



## Natures of Conduct

### Governmentality and the Danish West Indies

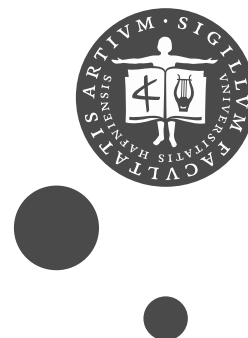
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UNIVERSITY OF COPENHAGEN  
FACULTY OF HUMANITIES



# PhD Dissertation

Rasmus Sielemann

## Natures of Conduct

Governmentality and the Danish West Indies

Advisor: Søren Ivarsson

Submitted: 26/09/2015

# **Natures of Conduct**

## **Governmentality and the Danish West Indies**

PhD Dissertation

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26 September 2015

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## *Chapter One*

### **Introduction**

In 1917, the three Caribbean islands of St. Croix, St. Thomas, and St. John that made up the colonial possessions known as the Danish West Indies were sold to the United States of America for the sum of 25 million US dollars. The transaction put an end to Danish colonial authority in the West Indies that had been present since the settlement of St. Thomas in 1666. In the year prior to the sale, in 1916, a parliamentary commission had been established with the objective of ascertaining whether or not it would be beneficial to sell the West Indian colonies on the terms that had been negotiated with the United States. If the commission found that it could not agree to the terms of the sale, it was to consider what measures should be taken to bring the colony's state of affairs in order.<sup>1</sup> On 3 November 1916, former Governor of the Danish West Indies, Lars Christian Helweg-Larsen, was called to give testimony at the legal hearings conducted by the parliamentary commission. Helweg-Larsen was an experienced official in the Danish West Indian administration. He had served as a colonial officer since 1888 and held the position as Governor during these final years of Danish colonial rule in the West Indies (from 1911 to 1916). He had resigned his office only a month before his appearance at the hearing.<sup>2</sup> When asked by the hearing committee how the state of the Danish islands was judged by their American and British neighbors, Helweg-Larsen recalled a conversation that he had allegedly had with former President of the United States, Theodore Roosevelt, during a visit to St. Croix. During the conversation, President Roosevelt was supposed to have given the

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<sup>1</sup> ("Lov Om Nedsættelse Af En Rigsdagskommission Og Afholdelse Af En Folkeafstemning Angaaende Konventionen Mellem Danmark Og De Amerikanske Forenede Stater Om Overdragelse Til De Nævnte Stater Af Øerne St. Thomas, St. Jan Og St. Croix I Vestindien," 1916, p. 13)

<sup>2</sup> (Larsen 1940, p. 74)

following diagnosis of the governmental condition of the Danish West Indies:

There could only be one explanation to the state of the Danish West Indian Islands, namely ... that the conditions of the negro race was unknown to those in the Mother Country and as such was not aware that it [the negro race] has to be ruled and governed by different rules than a white race is ruled by in Europe.<sup>3</sup>

Given Helweg-Larsen's career within the colonial administration, it must have felt very convenient for him to be able to invoke the authority of a United States President pointing the finger of blame for the colony's unsustainability at the Danish Home Government rather than local colonial officials. Accordingly, questions could be raised as to the veridicality of Helweg-Larsen's rendering of Roosevelt's comment. The commission majority, nevertheless, concurred in their report with the assertions made by Helweg-Larsen, via President Roosevelt, and concluded that "Danish rule had by no means been exemplary" and that "the Mother Country had been too removed and too alienated from the islands' conditions".<sup>4</sup>

The maybe-quote by President Roosevelt and the conclusions of the parliamentary commission provide an entrance to some central concerns of this dissertation. The hearings and the report of the parliamentary commission amounted to a veritable trial of Danish colonialism's legitimacy and justification, but also its efficacy and progress. The verdict was quite clear, as shown in the quote above. Danish rule over the tropical islands and its inhabitants had been a failure. But what was it that had brought on this failed development? Was it due to unfavorable climatic conditions? Did external economic developments in European and World markets render the islands' sugar production and commercial trade unprofitable and thereby destabilized the colony's fiscal foundation? Were governmental activities blocked or even threatened by anti-colonial movements? These were all mentioned by the commission report as contributing factors to the unsustainable state of the Danish colony. But the real culprit in this trial was

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<sup>3</sup> (Rigsdagskommissionen angaaende de Dansk Vestindiske Øer 1916, Bilag B. Kommissionens Vidneafhøringer, p, 138)

<sup>4</sup> (1916, Betænkningen, p. 38)

the inability of ‘government,’ colonial and metropolitan, to manage these factors in a way that would procure a favorable outcome. Furthermore, as the Roosevelt quote alludes to, the favorable government that Danish rule had failed to install in its Caribbean colonies was directed by rules that were discernibly different from favorable government in a Western European context. The populations of the two distinct political constructions required particular types of management. The inability of Danish colonial government to recognize this crucial factor was the primary cause of its failure.

A more explicit articulation of a similar criticism of Danish government in the West Indian colonies, was voiced in the same period. Following the failed sale negotiations with the United States in 1902, a group of technical experts, academics, industrial and commercial representatives, politicians and government officials formed the association *De Danske Atlanterhavsøer* (The Danish Atlantic Islands). Through their journal, *Atlanten* (*The Atlantic*), the association campaigned for increased integration between Denmark’s Atlantic colonies and the general administration of the Danish State, and the cultivation of the different populations’ interwoven identities and commercial interests. In 1916 a contributor to *Atlanten* wrote a piece with the ominous title: “Each Nation has the Negroes it Deserves” (“Ethvert Land har de Negere, det fortjener”). The author of the piece, A. Paludan-Müller, launched a staunch criticism of the Danish government’s inability to ascertain the local preconditions for a proper colonial government. Like Roosevelt, Paludan-Müller argued that it was the disinterestedness towards knowledge of the “negro race” that had created the social and political crisis that the colonial government was facing in the shape of ongoing labour disputes: “Had the government gained close knowledge of the Negro’s character, it would probably not had entered a downward path, leading towards inevitable trouble.”<sup>5</sup> The “negro’s character,” as Paludan-Müller saw it, was a product of governmental neglect; a product of the residual effects of slavery and a subsequent “lack of understanding” on the part of

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<sup>5</sup> (Paludan-Müller 1916, p. 448)

government.<sup>6</sup> What colonial government had failed to accomplish in the post-emancipation period was to comprehend the natural conduct of “the black field laborer.” Colonial government had forgotten the ease with which that “giant, good-natured, docile wool head” would unleash the ferociousness that his tropical nature sustained, if his respect for authority was not maintained. The black field laborer was “the incomplete man,” lacking the ability to reflect and whose actions were determined by the spur of the moment.<sup>7</sup> In his tour de force of racial stereotyping, Paludan-Müller provided an explicit formulation of the recipe for governing the black race that Roosevelt and Helweg-Larsen had merely alluded to: “We do not cultivate a man of such character with the help of democratic institutions; he requires a particular treatment, without necessarily constituting a policy of oppression.”<sup>8</sup>

A contemporary description of Danish colonial government as “one of the best examples of a liberal colonial policy developed to meet difficult conditions and maintained with unfaltering resolution by the home government, even in the face of an inevitable financial loss”<sup>9</sup> would not have impressed Paludan-Müller. He viewed the liberal cultivation of the black race as a dangerous endeavor and a main cause of current predicaments. Paludan-Müller made that clear by making reference to the labor riots on St. Croix in 1878, known as ‘the Fireburn,’ as well as the general crises that the political project of liberalism had encountered when enacted in the context of the black race:

It was the French Revolution’s ideas about freedom, equality and fraternity that the undeveloped, primitive brains did not comprehend, but thought that the path to such ideal conditions was paved by the murder of all whites in the colony [of St. Domingue (Haiti)], men, women and children; it was the British liberalism transferred to the unclear, dark minds on Jamaica that caused the Gordon riots, and those ideas that during this new era have proliferated in our little, democratic nation can

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<sup>6</sup> (1916, p. 446)

<sup>7</sup> (1916, p. 447)

<sup>8</sup> (1916, p. 447)

<sup>9</sup> (Tooke 1900, p. 144)



not yet be ascertained by our black children's imperfect brains; their system is not yet capable of digesting such heavy diet.<sup>10</sup>

Here, Palludan-Müller evoked the principles of a benevolent racism, a despotic paternalism that in patronizing terms disenfranchised and incapacitated the capability of the colony's Afro-Caribbean population to embrace the progress of liberal civilization. There was an inherent danger in the project of educating the Afro-Caribbean population that would have to be counteracted. The ever present risk of governing colonial populations in accordance with liberal doctrines included a constant potential to erupt in unpredictable explosions of 'native barbarism.'

This dissertation takes as its object of study the long duration of this double assertion, coined at the end of Danish colonial sovereignty in the West Indies, that the Afro-Caribbean population had a condition that should be ascertained by government, and that the objective of government was to conduct the progress of that condition, and to so conduct in a way that was in accordance with the knowledge of "the nature of the negro." As such, this dissertation is a genealogical study of what Michel Foucault referred to as 'governmentality' in the context of the Danish West Indies. Governmentality is a somewhat elusive concept that has found usage in a range of disciplines and been applied to many different areas of study. But at the core of the concept lies a principle that conceives of relations of power in the practice of government as 'the conduct of conduct.' Still a very broad definition, 'the conduct of conduct' refers to a mode of power that entails a structuring, a guidance, a governance of the possible actions of others. It is a definition of the exercise of power as "a mode of action upon the actions of others," which entails a calculation or consideration of the mode of action that will act to "structure the possible field of action of others."<sup>11</sup> In the basic exercise of government, then, lies a series of questions and calculations about the reality of the object of government: What type of action should be taken when faced with this or that type of problem involving these or those types of people, and with what desired

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<sup>10</sup> (Paludan-Müller 1916, p. 447)

<sup>11</sup> (Foucault 1982, p. 790)

outcome? Together, such series of questioning about the nature and reality of problematic elements to the exercise of government, constitutes a technology of security. The aim of the dissertation is to analyze the formation of rationalities, techniques and subjects involved in this technology of security that formed part of a governmental endeavor to solidify colonial rule against the backdrop of a political economy under constant revision. As such, the exercise of government was never simply an act of repression, but fundamentally an act of intervention and production; always an effort to restructure, recreate, and act upon the reality that was being made intelligible. By applying this perspective to the colonial Caribbean, and the practice of slavery, the dissertation extends the analysis of governmentalities to a geopolitical area and a type of social order to which it has not previously been applied.

It was not at all uncommon that the exercise of government in the Danish West Indies remained within blueprints, plans, and imaginings of ordering techniques that contained visions of social taxonomy, techniques to manage behaviour, and promises of favorable outcomes. Much of the criticism of colonial government at the end of Danish rule was hinged upon the inability of colonial authorities to convert visions into reality; its failure to turn plans into practice. However, in what contemporaneous critics interpreted as failure, I find poignant analytical substance. As Ann Laura Stoler has remarked, the disjuncture between visions of order and actually implemented policies were not unique to the government of Danish West India: “Colonial empires were always dependent on social imaginaries, blueprints unrealized, borders never drawn, administrative categories of people and territories to which no one was sure who or what should belong.”<sup>12</sup> Furthermore, Stoler’s remark directs us to the importance of this process of governmental failure in shaping the governmentalities on which “[c]olonial empires were ... dependent.” Picking up from this lead, the dissertation’s analytical approach does not dismiss strategies of government that remained on the drawing board as ‘failed’ attempts at state building, but

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<sup>12</sup> (Stoler 2006, p. 52)

rather retain within them their role as formative elements in the ongoing configuration of governmentality in the Danish West Indies.

In these preliminary paragraphs we have established that the problem of the character of colonial government in the Danish West Indies was of great importance to the 'evaluation' of the state of colonial rule in the process of transferring sovereignty over the Danish West Indies to the United States of America. The basic argument of this dissertation is that this problematic of colonial government had a long and contingent genealogy. The specific conception of government that was being criticized at the end of Danish rule in the West Indies was a result of historical developments that cannot be contained within standard chronologies of slavery and liberty, and reaches well beyond the spatial confines of a delineated Danish West Indian colonial state. The abolition of slavery in 1848 rearranged the rules of the political and economic game of control and exchange. The order of slavery had to be redrawn as the order of freedom. This reorientation of political legitimacy was, however, not a movement from one set of fixed categories to another. The era of slavery did not constitute a coherent and clear demarcation of rights and privileges between slave and slaveholder, between colonial officials and a colonial public. Likewise, the post-emancipation era was never merely a time of social reform and modernization, nor simply a time of slavery reinstated and economic disaster. Despite the obvious importance as a defining historical event, the abolition of slavery, and a clear demarcation of a before and after emancipation, has little meaning beyond marking the official change in the juridical regime of the colony. Viewed at the level of governmental rationality, strategies of slavery and strategies of freedom represented two extreme poles of government that were intertwined and applied at different degrees throughout the period of Danish rule. The economy of slavery was under ongoing revision and, at different degrees, and at different times, was complemented by techniques of freedom. Likewise, the shift to free labor was marked by a high degree of constraint on the freedom of the labor market.

Following from this basic analytical argument, a series of new questions emerge. How could it be that the government of a colony that until 1848 was built on and around the institution of slavery, in its final evaluation was

considered to have been unsuccessful in ‘knowing’ the conditions of the formerly enslaved? What were the developments that led to a conception of colonial government as ‘knowing’ and ‘adapting’ to the specific conditions of the colonial milieu and its population, rather than simply forcing everything into its right place? After all, the structure of slavery that dominated colonial politics, economy, and law for almost two hundred years was mediated by mechanisms of force, coercion, and violence, was it not? This introductory chapter will provide a framework for analyzing the contingent genealogy of governmentality in the Danish West Indies; it will situate the dissertation within a scholarship and historiography of the Danish West Indies, specifically, as well as broader conceptualizations of the character of colonial governmentality and theories of relations of power.

A quick disclaimer might be prudent at this moment. My concern with colonial government should not be taken as a normative reevaluation of the Danish colonial project in the West Indies along the lines of the 1916 commission’s objectives. My purpose is not to analyze the causes of ‘the demise’ of Danish colonialism, nor will I evaluate the ‘successes’ or ‘failures’ of the Danish colonial project, and neither should the reader expect a normative judgement of the ‘rights and wrongs’ of colonial authorities. Rather the dimensions of government that forms the object of this study, relates not to the justification and legitimacy behind the exercise of government, but to the strategic implementation of governmental practice that follow specific objectives and exerts specific effects—intentional as well as unintentional.

These strategic configurations of governmental practice cannot be contained within binary conceptions of the nature of rule between ‘despotism’ and ‘liberalism’ or placed along the temporal axis of ‘slavery’ and ‘emancipation.’ To simply say that the government of slavery is despotic, while the government of freedom is liberal is not sufficient to explain the shifts in the development of colonial government in the Danish West Indies. The unpacking of the problematic of colonial government in the Danish West Indies cannot be limited to a consideration of administrative and bureaucratic procedures or the political struggles between politicians and officials ‘within’ government. An unavoidable

correlation exists between the concept of ‘government’ and issues of power, the nature of ‘the state,’ and the particularities of colonialism in relation to concepts of ‘civilization’, ‘progress’, ‘modernity’, ‘the economy’, ‘the social’, and not least ‘race.’ A different conceptualization of power relations and of governmental reason is needed. This dissertation turns to Michel Foucault’s concepts of productive power and ‘governmentality’ to give a different interpretation to the character, strategy, implementation, and consequences of colonial power and government. The specifics of this approach will be elaborated in detail in the next chapter. But for now it is important to keep in mind that it implies a distancing from conceptions of power relations as determined by the capacity to enforce one’s will on others and that the exercise of government implies nothing more than enacting this capacity.

In the course of conducting a historical analysis of colonial practices of government and configurations of mechanisms of power, based on the analytical framework of governmentality, several issues emerge. One has to do with the perception of Foucault in colonial studies in general and governmentality in particular. Can theoretical and analytical insights from Foucault’s work be applied outside of the geographical-historical boundaries that formed his object of study, and, if so, how must an analytics of colonial governmentality frame its approach, and at which elements must it direct its attention? A question that is made more pertinent in the colonial context of a possibly more ‘withdrawn,’ ‘neglecting,’ or ‘disinterested,’ yet still aggressive and repressive state-power.

The remainder of this introductory chapter will help to elucidate for the reader the details of these aspects of ‘government’ in the context of colonialism; it will review the historiography on Danish colonialism, with specific reference to the Danish West Indies; and finally discuss the relevance of Foucault’s conceptualization of power to the study of slavery.

## **Colonialism and Government**

Roosevelt’s conclusion that the ‘decline’ of the Danish colony was to be blamed on the inability of Danish imperial authority to make “the conditions

of the negro race” intelligible and to configure its mode of governance accordingly, raises some important questions about the object, the strategy, and the limits of government, particularly in the multiracially framed context of colonial and postcolonial politics. What were those rules of government that he spoke of, and in what way were they different from their metropolitan counterparts? In the quote, Roosevelt asserts a difference between the rules of governing “a white race” in Europe and the rules of governing “the negro race” in the Americas. The specificities of this government of “the negro race” remained illusive, but it seems evident that the ‘needs’ of black subjects could and should be interpreted differently from the ‘needs’ of European citizens.

The opening pages of this introductory chapter have already made clear that the conduct of conduct in the Danish West Indies was a contested issue. Indeed, historians of colonialism have shown it to have been an issue of contestation inherent to colonial politics in general. The problematic of a ‘colonial difference’ in the principles of government has long engaged scholars of colonialism. Partha Chatterjee’s seminal conclusion that the signature of race marked a ‘colonial rule of difference,’ seems to echo the assertions of racial particularity by statesmen such as Roosevelt. The ‘rule of difference’ that Chatterjee finds ingrained in the political ideology and practice of colonial rule in British India, takes the form of racial discrimination. In this sense, ‘the rule of difference’ marks the limits of a self-proclaimed liberal British colonialism in India. It draws the line where ideals of self-government reverts into a repressive mode of governance that rejects the Indian’s capability to take political or legal offices on the grounds of indigenous inferiority and the legitimacy of a benevolent despotism. “[T]he point was,” writes Chatterjee, “to lay down in ‘practice’ a rule of colonial difference, to mark the points and the instances where the colony had to become an exception precisely to vindicate the universal truth of the theory [of responsible government].”<sup>13</sup> Uday Singh Metha affirms Chatterjee’s thesis at the scale of political ideology by arguing that the context of empire presented the British theorists of liberalism with an

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<sup>13</sup> (Chatterjee 1993, p. 22)

anxious unfamiliarity: “in the eighteenth and nineteenth centuries, liberal thought and India encounter each other as strangers.”<sup>14</sup>

The technique of colonial difference also existed as an element of state security, and drew its reason from British fears of subversive conduct from indigenous state officials that could potentially erode the power structure of the colonial state from within, leading the way for an anti-colonial nationalism. Accordingly, Indians were ultimately denied the bureaucratic positions that they had been trained for in academies erected specifically for that purpose.<sup>15</sup> Similarly, a recognition of native civil society and the right of free speech was rejected due to racial anxieties of the British public opinion.<sup>16</sup> Perhaps this repressive reaction by colonial government was indeed the “different rules” of government that the Roosevelt quote invokes; that concerns of state security overrules the principles of civil rights and rule of law. Interpreted in this way, Chatterjee’s colonial ‘rule of difference’ parallels Carl Schmitt’s conception of the “state of exception,” referring to a form of government that acts not on the imperative of rule of law or civil rights of citizens, but rather from the principle of sovereignty, of the sovereign’s juridical prerogative to secure the safety of the state, or rather the safety of the sovereign himself.<sup>17</sup> The propensity of the colonial state to use excessive force in the disciplining of its native inhabitants and to evoke the extraordinary authority of martial law, state of emergency, and state of exception has been aptly documented by historians of colonialism. In the colonies perhaps most of all places Foucault’s inversion of Clausewitz’ dictum “that politics is the continuation of war by other means”<sup>18</sup> has been shown to hold true in the most literal sense. Achille Mbembe takes this proposition even further, suggesting that

in modern philosophical thought and European political practice and imaginary, the colony represents the site where sovereignty consists fundamentally in the exercise of a power outside the law (*ab legibus*

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<sup>14</sup> (Mehta 1999, p. 23)

<sup>15</sup> (Chatterjee 1993, pp. 20-22)

<sup>16</sup> (1993, pp. 22-26)

<sup>17</sup> (Schmitt 1922/2005, pp. 1-15)

<sup>18</sup> (Foucault 2003b, p. 15)

*solutus*) and where “peace” is more likely to take on the face of a “war without end.”<sup>19</sup>

If the colony was the site of a continual war then slavery would be its corresponding practice, which John Locke justified as “the state of War continued, between a lawful Conquerour, and a Captive.”<sup>20</sup>

This theme of exception and emergency has been taken up by scholars such as the legal historian, Nasser Hussain, who argues that the introduction of a rule of law in colonial India evolved into a process of justifying and legitimizing legal exceptions and authorizing the state’s emergency powers. Hussain himself describes the narrative of his study in the following manner: “In short, I tell the story of the extension of English law and constitutionality to the colonies: the haphazard introduction of a rule of law, its colonial mutations, and its enduring consequences.”<sup>21</sup> Thus, Hussain’s narrative of “colonial mutation” in the legal production of rules of government does not directly follow Mbembe’s claim of the exercise of colonial sovereignty as “a power outside the law.” It does, however, parallel the master narrative of colonial difference that shapes many histories of colonialism. It does so by drawing out the hypocrisy with which so called universal rights were given a particular framework in the colony, emphasizing how ‘colonial difference’ referred both to the ‘different’ legal, social, and political status of colonial subjects vis-a-vis metropolitan citizens, and the ‘difference’ with which metropolitan concepts of law, order, and governance were conducted in the colonies. The idea of ‘colonial difference,’ then, not only reflects the racial or ethnic discrimination inherent in colonial regimes, but also illustrates a political logic that dictates a particular shaping of juridical and state institutions to buttress the principles of difference and hierarchical order. Modern Western political institutions that in principle promotes equality and self-government are thus reshaped when infused with the political logic of colonial difference.

It has, then, been argued that the avenues followed by officials in establishing sovereignty in the colonies have been inherently different from

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<sup>19</sup> (Mbembe 2003, p. 23)

<sup>20</sup> Quoted in (Davis 2001, p. 132)

<sup>21</sup> (Hussain 2003, p. 2)



similar processes in the West. In some cases this difference has been framed as a lacking or incomplete political engagement by colonial administrations with colonial political society. Thus, in a footnote to his seminal article on “Necropolitics” Achille Mbembe assures the reader that he is “mindful of the fact that colonial forms of sovereignty were always fragmented.” He then goes on to quote Thomas Hansen and Finn Stepputat’s framing of colonial forms of sovereignty as “less concerned with legitimizing their own presence and more excessively violent than their European forms.” In fact, “European states never aimed at governing the colonial territories with the same uniformity and intensity as was applied to their own populations.”<sup>22</sup> This is a claim that parallels the argument of world system theorists regarding the underdevelopment of the third world. Rather than arguing for the economical underdevelopment of post-colonial states, Mbembe, Hansen, and Stepputat are arguing for the political underdevelopment of post-colonial citizens. They also argue for a strategical negligence by European states in their government of colonies, resulting in a post-colonial deficit of civil rights.

The characterization of colonial rule as following a protocol of difference found a firm foothold within the study of colonialism following Edward Said’s book, *Orientalism*, published in 1979.<sup>23</sup> In his seminal study, Said documented the (mis)representations by orientalist discourse of oriental culture and people, and its implications on contemporary foreign policy, especially regarding the Middle East. During the following decades, the influential group of scholars on Indian colonial (and postcolonial) history known as the Subaltern Studies Group, explored further the composition and effects of colonialist discourses of rule, interrogating the

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<sup>22</sup> (Mbembe 2003, pp. 22, n. 37). Mbembe quotes from a 2002 unpublished paper titled “Sovereign Bodies: Citizens, Migrants and States in the Post-colonial World”. Similar arguments are put forward by Hansen and Stepputat (2005, p. 20) in the introduction to their edited volume of the same title: “As a result of this gradual process, and the controlling principle of colonial legislation and colonial subjects as permanently exempted and different from rule “at home” in Europe, colonial sovereignties became (1) partial and provisional; (2) spectacular and yet ineffective in their exercise of territorial and social control; and (3) marked by excessive and often random violence. Our proposition, similar to that of Hannah Arendt (1951), is that colonial sovereignty remained a naked version of modern sovereign power, the raw “truth” and racist underside of the modern state.”

<sup>23</sup> (Said 1979)

possibilities of subaltern agency and structures of institutional dominance. Inspired by *Orientalism*, but also taking their theoretical cue from European thinkers such as Gramsci, Marx, and Foucault, who each formulated conceptualizations of the relation of power, its directions and mechanisms, members of the Subaltern Studies Group formulated a critique of the historical shaping of Indian subjectivities, social and political imaginations, and the nature of the postcolonial Indian nation-state. This strategy of criticism was formulated with 'the rule of difference' as the central pivot.

The common formula for the works of the Subaltern Studies Group followed a method of operationalizing 'European' theories on Indian cases, and documenting the alternative trajectories of an Indian colonial modernity vis-à-vis standard Western narratives of modernity. For Ranajit Guha, Gramsci's concept of hegemony served as the point of departure for his coinage of colonial rule in India as 'dominance without hegemony.' In Guha's rendering of the nature of the colonial state in India, the element of persuasion that characterized power relations in the metropolitan state was replaced by coercion. This fundamental difference from metropolitan power relations constituted a governmental paradox in which the colonial state, ultimately founded on bourgeoisie ideology, eliminated the possibility of a civil society, and, by extension, the conditions of hegemonic dominance. The core argument that the confrontation between Western political principles and the particular colonial condition transformed the principles and practices of the colonial state, vis-à-vis the metropolitan state, has since been reiterated many times in the literature on colonial history.

The trope of difference and dislocation is evident in the work of historians, and Subaltern Studies Group members, such as David Arnold, Partha Chatterjee (whose work I commented on above), Gyan Prakash, and Dipesh Chakrabarty. The focus on colonial difference served as a critique of the universal claims of liberal government and the rule of law that had fueled the ideological justification of colonialism and exposed the hypocrisies of the colonial state in India. But at the same time it could be argued that the endeavor to 'provincialize Europe' by assuming the position of subalternity and exploring the divergence of colonial principles of rule, actually reserved a privileged position for an idealized Western original

against which the specific, more muddled, historical manifestations of rule-in-practice rather than rule-in-theory could be excavated and evaluated.

Emerging from this interrogation of the difference of the political rationality of the colonial state compared to the metropolitan state, historians of colonialism began to look to Michel Foucault's concept of governmentality in the mid to late 1990s as a new analytical tool to further investigate the character and development of the colonial state. In 1995, David Scott published an article entitled "Colonial Governmentality" in the journal *Social Text*. Scott's motivation for submitting his "notes" that made up "the tentative explorations of a working paper," as he described his now frequently cited article, stemmed precisely from the discussion about the position of 'Europe' in the "theoretical knowledges of the colonial and postcolonial world."<sup>24</sup> More specifically, what role should 'Europe' be given in historians' interpretation of modernity's transformations in the colonial world. Scott's proposition was to reorientate the "decentering" of Europe that in Scott's view was often confused with "programmatically ignoring Europe." For Scott, this "polemical dismissal of Europe" amounted to a "conceptual reformulation that seeks little more than an inversion of the colonial habit of deploying 'Europe' as the universal subject of all history."<sup>25</sup>

Instead of 'forgetting' Europe, Scott proposed a reorientation of the analytical focus on European transformative agency in the colonial world. He argued for replacing the "critique of colonialist discourse" that was concerned with demonstrating, on one hand, the colonialist production of a "distorted representation of the colonized," denying them of "voice, autonomy, and agency," and on the other, the political inequality entailed in liberal principles of the "institutional mechanisms of colonial dominance."<sup>26</sup> Instead of the problematic of colonialist discourse that worked to expose the "internal economy" of the colonizers' dominance as well as highlight the

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<sup>24</sup> (Scott 1995, p. 191)

<sup>25</sup> (1995, p. 192)

<sup>26</sup> (1995, p. 192)

resistance of the colonized, Scott would place a “problematic ... [that] takes as its object ... the *political rationalities* of colonial power.”<sup>27</sup>

The analytical reorientation towards political rationalities precipitated an emphasis on the organization of colonial power as “an activity designed to produce effects of rule.” This meant a specification of, what Scott referred to as, “the targets of colonial power,” which consisted of a three-step movement to identify “the point or points of power's application, the object or objects it aims at, and the means and instrumentalities it deploys in search of these targets, points, and objects.” It also entailed designating “the field” of colonial power’s operation, i.e. “the zone that it actively constructs for its functionality.”<sup>28</sup> Scott’s methodology represented a clear move away from problematics of European representation and dominance of colonized subjects towards a more general conceptualization of transformations of modernity. And as such, the problem of ‘Europe’ shifts from an epistemological problem of European interpretation of colonialism’s discursive structures, to an empirical and analytical problem of interrogating “the practices, modalities, and projects through which the varied forms of Europe's insertion into the lives of the colonized were constructed and organized.”<sup>29</sup> This movement, in turn, aligns Scott’s project more with a general history of modern forms of power, rather than specifically with investigations of particularly colonial forms of power. Scott makes this dimension clear by specifying the nature of his interest in colonialism as being focused on

the emergence at a moment in colonialism's history of a form of power—that is, therefore, *a form of power not merely coincident with colonialism*—which was concerned above all with disabling old forms of life by systematically breaking down their conditions, and with constructing in their place new conditions so as to enable—indeed, so as to *oblige*—new forms of life to come into being.<sup>30</sup>

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<sup>27</sup> (1995, p. 193). Italics in original.

<sup>28</sup> (1995, p. 193)

<sup>29</sup> (1995, p. 193)

<sup>30</sup> (1995, p. 193). Italics in original.

With this formulation of a research agenda for the analysis of the political rationalities of colonial power, Scott outlined a direction for a postcolonial scholarship, separated from a sequestered search for the particularities of colonial modernity and a critical ‘writing back’ at Europe, and aimed more directly at a general history of forms of power, and as a way of critically addressing the configuration of modernization and the rationalities that shaped its organization. But Scott’s intervention also prompts us to return to Roosevelt’s comments on the government of Danish colonialism.

While Roosevelt asserted the particularity of colonial rules of governance, his emphasis on the importance of making “the conditions of the negro race” intelligible to government, also pointed toward an implicit axiom of governance that was not particular to the rules of colonial government, but had a universal applicability: That government necessarily had to take account of those being governed and calibrate its governmental strategy in accordance with the needs of the governed. Once again, the conditions for such a claim and the historical specificities of the ‘strategic calibration’ of government is what this dissertation holds as its central object. Scott’s highlighting of political rationalities and forms of power “not merely coincident with colonialism” leads us to believe that answers cannot be found solely within a framework of colonial particularity or difference. When those involved in the formulation of principles for governing black colonial subjects referred to a framework of paternal despotism, they did not necessarily separate such formulations from a framework of liberal governmentality. The point that Scott seemed to be making was that processes of modernization, the political form of modernity, were taking place in metropolitan as well as colonial context, or to stretch the argument even further, the emergence of modern political rationalities and the forms of power they engendered were not depended nor limited by specific socio-political contexts.<sup>31</sup>

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<sup>31</sup> The many studies that have taken up Cooper and Stoler’s (1997) methodological call to look beyond the dichotomy between metropole and colony seems to have affirmed the analytical salience of Scott’s point.

Besides David Scott, another early utilization of the concept of governmentality in the context of colonialism was Gyan Prakash's book, *Another Reason*, published in 1999. Prakash's approach was, however, quite different from Scott's. In his 1995 article, Scott had analyzed the modernization reforms of Ceylon's legal administration. The purpose was to show the construction of a field of operation for a new political rationality of colonial governmentality. As such, Scott was interested in documenting a shift in the target of power and the reconstruction of institutional structures that would enable the targeting of the reformulated points of application of power. Scott, then, was, in his analysis, engaging with governmentality at a programmatic level. He did not seem to be concerned with the outcomes of implementing the programs of colonial governmentality (just as Foucault had not been concerned with the practical implementation of technologies of discipline or government in his analyses).

Prakash was in his approach more devoted to the circumstances of the concrete functioning of governmentality in its intervention in the lived environment of colonial subjects, the regulation of populations, and the construction of space. And in this confrontation of a program of governmentality with a colonial reality, or rather a colonialist discourse of colonial reality, Prakash documented a "fundamental dislocation" of colonial governmentality from its Western form.<sup>32</sup> Prakash found the cause of this dislocation in the seminal conclusions of his colleagues from the Subaltern Study Group, namely that British rule in colonial India was structured as "dominance without hegemony" and conditioned by "a rule of difference":

Colonial governmentality was obliged to develop in violation of the liberal conception that the government was part of a complex domain of dense, opaque, and autonomous interests that it only harmonized and secured with law and liberty. It had to function also as an aspect of coercion, that is, instituting the sovereignty of alien rulers.<sup>33</sup>

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<sup>32</sup> (Prakash 1999, p. 125)

<sup>33</sup> (1999, p. 126)

Prakash's point is, however, not that colonial governmentality simply served as the negative correspondent of Western governmentality—a history of modernity failed—but rather was a “productive breach,” generating a specifically “*colonial* ‘complex of men and things.’”<sup>34</sup> Governmentality in the colonial context was not a failure or a lack of modernity or liberalism, but a dislocation and a breach that meant that the problem of a colonial population was formulated differently and viewed through a different lens, resulting in divergent trajectories of governmental technics, e.g. an excessive role of state medicine.<sup>35</sup>

The only ‘dialogue’ that Prakash had with Scott’s “Colonial Governmentality” article occurred in an endnote where Prakash remarks that Scott had ignored Partha Chatterjee’s conclusion about race as a colonial rule of difference. But rather than ignoring Chatterjee’s emphasis on the fundamental function of race as the dividing prism through which all calculations of colonial rule passed and was distributed, Scott wrote his essay on colonial governmentality as a response to what he viewed as the hegemonic status of the concept of race in analyses of colonial relations of power.

The governmentality approach to the study of colonialism—regardless of its internal disputes—has been criticized for not being attentive enough to the pluralities of historical contexts in which governmentalities could and have developed. Frederic Cooper has argued that the governmentality concept runs the risk of missing “the historical specificity of different colonization regimes.”<sup>36</sup> One of Cooper’s apprehensions towards the usability of governmentality in regard to colonialism, other than the issue of generalization, lies in his preconception that analyses of governmentality presupposes the existence of a strong, rationalized government that was thoroughly attentive to the calculable composition of its population and excelled in the art of producing observable individual subjects. An art that, according to Cooper, took on a “collectivized and reified notion of traditional authority” in many colonial contexts when compared to European

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<sup>34</sup> (1999, p. 126), quoting Foucault (1991, p. 93; 2007, p. 96)

<sup>35</sup> See e.g. (Arnold 1993; Prakash 1999, chapter five)

<sup>36</sup> (Cooper 2005, p. 257, n. 50)

government.<sup>37</sup> In this instance, Cooper seems to be guilty of the same sort of generalization that he accuses the colonial governmentality approach of by assuming that colonial power relations were “arterial” as opposed to the “capillary” power that Foucault saw in modern Europe.<sup>38</sup> Consequently, Cooper characterize imperial states as having “long arms and weak fingers.”<sup>39</sup> Prakash, in his analysis of colonial governmentality, had in fact promoted a similar characterization of the British Indian colonial state, describing it as “underfunded and overextended laboratories of modernity.”<sup>40</sup>

If we do accept the notion that the colonial state was made up of “strong arms and weak fingers,” it does not, however, follow automatically that colonial society was bereft of techniques of government. Rather, one may conclude that the agency of government was distributed differently.

Arguably, it is pertinent to adhere to the complex particularities of the specific context in which one’s study is carried out. But the perception that a governmentality approach to colonial history precipitates the existence of a strong and effective, centralized state-administration and the presence of ‘total institutions’ does not seem tenable. As this dissertation will show, and as Foucault also embraced and made clear in his lectures on governmentality, the concept of governmentality does not refer to a historical state in which a high degree of correlation between programs of government and their implementation was established and fixed. Rather than the fulfillment of every sovereign’s fantasy of a completely disciplined and docile population and territory, the new rationality of government that Foucault identified in connection with his ‘history of governmentality’ was one that accepted, promoted even, that not everything could be controlled by government. Instead, the instrumentality of governmentality as it evolved, according to Foucault, in the eighteenth and nineteenth centuries, consisted of a series of calculations of the cost and effect of a multiplicity of possible outcomes and the different mechanisms to affect them. Rather than

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<sup>37</sup> (2005, p. 49)

<sup>38</sup> (2005, p. 49)

<sup>39</sup> (2005, p. 197)

<sup>40</sup> (Prakash 1999, p. 13)



operating with single, absolute objectives of government, governmentality, as Foucault identified it, operated within an acceptable bandwidth of problematic elements in dimensions of the social or the economy. In that sense ‘failure’ or ‘limits’ of government becomes an incorporated element in the calculations of governmental strategies, and forms part of the range of unknown elements that can influence their outcomes.

The question still remains whether there is something about the condition of colonialism that facilitates the fundamental dislocation of governmentality, or renders the analytics of governmentality impossible. In regard to the latter problem, I argue in the next chapter that it is quite possible to extract from Foucault’s lectures on governmentality an analytical framework that can be applied to the analysis of governmental power regardless of the political conditions of particular contexts. Regarding the former problem, the next chapter will also make clear that governmentality should not be conceived as a singular concept. Foucault often referred to governmentalities, articulating the concept in the plural. For instance he traced the transformation from a ‘governmentality of police’ to a ‘governmentality of economy’ in the eighteenth century. This was a process of conflicting conceptions of the rules and mechanisms of the nature of economy and the role of government in these mechanisms. As such it was profoundly a process of critique of government that led to the transformation of the rationality of government. The point here is that Foucault’s conceptualization of governmentality did not exclude the existence of multiple forms of governmentality, or at least that governmentalities could consist of multiple configurations of power mechanisms. In fact, the transformations of governmentality presupposed the existence and mutual critique of multiple governmentalities. Therefore, the proposition that the configuration of governmentalities in the colonies differed from governmentalities in the metropole is not at all unlikely. But the general labeling of a singular colonial governmentality risks overemphasizing the separateness from metropolitan forms, while also obfuscating the diversity of colonial governmentalities, in the plural. To that extent, I would tend to agree with Cooper’s criticism that the concept of

*colonial* governmentality flattens the diverse landscape of strategies of rule and mechanisms of power in the myriad of colonial sovereignties.

Cooper's criticism has to a certain degree been addressed by recent studies of colonial governmentality. These studies emphasize the importance of analyzing colonial governmentality in terms of scales and comparisons. Stephen Legg has studied the "sexual governmentalities" of prostitution in Delhi as shaped by the scalar networks of "urban civil society," "colonial government," "imperial hygiene," and "internationalist apparatuses."<sup>41</sup> The resulting paradigm of this analytical approach is one that questions, yet takes seriously, the 'coloniality' of colonial governmentality. Legg shows how the interwar turn from toleration of prostitution in Delhi to a policy of abolition was constituted by interlocking problematizations and campaigns by agents and institutions at the local, regional, national, imperial, and international scales, including philanthropists, the British military, the government of India, and the League of Nations. Through this approach, Legg highlights the need to move beyond specificities of the particular context in order to grasp the many constitutive components of local governmentalities.

