incapacity. Rough handling and blows from the soldier convoy forced us to get up and moving again. And then again we fell, and again gun butts. Somehow we dragged ourselves forward. We were no more than a week in [Aleksandrovsk] central.³⁹

Dobrokhotin-Baikov's final destination was Viliuisk town, 460 miles north of Yakutsk town. He travelled there by sledge with another exile, a factory worker called Sitnikov, in 1912, just as winter was starting. The two men were given the clothes and things that they needed, and travelled with a Cossack and a Yakut as guards and guides. They travelled in a special long sledge drawn by reindeer, and sometimes they had to be freed from snowdrifts, and stopped in Yakut *yurts* along the way. Though the journey was physically and emotionally challenging, the exiles' material needs were met, and they did not report any hostile attitudes from their guards.

Exiles' experiences of transit depended heavily on the attitudes of their convoy officers. Irina Kakhovskaia was arrested in April 1907 and sentenced to twenty years of hard labour for her activities with the Maximalist Socialist Revolutionaries, an extremist revolutionary group.⁴⁰ Kakhovskaia gave a terrifying account of what happened in her convoy on her journey on foot from Irkutsk to Nerchinsk. The first part of the journey was very peaceful, but the mood changed abruptly after a handful of prisoners attempted to escape. The entire convoy was held responsible for it. They were all woken roughly in the night, and subjected to searches and abuse. At dawn, they were woken and beaten with gun butts as they marched through a swamp. The prisoners were badly hurt, coughing blood and collapsing. She recalls that they longed then for the security of prison.⁴¹ Political prisoners in the late Imperial period presented these accounts of brutality and callousness as both extraordinary and outrageous. Such abuses were not the norm in Imperial Russia. While individual convoy officers may have behaved in this way, prisoners in the Imperial period had an expectation of decent and humane treatment, and political prisoners complained bitterly if this were denied them.

An important factor in how transit was experienced was the health and status of the prisoners themselves. While journeys in the far north were arduous for the young single men that made up the bulk of exiles, they took on a new dimension of trauma for those who were struggling with sickness or who had to provide care for vulnerable children. A number of memoirists vividly describe their own illnesses, and the illnesses and deaths of their travelling companions. Dmitrii Iakovlev was a political exile who served a term of hard labour before being transferred from Turkestan to Yakutsk for exile in August 1915. He stayed in Irkutsk transit prison for more than a month, where a typhus epidemic broke out in the filthy and overcrowded cell shared by around 200 people. He was already feeling unwell when he was called for transit to his place of exile, but he was determined to travel, and to get away from the transit prison. His convoy had to walk about 16 miles to the first stop. After 6 miles, Iakovlev requested a place on the cart for the sick but was refused because he had no official statement of illness. He collapsed and was carried by other political exiles to the stage

point. He was subsequently transferred, along with four other sick men, a further 82 miles to Bayandaya. All the men had typhus. When Iakovlev recovered sufficiently to travel onwards, he was transported by sledge to his place of exile in Yakutsk region.⁴² While Iakovlev's experience was distressing, we should stress that the Imperial state sought to treat his illness, however crudely, and to ensure he was medically fit before continuing his journey. This was to contrast sharply with the indifference exhibited towards human suffering in the Soviet period.

In the Soviet period, while mechanized means of transport were ubiquitous, journeys on foot continued to form important parts of penal journeys. Arrival at the final stop on the journey by railcar, ship or ferry was usually the start of movement on foot to the final destination camp, colony or special settlement. Prisoners generally walked between sub-divisions of labour camp complexes, or went on tractors or in prison vans. Evgenia Ginzburg described a 47 mile walk to a new site in November of 1941 when she was serving her ten-year sentence in Kolyma. The temperature was 40 degrees below zero, and she had no suitable clothes or boots for such an undertaking. She was supposed to complete the journey in a single day, accompanied by a relay of different guard escorts.⁴³

Fyodor Vasilevich Mochulsky worked as an officer of the People's Commissariat of Internal Affairs (the NKVD or secret police) in two prison labour camps between 1940 and 1946, Pechorlag and 'Camp no. 3'. Pechorlag was a railway building camp above the Arctic circle, and 'Camp no. 3' was established to restore the road that linked Moscow to Kharkiv, which had been destroyed during the Second World War.⁴⁴ In one of the few published testimonies from gulag bosses, Mochulsky recalled the forty-five or more-day journey that anyone destined for Pechorlag in the Komi republic in northern European Russia had to undertake if their starting point was Moscow. The journey consisted of a train from Moscow to Arkhangel'sk on the White Sea, a steam boat across what he called the 'choppy Barents Sea' to the 'port' of Narian-Mar, a river boat up the Pechora river to the confluence with its tributary, the Usa and a change into smaller river boats, which would go up-stream until the river was too shallow to proceed further. From the point of disembarkation, the columns of prisoners then had to walk the final leg of the trip. The camp at Pechora was only accessible for two months of the year when the river was unfrozen, and convoys late in the season were often forced to make the final trek through early blizzards in the quickly approaching Arctic winter. Mochulsky describes how prisoners left for the camp as soon as they landed, with each given a wheelbarrow loaded with bricks or other materials needed at their destination:

[They] set out under armed guard to walk the rest of the way to Abez [the camp headquarters]. They had to stomp down a path (sometimes this meant brutally hacking at the foliage) along the Usa river. The Usa's marshy floodlands were covered with thickets of dense shrubbery, stunted northern forests of dwarf birches and low spruce trees.⁴⁵

This journey could take several weeks and when the exiles arrived, at least in the early years of the camps, the convicts would find almost no barracks in which to house them

and barely any food. First-time convicts were often forced to set out on their journey in the clothes in which they had been arrested, so they were rarely appropriately dressed for such lengthy and often freezing cold marches.

Boats

Even though the convict journey in Russia was distinguished by being continental, boat and steamship travel figure prominently in the stories of convict transportation in nineteenth- and twentieth-century Russia. In the Imperial and Soviet periods, Siberia's great rivers were utilized to move exiles. Sea journeys were more often a feature of the Soviet period, which used the northern archipelagos as key penal destinations. Ekaterina Breshkovskaia recalled the vessel on which she travelled in 1878 with horror:

The barge was small, dirty and stinking. Our compartment for 'the nobility' has been a horrid, foul hole. We could well imagine the condition below in the dark, stuffy underdecks of this barge bound for Tomsk.⁴⁶

In fact, water transport made journeys in eastern Siberia during the pre-Soviet period significantly less arduous. The journey to Yakutsk, more than 1,800 miles from Irkutsk, was mostly traversed on river barges up the Lena.⁴⁷ Dobrokhotin-Baikov recalled that on his journey north, the transfer onto river barges at Kachuga represented a tranquil stage of his carceral journey. The exiles were able to rest on the small barges, lying or sitting on the roof, warmed by the autumnal but still hot sun and admiring the beautiful Lena views. Exiles disembarked in small groups along the way. When the barge reached Ust-Kut the prisoners were transferred to an enormous barge, and then to a steamer that took them to their final destination. By this time it was September, when the frosts started. Sometimes snow fell. The Lena was beginning to freeze. The prisoners began to feel colder and colder as they approached Yakutsk. They had summer clothes on and suffered severely from the low temperatures. When the exile party finally arrived, the steamer pulled up at its autumn stop, over 4 miles from town.⁴⁸

The Soviet Union's first concentration camp for political prisoners was on the Solovetski Islands in the White Sea, 150 miles south of the Arctic Circle, and involved a long sea passage from the Arctic port of Kem'. Solovki, as the archipelago was known, figured prominently in Alexander Solzhenitsyn's account of the Gulag and inspired his metaphor of the penal archipelago. The symbolism of sea journeys, ports and remote islands pervades his narrative. In fact, journeys over water became integral to the journey to the most distant camps and special settlements on the Eurasian continent. Mochulsky recalled hearing prisoners 'singing their criminal songs' below deck on his trip to the Pechorlag, the main camp complex on the Pechora river in the Komi republic. They were not allowed on deck and they had to be accompanied by an armed guard when they needed to visit the bathroom.⁴⁹

Some of the most notorious sea crossings of the Gulag era were in the Far East as prisoners were transported through the Sea of Okhotsk to Magadan, the furthest north-eastern extremity of the Eurasian landmass, where convicts worked in gold mines. These journeys ranked as among the most harrowing element of gulag

experience. Evgenia Ginzburg travelled to Kolyma in the hold of the SS *Dzhurma*, an ageing steam ship used as a convict transport. Prisoners had to endure up to two weeks of uncomfortable sea crossing. Ginzburg describes the hold to which they were confined for the whole trip as 'a greasy place of tangible stuffiness':

Packed tightly in our hundreds, we could hardly breathe; we sat or lay on the dirty floor or on one another, spreading our legs to make room for the person in front.⁵⁰

Ginzburg was fortunate that her sea journey was 'uneventful' – she was ill with dysentery and so was disembarked separately with the sick and the corpses of those who had died on the crossing that were stacked and counted on the harbour side. Others have testified to voyages marked by drownings and mass rapes by guards or criminal gangs.⁵¹ The most notorious incident was when the SS *Indigirka* capsized in December 1939, and more than 700 prisoners were drowned in the Sea of Okhotsk.⁵²

Trains

The railway was the principal means of long-distance transportation in the twentieth century and remains so today. The development of the Trans-Siberian railway from the 1890s onwards transformed convicts' journeys from European Russia to destinations up to Irkutsk.⁵³ The railway provided a cheaper, more rapid and more humane means of transport than the foot stages that preceded them. Aleksandr Dobrokhotin-Baikov recalled his train journey to Irkutsk vividly:

We left Butyrka prison [in Moscow] on a hot day in June, and set off for Siberia in a 'protected' prisoners' wagon. After a long and distressing journey in sealed dirty wagons, with stops for several days in prisons of towns en route ... we arrived in Irkutsk in the middle of August, where we were imprisoned in the regional prison. Sitting in the dirty, wooden, relatively large general barrack, together with criminal trash, was a nightmare. Filth, stench, the appalling swearing of the criminals- all this acted on us badly.⁵⁴

Baikov recalled his train journey as a hot, dirty, miserable affair, but the experience of penal train transport in late Imperial Russia is not easily comparable with Soviet transportation. The volumes of exiles and convicts that were moved around the country at the height of the Stalin repression raised many challenging logistical questions for the authorities but, in reaching solutions, the impact on the people being transported was discounted. Transportation at the height of the mass deportations and expansion of the Gulag typically involved overcrowded conditions, long stationary periods, slow movement, lack of information about length, direction and destinations of journeys, violence and half light. The transportation itself was punitive, degrading and life threatening.

Gulag prisoners were delivered to the Siberian north or to the deserts of Kazakhstan in train journeys that could take weeks. Train travel in this period claimed lives and produced an indelible mark on the psyches of the people who survived.⁵⁵ Evgenia

Ginzburg described the conditions in 'van 7', the train that transported her east to Siberia from Yaroslavl, where she had spent three years in solitary confinement. Ginzburg was transported alongside other women politicals, most of whom were members of the intelligentsia. The month was July and temperatures in the carriage soared. The women developed a strict rota for sitting by the three-inch gap in the door or at the window. Water was rationed, and the euphoria she had felt on escaping her years of solitary confinement was soon quashed:

It was so stuffy that we hit on the expression 'gas-oven,' which was not yet in current use. There was the dust, the sweat, the overcrowding and, worse than any of it, the thirst.⁵⁶

The journey to Vladivostok took over one month and was punctuated by periods when the train stopped between stations for days at a time, and the women were forbidden to speak. There were other stops, such as at Sverdlovsk in the Urals, when the women were marched from the train to be disinfected. Ginzburg describes how the women recited poetry to one another in an attempt to escape from the pains of the present and she recalled that they generally looked out for one another and supported the sick. During the course of the journey other women convicts from all over the Soviet Union were added to the already crowded wagon, so that by the time they reached the transit camp at Vladivostok, they were a geographically and socially mixed company. In the Vladivostok transit camp, prisoners were put to work in quarries to await the next convoy to their final destination in the Far East.

Train travel was the main mode of transport used for the mass peasant deportations in the early 1930s, and the deportation of ethnic minorities and the nationalities of newly acquired territories in the Second World War. These deportations posed specific challenges for the Soviet state. Unlike the transportation of gulag convicts, they involved whole families travelling together along with certain of their possessions, and their journey was not normally preceded by a long period of interrogation and incarceration in remand jail that had adapted them to life in the ways of the Gulag 'state within a state'.⁵⁷ The kulak deportations in the early 1930s in many respects laid the framework for all subsequent transports.

The deported families were loaded onto cattle trucks from special collection points. Heads of households who had been subject to prior arrest and incarceration would be reunited with their family at this point. Every family was allowed to bring with them two months of food rations, the tools they would need to build dwellings and to work at their destination such as axes, shovels and carpentry tools, as well as a variety of domestic items such as blankets, clothing and kitchen utensils. The baggage allowance per family was 408–490 kilograms.⁵⁸

The railway trucks that were used to transport the families were provided with a stove, chimney flue, three buckets (for boiled water and human waste) and plank beds. They were designed for forty people, but this figure was normally exceeded. The principle of self-government was used to maintain order in the rail car. In practices that resonated with Imperial penal experience, one peasant was selected as the leader (*starosta*) to act as the point of contact with the convoy, communicating messages and

organizing the collection of boiled water and food when the train stopped at stations. Such formal arrangements were rarely adhered to, and the accounts given by people who endured these transports are harrowing. They tell of freezing temperatures, hunger, illegal expropriations of personal belongings and chaos at the collection points with small children becoming separated from their parents and siblings. Dysentery ravaged the deportees due to the lack of hygiene. The occupants of the trucks could not see to gauge where they were and in any event they rarely had any idea of where they were going, except that it was northwards. One testimony recounted the terrible conditions within the train carriage:

If someone could look into our car, then even the heart of stone would tremble, and they would see such horror that even barbarians do not know. It is shameful to put infants in prison and our [rail] car is worse than a prison. There is no place to sit or lie down: for the first two days, we travelled without any water and fed the children snow.⁵⁹

Scrolling forward to the present day the rail journey remains traumatic for many. In the decades after the death of Stalin conditions in transport improved. The reduction in numbers of prisoners having to be moved meant that purpose-built carriages could be used which had bathroom facilities, fixed bunks and better ventilation. However, the overcrowding, poor food, overlong journeys and the convoy guards' degradation rituals that had developed during the gulag years were to endure. Even after the Russian Federation joined the Council of Europe the movement of prisoners from one institution to another has only belatedly found its way on the radar of human rights and prison condition monitors. Just as in the Soviet period, lack of knowledge about the destination is central to exiles' pains of punishment, as one contemporary male prisoner described:

You are absolutely unsettled; you do not have any stability; you are in motion – and – you have these searches ... always these searches on the etap [prison transport] you can't access any of your own food ... you have to eat what they provide or what they don't provide – that's all suffering. At the same time you are surrounded by people you don't know. So it's a very nerve-wracking environment. After all you never know where you'll end up – so that's why it's punishment.⁶⁰

So deeply embedded is the experience of exile in Russian culture that prisoners today also locate themselves on the same historical landscape as did Ginzburg and her compatriots in van 7 of the convict transport to Vladivostok. When, for example, prisoners talk in interviews about going to 'another country' or insist that it is normal for Russians 'to be sent to *katorga*' or that women from the south are 'in exile' in colonies in the North and Siberia, they are positioning themselves within an historical stereotype about Russian incarceration as exile.⁶¹ These stereotypes do not just inform the understandings of prisoners themselves but research has found that their relatives also draw on Russia's long-standing practices of exile to construct their identities with wives and partners of today's prisoners calling themselves Decembrists (*dekabristiki*) or 'camp followers'.⁶²

Destinations

Imperial hard labour prisons (*katorga*)

Peter I inaugurated the use of penal hard labour, known as *katorga*, in 1696, and it embraced the principle of both punishing offenders and utilizing their labour for state goals. Nerchinsk, a complex of mining industries in the Zabaikal region of Siberia, was the central locus of *katorga* until the middle of the nineteenth century when its mines were largely exhausted and convicts were transferred to the gold mining complex of Kara in the adjoining valley. In 1884 the state began the transfer of convicts from Kara and Nerchinsk to Sakhalin, the island off Russia's eastern coast that became a penal colony site. Sakhalin became Russia's most notorious penal destination until the Treaty of Portsmouth in 1905 gave the southern part of the island to the Japanese and ended its penal use by the Russians.⁶³ After 1905, there was an exponential increase in the number of *katorga* prisoners, from 6,123 in 1905 to 31,748 in 1912.⁶⁴ The majority of *katorga* prisons were in Siberia, though the increase in the number of *katorga* prisoners necessitated the building of two European *katorga* prisons, in Shlisselburg near St Petersburg in 1907, and in Orel in 1908.⁶⁵

The Imperial state overall showed itself poorly placed to profit from convict labour. Ironically, life in hard labour prisons in the early twentieth century was characterized by a lack of work. In Nerchinsk in 1896, only 42 per cent of the 1,159 prisoners were medically fit to work, mainly because of poor food and conditions.⁶⁶ Of the prisoners incarcerated in Aleksandrovsk *katorga* prison near Irkutsk in 1909, 52 per cent did not work at all. This was because there were insufficient workshops and large town settlements near the prisons. Aleksandrovsk, unlike Nerchinsk, was not built around a mining complex, so had relatively few on-site labour opportunities. The lack of work within the prison complex meant that many prisoners were idle for much of their time. This rather confounds our imaginings of hard labour regimes, and left the prisoners seeking out means to fill their time in incarceration. Some prisoners worked within the prison, in workshops and gardens, and in the prison itself, in the kitchens, filling lamps, and supervising solitary cells and corridors. There were places for around 300 men to work within the prison workshops. Prisoners were paid for this work. The largest workshop was the sewing shop. As well as meeting prison needs, the shops fulfilled orders from outside the prison, including for example the production of signal flags for the Zabaikal railway. The joiners' workshop made furniture and building materials both for the prison and for outside orders.⁶⁷

A varying proportion of the prisoners worked outside the prison, either in the free command, which had its own barracks outside the prison, on the prison farm or further afield in local industries, mines, and especially road and rail construction projects (see Figure 10.1). Those prisoners with long sentences, and also around 500 so-called 'state criminals', who had been sentenced for violent crimes against the state, were not sent off prison grounds because of the risk of escape. Use of prisoner labour intensified during the First World War, as prisoners were utilized on road and rail building, and urgent infrastructure projects.⁶⁸

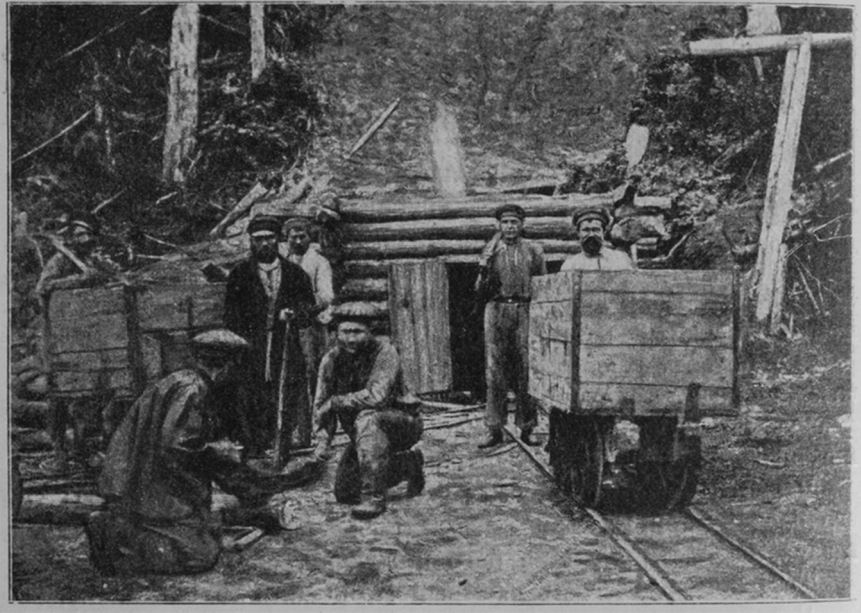


Figure 10.1 Hard labour prisoners at the entrance to the mine in Sakhalin, early twentieth century

Katorga work was widely recognized to be inefficient and expensive, not least because *katorga* prisoners were ‘bad workers’ due to their poor health and lack of vigour. The exception to this was the use of *katorga* labour on the Ussuri, Amur, Transbaikalian and Priamur railways, especially after 1905, where *katorga* prisoners proved to be a cost effective and efficient workforce. Prison and exile labour had been used to good effect in earlier railway construction and had been used since 1891.⁶⁹ The Trans-Siberian railway route was constructed between 1891 and 1916, and provided a significant source of employment, for locals, convicts, exiles and workers from other regions. Labour conditions were exceptionally difficult and unpleasant, because of the unforgiving climate and the difficult terrain. The ground was frozen until mid-July, but once it thawed, it turned into a swamp, and labourers sometimes worked in up to two feet of water.⁷⁰ The project was unable to attract enough free labour, because of eastern Siberia’s sparse population, and prison labour was therefore used extensively.⁷¹ A total of 9,000 prisoners and 4,500 exiles worked on the railway. Indeed, prisoner labour on the Amur and Transbaikalian railways was considered such a success that in 1914 suitable prisoners were transferred to Siberia from European *katorga* prisons for this work.⁷²

A number of memoirists described their labour on the Amur cart road, or *Kolesukha*. Andrei Sobol’ was to become well known as a writer in the early Soviet period.⁷³ Sobol’ was just eighteen years old when he was sentenced to four years’ *katorga* in 1906, for participating in an illegal Jewish Socialist organization. *Kolesukha* was a road that linked Blagoveshchensk with Khabarovsk, and was completed between 1899 and 1909,

using *katorga* labour almost exclusively. The workers were organized into working teams of ten, *desiatniki*. Sobol' recalled that political prisoners were distributed around the working teams, so that there were only one or two politicals to eight or nine criminal prisoners on each. Each team had a daily quota of earth to shift, a figure described as unachievable. The workers walked between 1 and 5 miles in the morning to get to their place of work, and could drink tea on site but returned to their barracks for lunch. The work itself was hard manual labour, moving stones, clearing ground and felling wood. Former Sakhalin administrators found work on the Amur project, as did a significant number of former Sakhalin convicts.⁷⁴ Andrei Sobol' evocatively recalled that conditions broke even the hardened Sakhalin lags.⁷⁵ Another memoirist, a political exile called E. P. Dubinskii, described terrible working conditions, with the team working in waist deep water and swamps, and soaked to the skin. The dry days were no better, because then the workers were covered with great clouds of biting mosquitoes.⁷⁶ F. Drozhzhin, another *katorga* prisoner, described similar working conditions, with intense heat, constant thirst, and a plague of blackflies day and night, alongside massively overcrowded sleeping quarters.⁷⁷ Despite certain inconsistencies, these memoirs present a clear picture of physically challenging working conditions and norms of labour production that are reminiscent of gulag working practice. They also make it clear, however, that the economic benefits of the work were recognized and that while conditions were unpleasant, workers' basic needs were provided for and they were cared for by the state. The death rates were modest, unlike the execrable death rates witnessed in Soviet forced labour projects.⁷⁸

Exile

Exile was a heavily used punishment in Russia. The Main Prison Administration described exile as a 'prison without walls' in 1900, and this conceptualization resonates with our understanding.⁷⁹ The conditions under which exiled social groups lived in many respects can be understood as a form of imprisonment.⁸⁰ For those convicted of crimes in both the Imperial and Soviet periods, exile was usually added to the end of a sentence of hard labour in prison, often without the right to return home on completion of the term. For those exiled without recourse to the courts, the punishment of exile was usually finite and did not involve imprisonment except in transit prisons en route to the final destination.

In Imperial Russia, the distances exiles were sent were generally related to their threat to public and state order. Less serious transgressions or first offences might be punished with shorter terms of exile in European Russian destinations. Aleksandr Engelgardt was a university professor who was exiled to his family estate in Smolensk province in 1871 for disseminating democratic ideas among his students.⁸¹ His exclusion from Russia's capitals was the entirety of his punishment – he was free to write and to work on his own property. Semion Kanatchikov was a skilled metal worker living in St Petersburg who was administratively exiled in 1900 for his political involvement in radical circles, first to his home village and then to Saratov.⁸² Kanatchikov continued to be politically active in the workers' movement, and was subsequently imprisoned and then exiled to Irkutsk, in eastern Siberia, between 1910 and 1916.

Recidivists and those associated with more serious offences were exiled to more distant locations. While the journey to exile incorporated prisons, confinement and close supervision, exile itself offered comparative freedom. Dmitrii Iakovlev, a political exile who served a term of hard labour, recalled his time in exile between 1915 and 1917 very vividly. When he first arrived in Tutursk colony, his place of exile, a village near Verkholensk in Irkutsk province, not far from the river Lena, he was astonished by the lack of formality and apparent freedom of exile:

We arrived at the township [administration]. [It was] a large wooden building. I went inside. The driver gave over papers. I was asked my name, how old, what state possessions I had, and so on. Finished. 'Go' they said to me. I don't understand where to go. 'Go- you are free.' I was dumbfounded, and stayed standing on the spot, not moving. Someone I had met when I arrived took me by the hand and led me out of the door.⁸³

Exiles were generally responsible for themselves once at their destinations, and were subject to nominal supervision. The pains of exile were primarily of isolation, dislocation and the pains of neglect. While in prison, exiles had access to healthcare, shelter and food, however rudimentary. In exile, these basic requirements were not met by the state, which in more remote environments assured great hardships for exiles without private means.⁸⁴ Siberia was the most commonly used exile destination, from the inception of the punishment at the end of the seventeenth century until the collapse of the Imperial regime in 1917. Lived experience of Siberian exile was very much contingent on where one was sent. Eastern Siberia was both more remote and less populated than Western Siberia, and was therefore considered to be a more punitive destination. Yakutsk region, one of Siberia's most remote eastern outposts, was most feared and became synonymous with the 'most remote place in Siberia'.⁸⁵ Only a handful of the most 'dangerous' political exiles were settled in extraordinarily remote locations in the region. While the climate and isolation were key elements of exile's punitive nature, it was the challenges of finding paid work that often defined exile experience. Work required spatial and occupational mobility, as exiles travelled around the region seeking employment in a range of different industries. Manual labour of various kinds was the main employment, along with work in mines, rivers and on the railways.⁸⁶ State dreams of exiles comprising a corps of agricultural settlers in the east were wildly unrealistic – though some exiles became peasant householders, most reverted to begging and criminal activity, because there was a shortage of available land, resistance to settlers from established residents, and because the exiles themselves often lacked the skills and resources needed for pioneer farming.⁸⁷

As in tsarist Russia, exile was a punishment in Soviet Russia and, as before, it was associated with different degrees of restriction on recipients' civil rights. As applied in particular to the deported kulaks and ethnic groups in the 1930s and 1940s, it could confine people to particular places from which they could leave only with official permission, or it could simply exclude individuals from named places. Exiles could be subject to other restrictions such as of assembly and mixing with free populations and to requirements relating, for example, to work. Evgenia Ginzburg's ten-year sentence

in a labour camp was followed by five years of exile so that like other ex-convicts, her new freedom was conditional. Her status as an exile 'subject to deprivation of civil rights' was spelled out in the documentation she received on the expiry of her carceral sentence, as was the fact that she had served ten years for belonging to an underground organization. Ginzburg could have left Kolyma for a less remote place 'on the mainland' but she had formed a relationship with the man who was to become her second husband while she was serving her sentence in Kolyma, so she chose to live out her exile near the camps in which she had been held for the previous decade just to be near him. She was free to find her own lodgings, to take on most types of work and to correspond freely with her relatives back home. Initially, Ginzburg took a room in Taskan, where Anton, her husband-to-be, was held. Taskan was a typical gulag settlement populated by camp personnel, their relatives and ex-prisoners, and for the few months Ginzburg lived there she was able to have regular meetings with Anton who, as a doctor, was relatively free to come and go. But when he was transferred to a more distant high-security camp, she decided to move to Magadan. She was issued with an internal passport valid for one year that would allow her through the checkpoints that lined the roadways out of the Kolyma valley. On entering Magadan she experienced the shock of re-engaging with what passed for normal life in this part of the USSR. She was able to get a job in a kindergarten despite her status as an ex-58er; that is, political prisoner. She bedded down in an apartment with another ex-prisoner she had met in the camps who had set up a business recycling household goods of various sorts. This business supported her and the other former gulag inmates to whom she offered help. In the years after 1947 Magadan grew fast as it became the destination for released prisoners arriving either to find work or using it as the springboard for the onward journey to the mainland.

The special settlements

The Soviet era saw the creation of a particular type of exile settlement. The *spetsposelenia* or 'special settlement' (and later renamed *the trudposelenia* or 'work settlement') was the destination for the millions of people deported to the peripheries during the Stalin period on grounds of their belonging to the class of rich peasants or ethnic groups (see Map 10.2). These settlements were created from scratch in places remote from existing settlements in order to prevent the 'contamination' of ordinary citizens by the variously defined undesirable elements. Initially conceived as instruments of colonization for the north, they soon became an integral part of the apparatus of forced labour put to the service of fulfilling Stalin's five-year plans.⁸⁸ The deportees in special settlements numerically rivalled the convict population in labour camps. In 1949 a total of 2,679 special settlements had been created in the USSR, each with 700 families. They were situated preponderantly in the north of European Russia, the Urals and Western Siberia. Their populations were mixed, with new waves of deportees added to the original settlements, and whilst the first were typically located deep in the boreal forest to provide labour for the timber and wood processing industries, there were also agricultural special settlements and settlements that provided labour for construction projects and extractive industries. We illustrate special settler experience through the story of one deportee, Filip Ipatovich.⁸⁹



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Map 10.2 Movement to 'special settlements' in the Stalin period

Filip Ipatovich has lived in a small village in the Gornozavodskii rural district on the western flanks of the Ural Mountains since 1938. He was eighty-one when, sitting in on the bench outside his now dilapidated hut, he recounted his story. He had been born into a well-to-do peasant family in Vinnitsa, in the Ukrainian republic of the USSR and was one of six children. In 1930, when he was just eight years old, his family were categorized as kulaks and as a result they were deported to the Urals. The first destination for the family was Gainskii district in the very northwest corner of Perm' (then Molotov) region. Arriving in the district town, the family was loaded into one of a convoy of boats to be taken 75 kilometres up river to a landing called Pel'min Bor. This was to be the home for his and the other kulak families that had survived the journey from Ukraine. Filip described Pel'min Bor as an uninhabited place, backed by dense forest with no cultivable land. Arriving in the late summer, the settlers made *zemlyanki*, earthen dugouts covered with branches and sod, for shelter and survived on food they had managed to bring with them, supplemented with berries and mushrooms from the forest. By the spring following their arrival, food was so scarce that Filip's mother had to feed the family on soup made of reindeer moss and pine bark. Filip remembers people 'dying like flies'. They were, he observes, 'treated like pigs in a place that nobody could find on the map'. The settlers deposited in this unpropitious place were supposed in the winter following their arrival to be harvesting timber, dragging it over the snow to the river bank to await the spring ice-melt for the onset of the *splav* (flotation) of logs, downstream to wood processing plants on the Kama river, one of the tasks of gulag prisoners in nearby Usol'lag. Filip recalled that conditions were so bad, food and appropriate clothing so scarce, and the available

tools so rudimentary that settlers were unable to meet their logging quotas. The settlers were not allowed to grow their own food because it was thought by the authorities that this would disincentivize forest work. When Filip's father managed to plant the seed potatoes the family had brought with them from Ukraine, they were ordered to destroy the plot. Malnutrition and typhus quickly became endemic and reached a peak in the terrible winter of 1933 when harvest failure as a consequence of collectivization reduced food shipments to the north, exacerbating the already critical food shortages in special settlements. Of 3,000 families transported at the same time as Filip's family, only 200 survived.

Within three years of the founding of Pel'min Bor, the decision was made to move the survivors elsewhere.⁹⁰ This was part of a policy change that re-imagined special settlers' functions from a 'colonization' to an 'economic' frame. This meant that special settler labour was to be directed to where it was needed.⁹¹ Filip's family was transported south to Krasnokamsk on the Kama river where his father was put to work as a blacksmith and other family members deployed into forestry, as before. Filip recalls the excitement that they all felt when they saw bread for the first time in three years. Rations gradually improved and the family was able to acquire extra food by trading nets that his mother knitted from thread they had brought with them, with local free citizens. By now aged eleven, Filip accompanied his elder sister into the forest. The commandant in Krasnokamsk allowed the deportee households to grow food for subsistence, reflecting a relaxation in the rule about food production.

