Locating penal transportation: punishment, space and place c. 1750-1900[1]

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Introduction

Each penal regime shapes its own spatial configurations, and space also shapes the character of penal regimes. The historical study of this mutual influence opens up for interrogation the "usable past" of carceral geography. For, even as the specific ways in which space and punishment intertwine change over time, their connections remain a fundamental feature of penality in the modern world. This chapter explores these points in a context in which spatiality is perhaps most explicit: convict transportation. Arguably, this penal regime had an even more intimate relationship with spatiality than prisons did, as it bound together convict circulations and geographical contexts through spatial isolation and interconnectedness. Moreover, the routes of convict transportation often intertwined with other forced labour flows, as well as African enslavement. The existence of such "scales" of incarceration, migration and unfree labour were a recurrent feature of transportation across imperial geographies, well into the twentieth century (Anderson and Maxwell-Stewart, 2014; De Vito and Lichtenstein, 2013, forthcoming).

This chapter centres on convict transportation to military fortifications and penal colonies across the British, French, Spanish, Russian and Japanese empires. The overall time-frame spans c. 1750 to 1900, a period that witnessed major regime changes, such as the French Revolution (1789) and the Meiji Restoration (1868), and multiple territorial re-shaping of the Western empires, especially after the Seven Years' War (1754-1763), American Independence (1776) and the independence of Latin America from Spain between the 1810s and 1830s. Though banishment and exile are practices of punishment that date back centuries, we begin our analysis in the second half of the eighteenth century, which the literature, following Michel Foucault's *Surveiller et Punir* (1975), has long considered the "age of the triumphant prison" (Perrot, 1975: 81; Peters, 2002). We, however, propose that it might be more appropriately characterized as a period of complementary and competing regimes of punishment, and in certain contexts as an age of triumphant convict relocation.

We argue that across various global regions convict transportation can be located within complex webs of punishment, space and place. First, we investigate how judicial decisions to remove convicts over large geographical distances were connected to ideas and practices of punishment, colonization and citizenship. Second, we examine why convicts were sent to particular locations, on mainlands, peninsulas, islands or maritime "hulks", and lodged there in cells, jails, huts, barracks, or forts. We ask which kind of convicts were sent where, and highlight their spatial mobility as they "progressed" through systems of penal stages. Third, we address how transportation journeys were organized, and the impact that the actual process of transporting convicts over large distances of land or sea had on judicial decision-making. Finally, we consider the question of who made or influenced decisions about convict destinations. We argue that agency in this respect was not restricted to government ministers, magistrates or judges, but was exercised by other officials and communities, including convicts themselves. Consequently, we point to the need to go beyond a rigid conceptualization of hierarchical "scales" of agency, to argue in favour of a networked and entangled vision of "multi-sited" agencies. Official and proletarian or subaltern experiences and imaginations about the spaces constructed by the networks of transportation are important here. Our broad ambition is to break ground in re-conceptualising transportation as a coherent if locally divergent penal and labour regime underpinned by the dynamics of imperial space across a variety of global contexts.

Sentencing and distance

The idea of removing offenders from their homes and families, and putting them to work in unfamiliar locations, was central to penal transportation as a form of punishment across many centuries and numerous global contexts. Distance was the key feature of this form of punishment, albeit in often contradictory ways. Britain transported convicts to the Americas during the period 1718-75, but following Independence, America refused to accept them, leaving Britain to seek new destinations (Ekirch, 1987). In 1782 it experimented briefly and disastrously with transportation to forts in West Africa, and then settled on Australia's Botany Bay (Christopher, 2011). The first convicts were shipped to New South Wales in 1787, with new penal colonies later established in Van Diemen's Land and Western Australia, and transportation continuing until 1868 (Shaw, 1966). Contemporaries expressed the hope that the long voyage to the Antipodes would inspire fear and thus act as a deterrent to crime. Upon finding themselves in a distant and new land, convicts would additionally

shed their criminal associations, and after serving out their sentence, become honest and industrious subjects of Britain's expanding empire.

Comparable views about the importance of distance in judicial sentencing were expressed by the political thinkers G. De Beaumont and A. De Tocqueville, in the context of French discussions about penal colonization in the 1830s:

> The first requisite of a penal colony is to be separated from the mother country by an immense distance. It is necessary that the prisoner should feel himself thrown into another world; obliged to create a new futurity for himself in the place which he inhabits (1833: 35).

They also acknowledged, however, a key contradiction of distance: that this very separation weakened the "natural ties" between the mother country and the colonies, leading inevitably to the colonies' eventual refusal to receive convicts (De Beaumont and De Tocqueville, 1833: 143). Moreover, as British prison administrator Arthur Griffiths (1894: 4-5) argued at the end of the century, as penal colonies became familiar in the home country, they no longer inspired terror. At the turn of the twentieth century, the Chief Commissioner of the Andamans penal colony, which received convicts from Britain's Indian Empire during the period 1858-1939, reiterated this point. He predicted that the Andamans was doomed to fail as the terror of distance subsided, as had been the case in Australia, in another British penal settlement at Singapore (1790-1857), and in the French penal colony, New Caledonia, 1863-1922 (NAI, 1906).