Comparative studies of the different character of colonial government within the same imperial structure or between different imperial powers have also documented the diversity in forms of colonial governmentality. George Steinmetz has shown how governmental strategies within the German empire differed greatly depending on the specific colonial location and the ethnographic conceptions of local populations. Steinmetz compares three very different colonial contexts within the German empire: German South West Africa (present day Namibia), Samoa, and Qingdao in China's Shandong province. The central claim is that "precolonial ethnographic representations shaped colonial native policy."<sup>42</sup> Framed in the sociological theory of Pierre Bourdieu, Steinmetz argues that within the semi-autonomous field that the colonial state constituted, it was ethnographic capital that shaped the specific practices of rule that were pursued in each

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<sup>41</sup> (Legg 2014, pp. 239-240)

<sup>42</sup> (Steinmetz 2007, p. 2)

colonial context. As a result, the native population of each colony was governed according to very different principles. In German South West Africa the Ovaherero and Witbooi communities were decimated by war, genocide, and expulsion in their ‘encounter’ with German imperialism.<sup>43</sup> In Samoa, German native policy took the paternalistic form of “salvage colonialism” through which native culture was to be ‘protected’ from the intrusions of capitalist modernity.<sup>44</sup> In Qingdao, colonial policy moved from segregationist towards more inclusive approaches by which Chinese civil rights were recognized and educational programs introduced.<sup>45</sup> A similar comparative analysis has been conducted by Julian Go. Go compares the colonial policy of the United States with the policies of the British empire and finds that both empires fostered a variety of colonial governmentalities—ranging from “preservationist governmentality”<sup>46</sup> to “democratic tutelage,”<sup>47</sup> or from “liberal governmentality”<sup>48</sup> to “decentralized despotism.”<sup>49</sup> In regard to Danish imperialism, equally diverse strategies of government existed within the same imperial frame. The protectionist governmentality deployed in Greenland, as analyzed by Søren Rud, resembled the strategies deployed by the British in Fiji, the Germans, and subsequently the Americans, in Samoa.<sup>50</sup> In contrast, the strategy of slavery pursued by Danish colonial authorities in the West Indies and on the Gold Coast was not at all concerned with the preservation of traditional cultures.

One historical geopolitical context in which the analytical approach of governmentality has not yet been explored is the colonial Caribbean. Since most of the colonial governmentality studies have centered on the history of British India a general proliferation of the approach to other colonial and imperial geographies would do much to help reconcile the residual problematic of colonial particularity versus metropolitan universality. By

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<sup>43</sup> (2007, pp. 10-12)

<sup>44</sup> (2007, p. 13)

<sup>45</sup> (2007, pp. 18-19)

<sup>46</sup> (Go 2011, p. 86)

<sup>47</sup> (2011, p. 70)

<sup>48</sup> (2011, p. 238)

<sup>49</sup> (2011, p. 80)

<sup>50</sup> (Rud 2010, 2014)

taking the history of the Danish empire in the West Indies as its research object this dissertation attempts to add to the complexities of the history of governmentality. Simultaneously, however, by broadening the analytical lens of governmentality to the context of imperialism in the New World—including Atlantic slavery—I also expand the area of research to which the perspectives of the governmentality approach can be applied. A double movement, then, of contraction and expansion; zooming in on the particular history of the Danish West Indies while expanding the analytical scope of governmentality.

I move now to first consider the particular by means of a review of the historiography of the Danish West Indies. Afterwards, I consider the universality of a Foucauldian approach to the context of colonial history in general and in particular the history of Atlantic slavery to which Foucault's notion of productive power, which forms the groundwork of his conception of governmentality, appears particularly controversial.

### **The Danish West Indies in Danish Colonial History**

The historiography of the Danish West Indies has in general been dominated by three strands of analytical emphasis.<sup>51</sup> i) An administrative-economic focus taking the point of view of the colonial administrators and trading companies; ii) a cultural and social focus seen from the perspective of a “slave society;” iii) and a recent pragmatic, but critical middle ground.

The first strand, which can further be divided into two successive sub-strands, was marked by the publication of the edited volume *Vore gamle tropekolonier (Our Old Tropical Colonies)* in 1952, a second edition was published in 1966. The project brought together historians that worked with hitherto unused archival material, producing eight volumes, in the 1966 edition, on Danish possessions in the West Indies, the Gold Coast of West Africa, and the settlements of Tranquebar and Serampore on the east coast of India. In the eyes of the authors, the publication made available to the

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<sup>51</sup> Several reviews of the historiography of the Danish West Indies and Danish colonialism in general have been published in recent times. See e.g. (Brimnes 1992; Olwig 1981; Simonsen 2003)

general public, for the first time, a history of Denmark's tropical colonies that was thoroughly grounded in scientific historical methodology. This was, however, a history marked by an overtly attention to the administration of the colonies and, most importantly, the struggles of Danish administrators to represent the small-state interests of the Royal Danish Kingdom in competition with other European imperial powers in the hazardous conditions of a tropical environment and a population prone to trouble.

The volume's approach was non-theoretical, descriptive, Eurocentric, and provincial in the sense that the Danish colonies were thought of as separate, detached spheres of administration with communications, ordinances, and reports running back and forth between the central administration in Copenhagen and the different governors, trusted to conduct the local administration of the colonies. The authors made no effort to locate the colonies in a broader framework of Danish imperialism. Nor were the colonies placed within imperial networks of commodity trade and ideological circulations that significantly widened its scope and impact on a global scale during the three to four hundred years that spans Danish colonial activity. Finally, they showed no interest at all in the interactions and relations of Danish colonizers and local populations.

Parallel with the publications of *Vore gamle tropekolonier* a series of studies by mainly economic historians from the 1940s onward complemented the administrative history of those volumes with a more narrow focus on conditions of production, commerce, and trade, including the trade in slaves.<sup>52</sup> In a review article, the historian Niels Brimnes coined this scholarship as “a history of company rather than a history of colony.”<sup>53</sup> Brimnes also remarked that the economic historians did not substantially differ in their grounds of inquiry from *Vore gamle tropekolonier*. They merely broadened the scope of analysis, while retaining the Eurocentric point of departure. He pointed out that while seeking to fill a gap in history of colonialism that *Vore gamle tropekolonier* presented, the focus on economy and trade led the historians further away from the true sinews of

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<sup>52</sup> See e.g. (Green-Pedersen 1971, 1975, 1980; Gøbel 1982, 1983, 1990, 2011; Sveistrup 1942a, 1942b; Sveistrup & Willerslev, 1945)

<sup>53</sup> (Brimnes 1992, p. 103)

colonialism that could only be found in the relationships between colonial actors on the ground, not in the abstract numbers of trade records.

This objection towards the Eurocentric approach of administrative and economic histories of Danish colonialism brings us to the second major historiographical strand, which emerged in the 1980s. This strand owes its formation to at least two historiographical developments. Firstly, it was influenced by the currents put into motion by the publication of Edward Said's influential book *Orientalism* in 1978 and the emergence of postcolonial studies in the 1980s and 90s. Secondly, it drew inspiration from the anthropological turn within cultural and social histories of the Caribbean and Atlantic where scholars such as Sidney Mintz, Robert Price, Douglas Hall, and Kamau Brathwaite were important point of reference. The influence can be seen in the sense of a political incentive of wanting to write a history that made room for Afro-Caribbean agency, providing today's postcolonial citizens a place in their own history. The influence did not, however, necessarily include a comprehensive engagement with the theoretical and methodological advances of the postcolonial critical movement. But it did involve a welcomed interaction with an international historiography of colonialism.<sup>54</sup>

If the first strand of Danish colonial historiography can be seen as Eurocentric, the second can be labelled as Afro-Caribbean-centric. The analytical aspiration of this strand was to know the history of the colonized, the social life of enslaved Africans that were brought to the West Indies as forced labor, and how these diverse groups of people developed specific creolized cultural traits, traditions and conventions, both in spite of, because of, and as resistance to slavery and colonial domination.

Much of the literature that has been reviewed thus far in this section can be criticized for being somewhat provincial in its approach to the study of colonialism. There is a tendency to limit the object of analysis to certain geographical areas or a specific area of colonial relations, e.g. the trade of

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<sup>54</sup> For works that deals with social and cultural aspects of slave societies and problems of creolization and development Afro-Caribbean culture, see (Hall 1992; Olwig 1985; Sebro 2010). Simonsen (2007) applies an approach inspired by postcolonial theories of agency in her study of the slave voices in Danish West Indian lower courts.

the East India Company or slave societies on St. John. More challenging conceptual approaches that makes comparisons across colonial sites, e.g. of interracial marriages/sexual relations in Greenland and the West Indies, have generally been avoided. Likewise, there has been a lack of studies that situate the experiences of Danish colonialism within a wider context of colonial and imperial modernities. Recently, however, a number of authors have done their part to redeem this cavity. This third strand of scholarship on Danish colonialism is to a greater extent connected to a wider international scholarly field on colonialism, and has extended the boundaries of what can be termed a colonial field of enquiry by locating the ‘colonial moment’ in the encounters, circulations, and subjectivities that European expansion facilitated, as much as in the records of administrations and trade companies. Favoring practices of power relations in the broad sense of the term, aspects of Danish colonialism have been found to unfold itself in such diverse settings as criminal trials in the lower courts of St. Croix,<sup>55</sup> human exhibitions in the Copenhagen Zoo and Tivoli Gardens,<sup>56</sup> nineteenth century Copenhagen’s boarding houses for promising Greenlandic students and relief homes for the city’s poor Danes,<sup>57</sup> and in orphanages belonging to Danish missionaries in southern India after official Danish colonial involvement had ceased.<sup>58</sup>

These and other works expand the colonial category to include unequal power relations in general, going beyond the relations of direct dominance between colonizers and colonized. As Pernille Ipsen and Gunlög Fur explains in an article on Scandinavian colonialism,

[w]hen the definition of colonialism is broadened to include more than colonies and colonial institutions, Scandinavian engagement in the European expansion is therefore a larger and more complicated history. Indeed, when tracing colonialism beyond colonies to specific historical localities that may or may not have been called colonies, but that, nevertheless, were structured by European colonialism, it becomes clear

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<sup>55</sup> (2007)

<sup>56</sup> (Andreassen 2015; Andreassen & Henningsen, 2011)

<sup>57</sup> (Rud 2010)

<sup>58</sup> (Vallgård 2014)

that Scandinavian colonisation, trade, exploration and mission were all part of a larger system of European expansion.<sup>59</sup>

Favoring the category of encounters (colonial, cultural, economic) as their site of analyzes, the limited scope of Danish/Scandinavian expansion, in comparison with the British, French, Dutch, Spanish, etc., is made more “colonial” by broadening the effects of colonialism beyond the limits of a traditional definition of colonialism.

While the effort, as mentioned earlier is much needed, such an approach runs the risk of diluting the actual sense of a historical experience of colonialism on the sides of both post-colonizers and post-colonized. Why make the effort of ‘writing up’ the effects of Scandinavian colonialism, one could ask? In the article quoted above, the authors make the argument that the postcolonial Danish state refuses to recognize its historical responsibility as a colonizing state that to some extent build its dawning modern nation-state on the backs of hard worked African slaves.<sup>60</sup> In the view of this argument, it seems contradictory to aim one’s analytical focus, as the authors seem to do, anywhere but the colonial state and the government that supposedly perpetrated this historical wrongdoing. Instead of a history of colonialism that accentuates state delineated empires, Ipsen and Fur calls for “a history that traces colonialism beyond colonies to local encounters; a history where there were plenty of Norwegians, Danes, and Swedes, but where they were not necessarily following command from ‘their’ states” that incorporates “the development and movement of ideas, networks, groups, and individuals.”<sup>61</sup> The authors seem to be writing the colony (or at least the colonial state) out of colonialism.

I am apprehensive of this project. Not because local encounters of ideas, networks, groups, and individuals are not important aspects of the colonial experience, but because the rationalities and aspirations of the colonial state had a great deal to say about the space of possibilities in which these concepts circulated and developed. What is there for the Danish government to apologize for if the state is exempted from Danish colonialism. An

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<sup>59</sup> (Ipsen & Fur, 2009, p. 8)

<sup>60</sup> (2009, p. 11)

<sup>61</sup> (2009, pp. 12-13)



unintended consequence of the research agenda spelled out by Ipsen and Fur might be that it will help to sustain the common conception that the involvement of the Danish state in colonial projects was limited and benign.

The analytical perspective of governmentality that I advance in this dissertation reasserts the problem of the state in Danish colonialism. It is not, however, a return to the administrative history of *Vore gamle tropekolonier*. Rather, it represents an analytical strategy that seeks to unfold the activities of governmental actors, programs, and the rationalities that informed them.

Michel Foucault's analytical approaches have not been applied to any considerable degree within the study of Danish colonialism. Søren Rud's work on colonial Greenland serves as an important exception to this rule. As such, this dissertation forms part of a contribution to fill this theoretical and methodological caveat in Danish colonial historiography. In the following section I direct my attention towards Foucault's conceptualization of power in relation to colonial history and particularly the history of Atlantic slavery.

## **Power and Slavery**

Foucault has been immensely influential in the formulation of postcolonial critique of colonial power relations and their persistence into postcolonial politics. Despite his influence, Foucault has been an ambivalent figure in the canon of postcolonial theory. This seems to have been particularly true among historians of Atlantic slavery and of post-emancipation Caribbean colonialism, who have been less attracted by Foucault's conceptual work. In the case of my own project, it refers to a Caribbean, colonial society that until the middle of the nineteenth century revolved around an entrenched practice of slavery; a context where race and property were determining and intertwined categories, and the legal and economic privileges of liberty distributed accordingly. This difference in social and legal conditions require a discussion of Foucault's place in the study of colonialism in general and in particular the study of Atlantic slavery.

In the text *The Subject and Power* Foucault claims that the existence and exercise of power does not negate or extinguish the existence of freedom.

Rather, freedom is a fundamental prerequisite for relations of power. In other terms, the exercise of power necessitates a possibility of choice and of action, and the capability of power is not contained in the function of quelling the possibility of action. Rather, the exercise of power consist in structuring “the possible field of action of others.”<sup>62</sup> This definition of a basic mechanics of power relations that gives privilege to the productive act of conducting conduct rather than the repressive act of coercing one’s will upon others, runs intuitively counter to the condition of slavery. As Foucault also makes clear: “Where the determining factors saturate the whole, there is no relationship of power; slavery is not a power relationship when man is in chains.” Foucault is referring here to slavery as a philosophical ideal state where the possibility of agency, of choice and action, is completely non-existent. But still, the theoretical conclusion is that power as Foucault conceives it is not able to accommodate the determining factors of the condition of slavery.

In a lecture given many years earlier, on 15 January 1975, Foucault articulated the analytical relationship between slavery and power somewhat differently. In that lecture Foucault laid out a series of outdated conceptions of power that were all modeled on anachronistic historical realities and therefore incapable of analyzing the contemporary functioning of power. Describing the first of four outdated historical models of power, Foucault asked rhetorically: “From where is this conception of power borrowed that sees power impinging massively from the outside, as it were, with a continuous violence that some (always the same) exercise over others (who are also always the same)?” And gave the answer: “It comes from the model of, or if you like, from the historical reality of, slave society.”<sup>63</sup> Again, the slave society that Foucault referred to was certainly the ideal type of slavery in Roman and Greek antiquity, and not the dispersed practices of chattel slavery in early modern and modern European Atlantic empires. Foucault, nevertheless, explicitly opposed the conception of power as an extrinsic and

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<sup>62</sup> (Foucault 1982, p. 790)

<sup>63</sup> The other three historical models for outdated conceptions of power that Foucault referred to were “caste society,” “feudal society,” and “the administrative monarchy” (Foucault 2003a, pp. 50-51)

continuous violence that originated in the analysis of slave society with his own. Did this also mean that he rejected the possibility that his conception of power could be applied to an analytics of the power relations of slavery? No, not necessarily. But Foucault's tendency to exclude violent and coercive techniques of power from his conception of modern, contemporary relations of power, has led to an analytical skepticism among some colonial historians towards the extension of Foucault's analyses to the colonial context.<sup>64</sup>

Foucault is very rarely discussed in the literature on slavery and colonialism in the New World, so it is difficult to determine the specific scholarly reasons for ignoring Foucault. Despite the silence from historians of Atlantic slavery on Foucault, I believe it would be reasonable to speculate that this absence of Foucault in the study of slavery is mostly due to the relativization of elements of 'intent,' 'responsibility,' and therefore the exclusion of the element of 'culpability' that Foucault's conception of power relations can be interpreted as promoting. Power in the work of Foucault is simply a category that is too open-ended for most scholars working with the subject of the history of slavery. The possibility of taking on a position that could be viewed as whitewashing the consequences of the mass-scale and systematic trafficking, exploitation, and indirect murder of African men, women, and children, would be a reasonable argument for steering clear of Foucault's analytical approach to power relations.

Besides furnishing a theoretical framework for the analysis of discursive structures of social control, Foucault also conceptualized modern relations of power as a movement away from the juridically centered, often coercive techniques of sovereign power towards more subtle, incentivizing, and transformative techniques of disciplinary and governmental power. For some historians of colonialism, Foucault's concepts have been immensely inspiring and productive, while others have been much more critical. Let us begin to address this criticism and the conspicuous absence of Foucault in the study of Atlantic slavery and Caribbean colonialism by comparing the

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<sup>64</sup> Many studies of colonial punishment and prisons display this skeptical tendency towards the scope of Foucault's analytical approach. See e.g. (Bernault 2007; Paton 2004; Zinoman 2001)

conceptualization of power in more classical theories of power, as found in Thomas Hobbes, with Foucault's. When one compares Foucault's conception of power with Hobbes, a probable explanation for the omitting of Foucault by scholars of particularly Atlantic slavery emerges. An explanation that is connected with the sense of historical injustice that surrounds the tragedy of Atlantic slavery, and the question of culpability that has understandably framed contemporary narratives of colonial slavery.

The sociologist Barry Hindess has traced the contours of a Hobbesian conception of power that runs through much of modern political theory. This conception of power, Hindess argues, is often considered in terms of "a generalized essence of effectiveness" that he locates in the writings of such influential political thinkers as Thomas Hobbes, Max Weber, and Anthony Giddens. Hindess writes that "[t]his view of power as a quantitative and mechanical phenomenon which determines the capacity of actors to realize their will or to secure their interests has been enormously influential in the modern period."<sup>65</sup> The foundation of this conception of power has its origins in Thomas Hobbes' seventeenth century treatise on the constitution and function of sovereign power, *Leviathan*. In this canonical text of political theory, Hobbes defines power as the ability or capacity "to obtain some future apparent Good." This capacity is dependent upon certain personal qualities such as "extraordinary Strength, Forms, Prudence, Arts, Eloquence, Liberality, Nobility," as well as acquired instruments that will increase one's means of obtaining future goods, such as "Riches, Reputation, Friends, and ... Good Luck." Power in this conception is thus something that can be possessed by a person, and the level of a person's power reflects his or hers personal faculty as well as external aides that a person may have harnessed and made to work in their interest. This basic understanding of power as capacity, Hindess finds, is shared by present authors such as Michael Mann who claims that "power is the ability to pursue and attain goals through mastery of one's environment." A similar claim is made by Anthony Giddens when he equates "the capability to 'make a difference'" with "the exercise [of] some sort of power." As

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<sup>65</sup> (Hindess 1996, p. 26)

Hindess notes, “power,” in this conception, “is a condition of human agency.” To act is to be in power.

The idea of power as the condition of agency is, however, complicated by the obvious fact that the power to act is a shared and common trait of all individuals. Accordingly, the idea of power as capacity needs to be qualified as “a quantitative and cumulative phenomenon.” As Hobbes makes clear, “because the power of one man resisteth and hindereth the effects of the power of another: power is simply no more, but the excess of the power of one above that of another.” Individuals may possess qualities that are powerful, but the true measure of power rests in its “transformative capacity”, as Giddens asserts. Power is not to be confused with the diverse means through which it is exercised. Rather than a set of easily identifiable qualities, power, as it is described by Hobbes, Mann, and Giddens, is best understood as an “essence of effectiveness” representing different degrees of personal capacities. Not only is power the ability to take action, but also the capacity to procure one’s favored outcome over that of another’s. Again, Hindess finds reiterations of this quantitative conception of power in influential theories of political power, including Max Weber’s definition of power as “the chance of a man or a number of men to realize their own will even against the resistance of others who are participating in the action.”

From this description of the very influential conception of power as quantitative capacity that has more or less persisted in the same form since Hobbes’ formulation in the seventeenth century, we can see the attraction that this conception of power presents for historians of slavery and colonial dominance. As Hindess suggests in regard to the debates over the concept of ‘community power’ in the 1950s United States, “[t]he great attraction of this conception of power as quantitative capacity for so many social scientists is that it appears to promise an easy means of identifying who has power and who has not.”<sup>66</sup> For a field of historical study that has been so shaped by the towering presence of the institution of slavery, this conception of power becomes an almost reflexive response to the problematic of power relations. But it also presents a convenient way of framing a methodological

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<sup>66</sup> (1996, p. 27)

conception of a problem that seems almost common-sensical in its obviously asymmetrical distribution of power. When the problem of power is framed as a matter of a zero-sum game, the analytical objective becomes a matter of identifying the distribution of power between ‘the haves and the have nots’. In the context of slavery, the answer to the question of power’s distribution is easily identified.

Beside the problem of power’s distribution, there is also the problem of power’s production. No one simply has power (besides common agency); it needs to be cumulated and produced in order to be effective. For Hobbes, this cumulative phenomenon found its most pertinent manifestation in “[t]he Greatest of humane Powers”: “the Power of a Common-wealth,”<sup>67</sup> or the political concept of sovereignty. Sovereignty, in this respect, is a representation of the accumulated power of every subject and it rests on a series of popular authorizations, in which each subject consent to confer their power to the will of a single sovereign. For the sovereign, then, the consent of his subjects produces power for him to wield. Consent is a representation of the sovereign’s legitimacy. If a sovereign does not have the consent of his subjects, he will have to resort to coercion, and, thus, act without legitimacy. This creates a loss of power for the sovereign since he is no longer able to apply the capacity of his subjects’ power. The sovereign has lost the authorization to apply the power-capacity of the subjects. The obvious conclusion in regard to slavery is that it constituted an exercise of power based on coercion and therefore without authority. Or perhaps it is more fitting to describe the exercise of power in regard to slavery as being void of sovereignty. Sovereign power, which is constituted by authority, is reserved for political communities of free individuals. Nevertheless, the conceptualization of slavery as being void of authority and legitimacy provides, again, a convenient strategy of critique that can be reproduced and conveyed without ambiguity.

The Hobbesian conception of power as quantitative and cumulative capacity, and the connection between legitimate sovereignty and the consent of subjects, have provided a convenient methodology and critique of the

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<sup>67</sup> (1996, p. 35)

problem of power relations within the institution of slavery. Power in the context of slavery was extremely asymmetrically distributed, and it was wielded with limited consent and unlimited coercion, and therefore illegitimately. If we then contrast the Hobbesian conception of power with Foucault's, it will become clear why historians of slavery have, by and large, refrained from integrating Foucault's approach into the analysis of power and colonial slavery.

The first volume of Foucault's *History of Sexuality* presents a good place to start to look at his conceptualization of power. Especially the chapter on *Method* outlines his approach to the study of power relations.

Foucault framed his conception of power in opposition to what he termed a "juridico-discursive" conception of power that privileged the mechanism of the law, of prohibition, and the discourse of right, of the legitimate and lawful exercise of power. For Foucault, this represented a theory of power that could not adequately discern the multiple ways that power gained access to the problem of sexuality. The two scepters of sovereignty—law and right—had according to Foucault, since the eighteenth century, gradually given way to

...new methods of power whose operation is not ensured by right but by technique, not by law but by normalization, not by punishment but by control, methods that are employed at all levels and in forms that go beyond the state and its apparatus.<sup>68</sup>

From this recognition, Foucault identified a necessity to reboot the analysis of power. His objective was to introduce "...a different grid of historical decipherment by starting from a different theory of power..."<sup>69</sup> This alternative conception of power would necessarily have to be distinguished from other conceptions of power. Accordingly, Foucault clarified what he did not mean when referring to a concept of power:

By power, I do not mean 'Power' as a group of institutions and mechanisms that ensure the subservience of the citizens of a given state.  
By power, I do not mean, either, a mode of subjugation which, in contrast

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<sup>68</sup> (Foucault 1978/1998, p. 89)

<sup>69</sup> (1978/1998, pp. 90-91)

to violence, has the form of the rule. Finally, I do not have in mind a general system of domination exerted by one group over another, a system whose effects, through successive derivations, pervade the entire social body.<sup>70</sup>

With this negative definition, Foucault attempted to disassociate his approach to a history of sexuality from previous approaches that had been shaped by this conception of power that Foucault wanted to rid philosophical and political thinking of: a history of sexuality that assumed from the outset that power operated as and through “the sovereignty of the state, the form of the law, or the over-all unity of a domination... .”<sup>71</sup> Put differently, Foucault was attempting to challenge the notion of power that had prevailed in political thought since Hobbes.<sup>72</sup> He continued, then, to insist on a different point of departure for a conceptualization of power.

As part of his rejection of the Hobbesian theory of power, Foucault outlined a series of principles for his own conception of power. Of particular interest for our present discussion should be mentioned that, firstly, Foucault did not conceive of power as emanating from individual or accumulated capacity; there is no unique source, but rather it is immanent in the relation in which it is situated. Secondly, power is omnipresent, in the sense that it is constantly produced in every relation; it is not contained in the enactment of a law or the execution of a punishment. Thirdly, power does not represent a coherent structure or institution, but rather “a complex strategical situation in a particular society.”<sup>73</sup> Fourthly, power is always strategic; it is shaped by a series of aims and objectives, but the origin of this strategic agency is dispersed and cannot be traced back to a specific individual decision—power is anonymous:

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<sup>70</sup> (1978/1998, p. 92)

<sup>71</sup> (1978/1998, p. 92)

<sup>72</sup> In *Society Must be Defended*—the lecture course of 1975-1976 that coincided with the publication of *History of Sexuality, Volume I*—Foucault summarized his methodology to an analytics of power through a rejection of Hobbes theory of sovereignty: “In short, we have to abandon the model of Leviathan, that model of an artificial man who is at once an automaton, a fabricated man, but also a unitary man who contains all real individuals, whose body is made up of citizens but whose soul is sovereignty. We have to study power outside the model of Leviathan, outside the field delineated by juridical sovereignty and the institution of the State.” (2003b, p. 34)

<sup>73</sup> (1978/1998, p. 93)



let us not look for the headquarters that presides over its rationality; neither the caste which governs, nor the groups which control the state apparatus, nor those who make the most important economic decisions direct the entire network of power that functions in a society; ... the logic is perfectly clear, the aims decipherable, and yet it is often the case that no one is there to have invented them, and few who can be said to have formulated them...<sup>74</sup>

In the final chapter of *The History of Sexuality*, Vol. 1 Foucault describes the major transition in the form of power that has taken place in modern Western Europe. He describes a movement from the right of sovereignty that was formulated as the power over life and death, or rather “the right to take life or let live”,<sup>75</sup> towards a ‘bio-power’ that is assigned with the task of administering life, regulating populations, and disciplining bodies. While sovereign power was exercised through “a means of deduction”—the sovereign enacted his right of seizure: “of things, time, bodies, and ultimately life itself”—the new power over life, still retaining the mechanism of deduction, increasingly worked to “incite, reinforce, control, monitor, optimize, and organize the forces under it: a power bent on generating forces, making them grow, and ordering them, rather than one dedicated to impeding them, making them submit, or destroying them.”<sup>76</sup>

If the Hobbesian conception of power had provided a convenient and easily accessible critique of colonial dominance and the injustices of slavery, then Foucault’s counter assumptions about the dynamics of power relations presented an altogether more ambiguous picture. To conceive of power relations in a subject-matter, like sexuality, being so charged with tension, as not constituted by juridical repression and discursive taboos; to not view the history of sexuality as a struggle for liberation of a basic human instinct from the grip of power structures; to instead argue that sexuality was a historical construct, formed by a technology of psychology, medical science, and political economy and proliferated through an incitement to discourse about sex, rather than being restrained in silence,

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<sup>74</sup> (1978/1998, p. 95)

<sup>75</sup> (1978/1998, p. 136)

<sup>76</sup> (1978/1998, p. 136)

was controversial in itself. To then transfer such an analysis to the domain of colonialism and slavery entails an even greater leap of the imagination.

If scholars interested in structures of dominance had not been sufficiently alienated by Foucault's analysis of the productive power relations of sexuality, they would surely be completely dissuaded of his relevance by statements that Foucault would make towards the final years of his life regarding the conditions of power.

One such position that at least indirectly opposes itself to Foucault is the often cited conceptualization of the relations of power in slavery as centering on the 'social death' of the slave. The concept of slavery's social death originates with Orlando Patterson's momentous book from 1982 that has been a recurrent point of reference for contemporary scholars of Atlantic slavery.<sup>77</sup> The conception of power relations that informs Patterson's book is in complete opposition to Foucault's conception of productive power and power without coercion. Patterson, like the majority of social scientists, took his cue directly from the intellectual lineage of Hobbes and especially Weber when defining his approach to the concept of power in the slave-master relationship. Referring to Weber's definition of power as the ability to carry out one's will even against resistance, Patterson maintained that

[r]elations of inequality or domination, which exist whenever one person has more power than another, range on a continuum from those of marginal asymmetry to those in which one person is capable of exercising, with impunity, total power over another.<sup>78</sup>

Along this scale of power's intensity, Patterson locates slavery at its most intense: "Slavery is one of the most extreme forms of the relation of domination, approaching the limits of total power from the viewpoint of the master, and of total powerlessness from the viewpoint of the slave."<sup>79</sup> The distance from Foucault's conception of a productive power is made very clear by this quote. In Patterson's conception—and by extension that of Weber and Hobbes as well—power is basically a degree of domination within a social relationship. Relations of power is presented as a zero-sum

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<sup>77</sup> (Brown 2009)

<sup>78</sup> (Patterson 1982, p. 1)

<sup>79</sup> (1982, p. 1)

game in which a finite amount of power, i.e., domination, is distributed among different actors. To be in power, then, is to enact dominance. Given the substantial impact of Patterson's book, I find it probable that his conceptualization of the slave's powerlessness as 'socially dead' has been a contributing factor to the marginalization of Foucauldian approaches to the analysis of the power relations of slavery.

Despite the influential theme of 'slavery and social death' several themes in the historiography of Atlantic slavery can be treated as complementary to some key theoretical conceptions in Foucault's work. Or at least, there is a range of themes in the scholarship on Atlantic slavery and emancipation that would be susceptible to the insights and analyses from Foucault's work. I will limit myself to only demonstrating a couple of these potential axes of communication between the field of Atlantic history of slavery and Foucault's conceptual corpus. One popular thematic has been the concept of 'planter paternalism.' Eugene Genovese has been a key proponent of this theme in his work on the social history of slave society and the intellectual history of the planter class in the southern United States. The image of planter paternalism presents an alternative framing of the power relation between master and slave from the total power of the masters complete domination of his slave. Dominance is certainly not excluded from the master-slave relation, when framed as planter paternalism, but it is complemented by more ambiguous practices such as 'care,' 'management,' 'training,' and 'education.' Genovese was in his analysis inspired by Gramsci's conception of 'hegemony.' However, such aspects of the master-slave relation would also capture the attention of Foucault-inspired analysts in that they accentuate relations of power that are not captured by the juridical right of the master to coerce his slave to labor and obtain his obedience with threats of physical punishment. Rather, the techniques of control that Genovese locates in the hegemonic paternalism of the planter class could be categorized, in Foucauldian terms, as aspects of pastoral power.<sup>80</sup>

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<sup>80</sup> (Nagl 2013, p. 6)

The focus on planter paternalism suggests that the slaveholder's power to utilize his slaves did not uniformly stem from a legal right over property but from an economic consideration of household governance, of which slaves and their management were a part of. Recent studies by David Roediger and Elizabeth Esch trace the roots of modern "scientific management" back to the managerial practices of slavery.<sup>81</sup> The authors find that "racial knowledge" was employed in the development of labor management. The connection between the authors' approach and a Foucauldian methodology was recognized by one reviewer: "While Roediger and Esch never invoke Foucault, they are doing something quite Foucauldian (in the best possible sense) when they discuss 'the "truths" [planters'] own managerial practices were bringing into being.'"<sup>82</sup> David Brion Davis has made similar comparisons between the "carefully structured gang labor" of plantation agriculture and "the assembly lines and agribusinesses of the future."<sup>83</sup>

The analytical application of concept such as planter paternalism and the 'science' of slave management opens up the possibility of interaction with Foucault's conceptual corpus. More than a coercion of bodies, slavery can be seen as a production of truth, a management of subjectivity, a mechanism of discipline, and a conduct of conduct. Concepts of 'pastoral power' and the political art of government that make up Foucault's history of governmentality, together with the double focus of bio-power—one set of mechanisms targeting the disciplining of individual bodies, and another targeting the management and regulation of a population—could all add to the historical analysis of slavery. Not only does it seem possible to locate analytical affinities between Foucault's theoretical concepts and the history of slavery, but also, I would argue, that actively pursuing such a research agenda would bring into focus, genealogical connections between the techniques of power found in slavery and those that, constituting present societies, build on principles of liberty.

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<sup>81</sup> (Esch & Roediger, 2009; Roediger & Esch, 2012)

<sup>82</sup> (Baker 2013, p. 537)

<sup>83</sup> (Davis 2006, p. 6)

There is an important point to make here about the perceived incompatibility of Foucault's concept of power and the power relations of slavery. At the moment when the relationship of master and slave is established, it is determined by the level of force that slave owners could successfully apply to the bodies of slaves. For the slave, there is no possible space of action that power can shape. The constituting moment of the master-slave relationship is, in Foucault's conceptualization of power, not a relation of power at all. Rather, it is a moment of perfect force—a scene of non-power—since it is deprived of the element of choice. At first sight, then, it is understandable that Foucault's idea of power as productive rather than repressive and inducing rather than coercing, seems inept in capturing the character of the constitution of slavery. When the analysis moves beyond this initial constitutive moment of the master-slave construction, however, the power relationship becomes more complicated, and cannot be adequately deduced from the zero-sum conception of cumulative power. Slavery as a sustained mode of social and economic organization, besides a rigorous regime of prohibitions and chastisement, required techniques of power that structured a space of action and choice of the enslaved. The preference for Hobbes over Foucault in the analytical approach to the power relations of slavery has resulted in an underemphasis on the productive power mechanisms of slave societies.

### **Foucault Out of Place?**

Some postcolonial scholars have argued that the application of Foucault's theoretical conceptions outside of the Western, and in most cases specifically French, context of Foucault's own philosophical investigations implies a potential methodological problem. One aspect of the postcolonial criticism of Foucault refers to the inherent 'Eurocentrism' in Foucault's oeuvre. Foucault wrote of historical developments and philosophical problems that were specific to Western modernity and thereby neglected the non-Western and colonial genealogies of the problems of power and subjectivation that he set out to investigate. Another aspect of criticism is aimed at the epistemological effects of indiscriminately applying Foucault's

theories to the colonial and postcolonial context. Dipesh Chakrabarty has argued that the simple transposition of a critical arsenal and theoretical framework derived from Western philosophers and scholars unto non-Western objects of study is tantamount to reproducing the temporal structure of historicism's developmental philosophy of history. Western theories of societal development, Charkrabarty contends, all more or less chants along with the mantra of modernization theory: "first in Europe, then elsewhere."<sup>84</sup> By presupposing the immediate translatability of Western categories of analysis unto non-Western realities, Chakrabarty argues, academic researchers are reproducing, or forming an epistemological alliance with, colonialism's civilizing mission of the past as well as reiterating the developmentalist assertion of non-Western backwardness.

In view of this critique of the application of not only Foucault but Western-derived theories of social and economic development in general to non-western contexts, a few remarks on my own use of Foucault are in order. In the dissertation I refer to Foucault's work as the theoretical and methodological basis of my analyses via two separate movements. Firstly I utilize Foucault's work as an analytical toolbox to pry open the source material as well as gain new perspectives on existing interpretations of the history of the Danish West Indies. I apply specific analytical terms and conceptions to comprise an analytical strategy that to a certain extent could be universally applied to any given empirical context (these are the 'analytics of governmentality' that I define in the second chapter). In this regard, I show no reservations towards the applicability of Foucault's analyses outside their original context. Secondly, I make references to Foucault's work with a heuristic purpose, in order to spark strains of thought that will run as currents through the given analytical section. Here, criticism might be raised that the use of Foucault's writing as a creative catalyst falls into the pitfalls of Eurocentrist and historicist assumptions of the universality of Western problematics of modernity, secularism, and liberalism. But rather than emphasize the failure and lack of non-Western societies and cultures, through the normative appliance of 'Western' theory

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<sup>84</sup> (Chakrabarty 2000/2008, pp. 6-7)

that some postcolonial scholars fear, I utilize the creative spark, from Foucault's philosophical criticism of sovereignty, liberalism, enlightenment, science, government, etc., to question and problematize historicist conceptions of human history as progressing through epochal stages. This movement, in itself, also implies a criticism of Foucault's conception of a history of power relations as epochal, which will be elaborated in chapter two. So, on one hand, I discard the postcolonial critique of the epistemological dominance of Western theory when constructing an analytical strategy from Foucault's work on governmentality. On the other hand, I sympathize with the critique of modernization and development theory that posits the preeminence of categories of Western modernity over the relative 'insufficiencies' of non-Western 'paths to modernity' by emphasizing a continual reconfiguration of the rationalities and techniques of power at play in specific historical instances.

## *Chapter Two*

# **Analytics of Governmentality**

This chapter extends on the core theoretical contestations of the dissertation by engaging more directly with the concept of governmentality. The objective is to argue for the existence of an analytics of governmentality that can be deduced from Foucault's lecture course *Security, Territory, Population*, which he carried out at the *Collège de France* in 1977-1978. The analytics of governmentality can be seen as a reorientation of Foucault's analytical category of "*dispositifs*" that was essential to his general analytics of power that he engaged in throughout the 1970s. The purpose of delineating a reorientation of the *dispositif* that is specific to governmentality is to present an analytical strategy to the study of power relations that is less concerned with epochal transformations of general forms of power and more attentive to the various constructions of multiple configurations of practices of power. I argue that the analytics of governmentality and the economies of power, which are constituted by the configurations of power *dispositifs*, provides an analytical strategy that is more suited to studies of power outside of the liberal West. First, I delineate Foucault's history of governmentality. Then, I proceed to a description of the analytical concept of *dispositifs*, with the purpose of elucidating the concept's analytical function and potential. Finally, the chapter provides a structure of the remaining chapters of the dissertation.

### **The History of Governmentality**

During the last few decades, the concept of governmentality has gathered plenty of interest among scholars and students within the humanities and social sciences. As such, the concept has been taken in many different directions. The still growing number of books that introduces, defines, and interprets governmentality in different fields of political, social, cultural,



and historical analysis testify to the impact that the concept has enjoyed in academic disciplines during the last couple of decades.<sup>85</sup> The publication of *The Foucault Effect* (1991), which featured a translation of Foucault's lecture of 1 February 1978 at the *Collège de France*—referred to now as the “Governmentality” lecture—sparked what Bob Jessop has referred to as an “Anglo-Foucauldian effect” or “Anglo-Foucauldian school.”<sup>86</sup> Elaborating on these first glimpses at Foucault's thinking on governmentality the Anglo-Foucauldian school developed into a self sustaining field of governmentality-studies. This school of mainly sociologists and political scientists have applied the concept of governmentality as an analytical strategy in a critique of the contemporary government of “advanced liberal democracies.” To a certain extent this sociology of contemporary governance developed separately from Foucault's philosophical engagement with “a history of governmentality.” Consequentially, governmentality as a theoretical and analytical concept has found a substantially wider usage within Anglophone scholarly communities than their Francophone counterparts. The subsequent publication of Foucault's lecture courses of 1977-78 and 1978-79 in their entirety has expanded the insights into Foucault's further conceptualization of governmentality and refashioned the way we think of governmentality and Foucault's oeuvre in general.