Within a few years the family was relocated yet again to Ust-Turyim in Gornozavodskii district on the western flanks of the Ural Mountains, the site of Imperial Russia's early iron industry. Diamonds had been discovered in the region, and in 1938 Stalin ordered that further prospecting should take place. In anticipation of the development of placer mines and river dredging for diamonds, more labour was moved into the drainage basin of the river Koiva. Filip's family was among the battalions of prison and special settlers transported at this time. Again the family had to set about building an earthen dugout in which to live, which they occupied along with five to ten other families. The settlers were now allowed an allotment to grow potatoes. In his interview in 2005, Filip recalls how in time barracks replaced earth dugouts and they were ready when the first wave of ethnic deportees, Germans from the Volga region, arrived. Although the relaxation of rules such as on food growing characterized this period, the special settlers remained subject to various restrictions. Within settlements the population was not allowed to assemble without the permission of the commandant, and they had no right of self-government. Settlers were not allowed to leave the settlement without the commandant's permission or to change where they lived within it.⁹² The commandant dispensed discipline for violations of internal settlement rules, which included fines and arrest. Compared with prisoners, special settlers enjoyed certain rights that included the same pay (albeit with deductions), working day and vacations as free workers. By now, the population of special settlers had stabilized in the Northern Urals at around 250,000. Ust-Turyim was one of 299 settlements. Thereafter the number of special settlers declined due to deaths, a decline in the rate of natural increase, escapes and marriage to free citizens, and reassignments to other categories

of workers or prisoners. In 1950 the number of special settlers in the north Urals was 90,860. The Urals ceased to be the chosen destination for the ethnic deportations of the early and post-war years. Nationwide, when Stalin died, the 2,753,356 deportees still confined to special settlements exceeded the 2,472,247 prisoners in the Gulag.⁹³

In the decades following the death of Stalin in 1953, the civil rights of special settlers were gradually restored. When the restrictions of movement on kulaks were lifted on 13 August 1954, many of the peasants who had been transported from 1929 to 1933 began to leave. In Ust-Turym, Filip recalls, there was an immediate exodus of ethnic Germans to Northern Kazakhstan. Filip, now married with two children to another settler, was among those who decided to stay. As he explained, he did not want to have to encounter the people who had denounced his father, now deceased, in his native village. He continued to be employed in forestry until the end of his working life.

The gulag camp

The kulak deportations of the early 1930s to the Northern Urals prefigured what was to come with the gulag camps. The gulag camps differed in their geographical spread, which was more extensive and which took some convicts yet further from the European core and into even more hostile environments, both in the Arctic and in the deserts of the interior. Among the most feared destinations were the gold mines of Kolyma, in the Soviet Far East, to which Evgenia Ginzburg was transported. She spent ten years moving between different institutions and places in Kolyma, managing to survive through a combination of luck and her own guile.

Kolyma is located in the furthest north-eastern extremities of Russia. Its capital is Magadan. Gulag camps were established in this region because of its rich gold and silver deposits, but these areas are among the most inhospitable on earth for human habitation. The greater part of it lies in the Arctic Circle and the whole region is underlain by continuous permafrost. Kolyma is snow bound for more than half the year and its northern latitude means that daylight is very limited for four months of the year. Average January temperatures are -19 to -38 degrees centigrade but some of the lowest temperatures anywhere in the world have been recorded in the interior. The population of the Kolyma region consisted of the convicts and the military battalions and interior ministry officers deployed to guard and manage them, exiles who had come to the end of their sentence but were not permitted, or chose not, to leave the region, family members of the guards, 'free' workers assigned to the region and a small number of indigenous people. Inevitably, the Arctic and sub-Arctic environment combined with appalling working and living conditions produced extremely high mortality rates among convicts. The harrowing experiences of the convicts exiled to this 'pole of cold and cruelty'⁹⁴ are described in a number of iconic testimonies, and historians continue to debate the extent to which the underlying rationale for the severity of treatment meted out to the convict contingent was the physical annihilation of the regime's opponents.⁹⁵

The vast and complex task of developing the gold mining operations in Kolyma, involving tens of thousands of convicts, inevitably created a need for subordinate enterprises that serviced the camps and mining operations. In part free workers

assigned to the region provided these, but typically for the Gulag, it was prisoners who fulfilled these roles. While the bulk of the convicts in Kolyma, men and women alike, worked in mining or timber harvest and construction, there was a small minority that managed to secure other jobs that were less life-threatening. Evgenia Ginzburg was among these, largely through the good luck of running into people who had known and respected her husband or with whom she had forged relationships in prison, on the journey or already in Kolyma. During the ten years of her sentence she was variously put to work as a nursery nurse, in chicken houses, on a dairy farm, in a factory, as a medical assistant and felling trees. Evgenia Ginzburg described the living conditions that awaited most women and men convicts all over the USSR at the end of their journey of transportation. In her writings we learn many details about the everyday life and conditions under which convicts lived, worked and died, but particularly striking for the 'long history' of the convict transport in Russia are her descriptions of institutions that carried forward inheritances from the nineteenth century and which have cast a shadow over today's penal system. Confinement in the Gulag isolated the convict from the outside world, but within the boundaries of territorial camp complexes penal institutions were remarkably porous. Kolyma is a good example; its geographical remoteness in a barren landscape meant the few routes out were easily controlled. It was for good reason that even today inhabitants of the region refer to the rest of Russia as 'the mainland'. With geography providing the defence against escape, the authorities within Kolyma were content to allow prisoners to work outside the confines of the camp. Those given 'non-convoy' status did not have to be accompanied by a guard.⁹⁶ Evgenia Ginzburg describes how when she was working in the chicken house at the Elgan camp on the Kolyma river north of Magadan 'the guards got used to me' and would allow her out of the work compound:

By now, it was sufficient for me to glance at the little window and say 'with your permission ...' for the long iron bolt to slide to the left and the door of the guardhouse to open before me. Only Pretty Boy Demyanenko would ask 'Are you going far?' But even he was content with the standard reply that I was off to the hospital for medicine.⁹⁷

Not all convicts secured such freedom of movement for themselves. The experience of the world beyond the compound was for others in the daily march to and from the gold mines and labour under guard all day long.

The arrangements for living and working in the Gulag were based on the principles of collectivism, joint responsibility (*krugovaya poruka*) and self-government. Prisoners were organized into work brigades and these brigades occupied a shared space in barracks and were driven out to work in the forests, mines or construction sites together. Living conditions were usually primitive. Ginzburg shared accommodation in Elgan with other women working in supporting services:

Our quarters were two sagging shacks, barnacled with ice, overlaid with snow, and with holes in the roof. Every day we had to plug these holes anew with lengths torn from old, cast off duffle coats.⁹⁸

Under the principle of joint responsibility a shortfall or disciplinary offence on the part of one member of a brigade or barracks led to shared punishment for all, the intention being to incentivize everyone towards plan fulfilment. 'Self-government' served a different, but related, purpose, allocating to a convict the role of representative and leader for the mass of prisoners in a brigade or barrack. The convicts were themselves responsible for domestic order in the barracks, cleaning them, keeping the wood stove burning and deciding rotas; the convict representative's task was to make sure that this ran smoothly. Life in the barracks as Ginzburg recounts depended upon the other convicts.

While Ginzburg's account tends to stress the importance of convict friendships and mutual support, she also recounted the very worst of barracks life when she was sent to *Izvestkovaya*, 'the isle of the damned'.⁹⁹ *Izvestkovaya* was an especially remote and distant sub-division of the Kolyma camp where the convicts worked in lime quarries. Here she was bullied for being an intellectual:

Both the girls and the guards were at one in their instinctive recoil from me, a being from another planet. I was not allowed to rest after a trek. A pick was put into my hand the moment I appeared ... and I was told 'get a move on, get a move on! Off to the lime quarries'. The first day my norm fulfilment was 14 per cent and I got no bread.¹⁰⁰

Life back in the barracks at night was marked by noise, suffocating heat from the stove that belched out smoke into the poorly ventilated space, and perpetual fear of assault from the guards and other prisoners. In referring to her barrack cohabitants in the most de-humanizing terms as 'humanoids', lepers, drunkards, drug addicts and syphilitics, Ginzburg's narrative is true to the criminal/political binary that we discussed in the introduction. There is no reason to doubt either the episode of guard violence and rape she describes in the barracks or the horror of her experiences, but her implied assumption that criminal women were in some way immune to the horrors around them is problematic. The resources on which any individual can draw to survive are not the same; the behaviours of the powerless and vulnerable are myriad and not always easy to understand. Ginzburg's experiences nevertheless reinforce an underlying truth about the Gulag. Whatever local arrangements might pertain for managing prisoners, however good or bad the camp boss (and Ginzburg encountered personnel who helped her as well as those who were sadistic and punitive), and whatever an exile's relationships with other captives, the system was maintained and reproduced by violence, fear and degrading treatments that no prisoner, political or criminal, could avoid.

Contemporary prisons

In the twenty-first century, the most common destination for convict journeys in Russia is the correction colony (*ispravitel'naya koloniya*). This is the securitized institution in which offenders with carceral sentences are confined for the purposes of incapacitation, deterrence, rehabilitation and retribution. Today, in the Russian Federation, convicted offenders are either given custodial or suspended sentences, or

subjected to alternative forms of punishment. The proportions between these might be very different in Russia from elsewhere in Europe but the modalities, on paper at least, are the same. A Foucauldian would argue that the later decades of the Soviet era witnessed the final and long overdue 'birth of the prison' in Russia. In the 1990s the post-Soviet state removed exile from the repertoire of punishments in the correctional code and joined the Council of Europe, which in theory committed it to developing humane and individualized approaches to punishment. And yet, as we have shown, former practices remain including the despatch of convicts to distant destinations in the peripheries of remote geographical margins. It is true that journeys take less time than in the past and physical conditions are less uncomfortable, but the degradations and pains of the journey-to-prison figures prominently in the narratives of twenty-first-century convicts and are certainly experienced punitively.¹⁰¹

The similarities do not end with the journey, however. The carceral institution that awaits the vast majority of convicted prisoners at their destination is an institution that bears only passing resemblance to the Western penitentiary. The new arrival in one of Russia's more than 700 'correctional colonies' is processed into an institution that has carried forward features of labour camps and labour colonies of the Soviet Union and even of nineteenth-century *katorga*. The resemblance is both physical and organizational. Thus, today's correctional colony consists of a territory enclosed by fences and barbed wire and corner watchtowers, with the internal space divided into successively smaller units by high wire fences. The primary subdivision is into the domestic, production and administrative zones that are occupied respectively by the dormitory barracks, industrial buildings and workshops, and the staff (*shtab*). The barrack blocks in the domestic zone are usually two to three storeys high, each floor occupied by a separate numbered detachment, a group of up to 120 prisoners who sleep in a communal dormitory. Wire and wooden fences divide the external entrances to each floor. Prisoners' movement around the colony space, between and within zones is controlled, collective and regimented. The production zone typically consists of large factory buildings, the number depending upon the size of the colony, and a collection of small workshops in which the labour of the prisoners is deployed in the production of a range of industrial and consumer goods made to state order or for sale in the open market. There are facilities for fulfilling the colony's needs in food (colonies have bakeries and, some, their own farms), building materials and services. The typical colony is provided also with a canteen, concert hall, library, surgery, punishment cells, a visitors' block where family visits take place and a parade ground for morning and evening roll calls. Towering over the assemblage of buildings is the onion dome or minaret of the Russian Orthodox Church or Mosque, constructed since communism's collapse to offer spiritual guidance to inmates.

It was to just such a colony in Ivanovo that Lyudmila was transported in 2006 to serve a four-year sentence for grievous bodily harm.¹⁰² Lyudmila was thirty-eight years old when she was interviewed, and the mother of five children aged ten to twenty-one. She had married when she was sixteen and had her first child a year later. Her husband, the father of her children, was violent and it was Lyudmila's attempt to escape from this that resulted in her imprisonment. She was halfway through a suspended sentence she had received for physically injuring her husband during a domestic dispute when

another incident involving her husband and father-in-law took place, which resulted in her hospitalization with a broken leg. In hospital, with the agreement of her eldest daughter, she made the decision to flee. She discharged herself and managed for the next eighteen months to hide out with a friend in another region, but the police eventually apprehended her. The violation of the terms of her licence triggered the carceral sentence, which after four years was now nearing its end. In one month Lyudmila was due to be released.

It took Lyudmila two tortuous weeks to travel the 2,456 kilometres from Omsk, the Siberian city where she stood trial, to her destination, correctional colony no. 7 in Ivanovo. Correctional colony no. 7 had been founded in 1938, one of the hundreds that proliferated at that time to accommodate the vast inflow of convicts dispatched to the Gulag during Stalin's Great Terror. With an inmate population today of just under 700, the Ivanovo women's colony is small and its twelve detachments, each with a maximum of seventy women, are, correspondingly, smaller than average. After two weeks of quarantine that included a medical check up and an assessment of her work capability, Lyudmila was allocated to a detachment that was assigned to work in the clothing factory. For the past four years Lyudmila had worked eight to ten hour shifts, six days a week, machine-sewing police uniforms and fire service overalls.

Reviewing the past four years as a convict, Lyudmila describes how the first months were the most traumatic. Whilst on remand in Omsk other women, repeat offenders, had told her frightening stories of what awaited her and these were largely borne out on arrival. The first introduction to the detachment, securing a place in the society of prisoners, trying to fulfil her personal work target having never used a sewing machine before and learning the 'regime rules' caused stress, depression and attempts at self-harm. For Lyudmila it was the other women in the detachment rather than prison guards she feared most initially:

Actually, it wasn't the screws that were most frightening; it was the zeks (convicts) who were the greatest threat. If you obeyed the rules and worked hard you were more-or-less alright with the screws ... on the contrary, it is when you see that mass of women that it really gets to your nerves. They come up to you, the 'bosses'. At first I was terrified just to go to the shower ... I had never been in such a mass of women; women are all different, of course. You had to figure them out and behave differently to each one. I was like a zombie to start with.

Lyudmila eventually adapted to the communal life of the barracks but, typically for prisoners in Russian correctional colonies, was never able properly to relax. Nevertheless, now an old-timer, she knows how to get on with everyone and to avoid conflicts. The 'friendships' she made were, she explained, always temporary and conditional: 'I would eat together with another girl, and we'd get on and ... we'd find a common language. But then in three months, we'd split up, of course.' Such relationship, Lyudmila, explains, are fundamentally mercenary; they survive only so long as the parties had something to give or trade such as food parcels from relatives. In Russian correctional colonies today as was the case in the Soviet period, the food and produce parcel are not only important to prisoner health supplementing the often

poor prison diet (in the past they were crucial to prisoners' very survival) but they are the basis of the internal market among prisoners in goods and services. High-status prisoners in the barracks hierarchy can 'buy' the services of low-status prisoners with a packet of cigarettes, while the regular receipt of parcels in itself confers status. In this respect Lyudmila was in a vulnerable position as her living relatives could not afford to send her parcels; rather, she tried to send small amounts of money to her children from her work in the sewing factory.

Lyudmila's labour has been her saviour during her years of imprisonment. It earns her a small amount of money that she can use in the commissary shop and to pay the alimony she is charged for her children, and, even more important to her, it allows her to escape into her own space. Her introduction to work in the clothing plant had been very stressful:

It had never entered my head that I would have to learn to sew. The first time I sat at the machine and pressed the foot pedal, I thought to myself, 'Mama mia, I'll never be able to do this.' Of course, I sew a treat now!

In time, Lyudmila found that her work helped time pass more quickly. She explained that it is only when she is at work that she can escape the reality and especially her deep yearning to see her children. Her attempt to remain constantly active during her four-year sentence has not dulled the pain of the separation from them. They are unable to visit her because the colony is so far from their home in Omsk region.

During the four years Lyudmila has been incarcerated in Ivanovo, she has never been taken outside the correctional colony fences. The Soviet practice of allowing some prisoners to work outside colonies without supervision (the non-convoy prisoners), and the sight of the columns of convicts being taken out to work in the forests or to provide labour for building projects and civilian factories, has disappeared in the last twenty years, even from those territories that still effectively function as prison service fiefdoms. There is one category of prisoners that is an exception to this rule. These are offenders either sentenced to colony-settlements (*kolonii-poselniya*) or transferred to them at the end of their sentence. According to the Russian prison service, *kolonii-poselniya* are 'open prisons' in the Western mould, but the similarities are only partial. The story of one current prisoner, Artur, reveals how geography and distance combine to create a very distinctive form of punishment in Russia today.¹⁰³

Artur's story was told to us in an interview with his mother, Fatima, a Tatar woman living in one of the Volga republics. Artur was involved in petty theft of food when he was a conscript in the naval port of Murmansk on the Barents Sea. This led to his discharge from the navy and a suspended sentence. Artur was then arrested a second time, for joyriding. Since he had violated the terms of his licence, this resulted in a three-year custodial sentence. He served this in a correctional colony about 100 kilometres from home, not far in Russian terms. The offence that earned him his current five-and-a-half-year sentence was the theft of a mobile phone. Initially, he was incarcerated in a general regime colony on the Volga but after a year he was relocated to a colony-settlement 2,000 kilometres away in West Siberia. Artur is a drug addict, whose life prior to his arrest had become increasingly involved with the underground of criminal

drugs dealers and the *narkokontrol*, the organization responsible for uncovering drugs crime, for which, his mother explains, he worked as an informant.

The colony-settlement in which Artur is serving his sentence is a sub-division of a strict regime correctional colony (IK3) in the settlement of Kharp in the Arctic Circle. Kharp is a penal settlement (*regimnii peselok*) whose sole function since its inception has been to support correctional institutions. Kharp (its name meaning in native Nenets language 'Northern Lights') stands at the foot of mountains in the barren tundra, 45 miles north-east of Salekhard, in the Yamalo-Nenets region. In the Gulag period, Salekhard was intended to be the destination of the northern polar railway that was built, but never finished, by convict labour. Prior to the first convoy of prisoners arriving in the 1950s, it was the site of a railway halt consisting of a few houses for the railway workers. Today, there are two correctional institutions, colony numbers 3 and 18. Number 3 is a special regime colony, the second strictest category in Russia, but it has two other facilities subordinate to it: a colony-settlement and a high-security disciplinary block (EKPT), both housing fifty prisoners. The capacity overall is for 1,100 prisoners. Some of the Russian Federation's most serious and dangerous offenders are confined here, including terrorists, serial killers and today's political prisoners. Platon Lebedev, a colleague of Mikhail Khodorkovskiy, the former owner of the oil company Yukos and one of the Russian Federation's new generation of political prisoners, was imprisoned here from 2003 to 2006.

Artur and the other colony settlement inmates are kept separate from these serious offenders, although the dormitory in which they sleep at night is in the colony's compound. Under the rules governing colony-settlements, Artur is allowed out of the compound during the day to go to work in the settlement, and he can prepare his own meals. His work consists of repair and maintenance around the settlement, in the houses of the prison personnel and public buildings. Artur has to pay for his upkeep out of his wages, but at a lower rate than in correctional colonies. He is able to socialize with the free population at his place of work. In some settlement-colonies the prisoners are accompanied to work and in others they make their own way but have to stick to a prescribed route. Usually, there are restrictions on entry to public buildings and retail outlets. The 7,500 people that make up Kharp's free population are almost all connected with the colonies in some way, either as workers or relatives of those connected to the prison. It is not therefore the most appropriate place to help offenders make the transition back to normal life, which, apparently, is its rationale. The set-up is resonant of Stalinist 'special settlements'. Kharp is so distant and difficult to reach that Artur's mother Fatima has never visited him. However, she fulfils the role expected of mothers of convicts in Russia today of sending Artur a produce parcel every month consisting of food and cigarettes. Artur is married with a young son but his wife moved away, leaving Fatima to care for her grandson.

Conclusion

In the preceding pages we have described the enormous variety in the convict voyage in Russia over a period of five centuries. There have of course been fundamental changes

in how the Russian state has punished offenders, but distance, the convict transport and the encounter with unfamiliar environments have been constants in the state's approach to solving problems of criminality, social deviancy and political opposition. This is as true for today's opponents of the regime like Khodorkovsky sentenced for 'correction' in penitentiaries located six time zones to the east of Moscow, as it was for the Decembrists sent to hard labour and life exile for their opposition to the state. At the beginning of this chapter, we introduced the concept of 'in exile imprisonment' to underline the point that punishment in Russia has always incorporated some element of exile. This can be understood in its broad non-legal sense, regardless of whether what has awaited the convict or deportee has been in *katorga*, the gulag camp, prison or restriction on where the offender is permitted to live. In Russia, the use of geography to punish has been normalized over two centuries. It has survived as an institutional form and as a cultural practice because it articulates the specific message that the Russian state will deal with offenders (however understood at any time) by expulsion to the periphery. The disciplining power of exile and banishment in Russia has expanded punishment, taking the capillary of power into the arena of transportation through space.¹⁰⁴

The carrying forward over centuries of this particular institutional form of punishment has also reproduced specific 'harms' or sufferings. Travel to exile has intensified the harms that may already have been inflicted during the investigatory process, imprisonment 'on remand' or show trial, and anticipated those that wait them at their destination. Over time, therefore, the prison transport in Russia was transformed into a space where the standard degradation routines of confinement – including poor food rations, barking dogs, surveillance, flow control, loss of self and autonomy – have been habitually played out. Transportation in Russia has never been simply a case of moving people from one place to another but has always been a punishment in its own right. It is understood and experienced as such by prisoners and penal personnel alike. In the Foucauldian sense, the modes of transport whether by foot, train or ship, were among the technologies employed by successive states to render the convict or exile docile, the easier to control at the destination. The words of one woman ex-prisoner interviewed in 2010 makes this point:

You see they are already victims, broken and therefore compliant with the regime they find there. This contemptible system means that the person who is humiliated just wants to escape, for it all to stop. She comes, shall we say, like fresh meat; those who have been through it once, know what's going on and they hate it but do nothing, they do nothing. Why? Because it's a vicious circle, you understand? That is, when she arrives in the colony she's already done for. Her personality is already broken, she's lost her reason.¹⁰⁵

When prisoners are sent to remote regions, the friction of distance exacerbates the problems they face maintaining family and social networks and coping with the sense of loss, alienation and isolation that incarceration brings. Long prison transports, such as have always existed in Russia and the former Soviet Union, underline for prisoners their physical separation from significant others and from their former identities. They also create an impaired sense of geography leading to feelings of being 'out-of-place'.

In his theoretical portrait of exile and madness, *The Ship of Fools*, Foucault presents the exile as the ‘prisoner of the passage’ stuck in ‘a barren wasteland between two lands that can never be his own.’¹⁰⁶ In Russia’s case, prisoners were at various times transported to places with the most challenging environments for human existence, often with inadequate and inappropriate clothing, too little food and inadequate shelter. For those prisoners for whom the destination is some form of incarceration, the harms inflicted by spatial and geographical dislocation are added to the ‘regular’ pains of imprisonment, as described in the seminal work of the prison sociologist Gresham Sykes.¹⁰⁷ In the pages above, we have used the words of convicts and exiles from the nineteenth to the twenty-first century to try to convey some sense of the inhumanity of the system of exile which exists *sui generis*, quite apart from the excessive cruelty of the notorious punishment regimes of the Stalin Gulag or Tsarist *katorga*.

Notes

- 1 See Bruce F. Adams, *The Politics of Punishment. Prison Reform in Russia, 1863–1917* (DeKalb, IL: Northern Illinois University Press, 1996).
- 2 This concept was first developed in Judith Pallot and Laura Piacentini, *Gender, Geography and Punishment: The Experience of Women in Carceral Russia* (Oxford: Oxford University Press, 2012).
- 3 Sarah Badcock’s recent work specifically engages with the interrelations between transport, confinement and exile: *A Prison without Walls? Eastern Siberian Exile in the Last Years of Tsarism* (Oxford: Oxford University Press, 2016).
- 4 For example, Katherine Beckett and Steve Herbert, ‘Penal Boundaries: Banishment and the Expansion of Punishment’, *Law and Social Inquiry* 35, no. 1 (2010): 1–38; Sophia A. McClennan, *The Dialectics of Exile: Nations, Time, Language, and Space in Hispanic Literatures* (West Lafayette, IN: Purdue University Press, 2004).
- 5 Adams, *The Politics of Punishment*; Badcock, *A Prison without Walls?*; Daniel Beer, *The House of the Dead: Siberian Exile under the Tsars* (Harmondsworth: Penguin, 2016); Andrew A. Gentes, ‘Katorga: Penal labour and Tsarist Siberia’, *Australian Slavonic and East European Studies* 18, nos. 1–2 (2004): 41–61; Andrew A. Gentes, *Exile to Siberia, 1590–1822* (Basingstoke: Palgrave Macmillan, 2008); Elena Katz and Judith Pallot, ‘Prisoners’ Wives in Post-Soviet Russia: “For my Husband I am Pining!”’, *Europe-Asia Studies* 66, no. 2 (2014): 204–224; Judith Pallot and E. Katz, *Waiting at the Prison Gate: Women, Identity and the Russian Penal System* (London: I. B. Tauris, 2017), ch. 1.
- 6 See Ludmilla A. Trigos, *The Decembrist Myth in Russian Culture* (New York, NY: Palgrave Macmillan, 2009).
- 7 The Siberian regionalist movement made this the central element of their argument. See Nikolai Mikhailovich Iadrintsev, *Sibir’ kak kolonii. Sovremennoe polozenie Sibiri, ei nuzhdy i potrebnosti, ei proshloe i budushchee* (St Petersburg: Tip. I. M. Sibiriakova, 1882), especially ch. 6.
- 8 Russian State Historical Archive, f. 1405, op. 88, d. 10215, ll. 304–305. From the journal of the meeting of the commissions about the measures to abolish exile, 16 December 1899, explaining the retention of political and religious exile (reproduced

- in A. D. Margolis, *Tiur'ma i Ssyl'ka v Imperatorskoi Rossii. Issledovanie i arkhivnye nakhodki*, ed. N. Gal'perina (Moscow: Izdatel'stvo 'Lantern' i 'Vita', 1995), 26.
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 - 22 Russia ranks third, behind the USA and China, for its absolute prisoner population, and is second after the USA for its rate of imprisonment among the industrialized countries of the world ('Highest to Lowest – Prison Population Total', *World Prison Brief* (WPB) http://www.prisonstudies.org/highest-to-lowest/prison-population-total?field_region_taxonomy_tid=All [accessed 20 October 2016]).

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- 24 The mass deportations were applied firstly in the 1930s against peasants who opposed collectivization of farming. They were branded as kulaks, or rich peasants. The so-called ethnic deportations during and immediately after the Second World War were applied against ethnic groups who were thought to support the German invasion of Russia or, post-1945, were opponents of the Soviet occupation in the Baltic States and western borderlands in Moldova and West Ukraine.
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- 26 That is of those convicted under Article 70 for 'anti-Soviet agitation and propaganda.'
- 27 On the use of psychiatry against political dissidents see Sidney Bloch and Peter Reddaway, *Russia's Political Hospitals: The Abuse of Psychiatry in the Soviet Union* (London: Futura Publications, 1977); Zhores Medvedev and Roy Medvedev, *A Question of Madness: Repression by Psychiatry in the Soviet Union* (New York, NY: Norton, 1979).
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- 32 Ekaterina K. Breshko-Breshkovskaia, *Hidden Springs of the Russian Revolution* (London: Oxford University Press, 1931), 185–186.
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- 39 A. Dobrokhotin-Baikov, 'V Yakutskoi ssylke (zapiski rabochego)', in *Sibirskaiia ssylka: Sbornik pervyi*, ed. N. F. Chuzhak (Moscow: Glavlit, 1927).
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- 41 E. Kakhovskaia, 'Iz vospominanii o zhenskoi tiurme', *Katorga i ssylka*, no. 9 (1926): 160ff.
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- 43 Evgenia Semenovna Ginzburg, *Within the Whirlwind*, vol. 2 (London: The Harvill Press, 1989), 96–97. In the event she was able to break her journey overnight in Mylga.

- 44 Fyodor Vasilevich Mochulsky and Deborah A. Kaple, *Gulag Boss: A Soviet Memoir* (Oxford: Oxford University Press, 2010), 38.
- 45 *Ibid.*, 17
- 46 Breshko-Breshkovskaia, *Hidden Springs*, 183.
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- 48 Dobrokhotin-Baikov, 'V Yakutskoi ssylke', 184.
- 49 Mochulsky and Kaple, *Gulag Boss*, 15–16.
- 50 Ginzburg, *Within the Whirlwind*, 267–268.
- 51 For reports of orchestrated gang rapes on ships, see Janusz Bardach, *Man is Wolf to Man: Surviving the Gulag* (Berkeley, CA: University of California Press, 1999), 191–193.
- 52 The Indigirka drownings are described in Martin J. Bollinger, *Stalin's Slave Ships: Kolyma, the Gulag Fleet, and the Role of the West* (Westport, CT: Praeger, 2003), 4.
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- 58 Viola, *The Unknown Gulag*, 38.
- 59 *Ibid.*, 42.
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- 88 Viola, *The Unknown Gulag*, 4.
- 89 Filip Ipatovich was interviewed by Pallot in the summer of 2001.
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- 101 Dominique Moran, Laura Piacentini and Judith Pallot, 'Disciplined Mobility and Carceral Geography: Prisoner Transport in Russia', *Transactions of the Institute of British Geographers* 37, no. 3 (2012): 446–460; Pallot and Piacentini, *Gender, Geography and Punishment*, chs. 7 and 8.
- 102 Lyudmila is the name given to one of the women prisoners interviewed in 2010 in an ESRC-funded project, the result of which are reported in Pallot and Piacentini, *Gender, geography and Punishment*. The full transcript of this and other interviews is held in the ESRC database but is subject to author's permission for access.
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Japan in the Eighteenth and Nineteenth Centuries

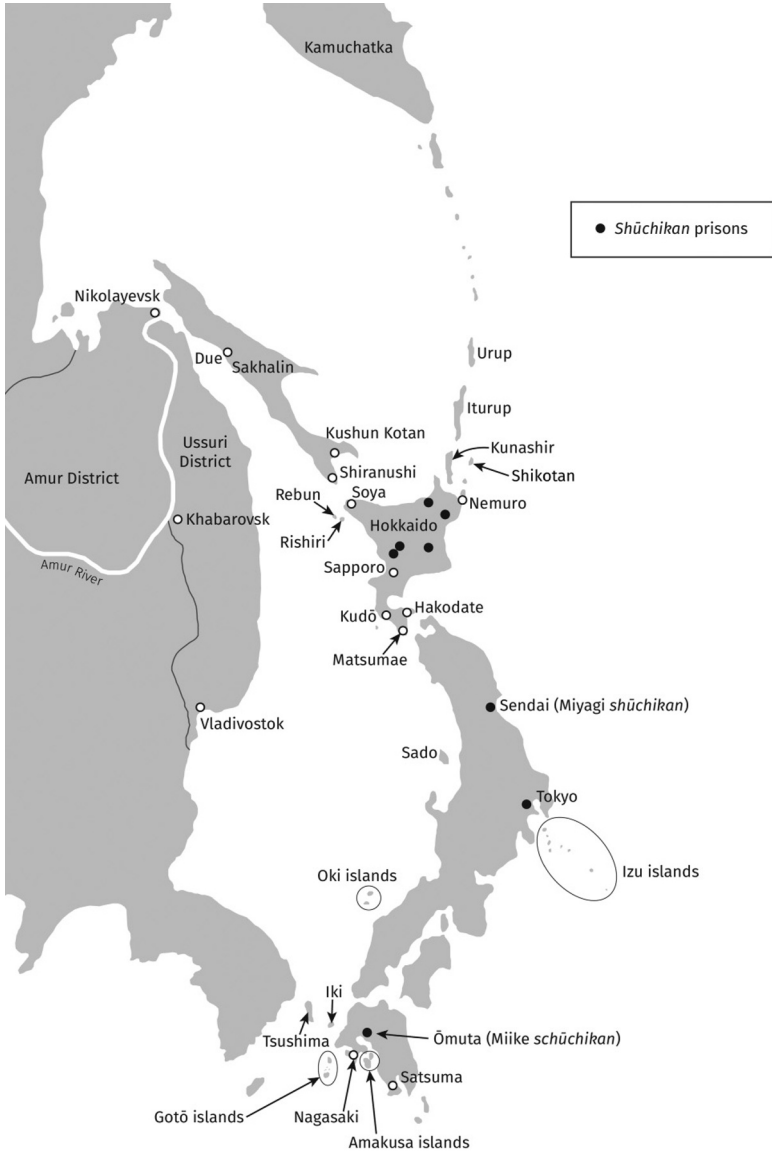
Minako Sakata

Introduction

Hokkaido, the northernmost of Japan's four main islands today, was the first new territory that Japan incorporated in the late nineteenth century. Before 1855, the island was divided into two portions. The southern half of Oshima peninsula was the Matsumae domain, the northernmost part of early modern Japan. The Japanese called the rest of the island Ezochi – literally the land of the barbarian. The Ainu are the indigenous people of the island, and the Japanese maintained trade relations with them for hundreds of years. Rituals called *omemie* and *omusha* were held between Japanese political representatives and Ainu chiefs and were accompanied by the exchange of gifts. To the Japanese, these ceremonies signified the Ainu's obedience to Japanese power. As a result, the Japanese held a strong belief that Japan ruled Ezochi by keeping the Ainu chiefs under their control.¹

Under a national seclusion policy implemented since the 1630s, the Tokugawa Shogunate had imposed severe restrictions on trade and communication with foreign ships. Only four gateways were opened in Japan and each was designated for trade with specific countries: Nagasaki for Dutch and Chinese private traders; Tsushima for Korea; Satsuma for the Ryukyu Kingdom (present-day Okinawa prefecture); and Matsumae for the Ainu (Map 11.1).² Ezochi was designated as a foreign land that the Japanese were not allowed to visit freely. However, from the first half of the eighteenth century, Japanese merchants who made contracts with the Matsumae domain were allowed to manage fishery grounds in Ezochi.³ They sent managers and workers from Japan and hired the Ainu as a labour force. The Japanese workers stayed in Ezochi only during the fishing season, and so Ezochi remained largely unknown to the Japanese even in the mid-nineteenth century.