Notwithstanding the importance of distance, convict destinations were also often determined by the economic and political concerns of the central government. This was the case for Australia and the Andamans, where the British wished to establish a presence for strategic purposes, and did so using convicts. In Spanish America in the second half of eighteenth-century, similar priorities regarding the borders of the empire were met by *presidio* sentences – transportation to military fortifications (Pike, 1983). In the Eurasian sphere, convicts were again used to secure borders in battles over territory. Upon signing the Treaty of Shimoda, in February of 1855, the Kuril Islands were divided between Japan and Russia. Since the boundary was never marked, Russia settled the northern portion and Japan the Southern. In 1868, the first shipment of Russian convicts was sent from the Nerchinsk silver mines to Due

Port, which was located on the west coast of the "Russian" region. At the same time, the Tokugawa Government suggested to the Hakodate magistrate's office (*Hakodate Bugyo*) that vagrants and criminals be sent to Sakhalin in order to prevent Russian expansion to the south (Tokyo teikoku daigaku 1922: 429-431). However, the project was never realized as Japan ceded the island completely to Russia in the treaty of St. Petersburg in 1875. This led the Meiji government to re-orientate the country's plans for colonization by convicts to the border island of Hokkaido, as proposed by the Home Minister, Toshimichi Okubo (NAJ, 1877). Hokkaido received convicts between 1881 and 1907.

The Russian penal colonization of Sakhalin began in 1862 and ended in 1905, as a consequence of the Russo-Japanese War (Gentes, 2002). Since the reign of Alexander II, legislative framers had theorized that a geographically and culturally isolated prison might be useful in establishing a Russian military and economic presence in the rapidly evolving Far East. The vast actual and imagined geographical and cultural chasm between Russia's eastern-most penal colony and St. Petersburg – 6500 kilometers and eight time zones – caused both prisoners and administrators to write that they had been exiled to "another world" of an "uncivilized and barbaric" nature (Brower and Lazzarini, 1997: 294). This perception motivated both groups to labor toward "earning" the right to return to European Russia (Gentes, 2011: 303-4). After his 1890 visit to Sakhalin, Anton Chekhov (1895: 8) wrote, "It is no surprise, that ... no one voluntarily travels to the edge of the world [*na krai sveta*]." Sakhalin's inhospitable climate and difficult living conditions functioned as a mechanism whereby understandings of spatiality were both created and deconstructed, and the "natural ties" between the Russian colony and the continental homeland were strengthened rather than weakened.

Destinations

The term "destination", meaning in its simplest sense a place of arrival, can be broadly or specifically defined: as a particular region of empire or as a particular locality. Convicts were sometimes but not always sentenced to a specific destination, and convict destinations could be decided not just by the courts but by administrators, either before or after transportation, on the basis of labour needs. Whilst the networks created by transportation ensured widespread similarities in policies of confinement, the treatment that convicts received was

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inevitably different due to the varied circumstances of different empires, regions and colonies.

The character of the sentence of transportation from Britain and Ireland changed radically during the period 1787 to 1868, when the last remaining penal colony, Western Australia (est. 1849), closed. What remained constant, however, was the engagement with the use of space as a meaningful component of effective punishment. The system evolved so that convicts were subjected to multi-located stage systems that included cellular confinement and public works in England, followed by transportation to Australia. They progressed through a regime of separate confinement by night and associated labour by day in official hope of moral reformation. Their character was observed in the isolated confines of the transportation ship. They were separated from home, and landed on Australia's shores into relative freedom of mobility and association. And, perhaps most significantly, if they committed further offences they could be sent to penal stations – islands, peninsulas or remote locations like Norfolk Island, Port Arthur or Macquarie Harbour – and confined there in solitary cells or barracks, and worked in immobilizing fetters (Causer, 2011; Maxwell-Stewart, 2008).

Some of the variable penal uses of space can be seen when observing the multiple destinations for those transported to Western Australia from Britain and other parts of the British Empire, alongside the penal transportation of Indigenous people (Aborigines) within Western Australia itself. These destinations appeared in multiple forms – as solitary cells, chain gangs, islands, and hiring depots. The categorisation of prisoners – by crime, behaviour or Indigeneity – partially dictated the destinations of these convicts. However, labour needs and policy imperatives were often the deciding factors in the transportation of convicts to specific locales. Each stage of categorisation was spatially defined. Whilst incarcerated in Britain awaiting transportation convicts destined for Western Australia were differentiated by the type of crime committed. For the journey the convicts were segregated once more into divisions to ensure they did not mix (Millet, 2006: 4; Morrell, 1930: 6). Upon arrival in the colony, all convicts were sent to Fremantle Convict Establishment, where they were observed, and placed into one of three classes (BPP, 1851: 115). The convicts were further categorised by their conduct (Trinca, 2006). Those classified as "bad" were put in chains gangs to do hard labour on public works, whilst those classed as 'very bad' were destined for solitary confinement cells. Those deemed "good" or "very good" were rewarded with increased mobility, as they worked as convict warders within the penal colony before being

sent out to hiring depots to work for free settlers. These were strategically placed to ensure the even spread of convict labour throughout the colony (TNA, MPG 1/722).