As the point of departure, the “Governmentality” lecture, published in *The Foucault Effect*, represented a mere fragment, albeit a very central fragment, of a complex thought process where Foucault, throughout his lectures at College de France from 77 to 79, was working through his conception of power via this neologism, governmentality. Foucault's lectures were works in progress, and presented as such, and the coinage of governmentality as the central concept of the lecture series did not appear until the fourth lecture of the 78 lecture course, given on 1 February 1978.

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<sup>85</sup> See e.g. (Bratich, Packer, & McCarthy, 2003; Brown 2014; Bröckling, Krasmann, & Lemke, 2011; Burchell, Gordon, & Miller, 1991; Collier 2011; Dean 1991, 1999/2010, 2013; Dean & Hindess, 1998; Dillon & Neal, 2008; Elbe 2009; Hannah 2000; Inda 2005; Larner & Walters, 2004; Legg 2014; Lemke 2011; Lemm & Miguel Vatter, 2014; Li 2007; Nadesan 2008; *Foucault, Biopolitics, and Governmentality* 2013; Perry & Maurer, 2003; Peters 2009; Rose 1999; Rose, Osborne, & Barry, 1996; Smandych 1999; Walters 2012; Walters & Haahr, 2006)

<sup>86</sup> (Jessop 2011, pp. 56-57)

Foucault's revelation that the title of that year's lecture series should not have been *Security, Territory, Population*, and that a more fitting title would have been "The History of Governmentality," signals both a reformulation of his project for that year, but also the significance of situating the 'governmentality lecture' in the context of the previous and succeeding lectures. The dense exposition of 'the history of governmentality' that Foucault provides in the fourth lecture is difficult to ascertain in its entirety. But more importantly, the rest of the lectures provide elaborations and clarifications to ideas and concepts presented in the 'governmentality lecture.' Thus, in order to understand the more detailed conceptualization of governmentality as well as ascertaining the analytical and methodological rough workings of governmentality as an analytical concept, it will be necessary to explore further the rest of Foucault's lecture series.

Rather than readdressing the sociology of 'governmentality studies,' this chapter directs its attention to the lecture course series of 78 and 79 where Foucault introduced and developed the concept of governmentality. These series of incredibly rich lectures hold important clues/insights to the overall trajectory of Foucault's philosophical project as well as detailed descriptions of methodological tools to the analysis of power. The latter can be seen both as methods of analyzing power as well as 'mechanisms of power' itself. So, Foucault provides a history of mechanisms of power as well as a strategy to the analysis of power.

In the lectures, governmentality emerges and evolves along with Foucault's own evolving thoughts about the project he is undertaking at the time of the lectures. The scope of Foucault's notion of governmentality can be narrowed down by considering two characteristics of governmentality. Firstly, governmentality refers to a historical process, when at a certain point in history, the conduct of conduct became the *raison d'être* of the state. Secondly, governmentality refers to a set of practices, or technologies, of government that can be configured in different ways. Thinking of governmentality as both historical process and historical practices, at the same time narrows and widens the scope of analysis of a history of governmentality.

Governmentality as process prompts us to look for points in time when the state emerged as the prime agent of the arts of government and how alternative stakeholders of government were subdued in the process. Governmentality as practice takes into account that this process can take on many different configurations according to the historical context. Governmentality is then not limited to its modern, Western, liberal formation, but can be configured in different ways.

Foucault confirms this duality of governmentality in the definition that he provides towards the end of the lecture of 1 February 1978. Firstly, “[b]y this word ‘governmentality’” Foucault meant

the ensemble formed by institutions, procedures, analyses and reflections, calculations, and tactics that allow the exercise of this very specific, albeit very complex, power that has the population as its target, political economy as its major form of knowledge, and apparatuses of security as its essential technical instrument.<sup>87</sup>

This part of his definition refers to the productive practice of governmentality, or more precisely, it sets out the general architecture of the *dispositif* of governmentality. I will return to the notion of *dispositif* and its importance as an analytical concept in Foucault’s analytics of power in the next section. Secondly, Foucault understood governmentality as a historical process. This process was twofold. Firstly, it referred to

the tendency, the line of force, that for a long time, and throughout the West, has constantly led towards the pre-eminence over all other types of power—sovereignty, discipline, and so on—of the type of power that we can call “government” and which has led to the development of a series of specific governmental apparatuses (*appareils*) on the one hand, [and, on the other] to the development of a series of knowledges (*savoirs*).<sup>88</sup>

Here, Foucault summarizes the historical process by which “government” was conceived in the form of pastoral power, that is as a government of men outside of political sovereignty. Foucault devotes the following four lectures to an outline of the origin and development of pastoral power and the pastorate in classical Greek philosophy, through its institutionalization in

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<sup>87</sup> (Foucault 2007, p. 108)

<sup>88</sup> (2007, p. 108)

the early Christian church, and towards its integration with political government in the sixteenth century. The second aspect of governmentality's historical process was

the process, or rather, the result of the process by which the state of justice of the Middle Ages became the administrative state in the fifteenth and sixteenth centuries and was gradually "governmentalized."<sup>89</sup>

This aspect of Foucault's history of governmentality deals precisely with the problem and process of integrating the pastoral conduct of a set of individuals with the political exercise of sovereign power in regard to a territory. The last five lectures of that year described this process of governmentalizing the state.

The historical juncture of government and sovereignty marks the genesis of governmentality as a practice of power, as a new governmental rationality that was concerned with the political government of men. The primary correlate of this historical juncture was *raison d'État*, which for Foucault embodies this new rationality of political government. With *raison d'État* a new set of knowledges and techniques are developed for making the forces of the state intelligible to government. Thereby, we see the birth of political arithmetic, or statistics. Simultaneously, two major political technologies or *dispositifs* are developed and deployed to secure, increase, and utilize the forces of the state. The first was the "military-diplomatic" *dispositif*, which was directed at the external relationship of the state with other states. The object was to secure an "European equilibrium" in the competitive order of states. The second was the "police" *dispositif*, which pertained to the internal order of the state. It aimed at regulating the conduct of individuals so as to most effectively integrate the activities of individuals in the utility of the state. Through the development of police as a kind of statistical knowledge and a set of regulative practices, a very important concept to Foucault's history of governmentality is emerges in the eighteenth century. This was the concept of population, around and through which governmentality from then on sought to govern in order to increase

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<sup>89</sup> (2007, pp. 108-109)

the wealth of the state.<sup>90</sup> In the final lecture of *Security, Territory, Population* Foucault describes an important modification of governmentality. The lecture describes the intervention of political economy in the governmentality of the population. Formed by the population-wealth nexus established by police, but positioned in opposition to the exhaustive regulations of police, political economy inserted a new rationality in the government of populations. Rather than being constituted by an artificially engineered order of regulations, the political economy of the french Physiocrats held that population and the extraction of wealth from the activities of population was in fact best analyzed as a self-regulating natural order. Accordingly, the best course of government in regard to a natural order of population was to intervene as little as possible. This modification of governmentality also represents the beginning of economic reflection in governmental rationality. Furthermore, this intervention of a non-interventionist economic logic inaugurated the movement towards a liberal political rationality that applied the model of natural self-regulating order to the general dynamic of the population, the social, the economy, and civil society. Accordingly, the object of government would be to secure the autonomy of natural orders and the necessary circulation of freedom that sustains them.

### ***Dispositifs of Governmentality***

How then can the history of governmentality be thought of as an analytical strategy? The open-ended character of Foucault's reading of governmentality allows for multidirectional interpretations. There is not one *correct* or *appropriate* way of doing a 'governmentality analysis.' For this dissertation, I have chosen to rely on Foucault's notion of *dispositif* as an analytical framework to my analysis of governmental rationality in the Danish West Indies. However, the analytical category of *dispositif* in Foucault's work is not limited to his treatment of governmentality, but has a wider usage in his analyses of power. This section will, however, highlight

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<sup>90</sup> I return to the question of police and population in the third chapter.

Foucault's specific conceptualization of *dispositifs* in *Security, Territory, Population* as distinctive from the use of the concept in earlier works. This dynamic career of *dispositif* in Foucault's oeuvre also resonates with the work of critical philosophers before and after Foucault, such as Canguilhem, Deleuze, and Agamben.<sup>91</sup> While a satisfactory consideration of this wider resonance is beyond the scope of this chapter, the different characterizations and usages by Foucault himself will be provided with the objective of carving out an analytical strategy for the dissertation.

It has been suggested that the line of analysis that is prompted by the notion of governmentality induces the researcher to set aside "the dreary debate about sovereignty versus discipline" and instead direct the attention towards "the analysis and diagnosis of particular problematizations and of the strategies used in their regulation."<sup>92</sup> This recognition implies that Foucault deployed a particular analytical strategy that was specific to the analytics of governmentality. It follows, then, the line of commentary on Foucault's authorship that interprets Foucault's turn to governmentality as a methodological departure from his previous work within the frame of power-knowledge.<sup>93</sup> This departure is seen as consisting of a break with the totalizing and epochal characterization of power that Foucault presents in *Discipline and Punish* (1975), *History of Sexuality, vol. 1* (1976), and *Society Must be Defended* (1976). With the lecture courses of 1977-78 and 1978-79, Foucault instead purports, in the words of Collier, "a 'topological' analysis of power that examines how existing techniques and technologies of power are re-deployed and recombined in diverse assemblies of biopolitical government."<sup>94</sup> The key terms here are "recombined" and "diverse." The descriptions of a grand, coherent architecture of the normalizing power of discipline and of a bio-power that intervenes at the level of the individual as well as the level of population are displaced by

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<sup>91</sup> See e.g. (Agamben 2009; Deleuze 1992) For discussions of conceptual intersections and divergences in Foucault, Agamben, and Deleuze's notion and use of *dispositif*/apparatus and assemblage, and similar notions in the works of Canguilhem and Goldstein, see: (Legg 2011, 2014; Pasquinelli 2015)

<sup>92</sup> (Rose & Valverde, 1998, p. 550)

<sup>93</sup> (Collier 2009, p. 79)

<sup>94</sup> (2009, p. 79)

multiple and flexible configurations of security mechanisms that are deployed in a tactical manner in relation to specific problematizations.

This interpretation of Foucault's methodological shift is formed in opposition to a reading that sees a coherent continuity in Foucault's method. In this reading, Foucault's turn towards political government implies not a change of method but simply a new object of study. With biopolitics and governmentality, Foucault is interpreted as turning his "micro-physics of power"<sup>95</sup> towards the macro scale of population and state government.<sup>96</sup>

A third approach to the issue of Foucault's method in relation to governmentality sees the sudden appearance of governmentality in the fourth lecture of the 77-78 course as indicative of Foucault's failed attempt to satisfactorily develop his notion of "security."<sup>97</sup> The original plan of that year's course was to examine the series of "sovereignty, discipline and security" as "a triptych of strategic configurations disrupting the so-called essence of the state as sovereign...." But Foucault struggled with explaining the specific practices and discourses that disguised the third movement of the series towards "security." Foucault then realizes that he needs to move beyond the genealogy of the state to a genealogy of governmentality that entails an exploration of ancient technologies of pastoral power: "Security will be replaced by research on freedom of circulation and pastoral power, ending up with the notion of biopolitics."<sup>98</sup> Here, then, is also an interpretation that emphasizes Foucault's abandonment of the micro-physical analysis of sovereignty. The abandonment is simply more dramatic since it occurs in the middle of an ongoing series of lectures—as a result of Foucault's own shortcomings—and not as a premeditated move following a sabbatical year.

This debate over the character and specificity of Foucault's methodological approach to the concept of governmentality highlights the attention to an analytical framework that is connected to Foucault's examination of political government. In the following, I will emphasize the

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<sup>95</sup> (Foucault 1977, pp. 26-30)

<sup>96</sup> (Gordon 1991, p. 4)

<sup>97</sup> (Bigo 2008, p. 94)

<sup>98</sup> (2008, p. 94)

importance of Foucault's notion of *dispositif* as an analytical category that also frames my approach to the history of governmentality in the Danish West Indies.

Foucault's usage of the term *dispositif* as a qualifier for mechanisms of power can be traced back to at least the *Psychiatric Power* lectures of 1973-74. As an analytical concept the *dispositifs* of power replaced the "core of representation" that had guided the analysis of *Madness and Civilization* in a manner that had accorded a "privileged role" to the "perception of madness" and thus limited that analysis to "a history of mentalities."<sup>99</sup> *Dispositifs* of power was thus designed to take Foucault's analysis beyond the representational aspects of his notion of discourse. By comparison, the *dispositif* of power would refer to "a productive instance of discursive practice" from which certain representations could be produced.<sup>100</sup>

This transition of analytical focus from representation towards production was also evident in the *Birth of Biopolitics* lectures where Foucault reiterated the centrality of the *dispositif* to the overall project of his authorship:

The point of all these investigations concerning madness, disease, delinquency, sexuality, and what I am talking about now, is to show how the coupling of a set of practices and a regime of truth form an apparatus (*dispositif*) of knowledge-power that effectively marks out in reality that which does not exist and legitimately submits it to the division between true and false.<sup>101</sup>

According to Graham Burchell, the translator of the lecture course, there are no satisfactory English translations of Foucault's use of the term *dispositif* "to designate a configuration or arrangement of elements and forces, practices and discourses, power and knowledge, that is both *strategic* and *technical*."<sup>102</sup> Burchell expressed dissatisfaction with other existing renderings of the term as "'deployment,' 'set up,' and even, in the case of Louis Althusser's use of the same term, 'dispositive,'" and had himself

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<sup>99</sup> (Foucault 2006, pp. 12-13)

<sup>100</sup> (2006, p. 13)

<sup>101</sup> (Foucault 2008, p. 19)

<sup>102</sup> (2006, p. xxiii)



settled on “apparatus” as the term which best approximated Foucault’s *dispositif*.<sup>103</sup>

So what is this *dispositif* that escapes translation? The common dictionary provides two meanings to *dispositif*: a) “device; system,” and b) “operation.”<sup>104</sup> This simplistic rendering corresponds well with the “technical” and “strategic” properties that Burchell highlighted.

Foucault himself presents a very broad definition in an interview in 1977. When asked about the meaning of *dispositif* and its methodological function, Foucault describes three aspects of the *dispositif*: Firstly, it refers to “a thoroughly heterogeneous ensemble consisting of discourses, institutions, architectural forms, regulatory decisions, laws, administrative measures, scientific statements, philosophical, moral and philanthropic propositions—in short, the said as much as the unsaid.”<sup>105</sup> The specific linkage of this multitude of discursive, as well as non-discursive elements in a system of relations is what constitutes the *dispositif* itself. Secondly, Foucault turns to his methodology regarding the *dispositif*. By identifying “the nature of the connection that can exist between these heterogeneous elements,” the different positions and functions of the *dispositif* are attainable. The connections are not static but continually undergo modifications and shifts. Thus they can represent explicit programs, silent practices, or new fields of rationality. Finally, Foucault means by *dispositif* a sort of formation “which has as its major function at a given historical moment that of responding to an urgent need. The apparatus thus has a dominant strategic function.”<sup>106</sup> The *dispositif* is thus a strategic arrangement that emerges from the recognition of a problem to which a certain resolution can be reached through a manipulation of the relation of forces, the direction of which is dependent on “certain coordinates of knowledge which issue from it but, to an equal degree, condition it.”<sup>107</sup> Put

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<sup>103</sup> (2006, p. xxiii)

<sup>104</sup> (Dispositif 2012)

<sup>105</sup> (Foucault 1980, p. 194)

<sup>106</sup> (1980, p. 194)

<sup>107</sup> (1980, p. 196)

briefly, the *dispositif* is activated as “strategies of relations of forces supporting, and supported by, types of knowledge.”<sup>108</sup>

With this preliminary definition, we can proceed to trace Foucault’s analytical use of the term in his work as a means of making the analytical and methodological potential of the *dispositif* more concrete.

There are clear resemblances in the dispositional character that Foucault gives to *dispositif* and his notion of discourse and *episteme* in *The Order of Things*. The resemblance was recognized by Foucault when the interviewer in 1977 makes the connection and asks whether the *dispositif* represents a methodological reformulation or an extension of the *episteme* of discourse to include the non-discursive. Foucault’s response is to emphasize continuity, but to do so retrospectively. *Dispositif* was not an expansion of *episteme*. Rather, *episteme* constituted a specific instance of *dispositif*:

FOUCAULT: In trying to identify an apparatus, I look for the elements which participate in a rationality, a given form of co-ordination, except that . . . .

J.-A. MILLER: One shouldn't say rationality, or we would be back with the *episteme* again.

FOUCAULT: If you like, I would define the *episteme* retro-spectively as the strategic apparatus which permits of separating out from among all the statements which are possible those that will be acceptable within, I won't say a scientific theory, but a field of scientificity, and, which it is possible to say are true or false. The *episteme* is the 'apparatus' which makes possible the separation, not of the true from the false, but of what may from what may not be characterised as scientific.<sup>109</sup>

At this juncture, Foucault thus accentuates the correlation between *dispositif*, which he did not regularly refer to until he began to work specifically on the analytics of power in the early 70s, and *episteme*, which for Foucault designated distinct and separated epochs of epistemological formation. Does this then mean that *dispositif* refer to distinct epochal formations of relations of power? As seen above there are different interpretations of the level of coherency in Foucault’s reading of an epochal

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<sup>108</sup> (1980, p. 196)

<sup>109</sup> (1980, p. 197)

succession of dominating forms of power. Regardless of the underlying causes, something significant does seem to be happening in Foucault's history of *dispositifs* in *Security, Territory, Population*. Up until and including *The History of Sexuality, vol. 1*, Foucault's overall concern has been that of a history of *dispositifs* in which the *dispositif* of sovereignty or of law has been displaced by *dispositifs* of discipline or of normalization. This displacement movement culminates in Foucault's introduction of bio-power in a maneuver that completely relinquishes sovereignty from the playing field of power relations.

If we return to the *Psychiatric Power* lectures of 73-74, Foucault here describes the combative relationship between *dispositifs* of discipline and *dispositifs* of sovereignty. Foucault tells the story of how the disciplinary *dispositif* during the Middle Ages was "formed as islands" within "the period's general morphology of sovereignty."<sup>110</sup> These islands that existed mainly within monastic orders and other religious communities were integrated within the greater order of feudal and monarchical sovereignty. Gradually, however, the disciplinary *dispositif*—of work, obedience, self-control, and hierarchy—developed in opposition to the *dispositif* of sovereignty in the efforts of monastic orders to disengage from the *dispositif* of sovereignty. The reformed monastic orders, such as the Dominicans, were in turn deployed by monarchical sovereignty in the political contest with feudal power. The disciplinary *dispositif* becomes an important domain of economic, political, and social innovations throughout the sixteenth and seventeenth centuries remains marginal. However, it is during the seventeenth and eighteenth centuries that "through a sort of progressive extension, a sort of general parasitic interference with society," that "we see the constitution of what we could call, but very roughly and schematically, a 'disciplinary society' replacing a society of sovereignty."<sup>111</sup>

This history of *dispositifs* that depicts a general transition for a "society of sovereignty" to a "society of discipline" precipitates Foucault's analyses

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<sup>110</sup> (2006, p. 63)

<sup>111</sup> (2006, p. 66)

of the birth of the prison in *Discipline and Punish* and the discovery of sexuality in *The History of Sexuality, Vol. 1*

In the first three lectures of *Security, Territory, Population* Foucault sets up a different history of *dispositifs*. One that retains an element of succession and of historical progression, but is occurring within a reformulated field of relations between the *dispositifs*. It is in these lectures that Foucault attempts to establish the “security *dispositif*,” which he had introduced in the final lecture of *Society Must be Defended*. Regardless of Foucault’s success in this endeavor, the process itself of distinguishing its dispositional logic from those of sovereignty and discipline leads Foucault to a reformulation of ways in which the *dispositifs* relate to each other. The bipolar relation of sovereignty and discipline was reconfigured as “economies of power,” according to which the different *dispositifs* can be configured in numerous ways. This means that dispositifs of sovereignty, of discipline, and now of security are not seen as oppositional and incompatible categories, belonging to separated historical morphologies of power, but rather occupy the same arsenal of strategic responses to specific problematizations that can be configured in different ways, amounting to a certain economy of power. The governmentality is, in turn, that which shapes and is being shaped by economies of power.

### **Three *Dispositifs***

In the opening lecture of *Security, Territory, Population* Foucault defines the differences between three different prototypes of *dispositifs*:<sup>112</sup> the *dispositifs* of law, discipline, and security. The three *dispositifs* all have distinct modes of functioning. To exemplify their differences, Foucault uses the problem of theft to show each *dispositif*’s programmatic reaction.

Firstly, law deals with theft through the system of the legal code. This juridical mechanism inserts the action of stealing in “a binary division between permitted and prohibited.”<sup>113</sup> Having determined the theft as a specific type of prohibited action the legal code then prescribes the type of

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<sup>112</sup> (Raffnsøe, Gudmand-Høyer, & Thaning, 2014, pp. 8-11)

<sup>113</sup> (Foucault 2007, p. 5)

punishment that corresponds to that specific type of prohibition. This concludes the mechanism of the legal dispositif.

Secondly, discipline is distinct from law in that it takes into account “the culprit,” and more specifically, it takes into account the culprit as he exists both within and outside of the legal mechanism. Discipline is directed not simply at the punishment of the culprit, but at his transformation. To this end “a series of adjacent, detective, medical, and psychological techniques appear which fall within the domain of surveillance, diagnosis, and the possible transformation of individuals.”<sup>114</sup>

Thirdly, security is directed not so much at the individual culprit as to the general dynamics of the phenomena of theft. Security attempts to determine the probabilities of the occurrence of theft through statistics of crime rates and analyses of modifying factors to its occurrence. Security then inserts possible reactions to the phenomena of theft in a calculation of costs with the purpose of ascertaining the most cost-efficient reaction. On the basis of such a utility calculus, security, rather than constructing a binary division between the permitted and the prohibited, instead “establishes an average considered as optimal on the one, and, on the other, a bandwidth of the acceptable that must not be exceeded.”<sup>115</sup>

The three dispositifs are thus distinct from one another in their mode of comprehending the problem, of ascertaining its constituent parts, and in the type and object of the response they prescribe. Put differently, they are separated by forms of knowledge and mechanisms of power.

After having defined the differences between legal, disciplinary, and security dispositifs, Foucault goes on to debunk the “historical schema,” that he admits to have provided the “bare bones” of, that designates each dispositif, each mechanism of power, to a specific historical epoch:

So, there is not a series of successive elements, the apparatus of the new causing the earlier ones to disappear. There is not the legal age, the disciplinary age, and then the age of security. Mechanisms of security do not replace disciplinary mechanisms, which would have replaced juridico-legal mechanisms. In reality you have a series of complex

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<sup>114</sup> (2007, p. 5)

<sup>115</sup> (2007, p. 6)

edifices in which, of course, the techniques themselves change and are perfected, or anyway become more complicated, but in which what above all changes is the dominant characteristic, or more exactly, the system of correlation between juridico-legal mechanisms, disciplinary mechanisms, and mechanisms of security.<sup>116</sup>

Instead of following a sequence of successive epochs of power, Foucault makes it clear that he sees the condition of exerting power as dependent of a specific correlation between the three different mechanisms of power. So instead of disciplinary power's eclipse of juridico-legal power we have "a series of complex edifices" in which the different techniques of each mechanism of power exist and are deployed interchangeably. But the edifice, the metaphor that Foucault uses to present this new structure of correlating power mechanisms, does not signal a complete deconstruction of the epochal succession of forms of power. According to the *Oxford English Dictionary*, the word edifice carries the meaning: "A building, usually a large and stately building, as a church, palace, temple, or fortress; a fabric, structure."<sup>117</sup> It also has a figurative meaning, which refers to a complex system or structure, such as "the edifice of capitalism."<sup>118</sup>

Despite the pluralization of power into correlating mechanisms, techniques and technologies, the edifice metaphor for describing the structure of assemblages around a dominant characteristic, retains a sense of the monolithic in Foucault's conception of power. It does, however, allow Foucault to present a pluralistic, proliferating, and productive conception of power that is nonetheless distinctively identifiable as an edifice with a dominant characteristic that is necessary if any kind of critique is to be integrated into his analysis of power. It will not be difficult, then, for Foucault to go on to analyze, via this new conceptualization of power, the complex edifices of liberalism, as he does in this and the next lecture course. The question remains though, if Foucault is absolving his bipolar conception of power or adding a third tier to his historical schema of power.

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<sup>116</sup> (2007, p. 8)

<sup>117</sup> (Edifice, n. n.d.)

<sup>118</sup> (Edifice n.d.)

As Foucault maneuvers through the first three lectures of 78, he reiterates at numerous occasions this movement of deconstructing the chronology and composition of power and its forms, techniques, and mechanisms, only to subsequently package his argument in neat diagrams and binary structures that are easily intelligible for Foucault's audience. Despite the complexity and sophistication of Foucault's analysis in these first three lectures of multiple mechanisms of power that intertwines, are made redundant, and reappears again, the audience is left, to its satisfaction most likely, with a simple dichotomy: Sovereignty has as its correlate law and justice, which can only conceive "the juridical notion of the subject of right," while government (or security, which are used interchangeably in the third lecture) has as its correlate population, which produces "man" in his capabilities as "a living being, working individual, and speaking subject...  
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"There you are, all wrapped up and loose ends tied." Such is Foucault's concluding sentence in the third lecture. Obviously given with an unconcealed hint of irony, but nevertheless Foucault is indeed packaging his argument in a structure that is reminiscent of the analysis of the history of the disciplinary *dispositif* in *Discipline and Punish*. The binary diagram of sovereignty-discipline is reenacted, only discipline is substituted with government or security, so that the diagram becomes: sovereignty-government. And in a similar manner, the techniques and mechanisms of sovereignty are marginalized and described as archaic in Foucault's account, as opposed to government that represents the new, the modern, the movement towards the economy of power of 'the present.' Mitchell Dean has argued that Foucault's reconceptualization of relations of power following *Discipline and Punish* can be interpreted as a new tactic in his efforts to combat "the shadow of the sovereign." A tactic that was not altogether successful in extinguishing the privileged position of sovereignty.

In the fourth lecture of that year, Foucault seems to be altering his tactics. Rather than attempt to reconstruct the sequence of sovereignty-discipline-security, Foucault wishes to undertake a history of

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<sup>119</sup> (Foucault 2007, p. 79)

governmentality about the changing conditions of sovereignty as based on sovereign justice towards a new governmental rationality by which the condition of sovereignty is dependent upon the ability to govern the state and its population. So, Foucault emphasizes a process towards which the constitution and practice of political government (and thus political sovereignty) is characterized by a preeminence of the *dispositif* of governmentality (as a power that is concerned with the conduct of conduct), over *dispositifs* of discipline and sovereignty. But it is an ambiguous preeminence, since the problems and importance of both sovereignty and discipline are integral elements of governmentality. Accordingly, "...we should not see things as the replacement of a society of sovereignty by a society of discipline, and then of a society of discipline by a society, say, of government."<sup>120</sup> Thus, Foucault refutes his earlier theory of the transition from a society of sovereignty to a society of discipline. Instead, Foucault envisions the relationship as "a triangle: sovereignty, discipline, and governmental management, which has population as its main target and apparatuses of security as its essential mechanism."<sup>121</sup>

The shift from a history of *dispositifs* that follow a chronological sequence to a history of *dispositifs* that as conceived as configurations of *dispositifs* into economies of power has important implications for the problem of applying Foucault's analytical framework beyond the confines of Western European history. The historian of colonialism and imperialism has often struggled with a Foucauldian chronology of power *dispositifs* that did not correspond to the historical development of political power of colonial rule. By turning to the history of governmentality and the reformulation of his analytics of *dispositifs* Foucault provided a much more adaptable analytical framework. To a degree he did retained an epistemic conceptualization of the movement of power-types, the conception of modern configurations of power that he provides with governmentality is a much more muddled and "fuzzy"<sup>122</sup> version than that provide in his earlier

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<sup>120</sup> (2007, p. 107)

<sup>121</sup> (2007, pp. 107-108)

<sup>122</sup> (2007, p. 8)



work from *Madness and Civilization* through *Discipline and Punish* and *The History of Sexuality, Vol. 1*.

In the chapters that follow I use the basic concept of *dispositif* to guide my reading of governmental rationality in the Danish West Indies. By basic I mean that I do not attempt to map all of the elements of the *dispositifs* to describe a coherent movement of governmental rationality from point A to point B. Rather, it is exactly the muddled and fuzzy character of political power that the *dispositifs* of Foucault's governmentality lectures brings out that I am interested in. The economy of power that the governmentality of Danish colonialism engaged in was by no means a coherent, stable project. It was filled with contradictions, of political and economic interests, of the type of knowledge that was deployed, and the objectives of the project.

By basic, I also mean to say that it is the basic dynamic of the *dispositif* that shapes the diagnostics of my analysis. It is the reciprocal dynamic of problematization, response of power, and potential crisis that form the backbone of my analytical structure. Thus, the three analytical chapters that follow are all structured around specific problematizations and the response that they prompt, the type of knowledge and rationality involved in guiding the response of power, and the different ways that this relationship of problem-response is transformed, disrupted, or leads to unintended consequences.

Slavery itself is thus positioned as the general problematization of the third chapter along with a set of subsequent subproblems that were seen as following from the general problematic of slavery. These included economic efficiency, negative demographic development, and issues of social and political insecurity. Similarly, the fourth and fifth chapters takes emancipation and freedom as general problematizations that were seen as posing a new set of problems, or of redefining the nature of certain problematic aspects of colonial society. Chapter four, thus, brings attention to the subproblem of disorder and crime following emancipation, and examines the development of a prison system as a governmental response. Chapter five, then, concludes the analytical chapters by looking at the problem of labor post emancipation. Two governmental responses to the

problem of labor are examined in the chapter: regulative labor legislation and the effort to introduce smallholding among the black labor population.

This approach mirrors the scalar nature of *dispositifs*. Foucault describes the general *dispositifs* of sovereignty, discipline, security, and in *The Birth of Biopolitics* governmentality is treated as a general *dispositif*.<sup>123</sup> But he also often refer to several ‘lower-level’ *dispositifs* throughout his analyses. Thus, there is the panoptic *dispositif*, asylum *dispositif*, military-diplomatic *dispositif*, police *dispositif*, etc. Foucault’s use of the *dispositif* as analytical category is in that sense very pragmatic. It is used in various settings to describe the productive effect of a “regime of truth” and “a set of practices.” I take the same liberties of pragmatism in regard to my analyses.

### **Contents of the Dissertation**

The rest of the dissertation consists of four chapters—three analytical chapters and a brief conclusion. Each of the three analytical chapters provides a different context for interrogating the strategic configurations of governmental power placed against the backdrop of historical conditions and political-ideological positions that often constituted themselves in tense but also interdependent relationships, such as slavery vis-à-vis social security, punishment vis-à-vis emancipation, free markets vis-à-vis labor regulation. Such relationships can best be conceived as fluid rather than rigid, and the boundaries between despotic rule and liberal governance that in principle seem so clear, quickly becomes much more blurred when observed in practice.

Thus, the three analytical chapters are both distinct from one another in that they provide separate analyses, but they also overlap and inform one another. The aim being to present an image of the multiple configuration of relations of power that were produced, suppressed, and reemerged in different forms throughout the history of colonial rule in the Danish West Indies. The chapters are distinct in the sense that they cover different periods and problematics of the Danish colonial project.

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<sup>123</sup> See e.g. the section where Foucault describes “the crisis of the general apparatus (*dispositif*) of governmentality.” (2008, p. 70)

Chapter three, *Slavery, Security, Population*, is dedicated to a reinterpretation of colonial government's management of slavery and the problems of security that slavery produced. It analyses the emergence of 'the population' as a governmental category in the colonial government of the Danish West Indies as a response to the security risks that slavery presented, i.e. risks of social disintegration, economic in-sustainability, and dispersed sovereignty. This 'discovery' of population was an integral part of a movement in the governmentality of colonial authorities from a focus on providing 'safety' to procuring 'security.' The procurement of security did not mean abandoning the governmental imperative of guaranteeing safety. Rather, constituting slaves as well as masters as 'population' was a governmental strategy that facilitated a more efficient security of society.

Chapter four, *Punishment, Natures, Race*, interrogates the problem of punishment, particularly imprisonment, in the contexts of liberal principles of progress and social reform and the immediate problems of social control in the post-emancipation period. The chapter first describes the emergence of a transnational discourse of penitentiary science. I show that this penitentiary science was connected to the liberal project of economic and social progress. However, the actual implementation of penitentiary principles did not necessarily follow a stringent set of systems. Much like punishment was individualized in the last third of the nineteenth century, the conditions for implementing punishment was also individualized to fit the particularities of its social or racial context. Second, the chapter analyses the implementation of public imprisonment as the dominant form of punishment in the Danish West Indies. I argue that principles of penitentiary imprisonment blocked rather than facilitated the implementation of disciplinary techniques in the Danish West Indian prison system. The project of constituting 'the emancipated' as 'disciplined subjects' through penitentiary imprisonment did not succeed. Instead, the prison system in the West Indies cultivated a set of racial categories that retained linkages to the period of slavery rather than generating the conditions of freedom for which it was intended.

Chapter five, *Market, Community, Progress*, explores the post-emancipatory responses to the problem of labor regulation. It analyses

responses to the governmental problematization of freedom, namely the problem of wage labor. The chapter considers the many problems that emancipation posed to the economic organization of labor in the colony. The organization of labor was closely connected to a transformation of the subjectivity of laborers that were no longer legally compelled, or physically threatened, to work. Without the physical and legal restrictions of slavery, laborers now had a choice: they could work for wages, or they could live off the fat of the land, or they could roam from employment to employment as they pleased, etc.. The challenge, then, that colonial authorities were faced with was how to affect laborers' decision-making. The economic interest of laborers became the 'point of application' of governmental strategies. But the regulation of laborers' interest also meant that a certain type of economic conduct would have to be induced within the subjectivity of the formerly enslaved. In other words, colonial government was concerned with the problem of 'producing freedom.' This production of freedom and cultivation of economic conduct is examined in the chapter in two different techniques of government: labor regulations, and the promotion of smallholding. Both techniques, however, rested on an ideal of community that would facilitate the transformation of laborers' subjectivities. The chapter argues that the governmental rationality of post-emancipation labor policy created the foundation for a "crises of governmentality," where the maintenance of a profitable labor market came at the cost of workers' rights and freedoms. In other words, the governmental calculations of the dynamics of security and freedom in the labor market were 'wrong.' The security of the profit of employers was prioritized, and the freedom of workers neglected. This miscalculation at several times erupted in labor disturbances, most notably the riots of 1878 where black workers rose in a violent revolt against the restrictions that post-emancipation labor policy had installed on their freedom to maneuver in the labor market, but also the organized strikes that marked the last few years of Danish rule.

Finally, in chapter 6, I provide a brief conclusion of the general analyses and a discussion of the theoretical implications of my conclusions to the further study of governmentality and colonial power more generally.

## *Chapter Three*

# **Slavery, Security, Population**

Every reasonable man who is beyond the prejudice of color perceives this [that colonial slavery must soon end] with the utmost clarity and sees that colonial society is, every day, on the brink of inevitable revolution. Colonial society has no future. As a result, it lacks the first condition of order, of prosperity, and of progress.”<sup>124</sup>

For Alexis de Tocqueville, in 1843, colonial society was a society without a future. What he was essentially saying was that colonial society was a society without security. Security in the sense of a proper management of society’s forces, or rather, of a proper management of the risks to the natural ordering of society’s forces. There was no balance to the forces of colonial society. In fact, it was “on the brink of inevitable revolution,” the genesis of which was as natural as that of the French revolution. The colonists—“one of the most exclusive aristocracies that has ever existed in the world”—<sup>125</sup>were blinded by the same illusion of power that had led the French nobility in 1789 to believe that the old order with their prerogatives and privileges could be maintained by means of class repression. And like the French nobility, the colonial aristocracy, were fooling themselves. “It is the status quo that will be the colonies’ ruin,” Tocqueville assured the reader. The insurance of the future of colonial society would come “only from the abolition of slavery.”<sup>126</sup>

The challenges that Tocqueville envisaged were facing colonial society were epitomized by the corrupting features of slavery that represented the single most important blockage for colonialism’s civilizing mission. The

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<sup>124</sup> (de Tocqueville 2001, p. 201)

<sup>125</sup> (2001, p. 200)

<sup>126</sup> (2001, p. 200)

system of slavery was detrimental to the ‘order,’ ‘prosperity,’ and ‘progress’ of colonial society in terms of security, morality, and economy. The abolition of slavery, therefore, was an inevitable event and the product of a universal history of mankind’s moral progress and continual enlightenment. The British abolition of slavery in 1834 was therefore not a historical coincidence or fluke, but a defining precursor of what was to follow for every civilized nation’s overseas possessions. Abolition of slavery was a key event in the historical progression of human civilization—a “product of the spirit of the times”<sup>127</sup>—and to go against it would mean to go against history itself. When Tocqueville declared the demise of colonial society in 1843 he regarded the event of emancipation as a matter of certainty that should be embraced with urgency by any reasonable government. Emancipation was not a potential outcome, a calculable risk that could be postponed, mediated, and avoided. Whether by violent revolution or governmental foresight emancipation would come, so why not take the only rational course of action and bring about the transformation by means of government policy rather than by chaotic revolution.

A century later, Eric Williams would also argue that abolition was a product of the spirit of the times, but to him that spirit was the spirit of capitalism.<sup>128</sup> As much a story about the universal stages of history as Tocqueville’s progression of enlightenment and reason, but framed within the laws of economic interests and the historical materialism of Marxist theory, Williams argued in his classic study, *Capitalism and Slavery*, for the integral relationship between the inevitable transition to a capitalist mode of production and the rise and fall of Atlantic slavery.

While these two theories of the dynamics behind the end of slavery have to a great extent been nuanced by an expansive historiography of slavery and Atlantic history, they still provide the basic structures of interpretation of the development of slavery; its beginning, its moderation, and its end. The question is still being asked whether the development of slavery was

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<sup>127</sup> (2001, p. 201)

<sup>128</sup> (Williams 1944/1994)

determined by economic rationality and the concern for profitability, or guided by sentiments of popular ideology, morality, and reason?<sup>129</sup>

In this chapter, I pursue a different line of interpretation. The purpose is not to answer the question of why slavery in the Danish West Indies was introduced, modified, and eventually abolished. Instead, I entertain Tocqueville's analysis that the greatest risk to colonial society was posed by the very institution of slavery that also served as its economic foundation. Accordingly, the chapter conceives of the phenomenon of slavery as a specific problematic of colonial government. Slavery might have been an essential element in ensuring the profitability of the plantation economy. It was certainly central to the social control of colonial subjects. But slavery also presented a series of problems to the objectives of governing a territory and its peoples. Slavery constituted a problematic space of dispersed sovereignty divided between state and planter; yet the risk of slave uprisings made the management of slaves a problem of public order. There were also other negative effects connected with the practice of slavery. Political economists were arguing for the inefficiency of slave labor. The negative demographic development of slave populations were seen as indicative of an unnatural social order of slave societies that could also be read in the moral debasement of masters as well as slaves.