Since the late eighteenth century, when Russian ships first approached the Ezo Islands (Ezochi, the Kuril Islands and Sakhalin), they had become sites of the Tokugawa Shogunate's concern, both for economic and national security policy. The Shogunate developed a plan to incorporate Ezochi into formal Japanese territory. However, this was soon abandoned. Although the Shogunate stationed garrisons along the coast, it chose to maintain or strengthen relations with Ainu chiefs instead of trying to annex



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Map 11.1 Japan and the surrounding areas

the island. Nevertheless, from the eighteenth century, some Japanese politicians and intellectuals, held the ideological position that Ezochi was already Japanese territory. However, in a substantive sense, it was not. Thus the Tokugawa Shogunate (1603–1868)

and the Meiji Restoration government (1868–1912) made efforts to transform Ezochi, which was still Ainu land, into the Japanese territory of Hokkaido. The context was a desire to claim that the island was Japanese territory when faced with Russian colonization in north-east Asia.

In Japanese historical scholarship on Hokkaido, *tondenhei* (farmer-soldiers),⁴ and free migrants are regarded as the most important labourers employed in the development of Hokkaido. Although the introduction of convict labour in the late nineteenth century is a well-known fact, it has been considered only as a transient policy during a period of labour shortage. The significance of public construction projects undertaken by convicts has been recognized, but the use of convict labour has not been regarded as an essential part of government policy. Giving rise to a large number of casualties and the deterioration of public safety, convict labour in nineteenth-century Hokkaido is largely viewed as an unsuccessful policy, one that was abandoned shortly after its implementation.

As this chapter will show, not only were convict labourers vital for the development of Hokkaido, the idea of convict transportation to Ezochi – or Hokkaido – had a long history. In the late eighteenth century, as soon as Russian interest first materialized around the Kuril Islands and Ezochi, some thinkers began proposing the use of convict transportation. Until the mid-nineteenth century, it was one of the positions that many intellectuals and officials adopted in response to the issues facing Ezochi. In this chapter, I survey the history of ideas and policies regarding penal transportation from the eighteenth to the nineteenth centuries, and consider its historical significance and the role it played in the eventual incorporation of Hokkaido into the Japanese nation-state.⁵

Russian incursions in the late eighteenth century

Russia began to move southward along the Kuril Islands in the early eighteenth century. In 1768, some Cossacks chased the Kuril Ainu to collect *yasak* payments (fur) and reached Iturup Island, the northernmost part of the southern Kuril Islands.⁶ The first news of the Russian approach was carried by a Hungarian convict, Moric Benyovszky (1746–1786). He had been arrested for involvement in the Polish resistance movement, and had been transported to Kamchatka, in the Russian Far East. Benyovszky robbed a Russian ship and escaped in 1771. In the course of his return to Europe, he stopped in Japan and sent a letter to the head of the trading house of the Dutch East India Company in Nagasaki. In his letter, he warned of a Russian conspiracy to invade Japan.

Although it was quickly proved that this information was groundless, the incident triggered a boom in Russian studies in Japan.⁷ At the same time, Russia was also gradually approaching Japan to open trade relations. In 1778, Russians first landed on eastern Ezochi, followed by Lieutenant Laxman of the Imperial Russian military in 1792. British vessels also appeared off the coast of Etomo (present-day Muroran), in south-west Ezochi in 1796. Thanks to frequent visits from unsanctioned Western ships, Ezochi rapidly became the most important site in the Shogunate's security policy.

Under these circumstances, the Shogunate decided to take direct control over Ezochi, from 1799 to 1821. Although the first plan was *Kaikoku* – the incorporation of Ezochi into Japan and the assimilation of the Ainu into the Japanese population – it was swiftly altered after attracting criticism both within and beyond the Shogunate.⁸ Whilst a garrison was dispatched along the coast, incorporative policies such as Japanese migration, cultivation, the development of mining and the desired assimilation of the Ainu, were abandoned.

Ideologically, the majority of Japanese officials and intellectuals in the late eighteenth century believed that the Ezo islands constituted Japanese territory.⁹ However, in terms of actual policy, the Shogunate did not incorporate Ezochi. Instead, following a Sino-centric world order, they strengthened tribute trade with Ainu chiefs in order to ‘control’ Ezochi. It was during this period of initial Russian impact that the idea of sending undesirable members of Japanese society, such as criminals or vagrants, to Ezochi for development first emerged. During this period, development encompassed the desire to annex Ezochi.

Toshiaki Honda (1743–1820) was an intellectual who repeatedly advocated for a development policy over Ezochi. Born and raised in Echigo, part of the shipping route from Osaka to Matsumae, Honda went to Edo (present-day Tokyo) at the age of eighteen. Although he sometimes mentioned travel to Ezochi in his writings, he had never been there. Honda had connections with Shogunate officials and planned to join the Shogunate’s expedition to Ezochi in 1785 to 1786. However, he was ill at the time and instead dispatched his follower Tokunai Mogami, who, after this voyage, went on to participate in six of the Shogunate’s journeys of exploration to Ezochi, the Southern Kurils and Sakhalin. It has been noted that some of the earliest Shogunate policy regarding Ezochi showed strong similarities to Honda’s ideas: both aimed to incorporate Ezochi into Japan.¹⁰ However, as mentioned above, this first policy was abandoned.

Honda wrote often about Ezochi, particularly from 1786 to 1801, motivated by concerns over Russian imperialism and encroachment. He claimed that Kamchatka, which had been subordinate to the Matsumae domain, had been under Russian domination since the first half of the eighteenth century.¹¹ In the 1770s, Russia began to expand into the Kurils. To prevent further Russian expansion, Honda argued, it was necessary for the Japanese to develop the Kurils, Ezochi and Sakhalin.¹² Honda wrote that development of the Ezo islands would not only bring prosperity to Japan but would also clarify and distinguish the Japan–Russia border.¹³ He was quite conscious of Western imperialism and wrote that among European powers, such as Spain, France, Portugal, Britain and the Netherlands, the acquisition and development of colonies was the most important national project and had rendered them prosperous.¹⁴ For most Japanese in the late nineteenth and early twentieth centuries, Ezochi was known as a frozen, barren land. To persuade readers that Ezochi was instead a promising place for cultivation as well as mining and forestry, Honda reminded readers that Beijing was also located in the north.¹⁵ He also explained that Britain, one of the most prosperous European nations, was located as far north as Kamchatka.¹⁶

To achieve the development and incorporation of Ezochi, Honda suggested three courses of action: (1) the use of welfare measures and assimilation efforts targeted at

the Ainu; (2) the transportation of Japanese convicts to Ezochi; and (3) Japanese free migration to the island.¹⁷ He claimed that population growth was necessary for the successful operation of mining and other industries in Ezochi. However, as the Ainu population was too small to provide the necessary labour force, Japanese convicts should be sent to Ezochi to work in these industries. If permitted to become citizens there, ultimately convicts would become settlers making a living through fishing and agriculture. As development proceeded, the Japan–Russia border would become more clearly defined, which was a positive move for Japanese national defence. Under a benevolent system, convicts would have the chance to make a positive contribution to national interests and their removal from the mainland world would improve public safety.¹⁸ He also thought that people in northern regions would become promising settlers, if the authority permitted it.¹⁹

Honda repeatedly advocated the use of the convicts in the development of Ezochi. However, it is not clear where his ideas came from. He was, though, a great admirer of Western countries and idealized both the British Empire and the Russian Empire during the era of Catherine the Great. In his writing Honda emphasized that the prosperity of the Western powers derived from their colonies,²⁰ but he did not mention penal transportation as one of their strategies of occupation and development.²¹ Nonetheless, he must have known something about the use of convict transportation in the European and Russian empires. In *Keisei hisaku* (1798), for example, Honda wrote about Benyovszky – who in 1771 had triggered Japanese interest in Russia – introducing him as a convict who had been transported to Kamchatka and ordered to engage in development work there.²² However, Honda did not describe in any detail the convict transportation system in Russia. He only mentioned Benyovszky to emphasize the immediate need for the development of Ezochi in the context of Benyovszky's warning about the possibility of Russian invasion. Although the authorities did not see this as a serious or imminent threat, Honda thought that Japan should prepare nonetheless.

Even if ideas about penal transportation were not necessarily derived from Western practice, it is true, however, that Japanese encounters with Western imperialism triggered a shift in the Japanese worldview. Indeed, Honda criticized Japanese officials and intellectuals for following Chinese practice in the way they were dealing with their desire to annex Ezochi but not to develop it. He thought that to compete with the Western powers, their methods of colonization should be adopted.²³ Honda understood that to make a secure claim on Ezochi as Japanese territory, it was necessary for the Japanese to both occupy and develop the land. This was not a widely shared notion in the early modern period. As seen above, in terms of policy the Shogunate chose to strengthen tribute trade with Ainu chiefs in Ezochi and Sakhalin,²⁴ which was a practice generally seen in early modern east and south-east Asia.²⁵ The trade relations that accompanied these rituals symbolized, to the Japanese, the subordination of the chiefs and their people. In contrast, Honda insisted that colonizing Ezochi by the assimilation of the Ainu and the migration of undesirable or poor people was the best way to shore up national defence.

Honda's contemporary Seiri Koga (1750–1817) also argued that convict transportation was a good strategy for increasing the population of Ezochi. At the same

time, as a Confucianist (scholar of Chinese studies), he cautioned against following the example of ancient China, referring to an episode when Wang Mang, a Han Dynasty official, established a new county on the western frontier and toughened the laws so that more people would be classed as criminals and be eligible to be sent there to populate the new region. The people bore a grudge against these measures.²⁶

Among those who appear to have been strongly influenced by Honda was Nobuhiro Satō (1769–1850). In his 1808 *Seiyō Rekkoku Shiryaku* (A Brief History of Western Countries), Sato traced the globality of European imperialism. His discussion included Europe's destruction of empires and polities in the Americas, the Russian invasion of Siberia, and Britain's colonization of parts of Africa and Asia.²⁷ He also proposed measures against Western imperialism in *Bōkaisaku* (A Proposal for Coastal Defence) (1808). Satō thought that Japan should be most cautious of Russia in the north of Japan and Britain in the South Pacific. At the same time, he described Britain as a powerful country, despite being located in northern Europe, and relatively poor in resources because of its many colonies and its expansive global trade. Following this example, he argued, Japan should develop Ezochi, and trade its goods and resources with the Qing, Annam and Siam. The next step would be to conquer Kamchatka and then further expansion into North America would be possible.²⁸ To head off any potential threat from Britain, and for the purpose of development, the Japanese should relocate any surplus population from the Izu Islands to the Ogasawara Islands.²⁹ Satō proposed not only the migration of settlers but also the conquest of new territories by force. For this purpose, he suggested sending convicted offenders to Ezo islands, Sado, Oki or the Izu Islands and training them as soldiers.³⁰ Satō recommended more active overseas expansion than Honda who also claimed Japanese expansion to North America via Kamchatka by trade with native peoples.³¹ However, during his lifetime, few supported his position, and he never engaged in real politics.³² It is said that it was Toshiminichi Ōkubo, one of the central figures of the Meiji Restoration government, who rediscovered Satō. His writings were widely read from the late nineteenth century to the early twentieth century.³³ We will return to Ōkubo in the discussion below.

Border issues after 1855

In the first half of the nineteenth century, convict transportation to Ezochi was a common subject in the writings of Japanese thinkers.³⁴ What's more, by 1855 it is obvious that Japan was aware of European convict transportation to the colonies. Shunsuke Kagami,³⁵ for example, in his proposal to transport criminal offenders to Ezochi, mentioned the influence of Western countries on contemporary thought.³⁶ However, the Shogunate does not seem to have seriously considered transportation until the very end of the Tokugawa era, when competition with Russia over Sakhalin became heated.

In March 1854, Japan and the United States signed the Convention of Kanagawa and designated Shimoda and Hakodate as ports to supply fuel and water to American ships. Japan later concluded similar treaties with other global powers, nations including the

United Kingdom, France, the Netherlands and Russia. In the same year, the Shogunate established the Hakodate Magistracy (*Hakodate bugyō*). The following year, Japan and Russia concluded the Treaty of Shimoda. The treaty drew the Japanese–Russian border between the Iturup and Urup islands but left Sakhalin open to settlement by both. This meant that the border disputes between the two countries were not resolved. Indeed, two months later, the Shogunate again took direct control of Ezochi, the Southern Kurils and Sakhalin.

The Tokugawa Shogunate held that whilst the Japanese had maintained trading posts and fishing grounds on the southern coast of Sakhalin since 1790, the Russians had only recently settled the island and did not have relationships with the indigenous peoples there.³⁷ Moreover, the inhabitants of the northern half of Sakhalin had long-standing relations with China.³⁸ To them, the Russian claim to the possession of Sakhalin was not convincing. Based on the East Asian worldview at the time, the Shogunate ideology was that the areas inhabited by the Ainu – including southern Sakhalin, Ezochi and the Kuriles – were Japanese territory, because the Ainu were ‘subjects’ of Japan.

On the other hand, the second period of the Shogunate’s direct control over Ezochi differed from the first period in that the Shogunate more or less recognized that colonization was necessary for national defence. In a report on the Japanese exploration of Ezochi in 1854, Shogunate officials Hori and Muragaki expressed their concerns as follows:

[As Hakodate will be opened to foreign ships], Westerners might come looking for information about Ezochi. If foreigners come to know the situation there, they, advocating righteousness, might settle their people to clear the land and, pretending to protect the Ainu, tame them by bringing them goods. As the Ainu do not know right from wrong, in order to avoid ill treatment by Japanese fishery workers, they will become subordinate to them.³⁹

Hori and Muragaki proposed that the Shogunate take direct control of Ezo islands, settle warrior class (*samurai*) people there, and let them clear the land and engage in cultivation following the old system of *tonden nohei* (farmer-soldiers). They explained that this would enable the island’s self-sufficiency.⁴⁰ If Ezochi was left as it was with no intervention foreign nations might regard it as *terra nullius* (nobody’s land) as Britain had Australia prior to invasion, and therefore available for colonization. Indeed, at the time, the Russians were already cultivating the region around Unra in Sakhalin.⁴¹

In the late eighteenth century, although some writers who were conversant with European practices proposed that Japan annex and settle Ezochi, the Shogunate did not recognize the significance of Japanese migration. In the mid-nineteenth century, however, in the context of a more general opening up of the country, the Shogunate in its first stage of policy prescribed the incorporation of Ezochi into Japan through the migration of ethnic Japanese. In this period, more people shared the idea of opposing Western encroachment in this way. The Shogunate implemented a series of programmes for the annexation of Ezochi, the Kurils and Sakhalin. However, they regarded people of the warrior class as the most desirable settlers. Further, they decided

that development should begin in the south, the area closest to Japan.⁴² In the mid-nineteenth century, there were many advocates of convict transportation as a means of colonization. Indeed, it can be said that by this time it was widely held that it could effect the development of Ezochi. However, after 1855 when the Ezochi issue became urgent, some intellectuals spoke out to criticize convict transportation. During this period, there emerged two camps: one that promoted the idea of convict transportation and had done so since the eighteenth century, and one that stood against it.

Hōzan Yokoi (1814–1855) was a member of the latter group; he had earlier accompanied Hori and Muragaki's exploratory visit. He voiced criticism of convict – and vagrant – transportation in *Hokumonshigi* (*My Opinion on the Northern Border*), 1855. He thought that poor farmers and the *Eta*, the people who occupied the lowest social rank, represented the most suitable labour force for this endeavour. He wrote that vagrants would not be diligent workers, and that convicted criminals could not easily reform themselves to become settlers. Moreover, they might do harm to the indigenous people of the island.⁴³ Tōin Shionoya (1809–1867) praised Yokoi's arguments.⁴⁴ Another contemporary, Kōan Fujimori (1799–1862) wrote that the transportation of convicts and peasants was inadequate for Ezochi's labour needs and, moreover, that forced migration was inhumane.⁴⁵ He sought models for settlement elsewhere, looking to the case of California, and suggesting the establishment of mines and new industries as means of attracting free migrants to Ezochi.⁴⁶ However, he was not completely anti-transportation. His point was that the convict population in Japan was far from sufficient for Ezochi's development, for which he estimated that 1,200,000 people were necessary.⁴⁷ Convicts and vagrants were suited for limited purposes only, including work in the mines or undertaking other kinds of undesirable labour.⁴⁸

Though the Hakodate Magistracy aimed to accomplish the free migration of warrior-class people or other 'good' citizens, when the Crimean War ended in 1856, the Shogunate became concerned about the mounting threat of Russian intrusion into Sakhalin. Elders then directed the Hakodate Magistracy to urgently promote Japanese migration in order to supply the labour necessary to shore up coastal defences on Sakhalin. They suggested convicts and vagrants as ideal workers.⁴⁹ However, the Magistracy rejected this idea, explaining that it would be both costly and an obstacle to welfare of the indigenous peoples. It outlined an alternative plan, to send 100 people to Sakhalin to open a fishing ground and begin the development of Ezochi from the south.⁵⁰ In practice, the Shogunate populated a small number of garrisons in coastal areas, including Kusunnai (present-day Il'inskiy), Nishi-Tonnai (present-day Kholmsk), Kusun Kotan (present-day Korsakov) and Shiranushi (present-day Kril'on). These stations operated mostly during the summer. The Shogunate also strengthened trade relations with the Ainu and developed fishing.⁵¹

Even in Ezochi, migration and development did not progress as the Hakodate Magistracy expected. The total number of migrants in Ezochi was only 116 in 1862. Besides, the areas they settled were not far from the Japan–Ezochi border and comprised areas to the south of Ishikari region.⁵² In 1866, despite its earlier antipathy, the Hakodate Magistracy proposed to the Shogunate the transportation of convicts, expressing its concerns as follows:

In June this year, English and French officials will be dispatched to Nikolayevsk from Yokohama. Although their purpose is not clear, it might be to investigate Russian southward expansion. Depending on their discussion about the border there, as they have claimed before that Tsushima domain was subordinate to Korea, they might claim troublesome things after this visit. Besides, as Ainu and Japanese customs are different, among Westerners, there are some people who claim that the Ainu are one of the ten lost tribes and that Japan has invaded their land. Thus, Ezochi's case may be much more complicated than that of Tsushima ...

If the penal code is revised immediately, the development of Ezochi will be possible at a lower cost. Most strong and prosperous countries in Europe today have abolished the death penalty. So has Russia. They send criminals to barren lands such as Siberia. Depending on the crime, there are convicts sentenced to hard labour for life. As we also have sparsely populated lands, we should abolish the death penalty except for persons who murder their masters or parents, and transport convicts to islands like Iturup, Kunashir, Shikotan, Rishiri and Rebun. If officials are dispatched during the summer and autumn to trade rice, miso, clothing and fishing tackle for fish and seaweed, they will not starve or freeze to death ... If convicts sentenced to banishment (*jutsuihō*) and transportation (*ontō*) are sent to Ezochi, we can settle them in sparsely populated lands to be engaged in industry depending on their skill, or to be set to hard labour depending on their crime. If officials oversee them to ensure indigenous people are not harmed, even villains would refrain from doing evil.⁵³

The Hakodate Magistracy asked the Shogunate to revise the penal code in order to make colonization by convict transportation possible. In September 1864, it received information that Russia had sent 130 convicts to Due in Sakhalin.⁵⁴ However, of even greater importance than this news was its cautiousness with regard to Britain and France, who were engaged in rivalry with Russia over territory and influence. Indeed, the Magistracy suggested the remote islands around Ezochi, not Sakhalin, as transportation destinations. The Shogunate knew that these two countries were interested in Ezochi as a strategic point in their contestation with Russia.⁵⁵

In its proposal, the Magistracy added that although it was planning to settle farmers in the area beyond the Ishikari region, this was not enough for foreigners to lose interest in settlement.⁵⁶ It was deeply concerned about rapid Russian colonization and suspicious about the actions and intentions of Britain and France. In order to compete with these powers, there was no time to wait for free migrants to settle of their own volition. At this stage, the Hakodate Magistracy, which had initially preferred free migration over penal transportation, began to argue for the forced migration of convicts as an attractive means for the quick and cheap occupation of new territory. The Shogunate responded that though it was difficult to abolish the death penalty, it was possible to send convicts sentenced to transportation or other penalties. It suggested that the Magistracy undertake further investigations.⁵⁷ However, in 1868 and before the policy could be implemented, the Shogunate collapsed.⁵⁸

There is another element of the context in which these events took place in which the magistracy's policy shift occurred. After 1855, the situation in North East Asia

changed drastically. In 1689, Russia and China had agreed that the Amur basin was Chinese territory. In 1854, the year of the Shogunate's preliminary investigation of Sakhalin, it was still under the influence of China, and Japanese officials (as indicated above) perceived it to be Chinese territory. However, during the Crimean War (1853–1856), Russia required supply routes to the fortress in Kamchatka to prepare for the attack by the British and French fleets. This situation increased the importance of the Amur River.⁵⁹ From 1855, Russian Cossacks began to settle in the area. In 1858, China and Russia concluded the treaty of Aigun. It designated the Amur district as Russian territory, and the Ussuri district as a region jointly administered by China and Russia. The latter became a Russian territory under the convention of Peking in 1860. Despite the treaty of 1689, Russia effectively expanded its territory by settling the thinly populated area of the Amur basin. As a result, China lost control of this vast region.

This incident both accelerated the colonization of the Ezo islands and set a precedent for Japan's future policy. It was clear that even with a signed treaty in effect, if lands were left thinly populated or relatively unexploited, foreigners might occupy them. This would lead to the original treaty-holder's loss of land and the conclusion of a new much less advantageous agreement. Indeed, in 1867 during negotiations in St Petersburg, Hozumi Koide, the official representative of the Hakodate Magistracy, commented that Russia was likely to take over Sakhalin and invade Ezochi, just as they had done Chinese territory.⁶⁰

During the Boshin War (1868–1869), the Shogunate collapsed and the Meiji Restoration government assumed power. The new government immediately sent 200 people to the south coast of Sakhalin,⁶¹ and in September 1869 it renamed Ezochi 'Hokkaido', based on the naming conventions of ancient Japanese political divisions. Ezochi literally meant 'barbarian's land', and the government thought it should have a more appropriate Japanese name. In the same year, the government sent 500 vagrants to Nemuro, Sōya and Sakhalin.⁶² However, these settlement projects failed because many migrants or vagrants either died or returned to the mainland.

In 1875, under the Treaty of St Petersburg, Sakhalin was ceded to Russia and the Kuril Islands to Japan. Despite the fact that the Japanese had been trading and fishing in Sakhalin long before Russian settlers arrived, ultimately Russia secured control of the island. Although Japan gained the northern portion of the Kuril Islands in exchange, this experience had a traumatic effect on the Japanese government's policy regarding Hokkaido. As a result, it concentrated on the island's 'rapid' development.

The introduction of convict transportation

Historians regard *tondenhei* (farmer-soldiers) and free migrants as the principal labourers used for the development of Hokkaido. However, the government's migration policy was unsuccessful for the first twenty-five years, and free migration did not increase until the first half of the 1890s. Preceding this later influx of voluntary settlers was the introduction of a penal transportation system for which the only destination

was Hokkaido. The implementation of convict labour in Hokkaido from the 1880s to the 1890s is well known in the history of Hokkaido. It is usually explained as a measure designed to deal with a series of anti-government revolts from 1874 into the 1880s. The government needed a place to confine a large number of detainees, but it was also facing a labour shortage in Hokkaido. Transportation was the solution to both problems.⁶³

According to this widely accepted understanding, the penal transportation system of the late nineteenth century appears as a sort of sudden invention to cope with urgent matters. However, as shown in the previous sections of this chapter, the idea of transportation to Ezochi (Hokkaido) has a long history that began in the late eighteenth century when incorporation first became a political issue. And at the end of the Tokugawa period, the Shogunate planned to adopt the policy. Clearly penal transportation was not a sudden and original invention of the Meiji government after the 1870s. Rather, they inherited the Shogunate's unrealized project of convict transportation to the new territory.

As the occupation of Ezochi was closely related to national security, many intellectuals and people of the warrior class had a strong interest in it, both within and beyond the Shogunate. As we have seen, convict transportation became a widely discussed issue from the mid-nineteenth century. Some of the central figures of the Meiji Restoration government shared the enthusiasm of earlier writers. As mentioned above, it was Toshimichi Ōkubo who rediscovered and re-evaluated the writings of Nobuhiro Satō, one of the advocates of convict transportation in the early modern period.⁶⁴ Subsequently, in 1877, Ōkubo proposed convict transportation to Hokkaido. Prior to the Meiji Restoration, and similarly to Satō, Shinpei Etō had also proposed convict settlement in Ezochi as a springboard to the occupation of Kamchatka.⁶⁵ Etō became the first minister of justice and went on to advance judicial reform following the example of French law.

On 4 December 1868, as soon as the Meiji government assumed power, Tomomi Iwakura submitted proposals on new systems for the military, taxation, education, penal code and parliament. He also suggested that rebels, criminals and *Eta* ('untouchable' outcastes) should be sent to develop Ezochi.⁶⁶ Ten days later, before compiling the new penal code, the government announced Ezochi as the sole destination for transportation. However, as there was no transportation system yet in place, former practices were to be maintained until it was ready.⁶⁷

Early modern Japan was a federation of *Han*, or domains, which were ruled by *Daimyō*, or feudal lords. The Tokugawa Shogunate was the leader of this federation. Each domain had its own penal code, and used small remote islands as places of transportation. These destinations were on Japan's most distant peripheries, and included Iki Island and Izu, Gotō, Amakusa, and Oki islands. In the case of Matsumae domain, the destination of transportation was Kudō, a village near the Matsumae–Ezochi border.⁶⁸ However, in the Tokugawa period, the standard penalties were capital and corporal punishment. Transportation was not exercised frequently and the number of transportees was not large.⁶⁹ Besides, they were not incarcerated in designated facilities but made a living for themselves under the surveillance of native villagers.⁷⁰ It was a completely different style of punishment to both Meiji innovations

in imprisonment and the convict transportation system that was instigated in late nineteenth-century Japan.⁷¹

The Meiji government undertook the establishment of new legal systems, including a new penal code based on those of Western countries. In 1867, when the Shogunate returned administrative power to the Imperial Court the latter promised to use the Shogunate's penal code, but at the same time they revealed their intention to create a new one.⁷² In 1868, the government produced a *Karikeiritsu* (provisional penal code). After the Tohoku War (part of the Boshin War), in December 1868 Iwakura submitted the proposal mentioned above, in which he claimed that the revision of the penal code was necessary.

Regarding the background to the Meiji government's enthusiasm for a new penal code, Tezuka points out that there was a close relationship between political power and punishment.⁷³ However, the most widely accepted explanation is that a new penal code was required for the revision of unequal treaties.⁷⁴ In 1858, the Shogunate concluded treaties with the United States, Russia, the Netherlands, Britain and France, in which Japan approved consular jurisdiction for Western countries in treaty ports, and lost the right to set its own tariffs. Taneomi Soejima, who first encouraged Japanese lawmakers to refer to French law – the Napoleonic Code – recalled later: 'Although I acted with confidence, I thought that it would be impossible to make Westerners obey our laws, until we had abolished beheading.'⁷⁵

The Ezochi issue can also be seen as key to the government's enthusiastic attitude towards the penal code. The Meiji government inherited the Japan–Russia border issue, and this was another urgent diplomatic problem. In Iwakura's proposal in December 1868 (mentioned above), the article he most elaborated upon was the development of Ezochi, which was closely related to border and national security issues. He suggested Ezochi as a destination for the transportation and settlement of social 'undesirables'. In April 1869, Iwakura again petitioned the court to deal with three key issues: the revision of the unequal treaties, finance problems and the development of Ezochi. He asserted:

Although many intellectuals have claimed the necessity of Ezochi's development, I regret to say that the Tokugawa Shogunate had not exercised effective measures. The Russians have been interested in Ezochi for a long time and we should not leave the Empire's territory to their encroachment. ... If Ezochi [is developed and] becomes a little Japan, it will bring the Japanese empire enormous profit, and also inhibit Russian desire. Besides, it would augment the prestige of the Japanese empire, for it is closely tied to its changing fortunes and prospects.⁷⁶

Considering the fact that penal transportation to Ezochi had been prescribed at a very early point in the new regime, it is reasonable to see it as an important part of the context in which the Meiji government hurried to complete the new penal code.

In 1869, this project began. Soejima directed Rinshō Mitsukuri to translate the French penal code into Japanese,⁷⁷ in the belief that in order to maintain independence, Japan needed to introduce Western-style law. However, *shinritsu kōryō* (the outline of a new code), which was promulgated in February 1871, was in fact influenced by Chinese law,

for all the scholars who engaged in its compilation were Sinologists. It was also a reflection of the Meiji government's desire to seek the restoration of the ancient empire of Japan, which was strongly influenced by China.⁷⁸ *Shinritsu kōryō* consisted of five punishments: *chi* (flogging with a light stick), *jō* (flogging with a stick), *zu* (penal servitude), *ru* (transportation) and *shi* (the death penalty). It designated Hokkaido as the destination for transportation and ordered that convicts would engage in labour there, divided into three classes depending on their crime. After one or two years, they were to be registered as settlers.⁷⁹ However, transportation to Hokkaido was never put into practice.

One month before the distribution of *shinritsu kōryō*, the government established the *jun ruhō* (code of quasi-transportation). This substituted transportation for mainland penal servitude as an interim measure. *Gyōbushō* (the Ministry of Justice) petitioned the government to legislate the *jun ruhō*, claiming that *shinritsu kōryō* would lead to an increase in the number of convicts sentenced to transportation. The *kaitakushi* (Hokkaido development commissioner) was not ready to receive them.⁸⁰ Besides, in the *kaitei riturei* (revised code), influenced by Western law and promulgated in July 1873, the four punishments other than the death penalty were replaced with imprisonment, and transportation was abolished. However, this did not mean that the penal colony plan for Hokkaido was abandoned.

In October 1872, the Ministry of Justice dispatched officials to Europe, specifically France, to investigate their judicial systems. Among the members of the delegation was Akira Tsuruta. He had been engaged in the compilation of the *shinritsu kōryō* and would play a central role in drafting Japan's first Western-style penal code. One of the goals of the delegation was to recruit an adviser, and subsequently it invited Gustave Emile Boissonade to the role.⁸¹ On 20 September 1875, chaired by Tsuruta, the first meeting at the Ministry of Justice to create a Western-style penal code began.⁸² Tsuruta proposed categories of punishment for serious offences including the death penalty, penal transportation, penal servitude and imprisonment. Convicts sentenced to penal transportation and penal servitude for life were to be sent to a remote island.⁸³ There was just one dissenting voice, and in the main members accepted Tsuruta's proposal. However, they did not propose a particular location, perhaps because the choice was under the jurisdiction of the Home Ministry.⁸⁴ In discussions between Tsuruta and Boissonade, though, Ezochi was suggested as the destination.⁸⁵

During this period, a series of anti-government revolts by people of the warrior class occurred. In November 1876, Takato Ōki, the minister of justice, petitioned for penal transportation to Hokkaido as a measure to deal with them. This time, the *kaitakushi* responded that the island would be able to receive convicts.⁸⁶ In January 1877, the home minister Toshimichi Ōkubo also petitioned for penal transportation to Hokkaido. He argued that since 1871 when transportation and penal servitude had been replaced with imprisonment, prison escapes and violence against prison officials, including homicide, had increased. The number of prisoners sentenced to more than five years had grown by more than 3,000 since 1871, which had created serious prison overcrowding. Besides, under the existing penal code, political offenders were treated in the same way as other felons. To improve the situation, Minister Ōkubo argued that imprisonment for more than five years should be replaced with transportation and penal servitude; the former for political offenders, and the later for other offenders.