Within Western Australia, the containment of the colony's Indigenous convicts began in the early 1830s, when Carnac Island was used as an unofficial site of confinement (BPP, 1837-8: 191; Moore, 1844: 146). As the frontiers expanded, more and more Indigenous groups were brought up against European conceptions of property rights, resulting in violence and brutal reprisals. The 1844 parliamentary bill that instituted Rottnest Island an Indigenous prison marked the incorporation of the Indigenous population into British legal frameworks (BPP, 1844: 375-6). As the barrister Edward Landor noted, this hailed the Aborigines as a conquered people subject to British rule, literally clearing the way for the colonial acquisition of territory that was supposedly *terra nullius* (empty land) (1847: 189-192). Unlike the convicts transported to Norfolk, Maria and Cockatoo Islands for secondary offences, Rottnest's Indigenous convicts were allowed a high degree of mobility, largely in order to avoid the high death rates that Europeans viewed as the result of their sudden and uncharacteristic immobility (BPP, 1844: 375-6). The security of eighteen kilometres of stormy sea allowed an Aboriginal-specific form of imprisonment to arise, as convicts were able to roam and hunt across the breadth of the island, as well as to engage in traditional social activities (such as so-called "corroborees"). A want of infrastructure for the rapidly expanding colony, rather than ideological concerns about rehabilitation and punishment, resulted in the temporary closure of Rottnest in 1848. Its convicts were transported back to the mainland to be drafted into road gangs building the Southern Road to Albany, to construct the new gaol in Perth, or to quarry stone for the government school (Green and Moon, 1997: 22). The expense incurred in administering convict islands made their spatial characteristics a generator of continuous conflict between financial and security concerns.

The movement of Australian convicts through penal stages, and the varied use of space in the penal colonies, was part of a globalized set of practices of penal sentencing that worked multi-directionally across and around various parts of the world. Given the regular exchange of information and meetings of international prison experts, it should not surprise us that the sharing of techniques and principles was widespread. From the end of the eighteenth century, for instance, the use of penal stages was adopted in the penal settlements of Bencoolen (1787-1825) and the Straits Settlements (1790-1873), and later on in Burma, 1828-1863 (Anderson, 2007). Secondary sites of confinement were established in the Andamans (Viper Island),

which received convicts between 1858 and the Second World War, French Guiana (Devil's Island), 1852-1954, and New Caledonia (Île Nou) (Merle, 1995; Redfield, 2000; Sen, 2000; Toth, 2006).

In nineteenth-century Latin America, places of confinement became increasingly specialized (Albacete, 2011; Salvatore and Aguirre, 1996, forthcoming). Whereas in the eighteenth-century military fortifications (*presidios*) convicts formed only one part of a mixed population of officers, soldiers, Indigenous people (*indios*), missionaries and free settlers, during the next century, and especially in urban contexts, the word *presidio* became synonymous with convict-only establishments. Within these institutions, new prison rules sought to foster differentiation between young and adult prisoners, and between men and women. The same holds true for institutions associated with transportation to the frontier zones of post-colonial Latin America (after the 1820s) and in the Spanish Caribbean. Penal colonies modeled on those of Britain and France emerged in territories where mixed-institutions had once been the rule, even when military governors had explicitly called for convict segregation.

In pre-modern Japan, the concept of banishment (*ru/ ru-zai/ ru-kei*) had been known since the Heian period (794-1185). Corporal punishment and banishment from important cities and trade routes, including the Tokaido and Kisoji roads, were common forms of punishment in the Edo period (1603-1868). After the Meiji restoration in 1868, a new criminal law called *Shin-ritsu Kouryou* (1870) created punishments of transportation with or without labour for between one and three years. They were abolished in the *Kaitei Ritsu-rei*, a revised criminal law, issued in 1873. At this time, apart from capital punishment, imprisonment with or without labour became the uniform punishment for all types of offenders in this revision. However, in further changes to the penal code in 1880, the punishment of transportation with or without labour (*ru-kei* and *zu-kei*) was reintroduced and the practice of sending prisoners to Hokkaido began (Ono, 1882: 7). Spatial differentiation within the Japanese penal colony of Hokkaido (est. 1881) was based on the exploitation of convict labour. Five prisons existed on the island, each with a specific goal: the Kabato central prison was for land clearing and agriculture; Sorachi was for coal mining; Kushiro was for sulfur mining; Abashiri was linked to road construction; and Tokachi was directed towards agricultural work (Tanaka, 1986: 126-7).