In the chapter I suggest that the notions of "police" and, by extension, "biopolitics" as presented by Foucault in his history of governmentality can provide an alternative framework for analyzing the public problematization of slavery in colonial government. I argue that government officials in the Danish West Indies came to conceive of slavery as a biopolitical problem that should be managed in accordance with a "political technology of individuals"<sup>130</sup> as reflected in the doctrines of "police" regulation. While the public management of slavery's risks did not necessarily prescribe the full

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<sup>129</sup> In its more contemporary conception this debate has been termed the "Williams-Drescher debate," reflecting Seymour Drescher's contention of Williams' "economic decline thesis." In his book *Econocide* (1977), Drescher argued that slavery was in fact abolished despite of a profitable economy, and abolition thus relied on an effective popular movement rather than capitalist reason. See also Drescher's review of the historiographic impact of *Capitalism and Slavery*, (Drescher 2000)

<sup>130</sup> (Foucault 1988)

abolition of slavery, it did require a gradual movement towards still greater influence of freedom in the life of individual slaves. Elsa Goveia has in her influential work on slave laws in the eighteenth century described how “the problem of slavery” was addressed by local colonial government as “a problem of public order.” She argued that a body of police legislation, which governed slaves in regard to the public order, constituted a legal “superstructure,” essential to the maintenance of the slave system.<sup>131</sup> In Goveia's interpretation of police regulation of slave society, the emphasize is put on its repressive function. I have no entention of disproving the coercive logic of "police" in the context of slavery. However. I would like to emphazise an alternative analysis of the political rationality of government that allows for a recognition of government's promotion of liberal conduct among the enslaved.

In this chapter I trace different governmental *dispositifs* that in different ways attempted to curtail or otherwise minimize the negative effects of slavery. These strategic responses to slavery's risks took on different forms of intervention, be it legal and legislative, regulative and educational, or social and economic. While historians of the Danish West Indies have framed the policy of the Danish colonial government during the period of slavery as either a form of failed mercantilism<sup>132</sup> or negligent concession to planter interests and inability to exort state power,<sup>133</sup> I posit the question of whether it might be possible to conceptualize the rationality and technique of the Danish colonial government in relation to a governmentality of ‘police’ and a biopolitics of population, and thus as part of the general history of governmentality. This perspective highlights the importance of population and the changing conception of economy to the rationality of colonial governance, rather than evaluating the ideological or economic motives of colonial policy makers.

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<sup>131</sup> More so in the British system of representative government, where “a slave-owning ruling class” preceded as legislature, than in the Spanish centralized system of “relatively liberal” slave laws. (Goveia 1960/1991, pp. 347-350)

<sup>132</sup> See e.g. (Hall 1992, pp. 19, 21-23, 71)

<sup>133</sup> (Olwig 1987, pp. 388-389)



## **Risks of Slavery**

During the late 1700s and early 1800s the new human and social sciences of political economy and demography argued that slavery produced a structure that was inhibiting the natural, self-regulating orders of human interaction and development. Slavery was corrupting the natural orders of economic exchange (Adam Smith's free market forces) and population development (Thomas Malthus' principles of natural reproduction). Slavery itself was not viewed by political economists as constituting a natural order. Nor was it conceived as a static structure. Slavery was a man-made inhibitor of what was understood as essentially beneficial natural movements of markets and populations, and as such could be dismantled by the policies of men. The demand that the human and social sciences were posing to colonial government was to tear down the unnatural structures of slavery and replace them with institutions that aligned more with the naturalness of population and economy. The immediate response of government was not to dismantle slavery altogether but instead to alter the way it was managed. The problem of slaves' reproduction for instance—the negative development of which was seen as the effect of the slave trade—was mediated by changes in slave management and healthcare before steps were taken to eventually end the slave trade. Abolitionists argued that by ending the constraints imposed on the forces of population by the slave trade, a natural demographic order would be reconstituted and population growth would follow as a consequence.<sup>134</sup>

In the writings of Political economists such as Adam Smith, Thomas Malthus, Jean-Jacque Rousseau, and Alexis de Tocqueville, we find an identification of the system of slavery as presenting a risk to the security of a series of 'orders' that were essential to the functioning of governmentality in the eighteenth and nineteenth centuries. These distinct yet intertwined human orders were 'society,' 'economy,' and 'population.' In the "rational analysis of slavery and freedom" in relation to the security of these human orders political economy argued for the efficacy of personal and economic

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<sup>134</sup> (Drescher 2002, p. 47)

liberty over the corruption of life and economy that slavery entailed. This criticism of slavery by political economist was in turn appropriated and intensified by abolitionist movements and applied to the specific political objective of abolishing first the Atlantic slave trade and eventually slavery itself.<sup>135</sup>

The eighteenth and nineteenth century political economists and moral philosophers promoted the idea that Man was principally a production of his environment. The writing of philosophers such as Jean-Jacque Rousseau advanced the proposition that “[m]an was not naturally corrupt, but had been corrupted by society.”<sup>136</sup> The popularization of such concerns towards the potentially negative effects of advanced societies made it possible to direct a socio-economic critique at the system of slavery. Opponents of slavery could argue that the defense of slavery on grounds of Africans' inferior morality made them naturally inclined to a life of servitude was based on a false premise. The moral and ethical corruption that proponents of slavery identified in the slave's character was not a product of his natural inclination, Rousseau's followers would argue, but rather the result of a life spent within the corrupting structure of a slave society. Addressing more generally the cause and effect of the character of people and their social condition, Montesquieu argued in *The Spirit of Laws* that “[t]he customs of an enslaved people are a part of their servitude, those of a free people are a part of their liberty.”<sup>137</sup>

Political economists did not view the social corruption of slavery as only detrimental to the constitution of black Africans. Black slaves were the immediate recipients of the degradations caused by their total subjugation. But their masters were equally affected by the social debasement of slavery. Alexis de Tocqueville would argue on numerous occasions that the most detrimental effect of slavery was the systemic infection of something much more fundamental than the character of *individuals*. The most important casualty of slavery's corrupting effect was the fairly novel conception of *society*: "Slavery ... introduces idleness into society, and, with idleness,

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<sup>135</sup> (2002, pp. 6-7)

<sup>136</sup> (Curtin 1990/2005, p. 150)

<sup>137</sup> (de Montesquieu 2001, p. 335)

ignorance and pride, luxury and distress. It enervates the powers of the mind, and benumbs the activity of man."<sup>138</sup> Consequently, slavery could not be isolated as simply a fortuitous mechanism for ensuring ample supplies of labour. Slavery's detrimental effects transcended material conditions and affected the minds and hearts of every resident of the slave society, slaves and masters alike.

If Rousseau could be mobilized to argue that slavery was corrupting the minds and virtues of "the noble savages," and Tocqueville used to argue that slavery was degenerating the very fabric of the social, then the work of Adam Smith on the political economy of wealth provided a scientific claim that slavery was uneconomic as an organization of labor. In the third book of his opus, *An Inquiry into the Nature and Causes of the Wealth of Nations*, published in 1776, Smith made his evaluation of the economic effects of slavery very clear:

The experience of all ages and nations, I believe, demonstrates that the work done by slaves, though it appears to cost only their maintenance, is in the end the dearest of any. A person who can acquire no property, can have no other interest but to eat as much, and to labour as little as possible. Whatever work he does beyond what is sufficient to purchase his own maintenance can be squeezed out of him by violence only, and not by any interest of his own.<sup>139</sup>

By eliminating the possibility of acquiring property, the conditions of slavery extinguished the laborer's interest to work efficiently. The costs associated with the loss of efficiency that the removal of workers' interest in production created were so great, Smith argued, that it appeared "from the experience of all ages and nations" that despite having to procure the expenses of sometimes exorbitant wages, which Smith found it to be the case in places such as Boston, New York, and Philadelphia, the work of freemen was preferred over that of slaves because in the end "the work done by freemen comes cheaper ... than that performed by slaves."<sup>140</sup>

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<sup>138</sup> (de Tocqueville 1851/2005, p. 25)

<sup>139</sup> (Smith 1776/1904, III.2.9)

<sup>140</sup> (1776/1904, I.8.40)

Despite the inherent economic defects of slavery, Smith recognized that slave labor could be made more economically feasible through better management:

[A]s the profit and success of the cultivation which is carried on by means of cattle, depend very much upon the good management of those cattle, so the profit and success of that which is carried on by slaves must depend equally upon the good management of those slaves.<sup>141</sup>

In regard to the good management of slaves, Smith viewed the French planters as far superior to the English. The reason for their superiority was, according to Smith, located in the differences between French and English systems of government. The French colonies were, like the Danish, part of an absolutist monarchy whose bureaucratic state-apparatus could to a greater degree legitimately regulate individual planters' management of their slaves. "The law," Smith argued, "so far as it gives some weak protection to the slave against the violence of his master, is likely to be better executed in a colony where the government is in a great measure arbitrary than in one where it is altogether free."<sup>142</sup> A similar regulation of "the management of the private property of the master" was supposedly not possible in a "free country, where the master is perhaps either a member of the colony assembly, or an elector of such a member, he dare not do this but with the greatest caution and circumspection."<sup>143</sup> The absolutist nature of French sovereignty allowed for a more effective policing of the treatment of slaves.

The tendency towards an allegedly more lenient management of slaves in the French colonies provided a more fertile economic environment, argued Smith, by establishing a shared interest, held by both master and slave, in the efficiency of labor. As the slave comes under the protection "of the magistrate" the slave becomes "less contemptible in the eyes of the master," inducing the master to introduce a more gentle management. In turn, "the slave" will be rendered

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<sup>141</sup> (1776/1904, IV.7.76)

<sup>142</sup> (1776/1904, IV.7.76)

<sup>143</sup> (1776/1904, IV.7.76)

not only more faithful, but more intelligent, and therefore, upon a double account, more useful. He approaches more to the condition of a free servant, and may possess some degree of integrity and attachment to his master's interest, virtues which frequently belong to free servants, but which never can belong to a slave who is treated as slaves commonly are in countries where the master is perfectly free and secure.<sup>144</sup>

The demarcation between free and slave labor in Adam Smith's political economy was thus not a clear delineation. Rather, the space between free and slave was distributed across a gradient spectrum. The properties of the labor employed could then be positioned as more or less free or enslaved depending on its management. The fact that Smith argues for the malleability of the properties of slavery is important. It is equally as important that he places the objective of regulating the management of slaves upon "the magistrate"—the representative of colonial government. The power relations of slavery that would need to be managed was, then, not strictly relations of justice or property rights, but also essentially relations of economy and the beneficial conduct of masters and slaves.

To summarize, political economy and enlightenment philosophy identified slavery as a risk factor to the security of the more recent domains of political government—society and economy. But slavery was also, and perhaps primarily, identified by colonial officials as a risk to state sovereignty. Slave society and the plantation system provided a duality of risk to the security of the colonial state. Firstly, the mass importation of African slaves created a continual potential for internal revolution, in case of which the massively outnumbered European inhabitants would be forced to relinquish their control of the colony. Secondly, the predominantly non-Danish origins of the colony's European residents, made the colony vulnerable to annexation by competing imperial powers. The multinational composition of colonial society created an ambivalent distrust towards the political allegiance of the planter class.

If the power structure of slavery had been a simple game of numbers, the odds would have been heavily against the white inhabitants. The number

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<sup>144</sup> (1776/1904, IV.7.76)

of enslaved blacks on St. Croix peaked at 27.351 in 1804, while the freed-people of color numbered 1.694.<sup>145</sup> In 1796 only 2.223 whites inhabited the island.<sup>146</sup> The huge advantage in numbers that the slaves enjoyed over their white masters made the risk of slave retributions a constant cause for concern.<sup>147</sup> The risk loomed ever present that when opportunity would present itself, in times of crises or emergency, the slaves would rise up and simply take the property and wealth that their status denied them. Their almost impulsive potential to destabilize social and political structures led Montesquieu to refer to slaves as the “natural enemies of society.” Previously Jean Bodin had summarized the historical experiences of slave societies thus: “So many slaves, so many enemies in a man’s house.”<sup>148</sup>

Such anxieties were voiced in connection with the immanent invasion of the Danish colonies by British forces in 1801. Planters and officials feared that slaves would utilize their numerical superiority and take advantage of the power vacuum in between British invasion and British occupation.<sup>149</sup> There was also the risk that slaves on the Danish islands would be ‘inspired’ by slave riots and insurgencies occurring elsewhere in the region. Most notably, the colony’s white inhabitants were terrified by the thought that the successful slave revolt in the french colony of St. Domingue in 1791 that eventually led to a free Haitian state could encourage a dissatisfied slave community, and the increasing number of free people of color, to the extent that the calamities of Saint-Domingue would be repeated in the Danish West Indies.<sup>150</sup>

Besides fearing the unthinkable consequences of a large-scale slave revolution, officials increasingly took notice of the everyday incidents of slave disobedience and disregard of white authority. The contempt and lack of respect, shown by slaves, were interpreted as being encouraged by slaves’ successful challenging of colonial society’s social and political status quo in other places such as St. Dominique. In 1802, the white inhabitants’ paranoia

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<sup>145</sup> (Green-Pedersen 1981, p. 248, table 13.1)

<sup>146</sup> (Hall 1992, p. 5)

<sup>147</sup> (Green-Pedersen 1981, p. 238)

<sup>148</sup> Quoted in (Ghachem 2012, p. 9)

<sup>149</sup> (Hall 1992, p. 28)

<sup>150</sup> (1992, p. 25)

was given ample fuel when a letter addressed to Thomas Towers, a freed man of color, was found on 14 June. The letter read:

Brothers all: When freedom at stake, ought free men and slaves to go hand in hand. We are ten against one white. In all this time they have treated us like dogs; now it was our time to show them we are men like they. God created us all, why shouldn't we be every bit as good as they and have the same rights. Let us demand our rights and them despite the whites. Long live the brave coloured people.<sup>151</sup>

The discovery of the letter to Towers, which more than insinuated a call for an organized alliance of colored people, both free and enslaved, against the white community, coincided with an increase in acts of disobedience and abuse, threats, and violence by slaves directed against plantation overseers and bookkeepers. The tension culminated with the murder of a bookkeeper at the plantation Mt. Misery in May and the burning down of cane fields. The frequency of slave resistance made that summer of 1802 particularly heated.<sup>152</sup>

However, the level of tension that the events of the summer of 1802 had created also suggest the permanence of an inherently unsafe condition that the antagonistic relations of colonial slavery constantly reproduced. The risks of slave uprisings were genuine enough—the many instances of violent resistance to slavery attest to the willingness and ability of slaves to challenge European imperial authority in the New World. Yet, it was the persistent presence of the possibility of conspiracies “by the brave colored people,” to quote Towers’ letter, and the fermentation of a general disregard of white authority among the enslaved that were at the forefront of whites’ anxieties.

If slave resistance represented one kind of risk to the security of Danish sovereignty in the colony, then the political power of a wealthy planter class and its multinational composition presented a different but equally important risk. The power of the planters established a state of fragmented or dispersed sovereignty. The system of large-scale sugar cultivation created

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<sup>151</sup> Quoted in (1992, p. 29)

<sup>152</sup> (1992, p. 33)

a very influential class of planters that owned the majority of the colonial territory. Not only did the “planter class,” or the “plantocracy,” have ownership over much of the colonial territory, they also counted the vast majority of the colonial inhabitants as their property to more or less command as they pleased. The efficacy of Danish royal sovereignty was therefore dependent on the mediation of the planters. Only through the planters’ cooperation could the Danish monarch claim any real control over his colonial territory and subjects.

This first aspect of a fragmented sovereignty was augmented by a second aspect, which related to the problem of integrating foreign nationals within the Danish crown colony. The majority of Denmark’s West Indian possessions were from the outset settled mainly by nationals of other European imperial powers. Hall has argued that Danish colonial rule in the West Indies, at least until the end of slavery in 1848, constituted “an empire without dominion.”<sup>153</sup> This political construction was essentially a product of the conditions of early Danish colonization in the seventeenth and eighteenth centuries. Because of Denmark’s low population density compared to other European imperial powers, such as Britain and the Netherlands, not enough Danish manpower was available to settle the Danish West Indian colonies with purely Danish nationals. Instead Danish authorities opted for a strategy of “colonization by invitation,”<sup>154</sup> by which foreign Europeans were relied upon to establish and manage the islands’ plantations and commercial activities.

Hall argued that this factor made it difficult to create a common constitution of government that both Danish officials and expatriate planters could agree upon.<sup>155</sup> Not only did it complicate the establishment of a web of sovereignty, spanning out from the Danish Monarch and reaching down through the administrative layers, it also obfuscated the process towards a cultural or national hegemony in the Danish West Indian colonies. This presented a potential problem for the Danish colonial administration: How would foreign planters react to regulations, decreed by an absolute Danish

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<sup>153</sup> (1992, p. 6)

<sup>154</sup> (1992, p. 6)

<sup>155</sup> (1992, pp. 5-6)



Monarch, that limited their right to freely trade their produce, buy supplies, and indeed manage their slaves as property and investment, if they did not consider themselves bound by national loyalty to said Monarch? In other words, would foreign planters and merchants consent to the sovereign power of the Danish King? Adam Smith's theory of enlightened despotism as the best government of a slave based economy presupposed a shared national character that made planters of absolutist states more accommodating to the sovereign's infringement upon their property rights. Such a coherent national character, if it ever existed anywhere, was not present in the Danish West Indies.

In Hall's analysis, this discrepancy was no minor issue in a colonial commercial system that was based on mercantilism, which in turn rested on the administrative state's ability to police, i.e. regulate, the commercial activities within its territories. In Hall's interpretation of a multicultural commercial and agricultural colonial society that was Danish only by name, and not by custom, the colonial administration abandoned classical mercantilist principles of monopolized trade in favor of a free port system and a heavy dependency on inter-imperial trade. The Danish colonial endeavor in the West Indies, Hall proposed, had, in terms of its commercial and economic prospects, been nothing short of "a mercantilism manqué."<sup>156</sup> What Hall seems to ignore in his interpretation is that the free port policy and the "invitation" to foreign colonists were essentially policies of population growth, which lay at the heart of mercantilist and cameral theories of public administration. The wealth of the state was essentially brought about through an increase of its population. Hall himself notes that the preamble to the ordinance of 4 November 1782 that renewed the free port legislation, justified the importance of open ports in attracting foreigners whose "presence would increase the population and bring beneficial prosperity to the islands."<sup>157</sup> The free port policy and dependency on foreign influx of people and goods should not by default be treated as failed mercantilism, but could rather be viewed as classic mercantilist

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<sup>156</sup> (1992, p. 23)

<sup>157</sup> (1992, p. 23)

responses that emphasized the relation between a thriving population and economic prosperity.

Besides making it problematic for the Danish Crown to enact its sovereignty in its colonial territories, the influence of foreign communities also presented a risk of possible fifth column activity in times of conflict with other imperial powers.<sup>158</sup> On the eve of the second British occupation of the Danish West Indies within the first decade of the nineteenth century, Friderich de Bretton was arrested on 13 December 1807 and charged with plotting a coup d'état to overthrow the Danish colonial government and establish a republic under British protection.<sup>159</sup> De Bretton was a member of one of the oldest families of European immigrants to the islands, and originally hailed from Flanders. His attempt to oust the Danes from the seat of power in the colony proved the difficulty of predicting the sources of internal insecurity. Who were to say how the large contingency of British nationals on St. Croix were to react in future instances of political crises involving the British empire? The perception held by Danish colonial officials that the enemies of the colony were to be found internally rather than externally, thus, did not simply refer to the general risk of slave uprisings. It also included the possibility that the many foreign subjects residing on the islands would act to subvert Danish sovereignty and eventually cause the demise of Danish rule in the West Indies.

It has been argued that this problematic of dispersed sovereignty made it very difficult for the colonial government to carry through the clauses of legislation that directly opposed planter interests. In his study on the health of the enslaved on St. Croix, Thode Jensen, for example notes, how "the Governor General in charge at the time ... chose to shelve the [1755 slave] law out of consideration for the sensitive relationship between the Danish colonial administration and the planters."<sup>160</sup> This argument stresses the significant economic and political power of the colony's planter class. The reasoning behind it is that officials did not dare to risk alienating the planters to the extent were they would conspire against the danish

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<sup>158</sup> (1992, pp. 25-26)

<sup>159</sup> (1992, p. 27)

<sup>160</sup> (Jensen 2012, p. 132)

authorities in the pursuit of their interest, or perhaps simply take their business elsewhere. They were after all, as argued by Hall, not bound by national loyalty to the Danish crown or state to help facilitate the wealth of the Danish colony. They were bound only to their own economic interests, and if a British, French, or Dutch government could better fulfill those interests, then what would stop the planters from assisting a change of sovereignty, turning over the Danish islands to the governments of competing imperial powers?

An alternative interpretation that would do much to supplement the theory of the risk of potential planter alienation would call attention to the many indications that the mode and venue of government intervention was undergoing a shift, or perhaps it would be more fitting to describe it as a multiplication. The mode of legal prohibitions were being supplemented by a series of techniques that created incentives to behavioral transformations rather than simply prohibit certain inexpedient actions. Given the political environment of the colony, which indeed was fermented by the relatively powerful planter community that in practice limited the sovereignty of the Danish crown, it made complete sense for colonial government to attempt to implement a governmental strategy that essentially bypassed planters' legal sovereignty over their slaves as constituted by their rights of property. By utilizing a mode of government that was exactly not based on the mechanisms of sovereign power, i.e. law and right, but instead emphasized the security of those phenomena that transcended the power of sovereignty, namely the phenomena of population and economy, government officials could intervene much more efficiently and with less risk to the political stability of the colony.

The remaining sections of the chapter pursue this interpretation of the rationality of colonial government in the Danish West Indies during the time of slavery. It does so, firstly, by introducing the philosophy of administrative government known as 'police' that evolved into a science of state from the 1500s to the 1800s. In the eighteenth and nineteenth centuries, 'police' flourished as the administrative philosophy and regulatory technique par excellence of the European administrative states. But it also informed the government of colonies in the Americas. 'Police' is

commonly referred to as the instrument of mercantilism (by regulating the rules of trade and commerce and facilitating ‘communication’ between the contributors to wealth), but for our purposes, it is its connection with the conception of ‘population’ as a technology to integrate individuals in the utility of the state that is of importance. Secondly, the chapter goes on to an interpretation of the slave laws of the Danish West Indies as an increasingly marginalized domain of government intervention. Rather, it was in the form of police regulations that the colonial government guided its intervention. Importantly, and here we come to the third and last section of the chapter, the police intervention were increasingly being directed towards a domain of colonial society that was articulated as beyond the legally defined property of the master in his slave. Governmental interventions would increasingly come in the guise of population policies and campaigns that were legitimated by the practical necessity of sustaining a slave population solely by ‘natural’ reproduction. This model of government as population security functioned as a mechanism to circumvent planter sovereignty and gain more intimate access to the conduct of slaves. Simultaneously, it sought to ameliorate the other damaging effects of slavery by configuring a governmental milieu that would be more accommodating to the natural orders of population and economy. Ultimately, such responses to the risks of slavery would lead to calculations of the risks and utilities of a general emancipation of Danish West Indian slaves that, following British emancipation in 1833/34, became a matter of ‘when’ rather than ‘if.’

### **Police, Population, and Biopolitics**

Police forms a crucial element in Michel Foucault’s genealogy of governmentality. Foucault devoted the final two lectures of the 1978 lecture series at College de France to an extensive consideration of “police” as a form of political rationality and technology. He would revisit the police concept in the 1979 Tanner Lectures<sup>161</sup> at Stanford University and again in a lecture given at the University of Vermont in 1982 in connection with a

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<sup>161</sup> (Foucault 1981)

seminar on “Technologies of the Self.”<sup>162</sup> The common theme of these lectures was the genealogy of governmentality and specifically the development of a political rationality and technology that dealt with the integration of individuals into the utility of the state in the form of population. “Police,” “*la police*,” and “*polizei*” becomes the terms that were used at different times to describe this rationality and technology of government.<sup>163</sup>

The conceptual and etymological history of “police” is quite complex and dynamic. Its uses and meanings developed over the fifteenth to nineteenth centuries, ranging from the specific regulation of cities and commercial activity, to the administration of public welfare and health, to the suppression of crime and public disorder.<sup>164</sup> There is a certain sense of intangibility to this idea of police as it was used up until the nineteenth century. Yet, the term was applied with great confidence in the political and legal treatises of its day. In Foucault’s interpretation, however, use and understanding of police serves a quite specific function. Foucault seeks to identify, within the conception of police, a political technology for integrating the activities of individuals into the mechanisms of the state.<sup>165</sup>

The general framework within which this ‘political technology of individuals’ developed is *raison d’État* or reason of state. Reason of state, Foucault explains, referred to an art of government. This art of government was considered rational on the grounds that it observed and governed in accordance with the nature of that which was being governed, that is, the nature of the state itself. This principle set it apart from the Christian tradition of government that held that a government was just if it pertained

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<sup>162</sup> (1988)

<sup>163</sup> (1988, p. 153) Foucault was not the originator of this interpretation of police and cameral science as a technology of government. Albion Small argued in his book *The Cameralists* (2001, pp. 19-20) that in opposition to the English tradition of interpreting cameralism as economic theory, “we may say that cameralism was not a theory and practice of economics but of politics. Cameralism was a technique and a theory of administering a peculiar type of state in a society constructed out of peculiar types of purposes. ... Cameralism raised, directly and deliberately, no fundamental questions of pure economics. It was primarily a theory and a technique of government.” Franz-Ludwig Knemeyer advanced a similar interpretation in his survey of the concept of “*polizei*” in the fourth volume of the *Geschichtliche Grundbegriffe* series, see (Knemeyer 1980)

<sup>164</sup> (Neocleous 2000, pp. 3-5)

<sup>165</sup> (Foucault 1988, p. 153)

to human, natural, and divine laws.<sup>166</sup> It also separated it from the strategic exercise of the Prince in expelling his internal and external rivals to his territorial acquisitions. The political problem that concerns the prince, exemplified in Machiavelli's writing, is not the problem that concerns the reason of state. Rather than strengthening the Prince and his hold over territory, reason of state seeks to strengthen the state itself.<sup>167</sup>

What then are the implications of this new art of government based on the nature of the state and aimed at the strengthening of the state? Foucault identifies several important implications. Firstly, the art of government according to reason of state requires the application of political knowledge. Only by knowing the strength and capacity of the state will it be possible to properly govern it. Reason of state thus is connected with the development of statistics which provided a concise knowledge of the state's forces, as well as the forces of other states. Secondly, it implies a change in the conception of the nature of the state. Rather than perceiving the state as several elements between which an equilibrium could be obtained by the application of good laws, the state is viewed as a set of forces and strengths, the level of which will be determined by the politics of governments. Thirdly, the relationship of the individual to the state takes on a new appearance. The individual becomes a factor in the strength of the state, and thus the individual exist in the view of the state inasmuch as his activities and behavior provides either a negative or positive impact on the strength of the state. It is in the form of his capacity to live, work, produce, consume, and die that the individual becomes pertinent to government.<sup>168</sup>

It is in this correlation between the utility of individuals and the utility of the state that "police" as a technology of government enters Foucault's analysis. He charts the development of the police concept through the many political treatises in the seventeenth, eighteenth, and nineteenth centuries by philosophers, civil officials, and academics who all addressed the relation between the problem of the state and the art of government. Foucault ends the lecture of 29 March 1978 at the College de France by emphasizing that

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<sup>166</sup> (1988, p. 149)

<sup>167</sup> (1988, p. 150)

<sup>168</sup> (1988, p. 152)

the main purpose of police was broadly conceptualized as having to ensure everything from the elementary *being* of subjects to the actual *well-being* of subjects; to procure something more than just survival of individuals, a surplus production of individuals happiness that ensured the growth of the state's forces.<sup>169</sup>

In “The Political Technology of Individuals” Foucault highlights three texts as exemplary of the three major forms of conceptualizing the technology of police. Firstly, Louis Turquet de Mayenne’s book *La Monarchie aristo-démocratique* (1611) represents a utopian dream of an all-encompassing police that heads the administration of the state. “The police,” insists Turquet, “branches out into all of the people’s conditions, everything they do or undertake.”<sup>170</sup> Secondly, Nicolas Delamare’s *Traité de la police* (1702) exemplifies a systematic appropriation of police principles to the administrative practice of the French state. For Delamare, “the police” is a state administration that sees “to everything pertaining to men’s happiness” as well as “everything regulating society.”<sup>171</sup> Thirdly, Foucault singles out Johann Heinrich Gottlob von Justi’s book *Grundsätze der Polizeywissenschaft* (1756), which formed a manual for students of *Polizeiwissenschaft*, as exemplifying “police” in the form of an academic discipline. As a teacher and practitioner of police science, von Justi draws a distinction between the positive and the negative obligations of the state. “Polizei” is concerned with the state’s positive task of fostering the life of its citizens and increasing the strength of the state. It achieves this “not by the law but by a specific, a permanent, and a positive intervention in the behavior of individuals.”<sup>172</sup>

These three forms of conceptualizing “police”—police as utopia, police as administrative practice, and police as academic discipline—while seemingly signaling a similar understanding of a categorizing, regulating, and interventionist police power, are presented by Foucault as each representing a step in the development of the object of this political

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<sup>169</sup> (Foucault 2007/2009, p. 328)

<sup>170</sup> Louis Turquet de Mayenne, quoted in (1988, p. 155)

<sup>171</sup> Nicolas Delamare, quoted in (1988, p. 157)

<sup>172</sup> (1988, p. 159)

technology of individuals. Foucault quotes Turquet for stating that “the police’s true object is man.”<sup>173</sup> According to Foucault, Turquet is referring to a very specific conception of man, which is man and things in their relationships:

Men and things are envisioned in this utopia in their relationships. What the police are concerned with is men's coexistence in a territory, their relationships to property, what they produce, what is exchanged in the market, and so on. It also considers how they live, the diseases and accidents which can befall them. In a word, what the police see to is a live, active, and productive man.<sup>174</sup>

For Foucault this idea of man as the object of police signals a shift in the relationship between power and individuals. Rather than being conceived as juridical subjects in juridical relations of birth and status etc., individuals are, in the utopian police of Turquet, viewed in relations of men as living beings—working, trading, living.

In regard to Delamare’s police as administrative practice, Foucault argues that the object of police is simultaneously expanded upon and systematized to a greater degree. The object of police is no longer merely men as living beings, but men as social beings. The police that Delamare portrays is concerned with classifying the needs of individuals and effectuating the happiness of individuals with the aim of making it a utility of the state. Thus, individuals are conceived with all their social relations—morality, health, conveniences, and pleasures. Society becomes the true object of police.<sup>175</sup>

Finally, Foucault argues that von Justi’s work adds two important innovations to the mechanism and object of police. The first is the bracketing off from the obligations of police the state’s juridical and military activities: the negative tasks of combating its internal and external enemies. The instruments of police are thus “neither weapons nor laws, defense nor interdiction.”<sup>176</sup> The second innovation is found in von Justi’s

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<sup>173</sup> (1988, p. 156)

<sup>174</sup> (1988, pp. 155-156)

<sup>175</sup> (1988, p. 158)

<sup>176</sup> (1988, p. 159)



emphasis on the importance of population, and specifically the interrelations and interdependence between the population of individuals and the environment that is constituted by “all the physical and economical elements of the state.”<sup>177</sup> This then is how individuals are conceived by von Justi’s police, as constituting a population in an environment of the state. The population thus becomes the true object of police. As a consequence of defining the object of its power in the form of population and the mechanism of its power as non-judicial, non-military, but specific, permanent, and positive intervention in social processes, Foucault argues that the politics of the police necessarily “has to be a biopolitics.”<sup>178</sup>

Biopolitics refers precisely to a technology of government that is concerned with the management and regulation of the population.<sup>179</sup> We see then why Foucault is interested in the evolution of this political technology of individuals that refers to itself as “police”. The evolving definitions of the true object of police—life, society, population—presents a genealogy of the biopolitical technology that is so important in Foucault’s conceptualization of governmentality, and specifically the governmentality of modern, Western states. In this context I would argue that colonial politics should not be conceived as marginal to the development of Western governmentality. As the rest of this chapter will demonstrate, biopolitics was not a stranger to colonial government in the Danish West Indies.

Having sketched out Foucault’s conception of police and its relation to the development of a novel biopolitics of population, we can now begin to apply this lens to the governmental rationalities and techniques of the Danish West Indian slave society.

### **Laws of Slavery, Regulation of Population**

The first two sections of the chapter argued that, first, slavery constituted an imperial paradox in that it served as both the foundation of rule and colonial enterprise in the West Indies, while simultaneously presenting the greatest

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<sup>177</sup> (1988, p. 160)

<sup>178</sup> (1988, p. 160)

<sup>179</sup> (1978/1998, p. 139)

risks to its sustainability. Second, by introducing the notion of “police” as a political technology that developed a distinctive mode of biopolitics, the sections also presented the thesis that the concept of population became a central correlative to the governmentality of the late eighteenth and early nineteenth centuries. The chapter now begins to bring these theoretical claims to bare on the governmentality of the Danish West Indies in the same period. The present section will attempt to reinterpret the function of law as a political technology in the Danish West Indian slave society. The focus will be on the operationalization of law and legal practice as a response to the risks of slavery.

It has been argued by historians of the Danish West Indies that slavery was a condition of human domination that was maintained juridically by a colonial jurisprudence that generally pertained to the slave as merely a form of property.<sup>180</sup> According to the laws of slavery, argued Karen Fog Olwig, the slave was constituted as property and not as a juridical nor social person. The slave might have been integrated in a social hierarchy, but did not exist as a social individual. To paraphrase Patterson, the slave was socially dead.<sup>181</sup> At the same time the colonial legal regime has been analyzed in terms of an incoherent and unregulated body of laws. This view is an interpretation that highlights “[t]he absence of a cohesive legislation” regarding the colony’s slaves.<sup>182</sup> Particularly the period following the abolition of the transatlantic slave trade (from 1803/06 onwards) has been depicted as “a confusing collection of older laws and local ad hoc legislation,”<sup>183</sup> and “an impenetrable jungle” of published and unpublished proclamations, ordinances, decrees, and laws.<sup>184</sup>

These interpretations are in need of reevaluation in at least two ways. The first pertains to the juridical validity and practical application of the Danish West Indian slave codes. The second aspect refers to the laws of the Danish West Indies as police legislation. Considering the previous sections’

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<sup>180</sup> (Olsen 2001, p. 25, 1983, pp. 305-307; Olwig 1985, p. 21, 1987, p. 387)

<sup>181</sup> (Olwig 1987, p. 388; Patterson 1982)

<sup>182</sup> (Jensen 2012, p. 133)

<sup>183</sup> (2012, p. 132)

<sup>184</sup> (Olsen 1983, p. 302)

emphasis on police as a political technology of integrating living individuals in the utility of the state, it might be more analytically fruitful to conceptualize the legal regime of the Danish West Indian slave society within this governmental framework of police. Such a perspective designates a higher degree of rationality and strategy to the perceived inconsistency of colonial legal practice, while retaining a skepticism towards the actual impact of legislation in the practical lives of slaves and masters.

Two slave codes pertaining to the Danish West Indies were produced in the eighteenth century. The first was promulgated by Governor Philip Gardelin in 1733, only months before the major slave uprising on St. John. The second was prepared in 1755 following the Royal takeover of the colonies in that year. The juridical validity of both documents, however, remained unsettled in the colonial jurisprudence of the Danish West Indian courts. The 1733 code was never approved by metropolitan authorities, whereas the 1755 code was not properly proclaimed in the West Indies and not publicly published before appearing in a rescript of 18 February 1843.<sup>185</sup> In the final three decades of the eighteenth century several attempts at reforming the Danish slave codes were instigated. In 1776, Wilhelm Lindemann, a member of the governing council for the Danish West Indies, began the task of compiling a comprehensive new slave code. In 1783 a Royal commission was appointed with a similar task. Eventually, Lindemann's unfinished work and the commission's suggestions were combined in a draft that included a civil and criminal law for both slaves and free people of color. The draft was shelved, however, in the aftermath of the events on Saint-Domingue in 1789, and as the decision to abolish the transatlantic slave trade moved closer to being realized.<sup>186</sup> Despite numerous suggestions in 1802, 1817, and 1830 to recommence the codification of slave legislation, a comprehensive slave code for the Danish West Indies was never compiled.<sup>187</sup>

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<sup>185</sup> (Jensen 2012, p. 133; Simonsen 2007, p. 69)

<sup>186</sup> (Loftin 1977; Olsen 1983, pp. 308-309)

<sup>187</sup> (Hall 1992, p. 68; Jensen 2012, p. 132; Olsen 1983, pp. 308-309)

Phillip Gardelin's slave regulations of 5 September 1733 has, in the historiography of the Danish West Indies, come to epitomize the juridical legitimization of the slaveholder's total power over his slaves as property and the "control of the slaves through dehumanization."<sup>188</sup> The proclamation did indeed allow for heavy punishments for slaves' encroachment upon the slaveholder's person and property.<sup>189</sup> Articles 1 and 5 dealt with slave marronage. Severe punishments were prescribed if slaves abandoned the plantation for shorter or longer periods, or if anyone assisted in or conspired to facilitate the escape of slaves. Pinching with red-hot irons, whipping, amputation, and hanging were the punishments that the proclamation prescribed for varying degrees of marronage. Articles 2, 3, and 4 laid out the punishments for slave conspiracies against their masters or any other whites. These included branding and amputation, but also rewards for informers that helped in exposing the conspirators. Articles 6, 7, 8, and 15 prohibited against theft and fencing by slaves, including the resale of escaped slaves. Articles 9 and 11 regulated slaves' conduct when in the presence of whites, requiring humility and subservience from the slave, and prohibiting any type of threatening gesture or attitude towards whites, under penalty of torture, amputation, and death. Articles 13 and 14 prohibited specifically against the practice of witchcraft by slaves as well as poisoning. Articles 12, 16, 17, and 18 regulated the slaves activities and mobility outside of the plantation and household, prohibiting against public celebrations, gambling, extravagant dress, unapproved sale of provisions or livestock by slaves, and exceeding the evening curfew in the towns.