Both should be sent to Hokkaido and engaged in land clearing or work in the fishery. After completing the term of their punishment, they should be offered housing and the means to bring their families to Hokkaido. This would reduce the harmful impact of mainland imprisonment and through permanent settlement give convicted criminals the chance to make a positive contribution to the public interest.⁸⁷

Thus we can see that both the justice and home ministries were moving towards the realization of penal transportation to Hokkaido concurrently with their compilation of a new penal code. Indeed, at the end of 1877, Boissonade submitted a draft of a penal code to Justice Minister Ōki. Shortly afterwards Home Minister Ito again proposed penal transportation to Hokkaido.⁸⁸ In 1880, the government dispatched Home Ministry officials to the island to investigate prison sites.

Another new penal code was promulgated in 1880 and passed into law in January 1882. It prescribed five categories of punishment for felony: the death penalty (*shikei*), servitude (*tokei*), transportation (*rukei*), imprisonment with labour (*chōeki*) and imprisonment without labour (*kingoku*). Among them, transportation and imprisonment without labour were to be used for political offences, and servitude and imprisonment with labour were to be used as punishment for general crimes. Those sentenced to servitude or transportation were to be transported to an island. The penal code clarified that female convicts sentenced to servitude were not to be transported but were to be imprisoned in mainland prisons. It made no such prescription regarding transportation, although in practice no women were ever transported.

Shūchikan prisons were established to deal with political offenders, who rapidly increased in number in the 1870s. The Home Ministry's initial plan was to establish five central prisons on the Japanese mainland – at Miyagi, Tokyo, Aichi, Osaka and Fukuoka – following the French prison system. However, this plan changed, as the new penal code prescribed transportation to an *island*.⁸⁹ Among eight *shūchikan* built in the late nineteenth century, three were on the mainland – Miyagi, Tokyo and Miike – and five were in Hokkaido – Kabato, Sorachi, Kushiro, Abashiri and Tokachi. Felons were first sent to the mainland *shūchikan* and then transported to Hokkaido. Whilst local authorities ran general prisons, *shūchikan* were national prisons used exclusively to imprison felons who were sentenced to servitude, transportation and imprisonment without labour.

Before enforcement of the new code, in September 1881 the government sent prison officials and forty convicts to Subetsu (present-day Tsukigata) in the Kabato county of Hokkaido, which became the site of the first *shūchikan*. Four hundred and sixty more convicts were sent later in the same year.⁹⁰ Hokkaido's *shūchikan* were constructed between 1881 and 1895, and received male convicts sentenced to penal servitude and transportation. By the 1890s, about 7,000 inmates were confined there (Table 11.1). More than 90 per cent of inmates were aged between twenty and fifty.⁹¹ Despite the fact that this system was originally intended as a solution against the increase in political offenders, it is difficult to calculate the actual number of political convicts sent. Before the enforcement of the new penal code, there was no distinction of punishment between political crime and ordinary crime. Even under the new code, convicts sentenced to transportation as punishment for a political offence, were few in number; 0.2 per cent or less. According to annual reports, most convicts had been convicted for murder, robbery or arson, not for political offences.⁹² This does not mean that political offenders were actually not sent to Hokkaido but shows the change of

Table 11.1 Population of Convicts in *Shūchikan* Prisons in Hokkaido

Year	Kabato	Sorachi	Kushiro	Abashiri	Tokachi	Total
1886	1,434	2,003	772			4,209
1887	1,383	1,966	790			4,139
1888	1,454	2,163	860			4,477
1889	2,365	2,975	1,117			6,457
1890	2,317	3,048	1,409			6,774
1891	2,357	2,630	663	1,200		6,850
1892	2,338	2,549	1,291	769		6,947
1893	1,497	2,502	1,943	1,288		7,230
1894	1,449	1,953	2,285	1,272		6,959
1895	1,393	1,713	1,383	1,220	1,313	7,022
1896	1,561	1,561	1,172	1,371	1,176	6,841
1897	1,028	1,003	965		797	3,793
1898	897	847	895		679	3,318
1899	945	893	922		699	3,459
1900	?	?	?		?	3,174
1901	?	?	?		?	2,763
1902	969			704	817	2,490
1903	825			1,095	772	2,692

Sources: Hokkaido shūchikan, ed., *Hokkaido shūchikan tōkeisho*, 1–3; Hokkaido shūchikan, ed., *Hokkaido shūchikan nenpō*, 4–9; Hokkaidochō, ed., *Hokkaidochō tōkeisho*, 9–15 (1898–1905); Tanaka, *Nihon shihonshugi*, 107.

government's attitude against anti-government movements after 1882, immediately after the enforcement of the new penal code.

During 1880 to 1886, the Japanese liberty and civil rights movement became radical and uprisings occurred frequently. Police stations and merchants were often attacked. Under the new law, members of the movement who were arrested were supposed to be treated as political offenders. However, during the trial of the Fukushima Incident (1882), the government argued that in so doing activists celebrated their political martyrdom. In order to prevent this, the government decided that offenders should be stigmatized as 'shameless criminals' instead of honoured as heroes of political resistance. Thus activists were treated, sentenced and registered in the same way as arsonists, robbers or murderers.⁹³

Convict labour and free settlement

As we have seen, the government instigated plans for penal transportation in the mid-1870s. This development is usually explained as a measure to deal with the anti-government revolts of that period. It is true that the revolts accelerated the realization of

the project in the short term. However, we should remember that penal transportation to Hokkaido had been a prescribed policy since 1868. The government had learned from the Sino-Russo border issues around the Amur basin and from the loss of Sakhalin in 1875 that without securing land through settlement and improvement, it was impossible to maintain possession in the face of international advances. In contrast to the government's concerns, however, Japanese free migration did not progress. The Meiji government faced the same problem as the Shogunate. After 1875 when Hokkaido came to mark the northern Japanese border, there was an even greater need for rapid development for the purpose of national defence.

As mentioned above, in 1869, the Meiji government sent 500 vagrants to Sakhalin and Hokkaido. In the same year, they established the *imin fujo kisoku* (migrant aid rule) to provide them with food, basic necessities and agricultural tools for the first three years. However, this policy was unsuccessful because many of the migrants returned to the mainland as soon as government aid ceased. The government thus regarded the warrior class as the most promising settler group. Among them, it encouraged people from the north-eastern domains (who had fought against the Meiji government and lost the Boshin War) to move to Hokkaido. Some of them went to Hokkaido as free settlers. Others were recruited as *tondenhei*, or farmer-soldiers. However, early *tondenhei* villages were only built in areas close to Sapporo. The population of migrants did not increase as the government had hoped.

Most of the *shūchikan* in Hokkaido were built in sparsely populated inland areas. In the case of Tsukigata, Ichikishiri (present-day Mikasa) and Shibechea where the Kabato, Sorachi and Kushiro *shūchikan* were established, towns rapidly grew around prison sites. Prisons not only confined convicts but offered job opportunities to merchants and craftsmen. Public facilities such as city halls, theatres and hospitals soon opened in or around prisons. In Obihiro and Abashiri, for instance, the sites of the Tokachi and Abashiri *shūchikan*, although migrants had already settled before the prisons were built, both towns grew dramatically after they opened.⁹⁴ Each prison in Hokkaido had its role: Kabato and Tokachi were agricultural, Sorachi was based around coal mining, Abashiri focused on construction and Kushiro was for sulphur mining, though it was abolished in 1888 because of high mortality rates amongst convicts who died or were injured as a result of exposure to poisonous gases.⁹⁵

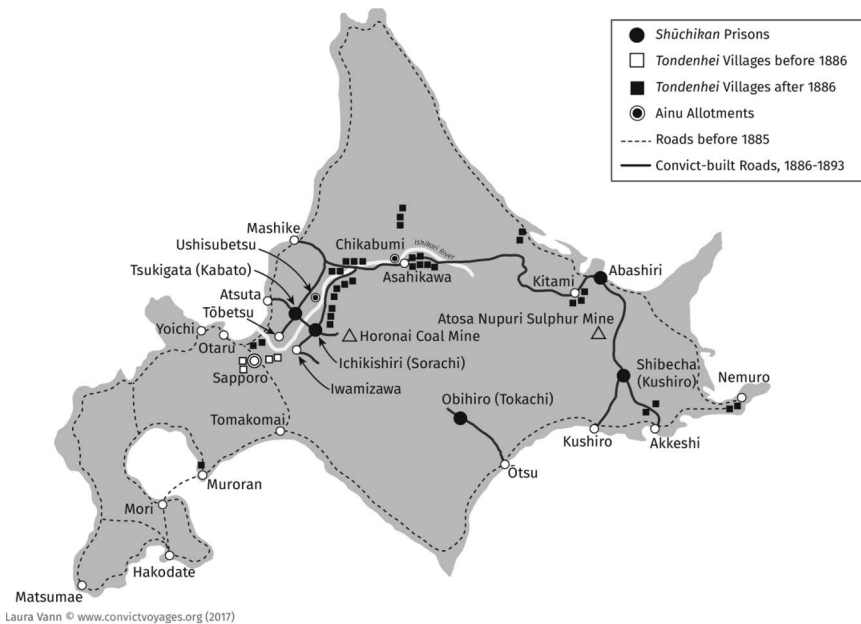
The most significant contribution of the *shūchikan* to the history of Hokkaido was, however, highway construction. A problem for Hokkaido was not only the small migrant population but its distribution and pattern of occupation.⁹⁶ Kiyoshi Tsukigata, warden of the Kabato prison, expressed anxiety on the issue in his 1885 petition *Hokkaido kaitaku shigi* (My Opinion about the Development of Hokkaido) as follows: 'According to the survey by the census bureau in 1881, the population of Hokkaido is 168,084 ... Most people are living along the coast and are engaged in fishing. The rest are merchants or factory workers in cities. Farmers are very few, making up less than 10 per cent of the population.'⁹⁷

Tsukigata, asserting the importance of agriculture over fishing, proposed the use of convict labour for road construction and land clearance, both of which would make it easier for migrants to move and settle inland. Since 1881, a succession of officials had argued for a road which would allow people and goods to cross the island. However,

the stumbling block was always its cost, for the number of both indigenous people and free migrants was inadequate.⁹⁸ Tsukigata proposed that convict labour would be the best solution.⁹⁹ It is not clear to whom he submitted his petition or what affect it had on the government's decision. However, after Tsukigata resigned in August 1885, Kentarō Kaneko, a government official who visited Hokkaido from July to October 1885, submitted a report to Hirobumi Itō proposing that convicts undertake highway construction.

Kaneko, referring to British colonial policy, proposed reforms in the government's development policy for Hokkaido. He believed that it was desirable to appoint an administrator (like the governor generals of British colonies), and suggested the need for both a land survey and infrastructural works. Specifically, he proposed that convicts construct a road which would run from east to west, and along which *tondehei* villages would be established.¹⁰⁰ Based on Kaneko's report, in 1886 the Hokkaido government was established and the Home Ministry transferred the jurisdiction of the island's *shūchikan* prisons to it. Subsequently, from 1886 to 1893, the government employed convicts intensely in highway construction.

As Tsukigata pointed out, one of the reasons why migration to inland areas did not progress easily was because of the absence of roads. By the mid-1880s, highways that ran into inland areas only existed in southern areas (Map 11.2). After 1886, convicts constructed a highway that connected Sapporo, the capital, to prison towns through eastern Hokkaido. Along this road, twenty-five *tondenhei* villages were built. Convicts



Map 11.2 Convict-built roads and *tondenhei* villages

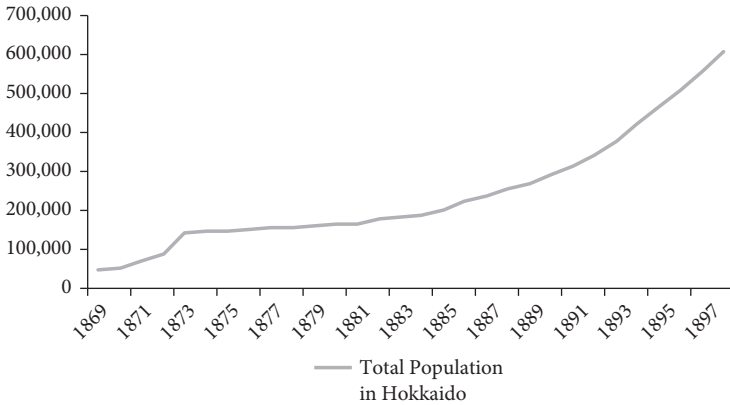


Figure 11.1 Population growth in Hokkaido

Sources: Ōkurashō, ed., *Kaitakushi jigyō hōkoku*, 1 (Tokyo: Ōkurashō, 1885); Hokkaidochō, ed., *Hokkaidochō tōkeisho*, 10 (Sapporo: Hokkaidochō, 1889); Hokkaidochō, ed., *Hokkaidochō tōkeisho*, 15 (Sapporo: Hokkaidochō, 1905).

built the *tondenhei* houses in Takikawa, Nagayama and Akkeshi.¹⁰¹ The highway which ran from Sapporo to Abashiri also had an additional military purpose, for later in 1900, the 7th Division of the Japanese army was stationed in the mid-point town of Asahikawa.

The migrant population increased dramatically after the 1890s (Figure 11.1). This phenomenon has usually been explained as the result of two factors: the migration policy of the Hokkaido government and the impact of the mainland economy. It is the case that the government changed regulations around land sales to encourage mainland settlers to move to Hokkaido. Further, on the mainland, deflation (which had begun in 1881) pushed bankrupt farmers out to new frontiers. However, it is also certainly the case that it would not have been possible to settle people inland without the convict-built roads.

Shūchikan prisons in Hokkaido were notorious for their inhumane treatment of convicts. For instance, in the highway construction between Asahikawa and Abashiri in 1891, more than 200 of the total number of 1,000 convicts died in just nine months.¹⁰² The cause of convicts' death was mostly illness resulting from inferior sanitation and hard labour. Among the five prisons in Hokkaido, the death rate in the Sorachi *shūchikan* was the highest because of mining under a harsh conditions.¹⁰³ The *Shūjin rōdō emaki* (An Illustrated Handscroll of Convict Labour), painted by a convict in Sorachi, depicts labour in the Horonai coal mine, including the collapse of a shaft and a gas explosion (Figure 11.2).

Ironically, the more the settler population increased, the stronger the criticism against convict labour became. There were no convict uprisings in Hokkaido's *shūchikan* prisons. However, convict escapes were frequent. From 1881 to 1898, 766 convicts broke out of prisons.¹⁰⁴ 1891 recorded the highest number; 136 convicts escaped in a single year.¹⁰⁵ This was 42 per cent of the total number of convict escape in the whole of



Figure 11.2 *Shūjin rōdō emaki* (an illustrated handscroll of convict labour), c. 1881–1889

Source: National Museum of Japanese History

Japan in the year. For settlers, convict escapes were highly threatening because convicts would break into their houses to steal money, clothing or foods. During one brutal incident of 1884, seven convicts stole a sword from a guard during land clearing work and escaped. They made for the nearby coastal town of Atsuta, went to a pawnshop, killed the owner, stole his money, and raped his wife and daughter.¹⁰⁶

The number of escapes reflects not only the harsh conditions but also the poor system of surveillance. In one 1892 report, prison officials admitted that it was difficult to watch convicts while they were working in the mines and on road construction.¹⁰⁷ The Home Ministry inspected *shūchikan* prisons in Hokkaido in 1894, and reported that there were no guards in coal mines; some convicts did no work, gambling was endemic and convicts had sex with each other. The report also criticized the guards' inability to recapture escaped convicts.¹⁰⁸

A convict memoir gives us insights into the ambiguities of hard labour and 'freedom' in Hokkaido. Kenshi Okunomiya (1857–1911) was an activist in the liberty and civil rights movement. He was imprisoned in Kabato prison from 1889 to 1897. He wrote of seeing the dead bodies of many escaped convicts but otherwise noted that he liked the Kabato regime because it was much looser than that of mainland prisons.¹⁰⁹ He also described the road construction site in the Kamikawa region. Convicts lived in bamboo grass huts, which allowed them to come and go freely, even at night. Some convicts stole food and liquor from neighbouring warehouses or shops. After work, they enjoyed eating, drinking and gambling. Some performed *rakugo*, or traditional comic storytelling, and songs; others went fishing. Perhaps surprisingly, they did not attempt to escape, and they worked hard on road building. There was a kind of chief in each group of convicts. His influence was apparently stronger than that of the guards, and so they used the 'chiefs' to control the convicts.¹¹⁰ Isamu Koike (1854–1940), also an activist and imprisoned in Sorachi *shūchikan* from 1888 to 1897, described this ambiguity too. He noted the high mortality rate but described also the lawlessness and 'freedom' of convict life in both the prison and the mine.¹¹¹

In the imperial Diet of December 1892, several members of the House of Representatives claimed that only the Hokkaido government and Colliery and Railway Company benefited from convict labour. It gave rise to the image of Hokkaido as an unattractive place to which felons were sent, which created a negative impression

among potential free migrants and thus an obstacle to development.¹¹² In 1893, Home Minister Inoue reported that penal transportation was not beneficial for either the penal system or the development of Hokkaido. Although it had been implemented to promote development, the number of voluntary migrants had increased and convicts turned out to be a menace to settlers. If they were released in Hokkaido, he argued, it would harm the free population. Therefore, convicts who were due to complete their term within a year should be sent back to mainland prisons.¹¹³ In 1894, the government accepted this proposal. It abolished extramural convict labour, too; public construction ceased in 1893, and coal mining in 1895.¹¹⁴

The government's abandonment of the first effort to settle convicts in Hokkaido and their decision to return convicts to the mainland, was a precautionary measure to prevent criticism within and beyond Hokkaido. Indeed, it cannot be said that settlers were tolerant of ex-convicts. For instance, in 1897, on the occasion of the Empress Dowager's demise, 2,473 convicts received mitigation of sentence under an amnesty and the government released 439 convicts. Among the 106 convicts let out of the Kabato prison, 20 settled in the northern outskirts of Tsukigata. The prison planned an ex-convict village there. However, settlers responded by separating their settlement from Tsukigata, forming a new village called Urausu in 1899.¹¹⁵

In 1907, the government revised the penal code and abolished penal transportation to Hokkaido altogether. Ultimately, Hokkaido was only a penal colony for twenty-seven years. As penal transportation ended so quickly, the project now appears temporary and the result of a more or less haphazard policy. As we have seen, this was not the case. Moreover, its short duration does not mean that it was not important. There had been quite a few criticisms of the 1880 penal code. One of them was that it brought back transportation after their previous abolition; another that it was not an effective means of prisoner rehabilitation.¹¹⁶ After the Meiji Restoration, Japan became more open to Western thought and history, and intellectuals began to claim that free migration was preferable to convict labour.¹¹⁷ The government nonetheless decided to reintroduce penal transportation, in order to encourage migration to and develop Hokkaido rapidly, and to prove that it had been Japan's territory all along. Without such efforts, the government believed that Hokkaido was susceptible to foreign invasion. And when that purpose was achieved, they abolished it without hesitation.

The Ainu

During the convict transportation period, the government advanced a policy of relocating the Ainu. This was another project in which the government erased Hokkaido's separate history. Traditional Ainu villages were small and scattered throughout a vast area. Each village was made up of ten to twenty households or less. In order to open these lands to Japanese migrants and capitalists, government gathered the Ainu into larger settlements under various pretexts. From 1870 to 1880, for instance, it removed settlements from the centre to the outskirts of cities such as Sapporo, Yoichi and Otaru. Ainu relocation not only functioned as a policy of segregation but was also compatible with a policy of assimilation by encouraging them to engage in farming,

instead of hunting and gathering, in new settlements. From 1883 to 1886, as a means of teaching Ainu agriculture, for instance, government relocated many small settlements in the Tokachi and Hidaka regions, creating some large settlements.¹¹⁸

Ainu removal accelerated from the second half of the 1880s, and continued until the end of the 1890s. As mentioned above, from 1886 highway construction progressed, and along these roads *tondenhei* villages were built. In the same period, the Hokkaido government sectioned land in order to sell it to capitalists and settlers. As part of this process, they put aside certain portions of land as Ainu allotments. Early cases took place in the Ishikari basin where the first two *shūchikan* were built (Kabato and Sorachi prisons). Later in 1889, Ainu villages in the middle Ishikari River were removed to an allotment in Ushisubetsu.¹¹⁹ In 1894, the Ainu along the upper Ishikari River were removed to the Chikabumi allotment.

In this region, convict labour and Ainu relocation crossed and became entangled. Road construction by convicts destroyed the environment in which the Ainu lived, and they also witnessed and suffered the problems of escaped convicts. The Ainu woman Kura Sunazawa, in her memoir, describes her grandfather, Monokute, telling her the reason why he decided to move from Nagayama to Chikabumi allotment. He said that it was because 'awful things began to happen'. Monokute described how, one day, he had met an escaped convict who, threatened him with a sword unless he took him across the river by boat. Monokute believed that regardless of whether or not he carried the convict, he would be murdered (Figure 11.3). So he stepped hard on

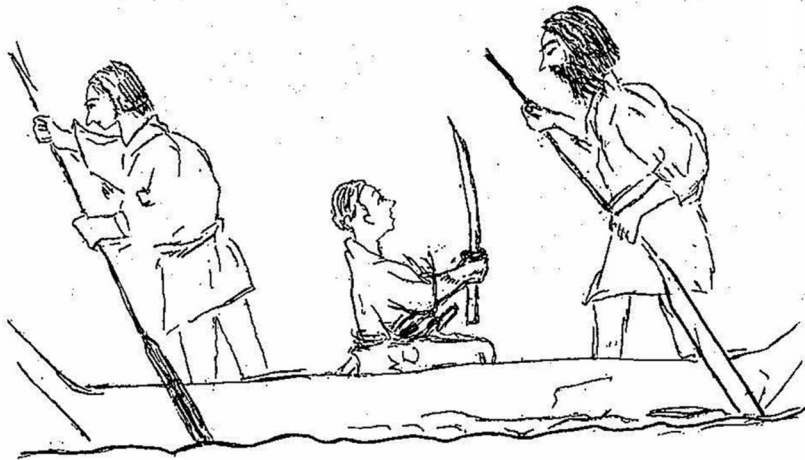


Figure 11.3 Two Ainu men and a convict. Drawing by Kura Sunazawa. The man on the right is her grandfather, Monokute. The man in the centre with a sword is a convict

Source: Sunazawa, *Ku skup oruspe*, 41.

Table 11.2 Population Growth in the Ishikari Basin Area*

	1880	1886	1887	1888	1889	1890	1891	1892	1896	1897
Total Population	0	2,372	2,613	2,900	3,760	9,006	12,351	17,019	57,856	71,662
Ainu	256	341	279	305	310	305	306	309	268	299

Sources: Naimushō sōmukyoku, ed., *Nihon zenkoku minseki kokō hyo, meiji 13 nen shirabe* (Tokyo: Naimushō, 1881); Okurashō, ed., *Kaitakushi jigyo hōkoku 1* (Tokyo: Okurashō, 1885); Hokkaido, ed., *Hokkaidochō Tōkeisho* (Sapporo: Hokkaidochō, 1888–1894, 1898–1899): 1–7, 9–10.

*The Ishikari Basin area consists of Kabato, Sorachi, Uryu and Kamikawa counties.

one side of the boat to tilt it, causing the convict to fall into the river and drown. Afterwards, Monokute got a reward from a government official. It seems that the convict had murdered a warder and stolen his sword in the course of his escape.¹²⁰

Sunazawa also writes of another episode in which one of her Ainu female relatives had witnessed the punishment called *nokogiribiki* (pulling the saw). This was one of the early modern punishments abolished by the Meiji Restoration government. She had seen a convict tied to a pillar by a bridge. A saw was tied to his neck and was activated whenever someone crossed the bridge. It was said that this man had murdered another convict.¹²¹

Nagayama, where Monokute originally lived, was the location for a convict-built *tondenhei* village. One of the militiamen who settled in a neighbouring village, drew a picture scroll '*tondenhei emaki*' in which the Ainu are depicted, and a caption notes: 'I ordered them to move.'¹²² Indeed, Ainu removal created vast tracts of 'uninhabited' land. The government sold it to settlers, the nobility and capitalists. As Table 11.2 shows, subsequently the population in the Ishikari basin area grew rapidly in the 1890s.

Conclusion

Since the late eighteenth century when the issue of national security in the face of Russian imperialism arose, many Japanese intellectuals claimed and promoted the idea of transportation to Hokkaido. However, at the same time, it is true that in policy terms it was not always regarded as the best measure. Government often viewed free migration or the establishment of militia villages as more preferable options. However, it was not easy for Japanese settlers to move to Hokkaido, for it was regarded as a frozen, barren land where rice did not grow. Therefore, thinkers continuously proposed the transportation of convicts or vagrants, and the government sought to adopt it as policy when they faced difficulties in securing the sufficient voluntary migration of 'good citizens' – both during the Tokugawa period and following the Meiji Restoration. Hence, it was perhaps inevitable that the government abolished penal transportation as soon as the migration of adequate numbers of desirable settlers got on track.

The origins of the idea of transportation in early modern Japan are unclear. Confucians referred to ancient Chinese systems. However, it is evident that Toshiaki

Honda was conscious of Western imperialism, and by the mid-nineteenth century at the latest, in Japan there was a strong awareness of the history and the practice of convict transportation in European countries and empires. Whatever the case, it was Western imperialism that opened up the discussion of migration to Ezochi among Japanese scholars and politicians. Moreover, it was through the Ezochi issue, that the Japanese first encountered Western imperialism in a substantive sense. It was different from the East Asian world order; quite different from the Asian practices through which Japan had maintained its imagined empire based on trade networks. To maintain this kind of empire, Japanese migration had not been necessary.

During the period in which Japan competed with the Western powers (including Russia) over Ezochi and Sakhalin, it learned that to maintain territories, it was necessary to establish a settled population, develop land and resources (including cultivation), and assimilate indigenous people. As the government believed that Ezochi had been part of the Japanese frontier since the eighteenth century, the colonization of Ezochi – or Hokkaido – was considered a matter of national security. Later, during the period from the late nineteenth century to the first half of the twentieth century, this aspect, namely expansion in the name of ‘national security’, became a prominent characteristic of Japanese imperialism.¹²³

Convict transportation to Hokkaido in the Meiji period has been understood as a measure to deal with anti-government revolts in the 1870s as well as to expedite the development of Hokkaido. As this policy was only in force for twenty-seven years and became notorious for the severity of the conditions of forced labour, it has been regarded as haphazard and unsuccessful.¹²⁴ In fact, it seemed to lack consistency, as can be seen in the swift abandonment of the first effort to settle convicts in Hokkaido. However, it certainly contributed to the promotion of migration inland, which was a top priority for the government. In this sense, convict transportation achieved its goal, and its abolition was the result of its success.

After the penal transportation era, convicts did not remain in Hokkaido. Most of them were repatriated to the mainland. They left highways, bridges and rice fields in their wake, but otherwise disappeared. In the same period, the Ainu were relocated from their original settlements to create new tracts of ‘uninhabited’ land for settlers. The project to transform Ezochi, land of the barbarian, into Japan’s periphery was complete. A history of Hokkaido compiled by the Hokkaido government in the 1930s represented its colonization as a story of the development of *terra nullius* by the government and free settlers.¹²⁵ Epistemically deleting convicts, as well as the Ainu, most Japanese people are able to believe that Hokkaido has always been Japanese territory. And so, the plans and ideology of early modern Japan have finally been realized.

Notes

- 1 We should be careful about accepting the early modern Japanese belief that Japan was ‘the ruler of the Ainu’ at face value. *Omemie* was called *uymam* in the Ainu language,

- and it means trade, or the exchange of gifts accompanied with drinking and eating between friends or allies. See Minako Sakata, *Ainu koshō bungaku no episutemorōji: rekishi no hōhō toshiteno ainu sanbun setsuwa* (Tokyo: Ochanomizu shobō, 2011), ch. 6.
- 2 Yasunori Arano, *Kinsei nihon to higashi ajia* (Tokyo: Tokyo daigaku shuppankai, 1988).
 - 3 On the contract fishery in Ezochi, see David L. Howell, *Capitalism from Within: Economy, Society, and the State in a Japanese Fishery* (Berkeley, CA: University of California Press, 1995).
 - 4 *Tondenhei* were former *samurai*, or warrior-class people who combined farming with military duty. After the Meiji Restoration, the class system was altered, and many lower rank *samurai* lost their former social position. The *tondenhei* system was implemented in 1874 to relieve the bankrupt warrior class, as well as to develop Hokkaido. They were supposed to engage in land clearing and cultivation during peacetime, and to be mobilized for defence in case of emergency.
 - 5 By two treaties concluded with Russia, the Treaty of Shimoda in 1855 and the Treaty of St Petersburg in 1875, Hokkaido was secured as a Japanese territory. However, its status was vague. Japan had never had colonies before, and so Hokkaido was regarded both as part of the mainland and as a colony. In actual policy, it became a part of the mainland in 1903 when suffrage was given to migrants in Hokkaido. See Hiroyuki Shiode, *Ekkyōsha no seijishi: Ajia taiheiyō niokeru nihonjin no imin to shokumin* (Nagoya: Nagoya daigaku shuppankai, 2016), 62.
 - 6 Toshiyuki Akizuki, *Chishimarettō o meguru nihon to roshia* (Sapporo: Hokkaido daigaku shuppankai, 2014), 62–63.
 - 7 Michiko Ikuta, *Gaikō girei kara mita bakumatsu nichiro bunka kōryūshi: Egakareta sōgo imēji hyōshō* (Kyoto: Minerva shobō, 2008), 10.
 - 8 Satoru Fujita, *Kinsei kōki seijishi to taigai kankei* (Tokyo: Tokyo daigaku shuppankai, 2005), 167–169.
 - 9 *Ibid.*, 181.
 - 10 *Ibid.*, 182.
 - 11 Toshiaki Honda, ‘Hondashi sakuron ezo shūi’, in *Honda Toshiaki shū*, ed. Shirō Yokokawa (Tokyo: Seibundō shinkōsha, 1935; orig. 1789), 302. Honda’s understanding of Kamchatka was not correct. Before the Russian approach, Japanese trading ships had only reached as far as Kunashir Island. In 1800, the Shogunate opened a trading post on Iturup, which became the easternmost site of Japanese–Ainu trade until the end of the Tokugawa era.
 - 12 *Ibid.*, 302–304.
 - 13 Toshiaki Honda, ‘Sekii dōsei’, in *Hoppō mikōkai komonjo shūsei*, vol. 3, eds. Hajime Terasawa, Toshiaki Wada and Hidetoshi Kuroda (Tokyo: Sobunsha, 1978; orig. 1791), 126–128. Toshiaki Honda, ‘Seiiki monogatari’, in *Honda Toshiaki shū*, ed. Shirō Yokokawa (Tokyo: Seibundō shinkōsha, 1935; orig. 1798), 171.
 - 14 Honda, ‘Seiiki monogatari’, 148, 170.
 - 15 Honda, ‘Hondashi sakuron’, 299. Honda, ‘Sekii dosei’, 128. Toshiaki Honda, ‘Shizen chidō no ben’, in *Honda Toshiaki shū*, ed. Shirō Yokokawa (Tokyo: Seibundō shinkōsha, 1935; orig. 1795), 261. Honda, ‘Seiiki monogatari’, 171.
 - 16 Honda, ‘Seiiki monogatari’, 170.
 - 17 Honda, ‘Hondashi sakuron’, 297–306. Honda, ‘Sekii dōsei’, 126–133. Honda, ‘Shizen chidō’, 258–264.
 - 18 Honda, ‘Sekii dōsei’, 126–129.