The differentiation between elite prisoners and commoners proved less consistent. In Tokugawa Japan, exile (*onto*) of both elite prisoners and commoners took place in small islands relatively close to the mainland, such as Izu, Goto, Amakusa, Iki or Oki. Within these locations, exiled people were not confined in special facilities but were free to circulate, albeit under the surveillance of village leaders (*Kumigashira*) (Ishii, 2013: 77-80). By the beginning of the Meiji era Japanese penal reformers aimed to differentiate political and non-political prisoners through transportation to different destinations. During the 1870s, when Hokkaido's establishment was discussed, it was conceived as a penal colony for political prisoners, both as a response to the rebellions of warrior class people in the Kyushu area (1874-1877) and as a result of the direct influence played by the French model of differentiation of political prisoners (Onoda, 1889: 10-11; NAJ, 1877). During the 1881-1886 period, however, the Liberty and Democratic Right Movement radicalized and government policy changed in order to minimize the activists' visibility. Special status was denied to political prisoners, who were sentenced and transported to Hokkaido – along with non-political prisoners - for crimes defined as murder, robbery and arson (Tezuka, 1982: 128-9).

The lived experiences of different "classes" of prisoners on Russia's Sakhalin reflected a flexibility and freedom that contrasted sharply with the environments of other penal settlements of the same era, even within the Russian empire itself (Gentes, 2002). In contrast to rigid and severe conditions on the Solovki Islands on the White Sea, at the Irkutsk salt works, and in the Nerchinsk silver mines, Sakhalin offered most convicts the opportunity to improve the quality of one's penal life (Robson, 2004). Prisoners were classified according to the crimes they had committed, which denoted different living conditions; however, often individuals' placements were assigned with an eye to their potential physical capabilities and skills. Unlike prisoners elsewhere in Russia, all but those who had been sentenced to "life in prison" had the opportunity to ascend the "classification" ladder (pending continued good behavior) and thus retain a measure of personal autonomy. In this way, degrees of penal flexibility uncharacteristic of many prison environments remained within the reach of not only criminal convicts, but also political exiles. Exiles who observed the settlement's rules received a monthly living stipend, were generally permitted to move about the island at will, and were free to choose their own housing and employment. Similarly, hard labour convicts could evolve into "convicts in exile" after two years of good behavior. As such, male prisoners earned the right to choose "cohabitants" from among female prisoners, attempt to run small businesses, or seek employment according to their interests and aptitudes. Chekhov

observed that numerous prisoners on Sakahlin had become clerks and petty bureaucrats within the Russian prison administration (Chekhov, 1895: 373-4, 395; Doroshevich, 2011: 22, 130-1) The accounts of Doroshevich, Chekhov, and others reveal that some convict settlers established flourishing businesses, traded with the Japanese and Chinese, and even hired employees. When the term of the prisoner's sentence had been fulfilled, he or she became a free settler and could opt to relocate to the mainland, if desired, and settle in Siberia.

Whereas in the case of Sakhalin a common destination featured differentiated penal regimes for political prisoners and hard labourers, in other cases commoners and elite convicts – sentenced for rebellion or political crimes – were transported to entirely separate destinations. Kandyan rebels were removed from Ceylon to Mauritius during the 1810s and 1820s, for example, where they were lodged not in the Indian penal settlement then established on the island, but far away from it (NAM, RA54 & RA229; TNA, CO54/73; IOR, F/4/421 & F/4/1594). Sikhs sent to Burma and Singapore after the Anglo-Sikh Wars of the 1840s were also kept separately from the Indian convicts transported to these locations (Anderson, 2010). During the second half of the nineteenth century, the deposed royal families of India were exiled to Rangoon, Aden, and the Seychelles. Members of the Manipuri royal family, from Assam, who were sent to the Indian penal colony in the Andamans in the late 1800s, were kept away from the convict population (Kothari, 2012: 700-3; NAM, RA2525). And yet social status defined the spatial separation of these rebels as much as the nature of their offence, for Indian peasant rebels sent to Mauritius and the Straits Settlements during the early nineteenth century were treated in the same way as ordinary criminal transportees.

Similar differentiation influenced the choice of destination, and the very direction of transportation, in colonial and post-colonial Spanish America during the long nineteenth-century (AGI, Lima). Elite convicts were rarely shipped from peninsular Spain to the New World's possessions, like the majority of convicts, but figured prominently in the opposite direction. On the eve of Independence in Latin America (1820s-1830s), political prisoners travelled from the colonies to the metropole, although elite political prisoners were usually allowed to remain in peninsular Spain and were not forced to work, while lower-class convicts accused of rebellion continued their journey to Ceuta and other minor North African *presidios* and joined forced labourers there. The tendency to expel political prisoners from the mainland continued in post-colonial Latin American states in the form of transportation to

overseas penal colonies such as the Galapagos Islands (Ecuador, 1832-1959), the Islas Marias (Mexico, 1905-1939) and Ushuaia (Argentina, 1899-1948), where they sometimes constituted the majority of the convicts (Ortega, 2006; Salvatore and Aguirre, forthcoming).