The 1755 slave regulations did not differ significantly from the 1733 regulations in terms of the severity of the punishments it prescribed and in its attentiveness to the deterrence of subversive activities by the colony's 'domestic enemies'.<sup>190</sup> Slaves were not permitted to carry any kind of

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<sup>188</sup> (Jensen 2012, p. 132; Olsen 2001, p. 32; Olwig 1985, pp. 18-22)

<sup>189</sup> Georg Høst (1791, pp. 85-88) provides an abridge version of the proclamation. The original proclamation in its entirety can be found in different versions the Danish National Archives, see e.g. (Simonsen 2007, pp. 69\ n. 30\)

<sup>190</sup> The slave regulations of 3 February 1755 were published as a supplement to rescript of 18 February 1843 concerning improvements to the status of slaves, see (Algreen-Ussing

weapons without the specific approval of their owners. Nor were they allowed to congregate in public or sell goods of any kind, particularly sugar-canes.<sup>191</sup> The new slave code, however, did delineate new dimensions of slaves' activities as objects of regulation. Articles 1, 2, and 3 provided elaborate provisions for the religious education of slaves. It would be the duty of the slaveowners to make religious teaching available to their slaves and secure the baptizing of newborn slaves. Anyone who impeded Royal subjects, including slaves, in their acceptance and practicing of the evangelical faith were to be severely chastised.<sup>192</sup> The regulations also targeted the moral activities of slaves and slaveholders by regulating the character of sexual relations among slaves and between slaves and masters. Particularly sexual encounters that resulted in illegitimate children were of concern. Article 5 required that the owner of a slave who had conceived an illegitimate child with a free man were to be compensated by the child's father. If, however, the father of the illegitimate child was himself the owner of the mother to the child, then both mother and child were to be confiscated by the Royal treasury. Both forced marriage of slaves and the marriage of slaves without the owners consent was deemed illegal. As was polygamy and homosexuality among the slaves. The code also prescribed a minimum sustenance requirement that the slave-owner was expected to provide for his slaves in terms of provisions and clothing.<sup>193</sup>

The addition of these new domains of slaves' activities to the 1755 regulation are evident of a pertinence, at least at the level of governmental rationality, shown to the lives of slaves in the administration of society. And not merely a recognition of the importance of slaves lives as a capacity of production, but also an identification of an effect of causation between the social, commercial, moral, religious, and reproductive lives of slaves and the general condition of order and thus of prosperity within the state.

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1852). The original can be found in the Danish National Archives, see e.g. (Simonsen 2007, p. 70, n. 32)

<sup>191</sup> (Algreen-Ussing 1852, pp. 38, §§ 10, 11, 13, 14)

<sup>192</sup> (1852, p. 36, §§ 1, 2)

<sup>193</sup> (1852, p. 39, §§ 17-21)

As legal genre the slave codes show far greater resemblance with classic police laws than with constitutional law. The slave codes did not prescribe the constitutional conditions of slavery. Slaves were considered property of their owners by virtue of the fact that they could be bought and sold, but on what grounds the status of slavery had been bestowed on the slave was not addressed. The codes were for the most part not concerned with the constitutive status of the slaves (as property, as subhumans, or as legal persons). What *did* present a concern for the slave regulations, the primary object of their strategic function, was instead the effect, immediate or potential, of the institution of slavery on the social and political order of the colony. Despite upholding the status of slaves as that of property the slave codes were essentially police regulations that were directed at securing the social order of the slave society. By virtue of this function the slave would also have to be conceived as social and moral beings, particularly in their relations with their owners. More than merely confirming slaves' status as property the law of slavery was beginning to address the slaves as living individuals that were susceptible to the dynamics of society and population.

The codes of 1733 and 1755 differ mostly in the degree of detail in the complexity of their intervention, but both laws reflect the same attentiveness to a police of colonial order rather than a narrow concern for the sanctity of slave-owners property. Particularly the 1755 code that was a reproduction of the French Code Noir. Quite possibly due to its origins in the administrative apparatus of a French absolutist state, it was comparable, in terms of the objects of its regulation, with the theories of the police technology that was considered in the previous section. They were comparable to the French and German encyclopedias, handbooks, and treatises on police and the administration of the state's internal order that Foucault evoked as emblematic of the governmentality of the administrative state of the sixteenth to the nineteenth centuries. They also compare to the less centralized, yet equally interventionist, British police laws that were embodied in the efforts of Patrick Colquhoun in the late eighteenth century to procure the security of property and commerce through police

mechanisms.<sup>194</sup> In this regard then, the laws of slave societies did not differ substantially from the laws of metropolitan societies, when viewed narrowly through the administrative prism of police governmentality.

Concomitant with the juridical construction of the slave as property there existed a political technology, as Foucault terms it, that was entirely focused on the existence of the slave, not as a legal object of property, but as a social person, as a living subject. The legislation of slave societies was indeed constructed as a regulation of the social life of slaves, rather than as a custodian of their social death. The Danish slave codes reviewed above serves as testimony to this function of social regulation. And as a particularly critical class of living subjects—as human property and “domestic enemies”—the slaves and their conditions of enslavement would have to be subject to rigorous regulation. So, in the laws of slavery, the slave existed both as property and as person. As both property and person, and indeed a person that against natural desire and reason was the property of another man, the activities of slaves were seen as highly precarious to the sanctity of public order. The natural inclination of the slave and of any man to pursue their freedom made the activities of slaves particularly unpredictable. The magistrate Engelbreth Hesselberg, who in 1759 served as one of three judges in the case of a failed slave conspiracy, recognized this strong natural desire for freedom in the slave-person, and properly for that same reason did not hesitate to meet out a series of horrific sentences upon the guilty.<sup>195</sup>

This fact, of having to sustain a public order that could accommodate the ultimate form of subjection of the majority of its inhabitation, made the perception of juridical force an absolute necessity within slave societies. The need for an effective deterrent against insurrection and insubordination made the public order of slavery particularly reliant upon the mechanism of police. In response to this need, Elsa Goveia argued, colonial legislatures of

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<sup>194</sup> (Neocleous 2000, p. 45)

<sup>195</sup> Rigsarkivet, Håndskriftssamlingen, gruppe VII, D, nr. 2: ”Species facti over den paa Eilandet St. Croix i Aaret 1759 intenderede Neger Rebellion, forfattet efter Ordre af Byfoged Engelbret Hesselberg”. See also (Hall 1992, pp. 51, 137; Simonsen 2000, pp. 66-67)

the British, French, Spanish, Dutch, and Danish West Indies all produced a substantial corpus of police legislation in more or less codified form. These distinct bodies of law shared “a remarkably consistent pattern, imposed by the function of the law in maintaining the stability of those forms of social organization on which rested the whole of the West India colonies during the eighteenth century.”<sup>196</sup> By the function of a shared object of regulating the risks of slave society, the legal government of West Indian colonies seemed to coalesce around the political technology of police.

The connection between slave laws and the development of “police power” has also been accentuated by the legal historian Markus Dubber. Dubber argues that the slave laws of the North American colonies served as important antecedents to the post revolutionary introduction of codified police laws.<sup>197</sup> These police laws were greatly influenced by Blackstone’s *Commentaries on the Laws of England*, which in Dubber’s larger argument epitomizes the patriarchal foundation of American government, whereby the social order of the state should approximate a well-governed family.<sup>198</sup> The domestic government of slaves and the pervasive application of police practices throughout colonial society is seen by Dubber as a factor that familiarized American colonial society with the technology of police, and thus made it more susceptible to the introduction of formal police legislation and regulation: “Americans of the revolutionary generation thus may well have embraced the concept of police because it named, and apparently systematized, a wide array of governmental practices with which they were intimately familiar.”<sup>199</sup>

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<sup>196</sup> (Goveia 1960/1991, p. 361)

<sup>197</sup> (Dubber 2005, p. 61) Dubber relies heavily on the work of Jonathan A. Bush to support his argument. See (Bush 1993)

<sup>198</sup> Albion Small (2001, p. 20) drew a telling parallel between the governmental contexts of colonial America and the German states in the early modern period. Small reminded that reader that “we must remember that the German territorial sovereignties in the period of the Reformation were essentially more like a typical Virginia plantation, in the most flourishing days of the Old Dominion, than like any political unit with which modern Americans are familiar.” The principalities and estates of the German territories and the plantations of the American colonies shared the model of paternal proprietary government. It could be argued, then, that perhaps it was not a coincidence that both societies developed policing practices.

<sup>199</sup> (Dubber 2005, p. xiii) For studies of the so called “slave patrols” in the US South as precursor for formal police institutions, see (Hadden 2001; Reichel 1988)



We should not, however, overestimate the degree to which the theory of police manifested itself in actual regulations of social and commercial order. The doctrines of police science and the practices of policing were often far apart.<sup>200</sup> Even the object par excellence of French police commissioners, the grain markets of Paris,<sup>201</sup> have been shown to have escaped the disciplining regulation that doctrines of police prescribed.<sup>202</sup>

There is no reason to believe that police regulation in the colonies was particularly more well integrated in the actual policing efforts than was the case in the metropolises. Yet, there might be evidence that suggests that the ideal of police seemed even more attractive to governors of colonial societies. It is possible that the diversified character of colonial societies lend themselves perfectly to governors' desire to impose order and regulation. The reason behind the regulation and intervention in commercial activities through "police" in eighteenth century France—as maintained by Nicolas Delamare, the compiler of the voluminous *Traité de la police*—was to counteract the detrimental behavior of an "avaricious and conniving" merchant class, whose "bad motives" obstructed the liberty of others by polluting the market place with high prices. If left unregulated the activities of merchants could result in scarcity and famine.<sup>203</sup> If scarcity represented the final event to which police was designed to prevent in early eighteenth century France, then the slave insurrection served a similar role in the slave societies of the Caribbean colonies. Only through the successful police of slavery would the colonial order be sustained. Here it was not conniving merchants that would have to be regulated, but the domestic sovereignty of slaveholders, who's natural instinct was to stretch the scope of the power they could exert over their slaves. Like the merchants' chase for profit had the potential to instigate the event of scarcity, then the slaveholders craving for sovereign power risked igniting a slave uprising.

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<sup>200</sup> See e.g. (Wakefield 2009)

<sup>201</sup> Foucault highlights the "*police des grains*" as a privileged object of regulation. See e.g. (Foucault 2007, pp. 45, 347-349)

<sup>202</sup> (Harcourt 2011, pp. 22-25)

<sup>203</sup> (2011, p. 19)

I will return to the problem of slaveholders' domestic sovereignty in the next section, but for now, I would like to quickly recount an example of how the police of slavery was carried out. The example exemplifies the balancing act of regulating slaveholders without alienating them. In the early 1760s, Mercier de la Rivière, considered a key proponent of the French Physiocratic doctrine of political economy, who at that time served as *Intendant* of Martinique, pursued a policy of implementing a strict system of police. By establishing a police force in the colony and enacting a series of police ordinances, Mercier attempted to increase government intervention and state control of the regulation of public order. While this included setting regulations for the treatment of slaves, Mercier's intention was most likely to secure the integrity of property, rather than to infringe upon it, by institutionalizing a "legal despotism" that might limit slave owners' rights but also safeguard the continual existence of chattel slavery. Nevertheless, Mercier's attempts to redistribute authority in Martinique society was met with discontent by a planter class that did not appreciate a system of police that centralized the power of regulation to the hand of the French king. When Mercier returned to France, the land owning elite on Martinique reinstated their preferred policing body, the *milice* or militia, over which they were able to exert far more control.<sup>204</sup>

### **A Juridicial *Dispositif* of Slavery?**

In her analysis of the eighteenth century's West Indian slave laws, Elsa Goveia depicts a sequence of transformations in the objects of slave laws that are conveniently similar to the sequential movement of the dispositifs of governmentality. At least in regard to the Spanish slave laws, the object seems to move from an original focus on the juridical constitution of slavery towards the disciplining of slaves' conduct and culminating in an effort to secure the welfare of a biopolitical slave population. And in this regard, the transformation of slave laws in the eighteenth century mirrors Foucault's conception of the re-inscription of legislation and law in the strategical dispositions of governmentality by which law becomes part of governmental

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<sup>204</sup> (2011, pp. 97-102)

interventions in the security of social and economic order rather than constituting a domain of justice and rights by which government is itself bound and constrained.<sup>205</sup>

The 1755 slave code and the succeeding drafts of reformed slave laws, commenced in 1776 and 1785 respectively, can be read as a step in this sequence qua their implementation of certain rights of slaves and duties of masters. The chronology in the case of the 1755 code is, however, complicated by the fact that the law was almost an exact reproduction of the French Code Noir of 1685.<sup>206</sup> It seemed that in order to progress forward the compilers of the 1755 code opted to reach backwards into time.

This is not a trivial rupture to an otherwise fixed path towards a more rational and progressive legal regime. There is an element of political strategy in the types of legal regulation that were favored by the different compilers and put to use by legal practitioners and political actors, which I think merits attention.<sup>207</sup> The development of the law of slavery was not a uniform process of oppression by a homogenous body of power holders. As Malick Ghachem has noted: “The law of slavery evolved over the course of the colonial period as a result of many different individual interactions and contests between administrators, jurists, white planters, free people of color, and slaves.”<sup>208</sup>

The French Code Noir to a certain extent resembled the Spanish laws of slavery that predated the discovery of the New World and, thus, retained a Roman law conception of the constitution of slavery that entailed a wider understanding of the slave as a person rather than mere property.<sup>209</sup> The Spanish juridical conception of slavery was originally based on the thirteenth century code of laws, referred to as *Siete Partidas*. In the parts pertaining to the laws of slavery, the *Siete Partidas* conceptualized slavery

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<sup>205</sup> For an interpretation of Foucault’s thinking on law as part of a strategic armory of governmentality, see e.g. (Golder & Fitzpatrick, 2009, pp. 29-35)

<sup>206</sup> (Olsen 2008, p. 396, 2010, p. 200; Simonsen 2007, p. 70)

<sup>207</sup> In the case of Saint Domingue, Malick Ghachem (2012, p. 5) has shown “how the outer boundaries of an oppressive legal system – in this case, the regime of the Code Noir – can be refashioned, over time and through the combined efforts of often conflicting groups and individuals, into a source of emancipation.”

<sup>208</sup> (2012, p. 5)

<sup>209</sup> (Goveia 1960/1991, p. 355)

as a legal agreement between persons. The status of the slave was thus not that of property to the master, nor of livestock, but of a juridical person who (or his ancestors) had “contrary to natural reason” engaged in an agreement to enter into servitude.<sup>210</sup> Slavery was thus a relationship of obligation, duty, and rights that applied to both master and slave. From this recognition of the slave’s juridical personhood and original freedom, a “spirit of ... Spanish slave laws [emerged], which was relatively liberal...”<sup>211</sup> It recognized the slaves’ right to protection of “life and limb” as well as their capacity to purchase their freedom.<sup>212</sup>

The introduction of the Code Noir was, however, not part of a legal campaign to secure the rights of the slave as a legal person. Rather, its introduction must be read in light of the integration of the French Caribbean colonies within the French absolutist state. In other words, the introduction of the Code Noir was in part an attempt on the part of French state sovereignty to establish a firmer footing in the colonies, while simultaneously softening the grip of the planters’ “domestic sovereignty.” Slavery was a form of property, and as such, the property of planters was beyond the legitimate reach of the absolute sovereign. At the same time, slavery was also a form of sovereignty in that it formed part of the planter’s “family” or “household” government. The planter enjoyed sovereign powers over his slaves in the same manner, he enjoyed sovereign powers over his wife and children. As “pockets of sovereignty within the state,” the seigniorial powers of planters, if wielded over a sizable body of slave-subjects, could theoretically undermine/threaten the absolutism of state sovereignty. To early modern theoretics of sovereignty such as Jean Bodin the incremental increase of planters’ domestic sovereignty also included a potential to destabilize the constitutional fabric of society since the master’s unchecked powers would intuitively guide him towards a still more despotic form of government, to the point where his slaves would inevitably revolt and overturn the social order.<sup>213</sup>

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<sup>210</sup> (1960/1991, p. 347)

<sup>211</sup> (1960/1991, p. 348)

<sup>212</sup> (1960/1991, p. 347)

<sup>213</sup> (Ghachem 2012, p. 51)

If we accept this interpretation of the Code Noir's function as in part an effort to stabilize the force relations of early modern sovereignty, then the strategic orientation of slave laws must be readdressed.<sup>214</sup> First, the slave codes, like the many supplements and ordinances of police legislation, acts first and foremost as a strategic intervention to secure the social order. A social order of enforced and regulated order, but still a security of social order. Second, the slave code becomes a function of *raison d'État*. To bring order to the systemic risks of slave society by regulating the enclaves of sovereignty that the plantocracy presented was indeed part of a management of the state. It should not be seen as coincidental that one of the first acts of a Danish absolute monarchy that had just acquired the Danish West Indian colonies in 1755 was to promote the introduction of an almost complete approximation of the Code Noir—the French sovereign Monarch's preferred instrument in the regulation of sovereign power in the colonies. The extent to which this was a successful intervention is of course debatable. It seems reasonable to argue, in light of the previously mentioned questionability of the Danish slave code's legal validity, that the practical operations of the colonial juridical regulation of slavery's risks was conducted as a reciprocal negotiation between representatives of state sovereignty, planters' domestic sovereignty and property rights, and a common interest towards the security of the social order.

Gunvor Simonsen has shown how this tension between planter property, state sovereignty, and social order was negotiated in the judicial practice of lower court judges in the Danish West Indies. By virtue of being someone else's property, the punishment of transgressing slaves was a privilege shared between the slaveowner and the colonial authorities. The power of punishment was thus a contested privilege—a domain of colonial politics.

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<sup>214</sup> There certainly are other interpretations. Ghachem (2012, pp. 44, n. 49) points to historians that view the Code Noir as primarily a royal legitimization of the extraordinary seigniorial power of the slaveholder. In a recent book, Brett Rushforth (2012, pp. 122-134) presents the function of slave codes in a similar manner, portraying the compilation of the Code Noir as primarily a cooperation between influential French-Caribbean planters and the French officials Patoulet and Begon. The aspects of oppression and violence that these studies demonstrate in the administration of 'plantation justice' are of great importance to remembrance of the massive injustices of slavery. Yet, I have opted for an alternative perspective that sets out different avenues of analysis.

The extent of the right to punish one's slaves was negotiated over time. As the conditions of slavery changed, so did judicial practice and punitive procedures. In the wake of the abolition of the slave trade, the early nineteenth century saw a shift in colonial officers' self perception of their function in colonial society. Gunvor Simonsen has argued that the slave laws of the eighteenth century had been designed to ensure the *security* of Euro-Caribbeans, but the new *raison d'être* of juridical government in the nineteenth century would be to ensure the *stability* of colonial society.<sup>215</sup> If we reformulate Simonsen's argument within the Foucauldian terminology that informs the theoretical framework of this dissertation, it might be more useful to view the transformation of the objectives of juridical government as moving from a focus on ensuring the *safety* of the ruling white community towards an emphasis on procuring the *security* of colonial society.

This new protocol of juridical government was not pursued through legislative innovations. Legal officials did not concentrate their efforts on drafting new slave laws. Instead, innovation was established via the judicial practice of sentencing punishment. The process of sentencing was an exercise in calculating the best possible punishment of the convicted based upon several factors. When deciding on a sentence, judges would consider existing legislation, colonial as well as metropolitan, and assess whether or not they could be considered legally applicable to the case at hand. Previous precedences as well as Judges' own personal sentiments of fair and proper punishment would also be considered. These juridical and personal reflections would in cohesion with the overall governmental objective of maintaining social security form the basis for deciding the proper sentence.

This formation of a juridical practice, the immanence of which was inherent in the court proceeding itself, assigned an immense significance to the legal assessments of judges and magistrates "in placing the colonial state as a regulator of the master-slave relationship."<sup>216</sup> As a governmental practice, it also formed an antecedence to the administrative pragmatism

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<sup>215</sup> (Simonsen 2007, pp. 242-243)

<sup>216</sup> (2007, p. 243)

that characterized Danish West Indian prison administration in the second half of the nineteenth century, as will become visible in chapter four. By navigating the legislative space of possible sentences between metropolitan and colonial law with the practical objective of ensuring social stability and with the belief that specific conditions of colonial society would have to be considered, and if necessary take precedence to existing regulations, when determining the proper course of action, the judges of the Danish West Indian lower courts established a *modus operandi* of colonial government that would be reflected in many areas of policy-making and administration. The juridical-governmental practice of adaptation, born out of the social problems that slavery posed to colonial government, as we shall see, remained instructive in the logic of prison administration.

The movement in legal practice towards an increasingly more agile and contingent use of law and legal adjudication in the service of social order provided colonial authorities with a strategic avenue of intervention into the relation of slaves and slaveholders without having to erect general laws that necessarily would have to address the justice of slavery itself. “Police” differed from “justice,” as a mechanism of power, in that police represented a management of the moment, an administration of variables. Justice and the law, on the other hand, was considered representative of the permanent, an etching into stone of universals. Police was concerned with details and specificities, while justice was concerned with generalities and absolutes.<sup>217</sup> It could be said, then, that “police” and “population” made for a much more efficient economy of power than a government based on principles of justice with the accompanying potential to legitimize resistance from both slaves and planters.

In his interpretation of the political legality of slave society, Ghachem refers to “the ‘strategic ethics’ of slavery” that were separated from juridical principles of human rights and justice, and instead emphasized governmental prudence and social stability. By the term “strategic ethics,” he understands

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<sup>217</sup> (Foucault 2007/2009, p. 340)

...a mode of legality that is essentially instrumental or pragmatic in its orientation, and a style of criticism that is concerned primarily with the stability and efficacy of slavery as opposed to its injustice. A strategic ethics is an ethics of prudence: It seeks to avoid reckless conduct that threatens the ship of state. Moreover, it embraces “prudent government” in the further sense that it is distinct from (although not incompatible with) humanitarian concerns. A strategic ethics embodies, first and foremost, the seemingly neutral calculation of aggregate social welfare – understood in this context to mean the well-being of the plantation order – rather than a set of normative commitments to individual human rights.<sup>218</sup>

This difference in the domain of police (the prudent but strategic government of state forces) and justice presents a possible explanation for the lack of comprehensive legal codes in the government of the Danish West Indies. In a system of slavery, the principle of justice would have to give way to the principles of exception and specificity. Rather than providing general conditions of justice the government of the slave society gave precedence to the specific conditions of each case. Rather than providing a permanent “juridical apparatus,” police intervenes through instruments of an intermediary character: “the regulation, the ordinance, the interdiction, the instruction.”<sup>219</sup> The form is of course legal, but police does not provide justice, it provides regulation. So, when the Danish historian, Poul Olsen, describes the juridical state of the Danish West Indies in the 1830s as a jungle of legal ordinances and proclamations, he is not describing a juridical backwater, but the permanent mobility of (a contested) police regulation.<sup>220</sup>

We see a resemblance between Simonsen’s analysis of the adjudication process in the lower courts of the Danish West Indies and Ghachem’s concept of the strategic ethics of slavery. The functioning of Danish colonial courts relied heavily on the prudence of judges in interpreting existing legislation and sentence according to a policy of social stability. A strategic prudence that seems to be mirrored in the governmental ethics of slave

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<sup>218</sup> (Ghachem 2012, p. 8) See also (Ghachem 2011)

<sup>219</sup> (Foucault 2007/2009, p. 340)

<sup>220</sup> (Olsen 1983, p. 302)



society in general—at least if we accept Ghachem’s conceptualization. Both the Danish Judges and the French colonial officials were concerned with the security of a social order that relied on a multiplicity of orders in a scaled structure. The internal order of the colonial state was dependent on the well-being of public order, which in turn relied upon well-ordered plantations. This multiplicity of orders could only be maintained by a certain equilibrium of forces and of power relations. If the seigniorial powers of slave-owners were not contained, it would disrupt the balance of sovereignty in relation to the French monarch, but it would also drive the slaves towards acts of resistance, causing public disorder. At the same time, the living conditions of slaves were dependent on the prosperity of the slaveholder, so if the rights of planters to manage their slaves and plantations were limited to the degree were the plantation no longer yielded a profit, the conditions of slaves would be impacted negatively—again leading towards public disorder.

This balancing act was discussed in an exchange between Count Reventlow and Ernst Schimmelmann, who were both leading figures in the process that led to the abolition of the Danish transatlantic slave trade, besides being large stockholders in the Schimmelmann family’s plantations on St. Croix. In response to Schimmelmann’s plans to improve the treatment of slaves on the family’s plantations, Reventlow wrote in a letter on 14 June 1789 that “[t]he actual happiness of the slaves, their genuine well-being, is now determined by the fortune of their masters....” From this fact Reventlow concluded that the complete prevention of “those abuses intimately linked to the circumstances [of slavery]” and the introduction of “general or complete liberty” would in fact be counter-productive to the objective of ameliorating the conditions of slaves.<sup>221</sup> For Reventlow, the maintenance of the equilibrium of forces necessary in sustaining the order of slavery outweighed the humanitarian sentiments and Christian duties to improve the conditions of slaves to the point of complete liberty.

This calculation of a strategic equilibrium of forces leads us to consider the character of police in the context of the Danish West Indies. The type of

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<sup>221</sup> Quoted in (Loftin 1977, p. 69)

police that Foucault associates with the *police des grains* is a disciplinary police. In what sense can it be considered disciplinary? As a general feature of its operation, Foucault states that “[d]iscipline concentrates, focuses, and encloses. The first action of discipline is in fact to circumscribe a space in which its power and the mechanisms of its power will function fully and without limit.”<sup>222</sup> The police of grain, then, is disciplinary by virtue of its “centripetal” modality: “It isolates, it concentrates, it encloses, it is protectionist, and it focuses essentially on action on the market or on the space of the market and what surrounds it.”<sup>223</sup> We certainly find this mode of operation in regard to the problem of the equilibrium of slavery—most notably of course in the identification of the plantation as a privileged space of control. The plantation formed the essential entity in the spatial grid of social order. The slave laws were specifically directed at enclosing and isolating both slaves within the plantation entity as well as regulating the movement between points in the grid. The circumscription of space in the form of the plantation, and the isolation, concentration, and enclosure of slaves within the plantation space were central hallmarks of slavery’s regulation.

Yet, the strategic ethics of slavery suggests that other modes besides the centripetal mode of discipline were at play. Having defined the modality of the disciplinary police of grains, Foucault, then, contrasts it with the “centrifugal” operation of the security *dispositifs* in regard to the same problem:

New elements are constantly being integrated: production, psychology, behavior, the ways of doing things of producers, buyers, consumers, importers, and exporters, and the world market. Security therefore involves organizing, or anyway allowing the development of ever-wider circuits.<sup>224</sup>

Disregarding the specific problem of grain, we see that the tendency of the security *dispositifs* to expand rather than enclose the parameters of the problematic space, and to introduce new variables in the calculation of the

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<sup>222</sup> (Foucault 2007, pp. 44-45)

<sup>223</sup> (2007, p. 45)

<sup>224</sup> (2007, p. 45)

forces involved, resonates with the conception of slavery's risks and the possible responses that this chapter has described thus far. The conditions of colonial slave societies, characterized by dispersed pockets of sovereignty, necessitated a mode of government that could not regulate through and through, but would instead act by organizing and allowing certain forces, actions, and interests to develop. This does not mean "that everything is left alone," as Foucault notes, but it does necessitate that "at a certain level" otherwise negative developments must be allowed to run their course: "allowing prices to rise, allowing scarcity to develop, and letting people go hungry so as to prevent something else happening, namely the introduction of the general scourge of scarcity."<sup>225</sup> Replace rising prices, hunger, and the scourge of scarcity with ill-treatment of slaves, discontentment among slaves, and the general catastrophe of slave-rebellion, and the complementary dynamics of the two contexts becomes apparent. In this sense, the processes that security lets happen are conceived not as good or bad but as "inevitable" and "natural," and as such, their complete regulation becomes problematic in itself.

In his letter to Schimmelmann, Reventlow pushed aside the Christian duty to alleviate the suffering of slaves with reference to the constraints of reality and the auspiciousness of acting in accordance with that reality. The manumission of the Schimmelmann family's slaves under those specific circumstances that existed in that particular moment would only damage the larger cause of eventually bringing about the circumstances that would support the general emancipation of the slaves.<sup>226</sup> This was a type of pragmatism or, indeed, strategical ethics that Foucault also recognized in the security *dispositifs*. Unlike the function of law, which prohibits, or discipline, which prescribes, security functions by "grasping ... the level of ... effective reality." Acting on the basis of this reality, and from within it, security works "by trying to use it as a support and make it function, make its components function in relation to each other." The task of security is then not to prevent the transgression of an imaginary line between the legal

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<sup>225</sup> (2007, p. 45)

<sup>226</sup> (Loftin 1977, p. 69)

and the illegal, or to shape behavior according to a conception of good or bad, it is a task of working “within reality, by getting the components of reality to work in relation to each other, thanks to and through a series of analyses and specific arrangements.”

This is how I think we should conceive of the police of slavery and of the laws of slavery at the level of governmentality, as sharing core techniques with the security *dispositifs* that Foucault described. The program of working from, in, and through effective reality was reflected in legislation and in the process of adjudication. Firstly, laws were never compiled into fixed codes, a permanent juridical conception of slavery was never established in the Danish West Indies. The reasons for this were many, but the importance here is that the effect was to retain a flexibility in the approach to managing reality’s components. Secondly, the tendency of slavery’s laws was to introduce new variables that could effect the conception of the components of reality. For instance, the introduction in the 1755 slave law of slave’s religious, moral, and sexual lives made for completely new components that could be arranged, and a new subset of conceptions about the dynamics of population and its relation to social order. Finally, the reliance upon the adjudication process and on judges’ prudent evaluation in conducting the strategic ethics of slavery on a case by case basis speaks volumes about the adherence to reality’s components rather than a permanent juridical conception of right and wrong.

By accepting the idea of population, government also accepted the existence of a ‘natural’ domain within the object of government. Rather than being constituted by subjects of rights that could be inflicted with unjust laws, the population was made up of subjects of life, of members of the human species, of biological beings. The management of biologies is not evaluated by its adherence to justice but by its adherence to nature, and the mechanisms of its management are thus not juridical, but rather “reflected procedures of government within this nature, with the help of it, and with regard to it.”<sup>227</sup> The correlation of government and population thus

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<sup>227</sup> (Foucault 2007/2009, pp. 74-75)

presented colonial authorities with a convenient separation of principles of justice from the problematics of government.

## **Slavery's Security**

... essentially, it is about treating as men these sad hordes who until now serve as physical instruments for the enrichment of their masters.<sup>228</sup>

To accept for a moment that what was taking place in the late eighteenth and early nineteenth centuries in terms of political rationality was a process of integrating men as population in the utility of the state, to conceive of man's capacities and risks through the prism of population, is in some ways a far cry from the interpretation that scholars such as David Brion Davis has proposed, in which the dehumanization and animalization of slaves by their masters served as a key mechanism in reproducing and legitimizing the slaves' existence as chattel property.<sup>229</sup> The process of thinking slaves as population was to emphatically include the slave as a member of the human species. Certainly, it did not in any way necessitate an acceptance of slaves' human and civil rights, cf. the previously mentioned "strategic ethics," but it did provide a common framework for making the lives and needs of slaves intelligible and for calculating the utility of different techniques to govern them. Following the principles of population, the most useful government of slaves were increasingly to be found within their desires and choices as they were perceived by policy makers. The same was true in regard to regulating slaveholders management of their slaves. The power of the law was very limited if the planters' interests did not align with the spirit of the law.

The central problematic for this new biopolitics of population that was entering the center stage of colonial government in the late 1700s was the inability of the slave population to reproduce in sufficient numbers. As evident from the writings by colonial officials such as P. L. Oxholm, as well as the report by the commission to improve the organization of the slave trade, the births and deaths of slaves were of great importance to the

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<sup>228</sup> Charlotte Schimmelmann to Louise Stolberg, 13 feb. 1793, quoted in (Røge 2013, p. 587)

<sup>229</sup> (Davis 1996/2001, 2006, pp. 2-3)

political economy of the state.<sup>230</sup> The Atlantic slave trade was quickly identified as the root cause of the disorderly conditions of slave demographics. The obvious solution, then, would be to abolish the slave trade. However, the specific conditions of its dismantling were not easily arrived at. The campaign to improve the conditions of the slave population was not simultaneously an attempt to end slavery or to cripple the sugar economy in the Danish West Indies. Rather, it was an attempt to preserve it and render it more sustainable in the long run. Therefore, there was no intention of alienating the planters who depended on slave labor by arbitrarily confiscating their property (i.e. their slaves) and severing their access to new supplies of labor. In a letter of 18 June 1791 that accompanied an initial proposal to abolish the Atlantic slave trade, the Minister of Finance, Ernst Schimmelmann, made it clear that he was not at all intended on dismantling planter's private property rights:

The proposals in my essay nothing which could bring about the destruction of private property or the infringement of property rights, for the proposals are aimed at protecting private property and at prodding the planters to base their own profits on something more secure than a temporary use.<sup>231</sup>

In similar wording, Oxholm wrote in 1797 that “the colonial system” would have to be tolerated as a necessary evil, “the industry and trade” of which “millions of people” were dependent upon. Despite being “a disgrace to the constitution of Europe” the negative implications “on the wealth of entire nations” of a “premature termination” of the West Indian colonial system would be too great to bare. The more prudent course of action would be to implement “plans of alleviation and mitigating measures.”<sup>232</sup>

In order to further develop the connection between the government of slavery in the Danish West Indies and Foucault's security *dispositifs*, which was considered in the previous section, this section will be devoted to an examination of the suggestions provided by the commission on the

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<sup>230</sup> (Oxholm 1797, 1798, 1806, 1977). The commission report was produced in 1791 and has been reprinted in its original German by Gøbel (2008)

<sup>231</sup> Quoted in (Loftin 1977, p. 75) Schimmelmann's proposal has been reprinted in the original German by Gøbel (2008)

<sup>232</sup> (Oxholm 1797, pp. 10-11)

organization of the Danish transatlantic slave trade. The commission report and the general effort to abolish the transatlantic slave trade was formulated as a wide-spectered response to the risks of slavery. As such, the principles of the commission's suggestions can be used to reflect the rationality of government that was promoted by the Danish colonial and metropolitan government at the time. As will be shown shortly, the act to abolish the Danish transatlantic slave trade, decreed on 16 March 1792 by King Christian VII, reflected a coupling of the problem of slavery's equilibrium with biopolitical regulation.

The abolition of the Danish transatlantic slave trade is one of the more well-studied events in the history of the Danish West Indies.<sup>233</sup> On 5 August 1791 a *Commission for Improving the Organization of the Slave Trade in the West Indian Islands and the Coast of Guinea* was appointed. The commission took five months to produce its report, which was delivered on 28 December 1791.<sup>234</sup> As a result of the commission's report an *Act to Abolish the Danish slave trade* was decreed on 16 March 1792. The act did not include an immediate ban on the importation of slaves into the Danish colonies. Instead, a ten-year grace period was implemented during which the importation of slaves was to be intensified to procure a sufficient amount of slaves for the system of sugar cultivation to sustain itself. Thus, the paradoxical technique to end the Atlantic slave trade was to escalate the slave trade. The logic behind this peculiar mechanism is what we will examine presently.

Already in Schimmelman's initial proposal to abolish the Atlantic slave trade, the content of which was to a large degree reproduced in the commission's report, a causal link was identified between the ongoing importation of slaves from Africa and the "unnatural" demographic development of the slave population:

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<sup>233</sup> See e.g. (Alberti 1850; Green-Pedersen 1970, 1981; Gøbel 2008; Hopkins 2001; Johansen 1981; Loftin 1977; Røge 2013; Trier 1904). The disproportionate attention given to this particular moment of Denmark's colonial history is possibly due to the circumstance that the decree of 16 March 1792 made Denmark the first European state to abolish the Atlantic slave trade.

<sup>234</sup> The report has been reprinted in its original German by Gøbel(2008). When quoting the report I have relied on Loftin's (1977) translation into English in his extensive representation of the report in his quotations.

The principal reason for the unnatural decrease of the slave population and for the constant need to import new slaves from Africa is to be found in the treatment and condition of the slaves in the West Indies. If their treatment ... should ever be based on the principle of promoting the natural increase of the slave population, if the treatment and condition of the slaves were consequently improved and regulated, the time would come when the legislator could dictate as a law something that would already be a reality as a consequence of the measures which the legislator had earlier adopted and promoted.<sup>235</sup>

We see here that Schimmelman identified a double causality within the population-slave trade relationship: The ill-treatment of slaves, and whence the decrease of the slave population, was only made possible because of the possibility of replenishing the slave population by importing new slaves from Africa. Similarly, the slave trade was only sustained by planters' need to replace their ill-treated slaves. Therefore, the key to instating the conditions of a "natural" increase in the slave population laid with the abolition of the Atlantic slave trade. Likewise, a successful abolition was dependent upon a "naturally" increasing slave population. This reciprocal causality represented the basic assumption behind the commission's suggestions. It also becomes evident that the true object and purpose of the proposal and the work of the commission was not the abolition of the slave trade in itself. Rather, abolishing the slave trade was part of a response to the dangers that the current organization of slavery was posing to population. Population, or rather the constitution of the natural order of population, was the actual object.

In their analysis of the condition of the slave population the commission employed statistical data on birth and mortality rates in Europe and the West Indies, which were collected from state-owned plantations as well as those belonging to the Schimmelman family trust.<sup>236</sup> It reached the conclusion that the death rate among slaves on St. Croix was not abnormally high, but birth rates were considerably lower than in Europe.<sup>237</sup> The commission was confident that the higher mortality rates could easily be lowered "by means

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<sup>235</sup> Quoted in (1977, p. 82)

<sup>236</sup> (Green-Pedersen 1981, pp. 242-243)

<sup>237</sup> (Loftin 1977, p. 103)



of some suitable arrangements.”<sup>238</sup> The low birth rates was perceived as a more complicated matter. Three main causes were identified. First, the physical hardship of field labor had given planters a preference for male slaves whose physical strength made them better suited for the task, causing a disproportionate excess of male over female slaves. Second, the uncertainties of slaves’ living conditions—fear of death, disease, and separation—discouraged slaves from marrying and starting families. Third, insufficient care was provided by planters to child and mother prior and after birth.<sup>239</sup> It was evident, then, that the “unnaturalness” of the slave population was a consequence of the conditions of slavery, and specifically of a system of slavery where there was no incentive for the slaveholder to improve the conditions of his slaves.

How, then, was the problem of the slave population to be solved? The solution could not be found in the complete emancipation of the slaves. Emancipation would require

a level of knowledge and morality which, among the Negro slaves, cannot be assumed to exist at the present time. The education of the slaves must precede their emancipation, for otherwise their own well-being and the well-being of their masters will be jeopardized.<sup>240</sup>

Nor would an immediate ban on the importation of slaves in itself form a solution to the problem. Under existing conditions, planters would not be able to sustain the sugar cultivation without regular supplies of slaves. Instead, the solution would have to involve the establishment of a situation by which the import of slaves would no longer be required:

If it were possible to place the slaves who are presently in the islands, or who would be present there after the passage of a certain number of years, in a condition that would enable them—as other peoples living under civilized conditions—not only to maintain their population but to increase it, all new importations would become unnecessary and would

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<sup>238</sup> Quoted in (1977, p. 104)

<sup>239</sup> (1977, p. 107)

<sup>240</sup> Quoted in (1977, p. 101)

cease spontaneously.... The careful examination of this possibility has had to be one of the principal objects of our investigation.<sup>241</sup>

With Foucault's security *dispositifs* in mind, this conception of the mechanism involved in the solution to the problem of the slave trade, and by extension the slave population, is quit telling. The commission was essentially proposing a method of arranging things so that the problem would cancel itself out by establishing a condition whereby the slave trade became unnecessary and ceased *spontaneously*. To reach the point of spontaneous nullification, regulation and legislation would be necessary, but the actual response to the problem of the slave trade could not be a simple prohibition, or a strict obligation, it would have to be an arrangement that worked from within the effective reality of the problem itself. Abolition of the slave trade could not be a singular event, but had to be an extended process leading towards an auspicious condition.