- 19 Ibid., 129.
- 20 Honda, 'Seiiki monogatari', 148.
- 21 On the subject of Honda's economic theory, Keene commented that although his idea was quite similar to western mercantilism, it was not derived from Western thought but was an original concept based on the writings of Japanese scholars. Donald Keene, *The Japanese Discovery of Europe, 1720–1830* (Stanford, CA: Stanford University Press, 1969), 110. It might be said that Honda's original idea of transportation was based on Japanese and Chinese theories, further stimulated by Western imperialism.
- 22 Toshiaki Honda, 'Keisei hisaku', in *Honda Toshiaki shū*, ed. Shirō Yokokawa (Tokyo: Seibundō shinkōsha, 1935; orig. 1798). 42–43.
- 23 Ibid., 40–41.
- 24 On Sakhalin were there other indigenous peoples, too; Oroks and the Nivkh. They inhabited the central and northern parts of the island, while the Ainu resided in the south. The Japanese did not have close relations with Oroks and the Nivkh in the early modern period.
- 25 On the tribute trade system in early modern East Asia, see Takeshi Hamashita, *China, East Asia and the Global Economy: Regional and Historical Perspectives* (Abingdon: Routledge, 2008).
- 26 Seiri Koga, 'Kyokuron jiji fūji', in *Nihon Keizai Taiten*, vol. 26, ed. Seiichi Takimoto (Tokyo: Meiji bunken, 1969; orig. 1804–1818), 199. In Ancient China, a system called *tuntian*, or colonist militia, existed in which soldiers settled on frontiers and engaged in cultivation. Under this system, convicts were also sent to such frontiers, and after the conclusion of their term, they were permitted to settle as civilians. Hiroshi Ishioka, 'Fu-Zuo and Chi-Xing in the Penal System that is Composed of Definite Labour Term during the Han Dynasty', *Hōseishi kenkyū* 50 (2000): 137–160.
- 27 Nobuhiro Satō, 'Seiyō rekkoku shiryaku', in *Satō Nobuhiro kagaku zenshū, ge*, ed. Seiichi Takimoto (Tokyo: Iwanami shoten, 1927; orig. 1808).
- 28 Nobuhiro Satō, 'Bōkaisaku', in Takimoto, ed., *Satō Nobuhiro kagaku zenshū, ge* (orig. 1808), 821–825.
- 29 Ibid., 825–826.
- 30 Ibid., 827.
- 31 Honda, 'Seiiki monogatari', 172–182.
- 32 Takao Shimazaki, 'Satō Nobuhiro: Jinbutsu shisō narabini kenkyūshi', in *Nihon Shisō Taikei*, vol. 45, eds. Masahide Bitō and Takao Shimazaki (Tokyo: Iwanami shoten, 1977), 611.
- 33 Masahide Bitō, 'Kaisetsu', in Bitō and Shimazaki, eds., *Nihon shisō taikei*, 45: 583–584.
- 34 Ken-ichi Kuroda, *Nihon shokumin shisōshi* (Tokyo: Kōbundō shobō, 1942), 168–169. Examples of such writings include, for instance Nariaki Tokugawa, 'Hopō mirai kō', in *Mitogaku taikei*, vol. 5, ed. Yoshijirō Takasu (Tokyo: Mitogaku taikei kankōkai, 1942; orig. 1839). Kōan Fujimori, 'Shin seidan', in *Nihon Keizai Taiten*, vol. 45, ed. Seiichi Takimoto (Tokyo: Meiji bunken, 1970; orig. 1855). Shunsuke Kagami, 'Ezochi Gotakukon Ikensho', Hokkaido University Library, 1855. Shinpei Etō, 'Tokaisaku', in *Nanpaku Etō Shinpei ikō zenshū* (Yoshikawa Hanshichi, 1900; orig. 1856).
- 35 Kagami was a *rōnin*, or masterless *samurai*. This proposal was submitted to Shunpei Kawasaki, an official of the Shogunate.
- 36 Kagami, 'Ezochi gotakukon'.
- 37 Toshiyuki Akizuki, *Nichiro kankei to Saharintō: Bakumatsu meiji shonen no ryōdo mondai* (Tokyo: Chikuma shobō, 1994), 115–116.

- 38 Ibid., 135–136.
- 39 Hakodate Bugyō, ‘Ezochi gokaitaku sho okakitsuke sho ukagai shorui’, in *Shinsen Hokkaidoshi*, vol. 5, ed. Hokkaidochō [Hokkaido government] (Osaka: Seibundō shuppan, 1991; orig. 1862), 1401–1402.
- 40 Ibid., 1403.
- 41 Ibid., 1406.
- 42 Hokkaido [Hokkaido government], ed., *Shin Hokkaidoshi*, vol. 2 (Sapporo: Hokkaido, 1970), 728–731.
- 43 Hōzan Yokoi, ‘Hokumon shigi’, *Hokkai no shokusan* 6, no. 68 (1896; orig. 1855): 62.
- 44 Ibid., 70–71.
- 45 Fujimori, ‘Shin seidan’, 382.
- 46 Fujimori wrote: ‘since the discovery of silver mines in California, Chinese fortune seekers had rushed on board Western ships to work there’. It is uncertain if this description is accurate. He might have mistake gold for silver. In early modern China, silver was used as currency. Ibid., 386.
- 47 Ibid., 384–385.
- 48 Ibid., 391.
- 49 ‘Shichi gatsu jūsan nichi rōjū tasshi’, in *Dai nihon komonjo: Bakumatsu gaikoku kankei bunsho*, vol. 14, ed. Tokyo teikoku daigaku (Tokyo: Tokyo teikoku daigaku, 1922; orig. 1856), 429–431.
- 50 ‘Jūichi gatsu jūni nichi hakodate bugyō jōshinsho’, in *Dai nihon komonjo: Bakumatsu gaikoku kankei bunsho*, vol. 15, ed. Tokyo daigaku shiryō hensanjo (Tokyo: Tokyo daigaku shuppankai, 1972; orig. 1856), 235–245.
- 51 Akizuki, *Nichiro kankei*.
- 52 Hokkaidochō, ed., *Hokkaidoshi*, vol. 1 (Sapporo: Hokkaidochō, 1918), 786.
- 53 Hakodate Bugyō, ‘Hakodate goyōdome’, in *Shin Hokkaidoshi*, vol. 7, ed. Hokkaidochō (Sapporo: Hokkaidochō, 1969; orig. 1864–1868), 646–648.
- 54 Akizuki, *Nichiro kankei*, 165. Convict transportation to Sakahlin began in 1858. See Naoki Amano, ‘Saharin rukei shokuminchi no imēji to jittai: henken to tekio’, *Kyōkai kenkyū* 1 (2010): 120; and Badcock and Pallot in this volume.
- 55 Akizuki, *Nichiro kankei*, 142.
- 56 Hakodate Bugyō, ‘Hakodate goyōdome’, 648.
- 57 Ibid., 646.
- 58 Separate from this plan, about twenty convicts were sent as miners to the Shiranuka coal mine in Ezochi in 1856. After Shiranuka was closed in 1864, these convicts were transported to a new coal mine in Iwanai, Ezochi. See Kazuyoshi Shigematsu, *Hokkaido gyōkeishi* (Sapporo: Zufu shuppan, 1970), 57–64.
- 59 Akizuki, *Nichiro kankei*, 139.
- 60 Ibid., 175.
- 61 Ibid., 214.
- 62 Hokkaidochō, ed., *Shin Hokkaidoshi*, vol. 3 (Sapporo: Hokkaidochō, 1971), 279.
- 63 Shigematsu, *Hokkaido gyōkeishi*, 120–122. Osamu Tanaka, *Nihon shihonshugi to Hokkaido* (Sapporo: Hokkaido daigaku tosho kankōkai, 1986), 103–105.
- 64 Bitō, ‘Kaisetsu’, 583–584.
- 65 Etō, ‘Tokaisaku’.
- 66 Kōmon Tada, ed., *Iwakurako jikki ge*, vol. 1 (Tokyo: Kōgōgūshiki, 1906), 601–602.
- 67 Naikaku kirokukyoku, ed., *Hōki bunrui taizen*, vol. 26 (Tokyo: Naikaku kirokukyoku, 1891), 2.
- 68 Shigematsu, *Hokkaido gyōkeishi*, 67.

- 69 For instance, the total number of transpotees to Hachijōjima in the Izu islands from 1610 to 1866 was 1823. Keimukyōkai [prisons association], ed., *Nihon kinsei gyōkeishi kō, jō* (Tokyo: Kyōsei kyōkai, 1943), 617–618. Between 1862 and 1865 alone, on the other hand, in Edo, fifteen convicts were crucified, ten were burned at the stake and more than one hundred were beheaded each year. Daniel V. Botsman, *Punishment and Power in the Making of Modern Japan* (Princeton, NJ: Princeton University Press, 2007), 17–18.
- 70 Ryōsuke Ishii, *Edo no keibatsu* (Tokyo: Yoshikawa kōbunkan, 2013), 77–82.
- 71 Imprisonment was not a common form of punishment in early modern Japan. Jails (*rō*) in the Tokugawa period were not facilities to confine convicts but to hold people who were accused of crimes until their punishment was determined. See Ishii, *Edo no keibatsu*, 26–27; Botsman, *Punishment and Power*, 28. In the Meiji Restoration, under the influence of the Western penal system, imprisonment became the primary mode of punishment. Botsman, *Punishment and Power*, 169–170.
- 72 Yutaka Tezuka, *Meiji keihōshi no kenkyū, jō* (Tokyo: Keiō daigaku shuppankai, 1984), 3–4.
- 73 *Ibid.*, 4.
- 74 Botsman, *Punishment and Power*, 142.
- 75 Taneomi Soejima, ‘Meiji shonen gaikō jitsureki dan,’ in *Soejima Taneomi zenshū*, vol. 3, ed. Yoshitaka Shima (Tokyo: Keibunsha, 2007; orig. 1902), 389.
- 76 Tada, ed., *Iwakurakō*, 699–700.
- 77 ‘Soejima haku keireki gūdan,’ in *Soejima Taneomi zenshū*, vol. 2, ed. Yoshitaka Shima (Tokyo: Keibunsha, 2004; orig. 1897–1898), 424. Yutaka Tezuka, *Meiji minpōshi no kenkyū, jō* (Tokyo: Keiō daigaku shuppankai, 1990), 27–28.
- 78 Tezuka, *Meiji keihōshi*, 35.
- 79 Naikaku kirokukyoku, ed., *Hōki bunrui*, 146.
- 80 *Ibid.*, 119–120.
- 81 Haruyasu Sugiyama, Minoru Nomura, Tamio Yoshii and Tadashi Fujita, ‘*Kaidai*,’ in *Nihon keihō sōan kaigi hikki*, vol. 1, ed. Waseda daigaku (Tokyo: Waseda daigaku shuppanbu, 1976), 26.
- 82 Shihōsho [Ministry of Justice], ‘*Keihō henshū nisshi*,’ in *Nihon keihō sōan kaigi hikki, bessatsu*, ed. Waseda daigaku (Tokyo: Waseda daigaku shuppanbu, 1976; orig. 1875), 4.
- 83 *Ibid.*, 5.
- 84 Bushō Okazaki, ed., ‘*Nihon keihō sōan kaigi hikki*’ in *Nihon keihō sōan kaigi hikki*, vol. 1, ed. Waseda daigaku (Tokyo: Waseda daigaku shuppanbu, 1976; orig. 1881), 89–90.
- 85 *Ibid.*, 65, 92.
- 86 National Archives of Japan (NAJ), ‘Bōdō no zokuto Hokkaido chihō e hatsuhai kōeki ukagai,’ in *Kōbunroku, meiji 9 nen, dai 73 kan, meiji 9 nen 11 gatsu, Shihōshō ukagai* (1876).
- 87 NAJ, ‘Rutokei o okoshi Hokkaido ni hakken no gi jōchin,’ in *Kōbunroku, meiji 10 nen, dai 24 kan, meiji 10 nen 2gatsu, Naimushō ukagai 5* (1877).
- 88 NAJ, ‘Toru ryōshū hakkenchi yotei no ken,’ in *Kōbunroku, meiji 13 nen, dai 219 kan, meiji 13 nen 2 gatsu, Naimushō ukagai 3* (1880). Home Minister Ōkubo was assassinated in May 1878, and was succeeded by Hirobumi Itō.
- 89 Botsman, *Punishment and Power*, 174–175.
- 90 Kabato Shūchikan, ed., ‘Kabato shūchikan enkaku ryakuki,’ in *Shin Asahikawashishi*, vol. 6, ed. Asahikawashi henshū kaigi (Asahikawa: Asahikawashi, 1993; orig. 1885), 507–509.

- 91 Tanaka, *Nihon shihonshugi*, 107.
- 92 Hokkaido shūchikan, ed., *Hokkaido shūchikan dai 1–3 kai tōkeisho* (Tokyo: Hokkaido shūchikan, 1892–1894). Hokkaido shūchikan, ed., *Hokkaido shūchikan dai 4–9 kai nenpō* (Tokyo: Hokkaido shūchikan, 1895–1900).
- 93 Yutaka Tezuka, *Jiyūminken saiban no kenkyū, jō* (Tokyo: Keiō tsūshin, 1982), 128–129.
- 94 Chiaki Oguchi, *Nihonjin no sōtaiteki kankyō kan: konomarenai kūkan no rekishi chirigaku* (Tokyo: Kokon shoin, 2002), 25–55.
- 95 Shigematsu, *Hokkaido gyōkeishi*, 232–238.
- 96 According to 1886 government statistics, the total population of Hokkaido was 300,000. Forty per cent of settlers lived in the southern part of Oshima peninsula, which had been Japanese territory since the Tokugawa period; and 10 per cent in large cities (Sapporo and Otaru); and the rest in villages along the coast. Hokkaidochō, ed., *Hokkaidochō tōkeisho dai 1 kai* (Hakodate: Hokkaidochō, 1888), 119–124.
- 97 The Archives of Hokkaido, Kiyoshi Tsukigata, ‘Hokkaido kaitaku shigi’.
- 98 Hokkaidochō, *Shin Hokkaidoshi* 3, 800–801. The government hired mainland workers for highway construction from Hakodate to Sapporo (1872–1873), for instance. The total cost of this construction was 840,000 yen. *Ibid.*, 415–417. The budget for the Hokkaido Development Commissioner totalled 10 million yen for ten years.
- 99 Tsukigata, ‘Hokkaido kaitaku shigi’.
- 100 Kentarō Kaneko, ‘Hokkaido sanken junshi fukumeisho’, in *Shinsen Hokkaidoshi*, vol. 6, ed. Hokkaidochō (Sapporo: Hokkaidochō, 1936; orig. 1885), 591–644.
- 101 ‘Kabato shūchikan, ‘Kabato shūchikan’, 536.
- 102 Minoru Akiba, ‘Kitami eno michi’, in *Hokkaido dōroshi*, ed. Hokkaido dōroshi chōsakai (Sapporo: Hokkaido dōroshi chōsakai, 1990), 212.
- 103 Tanaka, *Nihon shihonshugi*, 129.
- 104 Hokkaido shūchikan, ed., *Hokkaido shūchikan dai 9 kai nenpō* (Tokyo: Hokkaido shūchikan, 1900), 29–30.
- 105 Tanaka, *Nihon shihonshugi*, 139.
- 106 Shigematsu, *Hokkaido gyōkeishi*, 191–192.
- 107 Kabato shūchikan, ‘Kabato shūchikan’, 530.
- 108 Japanese Correctional Association Library M092/366: *Hokkaido kangoku jun-etsu fukumeisho*, May 1894, *Hokkaido kangoku jun-etsu fukumeisho*, October 1894.
- 109 Escaped convicts who resisted recapture were often killed on the spot. In 1882, for example, the Kabato shūchikan reported to the Home Minister that two escaped convicts had been killed in this way. They added that, ‘as such incidents are frequent, they would not report on these matters in future.’ NAJ, ‘Kabato shūchikan chōekishū Ogawa Umekichi hoka ichimei hotō nosai zansatsu no ken’, in *Kōbunroku, meiji 15 nen, dai 51 kan, meiji 15 nen 9 gatsu, Naimushō* 3 (1882).
- 110 Kenshi Okunomiya, ‘Gokuri no ware: Okunomiya Kenshi zangeroku’, in *Okunomiya Kenshi zenshū, jō* (Tokyo: Kōryūsha, 1988; orig. 1897), 160.
- 111 Isamu Koike, ‘Koike Isamu jijoden 2’, *Rekishi hyōron* 90 (1897; 1957): 55–56.
- 112 Dai nihon teikoku gikaishi kankōkai, ed., *Dai nihon teikoku gikaishi*, vol. 2 (Tokyo: Dai nihon teikoku gikaishi kankōkai, 1927), 629–630.
- 113 NAJ, ‘Shūchikan seido no ken’, in *Kōbun betsureku, Naimushō, meiji 19 nen–meiji 30 nen dai 1 kan* (1893).
- 114 Keimukyōkai, ed., *Nihon kinsei gyōkeishi kō, ge* (Tokyo: Kyōsei kyōkai, 1943), 1255.

- 115 Urausuchōshi hensan iinkai, ed., *Urausuchōshi* (Urausu: Urausuchō, 1967), 156.
- 116 Mizuho Himejima, *Meiji kangokuhō seiritsushi no kenkyū: Ōshu kangoku seido no dōnyū to jōyaku kaisei o megutte* (Tokyo: Seibundō, 2011), 66.
- 117 Kuroda, *Nihon shokumin shisōshi*, 190–223.
- 118 Noriko Katō, ‘Sanken ikkyoku jidai no tai Ainu seisaku to sono jitsujō’, *Hokudai shigaku* 20 (1980): 14–26.
- 119 Shintotsukawa chōshi hensan iinkai, ed., *Shintotsukawa hyakunen shi* (Shintotsukawa: Shintotsukawachō, 1991), 48.
- 120 Kura Sunazawa, *Ku skup oruspe: Watashi no ichidai no hanashi* (Sapporo: Hokkaido shinbunsha, 1983), 40–41.
- 121 *Ibid.*, 41. *Nokogiribiki* was a supplementary punishment imposed on people sentenced to crucifixion. The condemned person was put into a wooden box and buried upright, except for his neck and head which protruded from the ground. A saw was put on either side of his head. Onlookers were allowed to pull the saw across his neck, though they rarely did so. It was more of a display than an actual punishment, its purpose to threaten not just the condemned person but also the general public. After a two-day display, the prisoner was crucified. See Keimukyōkai, *Nihon kinsei gyōkeishi kō, jō*, 739. Botsman, *Punishment and Power*, 26.
- 122 *Tondenhei emaki* is possessed by Hokkaido Museum.
- 123 Mark Peattie, *Shokuminchi: 20 seiki nihon teikoku 50 nen no kōbō*, trans. Toyomi Asano (Tokyo: Jigakusha, 2012).
- 124 It is said: ‘The *shūchikan* prisons in our country, except those of Hokkaido, always played a leading role in the establishment of the prison system.’ Keimukyōkai, *Nihon kinsei gyōkeishi kō, ge*, 4.
- 125 Hokkaidochō, ed., *Shinsen Hokkaidoshi* (Sapporo: Hokkaidochō, 1936–1937).

Modern Europe, 1750–1950

Mary Gibson and Ilaria Poerio

Research on penal colonies is relatively rare in the growing historiography on European punishment. In the quest to identify the ‘birth of the prison’, – in Michel Foucault’s memorable phrase – efforts have concentrated instead on the establishment of the modern penitentiary as a symbol of European modernity.¹ While debates continue about the motives for the birth of the prison, it is agreed that by the nineteenth century European nations shared an ideological commitment to replacing corporal punishment with rehabilitation through education, work, and religion in healthy and orderly institutions. European penal reformers contrasted their liberal and humanitarian vision, intended to mould useful citizens, to the supposedly backward and brutal methods of retribution that characterized the purportedly less civilized continents of Asia, Africa and Latin America. Even the transportation of convicts from European nations to their colonies has remained, until recently, more central to the histories of the non-Western world than to Europe itself. Thus a simplistic duality has marked the historiography of punishment, one that identifies the modern penitentiary with Europe (and North America) and the penal colony with the rest of the globe.

Yet the penal colony not only preceded the birth of the prison in Europe but has continued to co-exist with the modern penitentiary into the post-Second World War era. Most well known are the Nazi concentration camps that interned political opponents, Jews and other despised racial and religious groups, and ‘asocials’ such as homosexuals and the ‘workshy’. Other interwar dictators, most notably Mussolini in Italy and Franco in Spain, also relegated those individuals labelled as enemies of the state to penal colonies. While these twentieth-century camps were distinctive in their use of systematic terror to crush political opposition, their form had roots in much earlier carceral institutions. As far back as the eighteenth century, many European monarchies had established hard labour camps to replace the galleys as a punishment for serious offenders. These took two forms: *bagnes*, in the ports of seafaring nations such as France, Italy and Spain; and colonies for public works in the interior of central and northern European states. In some cases, such as the Italian policy of *domicilio coatto*, hard labour camps were under the direct control of police rather than the courts. Despite the association of these premodern penal colonies with the galley slavery of the old regime, many survived the transition to the new parliamentary states of the nineteenth century.

Although nineteenth-century liberal reformers expressed shame about these penal camps inherited from the former monarchies, many began to advocate the establishment of a new model of outdoor punishment, the agricultural colony. They argued that, unlike the enclosed penitentiary, the agricultural colony was particularly suited to bring about the rehabilitation of certain categories of prisoners. One of these was wayward and delinquent youth, whose reform would be hastened by removal from the corruption and filth of the city. With the establishment of the juvenile reformatory at Mettray in 1840, the French inspired a host of other nations to favour rural camps for the punishment of minors. Agricultural colonies were also deemed appropriate for male peasants, whose labour skills could contribute to farming and land reclamation. Although these adult agricultural colonies shared many characteristics with the hard labour camps of the early modern era, reformers recast the value of outdoor work from that of repression through painful heavy labour to reform through healthy occupations in the countryside. The longevity of the penal colony depended on its adaptability to different purposes and its shifting valence in public discourse.

The flexibility of the penal colony and its employment in different national guises throughout Europe raises the problem of definition. Identification is easier in the imperial context, where all discrete sites outside the metropole in the modern era potentially qualify as penal colonies. The question is murkier in Europe, where exile was internal. This chapter explores sites of punishment with most, if not all, of the following characteristics. First, the location of penal colonies was rural and separated from urban areas either by large stretches of land or by water. Inmates spent most of their day working outside, and dormitories did not resemble the modern penitentiary in architecture or organization. Second, the residents of such camps were 'criminalized' – but not necessarily convicted – individuals who were deemed worthy of punishment. Agents of internment included the regular courts, special military or political tribunals, police and, in the case of children, parents. Thus inmates included both convicts serving prescribed sentences and suspects in preventive detention. Third, labour, central to the mission of the penal colony, was physically taxing and often brutal. In most cases, the purpose was retribution rather than reform. By spending little on prisoner upkeep and subjecting prisoners to hard labour, the state strove to maximize profit rather than offer convicts the opportunity to acquire useful professional skills. All of these characteristics differentiated penal colonies from the modern penitentiary which, at least in theory, was organized architecturally as a cellular structure, punished only convicted criminals according to due process and sought to rehabilitate inmates through training in healthy, indoor workshops.

This chapter will trace the development of penal colonies in Western Europe from the *bagnes* of the eighteenth century to the death camps established during the Second World War.² The various types of camps for refugees and immigrants established after the Second World War did not officially exercise a penal function and therefore will not be included. Because of the paucity of research on the earliest camps and the number of nations involved, it is impossible to draw up an international map of all European penal colonies or to provide statistical totals across borders. However, we have detected several general trends over the last few centuries with the First World War providing an important pivot point. First, the absolute monarchies of the eighteenth century and

parliamentary nation states of the nineteenth applied the punishment of internal exile mostly to common criminals, while the dictatorships of the twentieth century targeted political dissidents. Second, most penal colonies formed part of the regular judicial system in the earlier era but developed into autonomous, extra-legal institutions of punishment in the interwar period. Third, while most early penal colonies were reserved for men and boys before the First World War, they became increasingly mixed in terms of gender in the twentieth century. Finally, race replaced class as the defining characteristic of inmate populations as specific ethnic and religious groups – such as the Jews in Germany, Slavs in Italy and Catalonians in Spain – replaced the ‘dangerous’ popular classes as the object of repressive policies utilizing internal exile and hard labour. In sum, the period before the First World War was characterized by experimentation and variety in the types of colonies, while the twentieth century saw a stabilization and consolidation of the technologies and mechanisms of persecution across Europe. However, the entire history of the modern penal colony is beset with contradictions between tradition/modernity and repression/reform that do not follow a clear linear evolution. While chastisement was dominant, some types of camps simultaneously promised rehabilitation. This chapter seeks to explore the complicated chronology of European penal colonies as well as to analyse their dialectical relation to non-western penal institutions as both models for colonial hard labour camps and recipients of disciplinary ideologies and techniques from imperial experiments abroad.

Experimentation, 1750–1914

Hard labour camps

While hard labour camps are identified with the old regime, they appeared only near the end of the early modern period. In the Middle Ages and early Renaissance, punishment rarely involved confinement or the requirement to work. Corporal punishment, which took a variety of forms, constituted the penalty for many crimes. Most notorious was the death penalty, sometimes aggravated by drawing and quartering or burning at the stake, although its frequency varied widely over time and place. Less drastic types of bodily mutilation, which caused pain and sometimes permanent shame, included the cutting of noses and ears, branding, and whipping. Other frequent punishments were fines, levied in some parts of Europe even for violent crimes, and banishment.³ For the most part, incarceration was applied only to suspects awaiting trial and to debtors, although convicted clergy and women were at times relegated to monasteries and convents.⁴ Likewise, political prisoners from the noble classes might be detained in a dungeon or castle tower awaiting ransom. None of these types of confinement, however, resembled a penal camp because inmates were confined indoors and not required to work.

The roots of the European penal colony lay in two other institutions that appeared in the sixteenth century, the prison workhouse and the galleys. As Pieter Spierenburg has argued, both originated as ‘non-penal sanctions’ applied to vagabonds and beggars when attitudes toward poverty shifted from compassion to disgust.⁵ Thus hard

labour became central to the discipline of the able-bodied 'undeserving' poor and subsequently to the punishment of criminals. The first new type of penalty, the prison workhouse, lay on the more repressive end of a spectrum of a new array of European institutions intended to sweep the streets of marginal groups perceived to threaten social order, such as vagabonds, thieves and prostitutes, or to protect vulnerable categories, such as widows, orphans, the aged and the insane.⁶ This movement toward internment, labelled by Foucault '*le grand renfermement*', inspired a new approach to punishment that began to put convicts to work in enclosed spaces.⁷ England established the first prison workhouse in London in 1555 on the site of Bridewell Palace; by the late eighteenth century, the number of British 'bridewells' and houses of correction, numbered about 170.⁸ Subsequently, many northern Protestant cities on the continent – such as Amsterdam, Hamburg, Danzig, Copenhagen, Bremen and Stockholm – began to intern their own petty criminals in 'houses of discipline' in place of corporal punishment.⁹ Incarceration for the purpose of rehabilitation through prayer and work was not unknown in Catholic and more southern regions, where the French, for example, sentenced a minority of convicts to '*maisons de force*', special criminal sections of the *hôpitaux* (hospitals) for beggars, and the Papal States built reformatories for convicted women and boys annexed to the charity complex of San Michele in Rome.¹⁰ These prison workhouses differed from later penal colonies by concentrating inmates inside large architectural structures in a manner that clearly foreshadowed the modern penitentiary. However, they also set a precedent, later replicated in penal colonies, for requiring work as part of a judicial sentence measured in units of time rather than in pain or shame.

A second early modern form of punishment, the galleys, constituted a more direct precedent to the earliest hard labour camps. For example, in the sixteenth century the Papal States began to patrol the waters of the Mediterranean with a flotilla of ships powered by oars.¹¹ Based in Civitavecchia, the pope's fleet increasingly utilized the labour power of convicts, who joined two other groups at the oars – prisoners of war and unemployed men.¹² All were chained to benches lining both sides of the ship on which they worked, ate and slept. Sentences to the galleys, levied for property crimes (mostly theft and cattle-rustling) as well as violence (especially homicide), could run from three years to life. Other Italian cities with galley fleets included Venice, Genoa, Naples and Messina, to which southern German states and the Austrian Hapsburgs sometimes exiled their convicts.¹³ During the early modern period, the great monarchies of France, Spain and Portugal also began to banish convicts to the galleys in place of more traditional corporal punishments (see Jean-Lucien Sanchez, Christian De Vito and Timothy Coates respectively in this volume). Louis XIV built the largest European fleet of galleys at Marseille, which, in 1680, employed about 7,000 men.¹⁴ Mostly convicts, these 'royal slaves', in the words of André Zysberg, were essential to the growth of absolutist power through continuous war.¹⁵ Galley rowing offered no promise of rehabilitation and, in fact, often led to disease and death. However, it shared with the prison workhouses of northern Europe a new aspiration to integrate hard labour into punishment for the economic benefit of the state.

The earliest European penal colonies fell into two categories, arsenal prisons and public works camps, both of which combined characteristics from the prison

workhouses and the galleys. Arsenal prisons, better known by the French designation of *bagnes*, directly replaced the punishment of the galleys in southern Europe, where the development of better sails and subsequently the steam engine made human oarsmen obsolete. Thus in Spain, France and Italy, the most dangerous convicts began to be relegated to hard labour in the major ports during the eighteenth century. Like the prison workshops, inmates of the *bagnes* were confined in permanent structures at night but their work took place outside in naval shipyards.

The first arsenal workshops were located in ports that had hosted galley fleets and housed convict rowers during the winter months. For example in Spain, new arsenals at Cadiz, Cartagena and El Ferrol began to employ convicts in the early eighteenth century, a process that culminated in 1748 with the abolition of the galleys. Although hubs of imperial convict transportation, as Christian De Vito shows elsewhere in this volume, these metropolitan arsenals were emptied entirely by 1816 as forced labourers were transferred to colonial prisons in Africa.¹⁶ During the same period, after an experiment in leasing galley labourers to private contractors at Marseilles, the French state built three new *bagnes* at Toulon, Brest and Rochefort. These survived the Revolution and the Napoleonic Criminal Code of 1810, which retained hard labour as the most severe punishment after the death penalty. France subsequently established colonial penal colonies to replace its continental *bagnes* so that those sentenced to hard labour, and particularly recidivists, were redirected to Guiana after 1854 and later to New Caledonia (Jean-Lucien Sanchez in this volume). Interestingly, imperially convicted felons from colonies like Réunion Island and Madagascar were also held in *bagnes* on the French mainland under sentence of transportation and prior to their onward shipment to Guiana. Arsenal prisons were also characteristic of most old regime states on the Italian peninsula including not only the more repressive monarchies, such as Naples and the Papal States, but also relatively liberal Tuscany, which abolished capital punishment in 1786 only to replace it with hard labour.¹⁷ Having no colonies for most of the nineteenth century, the Italian state inherited a number of *bagnes* after unification in 1861, which endured until a new criminal code was finally passed in 1889. That the *bagnes* constituted the direct heir of the galleys is clear from the housing of Neapolitan convicts on decommissioned ships during the eighteenth century, a practice also common in Great Britain and its colonies of Bermuda and Gibraltar (Hamish Maxwell-Stewart in this volume). ‘Hulks’ moored on the River Thames or around the coast of the British Isles mainly held prisoners of war, juveniles and convicts awaiting transportation across the Atlantic, Mediterranean or to Australia; a minority served their entire sentences on these prison ships.

The French *bagnes*, made notorious by the character of Jean Valjean from Victor Hugo’s epic novel *Les Misérables*, have been the most studied. In the words of Zysberg, they were devoted to ‘discipline and production’, two terms that defined everyday life for the myriad convicts – numbering 27,700 during the period 1826–1850 alone – sentenced to hard labour.¹⁸ Humiliation began during transfer to the *bagnes* and the public spectacle of convicts chained together on foot or in open carts.¹⁹ ‘Cellular vehicles’ that enclosed each occupant in a separate compartment were introduced in 1836, but they were also physically torturous. According to a detailed portrait of the arsenal prison at Rochefort sketched by Jacques Valette, newly admitted inmates were

issued either red caps, for those sentenced to fewer than twenty years, or green caps for the rest. Inmates tended to be young and single, with the largest group between twenty and twenty-four years of age, and most had been arrested for theft.²⁰ Overwhelmingly from the poorest classes, the majority were assigned to heavy outdoor tasks while a minority worked indoors as artisans and servants for the purpose of feeding and clothing the large community of between 1,000 and 2,000 convicts. Besides the heavy chains, which were worn even while working, inmates could be subjected to whipping or even the guillotine for breaking the rules or trying to escape. That over a third of all inmates died before completing their sentences attests to the physical severity of the work and the insalubrious conditions of life in the arsenals.