We have already discussed the particular spatial confinement of Indigenous convicts in Australia. There were further distinctions of destination for Asian and African transportees. India, for instance, expressly banned the transportation of native convicts to Australia, on the basis that the colonies there were unsuitable for the Indian "race." Europeans born in India were not included in the prohibition, which seems to have been the result of a desire to prevent the influx of tens of thousands of Indian convicts into a predominantly white convict colony (IOR, F/4/534). The British colonies of the Caribbean sent a few hundred black convicts to Australia, but in 1837 their presence was declared "injurious" to the majority white population colonies, and further shipments were banned (Anderson, 2012).

Our last point with respect to convict destinations is that penal colonies were often distinctive as homosocial spaces in which women were a small minority, and efforts were made to separate them. In Australia and the Andamans women were kept in 'Female Factories,' where they undertook largely domestic forms of labour within a gendered work regime (Reid, 2007; Sen, 1998). Further, across contexts ranging from the convict hulks of Bermuda to the penal colonies of Australia and the Andamans officials became anxious about the existence of homosexual practices, and introduced new methods of lighting and new routines of watching the closed and often hidden spaces within convict wards. Fears about homosexuality and, in particular, the so-called moral contamination of juveniles by older prisoners, sometimes led to the transfer of youths to other wards or even destinations. In the Andamans, juveniles were for a period locked up in cages at night, in an attempt at segregation. By the 1880s all men and boys labelled 'habitual recipients' were confined in separate barracks, and worked separately at stone breaking (Sen, 2000: 173-4; NAI, 1875).

This being the rule, Sakhalin represents an interesting exception. Toward the end of the nineteenth century the Main Prison Administration sought to equalize the 16:1 male to female ratio on Sakhalin by sentencing female who had received the milder sentence of exile-settlement (Corrado, 2010: 129). Instead of separating the genders in a regulated penal environment, the administration on the island drew them together in bonds of "co-habitation," which, unlike the marriages conducted in penal settlements such as New Caledonia, were

neither legalized nor religiously sanctioned. Upon arrival, all female prisoners underwent a selection process during which they were "chosen" by the island's men. Administrators chose new sexual partners from among the women first, followed by certain male prisoners who, because of good behavior, were allowed to choose "co-habitants" with which they would presumably work the land. The only records made of these pairings, however, are single-line entries written in ledgers by administrative clerks.

In this way, Sakhalinian gender politics notwithstanding, female co-habitants often experienced freedoms uncommon to most other colonial contexts. The extra-legality of Sakhalinian marital pairings actually allowed prisoner "wives" the freedom to exert power within—or abandon—undesirable relationships: they often "adopted" orphaned children without spousal approval, carried on multiple, concomitant sexual relationships with men, and made other significant household decisions. Anton Chekhov was astonished to learn, during his 1890 tour of the island, that multiple female prisoners had even murdered their male co-habitants without legal consequences (Chekhov, 1895: 324). He wrote, "nowhere else in Russia is illicit marriage so widely and notoriously prevalent, and nowhere else does it take the peculiar form it does on Sakhalin."

Convict voyages

Travel over large distances of land or sea underpinned the sentence of transportation in all contexts. In Japan, convicts sentenced to exile or hard labour were gathered from all over the archipelago in Tokyo or in the Miyagi central prisons in order to be sent to Hokkaido. The Prison Rules (*Kangokusoku*) issued in 1880 commanded that officials accept convicts three or four times a year, and cautioned against their physical restraint during the journey (NAJ, 1881). Official accounts of life on board the ships are missing, but convict memoirs tell of a man sent to Tokyo central prison in 1887. After being confined there for ten months, he spent a week being transported by ship to Sorachi central prison, alongside two hundred others (Koike, 1957: 54-55). Another man was confined in Miyagi for two weeks in 1895 before being transported to Kushiro prison to serve penal servitude for life. In his memoir, he describes his journey from Aomori as follows:

> What depressed me, and what I could never forget, is the scene when on the boat
> taking us to the ship from the wharf of Aomori … [We were] looking back to the

city as it disappeared from view. We could hear the sound of music and singing from someone's celebration. 260-270 convicts wearing bamboo hats were crouching on the vessel in the rain. Most of them, except a few honest ones who had committed murder, had led a dissipated life and knew the taste of pleasure. They appeared to be on the verge of tears (Koyama, 1967: 156).