To achieve that condition, the commission did not advocate for a ban on the slave trade. Rather, it suggested the unrestricted importation of slaves during a ten-year period leading up to the date when the ban on the transatlantic slave trade would take effect. Thereby, planters would be allowed to furnish themselves with as many slaves as would be necessary to sustain their sugar cultivation and a self-sustaining slave population.<sup>242</sup> The self-interests of planters would dictate that they took full advantage of the grace period leading up to the ban. However, the commission thought it prudent to introduce certain incentive inducing mechanisms in order to direct planters' import of slaves in accordance with the needs of a self-sustaining slave population. The objective was to incite planters to import as many slaves as possible and to increase the ratio of female to male slaves. Therefore, to maximize the total amount of imported slaves, the commission suggested that the state provide loans to planters who had the need but not the funds to import slaves.<sup>243</sup> To create incentives for planters to import

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<sup>241</sup> Quoted in (1977, p. 102)

<sup>242</sup> (1977, p. 112)

<sup>243</sup> (1977, p. 114)

female slaves, the commission suggested reducing the head-tax levied on female slaves.<sup>244</sup>

The mechanism of incentivizing planters' cooperation became essential to the success of the commission's plan to improve slaves' conditions. Simply prohibiting the slave trade and ill-treatment of slaves would only lead to resistance from the planters. The establishment of a law would in itself mean nothing if it did not correspond with the willingness of planters to act in accordance with the law. Therefore, the alterations would have to come about by activating planters' self-interests. The benefits to the planters of a system of slavery that relied on a self-sufficient "native" slave population would have to be made clear. The commission argued that improvements in slaves' living conditions, brought on by incentives that the abolition of the slave trade created, would make for a more agreeable slave population, and as such form a security measure against the risk of slave uprisings:

When the external circumstances of the slave's existence are softened; when, at least for a start, the slave's marriage and his entire domestic life are protected; when the slave is given universal permission and opportunity to acquire smoothing of his own; when the prospect is thereby opened to him of some day obtaining freedom for himself or his children; then all of those things will provide so many bonds that the slave's inclination to tear himself away from his situation will be resisted.

The more he has to lose, the less willing he will be to risk rebellion.<sup>245</sup>

To instill the hope of freedom and of self-sustainability in the mind of the slave would provide a much more effective means of security against the rebellion event that so many planters feared. The commission's suggestion was, then, an alternative to the repressive regime of violent punishment that the planters would otherwise resort to when their authority was threatened. And from the commission's perspective, the hope of freedom was a much more effective technology than the dread of the whip.

Abolishing the importation of slaves also decreased the risk of rebellion by limiting the introduction of African slaves who had no connection to the

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<sup>244</sup> (1977, p. 115)

<sup>245</sup> Quoted in (1977, p. 117)

West Indies other than it being the destination of their passage and the space of their enslavement. Naturally, the commission argued, newly imported slaves would have a greater inclination to “attempt a desperate rising than those slaves born in the West Indies, living in a family unit which they value highly, and acquainted with no better living conditions from their own experience.”<sup>246</sup> The more the slave had to live for the less likely it would be that he would be willing to risk that life for the uncertain fate of insubordination and rebellion.

Religious instruction was presented by the commission as an important element of this strategy of security. “In order to liberate the slaves from this lack of morality and to accustom them to a regular and proper life,”<sup>247</sup> the commission suggested that the islands be divided into districts, which each harbored a number of slave congregations where teachings would be conducted by the Moravian Brethren. The Moravians were already established on the Danish islands and the principles of their doctrine was perceived as well suited to the effort of making the slaves feel contentment with their circumstances:

The indifference towards all earthly tribulations, the constant references to a better situation in the future and to the purity of the heart which the Moravians inculcate in the slaves are direct moral precepts. The slaves are led to feel less dissatisfied with their fate and thereby adjust better to the course of their lives.<sup>248</sup>

The accumulated effect, then, of the commissions plan to reinstate the natural order of the slave population through the abolition of the Atlantic slave trade and the improvement of the conditions of slavery, was presented as a much more efficient police of slave society than the power of planters’ domestic sovereignty. The security of the slave population that the commission was promoting would also be “a security of life” for the white community “based on love and trust, which is incomparably more productive than controlling the slaves only by force.”<sup>249</sup>

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<sup>246</sup> Quoted in (1977, p. 118)

<sup>247</sup> Quoted in (1977, p. 119)

<sup>248</sup> Quoted in (1977, p. 120)

<sup>249</sup> Quoted in (1977, p. 118)

## **Biopolitics and the Problematics of Slavery**

As mentioned in the introductory chapter, it has become common practice among historians to argue that the liberal modifications of governmentality in the colonies either did not take place or were dislocated by the racial ideologies of colonial governments that were not able to recognize indigenous subjects' potential for self-government. By virtue of their perceived racial deficits, colonized peoples could not be governed with liberal governmental techniques. This chapter has shown that such a demarcation, at least in regard to the government of slavery in the Danish West Indies, will have to be qualified. Instead of distinguishing between liberal and despotic techniques of government, the chapter has attempted to loosely ascertain the character and function of the *dispositifs* at play in the government of slavery. Specifically the *dispositifs* of security have been accentuated. For Foucault, *dispositifs* of security were crucial to the execution of liberal governmentality. However, when liberalism is defined—as it was by Foucault—as a technology of power, and not fundamentally a political ideology, the problem of colonial liberalism becomes less a discussion of universal freedoms and more a question of particular governmental techniques. Here is how Foucault explains liberalism as a technology of power:

The idea of a government of men that would think first of all and fundamentally of the nature of things and no longer of man's evil nature, the idea of an administration of things that would think before all else of men's freedom, of what they want to do, of what they have an interest in doing, and of what they think about doing, are all correlative elements. A physics of power, or a power thought of as physical action in the element of nature, and a power thought of as regulation that can only be carried out through and by reliance on the freedom of each, is, I think, something absolutely fundamental.<sup>250</sup>

The chapter has aptly shown that this physics of power that relied on the interests, desires, and choices of men did indeed develop in the theoretical government of slave society in the Danish West Indies.

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<sup>250</sup> (Foucault 2007, p. 49)

The image that the chapter presents of colonial government in the Danish West Indies is one in which security is a pivotal object. Security in several meanings of the term. Of course, the immediately necessary security of the colonial territory against possible invaders, against competing imperial states, are of great importance to colonial government. Just as important is the internal security against the colonized, the dangers of revolt by slave populations that formed a constant risk for the survival of the colonial state. But perhaps the most valued object of colonial security was the security of economic and mercantile activity that in most colonial settings was the primary purpose of the colonial endeavor itself. The object of colonial government and the legitimacy of the colonial state was therefore hinged upon its ability to establish and maintain a sense, an assurance, of the existence, of both safety from eminent perils against territory and colonizers as well as the endurance of a productive economic milieu in which to generate wealth. Colonialism's security was, then, closely tied up with *raison d'État*. The perseverance and prosperity of the state was the main concern of colonial policy.

What, then, is of great historical interest is the process by which these different aspects of a government of security becomes invested in each other in new and different ways in the colonial context and particularly the context of slavery. The process by which colonial subjects become the object of both security against external dangers and part of colonial social security. The fact that the regulation and management of colonial subjects and populations became essential to the government of state security as well as social and economic security is a significant development in the general history of governmentality. This chapter has shown that the concept of population in the context of slavery combined aspects of social, economic, and political problematizations, and that the responses to these problematics of government cannot be characterized as strictly juridical, disciplinary, or governmental. However, as a consequence of the political constitution of plantation colonies, which necessitated a certain "strategical ethics" in the consideration of colonial policies, colonial government refrained from a detailed regulation of power relations within the confines of slaveholder's domestic sovereignty and rights of property. Instead, we see a strategy of

government that relies more on mechanisms of self-interests and the physical movements within a domain of reality whose constituent parts could be rearranged. This is certainly not the same as saying that the Danish West Indian slave society was developing into a liberal society in the sense that we might think of it today, but is an argument for the increasing application of liberal techniques of government in the management of slave society. Not with the intended purpose of increasing civil liberties—that was simply one, limited effect—but rather of constructing a more effective security of social, economical, and political order. To close off the chapter and to once again highlight the correlation between security and population I would like to briefly recount the policy towards the government of slaves and the increasing population of free people of color in the period between the abolition of the Atlantic slave trade in 1803 and general emancipation in 1848.

The policy towards slavery in the 1820s, 30s, and 40s, was greatly influenced by the political tactics of Peter von Scholten (1784-1854). Von Scholten was Governor-General from 1827 to 1848, but had held different public offices on St. Thomas since 1816.<sup>251</sup> Von Scholten is also probably the colonial character that is best known by the present day Danish public. The figure of von Scholten was portrayed in a 1987 film about his political and personal life during the final years of slavery. His popular legacy as the governor that ended slavery has assured von Scholten a great deal of positive exposure in the public memory of Danish colonialism in the West Indies. Historians have had differing views on the stringency of von Scholten's policy towards slavery. To some, von Scholten's intentions were always to bring about the end of slavery, but in a gradual and planned manner that assured that individual slaves as well as colonial society in general were "prepared" for full emancipation.<sup>252</sup> Others have portrayed von Scholten's policy as more contingent upon external developments such as slavery's abolition in the British colonies and public pressure in the metropole. According to this line of interpretation, von Scholten's ambition

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<sup>251</sup> (Larsen 1940, pp. 107-108)

<sup>252</sup> See e.g. (Lawaetz 1940, p. 123)

was to create the framework for a “better” system of slavery, rather than to dismantle it all together. Whether idealist or pragmatist, the reforms that von Scholten’s government introduced in regard to the conditions of slaves were by and large drawn with a similar pen to that which wrote the report by the commission on the slave trade in 1792. One that sought to actively rearrange the relations of power so that less was determined by the domestic sovereignty of slaveholders, and more resided with the choices of individuals and the planned campaigns by centralized government.

The framework of von Scholten’s policy of reform can be ascertained early on from his 1827 report on “the constitution of the West Indian colonies,” which contained suggestions for changes in the organization of the military and police and the rules for trade and commerce, as well as the legal position of the colony’s free people of color and the conditions and rights of the enslaved population. The document is basically a short treatise on the administration of the colonial state, with different arrangements for securing the external and internal order. It was also, in practice, von Scholten’s job application for the vacant position as Governor-General of the Danish West Indies. The report was written specifically with the purpose of promoting his candidacy for the office, and was addressed directly to King Frederich VI. In his introduction to the newly published version of the document, the historian Poul Olsen refers to von Scholten’s address as an example of “strategic planning.”<sup>253</sup> Despite having the appearance of a declaration of intent, many of von Scholten’s plans were actually brought to fruition in one form or another during his twenty-one year tenure as Governor-General.<sup>254</sup>

In regard to the legal rights of the free people of color, von Scholten argued in his address that the issue had been made increasingly pertinent by the recognition of Haiti as an independent state by France in 1825. This development made it a certainty rather than a possibility in the minds of free Afro-Caribbeans that they could achieve legal status as citizens. Preparing for this certainty by gradually providing such rights and duties could only be

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<sup>253</sup> (Olsen 2008, p. 391)

<sup>254</sup> (2008, p. 393)



considered prudent. To achieve this transition, von Scholten suggested incorporating a military system of rank, dividing the free-colored into classes according to their present social status, with accompanying rights and privileges, through which they could advance depending on their “conduct, competence, or standing.”<sup>255</sup> The gradual modification that this arrangement would provide, would be beneficial to the stated purpose of an amicable equalization of the differences in the civil rights of whites and free-coloreds by giving the impression of a voluntary and natural transition, von Scholten maintained. It would leave the free-colored with the perception that the transition was caused not by forced circumstances but from the voluntary recognition by the white community of the worth of the free-colored as citizens and from “a kindness they [the free-colored] would oblige with fidelity, with affection and devotion.”<sup>256</sup> Leveling the differences of civil rights between whites and free people of color was expected to help strengthen the bond between the two communities, through a sense of gratitude, but also by establishing a sphere of common interests, according to which both parties would find it beneficial to retain the binary division in the colony’s force relation between free and slave.

A similar logic had been put forward during earlier discussions over the civil rights of free people of color. In 1817, a commission of metropolitan legal scholars produced a report on the issue of free people of color’s civil rights and to which extent they should be equal to those of Europeans. The commission had been established with the purpose of ascertaining the legitimacy of the demands for legal equality that a delegation of free people of color from the Danish West Indies had brought forward in a petition to the King in 1816. The commission was divided on the interpretation of the juridical basis for their recommendations, but essentially agreed that the differential legal status of free people of color did not go against the existing legislation for the government of the colony. And in general, the free people of color already enjoyed *de facto* equality under the present legal conditions. Legal inequalities were for the most part a matter of formality rather than

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<sup>255</sup> Peter von Scholten, “De vestindiske koloniers forfatning, 1826/27,” printed in (2008, p. 407)

<sup>256</sup> (2008, p. 401)

substance. The commission did, however, recommend a reorganization of the legislation pertaining to slaves and free people of color so that it reflected more accurately the current conditions of the colony.

In reaction to the commission's recommendation, Minister of Justice, F. J. Kaas, made it clear that he viewed the issue as not merely a juridical problem of equal civil rights, but necessarily a problem of state security and public order. Free people of color already enjoyed a numerical superiority in the colony: The number of free men of color (2984) outnumbered the number of white males (2594). The idea that the free-colored community could be kept in subordination to the white community indefinitely through sheer "physical and moral power" seemed illusory to Minister Kaas. Instead, Kaas thought it imperative that the interests of free people of color and of whites would be closer aligned so that free Afro-Caribbeans would not take advantage of their numerical superiority and topple the current regime of white privilege.

Justice as much as statecraft demands precautionary measures with the objective of bringing the free colored and the whites closer together, as well as distancing them from the negroes, so that their interest becomes inseparable from that of the whites, and are placed in opposition to the inclination and aspiration of the negroes towards the acquisition of dominion.<sup>257</sup>

Much like von Scholten a decade later, Kaas argued for constructing an alliance of the free by granting free Afro-Caribbeans considerable equality while still retaining certain differences between the races.

In 1831 von Scholten announced that King Frederik VI had approved his plan to reorganize the civil status of the colony's free inhabitants of color that he had presented to the King the previous year, and that the King had given him a mandate to implement the plan's measures into law.<sup>258</sup> Similar to his 1826 report, von Scholten proposed to divide the free colored inhabitants into two "divisions," the first division being further divided into three "classes." The plan suggested that it was possible to advance through

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<sup>257</sup> Minister of Justice, F. J. Kaas' votum, 10 April 1817, printed in (2010, p. 234)

<sup>258</sup> (von Scholten 1831)

this hierarchy, through a strategically appropriate procreation and improvement of conduct, to a point when free persons of color would transgress the boundary of color and be registered as “white inhabitants”:

Where free persons of color, of both sexes assimilate in color to the whites, and they otherwise, by a cultivated mind and good conduct render themselves deserving to stand, according to their rank and station in life, on an equal footing with the white inhabitants, all the difference, which the color now causes ought to cease. The right of deciding hereon, must be left with the Governor General, who also will direct the names of such persons to be struck off the protocols for the registry of the free colored population, and to be entered, as white inhabitants, in the congregation to which they belong.<sup>259</sup>

It was clear that the issue of equality for free Afro-Caribbeans was not solely a matter of legal rights. The increasing number of emancipated inhabitants proposed a problematic of social security. The free colored inhabitants constituted a problematic social group whose conduct would have to be checked. The hypothetical risk of conspiracies between enslaved and freed people of color presented one reason for their regulation. But another more definite problem was the issue of occupation. Once freedom had been granted, it was not at all certain that said freedom would be administrated in a responsible and productive manner. Von Scholten’s plan, which presented itself as a step towards racial equality among the colony’s free inhabitants, was for all intended purposes a police measure to regulate a dynamic and unpredictable social group that constituted a risk to social order.

In regard to the majority of the population who were still enslaved, von Scholten followed a policy of amelioration in terms of slaves’ conditions and an increased intervention of government in the health of slaves. Niklas Thode Jensen has shown that government authorities became increasingly involved in the regulation of the health of slaves in the period after the abolition of Atlantic slave trade.<sup>260</sup> This development signals that the calculated effects of ending the slave trade had not come to pass in the

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<sup>259</sup> (1831)

<sup>260</sup> (Jensen 2012, 2009)

manner that government authorities had expected. Removing the possibility of exporting new slaves had not lead to a corresponding investment by slave-holders in establishing better conditions, in terms of health and provisions, for their slaves, allowing for the natural processes of population towards an increase of its numbers. Accordingly, government authorities began introducing counter-acting measures, such as prescribing minimum standards for slaves' rations, which Jensen claims that authorities were able to uphold a relatively high degree.<sup>261</sup> In a similar manner, a system of vaccination was also introduced in this period. The primary object of the new system was the slave population. The *Landfysikus* was put in charge of facilitating the vaccination of every slave on the islands. Individual slaves were instructed to present themselves at specific locations at a given time where they would be vaccinated and subsequently examined by the *Landfysikus*. Several sanctions were put in place to persuade as many planters as possible to cooperate with the authorities and secure their slaves' participation in the vaccination program.<sup>262</sup> Finally, the medical field of obstetrics became another avenue of government intervention towards improving the conditions of the slave population. It was geared towards improving slaves' reproductive capacity and minimize the high level of child mortality that was devastating the demographic constitution of the slave population. Compared to the vaccination campaigns and the maintenance of minimum rations, the campaign to introduce a corps of trained midwives to the repository of medical practitioners in the colony's plantations relied more on the planters' self-interests for its implementation. The prospective midwives were to be found among the existing slaves on the plantation, and the cost of their training was to be covered by the plantation proprietor. The success of the midwife program was thus reliant on planters' evaluation of the program's prospects to the economy of their plantations.<sup>263</sup>

Theses campaigns for the health of slaves aimed to promote a certain standard of slave management. They also expanded the scope of

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<sup>261</sup> (2012, pp. 185-188)

<sup>262</sup> (2012, pp. 201-202)

<sup>263</sup> (2012, p. 222)

consequences if that norm was not adhered to. No longer was it simply the physical mobility of slaves that were threatened by planters' excessive punishments and mistreatment. What was now at stake was the health of slaves. A concept that applied itself to something more than the sufferings of individuals. 'Health' as a governmental concept was considered a correlate of 'population' and as such fell under the responsibility and authority of state officials. It provided incentive and legitimacy for governmental intervention in planters' management of their chattel slaves. In terms of governmental principles the security of population trumped the inviolability of property rights.

The conservation of population was, however, simultaneously a conservation of production. Louis Rothe, a magistrate in the West Indian High Court, affirmed the causal relationship between population and production in a report on the conditions of population in the Danish West Indies in 1847. At that time, it had become evident that emancipation in the Danish colonies was inevitable, and on 28 July 1847 it was made public that slavery would be gradually dismantled over a period of twelve years.<sup>264</sup> The objective of Rothe's report was to account for the projected consequences of emancipation on the conditions of production for the Danish West Indies based on an evaluation of the outcome of emancipation in the British colonies. His immediate conclusion was that the process of emancipation in the British colonies had shown a direct causal relation between the size of the population, relative to the cultivable and inhabitable area of a colony, and the subsequent level of production. An increase of the population was equal to an increase in production.<sup>265</sup> Thus, every measure that would contribute to the increase of the colonies population would be beneficial to the colonial economy. The campaigns for the health of the slaves and von Scholten's ameliorating reforms was, thus, mentioned by Rothe as exemplary governmental initiatives in regard to preserving the long-term productive capabilities of the colony.

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<sup>264</sup> (Lawaetz 1940, p. 167)

<sup>265</sup> Central Government Archives, Chamber of Customs, The slave emancipation, as enacted by a rescript of 27 July 1847, 435, "Om Populationsforholdene i de dansk vestindiske Colonier og fornemlig pas St. Croix", Louis Rothe, January 1847, p. 1

Many of von Scholten's reforms had not, however, been directly targeted the health of the population as much as it targeted the subjectivity of the enslaved and freed population of color. In a series of ordinances and resolutions in the 1830s and 1840s, the conditions of slaves and the regulation of those conditions were given considerable alterations. In 1830, the ability of slaves, under specific circumstances, to give testimony in a court of law was officially recognized.<sup>266</sup> In 1834 and again in 1840, slaves' right to personal property was recognized.<sup>267</sup> The ordinance of 1 May 1840 also confirmed the right of slaves to purchase their freedom as well as the freedom of their children. In 1843, it was declared that slaves were to be exempt from work on Saturdays. The same decree also increased the colonial government's authority to oversee and regulate owners treatment of their slaves in general and particularly in regard to the punishment of slaves.<sup>268</sup> This expansion of the freedom of slaves was extended by the resolution of 27 July 1847, wherein King Christian VIII declared that all children born by slaves would from that day on be considered free. The resolution thus represented the culmination of von Scholten's project of adjusting the enslaved population to a condition of freedom, which could be said to have been inaugurated by the substitution of the term "slave" in official correspondence and records with the term "unfree [*ufri*]" in 1840. A similar change of nomenclature had been suggested by von Scholten as early as 1827 in his account of the constitution of the West Indian colonies, in which he argued for the substitution of "slave" with either "field negro" or "house negro."<sup>269</sup> These terms, von Scholten assumed, did not carry the same demeaning connotation that "slave" supposedly did. Furthermore, he foresaw that by applying a more "lenient" term, the treatment of slaves would become correspondingly more "kind."<sup>270</sup>

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<sup>266</sup> (Olsen 2008, p. 396)

<sup>267</sup> (2008, p. 397)

<sup>268</sup> (Lawaetz 1940, p. 157)

<sup>269</sup> Peter von Scholten, "De vestindiske koloniers forfatning, 1826/27," printed in (Olsen 2008, p. 409)

<sup>270</sup> Peter von Scholten, "De vestindiske koloniers forfatning, 1826/27," printed in (2008, p. 409)

Von Scholten's reorganization of the conditions of slavery, thus, expressed a paradoxical approach, in that it seemed to attempt to appropriate for the condition of slavery the properties of freedom. The truths about the natural orders of economy and population that were made apparent by the science of political economy, to a certain degree, rendered slavery untenable as a governmental strategy. That is not to say that the Atlantic slave trade was abolished simply because Adam Smith proclaimed that slave labor was uneconomic, or that Thomas Malthus made comments about the unnatural conditions of population, which were caused by the slave trade. The point is rather to argue that as the bond between the social and human sciences of economy, demography, and medicine and the art of government grew increasingly stronger during the second half of the eighteenth century, any governmental strategy, colonial or metropolitan, was obliged to give consideration not only to the 'traditional' tools of governmental regulation, i.e. laws and ordinances, but increasingly turn to techniques and mechanisms prescribed by the political economists. To a certain degree, this required an intensification of government's regulation of slaves' daily lives. It meant making the more intimate aspects of slaves' lives accessible to government, and thereby limiting the absolute sovereignty of slave-owners over their property. Simultaneously, the policy suggestions of political economists relied on the increased autonomy of the governed. The key to an economic society and a productive population was the property of oneself and the freedom to choose how to make the most of one's life and labor. The level of actual choice in the lives of individual slaves would have to be increased if the colony was to be governed in the most economic manner. Naturally, such a policy would undermine the structure of slavery that rested on the absolute subjugation of slaves to their masters, leading eventually to the general emancipation of the colony's slaves. But this outcome seems perfectly reasonable if one accepts the premise that the principle problem facing colonial governmentality was indeed slavery itself.

## *Chapter Four*

# **Punishment, Natures, Race**

So you can see that within a single historical reality you may very well find two entirely different types of rationality and political calculation.<sup>271</sup>

In 1866, the seventeen-year-old African-Caribbean field laborer, Joseph Henry Dennis, was carried across the Atlantic on the ship, Johan Brodersen.<sup>272</sup> He was being transported from St. Croix to Copenhagen to serve a nine year sentence of correctional labor [*forbedringshusarbeide*] in Christianshavn prison. Colonial authorities considered Dennis “despite his youth, a particularly corrupted individual”<sup>273</sup> and an “incorrigible thief.”<sup>274</sup> Since arriving on St. Croix from Barbados in 1859 he had been convicted a total of eight times. Three times for illegal termination of labor and five times for counts of theft. When he received his ninth and final conviction, he was already serving a sentence of three years correctional labor on St. Croix.<sup>275</sup> Because of his criminal record, Dennis faced deportation upon completion of his prison sentence.<sup>276</sup> Dennis’ ninth conviction and subsequent transportation followed a series of thefts that he had committed

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<sup>271</sup> (Foucault 2008, p. 60)

<sup>272</sup> Central Government Archives, The Central Directorate for the Colonies, Prisons and prison system 1848-1905, 912, No 271, W.L. Birch to the Ministry of Finance, 18 July 1866

<sup>273</sup> Central Government Archives, The Central Directorate for the Colonies, Prisons and prison system 1848-1905, 912, No 271, W.L. Birch to the Ministry of Finance, 18 July 1866

<sup>274</sup> Central Government Archives, The Central Directorate for the Colonies, Prisons and prison system 1848-1905, 912, No 79, the Royal West Indian High Court to the Danish West Indian Government, 19 December 1864

<sup>275</sup> Central Government Archives, The Central Directorate for the Colonies, Prisons and prison system 1848-1905, 912, “Relation betræffende Arrestanten Joseph Henry Dennis’ Signalement og Personalier,” J.A. Stakemann, 25 January 1865

<sup>276</sup> Central Government Archives, The Central Directorate for the Colonies, Prisons and prison system 1848-1905, 912, No 62, W.L. Birch to the Ministry of Finance, 27 February 1865



after escaping incarceration on St. Croix. Dennis' repeated escapes as well as the now substantial length of his sentence (the remainder of the three years plus the additional six years) had convinced the colonial authorities that it was necessary for Dennis to be transported to Denmark and imprisoned there.<sup>277</sup>

There were additional reasons, though, for transporting Dennis. Colonial authorities viewed his criminal behavior as a product of the West Indian environment. If he was allowed to return to the circumstances that produced his delinquency, the authorities surmised, Dennis would forever constitute a considerable danger to society.<sup>278</sup> If, however, Dennis were imprisoned in a penitentiary facility in Denmark "where care could be given to his education and beneficial influence," and upon his release "could be placed in conditions, very different to West Indian," colonial authorities expected that Dennis could still amount to a "good and productive person."<sup>279</sup>

As Dennis served his sentence in Christianshavn prison, the facility's personnel seemed to share the same aspirations for Dennis' potential for improvement that colonial authorities had shown. Particularly the prison chaplain, Vilhelm Munck, had observed great improvement in Dennis' behavior, but only when confined to isolation. At their first encounter in 1868 Dennis had presented himself to the prison chaplain as bereft of any education and moral concept. However, the six months of solitary confinement, which initiated every sentence of correctional labor at that time, had "produced some degree of calmness in the mind" of "this delinquent and ignorant negro." According to the prison chaplain, isolation had made Dennis "much more docile than before," and he had been able to teach him some reading, writing, and math. But as soon as Dennis was reintroduced into the prison's communal work regime where he could not

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<sup>277</sup> Central Government Archives, The Central Directorate for the Colonies, Prisons and prison system 1848-1905, 912, No 271, W.L. Birch to the Ministry of Finance, 18 July 1866

<sup>278</sup> Central Government Archives, The Central Directorate for the Colonies, Prisons and prison system 1848-1905, 912, No 271, W.L. Birch to the Ministry of Finance, 18 July 1866

<sup>279</sup> Central Government Archives, The Central Directorate for the Colonies, Prisons and prison system 1848-1905, 912, No 271, W.L. Birch to the Ministry of Finance, 18 July 1866

undergo the same regular instruction, the chaplain had observed, “his feisty temper and vindictive nature” would return to him. The prison chaplain was convinced that only the rigorous and regular instruction that the ‘separate system’ of imprisonment could provide would produce positive results for Dennis’ improvement. Accordingly, in 1870, the director of Christianshavn Prison and the prison chaplain requested that Dennis be transferred to Vridsløselille penitentiary.<sup>280</sup> Vridsløselille had been constructed in 1859 and was modeled on the ‘Pennsylvania system’ or ‘separate system’ of cellular isolation complete with a panoptic architecture.<sup>281</sup> West Indian convicts were not usually referred to institutions of such rigorous penitentiary treatment.

Dennis was not sent to Vridsløselille. Instead he was transferred to Viborg prison with the rest of Christianhavn’s male inmates when that prison was converted to an all female institution in 1870. On the request of the prison inspector and chaplain at Viborg, Dennis was later pardoned. Since Dennis had been born on Barbados he was considered a British subject and was subsequently transferred to England where he arrived in Hull in April 1872. According to chaplain Munck’s memoirs, Dennis spent the next twenty-four years in and out of prisons and mental institutions in Britain and Denmark until was provided passage to St. Croix in 1896 through the aid of Munck.<sup>282</sup>

The circumstances of Joseph Dennis’ incarceration suggests that a whole range of punitive logics were being activated in regard to the problem of crime in post-emancipation Danish West India. The biography of Joseph Henry Dennis’ imprisonment sketches out the contours of a punitive regime and logic in the Danish West Indies that is unlike existing depictions of colonial systems of punishment. And it unsettles the way we often think of punitive strategies and rationalities in colonial contexts. It does so by simultaneously affirming and dismantling that which could be considered specifically colonial about Dennis’ imprisonment. The colonial milieu was

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<sup>280</sup> Central Government Archives, The Central Directorate for the Colonies, Prisons and prison system 1848-1905, 912, A.F. Krieger to the Ministry of Finance, 13 September 1870

<sup>281</sup> (Smith 2003, pp. 16-27)

<sup>282</sup> (Munck 1972, pp. 139-149)

diagnosed as the root cause of Dennis' inability to fulfill his otherwise promising potential and relieving him of that influence would result in his moral improvement. Due to the punitive hierarchy of the Danish imperial state, the colonial delinquent found himself transferred to a Danish penitentiary, embedded in a disciplinary apparatus with an intensity beyond what colonial penal structures could assemble. The case, thus, illustrates the blurred boundaries between colonial and metropolitan punitive space that existed in at least some registers of punitive and juridical discourse and practice regarding West Indian criminals. It highlights the deficiencies of presupposing the dichotomy of colony and metropole as separate objects of analysis.

Dennis' case also displays the limited capability of Danish West Indian prisons to maintain a contained punitive space. Prison labor was often carried out outside the prison walls, renovating town streets and buildings, maintaining roads, and other public work. The fact that much of the convicts' time was spent outside the confines of the prison itself, meant that opportunities for escape were plenty. Similarly, rehabilitative aspirations were difficult to realize in the Danish West Indian Jails. As the colonial authorities had made clear in their motivations for transferring Dennis, the possibility of his reform seemed nonexistent if he was to remain on St. Croix. Only the more sophisticated treatment of Dennis in prisons in Denmark could potentially facilitate his rebirth as a productive and morally adept individual.

Dennis' experience of imprisonment certainly was not representative of the average offender's encounter with the colonial punitive system. The majority of the colony's prisoners passed through one of the smaller jails and lock-ups while serving short-term sentences (a few weeks to a few months) for smaller offenses of public disorderliness, vagrancy, etc. Nevertheless, the transfer of West Indian convicts to Denmark remained a peculiarly persistent practice when taking into consideration the general opposition against its continuation shown by colonial and metropolitan authorities alike. From 1840 to 1860 twenty-four prisoners had been

transferred to Danish prisons.<sup>283</sup> The West Indian prisoner Cristian Thomas, also known as Blackback, was imprisoned a total of three times in Denmark. First in 1839 for one year, then again in 1844 for five years, and finally in 1852 on a sentence of eight years of hard labor [*tugthusarbejde*], during which he was transferred back to the West Indies in 1854 due to health issues. As a result of his three convictions, Christian Thomas had traversed approximately 45.600 kilometers as part of his imprisonment.<sup>284</sup>

Many years later, in 1903, a report was completed by a commission that had been appointed to give general recommendations to the balancing of colonial budgets as well as improving the general conditions of governance, society, industry, and commerce in the Danish West Indies. The report's comments on the system of imprisonment on the Islands was a stark contrast to the fragmented experience of Joseph Henry Dennis. The commission-report applauded that as a general rule the transfer of West Indian prisoners to Denmark had by then been terminated. They then went on to state that "[s]erving of [prison] sentences in the Danish West Indian Islands is to be considered efficient, in accordance with the tropical climate there, and lastly, advantageous to the general public ... ." <sup>285</sup> Consequently, the commission members did not have any further suggestions for improving the conditions of imprisonment in the Danish West Indies. Despite the claims of the 1903 commission-report, the transfer of prisoners to Denmark was not completely discontinued. In a communication to the members of a similar commission in 1916, the director of Horsens Prison in Denmark could report that three West Indian convicts were serving life sentences in Horsens. All of them had received their verdicts by West Indian courts after 1902.<sup>286</sup> So while the frequency of transfers declined towards the end of the

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<sup>283</sup> Central Government Archives, The Central Directorate for the Colonies, Prisons and prison system 1848-1905, 912, C.E. Bardenfleth to the Ministry of Finance, 8 February 1850, 1-2; 911, F. Bruun to the Ministry of Justice, 8 March 1860.

<sup>284</sup> Central Government Archives, The Central Directorate for the Colonies, Prisons and prison system 1848-1905, 912, Ministry of Justice to the Ministry of Finance 17 August 1854; Super-Inspectorate of Prisons to the Ministry of Justice, 19 July 1854

<sup>285</sup> (Den Vestindiske Kommission 1903, p. 126)

<sup>286</sup> V. From to the President of the Prison System, 14 October 1916, printed in (Rigsdagskommissionen angaaende de Dansk Vestindiske Øer 1916, p. 110)

nineteenth century, the West Indian inmates were imprisoned in Denmark until the very end of Danish colonial rule in the West Indies.

The system of imprisonment in the West Indies was very different from what Joseph Henry Dennis had been subjected to during his time in Denmark. The convicts were put to use in a verity of ways, inside as well as outside of the prison. The majority worked on repairs, maintenance, and cleaning of public streets, roads, grounds, facilities, and buildings. Some were engaged with grass cutting, planting, and cultivating public grounds, and still some attended to the renovation and digging of pauper's graves. Those convicts that for reasons of age or health, or were considered a risk to the public, were not able to work outside the prison were put to work in different ways in their cells, such as carpenter work and coir picking. The commission remarked that up until then there had been plenty of work for the prisoners and there was no reason to assume that the future would prove any different. The application of convict labour had the benefit of reducing the costs of the prison system and public expenditure in general.<sup>287</sup> When the commission report referred to the advantages that the West Indian prison system afforded "the general public," it seems likely that it was referring to the savings to the public budget that the labor of the inmates produced. It was the 'free' and available work force rather than the rehabilitated delinquent that was proving beneficial to the public.

The divide between these two conceptualizations of the purpose and function of imprisonment—from the reform of Dennis in 1866 to the public labor of inmates in 1903—is considerable. Yet they both articulate a response to the problem of crime in the colony and speak to a contemporary conception of the colonial condition. The transportation of Dennis was carried out with the stated purpose of excluding him from Danish West Indian society, thereby configuring the punitive regime to separate the criminal from the colonial milieu that was considered to be the cause of his criminal behavior. But it was done so with a persistent penitentiary ethos of the criminal's rehabilitation. The colonial authorities' transfer of Dennis to Prisons in Denmark, thus, coupled a strategy of exclusion with the

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<sup>287</sup> (Den Vestindiske Kommission 1903, p. 126)

disciplinary techniques of rehabilitation and inclusion. Contrasting Dennis' penitentiary transportation, by which the colonial subject became inscribed in a metropolitan reformatory mechanism, we find the strategy of adaptation that the commission report reflects. By 'adaptation' I am referring to a penal policy that seeks to adapt the prison system to the perceived circumstances of colonial society in terms of particular character of its average prison population, its climate, and its social-economic conditions. Here we find a system of imprisonment that constructed the inmate as a object of public economy rather than a subject of disciplinary rehabilitation. It conformed penal practice to particularly colonial conditions rather than intervene and adjust the conditions of criminality itself.

The transfer of Joseph Henry Dennis and the commission-report's affirmation of the appropriateness of local imprisonment provides a brief archeological analysis of the discontinuities of punishment in the Danish West Indies during the second half of the nineteenth century. The analysis depicts the many rationalities at play in the management of punishment in regard to criminality in the colonial context. Dennis' exclusion-treatment and the commission's insistence on public labor reflects the diversified economy of power and the overlapping *dispositifs* that emanated from the problem of crime and the potential of punishment in the governance of the Danish West Indies. Yet the two events also reflect a shared consideration for the 'order' of the colonial milieu. They both represent strategies to act upon the colonial social and economic order, and attempts to ascertain the 'proper' or 'natural' conditions of punishment in regard to the colonial order. The question of how this conceptualization of "the proper conditions" of colonial imprisonment in the Danish West Indies was constructed and activated is what this chapter seeks to illuminate.

As an initial observation, at least two interpretations of the shift in the policy of punishment can be considered. Firstly, there is the explanation that lends itself to the combined influence of racist sentiments and science as well as the budgetary limitations of the colonial state. These factors are often usual suspects when the causality of the deficiencies and maliciousness of colonial policies is examined. And for good reason that is. Studies of colonial prison systems in different colonial contexts have shown

that race and insufficient funds were indeed important factors in shaping colonial prisons in the nineteenth and twentieth centuries.<sup>288</sup> There is no reason to assume that the same was not the case in the Danish West Indies. These are factors that could be said to be internal conditions of the colonial situation. A second interpretation, however, that calls attention to external developments in the area of penology and penal policy at an international scale could also be of importance. Several studies have concluded that the formation of penological science and penitentiary principles, like other areas of social reform in the nineteenth century, was an inherently transnational process.<sup>289</sup> Yet, the correlation between this international agenda of prison reform and the development of colonial punishment remains unstudied. While the direct management of imprisonment was driven by prison administrators, and concrete penal policies were determined by government officials, the overall guidelines, principles, and rationality of imprisonment was forged within an international community of penological experts. It is necessary to consider the development of a general discourse of penitentiary science in order to understand the emergence of the colonial prison as a distinct field of governance beyond the immediate factors of limited budgets and racial assumptions.

In this chapter, I would like to consider the possible cross-fertilization between these two interpretations. I will not be able to determine any exact causality, but the chapter will show how the techniques of colonial government both reflected and rejected the ideal of social improvement in regard to the purpose of imprisonment in the case of West Indian convicts, thus establishing a constant ambiguity of governmentality.

In doing so, the chapter begins by framing the ethos of penitentiary punishment and highlighting its transnational character. It then focuses on elements of the penitentiary discourse that address the problematic of applying penitentiary principles to a variety of contexts. Finally, the chapter focuses in on the specific case of prisons and punishment in the Danish West Indies.

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<sup>288</sup> See e.g. (Anderson 2008; Arnold 1994; Bernault 2007; Dikötter 2009; Paton 2004; Zinoman 2001)

<sup>289</sup> (Alper & Boren, 1972; Henze 2009, 2014; Leonards & Randeraad, 2010; Nutz 2005)

## Networks of Prison Science

Throughout the nineteenth century, social scientists, liberal reformers, and government administrators were engaged in an ongoing exploration of the problems and potentials of the penitentiary prison. The prison represented a powerful technique to prevent crime and reform criminals, vagrants, idlers, and delinquents.<sup>290</sup> As such, the penitentiary and its corollary technology of discipline reflected what Foucault termed a redistribution of “the economy of punishment.”<sup>291</sup> This development was not limited to Europe and North America, but influenced state formation and social policies across the globe.<sup>292</sup>

The 'prison problem' or 'prison potential' was indeed impossible to ignore by any government aspiring to govern its population according to the conventions of liberal government that was gaining dominance within an increasing international community of 'modern' states. To ignore the prison question was to ignore the potential of societal progress and prosperity. This was especially pertinent for colonial governments, faced with the self-imposed task of cultivating the potentials of foreign populations whose susceptibility to influences of progress, culture, and civilization, they viewed as impaired or obscured by racially determined traits and centuries of despotic rule.<sup>293</sup>

The movement of penal reform from the 1760s onward<sup>294</sup> was characteristically transnational. One of the earliest attempts to bring attention to the conditions of jails and workhouses, and formulate that problem as a reflection of a society's state of civilization, enlightenment, and legitimacy was the work of British reformer John Howard.<sup>295</sup> His

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<sup>290</sup> The literature on the history of prisons is too immense to cover here, but some of the most influential works are (Foucault 1977; Ignatieff 1980; O'Brien 1982; Rusche & Kirchheimer, 1939/1968; Spierenburg 1984)

<sup>291</sup> (Foucault 1977, p. 7)

<sup>292</sup> Again, the literature is vast, but important contributions to the field are (Aguirre & Salvatore, 1996; Arnold 1994; Dikoetter 2002; Paton 2004; Zinoman 2001)

<sup>293</sup> On the legitimacy of colonial rule based in the imposition of rational and scientific government, see e.g. (Prakash 1999)

<sup>294</sup> This periodization will of course change according to locations but historians of prisons in Europe commonly begin the period of reform at around 1760.