In northern Europe, the punishment of hard labour in chains took place mostly in fortresses, mines and fields, instead of *bagnes*. Denmark constituted an exception, where naval prisons, such as Trunken in Copenhagen, served both as early institutions of punishment and departure sites for colonial transportation (see Johan Heinsen in this volume). Convicted to sentences of 'public works', prisoners in Germany, Scandinavia, the Hapsburg lands and Switzerland carted stone, cleaned streets and drained lands as recompense for their crimes.²¹ Like the inmates of the arsenal prisons, they wore chains while working and sleeping as a mode of both physical retribution and psychological shaming. That some monarchies diverted convicts from the *bagnes* in the ports to public works in the interior demonstrates the comparable nature of the two punishments. In the Papal States, during the decades before unification, prisoners could be assigned either to Civitavecchia for work at the arsenal or to Rome for the construction of forts and roads. Convicts were also employed in excavations of the archaeological ruins, including the Roman Forum and Ostia Antica, which were becoming a passion of scholars at the turn of the nineteenth century.²² Others built the large Verano Cemetery on the outskirts of Rome, consecrated in 1834 by Pope Gregory XVI. After a papal basilica, St Paul outside the Walls, burnt to the ground in 1823, it was rebuilt by prison labour. When the new Italian state transferred the port prisons from the Naval to the Interior Ministry in 1866, the administrative line between arsenal and public works camps collapsed, with all now labelled *bagnes*.

Internal police exile

A second type of penal colony that existed at the same time as the *bagnes* in several European regions was the police camp. While both institutions required forced labour, they were distinguished by the legal status of the offender. Instead of being sentenced through a regular court procedure, inmates in police camps were simply sent into internal exile by administrative order. Such police powers were not new, having formerly been used to confine vagabonds, beggars and prostitutes in bridewells or houses of correction. What distinguished the new police camps were their predominantly rural locations separated from cities by an expanse of water or deserted land. Internal exile was not needed by the great imperial powers such as Britain, France and the Netherlands but instead characterized states without overseas possessions. Russia employed a similar penal strategy (Sarah Badcock and Judith Pallot in this volume). While not as widespread as other types of penal colonies in late eighteenth-

and early nineteenth-century Europe, these police camps established a clear precedent, particularly in the case of Italy, for the concentration camps of the twentieth century.

The Hapsburg Empire offers an early example of internal police exile. According to Stephan Steiner, 'the eighteenth century was *the* century of deportations on Hapsburg soil', beginning with the forced transfer of religious and political dissenters to remote territories such as Transylvania.²³ Between 1744 and 1768, suspected criminals also became the target of Viennese police, who shipped them down the Danube to the Banat, or lowlands, of Timisoara to perform labour. While police arrested a wide variety of deviants – including beggars, thieves, poachers, gypsies and even troublesome children – a special vice squad, called the Committee of Chastity, had a mission to clear the city of prostitutes and other 'unruly' women. On arrival in Timisoara, women were assigned to work at spinning and knitting while men performed outdoor tasks such as cleaning the streets and maintaining the fort. Populated by outcasts and characterized by high rates of disease and death, Timisoara came to symbolize the kind of 'human dump' that results from trying to cleanse one area by transporting criminals to another.²⁴

Italian police exile, or *domicilio coatto*, produced similar results, in this case the degradation of a string of islands off the southern coasts. After unification, eight islands – Favignana, Lampedusa, Lipari, Pantelleria, Ponza, Tremiti, Ustica and Ventotene – were sites of police camps.²⁵ Grounds for being sent into internal exile were basically three: violation of the myriad rules issued to vagabonds and beggars associated with judicial warning to find work (*ammonizione*); suspicious behaviour by individuals with a criminal record; or involvement in anarchist and socialist protests. In effect, internal exile became a parallel type of summary police punishment for both common and political criminals that co-existed with a court system dedicated to the protection of individual freedom under the liberal Zanardelli Code of 1889.

Between 1876 and 1914, the average number of Italian inmates in police camps ranged from 2,000 to 3,000 on any given day.²⁶ After being sent to the islands, prisoners slept in make-shift dormitories or in old castles, managed either by police officials or prison administrators. During the day, however, inmates were free to wander the island without supervision. While expected to work, many spent the day drinking and gambling in local taverns. A few brought their wives and children; others struck up relationships with local women. Work was difficult to find, low-paid and unskilled; most inmates could find jobs only as agricultural workers or porters. The islands, mostly volcanic and mountainous, were too small and poor, however, to provide a living for the majority of prisoners. Those without work received a daily pittance from the Italian government to buy food and other necessities. Internal exile, therefore, was a strange hybrid system that combined restriction and freedom without any pretence of providing rehabilitation. Despite harsh criticism from both liberals and socialists, *domicilio coatto* remained intact until the interwar period, when the fascist regime renamed it *confino* and made it integral to its policy of terror.

Agricultural colonies for youth

Whereas hard labour in *bagnes*, public works colonies and police camps bore the clear imprint of the old regime, with its emphasis on retribution, the nineteenth century

saw the development of a modern and purportedly more progressive type of penal colony. With the industrialization of Europe, many middle-class commentators blamed the burgeoning cities for increasing poverty, disease and deviancy. High rates of migration from the countryside flooded urban areas with both workers, who were feared as potential revolutionaries, and the 'dangerous classes', whose unemployment was assumed to lead to alcoholism, sexual immorality and crime. By the 1840s, as recidivism continued to rise, it also became clear that the new penitentiaries were already a failure. In this context of disenchantment with the city, reformers began to look to the rural world for a solution. Rather than the backward domain of a corrupt aristocracy and illiterate peasantry, the countryside was re-imagined as an innocent and natural paradise that could nurture the reform of certain categories of criminals. Most hope was held out for unruly youth, who were not yet hardened criminals and whose consciences were thought to be still malleable. Once removed from the depravity of the city, juvenile delinquents could be cleansed in a new institution, the agricultural colony.

While not the first institution to promise the rehabilitation of unruly children in a rural setting, the French agricultural colony of Mettray became a frequent destination for 'penal tourists' in the nineteenth century and the most famous model for foreign emulation. Founded in 1840 by the judge and philanthropist, Frédéric-Auguste Demetz, Mettray was constructed to resemble a rural village, with a church and small dormitories arranged around a central green. Although each dormitory was patterned after a household, which was directed by a 'father' to instil moral and professional education, the army also provided an important model. Inmates were exhorted to emulate soldiers and required to parade in uniform each Sunday.²⁷ This mixture of familial and military values reflected the gendered nature of Mettray, which accepted only boys as inmates (see Figure 12.1). However, it inspired a wave of new agricultural colonies throughout France for both sexes, most of which, like Mettray, were funded by private charities. Girls' reformatories, managed by Catholic orders of nuns, followed a monastic rather than military model but, like those for boys, placed work in the centre of daily activities. According to Éric Pierre, the number of children in French agricultural colonies peaked at almost 10,000 in 1857, remained high throughout a 'golden age' that coincided with the Second Empire, and began a slow but long decline after 1870.²⁸ After a series of scandals and denunciations of Mettray as 'a *bagne* for children', it was finally closed in 1937.

The French example inspired the founding of agricultural colonies for youth throughout Europe, most obviously the 'Netherlands Mettray', founded in Gorssel near Zutphen by the 'philanthropic entrepreneur' Willem Suringar.²⁹ In many ways, the Dutch colony, which harboured approximately 2,000 children between its founding in 1851 and the First World War, copied the original in France, which Suringar had visited and admired.³⁰ Both were reserved for boys, who were divided into families that lived in small cottages directed by a 'home father'. While the ideal was to employ them in healthful agricultural work, in fact each colony also established indoor workshops to teach artisanal trades. They differed, however, in their criteria for admission. Although both were supported by private donations, the Netherlands Mettray accepted only children from Protestant families in contrast to the more



Figure 12.1 Young prisoner in the agricultural colony of Mettray

Source: Bibliothèque nationale de France.

secular and non denominational vision of Demetz. The Dutch institution also limited its reform efforts to wayward boys while refusing to take in minors sentenced by the courts. In general, though, the contrast between the French and Netherlands Mettrays was only one of degree and reflects the general blurring of lines between different legal categories in European agricultural colonies for youth.

In the spirit of Mettray, Belgium created a third model of the juvenile agricultural colony. As conceived by Édouard Ducpétiaux, the Belgian inspector general of prisons, agricultural colonies for ‘unfortunate children’, such as beggars and orphans, were to complement the newly established prisons for juvenile delinquents.³¹ Thus in 1848, Belgium established an agricultural colony at Ruysselede for boys and another at Beernem for girls. What distinguished the Belgian reformatories was their status as state rather than private institutions, which, nevertheless, were staffed by religious orders. Between 1860 and 1890, the population of the Belgian agricultural colonies ranged from 650 to 850, two-thirds of whom were boys.³² In 1890, the juvenile prisons and agricultural colonies were merged into ‘charity schools’, which, according to Marie-Sylvie Dupont-Bouchat, were theoretically educational and no longer linked to the criminal justice system. Like Belgium, most European countries closed their agricultural colonies by the early twentieth century as rehabilitative philosophy increasingly emphasized education, rather than outdoor work, for the rehabilitation of youth.

Agricultural colonies for adults

During the nineteenth century, several European nations also established agricultural colonies for adults. Most of these were labour rather than penal camps, which individuals entered voluntarily without the intervention of police or courts. In Britain, work camps offered a new solution to unemployment after the perceived failure of the Poor Law of 1834. By 1880, anxiety was acute over the supposed degeneration of the ‘slum bodies’ of working-class men prone to degeneration in the dirty and crowded industrial cities.³³ Christian social service organizations founded the earliest institutions although local governments became increasingly involved in funding colonies to take in unemployable individuals with learning disabilities or tuberculosis. The population in British labour camps was overwhelmingly male with only a few women working in the laundry, kitchens and clothing workshops. Rural colonies for the unemployed were also popular in Belgium, where they outnumbered those for children, and Germany, which boasted twenty-one *arbeiterkolonien* in the 1880s.³⁴

Penal colonies for adults in the metropole were rarer than work camps, mainly because France, Britain and other imperial powers could transport their prisoners overseas. Some French prison reformers proposed internal colonization as an alternative to urban penitentiaries, but adults were instead deported to Guiana and New Caledonia. In the late nineteenth century, the Dutch transformed a workhouse at Veenhuisen to a penal colony, but most convict labour was still carried out in imperial possessions (see Jean-Lucien Sanchez and Matthias Van Rossum in this volume). In the absence of overseas territories, Italy made wide use of agricultural colonies, which it incorporated into a spectrum of prison spaces on a peninsula that already included

bagnes, police camps and penitentiaries. In 1858, a few years before unification, Tuscany opened the first colony on the deserted island of Pianosa for adults who had demonstrated good behaviour in regular penitentiaries or were in poor health.³⁵ After unification, Martino Beltrani Scalia, the national director of prisons, expanded the number of adult agricultural colonies, which now occupied mostly populated sites such as Castiadas in Sardinia.³⁶ Unlike the police camps, which were loathed by the local residents, local officials requested agricultural camps with a view of boosting the economy.³⁷ Located mostly on islands, these colonies employed convicts mainly in land reclamation, agriculture, herding and the construction of houses in hopes of later turning the settlements over to 'free' farmers. According to official statistics, prisoners in agricultural colonies enjoyed better health and were less rebellious than those in enclosed penitentiaries.³⁸ By the turn of the twentieth century, more than ten agricultural colonies, some with subcamps, had been established throughout the peninsula.

Despite wide approval from parliamentarians from both the Left and Right, Italian agricultural colonies had their critics. On the one hand, they clearly embodied the same reform philosophy of the new penitentiaries, that is, rehabilitation through work. According to Beltrani Scalia, they would not only benefit the state by reclaiming land but were best suited to Italy's inmate population, which came mainly from the peasantry. On the other hand, similarities with the *bagnes*, which were abolished only in 1889, were striking. For example, at the agricultural colony of Tre Fontane, on the outskirts of Rome, malaria was widespread among inmates employed in agriculture on marshy and mosquito-infested plains. As in hard labour camps, prisoners slept in chains. Discipline was enforced by guards who patrolled the fields on horses by day and on foot at night, wearing 'Turkish slippers made of cloth' to ensure silence.³⁹ Dormitories consisted of 'mobile huts' that could hold up to eighty inmates.⁴⁰ Thus, despite the Beltrani Scalia's rhetoric of reform that championed outdoor work as a reward for good behaviour and an effective mechanism of redemption, Tre Fontane remained to a great extent a hard labour camp.

From 1750 to 1914, penal experiments encompassed both hard labour camps, which emphasized retribution, as well as agricultural colonies, which proclaimed a new and more modern ideological purpose of rehabilitation. The former were more numerous during the eighteenth and early nineteenth century, while agricultural colonies reached their peak around the turn of the twentieth. However, some rough generalizations can be made about this period of experimentation. Most pre-First World War penal colonies focused on punishing common criminals, with the exception of Italy, which periodically used police exile as a weapon against political opponents. Most inmates were sentenced by traditional state court systems, although wayward children could be assigned to agricultural colonies without trial, and a few states established police camps for adults. Because of their use of hard labour as a method of punishment, women were for the most part exempt from internal exile with the glaring exception of the Hapsburg camps of Timisoara. Even the colonies for girls in Belgium and France seemed to have been only nominally agricultural since they followed a monastic routine of indoor rather than outdoor work. Finally, inmates were not officially sentenced to these early penal colonies on the basis of race. While certain groups, such

as gypsies or southern Italians, were in fact over-represented among the populations of penal colonies, racial cleansing had not yet developed into an official policy. This would occur during the interwar period, when penal colonies were consolidated as an important arm of repressive regimes across the European continent.

Consolidation, 1914–1950

If we had to choose a representative image of the twentieth century, it would be a concentration camp (*lager*) with its victims. During a century of extreme violence, wherever there was war, there were camps. Therefore, many researchers consider the *lager* – the most modern and brutal version of the European penal colony – as one of the most disquieting innovations of the twentieth century and forget that its roots lay in the European penal colonies of the eighteenth and early nineteenth centuries. Yet because of its wide diffusion during the twentieth century, the *lager* has come to occupy the central place in our historical memory.

The terrifying experience of the German extermination camps drew from a history of experimentation, which began with the reforming spirit of the eighteenth century and its debates about punishment and led to the ‘triumph of the custodial sentence’ in the nineteenth.⁴¹ A crescendo of violence marked the twentieth century, with two world wars that obliterated the distinction between military and civilian enemies, and the use of increasingly technological and uncontrollable violence against them. Acquiring the title of ‘the century of camps’, because of the invention of the concentration camp and the widespread massacres and even genocides of ‘deviant’ peoples, the twentieth century expanded the repressive features of its eighteenth- and nineteenth-century punishment while erasing for the most part any liberal discourse of reform.

In some countries, however, more traditional agricultural colonies for both adults and youth survived the sharp disjuncture of the First World War. Preserving the principle enunciated by Alexis de Tocqueville that punishment should be ‘a matter of education rather than of revenge’, they continued to seek to redeem the guilty through work.⁴² As in the nineteenth century, the state also expected to profit from the cultivation and reclamation of vacant land. Although the model of the agricultural colony – such as the open prison farm for adults on the island of Gorgona in Italy – has never been completely abandoned in Europe, this section will omit further discussion of this older model, which was amply covered earlier in this chapter.

In general, the dominant trend of twentieth-century penal colonies was to drop any pretence of rehabilitation and to privilege violent retribution. Characterized by terror and forced labour, prime examples of the new camps include those for the internment of civilians and military combatants during the two world wars; the island camps of *confino* in Fascist Italy; the labour camps instituted to build a Francoist Spain; and ultimately the concentration camps of Nazi Germany. Unlike the earlier penal colonies, which confined mostly poor boys and men from the ‘dangerous classes’, twentieth-century camps expanded their scope to include a wide array of politically and socially ‘deviant’ groups thought to threaten public order. The new camps functioned outside

the traditional legal system to incarcerate ‘enemies of the state’: men and women, workers and the elite, soldiers and civilians, and citizens and foreigners. Such indiscriminate criminalization of large population groups was unprecedented during the earlier era of parliamentary liberalism in Europe.

War camps: Internment versus concentration

The First World War has been classified as a total war partly because of the disappearance of any demarcation between civilians and combatants, as both came to be considered potential enemies. Characterized by Oswald Überegger as ‘a violation of human rights’, the collapse of this distinction officially signalled a new era of extreme violence.⁴³ For many decades, violence against civilians was overlooked in public discussion and historiography but has recently returned to the foreground thanks to John Horne and Alan Kramer’s pioneering works about German atrocities in Belgium and Northern France in 1914.⁴⁴ Their research, however, concentrates only on the Western Front, and other contexts remain to be systematically reconstructed.

The history of military internment is problematic because it lies at the crossroads of political and military history and, in many cases, must take into account national differences among prison systems and in the profiles of the various resistance movements. This subject was generally ignored in the immediate post-war period because it was difficult to gain access to sources about such recent events. In Italy, veterans’ groups like the National Association of Former Internees (ANEI) and the National Association of Survivors of Imprisonment, Internment and the War of Liberation (ANRP) financed investigations as early as the 1960s for the purpose of reclaiming the dignity of the victims and securing reparations. Since the 1980s, historical literature on internment camps has expanded significantly, with much of it focused on military prisoners. For the First World War, the most notable include Odon Abbal’s work on the everyday life of French prisoners in Germany, Giovanna Procacci’s study of Italian prisoners in Austria and Germany, and Annette Becker’s investigation of prisoners of different nationalities in Germany.⁴⁵ Over the course of time, the field of study has widened to include military internment in other belligerent states and the actions of various national groups.

In the 1990s, the work of Uta Hinz and Heather Jones brought attention to the phenomenon of civilian internment in the Great War.⁴⁶ Studies of social psychology and social history have helped to recreate the picture of living conditions in the camps in different national contexts. More specific studies of political history have privileged the institutional aspects of imprisonment. Furthermore, the range of sources from which the researchers have drawn is wide and heterogeneous. Leo Spitzer, for example, has recently used letters and memoirs from the archive of the Office of Military Censorship of Vienna to depict the life of the Italian prisoners of war from 1915 to 1918.⁴⁷

New military strategies and objectives in both world wars caused an increase in internment camps. Every belligerent nation in Europe had camps for prisoners of war, for civilians who were suspected of activities against the regime or for subjects of enemy nations. Unlike later concentration camps, which violated the rule of law, internment camps deprived prisoners of their liberty ‘due to motivations which, in

general, temporarily justify that violation.⁴⁸ Thus, they exercised a preventative function such as breaking enemy resistance or neutralizing civilians, rather than producing slave labour.⁴⁹ Examples include the British camps, which were established in South Africa at the beginning of the century in order to induce the Boers to surrender, and Italy's anti-Slavic internment camps of Gonars and Arbe.⁵⁰ During the Second World War, all the belligerent nations of Europe made ample recourse to the internment of civilian enemies present in their territories. These measures were intended to clear the area of outlaws and break the solidarity between soldiers and civilians and, in the case of newly occupied territories, to isolate enemy civilians. Even neutral Switzerland resorted to the internment of Jews expelled from Germany and opponents of the Nazi regime in hope of staving off a possible German invasion.⁵¹

According to Jean-Claude Farcy, this type of internment originated in the small-scale guerrilla wars at the beginning of the twentieth century. But the characteristics of confinement changed in 1914: the duration increased; the conditions of detention improved slightly; and the nationality of the internees became more diverse. As the Great War went on, foreign prisoners were joined by members of the local population who were suspected of being political enemies or criminal deviants (such as prostitutes or recidivist offenders).⁵² As Joël Kotek and Pierre Rigoulot have argued, 'their arrest marked the recognition of the importance of morale for the troops and the entire nation, the value of unity and of a collective will'.⁵³ In France, for example, citizens of enemy powers, prostitutes, and suspected or habitual criminals of all nationalities were subject to internment. Camps were often set up in old forts, military bases, abbeys or schools, which were repurposed for this use, and were categorized according to the type of prisoner. There were camps for Austro-Germans, for Francophile foreigners, for citizens of Alsace-Lorraine and so on. The influence of international public opinion prevented camp conditions from being harsher than necessary. Despite the often-hazardous health conditions, there is no evidence of higher mortality rates or of excessive maltreatment of internees as there would be in the Second World War. In Austria, British and French citizens were subject to similar measures of enforced detention.

In England, the inadequacy of prison structures led to internment on steamships and railway cars as well as in amusement parks or even summer camps. On the Isle of Man, a former holiday camp came to symbolize the injustices of alien civilian internment. Yet the horrible health conditions – which resulted in multiple cases of tuberculosis, bronchitis, depression and mental illness – were not nearly as brutal as later concentration camps. Prisoners, for example, were allowed to practice their professions or engage in a range of other activities. Nevertheless, according to Spartaco Capogreco, the internment camps of the First World War constituted a precedent and training ground for the *lager* and Gulag later erected by the totalitarian regimes of the interwar period.⁵⁴

As late as the First World War, no international laws regulated internment of civilians during wartime. During the colonial wars of the nineteenth century, imperial powers invoked civilian resistance as an excuse for cruel military interventions.⁵⁵ Thus Germany, on the occasion of the Paris Peace Conference of 1919, denied the violation of the international conventions and justified the massacres and violence that had

taken place during the occupation of Belgium and France by reminding the British diplomats of their own policies during the Anglo-Boer war.⁵⁶ In both cases, they pointed out, the regular army had to face guerrilla actions by the civilian population and it responded with collective reprisals against civilians.

During the fifty years before the First World War, the Great Powers were more concerned about protecting their diplomatic pacts than with the need to safeguard civilian rights. According to articles of The Hague Conventions of 1899, which were confirmed in 1907, citizens of an occupied country did not have the right to engage in resistance, which was equated to guerrilla warfare, and were thus deprived of the rights accorded to prisoners of war. Consequent treaties remained intentionally ambiguous and were silent about the legality of reprisals against civilians.⁵⁷ According to Nicoletta Gullace, public outcry in Britain over the deportation of women and children to camps in South Africa did not change military policy during the First World War but simply shaped propaganda to carefully avoid any reference to reprisals against civilian populations. In 1916, Maurice Low embarrassed the British War Propaganda Bureau when he published a pamphlet on the naval blockade of the Central Powers in which he demonstrated the impossibility in modern war of discerning between combatants and non-combatants because 'men, women and children who work to produce munitions or to provide food products are combatants like soldiers.'⁵⁸

Only in the interwar period were laws put in place to regulate the internment of civilians during wartime.⁵⁹ In 1929, the Geneva Convention, signed by forty-seven states, established guidelines to protect not only prisoners of war but also foreign citizens who were in enemy or occupied territory at the outbreak of a conflict.⁶⁰ The following year, at the XIVth Conference of the International Red Cross (ICRC) in Brussels, a commission was formed to draw up the so-called Tokyo Draft, a treaty to expand protections for civilians.⁶¹ However, the ratification of the draft was impeded by the outbreak of war in 1939, leaving civilians in enemy territories without international safeguards. The ICRC requested belligerent states to either comply with the Tokyo Draft temporarily or to extend to civilians the rights that the 1929 Geneva Convention granted to prisoners of war. The civilians who benefited from this agreement were: (1) people of enemy nationality residing in the territory of a belligerent country; and (2) citizens of a state that had been occupied by an enemy power. They were guaranteed minimal rights such as visits, emergency aid, repatriation and oversight. However, those who were interned for political reasons, as defined by each national regime, did not benefit from this treatment. Only in 1949, did the Fourth Geneva Convention finally define international protections for civilians in the time of war.⁶²

The standards established in Geneva did not always correspond to reality. In Italy, for example, internment was under the jurisdiction of the military authorities; therefore police were allowed to apply administrative measures based on the juridical principle of suspicion rather than after conviction in the courts. Although police powers to intern suspicious persons, a remnant of the old regime states, had been abolished in the late nineteenth century, they were re-instated during the First World War. While the law maintained that suspicion should be reasonable and well founded, its definition remained so vague that authorities could inflict measures of incarceration at their discretion.

Between the two world wars, France found itself facing a conspicuous and continuous influx of refugees that included Germans who opposed Hitler, Italian antifascists and Spanish Republicans. In 1938, there were 45,000 political refugees in France, prompting the Daladier government to introduce a decree (and later a law) to limit immigration and to establish internment centres for those considered a threat to national security. These numbers grew drastically with the Republican defeat of the following year when 300,000 civilians and 250,000 soldiers from Spain crossed the French border. Attempts to establish quotas at the border crossings failed, and the French government accepted all civilian refugees. Amidst this chaotic situation, authorities tried to persuade many refugees to repatriate, and those who remained were gathered in the camps of Argelès, Saint-Cyprien, Les Barcarès, Arles-sur-Tech and Prats-de-Mollo.⁶³ While a result of last-minute improvisation rather than ill will, these camps, as Denis Peschanski has observed, were often settled hurriedly in insalubrious areas where refugees were struck down by epidemics of malaria, ringworm and tuberculosis.

In addition to a lack of sanitation systems and latrines in some camps, there was not enough time to construct enough barracks, so refugees and guards alike had no choice but to sleep outside or in makeshift accommodation, often without even a blanket. Among the most notorious camps was Vernet-d'Ariège, which accommodated colonial troops after the Great War, Austrian and German prisoners between the two wars, and Spanish anarchists and internationalists after 1939. Conditions were disastrous for the internees: there was no electricity; pallets served as beds; sleeping quarters were infested with rats, fleas and lice; rations were insufficient; the weather was harsh; and violent abuse by guards was frequent. Because of its infamous severity, the camp also became a repository for political suspects and internees from other camps who were being punished.

These French camps were – despite the barbed wire, vindictive guards and horrible living conditions – more refugee than concentration camps. Following the Nazi invasion of Belgium and Holland in 1939, French camps remained improvisational even after the mass arrests and internments of German suspects. Throughout the country, there were roughly a hundred camps, and although living conditions were hard, they could not be reasonably compared to the Nazi *lager* with their staggering death tolls. However, this began to change under the Vichy regime, when the policy of expulsion replaced that of refuge. After the camps passed from the jurisdiction of the Ministry of Justice to the Ministry of the Interior in 1940, prisoners were classified and categorized based on their dangerousness, and foreign and French Jews alike were handed over to the occupying authorities. Like the German *lager*, the French camps began to dehumanize their prisoners by degradation, forced labour and starvation. In short, life in camps such as Pithiviers or Drancy became a prelude to the experience of the extermination camps.

The Fascist policy of confinement: An Italian peculiarity

The Italian Public Security Act of 1926 introduced a policy of internal exile, called *confino*, which was to become the main instrument of political and social repression under the Fascist regime. *Confino* was a modern version of *domicilio coatto*, and it preserved many of the former policy's fundamental traits and utilized many of the same island colonies.

Allowing deportation of people considered ‘dangerous’ to the national order, *confino* offered the state wide discretion to arrest and confine suspect persons outside the regular court system. The targets of police included antifascists, Jehovah’s Witnesses, midwives accused of performing abortions, disgraced Fascists, gypsies, homosexuals and Pentecostals. Such ‘suspicious persons’ were either tried by the Special Tribunal, a summary court established in 1926, or sent to *confino* if the state lacked adequate evidence to initiate a trial or wanted to keep an ex-convict under surveillance. Contrary to the rule of law, it was possible to serve multiple sentences for the same crime.

While internal exile was not new in Italy, the Fascist regime institutionalized a more organized system with its own powers of deterrence and repression. Between 1926 and 1943 about 262 camps were instituted both in Italy and in Italian occupied territories such as the former Yugoslavia (see Map 12.1). Internees numbered about 15,000, with the most feared political opponents being relegated to the islands of Lampedusa, Favignana, Ustica, Tremiti, Ponza, Lipari and Ventotene.⁶⁴

The procedure for being sentenced to *confino* began when a prefect, after receiving a denunciation, sent a notice to the police commissioner presiding over the relevant provincial commission. These special commissions generally limited themselves to confirming the accusation and proceeding with sentencing. Denunciations, sometimes anonymous – as well as information gathered by paid spies and informants working for the regime – constituted the major types of evidence. The accused could lodge an appeal within ten days of sentencing, but most appeals were rejected because the accused had difficulty mounting a defence without being informed of the specifics of the charge. Left in prison for weeks or even months awaiting transfer, prisoners often did not know their destination or the duration of punishment. Transported in vans, which were very hot in summer and cold in winter, detainees were chained together in groups of twenty and rode on benches that also served as toilets. In special cases, prisoners travelled to penal camps by train and were required to pay their tickets and that of their police escort. The journey could last several weeks because travel was limited to daytime; at night they were required to stop at the nearest prison.

A police inspector was in charge of each colony, while both soldiers and policemen maintained surveillance. Detainees were housed in communal dormitories or, in some cases, allowed to rent rooms from private landlords. They also received a daily stipend from the state to provide for personal needs, such as food, medicines and clothing. This sum amounted to only 10 lira and was cut in half after the economic crisis of 1929. The detainees were required to be present at two roll calls (a number that increased in the 1930s), at which they had to arrive punctually and dressed ‘in a dignified manner’ on penalty of incarceration.

Each detainee received a *libretta*, a sort of identity card in which the rules of the colony were inscribed, which they had to carry at all times. Any infraction of the rules resulted in additional days of punishment, which were added to the original sentence. In addition to the established rules in the *libretta*, the authorities in command reserved the right to create new ones at will. The internees, however, were not necessarily informed of these new regulations, so there was little to prevent them from unwittingly violating the



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Map 12.1 Italian camps of *Confino*, 1940–1943

new rules and receiving punishment. Repression in *confino* was marked less by outright violence and material deprivations, although those were not lacking, than by arbitrary sentences of indeterminate and potentially endless length, with the prisoners' complete subjection to the whims of the guards. This type of punitive system was opportune

for the regime in that it created what Altiero Spinelli defined as ‘*prigionieri a tempo indeterminato*’ or permanent prisoners. An administrative rather than judicial measure requiring due process, *confino* enabled authorities to arrest almost anyone. While sentences of *confino* ranged from one to five years, the system of reassignment made it possible to be sentenced more than once for the same crime. This dynamic enabled the regime to isolate those political figures it considered most dangerous and unyielding. Nonetheless, because the aim of *confino* was neither forced labour nor death, it cannot be validly equated to the German system of concentration camps.

An exception was the camp at Ferramonti di Tarsia, which was founded in 1940 to incarcerate primarily Jews. The biggest Italian concentration camp during the Second World War, it was under the auspices of General Directorate of Population and Race, established after the passage of the Racial Laws in 1938. With its barracks, guard towers and barbed wire, Ferramonti di Tarsia resembled a concentration camp and, for thousands of foreign-born Jews and 100 Italian Jews, a transit camp to the German *lager*.⁶⁵ But in general the unique features of Italian *confino*, with its long sentences and absence of forced labour, allowed the development of ‘schools of dissent’ on many islands. Through reading, study and discussion, Italian political prisoners prepared themselves for participation in the Italian Resistance Movement of 1943 to 1945 (see Figure 12.2).⁶⁶



Figure 12.2 Liberation by Allied Troops of the Fascist penal colony in Favignana, 1943

Source: U.S. Army Signal Corps, via Associated Press.

The construction of the New Spain: Redemption in Franco's camps

In contrast to most other European nations, Spain developed true concentration camps. Tightly linked to its Civil War, they were a brief but extremely violent phenomenon that involved 500,000 prisoners, 188 camps and over 60 work battalions.⁶⁷ Franco's Nationalists conceived of internment as a punishment for their vanquished enemies who, despite the 1929 Geneva Conventions, were submitted to forced labour. The Nationalist policy towards prisoners can be divided into two phases. During the first period of terror, enemies were killed without possibility of appeal. The second phase began once it became clear that the war would not be brief and the need for the economic exploitation as well as the political and religious rehabilitation of prisoners became crucial. When political prisoners and prisoners of war were 'granted' the right to work for the sake of their moral redemption, they were placed in workers' battalions (*bataillones de trabajadores*) and forced labour camps (*destacamentos*). These so-called battalions, classified according to professional expertise, were assigned to either civilian industries involved in military production or to public or religious institutions. The courts determined the assignation of prisoners to battalions and camps (see Map 12.2). Although Nationalist camps had existed informally since the first year of war, they became part of an organized network only with the creation of the so-called Classification Commission, which categorized prisoners as either *dudosos* (of questionable loyalty to the fascist regime) or *desafectados* (hostile to the regime). The Concentration Camp Inspectorate for Prisoners of War (ICCP) oversaw the camps for prisoners of war. The dissolution of the battalions did not spell the end of forced work in Francoist Spain, which continued to intern dissidents in its penitentiaries and forced labour camps.

Among the most notorious of the Nationalist camps was Miranda de Ebro, which over the course of the war housed thousands of foreign combatants. It was a classic concentration camp, with guard towers and barbed wire, and served both as a detention camp and a collection point for battalions. All this took place in 'small barracks measuring 20 by 4.5 meters, with a central corridor of 75 cm and a dirt floor, which held from 120 to 130 persons ... Outside the roll calls and flag salutes – not to mention the Falangist harangues and compulsory chorus singing – marked out the days.'⁶⁸ In general, the camps had filthy dormitories, provided insufficient food and heat, and lacked medicine, potable water and healthcare. According to Javier Rodrigo, Francoist internment camps are best defined on the basis of what they were not: neither prisons, nor penitentiaries, nor extermination camps, as they were intended to transform rather than annihilate the enemies of the regime. They played an important role in building Francisco Franco's vision of a 'New Spain', in which opponents of the regime were either eliminated or expelled, while those considered 'compliant' were to be rehabilitated. The regime made this possible by resorting to propaganda that pathologized prisoners, defining them as mentally insane individuals whom the regime magnanimously pledged, on certain conditions, to save.