In 1879 the Russian government began to transport prisoners to Sakhalin by sea. The "Volunteer Fleet" which consisted of seven large steamers of English construction, was assembled in 1878 at the request of Alexander III and began voyages in June of 1879 (Corrado, 2010: 72). The steamers' official function was the conveyance of convicts to Sakhalin, and also colonists, soldiers, and merchandise to other ports in the Russian Far East. The first prisoners to sail, rather than walk, to Sakhalin were a group of 700 who had been collected from prisons "all around Russia" (Corrado, 2010: 71). The press enthusiastically covered the event as the fifty to sixty day trip would be significantly shorter than the two-year walk across Siberia. The ship featured a chapel, a priest, an area for recreation, and a common eating area, although in other ways conditions were deplorable. Vyosovok described the way in which exiles traveled to Sakhalin in cages kept below deck for the duration of the several-month sea journey. In case of mutiny, hoses capable of shooting steam and boiling water were accessible from the main deck (Gentes, 2003: 125). In addition, however, the ships were used to carry war munitions and conscripts, causing newspapers such as *The Australian Town and Country Journal* to write that the Russian Volunteer Fleet could potentially be used by the Russian government should hostilities arise in the East, especially since the steamers were being used to transport 16,000 to 17,000 conscripts annually in addition to convicts (1896: 29). Although the Russian government maintained that the steamers were primarily intended to reinforce favorable "commercial relations with the Chinese and the Eastern Siberian ports of the Great Ocean," they were not to be internationally regulated, but remain "freed as far as possible from all "useless formalities" (*Nelson Evening Mail*, 1886: 4). As international tensions mounted, the operating conditions of the fleet—despite the Russian wish for non-regulation—were subjected to multi-national scrutiny, thus exposing the harsh conditions within which Sakhalin-bound prisoners travelled.

As in the case of the Russian empire, convict transportation and trade routes were strongly connected in the Spanish Empire, as prisoners were often shipped together with gold, silver, mercury and fruits, and free "passengers to the Indies" (*pasajeros a Indias*) accompanied by

their slaves and domestic servants (*criados*) The "free trade" reform gradually implemented by the Bourbon monarchy during the second half of the eighteenth century, greatly impacted on convict transportation. By authorizing commerce from and to a numbers of ports in peninsular Spain and Spanish America, and by allowing private merchants to sail between them, it multiplied the routes and nodes of convict circulation and destination. As for trade in general, Cadiz lost its monopoly, albeit not its primacy, in convict transportation and was joined by Ferrol and Coruña in the north-eastern part of the peninsula and by Mediterranean ports like Barcelona and Malaga; the traditional routes connecting Cadiz to the Caribbean (the *Carrera de Indias*) and Acapulco to Manila (the *Galeon de Manila*) ceased to be the only routes of prisoner transportation. Military and non-military convicts were now shipped, for example, from Cadiz to Lima through Cape Horn, and from Galician ports to Buenos Aires. As a consequence, inter-colonial overseas convict transportation increased, especially between New Spain and the Philippines and in the viceroyalties of Peru and Buenos Aires (where inland convict transportation also played a major role).

The *longue durée* of Spanish transportation also highlights the impact of technological change on convict transportation, most notably the gradual shift from sailing ships to steamers during the nineteenth century. Besides reducing the time of navigation from seventy days on average in the 1770s to some five weeks in the 1860s along the route Cadiz-Havana, this led to a greater regularity of maritime connections. This minimized the dependence on streams and winds, and therefore from the seasons, and on the limited number of sailing ships available – all factors that had considerably influenced the choices about convict destinations during the eighteenth and the first half of the nineteenth centuries. On the other hand, by progressively lowering the costs of the Atlantic passage, the steamers fostered mass migration of European free migrants to South America at the turn of the twentieth century (Hensel, 2011). Post-colonial governments now channelled the new workforce to borderlands that had been traditional destinations of convicts and other forced labourers; convict labour, meantime, was relocated to overseas penal colonies, urban public and municipal works and within the walls of the new penitentiaries (Salvatore and Aguirre, forthcoming).

Perhaps the most famous account of transportation from Britain to Australia is that recorded by Dr Colin Browning (1847), who claimed remarkable success in moral reclamation following his evangelization amongst the convicts during the long voyage at sea. Australian convict vessels were important sites of religious instruction and industrial training, and

following the appointment of naval surgeons after catastrophic early death rates, for medical intervention and experimentation in disease prevention and hygiene (Foxhall, 2012). It is often claimed that Australian transportation ships experienced remarkably little convict resistance, and yet there is evidence that these mobile yet isolated spaces, designed to confine and to render docile convict bodies, were not always successful. Convicts challenged official efforts to transform them into penal labourers through a daily regime of cleaning, stitching and oakum picking, by dragging their feet, refusing to work or erupting in open violence (Maxwell-Stewart, 2013). Officials were always on the watch to counter such resistance, and to ensure the prevention of sexual relations, particularly between men. If ships could be places of moral reclamation, like unlit barracks and shared prison cells, the closed confines of convict berths were also perfect sites of moral contamination (Measor, 1861: 49-50; Tancred, 1857: 6).

Britain's Indian Empire presents a particularly interesting example of the importance of the journey into transportation as a key element of the punishment. The British believed that travel over the black waters (*kala pani*, or the ocean), was culturally degrading to "Hindus", for it compromised their caste purity and led to their social death (Committee on Prison Discipline, 1838). In this respect, despite much coalescence in the use of space across global contexts, it is important not to lose sight of elements of local distinctiveness. In the Caribbean colonies that received indentured migrants from India, it is also notable that as a consequence of colonial ideas about the meaning of *kala pani* transportation was sometimes chosen as a more severe alternative to execution. Officials were of the view that because of Hindu beliefs about reincarnation, Indians did not express sufficient fear of death on the gallows – but they did fear transportation (BPP, 1876: 225, Kirke, 1898: 225).