<sup>295</sup> (Nutz 2005, p. 436)



criticism was based on a sojourn through the states of Europe, visiting as many jails, lock-ups, and workhouses as possible. His review of Europe's facilities of incarceration was disparaging to say the least.<sup>296</sup> Howard's efforts were part of a general spirit of reform and humanism and it found a receptive audience in the public opinion of Europe's emerging civil societies. Howard and his peers were the practitioners of the political philosophies of authors such as Beccaria and Bentham that re-articulated the economy of punishment in accordance with the principle of utility at the end of the eighteenth century.<sup>297</sup> During the nineteenth century, the role of prisons as correctional institutions of criminal behavior would be heavily discussed and prioritized by European, North American, and all other governments that sought a claim to civilization, modernity, and humanism.

The processes of legislative and organizational reform that followed Howard's efforts also took on a transnational approach. In France, legislators wanting to compile a basis of experiences upon which to decide on the organization of a national prison system, contracted Alexis de Tocqueville and Gustave de Beaumont in 1831 to conduct a study of the new penitentiary systems in the United States. Out of this assignment Tocqueville and Beaumont authored the now famous work *On the Penitentiary System in the United States, and Its Application in France*<sup>298</sup>. The process helped spark Tocqueville's interests for American society, which later lead him to produce his enormously influential works on democracy in the United States. Also in 1831, British authorities dispatched William Crawford on a similar mission.<sup>299</sup> They were followed by Canadian and German representatives in 1834.<sup>300</sup> From 1841 to 1842, the members of a commission tasked by the Danish King to consider the most advantageous form of organizing the Danish prison system likewise traveled to the United States to study the many prison systems of European and North American states.<sup>301</sup> Following the investigations of the Danish commission, the

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<sup>296</sup> (Howard 1777)

<sup>297</sup> (Foucault 1977, chapter three: Generalized punishment)

<sup>298</sup> (de Beaumont & de Tocqueville, 1833)

<sup>299</sup> (Crawford 1834)

<sup>300</sup> (Nutz 2005, p. 440)

<sup>301</sup> (David 1843a, 1843b)

deliberations and debates on penal reform culminated with the building of two new correctional facilities based on the two competing North American penitentiary systems. Vridsløselille Penitentiary, build in 1859, was based on the ‘Philadelphia system,’ or seperate system, that relied upon rigorous isolation, surveillance, and religious influence to successfully reform the delinquents that were sent there. Horsens Prison, which was inaugurated in 1853, on the other hand, was designed according to the ‘Auburn system,’ or associate system, which prioritized the influence of coordinated hard labour over isolation, but still emphasized the separation of prisoners in single cells at night as well as religious and educational elements.<sup>302</sup> The processes of national prison reforms, thus, had clearly been transnational in their accumulation of knowledge and previous experiences.

The transnational practice of prison reform became the basis of a new discipline of prison science that developed during the nineteenth century in correlation with the political and juridical projects of penal reform. This was a science of principles and methods to reform and rehabilitate the criminal offender.<sup>303</sup> Its theories were based on a process of continual experimentation; the prison constituted a controlled environment where experiments in reformation of offenders could be conducted without interference of external effects. Of course, the analogy between prison and laboratory was false and the human experiment of criminal rehabilitation never yielded consistent results. Indeed, the continual ‘failure’ of the prison’s intended purpose of eliminating criminality became the most important dynamic in the constant epistemological evolution of prison knowledge. As Patricia O’Brien has remarked: “The new punishment was not a monument but a process.”<sup>304</sup> The science of the prison was only made more pertinent by the intangibility of its object.

The historian Martina Henze divides this long formulation of a prison science into three stages. Beginning with an ‘informal’ “discursive phase”

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<sup>302</sup> (*Beretning Fra Kontoret for Fængselsvæsenet Om Straffeanstaltneres Tilstand I Tidsrummet Fra 1ste Januar 1858 Til 31te Marts 1863* 1864, pp. 4-10) For a general study of the development of the Danish prison system in the nineteenth century, see, (Smith 2003)

<sup>303</sup> (O’Brien 1982, pp. 13-14)

<sup>304</sup> (O’Brien 1982, p. 12) See also (Foucault 1977, pp. 234-235)

were a circle of philanthropists such as John Howard would visit various prisons and correspond about their findings; followed by a “network-phase” that saw the development of more formal transnational networks of specialists with corresponding journals and hand-books on prisons; culminating in the “congress-phase,” establishing itself as a semi-official organization centered on large-scale international conferences.<sup>305</sup> A series of international penitentiary congresses that convened a total of eleven times between 1872 and 1935 and the establishment of an international commission on prisons at the penitentiary congress of 1872 in London embodied this development. The congress in London embraced the format that the discipline of prison science was shaped and disseminated as a consultative and comparative exchange of models and systems, experiments and techniques. The penitentiary science “saw itself as an entirely practice-based discipline”<sup>306</sup> that operated on the basis of experience and observation.

The total number of participants for the first congress in 1872 was estimated to be no less than 400, comprising twenty different nationalities. Some delegates were representing their national governments, while others were representing state governments in the case of the North American representatives or colonial governments in the case of representatives from India and Australia. There were also delegates from national committees, prison societies, specific reformatory and penitentiary institutions, and university departments.<sup>307</sup> As a whole, this mass of delegates, brought together at the congress, in the wording of the report, constituted

a reunion of specialists—men and women largely devoted to prison-work, whether in the investigation of the principles of penitentiary science or in their practical application and embodying, representatively, the knowledge, experience, and wisdom of the world on the subjects to which its labors were dedicated.<sup>308</sup>

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<sup>305</sup> (Henze 2009, p. 37)

<sup>306</sup> (Nutz 2005, p. 435)

<sup>307</sup> (Wines 1873, p. 2)

<sup>308</sup> (1873, p. 2)

The purpose of their meeting was to advance penitentiary practice, as Enoch Wines recorded in his report: “[a]ll will go back to their respective fields, to work with greater earnestness and higher hope from the strength and courage received from such communion.”<sup>309</sup>

For the organizers, this format of large-scale international congresses provide an essential catalyst for the potential of social progress that penitentiary prison systems entailed. To illustrate this, as well as the correlation between international penitentiary reform, cultivation of ‘civilization,’ and material wealth, it is worth here to quote the french jurist, penal reform advocate, and *Inspecteur Général des Prisons* from 1830 to 1865, Charles Lucas. Prior to the meeting of the first International Penitentiary Congress in 1872, Lucas gave a paper before the French Academy of Moral and Political Sciences. In the talk, Lucas said of international congresses that

[t]hey are the necessary consequence of the two laws of the sociability and perfectibility of man, which, at the present advanced stage of our civilization, demand the international exchange of ideas to promote the moral progress of humanity, as they do that of material products to advance the public wealth. Such congresses serve to show the condition of different nations as regards their intellectual development, in the same manner as industrial exhibitions show the comparative results of their economic development.<sup>310</sup>

In this quote, Lucas pointed out the practical connection between promoting moral progress and advancing public wealth. The two registers of governmental purpose were inseparable, and the practice that facilitated both was the international exchange of ideas.

The format of the congress was precisely built around the concept of exchange and consultation. The proceedings of the congress would follow three distinct formats of presentation and exchange. Firstly, the different representatives reported on the state of the prison system in the country they represented. Secondly, the delegates at the congress deliberated and

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<sup>309</sup> (1873, p. 2)

<sup>310</sup> A paper read by M. Charles Lucas before the French Academy prior to the meeting of the congress, quoted in (1873, p. 173)

discussed the array of questions and issues that had been raised. And thirdly, delegates would give a range of papers on specific penitentiary topics. The productions of the congresses—the papers, deliberations, and reports by individual representatives—were formulated as consensual positions and recommendations of the congress as a collective body of experts in conclusions of the official reports. As such, the published deliberations of the international prison congresses can be taken to be reflective of a set of common considerations that were shared and discussed by the representatives of the many attending states, and were formulated to at least give a perception of a coherent program of penitentiary practice. Wines described in his report the gathering and exchange of the vast amount of information on the world's different prison systems as unprecedented and one of the most important results of the congress. It was expected that the deliberations of the congress would have a tangible effect on the penitentiary efforts of different governments:

The vast fund of precious information thus accumulated will be diffused, through the agency of the congress, to the utmost limits of civilization. It is to be presumed that the official delegates will all make reports to the governments by which they were commissioned, all of which reports will, no doubt, be published among the archives of the governments to which they are made, and will thus not only be circulated among the people of all civilized countries, but will come under the special notice of the makers and executors of the laws of those countries.<sup>311</sup>

The purpose of the exchange of ideas and experiences was, thus, to streamline penitentiary practice. Following the conclusion of each congress a report of the proceedings was published, either as an independent publication or via the congresses' official journal, *Acts de Congrès Pénitentiaires Internationaux*, that included sections on suggestions and recommendations. The function of the congresses was not just to provide a forum of exchange, but to render into authoritative principles the many local practices of prison managers. The international congresses were, then, sites of evaluation and scientific authorization to the extent that through the

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<sup>311</sup> (1873, p. 3)

medium of exchange the congress deliberations either verified or refuted practices of prison management as being in accordance with the principles of penitentiary punishment. Since the principles that formed the basis for the evaluation of specific prison practices were themselves the product of the congresses' deliberations, the validity of principles was continually negotiated and questioned. The production of the congresses unfolded as a chase for universal applicability that was fueled by a continuous amalgamation of practical exceptions. Thus, the function of the congress was not merely to evaluate different prison practices, but to innovate and foster the development of new and improved systems of punishment.

### **World Markets, Global Reform**

The activities of nineteenth-century social reformers were also representative of a general tendency of liberalism to expand its domain of intervention to include the international scale. In *The Birth of Biopolitics* lectures Foucault discussed how the discovery of world markets reoriented the conceptions of economy and society, its structure, boundaries, and dynamics. In terms of economic rationality, Foucault drew attention to the emergence of the idea of European progress as opposed to the idea of European equilibrium. This idea that emerged within the economic thought of the physiocrats and Adam Smith put an end to the conception of European economic relations as a zero sum game with a finite amount of wealth and replaced it with a potential for continual growth. The newfound possibilities of infinite wealth and progress was only accessible through the conception of a global market, however, which Europe would have to engage, structure, and appropriate. The idea of European progress through global markets was thereby accompanied by “a new form of political calculation on an international scale.”<sup>312</sup> Foucault found examples of this new governmental rationality, which applied itself to a global scale, in the history of maritime law and the tactics of eighteenth-century projects for peace and international organization.<sup>313</sup> This conception of “the position of

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<sup>312</sup> (Foucault 2008, p. 58)

<sup>313</sup> (2008, p. 56)

Europe as a region of unlimited economic development in relation to a world market” was for Foucault one of the fundamental features of liberalism.<sup>314</sup>

Despite the distinctly economic vocabulary of this feature of liberalism that Foucault identifies, it is of importance to our present objective of determining the role of penitentiary science in the calculation of penal government in the Danish West Indies. The implications of liberalism’s discovery of the potentially unlimited progress that is imbedded within Europe’s relation to a world market, reaches beyond its immediate economic and political connotations. With the emergence of the idea of a world market, and the opening up of the ‘economic game’ unto the world market, the position of Europe becomes clearly differentiated from the rest of the world. Europe holds a privileged position in this relation: “[T]here will be Europe on one side, with Europeans as the players, and then the world on the other, which will be the stake. The game is in Europe, but the stake is the world.”<sup>315</sup>

Following the discovery of world markets, the mechanisms of security that served as inducements of economic conduct and preservation of the market’s natural order would turn their attention to the global scale. The many liberal reform projects, of which penal reform had a prominent position, were examples of the globally oriented security mechanisms that organized themselves according to this new economic and political rationality of European progress through the cultivation of world markets. Rather than rigidly organizing themselves in accordance with the structures of European states, liberal penal reform projects were from the outset international and global in scope, or at least regarded the organizational form and the efficacy of their projects as unrestricted by the borders of territorial states.

Also as the conception of the boundaries of markets expanded to take in a global scale, the scope of social reform followed suit. Liberal reformers were rarely narrowly national in defining the scope of their interventions.

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<sup>314</sup> (2008, p. 61)

<sup>315</sup> (2008, pp. 55-56)

There was, for instance, a close connection between liberal policies of social progress, abolitionist movements, and penal reform. Several key advocates of abolition were directly involved in political and administrative work to reform the prison systems of European states. The British Member of Parliament and leading abolitionist Thomas Fowell Buxton, for instance, began his career as social reformer as an active proponent of prison reform.<sup>316</sup> In Denmark, the liberal politician, political economist, editor, and publicist, C. N. David, was an avid advocator of slave emancipation and promoter of abolitionist writing. Together with N. F. S. Grundtvig and the French reverend, Jean-Antoine Raffard, he founded a Danish anti-slavery society in 1839 as a satellite organization for the British and Foreign Anti-Slavery Society.<sup>317</sup> David also chaired the commission to reform the Danish prison service in the 1840s<sup>318</sup> and served as Super-Inspector of Prisons [*Overinspektør for Fængselsvæsenet*] from 1849 to 1859.<sup>319</sup> David has been identified as part of “the elite of an epistemic community *avant la lettre*” of “transnational experts” that met frequently at congresses across Europe and the United States to engage in “social questions.”<sup>320</sup> Similarly, Alexis de Tocqueville, whose work *On the Penitentiary System in the United States* influenced prison reform across Europe, became actively engaged with the question of French colonization in Algeria in the 1830s and 1840s, and wrote a series of articles for the French journal *La Siecle* in favor of slave emancipation in France’s overseas colonies.<sup>321</sup>

Promoting slave emancipation and penitentiary punishment were seemingly part and parcel of a general strategy of social improvement and progress that acted as a correlative to the globally expanding markets.

## Natural Punishment

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<sup>316</sup> See (Bruce 2014, chapter 4)

<sup>317</sup> (Bugge 2003, pp. 53-84)

<sup>318</sup> (Smith 2003, pp. 128-129)

<sup>319</sup> (Kampmann 1933, pp. 116, 151, 157-158)

<sup>320</sup> (Leonards & Randerad, 2010, pp. 225-227)

<sup>321</sup> (de Beaumont & de Tocqueville, 1833; de Tocqueville 2001) See pages 199-226 for Tocqueville’s articles on emancipation.



Until now we have focused on the processes through which an expansion took place of the geographical scale to which the penitentiary technique could be applied. This movement took place as a correlative to the expansion of markets to the global scale. We now turn to another movement within penitentiary discourse. Concomitant with the geographical expansion of the penitentiary, an exploration was carried out of systems of punishment—of prison discipline, rather—that worked in accordance with nature, i.e. reflected and applied itself through the natural processes of society and economy. The exchanges of the International Penitentiary Congress held in London in 1872 points us in the direction of this exploration of natural punishment. The congress resulted in a lengthy report written by Enoch Wines, an American priest, educator, and expert on prison reform, who had also chaired the organization of the congress. The report's conclusion included a list of principles, of which one in particular is telling of the movement of penitentiary science away from static systems of imprisonment towards a dynamic conception of a range of penitentiary practices. §11 of the report's conclusion held that “[a] system of prison discipline, to be really reformatory, must work with nature rather than against it.”<sup>322</sup> How did the report conceive of the natural element with which prison discipline would have to work? It referred to two conditions of ‘natural order.’ One was the ‘natural’ sociability of men, and the other was the ‘natural’ flow of economic exchange.

The principle of natural punishment was formulated in direct opposition to the systems of imprisonment that, according to the congress-report worked against human nature by imposing carceral structures that repressed the natural inclinations and urges of men. ‘The separate system’ and ‘the silent system,’ represented “the most perfect form of coercion ever devised.”<sup>323</sup> Both relied on strict isolation. These systems of bodily separation and absolute silence did not work towards the rehabilitation of criminals because they coerced prisoners into hard labor. Labor could only be considered rehabilitative if conducted voluntarily and willfully: “It is

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<sup>322</sup> (Wines 1873, p. 292) Italics in original.

<sup>323</sup> (1873, p. 293)

free, and, still more, emulative or competitive labor that is earnest, ingenious, skillful, and productive.”<sup>324</sup> Furthermore, systems of isolation repressed the natural inclination of men to socialize, and was, thus, viewed as running counter to human nature. Crime was “essentially and intensely” anti-social, the report emphasized, and could thus only be countered with treatment that induced social behavior.<sup>325</sup>

The Auburn model of imprisonment also rested on the premise of sociability, but only relative to the complete isolation of the Philadelphia model. Both systems made use of separation and silence as primary techniques of reform, but under the Auburn system prisoners would work in common work-halls, though refrain from any communication with other prisoners. The theory behind the Auburn system was to arrange the prison as a duplication of society, in order to re-socialize the inmate. The Auburn system modeled the prison to the ideal workshop, and thus sought to install a perfect hierarchical system of communication.<sup>326</sup> The workshop-sociability was, however, not the form of sociability that Wines’ report aspired to encourage. Natural sociability was not born out of the workshop, which represented more a utopia of coercion than a reflection of social order.

Besides sociability and voluntariness, to work *with* nature in prison discipline, meant the installation of another ‘natural’ element of human society as *the* central regulation mechanism. This element was ‘the market’ and economic exchange. To illustrate the importance of this principle, Wines’ report referred to “Maconochie’s great experiment in prison discipline on Norfolk Island.”<sup>327</sup> Alexander Maconochie’s (1787-1860) so called ‘mark system’ of prison discipline inspired many proponents of the subsequent ‘progressive systems,’ in which inmates progressed through multiple stages of imprisonment. The progressive system was applied in many prisons in the second half of the nineteenth century, and was

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<sup>324</sup> (1873, p. 293)

<sup>325</sup> (1873, p. 294)

<sup>326</sup> (Foucault 1977, p. 238)

<sup>327</sup> (Wines 1873, p. 292)

introduced as the default system in all Danish penitentiaries in 1873.<sup>328</sup> Prison administrators such as Enoch Wines himself, Theodore Dwight and Zebulon Brockway, who were instrumental in introducing a range of new penitentiary institutions in the United States in the 1860s and 1870s, were also influenced by Maconochie's 'experiment.' Similarly, 'the mark system' inspired Walter Crofton's 'Irish system' as well as the 'Borstal system,' developed in youth reformatories in England.<sup>329</sup>

Maconochie developed his ideas behind the 'mark system' in the late 1830s during his time in Van Diemen's Land (now Tasmania). He was given the opportunity to put the system's principles into practice when serving as Superintendent of the penal colony on Norfolk Island, located in the Pacific Ocean between Australia, New Zealand, and New Caledonia, between 1840 and 1844.<sup>330</sup> He published extensively on issues of prison reform and convict management in general, and on his marks system of prison discipline in particular, both prior, during, and after his tenure at Norfolk Island.<sup>331</sup>

Maconochie's system rested on a belief in the ability of 'the economy' to shape the conduct of subjects. This ability existed because of a correlation between the nature of the economy and the nature of men. If the prisoners were governed by nothing else than the natural laws of economy, then the prisoners would automatically act in accordance with their natural felicity for sociability and providence.

All economies rely on currencies to exchange goods and the currency in use at Norfolk Island consisted of 'marks.' Sentences were not measured as periods of time but as a series of tasks. For each completed task the prisoners would receive a corresponding amount of marks in wages. The marks that prisoners earned could be exchanged for a shortening of their sentence. It was, however, not just the progression of the prisoners' path towards release that was regulated by this economy of marks. Practically everything within the penal colony was subject to the monetary regime of

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<sup>328</sup> (Kampmann 1933, pp. 117-118; Smith 2003, pp. 199, 236, 244)

<sup>329</sup> (Barry 1956, p. 146)

<sup>330</sup> (1956, p. 146)

<sup>331</sup> (Maconochie 1838, 1839, 1846, 1853)

marks. Marks were needed to ‘purchase’ everything from food and bedding to education, and also to pay ‘fines,’ which stood in for corporal disciplinary punishment in the colony.

The prisoners’ earnings could thus be made to work towards a range of desirable returns. It could be invested in the immediate improvement of their living conditions in the colony, a speedier release, or the acquirement of new skills. The system confronted the prisoner with a game of rational choice within an ideal economic milieu, a closed circuit with no externalities to disrupt the natural flows of economic exchange. The objective was to replicate the mechanisms of life outside prison, but in a controlled environment, and while still retaining the hardships of punishment to sooth the public’s sense of justice.<sup>332</sup>

The Mark System gave prisoners a stake in the achievement of their own liberty. Similar to the accumulation of personal wealth outside of prison, the time of release could be brought forward by the industry of the prisoner. If, firstly, the prisoner pertained the will to labor, and, secondly, displayed the prudence to save up marks by living frugally, prisoners could literally ‘earn’ their freedom. The prisoners accumulation of marks and their investment of them, thus represented a ‘true’ reflection of their providence. The conditions of the system made it impossible for prisoners not to exalt some degree of providence, thereby increasing the chance of rehabilitation. And this was to be achieved without coercion or force. Rehabilitation was achieved, simply by the installation of an ‘apparatus,’ as Maconochie himself referred to it, that induced and fostered the natural urges and instincts of men.

Here is how Wines described the effect of Maconochie’s system in his report:

He [Maconochie] sought to make all his arrangements such that the prisoners would experience, through them, just such and so much of good or evil as naturally flowed from their conduct—a principle which he rightly declares to be the only true one.<sup>333</sup>

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<sup>332</sup> (Wines 1873, p. 294)

<sup>333</sup> (1873, p. 295)

How could Maconochie know that his principle was true? Because the mechanism that evaluated and distributed the flow of prisoners' conduct was the natural forces of 'the market.' The market served as the site of veridiction for Maconochie's economy of punishment as it did for liberal governmentality in general.<sup>334</sup> Wines made this affinity between the penitentiary and liberalism clear when his report defined the principal techniques of power that should be aspired to in public punishment:

When the lesson not to go too fast, to give a large scope to free agency, to let temptation assume all its customary forms, to regulate little but encourage much, is sufficiently learned, complete success may be hoped for in what should ever be the great aim of public punishment, the reformation of the fallen.<sup>335</sup>

It becomes evident here that even within the principles of imprisonment that have to rest on the fundamental premise of the deprivation of liberty, we find ingrained in its mode of power the maxims of liberal governmentality: "give a large scope to free agency;" "regulate little but encourage much."

With this reading of the report of the International Penitentiary Congress of 1872, it is evident that at the highest authority of penitentiary science, the affiliation with a liberal governmentality was not limited to a shared ethos of human, social, and economic progress. It is often assumed that this shared liberal ethos was partitioned into separate spaces of power: a penal space of discipline, surveillance, and coercion, and a civic space of government, freedom, and markets. With the congress of 1872, and its allegiance to the principles of Maconochie's Mark system, we see a coupling of the problem of punishment with the mode of power of liberal governmentality's 'civil' techniques of government.

The ideal prison, according to Wines' report, was not the perfect machine of discipline and surveillance that fixates and molds the delinquent subjectivity through separation, silence, and continuous labor. Rather, the ideal prison was a controlled replica of the natural conditions of life in freedom. The report did not presuppose the delinquent's 'unnatural'

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<sup>334</sup> (Foucault 2008, pp. 32, 61)

<sup>335</sup> (Wines 1873, p. 293)

adhesion to crime, rather it installed the idea of men's 'natural' persuasion towards sociability and market exchange as the singular mechanism of criminal rehabilitation. The basic principle of imprisonment was not deprivation of liberty, but intensification of freedom.

The objective here is not to argue that the specifics of Maconochie's system bore any resemblance with the principles of prison administration by which Danish West Indian prisons were governed, or that Wines' emphasis on elements of sociability in penal systems were reproduced in the Danish West Indies. What is important, however, and what I want to draw attention to, is that at the most authoritative level of penological knowledge, with which prison administrators in Denmark were engaged with, a principle of naturalism resided. A principle that argued that the natural inclinations to socialize and exchange should form the basis of rehabilitative punishments. But what, then, did this principle mean if applied in contexts where the natural inclinations of offenders were interpreted differently? An analysis of Wines' writings on colonial prisons will show that his appraisal of liberalism in convict management was not so much based on a fundamental belief in the freedom of social and economic conduct as to a rule of nature. Coercive prison discipline could be acceptable if it approximated the naturalness of prisoners' conduct and the surrounding society. Just as the penological and criminological practice developed in the direction of an individualization of punishment, the general schematics of penitentiary science individualized the management of imprisonment.

### **One Principle, Many Systems**

Michel Foucault and David Garland have both argued that individualization played an essential part in modern punishment.<sup>336</sup> For Foucault the power-knowledge nexus of the human sciences and the prison engineered the prisoner as an individual with a specific record that reflected his past deeds as well as his future potential. Rather than acting upon an already existing, and corrupted, individual, the power-knowledge of the modern prison

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<sup>336</sup> (Foucault 1977; Garland 1985)

created the conditions of the specifically delinquent individuality; it made real that which did not exist by posing a question of truth (who are you?) rather than a question of justice (what have you done?). Garland's argument is similar to, yet different from, Foucault's. With Foucault, the individualization is general, in the sense that every person subjected to the power-knowledge regime of criminal justice is subject to the process of individualization. The process of individualization was more or less codified.<sup>337</sup> In contrast, Garland's argument of individualization in punishment refers to the adaptation of the punishment to the specific character of the offender. It is thus the form of the punishment that is 'individualized,' molded to fit the criminal. This process can, however, only be made possible through an analysis of the criminal's individuality, and, thus, depend on the type of individualization to which Foucault referred

The process of individualization was also evident in the efforts of international prison reform, but here the subjects were not individual offenders, but individual nations, populations, and races that each required particular approaches to the project of prison reform. Following this line of thought about the individualization of punishment, I want to draw attention to the process by which the universal principles of penitentiary reform was adorned with a measure of particularity when it came to the practical application of its principles in different contexts such as the colonial. This was a tension between the universal and the particular that was a persistent aspect of the international discourse of prison reform. In a curious reversal, the practical experiences that fueled the formulation of general principles at the international penitentiary congresses were also the very factors that impeded their implementation. To come to terms with the fact that prison practice was perhaps too heterogeneous and unpredictable to reduce to static rules and regulations, the congress devised a clear division between 'principles' and 'systems' in their penitentiary theory. In his report, Wines summed up the distinction between principles and systems with the following maxim: "Systems are human; principles divine. The former have their origin in the wisdom of man, which may err; the latter, in the wisdom

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<sup>337</sup> (Foucault 1977, pp. 99-100)

of God, which is unerring.”<sup>338</sup> Representing divine power, principles possessed their own infallible agency; they were beyond the control and will of men, and accordingly all delegates could agree to them. Principles were “roots, essences, powers, without which there is neither life nor energy in any organization, physical or moral.”<sup>339</sup> In contrast to the divinity of principles, systems represented a distinctly profane power. If principles were the spirit of the penitentiary, then systems were its body, its technical apparatus, “methods and processes” that turned principle into practice. But as such, systems could take on many different guises and were therefore constantly contentious subjects. They were flexible, “temporary and perishable,” imperfect, and adaptable: “Systems may change, do change, must change, with the climate, soil, territorial extent, manners, customs, institutions, traditions, prejudices of different countries.”<sup>340</sup> This division between principles and systems made the penitentiary power of punishment exceptionally broad in its technical scope of application. As the above quotes make clear, mid and late nineteenth century penologists were driven by the belief that higher universal, even, and especially, divine principles of correction and reform of criminals could be obtained and put into practice in locally adapted penal systems.

In 1880, a year after he had suddenly died, Enoch Wines’ monumental work on *The State of Prisons and of Child-saving Institutions in the Civilized World* was published. This volume provides a useful example of the dynamic between principle and system in international penitentiary discourse. It was comprised of eight books covering the general history of prison reform (book one); the state of prisons in the United States (book two); Great Britain and her dependencies (book three), divided into sections on ‘home countries,’ ‘colonial possessions,’ and ‘East Indian empire;’ continental Europe (book four); Mexico and Central America (book five); South America (book six); ‘other countries’ (book seven), containing non-colonized, non-Western states, i.e. China, Japan, Siam, Morocco, Liberia, Persia, and Hawaii; and finally ‘miscellaneous points’ (book eight) with

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<sup>338</sup> (Wines 1873, p. 294)

<sup>339</sup> (1873, p. 294)

<sup>340</sup> (1873, p. 294)



conclusions and recommendations. The book was the material manifestation of Wines' determinacy to bring together "a vast repository of facts"<sup>341</sup> on prison information and facilitate an exchange that would help prevent crime and rehabilitate the criminal—the same ethos that pervaded his reports from the international prison congresses.

In *The State of Prisons* Wines sought to create a truly global cartography of the world's punitive landscape. His cartographic ambitions extended to the smallest patches of prison administration on the punitive map of the world. Such was Wines' eagerness to record prisons in their many forms that even the more minuscule colonial territories, such as the British colony of Natal in south-east Africa, were invited to report on the state of their prisons.<sup>342</sup> At the core of Wine's geography of punishment was a practice of scaling. Wines scaled the geographical unit of his punitive globe according to levels of 'civilization' that his mapping of penal practices reflected.

*The State of Prisons* provides us with a cross section of the evaluation of local prison systems from the viewpoint of prison reform experts at the late nineteenth century. It cannot, however, be considered a reliable source on actual prison conditions, and it will not be used as such. Rather, the work's material hints at the overall attitude towards the role of prisons in different localities, and for the purpose of this chapter special notice will be given to the evaluation of colonial prison systems.

Wines' descriptions of the prisons of the British colonies gives the impression of a very diverse set of penal contexts. Within the Caribbean region alone Wines reported huge discrepancies between the different colonies. At one end of the scale, the central prisons of Jamaica and Barbados, penitentiary principles had been implemented with the use of both the cellular system, especially in Barbados,<sup>343</sup> and the associated system. The disciplinary measures were intended as both deterrent and reformatory, and progressive systems of privileges for good behavior and degradation for bad behavior were in use to manage the incentives of inmates. Separation of different classes of prisoners was also reported as

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<sup>341</sup> (Wines 1880, p. v)

<sup>342</sup> Sir Henry Bulwer to Lord Carnivon, March 5, 1878. Quoted in (1880)

<sup>343</sup> (1880, p. 267)

relatively successful. At the other end of the scale, smaller islands like St. Vincent were portrayed very differently. St. Vincent contained only one prison that showed no ambition of reforming criminals. A similar description was given of the British Virgin Islands where the “one small prison” was found to be lacking in many areas: “lax discipline, no sewerage, no separation, labor too light, hours of sleep excessive, and dietary too high.” Despite these deficiencies the prison was judged to be “as good as the circumstances of the colony will allow.”<sup>344</sup>

This latter evaluation of the potentials of prisons in the context of limited resources in a colony like the British Virgin Islands hints at Wines’ qualitative assessment of local prison systems. It was not a question of specific systems or techniques of prevention or reform but rather the fulfillment of potentials that was important. Of course, application of proven penitentiary systems were applauded and recommended, but there was also recognition of problems with lacking resources and sympathy for alternative techniques. For example, Wines recounts a story about a reoffending and incorrigible prisoner at the jail in the Virgin Islands. Regular disciplinary measures, “such as shot-drill, solitary confinement, flogging, etc.,” had failed to deter the prisoner from his reckless conduct. This changed when his jailers came up with a novel method of making the prisoner carry a large stone, weighing seventy pounds, from one end of the prison yard to the other and back again, “and so on indefinitely.” According to Wines, the method was a success, and the prisoner, after his release, moved to St. Thomas and worked as a porter. “[A] position,” Wines remarked, “for which he ought certainly to be well qualified, after his experience at the Virgin Islands!”<sup>345</sup>

Interestingly, Wines did not succinctly dismiss the Virgin Islands jailers’ ‘ingenuity’ as counterproductive to the correctional idea or in any way excessive. Instead he emphasized the efficacy of the method and simply rationalized its implementation:

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<sup>344</sup> (1880, p. 279)

<sup>345</sup> (1880, pp. 279-280)

The story is suggestive; but perhaps the additional suggestion may be ventured, that a stone of lighter weight might serve the purpose just as well. It is a punishment that could hardly be applied in the original form to every prisoner. In this case 'deterrence deterred,' which is more than can be said of it in many others.<sup>346</sup>

In this instance, there was no qualitative difference between working the treadmill, carrying a stone from one end of a courtyard to the other, or any other kind of repetitive work as a disciplinary technique, as long as it was effective in deterring and reforming the prisoner. In fact, Wines seemed to be applauding the jailer's ingenuity in adapting his disciplinary technique to the specific character of offender that he was confronted with.

In Jamaica, another culturally adapted innovation in crime prevention caught the attention of Wines. The inspector-general of the more resourceful Jamaican prison system, H. B. Shaw, had discovered an effective preventive measure against women offenders. The female crime rate had reportedly dropped by seventy per cent since the issuing of an order in 1864, which stated "that the hair of women-prisoners should be cut close." The success of this "novel" but "highly efficacious" method was considered to be found in the fact that "[t]here is nothing a negress prizes so much as her hair."<sup>347</sup>

Wines also referred positively to other colonial innovations in the management of imprisonment. For example, the use of the most promising inmates as wardens in Indian prisons. According to Wines, the appointment of inmates as wardens "teaches self-respect and self-control, and few prisoners who have held such offices have relapsed into crime."<sup>348</sup> Despite its unorthodoxy compared to recognized procedures of prison administration, Wines generally welcomed such innovations as long as the efficacy in terms of the rehabilitation of criminals could be proven. There were indeed many human systems for procuring divine principles.

As the geographical boundaries of penitentiary reform expanded to encompass an increasingly growing number of societies, of not just European and North American origin, but from around the world, the

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<sup>346</sup> (1880, p. 280)

<sup>347</sup> (Wines 1873, p. 126, 1880, p. 259)

<sup>348</sup> (1873, p. 124)

taxonomic web of prison knowledge and techniques expanded accordingly. To incorporate the growing constellation of possible prison scenarios, special considerations would apply to the organization and administration of prisons with particular concerns in regard to prisoner employment, funds for construction and management, and special concerns for the prison population (i.e. gender, age, and race).

Wines' representations of colonial systems and procedures of punishment indicate that the question that was increasingly being put to criminal offenders in the late nineteenth-century—"who are you?"—was being posed somewhat differently to offenders in the colonial world. Rather than an individualization that separates the criminals as a group from other groups in society, or an individualization that separates one offender from another offender, we see a kind of global individualization by which the non-civilized 'nations' were separated from the civilized. The consequence of this global individualization in terms of penological rationality was that alternative procedures and methods were accepted if proven effective. The answer to the question of "who are you" was not answered on the basis of an examination of the individual offender's past and present constitution of physical and mental health. Rather it was answered on the basis of common conceptions of the nature and character of the population to which the offender was determined to belong.

So, we see in Wines' writing an appreciation of practical observations about cultural particularities and habits and the integration of these observations in local penal practices. Diana Paton describes this erasure of internal distinctions within the colonial population as an effect of the project of rehabilitative imprisonment in Jamaica that was distinct from its effects in the British metropole: "In Britain, comparisons were made between different groups within the population; in Jamaica, the criminal was made to stand in for the population as a whole."<sup>349</sup> A similar kind of erasure of difference can be observed within the discourses and policies of imprisonment in the Danish West Indies. In the next sections, I show how a practical cognizance of racial particularity and colonial specificity was

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<sup>349</sup> (Paton 2004, p. 151)

imbedded in the representation of the character and capacities of inmates by shifting the focus of analysis to the particular context of the Danish West Indies.

### **Punishment Between Slavery and Emancipation**

From having established the international agenda of penological reform we now return to the particular context of punishment in the Danish West Indies. This was indeed an issue that was very present in the concerns of colonial officials in the years following the general emancipation of the enslaved population in the Danish West Indies in 1848. The insurrection that had forced Governor-General von Scholten to proclaim the freedom of every inhabitant of the Danish territories had, in the eyes of colonial authorities, pushed the majority of the islands' population into a state of culture and civilization for which they were not prepared (cf. chapter five). The central objective confronting the Danish West Indian government, then, was to 'elevate' the formerly enslaved to a level of 'culture' and 'civilization' that would provide them with the proper preconditions necessary for maneuvering the unpredictable circumstances of a life in freedom. In other words, the production of freedom<sup>350</sup> was of the outmost importance to colonial governance in the post-emancipation period.

Because agricultural production was now dependent on the availability of wage labor, the sustainability of the colonial economy rested on successfully instilling the formerly enslaved with industrious virtues. At the same time, it was paramount that the social order and discipline that emancipation had disturbed would be reestablished. One instrument to which government officials could turn their attention was the prison with its disciplinary techniques that promised to attune those emancipated individuals that chose to administer their liberty by idling and thieving to the responsibilities of freedom.

This was not entirely an issue that had its origins in the general emancipation in 1848. The number of manumissions and thus the volume of

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<sup>350</sup> (Foucault 2008, pp. 63-64)

free people of color had grown steadily, especially since emancipation in the British colonies and as a result of von Scholten's reforms that followed. As part of the efforts to regulate the free colored inhabitants, and also to standardize and centralize the punishment of slaves, a prison was built on St. Croix at Richmond in the 1830s.<sup>351</sup> Undeniably at a small scale, the Danish West Indies were nonetheless taking part in the general shift towards imprisonment as the preferred technique of punishment that characterized the first half of the nineteenth century.<sup>352</sup> In relation to the rest of the Danish Kingdom, the prison at Richmond was somewhat of a forerunner in terms of capacity and functionality. Purpose built prisons were a rare occurrence in Denmark prior to the reforms to its penal system and infrastructure in the 1850s, 60s, and 70s.<sup>353</sup>

Diana Paton has described this general turn towards imprisonment in Caribbean post-emancipation societies, and remarks that this development was not linked specifically to slave emancipation but in fact part of a much wider movement of penal reform and penological exchange across the Atlantic and beyond. In the context of emancipation, however, the question of imprisonment as a penal technique, revolved around an "imaginative reconstruction of post-slavery society" where the rehabilitative prison environment could be used to learn "former slaves ... to behave appropriately to their 'station' as workers, as men and women, and as Christians."<sup>354</sup> With emancipation the axis of colonial punitive politics had completed its reconfiguration from a juridical game of authority between state officials and slave-owners towards a governmental calculation of the balancing between freedom and security. The objective of government was no longer limited to securing stability and preserving equilibrium, though certainly economic stability preserved its governmental urgency. The ethos of social progress, in one form or another, could not be excluded from the

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<sup>351</sup> Lawaetz (1940, p. 151) suggests that the prison at Richmond was primarily constructed as part of von Scholten's efforts to bring under public control the domain of slaves' punishment that had otherwise been administered by the slaveholder.