The Republicans also had their own system of internment for enemies of the people, although it was much less extensive than the Francoist camps. In December 1936, a decree of the Ministry of Justice instituted prison labour camps (*campos del pueblo*)



Map 12.2 Spanish concentration camps, 1936–1947

for deserters and political prisoners, which later in the war also included anarchists, Trotskyites, priests, ‘anti-socials’ and homosexuals. These camps also considered forced labour to have both an economic and morally salubrious function. One of the most notable of these different Republican concentration camps was Valmuel, which was exclusively for women.

Final solutions

The twentieth century is scarred by acts of genocide. Between 1904 and 1908, German troops drove tens of thousands of Herero people into the Namibian desert where they died of dehydration or starvation. Eighty years later, Hutu people massacred more than 800,000 Tutsis in their homes in Rwanda.⁶⁹ Perhaps one of the most notorious genocidal acts was the ‘long march’ of the Armenians. In 2006, the French National Assembly approved a bill criminalizing denial of the Armenian genocide, the same year that Turkish novelist Orhan Pamuk won the Nobel Prize for Literature.⁷⁰ Both these events directed the attention of mass media to this peculiar genocide, about

which both international politics and historiography had been mostly silent. Although the extermination of the Armenians did not occur while they were internees, it is closely related to the history of concentration camps.⁷¹

On 24 April 1915, the Turkish government dealt the Armenian elite of Constantinople a severe blow with a series of mass arrests and provisional deportation to the Syrian desert. Within a few hours, the entire Armenian political class, which had been accused of betrayal and separatist aspirations, was placed under arrest and their assets confiscated in order to finance, according to official propaganda, their settlement in Syria. The operation was organized so that its victims were caught unawares and the government could later absolve itself of any possible accusation of genocide. According to Kotek and Rigoulot, there were four phases to the Armenian genocide, each one bearing its own method of extermination according to social class: the elimination of elites and military officers (April–May 1915); the elimination of local notables, who were subject to torture and in some cases also deportation (April–June 1915); the deportation of at least 40 per cent of Armenians of the Ottoman Empire, the majority of whom were exterminated before arriving at their destination; and the transfer of Armenians living in Asia Minor, Thrace, and Cilicia to camps in Syria and Mesopotamia and subsequently their extermination.

According to some researchers, these Turkish deportation camps do not entirely fit the concentration camp model because they were not founded on the pretext of re-educating prisoners or of exploiting them for economic gain. Seemingly closer to refugee camps or ghettos, actually they were preludes to death. Forced to wander endlessly from one transit camp to another in a continuous march of suffering, battered groups of starved and exhausted prisoners were reduced to even smaller bands of survivors. The Turks strategically planned this operation to achieve the objective of eliminating an entire ethnic population with little expense for infrastructure and security.

The Turkish transit camps were located in open spaces far from populated areas. They required little supervision, because the refugees were already worn-out from hunger, exertion and epidemics. A few tents were considered sufficient to give shelter from bad weather, and there was no system of food distribution, which in some cases resulted in cannibalism. The few guards were recruited from the most destitute classes, which provoked the anger of the notables among the refugees and resulted in sudden outbreaks of violence. At a relatively low cost and within a short period of time (April 1915–June 1916), the Turkish government eliminated 1.2 million people through a system of transit camps and death.

The role of extermination camps per se remained marginal, however, until they were used by Nazi Germany. Through the systematic elimination of its enemies, the German concentration and death camps put a definitive end to the question of the penal colony's potential as a site of rehabilitation and reform.⁷² Concentration and later death camps were central to the functioning of totalitarianism. In Nazi Germany, the extensive system of concentration camps held a total of 2.3 million inmates over its lifetime.⁷³ Their creation involved two phases: in the first phase (1933–1939), internment was used to silence opponents of the regime, while the second (1940–1945) utilized prisoners as a labour force to support the war effort.

According to testimony at the Nuremberg trials, the system of concentration camps was not established according to a specific plan, but instead constituted a more ad hoc response for managing the thousands of opponents gathered in early round-ups. This would explain the improvisational and arbitrary nature of these camps in the first phase, which relied on the policy of preventive detention called *Schutzhaft*.⁷⁴ This policy, which allowed for the arrest and imprisonment of political opponents without judicial conviction, was consonant with Nazi leader Hermann Göring's declaration in 1933 that he intended to destroy and eradicate rather than exercise justice. The Decree of the Reich President for the Defence of the People and the State that legalized *Schutzhaft* also transferred control over the internment of political dissenters from the justice ministry to the *Schutzstaffel* (Protective Squad or SS), which had the discretion to enact any measures deemed necessary for maintaining public security.

On Heinrich Himmler's initiative, the first Nazi concentration camp opened in 1933 at Dachau and soon became a model for all the other camps designed to imprison political dissidents. Theodor Eicke, the director of Dachau, has come to be considered the father of the Nazi concentration camp system. Convinced that any form of tolerance was a dangerous sign of weakness, Eicke established four fundamental characteristics: (1) classification of prisoners; (2) work as an instrument of fear and control; (3) a graduated system of punishments; and (4) the death penalty for attempted escape or uprisings. Named inspector of concentration camps in 1934, Eicke extended the Dachau model to the entire system overseen by an ad hoc bureaucracy and SS special units. The typical camp, located in a rural area with easy access to nearby cities, was divided into sections for the prisoners, the administrators and the SS guards.

Gradually internment was extended to other groups besides political opponents of the regime. In 1938 a decree of the Home Office of the Reich established that the *Schutzhaft* could also be applied to anyone with leanings that were likely to disturb safety and internal order. Soon the camps were filled with 'anti-socials', a broad category that encompassed anyone – including the 'workshy' – who was reputed to be dangerous. In this first phase, the camps functioned mostly as detention centres and promised to re-educate prisoners through physical and moral shaming.⁷⁵

In a second phase, marked by the occupation of Europe and the internationalization of the war, the concentration camp system expanded and altered its objectives. To meet the demands of war, the aim of forced labour was shifted from correction to production. In addition, the regime proclaimed a new goal: the extermination of all people who were considered 'deranged' or 'impure' and therefore irrecoverable to the cause. The primary target of extermination was the Jews, whom the Nuremberg Laws of 1935 accused of contaminating the German race. After the first wave of Jews began arriving at the camps in 1938, an explicit policy of extermination was developed in 1941. With this transition to an increasingly racialized definition of the enemy, which included not only Jews but also Slavs and other foreigners, the number of German internees decreased to between 5 and 10 per cent of the total (see Map 12.3).⁷⁶

Thus, the second phase saw the institution of death camps alongside the traditional concentration camps based on slave labour. In Auschwitz, as elsewhere, new arrivals were divided into two groups: those fit and those unfit to work. Extermination was immediate for the latter, while the fit were exploited until they died from exhaustion



Map 12.3 Main SS concentration camps, summer 1944

and starvation. No longer an instrument to simply demoralize and terrify, work turned prisoners into an exploitable resource for the regime: for the labour they could perform; for their possessions, which were confiscated upon arrival; and for their own bodies, which when alive were potential test subjects for experiments, and, once dead, provided jailors with teeth and hair, or could be turned into soap.⁷⁷

After prisoners got off the convoys, they become objects of a selection process designed to evaluate their economic value. Those considered fit to work were led to dormitories, disrobed, shaved, and bathed before being provided with striped uniforms and shoes. After that there was registration, during which personal details were recorded and inmates were tattooed with identification numbers on their left forearm. This number was then sewn onto their clothes, as well as a triangle whose colour indicated the reason for arrest. It was a rigid procedure of identity deprivation that reduced the individual to a number.

In order to avoid the spread of epidemics and physically prepare them for work, prisoners were placed in quarantine for a period ranging from six to eight weeks. During this time, they were forced to rise at four in the morning, perform strenuous

exercises and learn Nazi marching songs. Because they were exempted from work during quarantine, food rations were even more meagre than for others. At the end of quarantine, prisoners were assigned to work. The day was marked by long roll calls in the main square and took place in all weather conditions. The 4.00 am roll call was followed by the late afternoon roll call for returning work teams. Worn out by work, prisoners were further tortured by having to stand to attention for long periods, singing songs or watching punishments. Between 8.00 pm and 9.00 pm, they returned to their barracks. Sirens and the switching off of lights marked the end of the day and, at night, it was forbidden to leave the barracks on penalty of death. Overcrowded dormitories contained bunk beds that were covered by bedstraw and wood shavings; lacked toilets and water; and were damp and infested with mildew and lice. Infectious diseases proliferated. The camp hospital was often overcrowded and therefore patients without a chance of speedy recovery were killed in order to make space for others. Food rations were insufficient, and often starvation led to death. Deprived of their identity and continually humiliated, inmates became psychologically weakened by the violence that was a daily part of camp life. According to Nikolaus Wachsmann, the SS stratagem was to make every day in the camp different so that prisoners could not even count on a specific routine: here too uncertainty became an integral part of punishment.⁷⁸

In addition to the labour camps, the first death camp was opened in 1941. Located in an old castle in Poland, Chełmno, it became the final destination for Jews being deported from nearby ghettos. It was the first camp to make use of gas, and, all told, 150,000 Jews died there. Soon other camps were established: Belzec (550,000 dead), Treblinka (900,000 dead) and Sobibór (200,000 dead). Industrialized killing reached its perfection in Birkenau. In place of carbon monoxide, which was slow and expensive, Birkenau employed Zyklon B, which was manufactured by Degesch, an affiliate of the German chemical giant IG Farben. The organization in the death camps was so meticulous that nothing could hamper the process of production, processing and disposal.

As Kotek and Rigoulot remind us, it is not accurate to equate work camps, such as Dachau, and death camps, such as Treblinka, by placing them under the same label or analysing them by means of the same instruments; even the Nazis distinguished between them, referring to them respectively as concentration camps (*Konzentrationslager*) and extermination camp (*SS Sonderkommando*). They were two emblematic places with very different functions. One result of the Nuremberg trials was to improperly label the entire system as one of concentration camps, obscuring its heterogeneity. During the Shoah, or Holocaust, ideology prevailed over the traditional political goals of safeguarding law and order, state security, or economic or military success. Instead, the Nazi state reduced its penal policy to the complete elimination of 'deviant' groups – Jews, antifascists, gypsies, Pentecostals, communists – and, in doing so, closed a 200-year period of lively debate about prison reform.

Only in the 1970s and 1980s, with the diffusion of gender studies, did Holocaust historians turn their focus to women.⁷⁹ Nazi regulations made no gender distinction in the camps, sparing neither women nor children. Pregnant women and mothers of little children were classified as unfit to work and therefore put to death just like men

considered physically weak. All other women performed the same types of labour as men and were sold to war industries at the same price. Most women were employed in heavy industry and subject to double-shifts of twelve hours each. Moreover, women and men shared the same living conditions, daily protocol and hospitalization procedures.

Some camps, most notably Ravensbrück (1939), were reserved exclusively for women. Established in 1939, north-east of Berlin, Ravensbrück began as a re-education camp to isolate 'deviant' women, including political and common criminals, prostitutes and gypsies. Evolving subsequently into a camp of forced labour and finally of extermination, it held more than 100,000 female prisoners over its ten-year life.⁸⁰ Other camps, such as Auschwitz II in Auschwitz-Birkenau (1942) or Bergen-Belsen (1944), were mixed camps with separate sections reserved for women. The main difference between the genders – according to Wachsmann – was the survival rate, which was much higher among women. Neither the result of stronger female solidarity nor of women's greater aptitude for daily life in the camps, women's relatively long lives were the consequence of their being employed mainly in indoor factory production.⁸¹ Industrial enterprises preferred women, especially for non-lethal work requiring precision. Men, instead, worked mostly outside in construction where they were more exposed to abuse by both guards and fellow prisoners.

Despite the official gender equality of the camps, specific forms of Nazi violence fell only on women and, in some cases, paradoxically restored their gender identity. Gendered violence began with the deprivation of their hair, the most overt symbol of femininity, during the ritual of admission to the camps. Women were also objects of painful and macabre sterilization experiments, such as those conducted by Professor Clauberg at Auschwitz.⁸² Female prisoners were also forced into an internal prostitution system to service male prisoners, organized by Nazi authorities from 1942 to 1944. This type of slave labour fulfilled the Nazi objectives of ensuring prisoner productivity by any means necessary and minimizing homosexual activity. Sex work was elaborately organized just like any other activity in camps. Eligible prisoners had to submit an application and be placed on a waiting list before receiving a summons. They then had to undergo a medical examination and shower before the sexual encounter, which lasted a maximum of fifteen minutes and cost the prisoner 2 marks (unless he had won a prize voucher). The superior dietary and medical treatment of the prostitutes encouraged volunteers among female prisoners. As had happened in Jewish ghettos, sex became a bargaining chip to obtain better living conditions. According to Anna Hájková, economic exchange in the Jewish ghettos was expressed in sexual terms and love affairs in economic terms.⁸³ In the camps, sexual violence served to re-established gender difference by restoring femininity to victims and virility to rapists. That is why – as Monika Flaschka writes – women who survived the extermination camps attributed rape to their superior beauty. They claimed that violence, although painful, had given back to them a female identity that had been lost in the gruelling and dehumanizing routine of prison life.⁸⁴ Such complex findings by gender historians points to the need for more research on the Nazi confinement of women, whose numbers were relatively small in the early years but rose to 28 per cent of all inmates by 1945.⁸⁵

In summary, the twentieth century marked a dramatic shift toward more repressive and inhumane policies in European penal colonies. While the First World War

represented the turning point away from experimentation to consolidation, several earlier developments laid the groundwork for a marked expansion of internment camps that eschewed reform in favour of heavy labour and debilitating discipline. First, the new imperialism of the late nineteenth century, which relied more on outdoor camps than Foucauldian penitentiaries, offered models of harsh punishment that could be re-imported to the metropole. Modern theories of ‘scientific racism’, based on pseudo-evolutionary theories that condoned the subjugation colonial subjects, breathed new life into the European penal colony, long considered a vestige of the old regime. Rather than disappearing, camps became a cheap and expedient form of detention and punishment in a world of accelerating nationalist rivalry and ethnic conflict. As totalitarianism and war came to dominate twentieth-century Europe, penal colonies swelled with foreign civilians and ‘internal enemies’, most notably the Jews but also gypsies and ethnic minorities. In terms of punishment, Europe came to resemble its colonies in terms of forced labour, violence and racism. While wide variations continued to exist during the interwar period throughout Europe and even within nations, where traditional penitentiaries and extra-legal penal colonies often co-existed, the nineteenth-century assumption that rehabilitation would inevitably replace corporal punishment proved to be an illusion.

Conclusion

Within the context of modern Europe, the term penal colony primarily evokes memories of the twentieth-century German concentration camp with its violence and extra-legal procedures. Characterized as barbaric and uncivilized, the *lager* has represented, on the one hand, a reversion to stereotypical ‘medieval’ bodily punishments that were thought to have been replaced by the modern penitentiary. At the same time, the Nazi death camp – supplied by railways, surrounded by electric fences and employing Zyklon B in its gas chambers – was made possible only by a technological modernity that differentiated it from past punishments and foreshadowed the future. Partly because they constituted an unprecedented system of exceedingly brutal punishment, the German camps have been the focus of massive historical research and debate. Yet the Italian and Spanish camps, modelled on the wide-spread internment of ‘political enemies’ during the First World War, are also beginning to receive attention. Considered together, these twentieth-century camps functioned outside the traditional legal system to punish specific political, ethnic and racial groups by confining both men and women for the purpose of forced labour and sometimes death.

Less central to the historical imaginary are the penal camps of the previous two centuries, which have been marginalized in the debates about the birth of the prison. While the historiography about the *bagnes* and juvenile agricultural colonies is rich for a few European states, only future research can establish the quantity and locations of all types of outdoor camps that constituted a parallel system to that of the modern penitentiary across the continent. More eclectic than the later concentration camps,

some eighteenth- and nineteenth-century penal colonies pursued a naked policy of retribution while others professed a belief in re-education. Because the two models overlapped before the First World War, and some institutions based on liberal policies of reform, such as agricultural colonies for youth, survived into the interwar era, it is impossible to identify a general evolutionary tendency for European penal colonies. It is clear, however, that the earlier camps incarcerated smaller proportions of the continental population than those of the twentieth century. Despite the wretched conditions in the *bagnes*, public works camps and police colonies, their target was usually restricted to male members of the 'dangerous classes' rather than large groups defined by political affiliation or race. Traditional courts, rather than the extra-legal military or political bodies of the twentieth century, were most often responsible for sentences of confinement although certain types of penal colonies, for example the police camps in Italy and the agricultural colonies for youth, offered the state flexibility for banishing troublesome individuals who had not violated the law.

The relationship between this complex history of penal colonies within Europe and their counterparts in imperial territories remains to be fully explored. Clearly the *bagnes*, with their harsh living conditions, back-breaking labour and violent discipline, formed a model for many penal camps in South America, Africa and Asia for transported convicts. The use of the term *bagne* to designate French penal colonies in Guiana and New Caledonia demonstrates not only a symbolic kinship but a common purpose to rid France of recidivist offenders. Agricultural colonies for youth also fulfilled 'colonial fantasies', in the words of Ann Stoler, by providing a model of reform seemingly appropriate for less urbanized territories.⁸⁶ Influences between the metropole and the colonies were not solely unidirectional but became circular, as when an Italian prisoner sent into police exile referred to his island as 'Cayenne', implying that an infamous colonial model had been re-imported from the capital of Guiana into European spaces.⁸⁷ Once Italy began to acquire colonies, it consolidated this identification between the internal and external by building a police camp for *domicilio coatto* in Libya and subsequently transporting North African prisoners to agricultural colonies in Sardinia.⁸⁸ This two-way interchange of penal practices between Europe and its empires requires further exploration in terms of both the imaginary and the real. A new mapping of European convicts must include not only those transported overseas but also the inmates of the often forgotten internal penal camps that continued to survive and even expand alongside the new penitentiary.

Notes

- 1 For an overview of prison historiography see Mary Gibson, 'Global Perspectives on the Birth of the Prison', *American Historical Review* 116, no. 4 (2011): 1040–1063. For research on other types of punishment, see Christian De Vito and Alex Lichtenstein, eds., *Global Convict Labor* (Leiden: Brill, 2015).
- 2 Mary Gibson has written the first section titled 'Experimentation'; Ilaria Poerio the second entitled 'Consolidation'. Because both authors are Italianists, Italian research on penal camps will be featured as a contribution to the international historiography

of punishment. We thank Pieter Spierenburg and Jim Cohen for their comments on an earlier draft of this article.

- 3 See Norval Morris and David J. Rothman, eds., *The Oxford History of the Prison: The Practice of Punishment in Western Society* (New York, NY: Oxford University Press, 1998).
- 4 Medieval Italy seems to have been exceptional in the use of incarceration as punishment in Florence and Venice. See Guy Geltner, *The Medieval Prison: A Social History* (Princeton, NJ: Princeton University Press, 2008).
- 5 Pieter Spierenburg, 'Prison and Convict Labour in Early Modern Europe', in *Global Convict Labour*, eds. Christian De Vito and Alex Lichtenstein (Leiden: Brill, 2015), 111.
- 6 For a general history of English workhouses, see Jacques Carré, *La prison des pauvres: L'expérience des workhouses en Angleterre* (Paris: Védémiaire, 2016).
- 7 Foucault's concept of 'the great confinement' was elaborated in his book, *Madness and Civilization: A History of Insanity in the Age of Reason* (New York, NY: Random House, 1965; orig. French edn, Paris: Librairie Plon, 1961). Spierenburg has criticized the concept for exaggerating the rate of internment among the homeless and criminal poor. See Pieter Spierenburg, *The Prison Experience: Disciplinary Institutions and Their Inmates in Early Modern Europe* (New Brunswick, NJ: Rutgers University Press, 1991), 10.
- 8 Joanna Innes, 'Prisons for the Poor: English Bridewells, 1555–1800', in *Labour, Law and Crime: An Historical Perspective*, eds. Francis Snyder and Douglas Hay (London: Blackwell, 1987), 62.
- 9 Spierenburg, *The Prison Experience*, 24.
- 10 On the *maison de force* as a precursor to the modern prison, see Nicole Castan, 'Le régime des prisons au XVIII^e siècle', in *La prison, le bagne et l'histoire*, ed. Jacques Petit (Geneva: Méridiens, 1984), 33. On the women's prison at San Michele, see Mary Gibson, 'Gender and Convict Labour: The Italian Case in Global Context', in *Global Convict Labour*, eds. Christian De Vito and Alex Lichtenstein (Leiden: Brill, 2015), 317–319.
- 11 Carlo De Paolis, 'Galere, ciume e forzati nella Civitavecchia pontificia', *Lazio ieri e oggi* 16 (1980): 54–56.
- 12 Prisoners of war were usually Muslims, captured in Mediterranean conflicts; unemployed men were free workers and therefore received wages, better food and the right to wear their own clothes rather than the prison stripes.
- 13 Hans Schlosser, 'Deportazione e colonie penali come mezzo per l'esecuzione della pena in Germania', in *Le colonie penali nell'Europa dell'Ottocento*, ed. Mario Da Passano (Rome: Carocci, 2004), 57–58.
- 14 André Zysberg, 'Les galères de France de 1660 à 1748: Une institution pénitentiaire sous l'Ancien Régime', in *La prison, le bagne et l'histoire*, ed. Jacques-Guy Petit (Geneva: Méridiens, 1984), 72. See also his more extended treatment in *Les Galériens du roi: vies et destins de 60,000 forçats sur les galères de France, 1680–1748* (Paris: Seuil, 1987).
- 15 Zysberg, 'Les galères de France de 1660 à 1748', 69.
- 16 Thorsten Sellin, *Slavery and the Penal System* (New York, NY: Elsevier, 1976), 92.
- 17 Anna Capelli, *La Buona Compagnia. Utopia e realtà carceraria nell'Italia del Risorgimento* (Milan: Franco Angeli, 1988), 77–78; 313. Tuscany, however, abolished hard labour before unification, unlike most other Italian states, whose *bagni* were inherited by the Kingdom of Italy in 1861.

- 18 André Zysberg, 'Politiques du bagne, 1820–1850', in *L'impossible prison: Recherches sur le système pénitentiaire au XIX^e siècle*, ed. Michelle Perrot (Paris: Éditions du Seuil, 1980). For the statistics, see Sellin, *Slavery and the Penal System*, 92.
- 19 See Sylvain Rappaport, *La chaîne des forçats, 1792–1836* (Paris: Aubier, 2006).
- 20 Jacques Vallette, 'Le bagne de Rochefort, 1815–1852', in *L'impossible prison: Recherches sur le système pénitentiaire au XIX^e siècle*, ed. Michelle Perrot (Paris: Éditions du Seuil, 1980), 226–227. The figures are for the period 1815–1852.
- 21 Sellin, *Slavery and the Penal System*, 56–69.
- 22 For the employment of convict labour (*forzati*) at Ostia Antica, the ancient Roman port that fell to ruins after the founding of modern Ostia, see Arturo Pittaluga, 'Galeotti agli scavi di Ostia Antica', *Lazio ieri e oggi* 11, no. 1 (1975): 171–174.
- 23 Stephan Steiner, "'An Austrian Cayenne': Convict Labour and Deportation in the Habsburg Empire of the Early Modern Period', in *Global Convict Labour*, eds. Christian De Vito and Alex Lichtenstein (Leiden: Brill, 2015), 131.
- 24 *Ibid.*, 135.
- 25 On internal police exile, see Richard Bach Jensen, 'Italy's Peculiar Institution: Internal Police Exile, 1861–1914', in *Essays in European History*, ed. June K. Burton (Lanham, MD: University Press of America, 1989); Mary Gibson, *Born to Crime: Cesare Lombroso and the Origins of Biological Criminology* (Westport, CT: Praeger, 2002), 152–161; Daniela Fozzi, 'Una 'specialità italiana': Le colonie coatte nel Regno d'Italia', in *Le colonie penali nell'Europa dell'Ottocento*, ed. Mario Da Passano (Rome: Carocci, 2004); Ernesto De Cristofaro, ed., *Il domicilio coatto: Ordine pubblico e politiche di sicurezza in Italia dall'Unità alla Repubblica* (Rome: Bonanno, 2015).
- 26 Italy, Direzione Generale della Statistica, *Annuario Statistico Italiano* (Rome: Elzeviriana, 1905–1909), 379; 1911, 94; 1914, v. 4, 151, 487; 1917, v. 7, 148.
- 27 Stephen A. Toth, 'Regime and Resistance: The Mettray Agricultural Colony for Boys', in *History of European Crime*, ed. Richard F. Wetzell (Cambridge: Cambridge University Press, forthcoming).
- 28 Éric Pierre, 'Le colonie agricole per giovani delinquenti nel sistema penitenziario francese durante il XIX secolo', in *Le colonie penali nell'Europe nell'Ottocento*, ed. Mario Da Passano (Rome: Carocci, 2004), 109, 108, 127. On French agricultural colonies for youth, see also Laura Ann Stoler, *Along the Archival Grain: Epistemic Anxieties and Colonial Common Sense* (Princeton, NY: Princeton University Press, 2010), 130–139; Ann Stoler, 'Colony', *Political Concepts*, <http://www.politicalconcepts.org/issue1/colony/> (accessed 3 October 2017); Luc Forlivesi, Georges-François Pottier, and Sophie Chassat, *Éduquer et punir: La colonie agricole et pénitentiaire de Mettray (1859–1937)* (Rennes: Presses Universitaires de Renne, 2005); and Henri Gaillac, *Le maisons de correction, 1830–1945* (Paris: Cujas, 1991).
- 29 Jeroen J. H. Dekker, *The Will to Change the Child: Re-education Homes for Children at Risk in Nineteenth Century Western Europe* (Frankfurt am Main: Peter Lang, 2001), 141.
- 30 *Ibid.*, 181.
- 31 Marie-Sylvie Dupont-Bouchat, *De la prison à l'école. Les pénitenciers pour enfants en Belgique au XIX^e siècle (1840–1914)* (Kortrijk-Heule, Belgium: UGA, 1996), 21.
- 32 *Ibid.*, 227.
- 33 Paul A. Field, *Working Men's Bodies: Work Camps in Britain, 1880–1940* (Manchester: Manchester University Press, 2013), 5.
- 34 *Ibid.*, 19.

- 35 The colony was originally planned for children but the outdoor work proved to be too heavy.
- 36 Alfredo Gambardella, 'Nascita ed evoluzione delle colonie penali agricole durante il Regno D'Italia', *Rassegna penitenziaria e criminologica*, no. 1 (2008): 31. On Italian agricultural colonies, see Mario Da Passano, ed., *Le colonie penali nell'Europa dell'Ottocento* (Rome: Carocci, 2004), particularly the chapters by Monica Calzolari and Da Passano on the Tre Fontane, and Franca Mele on Asinara.
- 37 Gambardella, 'Nascita ed evoluzione delle colonie penali agricole durante il Regno D'Italia', 26, n. 76.
- 38 *Ibid.*, 30.
- 39 P. Nocito, 'Una escursione alla colonia penale delle Tre Fontane', *Nuova Antologia*, September 1882, 286.
- 40 The exact specifications for these huts (*capannone*), as well as for other buildings planned for the hard labour camp at Tre Fontane can be found in *Rivista di discipline carcerarie*, vol. 11 (1881), 360–367.
- 41 Franco Della Casa, 'Dalle colonie penali alle misure alternative: ovvero tentativi (non riusciti) di detronizzazione della pena detentativa', *Materiali per una storia della cultura giuridica* 36, no. 1 (2006): 155.
- 42 Alexis de Tocqueville, 'Premier rapport fait au nom de la commission de la Chambre des Députés chargée d'examiner le premier projet de la loi sur les prisons', *Revue pénitentiaire et des institutions préventives* 1 (1843–1844).
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- 44 John Horne and Alan Kramer, *German Atrocities, 1914: A History of Denial* (New Haven, CT: Yale University Press, 2001).
- 45 Odon Abbal, *Soldats oubliés: Les prisonniers de guerre français* (Bez-et-Esparon: E & C, 2001); Giovanna Procacci, *Soldati e prigionieri italiani nella grande guerra* (Turin: Bollati Boringhieri, 2000); and Annette Becker, *Oubliés de la Grande Guerre. Humanitaire et culture de guerre, 1914–1918: Populations occupés, déportés civils, prisonniers de guerre* (Paris: Noesis, 1998).
- 46 Uta Hinz, 'Prigionieri', in *La prima guerra mondiale*, eds. Stephane Audoin-Rouzeau, Jean-Jacques Becker and Antonio Gibelli (Turin: Einaudi, 2007); Heather Jones, *Violence against Prisoners of War in the First World War: Britain, France and Germany, 1914–1920* (Cambridge: Cambridge University Press, 2011); see also Uta Hinz and Heather Jones, 'Prisoners of War (Germany)', in *1914–1918 online. International Encyclopedia of the First World War*, eds. Ute Daniel et al. (Berlin: Freie Universität Berlin, 2014).
- 47 Leo Spitzer, *Lettere di prigionieri di guerra italiani (1915–1918)* (Turin: Bollati Boringhieri, 2014).
- 48 Carlo Spartaco Capogreco, *I campi del duce. L'internamento civile nell'Italia fascista (1940–43)* (Turin: Einaudi, 2004), 51.
- 49 The camps instituted during the Great War and destined to accommodate civilians from enemy nations (e.g. German citizens interned in France and in England in 1914, Italian citizens interned in USA in 1941 to 1942) come under the category of internment camps as well as Italian camps, such as Ferramonti, for foreign Jews; Tito's camps in post-1948 Yugoslavia for Stalinists; and the camps for Algerian civilians during the war for independence.

- 50 By the end of the war (1902), 30,000 farms had been burned, 58 camps had been established, 120,000 people had been deported, and 27,676 died of disease and malnutrition (among them 22,000 were children). See Bruna Bianchi, 'I primi campi di concentramento. Testimonianze femminili da Cuba dalle Filippine e dal Sud Africa (1896–1906)', *DEP*, no. 1 (2004): 9; and Bruna Bianchi, *Deportazione e memorie femminili (1899–1953)* (Milan: Unicopli, 2002), 67–68. On the imprisonment of the Slavs during the Second World War, see 'Les systèmes d'occupation en Yougoslavie (1941–1945); International Conference on the History of the Resistance Movements Karlovy Vary, Institut pour l'étude du mouvement ouvrier, Belgrade, 1963; Tone Ferenc, 'La deportazione di massa della popolazione jugoslava nella seconda guerra mondiale', in *Spostamenti di popolazione e deportazioni in Europa (1939–1945)*, ed. Rinaldo Falcioni (Bologna: Cappelli, 1987), 152–161; and Alessandra Kersevan, *Un campo di concentramento fascista: Gonars, 1942–43* (Udine: Edizioni Kappa Vu, 2003).
- 51 *Les internées en Suisse. Tels qu'ils nous ont vus* (Geneva: Les Éditions Labor, 1940).
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- 53 Joël Kotek and Pierre Rigoulot, *Il secolo dei campi* (Milan: Mondadori, 2001).
- 54 Capogreco, *I campi del duce*, 49.
- 55 Bruna Bianchi, 'I civili: vittime innocenti o bersagli legittimi?', in *La violenza contro la popolazione civile nella Grande Guerra. Deportati, profughi, internati*, ed. Bruna Bianchi (Milan: Unicopli, 2006), 13–82.
- 56 Horne and Kramer, *German Atrocities*, 437–439.
- 57 Geoffrey Best, *Humanity in Warfare: The History of the International Law of Armed Conflicts* (London: Methuen, 1980), 171.
- 58 Nicoletta Gullace, 'Sexual Violence and Family Honor: British Propaganda and International Law during the First World War', *American Historical Review* 102, no. 3 (1997): 714–747.
- 59 The IV Convention was approved in Geneva on 12 August 1948. See also Edoardo Greppi, *I crimini di guerra e contro l'umanità nel diritto internazionale, Lineamenti generali* (Turin: Utet, 1999), 599 ff.
- 60 See 'Convention relative au traitement des prisonniers de guerre signée à Genève le 27 juillet 1929', Sociétés de Nations. Recueil de Traités, 1931–1932, vol. 118, 344–411.
- 61 See the *Memorandum* (from the Tokyo Draft) in the 'Revue Internationale de la Croix Rouge', v. 21, September 1939, n. 249, 741–748.
- 62 Edoardo Greppi, *I crimini di guerra e contro l'umanità nel diritto internazionale: Lineamenti generali* (Turin: UTET, 1999).
- 63 For an overview of French camps of internment, see Denis Psechanski, *La France des camps: L'internement 1938–1946* (Paris: Gallimard, 2002); and Claude Del Pla, *Le camp du Vernet d'Ariège* (Toulouse: Édition Privat, 1994).
- 64 Ilaria Poerio, *A scuola di dissenso: Storie di resistenza al confino di polizia (1926–43)* (Rome: Carocci, 2016), 30; Michael R. Ebner, *Ordinary Violence in Mussolini's Italy* (Cambridge: Cambridge University Press, 2006); Jonathan Dunnage, 'Social Control in Fascist Italy: The Role of Police', in *Social Control in Europe, 1800–2000*, eds. Clive Emsley, Eric Johnson and Pieter Spierenburg (Columbus, OH: Ohio State University Press, 2004). On *confino*, see also Adriano Dal Pont and Simonetta Carolini, eds., *L'Italia al confino. Le ordinanze di assegnazione al confino emesse dalle commissioni provinciali dal novembre 1926 al luglio 1943*, 4 vols (Milan: La Pietra, 1983).