For those Aboriginal convicts transported from their homeland to Rottnest Island within the newly-demarcated colony of Western Australia, the process of transportation was both drawn out and degrading. The journey was often made largely in chains - whether to the horse of the policeman escorting them, to one another as they walked hundreds of kilometres across the colony, or below the decks of the ships that transported them along the coast (WALC, 1877: 84-5; *The West Australian,* 1887: 3; Commission into treatment of Aboriginal prisoners, 1884: 12-13; Green and Moon, 1997: 48-9). Whilst the state controlled convict movements in the most physical sense on the journey to imprisonment, officials were far less concerned with facilitating their return post-sentence. In 1876, for instance, the legislative council of

Western Australia drew attention to the lengthy distances convicts were left to travel once they were released, often through "districts inhabited by hostile tribes" (WALC, 1876: 29). As a consequence of these concerns, the *SS Xantho*, a coastal steamship used for pearl fishing, had a sideline in returning prisoners from Rottnest to the Northwestern territories (Western Australia Museum, 2013). As a symbol of freedom, its importance is clear in its rendering in sandstone at Inthanoona Station that survives to this day.

The geographies of agency

Postcolonial history has centred the question of agency in analyses of empire and imperial societies, exploring subaltern resistance, and tactics of accommodation, as well as the question of whether subaltern voice can be retrieved from the archives of empire. (Anderson, 2012; Scott 1986; Spivak 1993). Postcolonial historical geography has at the same time highlighted the highly mobile character of colonial elites, and their importance in networking Empire as they moved across imperial spaces. In this section we bring questions of agency and imperial connectivity to bear on choices of transportation destinations. We argue that multiple, albeit unequally powerful, actors, including the convicts and their families and communities, the military, legal and medical officers, and private entrepreneurs, ultimately decided where transportees were sent. We highlight the spatial character of agency, by pointing to the networks of agents that operated contemporaneously across different spaces. This questions predominant visions of agency as located either in imperial centres or in imperial peripheries, divided by rigidly hierarchical forms of institutional power. Different agents clearly had unequal levels of power in the context of the highly segregated eighteenth and nineteenth-century empires, but the making and implementing of decisions always depended on limited budgets, technological constraints and officers that variably interpreted both law and their role, and were subjected to contradictory influences "from below". Moreover, convicts, under certain circumstances, were far from powerless, but were able to escape, or to use their trans-local social networks to modify imperial decisions, through petitioning, and sometimes through collective action or open revolt.

"To the Philippines": this was the sentence of some hundreds of criminal and military convicts transported every year from Cadiz during the second half of the eighteenth century (AGI, Arribadas [a]; Garcia de los Arcos, 1996; Mehl, 2011). Many reached this archipelago after an average of six months of sailing across two oceans and marches along dangerous

inland routes. Once there, the governor general of the islands was officially in charge of establishing their final destination – the military garrison in Manila, the Cavite arsenal, or the *presidios* in the southern island of Mindanao – but jurisdictional conflicts often emerged with local officers and magistrates. Other convicts, however, never reached the Asian archipelago. Some were liberated as a consequence of one of the relatively frequent Royal amnesties. Others simply escaped from the San Sebastian castle, public prison or La Carraca arsenal in Cadiz, or from the royal and private ships that were supposed to transport them. Not all convicts sentenced to transportation sought freedom, some wrote respectful individual or collective petitions begging for a quick transportation and relief from the unbearable conditions of imprisonment.

Some convicts originally destined for Manila were diverted to the Caribbean military fortifications, in the event of wars or after the Puerto Rico hurricane of 19 September 1766 (AGI, Indiferente General). These decisions were made by the King and the secretary of state for the Indies in Madrid, and the *Consejo de Indias* in Cadiz. Much less visible events might result in convicts ending up in the same destinations, or in the North African *presidios*. Imperial officials at all levels often made decisions dependent not on penal factors but on the availability and routes of private merchants, levels of prison overcrowding, the expected arrival of new convicts' convoys (*cuerdas de presidiarios*) from inland Spain, and after medical inspections declared certain prisoners invalided from military and construction work.

Sentencing itself was constructed at the crossroad of multiple influences. As new legal studies on colonial Latin America have shown, legal pluralism and the porosity of the sentencing process itself were such that multiple authorities, prisoners and their relatives, individuals of different status and sometimes even entire communities were able to influence decisions about the sentence, and even the specific destination of exile and transportation (Benton and Ross, 2013; Cutter, 1995; Haslip-Viera, 1999). One extreme, but ubiquitous, example of this in the Spanish Empire were the cases of (elite or non-elite) convicts who were "presented" (*presentados*) to courts by their own parents, most frequently their fathers. They would not only ask the authorities to arrest, imprison and transport their sons to far-away military garrisons as redemptive punishment for their "bad conduct" and "vice", but would also suggest the exact destination, and even indicate the availability of certain ships in the port for immediate transportation (AGI, Arribadas [b]). Judicial authorities, for their part, were remarkably keen to meet their demands.