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- 66 Poesio, *A scuola di dissenso*, 113–165.
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- 69 On the Herero genocide see Benjamin Madley, 'From Africa to Auschwitz: How German South West Africa Incubated Ideas and Methods Adopted and Developed by the Nazis in Eastern Europe', in *European History Quarterly* 35, no. 3 (2005): 429–464. See also Dirk Moses, ed., *Empire, Colony, Genocide: Conquest, Occupation, and Subaltern Resistance in World History* (Oxford: Berghahn, 2008).
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- 71 On the Armenian genocide see Vahakn N. Dadrian, *Autopsie du génocide arménien* (Brussels: Complexe, 1995); and Taner Akçam, *The Young Turks' Crime against Humanity: The Armenian Genocide and Ethnic Cleansing in the Ottoman Empire* (Princeton, NJ: Princeton University Press, 2012).
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- 73 Nikolaus Wachsmann, *KL: A History of the Nazi Concentration Camps* (New York, NY: Farrar, Straus and Giroux, 2015), 6. This number does not include the roughly 3 million sent to death camps and immediately murdered.
- 74 For an investigation of *Schutzhaft* see Camilla Poesio, *Il confino fascista. L'arma silenziosa del regime* (Roma-Bari: Laterza, 2011); Robert Gellately, *Backing Hitler: Consent and Coercion in Nazi Germany* (Oxford: Oxford University Press, 2001); and Eric Johnson, *Nazi Terror: The Gestapo, Jews and Ordinary Germans* (New York, NY: Basic Books, 1999).
- 75 'The more punishments become implausible – says a member of SS – the more our safety increases'. See Kotek and Rigoulot, *Il secolo dei campi*, 233.
- 76 *Ibid.*, 233; see also Wachsmann, *KL: A History of the Nazi Concentration Camps*, 309–311.
- 77 On forced work in the concentration camps, see Jens-Christian Wagner, 'Work and Extermination in the Concentration Camps', in *Concentration Camps in Nazi Germany: The New Histories*, eds. Jane Caplan and Nikolaus Wachsmann (London: Routledge, 2010), 127–148.
- 78 For daily life in camps, see Wachsmann, *KL: A History of the Nazi Concentration Camps*, esp. 124–127.
- 79 See Claus Füllberg-Stolberg et al., eds., *Frauen in Konzentrationslager Ravensbrück* (Bremen: Temmen, 1994), 8.

- 80 On Ravensbrück, see Livia Borsi Rossi, *Le donne di Ravensbrück* (Turin: Einaudi, 1978); Germain Tillon, *Ravensbrück* (Paris: Points, 2015); and Sarah Helm, *Ravensbrück: Life and Death in Hitler's Concentration Camp for Women* (New York, NY: Anchor Books, 2015); for the persecution of prostitutes, see Victoria Harris, 'The Role of Concentration Camps in the Nazi Repression of Prostitutes, 1933–9', *Journal of Contemporary History* 45, no. 3 (2010): 675–698.
- 81 Wachsmann, *KL: A History of the Nazi Concentration Camps*, 499–502.
- 82 Sterilization was effected using X-rays and a sterilizing liquid of silver nitrate and radiological contrast liquid that was sprayed on the cervix. This method caused a terrible pain and widespread genital bleeding. On medical experiments in Nazi camps, see Robert Jay Lifton, *The Nazi Doctors: Medical Killings and the Psychology of Genocide* (New York, NY: Basic Books, 1988); Luciano Sterpellone, *Le cavie dei Lager: Gli esperimenti medici delle SS* (Milan: Mursia, 1978); and Wachsmann, *KL: A History of the Nazi Concentration Camps*, 450–465.
- 83 Anna Hájková, 'Sexual Barter in Times of Genocide: Negotiating the Sexual Economy of the Theresienstadt Ghetto', *Signs* 38, no. 3 (2013): 503–533.
- 84 Monica Flaschka, "'Only Pretty Women Were Raped': The Effect of Sexual Violence on Gender Identities in Concentration Camps', in *Sexual Violence against Jewish Women during the Holocaust*, eds. S. Hedgepeth and R. Saidel (Hanover, NH: Brandeis, 2010).
- 85 Jane Caplan, 'Gender and the Concentration Camps', in *Concentration Camps in Nazi Germany: The New Histories*, eds. Jane Caplan and Nikolaus Wachsmann (London: Routledge, 2010), 83.
- 86 Stoler, *Along the Archival Grain*, 131.
- 87 Ettore Croce, *A domicilio coatto. Appunti di un relegato politico* (Casalvelino Scalo: Galzerano, 2000; orig. 1899), 19.
- 88 Francesca Di Pasquale, 'La colonizzazione penitenziaria nella costruzione nazionale: Madrepatria e oltremare a confronto (1861–1933)', in *Lontano vicino. Metropoli e colonie nella costruzione dello Stato nazionale italiano*, eds. G. Bascherini and G. Ruocco (Rome: Jovene, 2016), 174–175.

Epilogue – In Carceral Motion: Disposals of Life and Labour

Ann Laura Stoler

If transportation touched almost every continent of the globe, as Clare Anderson rightly reminds us, one of the many striking insights that we gain from reading this collection of chapters is that it did more than touch the fundamental institutions associated with European ‘progress,’ ‘development,’ ‘modernization’ and the imperial ventures of capitalist expansion.¹ ‘Transportation’ and the varied forms of forced convict labour it enabled provided a crucial node in a carceral-military-industrial complex of a long durée, and on a global scale (Johan Heinsen’s chapter indeed notes a specific ‘proto industrial complex’ taking form in Copenhagen’s prison workhouses as early as the turn of the seventeenth century).

This is not to suggest homogeneity either in time or space in how that complex operated; that is, in the weighting of its different elements, the specific forms of investment and destruction on which it counted, uniformity in the populations recruited – or where the profits would ultimately rest. I take my task here not to be one of ferreting out generalizations but rather one of drawing conceptual sustenance from some of the marked similarities that these contributions bring into relief as well as drawing out less articulated threads of patterns that such a collective project suggests. While respecting the carefully delineated specificities of these chapters, there are some strong resonances, deeply etched patterns – as well as more thinly traced ones – worth perhaps pressing further.

Punishment as labour, labour as punishment, and the curative and coercive forms they entwined were neither limited to an old regime of governance nor invented for new ones: the moral and political economy that weds labour and punishment remains the bedrock of our religious, educational, military, familial and judicial systems to this day. We would do well to understand how they have formed, how they have changed, and how they continue to work to affect the possibilities and constraints on so many people’s lives. This collection goes far in making more visible and more legible both the substantive and subjacent forces – and mutations – in those processes of profiting-making, war-making, depoliticization and duress.

Christian G. DeVito and Alex Lichtenstein’s recent volume *Global Convict Labor* begins with a breath-taking bibliographical chapter that makes further rehearsals of

the temporal and spatial stretch and import of convict labour redundant.² But there are still issues raised in that collection and in this one (numbers of the contributors appear in both) that demand further reflection, not least because they so fly in the face of what was for so long a separate and guarded treatment of carceral forms, capitalism, and the practices attributed to the space and time of what constituted the 'modern'.

We might begin by observing that changes in sites of incarceration and the specific types of hard labour performed were rarely determined by the priority of punishment alone, nor by what was imagined to be commensurable with the severity of what was considered a crime. The distribution of carceral institutions and the matrix of movement that gave reason to carceral locations were responsive to and geared toward other equally pressing priorities. Their configurations allowed for an effective – if not agile – mobilization of deployable, disposable labour, and what I would call '*precariously able*' men (a point to which we will return) to perform the work required for expanding the domains for capitalist growth, for enabling the empowered swelling of militarized states, and to serve as both agents and instruments of the imperial dispossession of racially marked peoples throughout the world. Ryan Edwards rightly points to the fact that large penal networks were 'pragmatic undertakings' designed to 'develop the frontiers of burgeoning nations.'³ They were equally strategic and pragmatic undertakings designed to develop the imperial and transnational frontiers of capitalist enterprises and the infrastructures that would sustain them.

The intricately established and frequently revised legal codes that distinguished among types of transportation and the categories of those transported – and the dispersion and separation of them – from petty criminals to renowned political insurgents – belie practices on the ground that ignored those typologies and distinctions when they were in the way. Legal limits on the extraction of convict labour (hours per day of labour, days per month of work, years committed to transportation) could be and were made irrelevant under conditions deemed of political and economic urgency by those with power to ignore such juridical intrusions (remembering too that the law more often condoned and abetted than limited or alleviated the harshness of transportation). Such was clearly the case when there were new colonies to be settled, forests to be quickly felled for settler homesteads, land to be cleared for commercial crops, urban riots to be squashed in metropolises and their elite and subaltern participants expelled, cut off from community and communication – and removed from politics.

Circumvention of the law and legal codes that enabled the recruitment and use of convicts offer alerts: convict labour in its early eighteenth- and nineteenth-century forms was already a valuable commodity in the very early Iberian Portuguese presidios that was to become an increasingly racialized one under the extensive leasing of convict labourers (many of whom were 'freed' former slaves) to build the railways, dig the dams, harvest Florida's 'turpentine forests', and mine the quarries for private industry and 'public works' in the USA in the nineteenth and twentieth centuries.⁴ Vagrancy laws and legalized peonage in that period coupled with 'fenced enclosures' of black workers in lumber camps where debt and gambling were encouraged and no visitors were allowed makes it difficult to distinguish such conditions from the forced labour of prison camps.⁵

The production of the precarious poor

As many of these chapters provocatively suggest, the availability of unfree convict labour was not a minor supplement to the making of imperial formations and capitalism's expansions but a key element in their mutual sustenance and growth. But none of this was possible, I would argue, without a groomed landscape of inequality and the production of a precarious, unprotected poor on whose ready displacement, and dislocation, large infrastructural projects would depend. Not only was the legal apparatus of states often in the service of enabling transportation, with sentencing varying widely for the same crimes. More importantly, what constituted 'crime' itself was parasitic on a prior fear and definition of those who might be included in the 'dangerous' classes, considered 'vagrant', a logic that targeted the disempowered and dispossessed, and/or the politically recalcitrant.

The use of convict labour – as legally and morally sanctioned punishment – was not so much exempt from public scrutiny, as endorsed by it and deemed unworthy of further attention (except as spectacle when chained men were paraded through cities and countryside or as entertainment when colonial crowds congregated on the docks to gape at the chained cargo disgorged from convict ships as they landed in French Guiana).⁶ If the uses to which convicts were put were relegated, as were those convicted, to the peripheral vision of civic attention, neither were marginal to the tactics of a legal and administrative order bent on governing the poor.

We need not resort to a presentist reading of the past to endorse Loïc Wacquant's description of today's incarceration regimes as a strategic apparatus for 'punishing the poor'.⁷ Transportation and convict labour have long been part of a modular complex of projects for doing just that. Both are elements in the structures of violence and dominance. They are neither reducible to the excesses of liberalism gone awry, nor to the excesses of totalitarian regimes, but actively organic and operative in both.

Civil wars on the poor, as Eric Alliez and Maurizio Lazzarato so cogently argue, combine the production of class and racial enemies – assaults on the poor that are neither aberrancies of less civilized 'moments' in liberalism's histories, nor part of empire's embarrassing and regrettable past.⁸ As Didier Fassin underscores, there are 'social conditions of production of penal history' of which the mobilization of convict labour is a longstanding and contemporary part.⁹

If the vocabulary has somewhat changed, the political semiology has not: incarceration continues to feed off selectively racialized populations rendered as society's 'internal enemies' against which the state construes its primary task as defence of society, its good citizens and itself. Michel Foucault and Karl Marx offer not so much contrary theories in an interpretive analytics of how carceral machines work but complementary ones. Together they provide an understanding of what it is to be subsumed by categories and conditions that narrow one's choices if not seal one's fate. Both address the conditions of possibility of different sorts – definitions of criminality, what constitutes adequate punishment, how a 'surplus' population is formed – that render some parts of the population more available and susceptible to policing, conviction and prolonged sentences than others.

This issue is a crucial one: to what extent transportation and convict status were actually *enabled* by a social taxonomy that assumed the inherently dangerous proclivities

of those unemployed, itinerant, designated as 'vagrant' and/or impoverished? Definitions of 'crime' and the biographies of those subject to those definitions tell us something else on which these chapters insist: namely that transportation and years of convict labour could be death sentences but also episodes in lives damaged by coercions, ill-health, and diminished by privations and containment. Convicts were used and abused for sundry purposes, some unvoiced but shared: degradation was fundamental. Labour regimes for convicts subscribed to dire physical and psychological treatment, untenable work quotas and punishment for not meeting them that stretched the limits of what counted as 'inhuman' conditions of work and put those limits to its test.

The 'slow violences' of a life 'primed' for petty crime and vagrancy that could lead to overseas convict labour suggests how deeply carceral conditions and exclusions pervaded the social life of the poor.¹⁰ These institutions are often portrayed as the extreme, excesses of corporal punishment, outside the norm, rather than intensified refractions of what fortified 'normality' and the norm itself. The making of 'disposable' ('*jetable*') persons, as the French philosopher Bertrand Ogilvie has argued, is part of the *structural violence* of a global economy and world order that demands and depends on that making.¹¹ Convict labour is often thought of as comprising those who were 'superfluous' and a danger to the smooth order of civil society. One need not be an avid reader or devotee of Karl Marx to appreciate the extent to which a 'situation of exclusion leads by its very nature to violence', as Etienne Balibar among others has argued.¹² The point is that the production of superfluity is an historical act: people are not superfluous ontologically, they were and are made so, rendered inadequately schooled or skilled for civil life, some already the equivalent of sub-citizens before transportation ensured their removal from the polis all together.

While we might think of convict labour as occupying the outer margins and excesses of how capitalist economies based on wage labour run, more evidence suggests that transportation and convict labour are well within its conventional parameters and prevalent logics. Penalty adheres to a moral economy of suffering and retributive resolution. As Didier Fassin notes, over-exploitation of labour is a normative principle in the political economy of capitalist growth. The carceral machine feeds off the production of the poor and depends on both. Foucault was undoubtedly right that punishment was not intended to stop infractions but rather 'to distinguish them, to distribute them, and use them'.¹³ The phrase is a favoured one among those of us who attend so carefully to his words, but in the case of penal colonies and transportation – two issues he chose not to address – it is quite clear that 'use' was a first order priority, distinctions were elaborated, collapsed, or reformulated to serve specific projects and ends.

Within the normative narrative of punishment, one could easily imagine transportation to be a response to a crime but one could turn the issue around and ask whether punishment was not necessarily a response to a *past* action, but the anticipation of a future, potential one. It is an argument I have made for sometime with respect to imperial regimes of security, where punishment anticipated who might be, who had an inclination to be, who was in the category of those already imagined to be criminals by nature and in the making, and to which the counter-violence of the state was posed as a reasonable and reasoned response.¹⁴ In Foucault's historical schemata, punishment of a crime was superseded in the nineteenth and twentieth centuries by punishment

of a criminal, a person imagined to bear features, inclinations, dispositions of what was only nascently visible or in formation – and from which society must be on the *qui vive* and defend itself. It is noteworthy that the term that serves as the title for and frames Foucault's 1976 Collège de France lectures, *Society must be defended*, devoted to the war of races and racism as foundational to biopolitical states, is anchored in the conceptual theme of the 'dangerous individual' who in the nineteenth and twentieth centuries becomes 'the principal target of punitive intervention'.¹⁵

Let us review for a moment the conditions that need to be met, and the sorts of demands that converge in the production and disposability of convict labour: (1) availability of a population rendered superfluous by the partially disabled states that their conditions of impoverished and precarious existence confer; (2) convict labour depends on the availability of a population whose reproduction is neither assured nor required. Those persons can be 'used up', and/or die and be replaced by new sources of supply; (3) they may be made up of the 'fringe' members of society, but they are also *made into a fringe*. As importantly, they are at the core, not the fringe of a global political economy parasitic on underclasses equipped with few possibilities of redress once caught in the carceral net; and (4) shorn of the physical and psychological and not least political wherewithal to make effective demands or extricate from entrapment, it is their severing from the polis which is key, as we shall see.

That convict labour demands may depend on those rendered as fringe members of society but central to the moral and political economy of carceral regimes is a point Timothy Coates' thoughtful examination of convict labour in the rise of global capital and Portugal's strategic role makes in several ways. Coates points us to the term, '*degrado*' used for convict labourers, capturing the prior and subsequent degradations that the label invokes – both the person and punitive conditions to which they deserve to be subjected.

The overriding caveat and contribution in this volume is the warning not to flatten out the multiple tangible and intangible instruments of coercion and violence that convict transportation and penal colonies embraced. Nevertheless it is difficult not to see the 'carceral archipelago of empire' (a term I have long used to extend and mark the breadth of infrastructural and institutional practices that exceed Foucault's more constricted parameters) as representing 'degrees of unfreedom' (a term that Lisa Lowe introduced with respect to empire in North America) mirrored in other labour regimes dependent on isolation, violence and containment.¹⁶ When pushed up against one another as in these chapters, the contrasts between the conditions of duress of disenfranchised, propertyless wage workers, for all intents and purposes removed from the polis as participants, and those subject to convict labour seem to express qualitative gradations of unfreedom rather than a stark contrast of kinds. The constellation of delimitations that make up the spare freedoms of a (bare) life resonate with those Achille Mbembe describes for the 'colony':

a place and a time of half-death-or, if one prefers, half-life. It is a place where life and death are so entangled that it is no longer possible to distinguish them, or to what is on the side of the shadow or its obverse:

'Is that man still alive, or dead?'

What death does one die 'after the colony?'¹⁷

Removal from the polis

One of the most striking features of the status of convict labour is what it does to the personhood subject to it. Degradation we know is an essential element, something clearly described throughout these essays, but about which the reader wants to know more. But I would argue that there is another strategic feature of conviction, confinement and exile that attempts to transform the polis from one that tolerates dissent from one that does not, that removes those who might mobilize their resentments to political ends.

One need not fully embrace Aristotle's claim that humans are political animals by nature to question the status of sociality that remains in the absence of a possibility of making a demand or a claim. Carceral sites are neither extra-legal, nor outside the bounds of the state. However, when its occupants are placed outside political participation in the demos, this condition calls into question how much the reduction to occupying a political no man's land confers a status which can waiver between the sub-citizenship and the sub-human, where the intensity of extraction and exaction is put to the test. The 13th Amendment to the United States Constitution in 1864 – ostensibly designed to forbid slave labour instead did something else, as many historians have documented: it placed 'convict labour' outside the pale of protection from enslavement and ironically outside the moral economy of the law.¹⁸

Transportation puts the political being out of commission. Participation in the polity is often severed (even if we know from the correspondence of many 1870 communards sent to New Caledonia that for them it was not). This does not mean that other forms of sociability, refusal and agency are not possible.¹⁹ But it does mean that the 'right to have rights' – there and then – is not only the excluded middle of transportation but one of its primary *raison d'être*. In defining extreme violence, Etienne Balibar points to two modalities of the destruction of the capacity to act: one which reduces the person to 'the status of things that can be eliminated or instrumentalized at will in a world of commodities.'²⁰ But I would argue that the most significant aim is what Balibar in turn calls 'the destruction of the conditions of possibility of politics.'²¹ In the case of convicts and penal colonies, 'destruction' takes another form; removal from the conditions of possibility of participation all together. Balibar is concerned with the capacity to act on one's own behalf. Transportation does not freeze out the possibility of such assertion but it makes the stakes of retort, of claim, and of non-acquiescence very high: subjection to more intensified violence, increased degradation, torture and/or death.²²

Disposabilities

Hamish Maxwell-Stewart's chapter on convict labour in the seventeenth-century Atlantic is in some ways a cautionary tale against too readily writing history off the legal documents that were to distinguish among labour regulations if not labour regimes. It too adds to the cumulative weight of the volume as a whole which calls into question again whether the global political and moral economy in which convict

labour was enmeshed represents not the extremes of labour exploitation but rather an intensity of unfreedom along a continuum in which convict labour, as Maxwell-Stewart writes, was ‘surprisingly difficult to distinguish’. By his account, some forms of convict labour in the seventeenth-century Atlantic were ‘positively benign’ when compared to ‘metropolitan alternatives for punishing prisoners’.

Still, his evidence of arbitrary sentences that by-passed the courts, convictions issued ‘by a head of state or one of their subordinates’ suggests that conviction and transportation operated within the law as often as outside it. And even within the law, few rules applied. Which leads us to ask why punishment and banishment in the non-legal sense of the term, and the consequences of both, exceeded legal constraint again and again? His observation is important: ‘practice muddled all the boundaries’ precisely because the distinction from other forms of unfree labour was often ‘paper thin’ and could not be specified or clearly defined. And was this not part of a strategic dispositive in the coercive and corrosive regimes that were responsive to the timing and duration of disposability?

At issue is how we understand the historical specificities of ‘disposal’. If we take ‘disposal’ to be both the act of throwing away and the state of being ready for use, we might see these definitions not as contradictions but as the crystallization of a process in which both elements are at play in a carceral regime: a ridding of social and political ‘detritus’ and a making available what is left of the convicted able-bodied for something else. The carceral machine distributes degraded beings, produces and counts on their able-bodied degradation.

The cumulative power that such a volume accrues from its broad temporal and spatial stretch is to remind us too why global history can neither be sought in the abstract nor reduced to detailed descriptive inventories. It is in the patterned but distinctive rhythms and paces, in the conjectural moments of what I have elsewhere called ‘managed mobilities’ and the specific directionalities of them, that the multiple political rationalities to which carceral systems were tethered come into play.²³

While prototypic features of all transportations and all convict labour are not to be made, there are defining features that bear more of what Wittgenstein might have considered a ‘family resemblance’ rather than a fixed list of attributes. What this collection allows us to see with unusual clarity is worth saying again: (1) that convict labour has not been on the outskirts of the nation-state formation, nor a peripheral form of capital accumulation, nor as an extreme form of punishment but exemplary and paradigmatic sites in which these practices were honed; (2) convict labor and transport were fundamental, and constitutive dispositives for ensuring the strategic removal of some from the polis, the abrogation of civil rights, and exile (internal or external) from access to a prior community from which one might get support and to which one might belong.

This was certainly not *always* the case. However, it may be worth pushing this point to understand yet another feature: namely, (3) how much transportation and convict labour were active processes of ruination that produced diminished wherewithal, that depended on psychological and physical duress whose toll would be further disabling, exposure to more violence for not being ‘able’ enough, predation of others, a weakened bare state and death.

But the lessons we might glean from this collection are broader still: if we ever imagined a linear story of modernity that has moved from coerced to free labour, the varied forms in which transport has been called upon to place convicts where they were most needed and when, disrupts that narrative. As we learn from Mary Gibson and Illaria Poerio's chapter as well as those of Hamish Maxwell-Stewart's and Clare Anderson's, slavery and indentured labour followed transportation and convict labour – not the other way around. The commitment to punishment, the rise of capitalism, and the technologies of warfare rested on development of a vast infrastructure that invested heavily in the joint venture of securing sites of confinement and enabling the strategic movement of convicts at the same time. The clearing of forests and jungles, the making of roads and railways, logging, mining and other work tasks depended on able and disposable bodies where they were needed, and for however long.

The conventional notion that capitalist expansion was forged on the backs of waged labour long has been undermined by historians who have argued that slavery and racism were at its emergent core.²⁴ The contributions to this volume suggest another revision that runs against the grain of claims that early liberalisms and later democracies are forged on increasing freedom. Coerced, punitive, convict labour has played a major and sustained role in building the infrastructure of what we take to be the hallmarks of what is modern: e.g., the Dockyards of Bermuda and Gibraltar, and the port city of Singapore. Convicts built major sections of the Trans-Siberian railway that would transport latter generations of convicts to mine gold in the farthest northern arctic regions of the Soviet Union in the 1930s. And turning to a longer *durée* from an earlier moment, a key feature of these contributions, as Timothy Coates notes, is that convicts were not only at the forefront of Portugal's expansion into North Africa in the fifteenth century: convicts provided 'emergency manpower' – for two projects: military service and/or a settler empire.

Penal colonies and work camps were not haphazardly placed in far off islands or in isolated locations from convicts' places of conviction: 'the carceral archipelago of empire' was a strategic mapping of resource extraction, plantation investment and colonial settlement. As the chapters in this volume show, this was the case across a range of locations including Australia, Hokkaido, the Bay of Bengal and the Russian Far East. In the USA, Georgia's Bellwood Quarry was not an exception: the convict camp was 'developed around the extraction of granite'.²⁵

If everyone imagined that modernity heralded the end of torture, degradation and debasement, the convict complex does more than contravene the fiction of that tale. We now know not only that commodified free wage labour was only one form of commodified labour control, a point that De Vito and Lichtenstein make so well. As importantly, we find ever more evidence that vacillating unfreedoms – intensified, redistributed, in motion, frozen, reinforced – are the currents of capitalism and the cross currents of empire stilled, arrested and in motion. They are the fundamental features of modernity, not its exception.

But perhaps the most chilling feature of this profusion of work on the imbricated histories of the carceral machine and capitalist innovation is timing: the fact that there is more historiography on their nexus and more scholars are focusing on that nexus than ever before. Is it our present that befits this urgency, that compels this work, that

accounts for why this is a crucial history of the present and why it obsesses us now? The answer may be too obvious – incarceration is a deeply lucrative profit making machine and an eminently racist one. It is today the site of ‘racecraft’, as Barbara and Karen Fields would call it, the crafting and honing of racial discriminations and the categories of unworthiness into which different ‘social kinds’ are assigned.²⁶

As a history of the present, the histories we are offered dating back to the fifteenth century alter the optics within which global networks are lodged. The contemporary carceral machine is big business: for private investors, contractors, state coffers and public works. This volume makes the strong case, not only that the carceral complex is and has long been the lynch pin of the proto industrial military complex but that it is a treacherous ‘safety’ net in the supply and demand for labour, a dispositive of pacification, and a machine historically and deeply implicated in securing the distributions of inequity which racial formations create and on which they thrive. Not least we should be compelled to reach further into these histories to track the juridical forms that were complicit and remain complicit in meting out who and what is an infraction – and thus where sentencing still can be traced through the lineaments of race.

Notes

- 1 Clare Anderson, ‘Introduction: A Global History of Convicts and Penal Colonies’, in this volume, p. 1.
- 2 Christian G. De Vito and Alex Lichtenstein, *Global Convict Labour* (Leiden: Brill, 2015).
- 3 See Ryan Edwards, ‘Post-Colonial Latin America, since 1800’, in this volume, p. 250.
- 4 The ‘proper’ use of convict labour not as ‘collateral’ for profit-making was a contested issue in the USA for decades. See, for example, Joseph Hyde Pratt, ‘Convict Labor in Highway Construction’, *The Annals of the American Academy of Political and Social Sciences* 46 (1913): 78–87.
- 5 On the ‘manufacturing of convicts’ to provide cheap, coerced labour, see Jerrell H. Shofner, ‘Forced Labor in the Florida Forests 1880–1950’, *Journal of Forest History* 25, no. 1 (1981): 14–25.
- 6 Richard Price, *The Convict and Colonel: A Story of Colonialism and Resistance in the Caribbean* (Durham, NC: Duke University Press, 2006).
- 7 Loïc Wacquant, *Punishing the Poor: The Neoliberal Government of Social Insecurity* (Durham, NC: Duke University Press, 2009).
- 8 Eric Alliez and Maurizio Lazzarato, *Guerres et Capital* (Paris: Editions Amsterdam, 2016).
- 9 Didier Fassin, *Punir: une passion contemporaine* (Paris: Seuil, 2017), 138.
- 10 Rob Nixon, *Slow Violence and the Environmentalism of the Poor* (Cambridge, MA: Harvard University Press, 2013). This term shares many features with that of ‘imperial duress’. See Ann Laura Stoler, *Duress: Imperial Durabilities in Our Times* (Durham, NC: Duke University Press, 2016).
- 11 Bertrand Ogilvie, *L’homme jetable, Essai sur l’exterminisme et la violence extreme* (Paris: Éditions Amsterdam, 2012; orig. 1995).

- 12 Etienne Balibar, *Violence and Civility: On the Limits of Political Philosophy* (New York, NY: Columbia University Press, 2015), 54.
- 13 Michel Foucault, *Surveiller et punir: Naissance de la prison* (Paris: Gallimard, 1975), 317.
- 14 See Ann Laura Stoler, *Along the Archival Grain: Epistemic Anxieties and Colonial Common Sense* (Princeton, NJ: Princeton University Press, 2009); and Stoler, *Duress*, 205–236.
- 15 Michel Foucault, 'About the Concept of the "Dangerous Individual" in 19th Century Legal Psychiatry', *International Journal of Law and Psychiatry*, no. 1 (1978): 1–18. See also, Michel Foucault, *Il faut défendre la société* (Paris: Gallimard, 1976).
- 16 See Lisa Lowe 'The Intimacy of Four Continents', in *Haunted by Empire*, ed. Ann Laura Stoler (Durham, NC: Duke University Press, 2006). On 'the carceral archipelago of empire' see Stoler, *Along the Archival Grain*, 130–139; and with more extensive treatment, Stoler, *Duress*, 68–121.
- 17 Achille Mbembe, *On the Postcolony* (Berkeley, CA: University of California Press, 2002), 197.
- 18 The 13th amendment reads: 'Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction'. See Akhil Reed Amar, 'A New Birth of Freedom', in *America's Constitution: A Biography* (New York, NY: Random House, 2005); and condemned more strongly in Leon Litwack's earlier masterful treatment in *Been in the Storm so Long: The Aftermath of Slavery* (New York, NY: Random House, 1980).
- 19 Clare Anderson, 'A Global History of Convicts and Penal Colonies', p. 21–2. On New Caledonia's Communards see Alice Bullard, *Exile to Paradise: Savagery and Civilization in the South Pacific, 1790–1900* (Stanford, CA: Stanford University Press, 2000). Unfortunately, the 'counter-history' of prisons and concentration camps as sites of mobilization, politicization and 'concentrated' cosmopolitanism does not have much of a presence in this volume. See, for example, Peter Zinoman, *The Colonial Bastille: A History of Imprisonment in Vietnam, 1852–1940* (Berkeley, CA: University of California Press, 2001); and Rudolf Mrazek, 'Boven Digoel and Terezín: Camps at the Time of Triumphant Technology', *East Asian Science, Technology and Society: An International Journal* 3, no. 2 (2009): 287–326, on the 'concentrated modernity' of those imprisoned at the Boven Digul prison camp first under Dutch colonialism and then for those alleged communist activities under Indonesia's Soeharto military regime.
- 20 Balibar, *Violence and Civility*, 141.
- 21 *Ibid.*, 142.
- 22 *Ibid.*, 136.
- 23 Ann Laura Stoler, 'Colony', *Political Concepts: A Critical Lexicon*, 1 (2011) www.politicalconcepts.org.
- 24 Paul E. Lovejoy and Nicholas Rogers, eds., *Unfree Labour in the Development of the Atlantic World* (London: Frank Cass, 2006); Catherine Hall et al., *Legacies of British Slave Ownership: Colonial Slavery and the Formation of Modern Britain* (Cambridge: Cambridge University Press, 2014).
- 25 See 'Convict labor at Bellwood Quarry', *Atlanta Rail Corridor Archive*, <http://atrailcorridorarchive.org/exhibits/show/bellwood-quarry/convict-labor-at-bellwood-quar> (accessed 23 January 2017).
- 26 Barbara Fields and Karen Fields, *Racecraft: The Soul of Inequality in American Life* (New York, NY: Verso, 2012).

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