The Spanish Empire is no exception, but the norm, when it comes to the complex relationship between agency and the destinations of the eighteenth and nineteenth-century convict transportation. Prisoners in nineteenth-century India, for example, displayed a remarkable knowledge of penal settlements, and exercised choice in petitioning for transportation to favoured destinations (Anderson, 2005). Some expressed the desire for transfer to settlements with less severe penal regimes, in particular from the notoriously harsh Tenasserim Provinces of Burma to Singapore or Penang (IOR, P/140/70). It is clear that the Andaman Islands in particular did not become a space of total isolation as intended by the British regime, but a space connected to the mainland through convict letters, and even visits by convicts' families (NAI, 1876).

Agency was not exclusive to convicts and their families. In early nineteenth-century Burma, Mauritius, Singapore and Penang, officials in the penal settlements competed for the supply of Indian convicts, according to public works requirements (IOR, P/133/22). Moreover, in some contexts there existed the practice of convict leasing. This was often the result of state convenience as much as the self-promotion of labour contractors. Private capital and governmental priorities, for instance, joined forces in shaping the work-related differentiation in Hokkaido that was discussed earlier. In 1889 the Horobetsu coal mine that was connected to the Sorachi prison was sold to a private company, which continued to use convicts until 1894 (Tanaka, 1986: 113). In the Ishikari Plain, where Kabato prison was located, farms run by private companies or peers' cooperatives were created. In 1890, the peers' cooperative farm (50,000 hectares) was created in Uryu County, to the north of Kabato prison. Because of labour shortages in the first year, convicts from that penal establishment were leased out in order to construct the related roads (Hatate, 1963: 104-113).

Concluding remarks. Penal transportation, spatiality and the usable past

The concept of the "usable past" is the result of a problem-oriented research methodology, and is not a mere "fact" to be found *out there* in the centuries that have preceded us. In framing and addressing the usable past, we contend, scholars should be aware that "behind every version of the past are a set of interests in the present" – as the editors of this volume put it (p. *@@@*) – and should refuse any presentist approach to history. In this chapter, we have explicitly avoided any teleological interpretation of historical experiences, and have not

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made unmediated comparisons of the past with the present. Convicts are still sent over long distances in the present world – in Russia, for instance (Pallot, 2005; Piacentini and Pallot, 2014) – but to argue for a straightforward long-term continuity in practices of penal transportation would be to downplay discontinuity in its functions, and in its spatiality. The same point holds for other modes of contemporary deportation and confinement, such as those related to undocumented migrants (Gill, 2009).

Here we argue for a more subtle way of framing the relationship between the past and the present, one that in our view allows for a more systematic integration of historical research into carceral geography. We contend that a usable past can emerge: from addressing broad historical and contemporary questions and through appreciating differences in experience across contexts, time and space. In this chapter we have asked: How do practices and discourses of punishment construct space, and how are the geographies of agency important in the construction of punishment? We have argued for a two-fold relationship between transportation and spatiality from a historical perspective. On the one hand, the geographical scope of transportation was broad, making this penal practice a key-player in the formation of "networks of empire" (Ward, 2009; Anderson, 2012). On the other hand, precisely because it connected different contexts and involved various types of groups and individuals, transportation had different meanings to different actors across different locations, and convicts played multiple functions in empire building across time and place. The case studies that we have presented, have revealed these features: they have described convict transportation across oceans and land-routes at the same time as they have addressed detailed narratives, individual stories and specific locations. The integrated study of broad connections and specific contexts is necessary to understand the complex and contradictory spatial experience of penal transportation, historically. It is in this methodological "universality" that we find the potential to construct a usable past, while fully acknowledging the irreducibly context- and time-bound nature of the issues that we study.

A similar argument can be put forward regarding the way we conceptualise the geographies of agency in penal regimes. Here we have suggested that a multi-sited, geographically networked and entangled vision of agency can help scholars to address new issues within carceral geography, as it has been in the production of new forms of imperial history, in which historical geographers have been so prominent (Lester, 2013; Withers, 2009). This approach invites us to explore the circulation of information on which officials in London,

Calcutta, Madrid, St. Petersburg and Tokyo based their decisions, and to investigate their perceptions and imaginaries of far-away places that they were unlikely to visit for themselves. Further, it opens out to view the possibility of addressing how convicts made sense of the prospect of transportation and their experiences in the penal colonies, often compared to their knowledge of the nature of punishment in other places, and thus of the connected worlds of imperial, penal regimes. Here again, we find an ideal field for the construction and investigation of a usable past, at the crossroads of various disciplines. Clearly, such large questions, spanning the spaces usually demarcated by particular area studies expertise, can only be answered through collaborative research across the borders of language and Empire or nation. For the production of a "usable past" for carceral geography demands recognition of its global history and dimensions. This urges us to take into full consideration the importance of movement across and the opening out of space, as well as its closing in, in the making and experience of punishment.

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