<sup>352</sup> (Paton 2004, pp. 23-24)

<sup>353</sup> Most regional and local prisons and jails in Denmark were constructed or renovated in the 1850s and 60s. See, (Bruun 1871)

<sup>354</sup> (Paton 2004, p. 133)

calculation of government in the post-emancipation colony. And the function of prisons as part of the governmental calculation would have to be reframed. But, as will become clear, the articulation of the proper purpose of prisons in the colony was a stuttering process, always impeded by the oscillating character of colonial governmentality, emphasizing social progress and ‘native cultivation’ in one instance, while prioritizing fiscal austerity or racial discrimination in another.

The institution of slavery undoubtedly impacted the organization and procedure of punishment in the colony. As shown in the previous chapter, the privileges of slave-holders to punish their slaves were a central object of the state regulation through the more or less effective attempts at legislation. The power to punish was recognized by state authorities as the ultimate sign of control and therefore a right that was not easily delegated.

One aspect of judicial practice that was not up for negotiation was that the activities of slaves were regulated by a separate legal regime. Several categories of prohibitions existed solely because of the conditions of slavery. The acts of running away or raising a hand against one’s owner or any white person were crimes that could only be committed by black slaves. Furthermore, as a general rule, those crimes that could be committed by both free and slave, such as theft, bared a far harsher punishment for the slave offender than if a free white person had committed the act.<sup>355</sup>

Similarly the conditions of slavery also determined the possible forms of punishment that were deemed reasonable and effective. For instance, until 1840, it was assumed in Danish West Indian case law that slaves could not be awarded fines as punishment since they had no right to property.<sup>356</sup> For example, an instruction of 30 December 1774 to the garrison commanders of the royal forts in the Danish West Indies exempted slaves from the obligation of the instigator to reimburse the cost of engaging additional officers in the restoration of public order, since “slaves cannot present any

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<sup>355</sup> (Olsen 1983, p. 307)

<sup>356</sup> U. N. Fugl (1834, p. 12, n. \*) writes that well before 1840 it was common practice that slaves were given de facto property rights by their owners, for whom “it would never occur to .. lay claim to” the property and wealth, which the slaves had themselves earned.

other form of payment than the body.”<sup>357</sup> Accordingly, if any slave was convicted of a crime that required the punishment of a fine, it would be converted to a flogging sentence.<sup>358</sup> The same principle was applied in regard to punishments of imprisonment or forced labor. As a function of being enslaved, the slave had no freedom to be deprived of and did not retain any ownership of his or hers labor. Furthermore, imprisonment of slaves was the equivalent of confiscating the property of the slaveowner’s property and as such was seen as a legally highly problematic punishment in that it inflicted not only the offending slave but the owner as well. There is no indication that suggests any tendency among slaveholders to voluntarily send their slaves to receive public punishments by colonial authorities unless the laws specifically demanded such procedure.

The criminal law of slaves was laid down in the myriad of police ordinances and the few compilations of slave laws that were discussed in the previous chapter. If an offense was not covered by colonial ordinances and proclamations, slaves were subject to the same legislation as the colony’s free inhabitants. In regard to criminal offenses that would in most cases mean the increasingly antiquated *Danske Lov* [Danish Code] of 1683. Much of the colonial criminal law was reformed by the extension of A. S. Ørsted’s four so called “systematic” criminal laws in 1833, 1840, and 1841, which provided new sentences for crimes of violence, theft, robbery, fraud, perjury, handling of stolen goods, and arson, among others.<sup>359</sup> This reform still left a range of offenses that were not included in the new criminal laws to be subject to sentences with reference to earlier colonial law or the Danish Code. As a result, Danish West Indian criminal law spanned a range of possible sentences, from minor corporal punishments administered by the police-master, to the spectacular and elaborated death sentences, and of course transportation to Denmark when longer sentences of imprisonment were required.

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<sup>357</sup> “Instruction, Hvorefter de udi de Kongelige Forteresser paa de Danske Americanske Ejlände liggende Garnisons-Chefer, samt alle andre Vedkommende sig indtil videre have at rette og forholde,” quoted in (Høst 1791, p. 192)

<sup>358</sup> (Olsen 1983, p. 314)

<sup>359</sup> (Gram 1915, p. 265; Haack 1916, pp. 19-20; Olsen 1983, p. 318)



As an example, sentences taken from the “record of unfree persons” that had been tried at the Royal West Indian High Court in the year 1843 demonstrate the range of punishments that were available to the Danish West Indian criminal justice system. Just two trials against “unfree persons” had gone through the High Court that year. The reason for this was that most smaller offenses committed by the enslaved were tried at the police and Lower Court and subsequently punished with corporal punishments and/or confinement at the plantation estates, as records of offenses and the inflicted punishments from the 1830s and 1840s show.<sup>360</sup> Many offenses such as insubordination or simple negligence were dealt with by the plantations own justice system. The entry for 17 September 1830 in the police report for the plantation North Star on St. Croix depicts the punishment of “Martin,” who was penalized for

[coming] to the Field without his Hoe & and for defying anybody to chastise him for it &c.” For this transgression, Martin received “24 [lashes] of Tammerin [sic] Rod & comitted [sic] him durring [sic] Height of Noon to Confinement for 4 Days.<sup>361</sup>

The first trial at the High Court involved Adel and Bob alias Robert, both enslaved and belonging to the plantation Mount Stewart on St. Croix. They were convicted of having poisoned another slave on their plantation and sentenced to be decapitated and have their heads put on stakes.<sup>362</sup> It was quite common for these kinds of elaborate death sentences to be mitigated to some form of non-capital punishment.<sup>363</sup> The amelioration was achieved

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<sup>360</sup> Danish Chancellery, 3. Department, 1, Crime reports from the West Indies contains records of prosecutions of both “free” and “unfree” individuals in the period from 1835 to 1850. The highest amount of prosecutions are found in the records pertaining to public police offenses, of which the majority involved enslaved men and women that received corporal punishments of varying degrees or confinement to the plantations, which deprived them of their weekly day off to work their provision grounds or sell their produce.

<sup>361</sup> The police report for the plantation North Star from 13 to 19 September 1830 is reprinted in (Nørr & Thomassen, 2007, p. 362) The original manuscript material can be found in West Indian Local Archives, West Indian Debt Liquidation Commission on St. Croix 1766-1853, Files and reports concerning individual plantations on St. Croix 1787-1847, 46.17.55

<sup>362</sup> Danish Chancellery, 3. Department, 1, Crime reports from the West Indies, “Fortegnelse over de ufrige personer, som i aaret 1843 have været tiltalte ved den Kongelige Vestindiske Landsoverret.”

<sup>363</sup> In the preface of a compilation of death sentences in Denmark from 1866 to 1892, the author wrote that he had not included cases from the Danish West Indies for the reason that

either by intervention from the governor general or from a royal pardon after the verdict had gone through the appeal process.<sup>364</sup> In Adel and Bob's case, however, the trial record states that the sentence had been executed on 20 January 1844.<sup>365</sup> The other trial that year was against Sara Susanna of the plantation Mandal on St. Thomas. She had been found guilty of arson and was sentenced to 10 years of labor in Copenhagen's *tugthus*. In Sara's case, the record states that she had indeed been transported to Denmark to serve out her sentence.<sup>366</sup>

The two sentences are extraordinary in their own right: a horrific execution and a peculiar reversal of the common imperial penal practice of convict transportation from the metropole's overcrowded prisons out to the colonies. Depending on the category of offense, the discrepancies between the severity of the crime and the intensity of the punishment could vary substantially. This was a problem of colonial jurisprudence that remained unsolved throughout Danish colonial rule. A new comprehensive criminal code was promulgated in Denmark in 1866 but was never extended to the West Indian colony despite being considered at several occasions and against the wishes of the colonial government.<sup>367</sup> As a consequence judges at every level of the West Indian and Danish court system were obliged to continue to adjudicate in accordance with legislation that were considered antiquated in comparison with the standards of modern jurisprudence. Poul Olsen mentions how King Frederik VIII, after having confirmed the pardoning of eleven West Indian offenders at a single meeting of the state

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the legal basis for capital sentencing was completely different from the one in place in the rest of the Danish Kingdom. (Grundtvig 1893, p. I)

<sup>364</sup> For the process of gubernatorial mitigation in the early nineteenth century, see (Simonsen 2007, pp. 251-252). For examples of capital cases that had been granted a royal pardon in the late nineteenth and early twentieth century, see (Haack 1916).

<sup>365</sup> Danish Chancellery, 3. Department, 1, Crime reports from the West Indies, "Fortegnelse over de ufrie personer, som i aaret 1843 have været tiltalte ved den Kongelige Vestindiske Landsøverret." It is unlikely that the sentence was executed in the manner required by law. Poul Olsen writes that after 1866 the mitigation of excessive capital sentences became almost automatic (Olsen 1983, p. 318)

<sup>366</sup> Danish Chancellery, 3. Department, 1, Crime reports from the West Indies, "Fortegnelse over de ufrie personer, som i aaret 1843 have været tiltalte ved den Kongelige Vestindiske Landsøverret."

<sup>367</sup> (Den Vestindiske Kommission 1903, p. 216; Gram 1915, p. 265; Haack 1916, p. 19; Olsen 1983, p. 318)

council in 1906, urged that the discrepancies between the Danish and West Indian criminal laws would be mitigated.<sup>368</sup>

Besides the King's request for a reform of the West Indian criminal law, criticism was also raised from other sides in the early twentieth century. The issue of legislation in general, but specifically regarding criminal law and punishment, in the Danish West Indies, increasingly became an object of criticism towards the final years of Danish rule in the West Indies. In 1903, the report of the commission on the general conditions in the Danish West Indies criticized the lag of legal innovation in the colony. "The stagnation in the creation of new legislation regarding public life," the report argued, "forms a counterpart to the lack of cooperation and hence continual idleness that is to be found in private civil life."<sup>369</sup>

Danish legal experts were also voicing their criticism of the discrepancies between criminal law in the Danish metropole and its colonial possessions in the West Indies. In 1915, Danish supreme court judge, R. S. Gram, wrote a short piece in *Ugeskrift for Retsvæsen* [*Weekly Journal of Judicial Administration*]. In it, he condemned the judicial conditions of the criminal law of the Danish West Indies. In Gram's opinion, the entire organization of the Danish West Indian criminal law was in need of serious discussion and revision.<sup>370</sup> Olaf Haack, judge in the Danish criminal court and president of the eastern division of the Danish high court, took up Gram's plea the following year. In an article in *Nordisk Tidsskrift for Strafferet* [the *Nordic Journal of Criminal Law*], Haack described the disjuncture of Danish West Indian criminal law by providing examples of the disproportionate sentences that judges were obliged to give according to the legal statutes in effect on the Islands. It seemed "perfectly barbaric" to Haack, when, as had been the case in 1902, the highest judicial institution in Denmark was forced to sentence "a negro" to be burned at the stake for committing "*crimen bestialitatis*." By comparison, the Danish penal code of 1866 required only a minimum of eight months correctional labor for the

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<sup>368</sup> (Olsen 1983, p. 318)

<sup>369</sup> (Den Vestindiske Kommission 1903, p. 79)

<sup>370</sup> (Gram 1915, p. 266)

same offense.<sup>371</sup> The fact that such sentences were reduced through royal pardon, did not in Haack's opinion amend the detrimental effects of a distorted criminal legislation on the general constitution of colonial society. Besides the moral strain endured by offenders when faced with the possibility of being burnt alive or decapitated, Haack argued that legal authority itself was also at risk of being undermined if antiquated sentences continued to be given with the knowledge that they would never be carried out.<sup>372</sup> What Haack's objections were referring to was the importance of a well functioning penal and judicial system for the moral state of a population as well as the legitimacy of governmental authority. In Haack's opinion both were being undermined in the Danish West Indies by a system of justice that was not attuned to the level of civilization that its government was asserting.

It could be said then that the Danish West Indian authorities were ill-prepared for the administration of crime and punishment in a free society. Nevertheless, with the abolition of slavery in 1848 the colony's entire population was at once subject to a uniform criminal legislation, adding substantially to the mass of potential offenders subject to prison sentences and making the issue of a capable prison infrastructure increasingly pertinent. In 1850 the Danish Ministry of Justice and Super-Inspectorate of Prisons expressed concern over the unpredictable effects of the general emancipation on the rate of crime, and specifically on the expected rise of offenders that would now receive a prison sentence rather than flogging.<sup>373</sup>

The Danish authorities assumed that the number of slaves that had been sentenced to public labor had been kept artificially low by the slave-owners' interest in retaining the slaves' labor for their plantations rather than handing them over to the legal authorities for prosecution and sentencing. Only four of the male prisoners that had been sentenced to public labor in the previous ten years had been slaves. All of the three female prisoners, however, had been slaves, but they had been convicted of arson, which was

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<sup>371</sup> (Haack 1916, p. 24)

<sup>372</sup> (1916, p. 25)

<sup>373</sup> Central Government Archives, The Central Directorate for the Colonies, Prisons and prison system, 912, C.E. Bardenfleth to the Ministry of Finance, 8 February 1850, 2

such a serious offense, authorities in Denmark opined, that from the planters' perspective the punishment and thereby removal from the plantation was unavoidable as well as preferable. With the removal of such artificial constraints, the future crime and conviction rates were highly unpredictable, the legal authorities in Denmark reasoned.<sup>374</sup> According to the Super-Inspectorate of Prisons, twenty-four individuals had been sentenced to public labor (and thereby transported to Denmark) during the preceding ten years (1840-1850).<sup>375</sup> But it was deemed uncertain if those rates would continue in the years to come, due to the unpredictable consequences of the general emancipation in 1848.<sup>376</sup>

General emancipation in the British West Indian colonies had provided an impetus for establishing new prison institutions there. The plan to reform Jamaica's prisons, for instance, included the construction of a general penitentiary in Kingston designed to accommodate the heralded "separate system" or "Philadelphia system" that represented the apex of penological principles of criminal reform at that time.<sup>377</sup> Louis Rothe, a magistrate in the West Indian High Court, when reporting on the British post-emancipation policies in Antigua in 1846, likewise described the reorganization of the island's prison system. The government in that colony had erected a new prison building capable of housing 200 inmates, and had introduced new regulations for the administration of prisons.<sup>378</sup> The construction of the prison at Richmond on St. Croix fitted with fifty-two cells<sup>379</sup> represented the Danish colonial authorities' efforts to preempt the expected need for imprisonment facilities.

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<sup>374</sup> Central Government Archives, The Central Directorate for the Colonies, Prisons and prison system, 912, Om strafarbejdes udståelse i Vestindien 1848-1894, C.E. Bardenfleth to the Ministry of Finance, 8 February 1850, 2

<sup>375</sup> Central Government Archives, The Central Directorate for the Colonies, Prisons and prison system, 912, Om strafarbejdes udståelse i Vestindien 1848-1894, C.E. Bardenfleth to the Ministry of Finance, 8 February 1850, 1-2

<sup>376</sup> Central Government Archives, The Central Directorate for the Colonies, Prisons and prison system, 912, Om strafarbejdes udståelse i Vestindien 1848-1894, C.E. Bardenfleth to the Ministry of Finance, 8 February 1850, 2

<sup>377</sup> (Paton 2004, p. 128)

<sup>378</sup> Central Government Archives, Chamber of Customs, The slave emancipation, as enacted by a rescript of 27 July 1847, 435, "Beskrivelse over Antigua, fornemmelig med Hensyn til Resultaterne af Emancipationen," Louis Rothe, 1 December 1846

<sup>379</sup> Blueprints of the prison can be found in Central Government Archives, The Central Directorate for the Colonies, Prisons and prison system, 911

The Danish colonial authorities did more than make preparations for the projected growth in the inmate population. It took steps to actively increase the potential volume of offenders that could serve long-term sentences in West Indian prisons. In 1836, a Royal rescript had granted the Governor-General authority to allow convicts sentenced to less than one year of imprisonment with labor to serve their sentence in the West Indies.<sup>380</sup> In 1848 that authority was extended to include prisoners sentenced to less than two years of imprisonment with labour.<sup>381</sup> All convicts sentenced to more than two years imprisonment, however, were to be transported to prisons in Denmark to serve out their sentence there, as had been the case with aforementioned Sara Susanna. All of the seven public incarceration facilities in the Danish West Indies were classed as local prisons or jails [arresthuse] that were designed for temporary detention of remand prisoners and short term convicts, not longterm imprisonment. Nevertheless, In 1849 the Danish West Indian Government requested that the regulations for transporting convicts to Denmark should be changed so that “absolutely all criminals born in West India should serve their sentence there instead of being transported [to Denmark] even if they be sentenced to more than two years of public labor.”<sup>382</sup>

The Ministry of Justice, however, was reluctant to allow the colonial government to take full charge of prison administration. It was concerned that a local prison system would not be sufficiently equipped to take proper care of its inmates and to conduct the administration of prisons in accordance with the Danish regulations for the management of local prisons. Accordingly, the Ministry of Justice regularly requested descriptions of the state of the West Indian prison facilities that housed the colony’s criminals. In response to the Danish West Indian government’s request to alter the present regulations, the Ministry of Justice expressed doubts as to whether the capacity of the prisons in the Danish West Indies would sufficiently

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<sup>380</sup> Royal Rescript of 30 November 1836

<sup>381</sup> (Kolderup-Rosenvinge 1850)

<sup>382</sup> West Indian Local Archives, West Indian Government, Subject files 1755-1917, 3.81.170, Central Directorate for the Colonies to Government-General, 14 July 1849

accommodate the quantity of prisoners that would otherwise have been transported to Denmark.<sup>383</sup>

The Ministry was also skeptical towards local authorities' ability to take the necessary precautions in regard to the tropical climate and what they viewed as the particular requirements of the black race. These precautionary measures included a strict separation of the different classes of prisoners and the enforcement of the principle that two or more prisoners should not be confined in a single cell.<sup>384</sup> Nor were they convinced by the information they had received from the West Indian government that the colonial prisons were managed and constructed in such a way that could facilitate the necessary treatment of more hardened criminals, as well as procure the type of labor that penitentiary punishment required. In short, the Ministry of Justice deemed it highly uncertain that the existing conditions of imprisonment in the colony could compel "the proper function [*den tilbørlige virksomhed*]" of public labor sentences—i.e. the rehabilitation of criminals.<sup>385</sup> The first few years following emancipation did indeed show a spike in the average number of inmates. The prison at Richmond went from an average of thirty inmates in 1849 to an average of fifty inmates in 1850.<sup>386</sup> On the basis of this growth in the prison population, the Ministry of Justice remained concerned with the possibility of overcrowded prisons, especially if all longterm prisoners were to serve out their sentence in the Danish West Indies.<sup>387</sup>

In 1860, Super-Inspector of Prisons in Denmark, Frederik Bruun, gave his expert advise on how to best organize the prison system in the Danish

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<sup>383</sup> Central Government Archives, The Central Directorate for the Colonies, Prisons and prison system, 912, Om strafarbejdes udståelse i Vestindien 1848-1894, C.E. Bardenfleth to the Ministry of Finance, 8 February 1850, 1

<sup>384</sup> Central Government Archives, The Central Directorate for the Colonies, Prisons and prison system, 912, Om strafarbejdes udståelse i Vestindien 1848-1894, C.E. Bardenfleth to the Ministry of Finance, 8 February 1850, 3

<sup>385</sup> Central Government Archives, The Central Directorate for the Colonies, Prisons and prison system, 912, Om strafarbejdes udståelse i Vestindien 1848-1894, C.E. Bardenfleth to the Ministry of Finance, 8 February 1850, 4-5

<sup>386</sup> Central Government Archives, The Central Directorate for the Colonies, Prisons and prison system, 912, Om strafarbejdes udståelse i Vestindien 1848-1894, C.E. Bardenfleth to the Ministry of Finance, 21 January 1851

<sup>387</sup> Central Government Archives, The Central Directorate for the Colonies, Prisons and prison system, 912, Om strafarbejdes udståelse i Vestindien 1848-1894, A.W. Scheel to the Ministry of Finance, 22 September 1853.

West Indies. His recommendations did not differ substantially from recommendations made to any other prison system in need of reform at that time. Bruun strongly recommended a strict separation of inmates into three different classes: One for those sentenced to public labour (a longterm correctional sentence carried out either communally or in isolation); one for those sentenced to forced labour (a short-term sentence with no correctional purpose); and one for prisoners in custody awaiting trial and remand prisoners. To achieve this, and to procure the proper conditions of imprisonment for each class, it would be necessary to erect a new penitentiary build specifically to accommodate the first class of inmates. Bruun's plan proposed a facility with the capacity to hold eighty inmates in three separate wings: One wing capable of housing forty inmates according to the solitary principles of the 'Philadelphia system;' a second wing to accommodate twenty inmates in accordance with the communal labor principles of 'the Auburn system;' and a third wing with capacity to hold twenty female inmates. Proper employment should be procured for all inmates. They should all wear the same uniform, and follow a strict dietary regime and fixed daily routine. Religious education should be offered to all inmates. The already existing prison facilities were judged sufficient to accommodate the second and third classes of inmates, given the completion of the new penitentiary.<sup>388</sup>

Bruun's ambitious proposal to rearrange the organization of the West Indian prisons did not differ substantially from the general schematics of the penitentiary reform of the Danish prison system, which he was overseeing at the time. The only alterations that he proposed to the general system of the penitentiary were in regard to the forms of labor that inmates could benefit from. In general, he envisioned an implementation of a system of discipline, surveillance, and reform through labor and religious instruction that pervaded penological theory at the time. The structure of Bruun's recommendations on the reform of prisons in the Danish West Indies likewise paralleled those of British reform recommendations in the 1830s and 1840s in Jamaica and

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<sup>388</sup> Central Government Archives, The Central Directorate for the Colonies, Prisons and prison system, 911, No535, Frederik Bruun to the Ministry of Justice, 8 May 1860



the rest of their Caribbean colonies, following emancipation, relying on similar principles of penalty: separation, isolation, standardization, and labor.<sup>389</sup> Had Bruun's recommendations been followed it would quite possibly have meant an end to the transportation of West Indian convicts to Denmark, as the proposed penitentiary would have mirrored in principle the system of imprisonment found in Denmark's 'state penitentiaries,' where longer sentences of 'public labour' were carried out.

Thus, Bruun's recommendations represent the penitentiary *dispositif* of the mid-nineteenth century in its most general form. The expertise that Bruun expounded was a generalized form of knowledge in the sense that its principles were seemingly applicable to any circumstances. Bruun did criticize the transportation of offenders to Denmark with reference to the "irregularities in the intended order, discipline, and uniformity of our penitentiaries" that the introduction of inmates with "many peculiar features" gave rise to.<sup>390</sup> Yet, the few alterations to the general principles that Bruun and his colleagues at the Ministry of Justice suggested did not take into account these "peculiar features." The suggested alterations were mostly of a practical nature. The tropical climate made it more advisable to construct larger and better ventilated cells. The local circumstances should determine the specific type of labor that the inmates should and could perform.

Only when pushed by the colonial authorities' claim that black inmates were well accustomed to small and less ventilated spaces and could thus inhabit the existing cells without any health risks, did officials in Denmark resort to ethnographic knowledge. The West Indian government argued that the volume of 2000 cubic feet per cell, which the Danish regulation of municipal prisons from 1846 prescribed, was not comparable to the limited requirements of the West Indian inmate's physiognomy, and therefore did

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<sup>389</sup> (Boa 2005, pp. 66-67; Paton 2004, pp. 125-133)

<sup>390</sup> Central Government Archives, The Central Directorate for the Colonies, Prisons and prison system, 911, No535, Frederik Bruun to the Ministry of Justice, 8 May 1860. See also West Indian Local Archives, West Indian Government, Subject files 1755-1917, 3.81.14, no 104, Central Directorate for the Colonies to the Government of the Danish West Indian Islands, 1 May 1872, which made reference to the the "inconveniences" related to imprisonment of West Indian convicts in Denmark's prisons had been increased by the "altered conditions of the penitentiaries [in Denmark]."

not pose a risk to the inmates' health. The ministry of justice, in concurrence with the super-inspector of prisons, rejected the West Indian government's argument with reference to "reports on American penitentiaries," in which the proscribed volume was held to be the standard in regard to "negro-inmates," as well as experiences with West Indian inmates in Danish Prisons.<sup>391</sup> In general, however, ethnographical knowledge about the particular character of the black race did not seem to play into the recommendations of penitentiary experts and administrators in Denmark, in the mid-nineteenth century, when articulating the ideal scenarios of prison reform in the West Indies. It was treated as a given that the recently emancipated Afro-Caribbean offenders should receive the same type of penitentiary treatment as their partners in crime in Denmark.

The optimism towards the universality of penitentiary principles that Bruun's report was indicative of, was a reflection of the particular context of the project of prison reform in Denmark. It represented an adherence to uniformity that to a certain extent becomes indispensable when emerged in the ethos of reform, the purpose of which was to eliminate local divergences from a fixed, centralized norm. Within the next couple of decades, however, the ethos of uniformity would be replaced by a practice of individualization. This was true in regard to the specific conditions of imprisonment of the individual offender in the metropolitan criminal system—punishment became individualized. But it was also true in regard to a recognition of the particularities of different societies and subsequent contexts for imprisonment, which informed completely different approaches to and mechanisms for the limitation of crime. So, the individualization of punishment was complemented and even made possible by a discovery of a natural order of the prison itself and its constitution. But importantly, this was a nature that did not require universality or uniformity in punishment. Instead, it mandated particularity, adaptability, and individualization.

## **Diet, Uniformity, and Race**

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<sup>391</sup> West Indian Local Archives, West Indian Government, Subject files 1755-1917, 3.81.170, Ministry of Justice to Ministry of Finance, 21 January 1851.

The deliberations surrounding the issue of transportation of West Indian offenders to Denmark were not only discussions of the proper conditions of imprisonment, they were ultimately also discourses on the nature of the black race and its natural inclinations and physiognomical capacities. It was in other terms an installation of a truth of race that increasingly came to determine the organization of imprisonment in the Danish West Indies.

Both metropolitan and colonial authorities viewed the transportation of convicts to Danish penal institutions as having several disadvantages. In a report to the West Indian Government in 1848, the Royal Colonial Council on St. Thomas voiced their concerns on the subject. Financially, the costs of sending prisoners across the Atlantic to serve out their sentence were substantial. Morally, the association with greater and more dangerous criminals in the Danish penal institutions was thought to have a corrupting effect on the character of West Indian convicts. The preventive effects of imprisonment were also diminished as it was thought to be common knowledge among “the ignorant class” that being incarcerated in Denmark mitigated the severity of the punishment compared to West Indian jails. This belief among the West Indian public was blamed by members of the Royal Council of St. Thomas on the stories of convicts returning from prisons in Denmark that told of acts of mercy, kindness, and alleviation from punishments. The Royal Council added that the returning convicts were regarded with the same kind of esteem, by their peers, as under different circumstances would be shown “a widely travelled man that has tried himself in this world.”<sup>392</sup>

A similar concern was shown fifty-one years later in 1899 by Stener Grundtvig, who at that time was governor of prisons in Copenhagen. He stated that

the West Indian prisoners [serving in Horsens Penitentiary] are mentioned as especially eager to learn; they are instructed in English, Danish, writing, and arithmetic, so that it is no wonder that upon

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<sup>392</sup> West Indian Local Archives, West Indian Government, Subject files 1755-1917, 3.81.170, St. Thomas Royal Council to the Royal West Indian Government, 29 January 1848. Diana Paton (2004, p. 148) identifies a similar discourse in Jamaica at the same time on the problematic reception of ex convicts by their community as martyrs rather than criminals.

returning they are regarded by their peers as learned folk and Horsens as a kind of university.<sup>393</sup>

Instead of praising the ‘cultivation’ of West Indian Prisoners that imprisonment in Denmark provided, both the members of St. Thomas Royal Council in 1848 and Grundtvig in 1899 were more concerned with the negative effects that the perception of the West Indian prisoners’ ‘improvement’ by their peers could have on the deterrent effect of imprisonment in the local community. As such, imprisonment in Denmark was viewed as a breach of the principle of less eligibility that was considered essential to the deterrent effect of imprisonment: that the living conditions of inmates should not exceed the living conditions of the lowest classes of the society in question.<sup>394</sup> Also, the character of the prisoners’ ‘cultivation’ during their imprisonment was not deemed to be appropriate to their function in society upon their return. The sugar-producing economy had no use for a rural laborer with a mindset of a cosmopolitan, or, as Governor P. Hansen reported in 1850, a field laborer that was unable to work because he had grown accustomed to wearing socks and shoes.<sup>395</sup> In other words, the conditions of imprisonment was conceived as producing a discrepancy between the objective of inmates’ rehabilitation and their proper function and natural station within the colonial society that they would eventually return to.

Simultaneously, imprisonment in Denmark was also seen as inflicting an unjust disparity in the punishment of the transported convict. Besides the inconvenience and additional time that transportation itself added to the sentence, imprisonment in Denmark constituted a considerable risk factor to the convicts’ health. Two of the four convicts that had been transferred to Denmark in the years 1848 and 1849 had died shortly after their imprisonment.<sup>396</sup> Similarly, out of the twenty convicts that had been transported during the 1850s, more than thirty percent had perished in

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<sup>393</sup> (Grundtvig 1899, p. 65)

<sup>394</sup> (Sieh 1989)

<sup>395</sup> Central Government Archives, The Central Directorate for the Colonies, Prisons and prison system, 912, No 189, P. Hansen to the Ministry of Finance, 4 July 1850.

<sup>396</sup> Central Government Archives, The Central Directorate for the Colonies, Prisons and prison system, 912, No 189, P. Hansen to the Ministry of Finance, 4 July 1850.

Danish prisons.<sup>397</sup> The strains of imprisonment in the “rough climate” of Denmark, Professor of Law, J. Nellesmann, wrote in 1882, “could be the cause of [the West Indian convict’s] premature death,” and that simply on grounds of “common humanitarian considerations” transportation could not be justified.<sup>398</sup> Similarly, Grundtvig referred to “the many previous experiences” of West Indian convicts that “despite precautionary measures had not been able to endure the stay in Horsens Prison,” and were thus returned to the West Indies.<sup>399</sup>

The perceived negative effects of having West Indian offenders serve their prison sentence in Danish prisons, thus, reflected and clarified the specificities of the Afro-Caribbean offender. The attentiveness towards the health risks that West Indian offenders sustained through imprisonment in Denmark solidified a common conception about the physiognomic limitations of the Afro-Caribbean anatomy in general. The complaints over transported offenders that returned with a changed subjectivity that was unfitting for the social class that they were supposed to represent, reaffirmed conceptions of Afro-Caribbeans as a static population with no potential for progress. It was not merely the traits of a delinquent class of the West Indian population that was being recalled in these discourses, it was the nature of the West Indian population as a whole that was portrayed.

This process of formulating a practical knowledge about the nature of West Indian offenders, and thus the West Indian population, can also be ascertained from within more mundane aspects of prison management in the Danish West Indies. For example, the issue of prisoner diets show the significance of a common knowledge of the West Indian population in the practical management of prisons in the Danish West Indies. It also suggests that colonial prison reform in terms of administrative standardization developed as an appropriation of already existing governmental practices into a legislative format. The legal apparatus that was designed as

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<sup>397</sup> Central Government Archives, The Central Directorate for the Colonies, Prisons and prison system, 911, No 535, Frederik Bruun to the Ministry of Justice, 8 May 1860

<sup>398</sup> West Indian Local Archives, West Indian Government, Subject files 1755-1917, 3.81.14, J. Nellesmann to the Ministry of Finance, 30 October 1882

<sup>399</sup> (Grundtvig 1899, p. 67)

curtailment of individual managers' autonomous administration was eventually shaped to accommodate the influence of the prison managers' common knowledge of colonial society.

The regulation of prison diets was concerned with the threshold of the principle of less eligibility. The contents of the diet had to be composed in a way that the quality and volume of provisions provided inmates during their imprisonment did not exceed their normal diet outside of prison.<sup>400</sup> This concern was based on older assumptions about the Afro-Caribbean's nutritional needs. As police master Rosenstand explained in a communication to the St. Thomas Burgher Council, the diet regulations reflected an anachronistic remnant of slavery, and was thus reflective of the former divergence between master and slave. The diet of prisoners in the second class (i.e. those of color), Rosenstand explained, had originally been designed to resemble the average provisions that planters had provided their enslaved laborers. Rosenstand regarded the diet regulations as outdated and no longer representative of the average prisoner's diet. In Rosenstand's opinion, this was both due to the fact that plantation laborers were no longer given provisions in the same manner as during slavery, and that the majority of prisoners came from urban areas, not rural, and therefore their diets were composed very differently.<sup>401</sup> Rosenstand suggested to remedy this disproportionate diet composition by absolving the diet regulations for second class prisoners, so that all prisoners would be provisioned according to the diet regulations for first class prisoners.<sup>402</sup> In their reply, the members of St. Thomas Burgher Council agreed with Rosenstand that an alteration was needed in the diet regulations, but they did not see the utility in removing the distinction between the two classes altogether.

[R]eference ought to be had," the council members insisted, "to the mode of living of these people who constitute the 2de class, who, when

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<sup>400</sup> Central Government Archives, The Central Directorate for the Colonies, Prisons and prison system, 911, No 460, 23 December 1858

<sup>401</sup> Central Government Archives, The Central Directorate for the Colonies, Prisons and prison system, 911, No 621, Rosenstand to St. Thomas Burgher Council, 20 July 1858, 3

<sup>402</sup> Central Government Archives, The Central Directorate for the Colonies, Prisons and prison system, 911, No 621, Rosenstand to St. Thomas Burgher Council, 20 July 1858, 4-5

imprisoned ought certainly not to fare better than they generally do when at liberty.<sup>403</sup>

This overt designation of prisoners into separate dietary classes was not a common feature of official diet regulations. In theory at least, legislation and administrative practice did not differentiate on the basis of color. But the recognition of the differences in social and economic preconditions of inmates did retain its influence on the practical management of prisoners' diet. In correspondence regarding issues of prison fare, officials often explained how an inmate's provisions could be altered either from medical reasons, on the recommendation of a physician, or on grounds of the inmate's "position in society" prior to his incarceration.<sup>404</sup> In that sense, the management of prisoner diets resembled the autonomous juridical practice of sentencing, referred to in the previous chapter, that emerged in the early nineteenth century, in that the 'successful' composition of prison diets relied on the prison manager's knowledge of colonial social conditions.

It was not until the promulgation of the *Prison Regulations for the Danish West Indian Islands* in 1906 that a somewhat uniform diet for all prisoners in the Danish West Indies was introduced, and even then a difference between the prisoners' diets on St. Croix and St. Thomas was retained. The difference in diets was retained on the grounds of the different 'life-modes' of the two islands' populations. In his proposal to the general framework of the new prison regulations, Governor Jürs predicted that the uniform regulation of all the colony's jails and prisons would be possible in all but one area. In regard to prisoners provisions, he thought it best to let consideration for "many years of customary practice and the respective populations' different daily way of living" govern that the difference in prisoners' diet on St. Croix and St. Thomas should be retained in the new

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<sup>403</sup> Central Government Archives, The Central Directorate for the Colonies, Prisons and prison system, 911, No 621, Rosenstand to St. Thomas Burgher Council, 20 July 1858, 2

<sup>404</sup> Central Government Archives, The Central Directorate for the Colonies, Prisons and prison system, 911, No 621, Sarauw to the Royal West Indian Government, 25 August 1848

regulations.<sup>405</sup> In a later communication Jürs specified what he was alluding to: “Government assumed,” he wrote “that humaneness forbid the introduction of St. Croix provisioning on St. Thomas,” and that Government had not found sufficient reason to alter the provisioning on St. Croix, which “is fairly coherent with the general way of living of the working-class population.”<sup>406</sup> The prison diet on St. Thomas was more varied and the prisoners were served warm meals. According to *Landphysicus* Mortensen, this difference in diet was explained by the interaction that the lower classes on St. Thomas had with more heterogeneous populations. They had supposedly become accustomed to greater variation in their diet.<sup>407</sup>

A similar conception regarding prison inventory was eventually adopted in the Danish West Indian prison regulation of 1906, in which it stated that “[s]hould the Prison Director consider that a prisoner's special relations (his social position, former habits of life and the like) furnish a reason for allowing him the use of a bed with a mattress, sheets and a quilt, he may permit their use.”<sup>408</sup> While the regulation’s wording refers to “social position” as determinate of possibly favorable treatment, the drafting process reveal the undercurrent of racial assumption-making that such regulations reflected. In regard to the drafting of prison regulations, however, the genesis of assumptions about the function of race in Danish West Indian prisons—and by extension, colonial society at large—was, in terms of governmental practice, metropolitan in origins. When the Super-Inspectorate of Prisons in Denmark received the draft version of the prison regulations for review in 1904, its comments to the draft’s provisions were not as race-neutral as the final formulation. The draft suggested “a wooden plank bed or a table and a bench” as required bedding for inmates. To which

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<sup>405</sup> Central Government Archives, The Central Directorate for the Colonies, Prisons and prison system, 911, No 495, H. A. Jürs to Policemasters on St. Thomas, in Christiansted, and in Frederiksted, 27 April 1903.

<sup>406</sup> Central Government Archives, The Central Directorate for the Colonies, Prisons and prison system, 911, No 867, H. A. Jürs to Landphysici for St. Croix and St. Thomas, and the Policemasters in Christiansted, Frederiksted, and on St. Thomas, 1 August 1904, 1

<sup>407</sup> Central Government Archives, The Central Directorate for the Colonies, Prisons and prison system, 911, P. Mortensen to the Danish West Indian Government, 25 September 1904.

<sup>408</sup> Central Government Archives, The Central Directorate for the Colonies, Prisons and prison system, 911, “Prison Regulations for the Danish West Indian Islands,” A. Regulations concerning the Buildings and the Inventory, 1 January 1906, 1



the Super-Inspectorate suggestively noted in the draft document's margin: "A [proper] bed, at least for the whites?"<sup>409</sup> And commenting on the draft's suggestion that prisoners on St. Croix would be served the same fare for lunch and dinner, the margin notes read that St. Croixian prisoners should be allowed a warm meal for dinner as was the case on St. Thomas—"the white [prisoners] at any rate."<sup>410</sup> These comments were given by Super-Inspector of Prisons, K. Goos, a Danish state-official serving as the head administrator of the Danish prison service. His recommendations, then, reflect a metropolitan assumption of colonial race relations, presupposing the favorable treatment of whites as self-evident in colonial policy-making.

In addition to annotating the draft document itself, Goos provided an elaborate commentary on the proposed regulations and the general project of colonial prison reform. The overarching message in Goos's review was the principle of uniformity. Uniformity in the treatment of inmates in the colonial prisons; uniformity between the regulation and management of prisons in the colony and the metropole. It would be difficult to say if the latter objective was achievable, Goos admitted, when "climatic and cultural differences" were taken into consideration.<sup>411</sup> Goos, however, also proclaimed the necessity of separation and isolation. Here he referred to "the great governing principles of treatment of prisoners in our time," the valency of which was "independent of geographical location and nationality."<sup>412</sup> These principles dictated the strict separation of male and female prisoners, and the isolation of remand prisoners and convicts from one another, the purpose being that remand prisoners would not suffer excessive inconveniences beyond their detention. For the convict, isolation was necessary to secure a treatment that sought to "regain him for society," the achievement of which demanded "a regulated work-regime, school and church attendance, classification, and progression."<sup>413</sup> To Goos's regret,

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<sup>409</sup> Central Government Archives, The Central Directorate for the Colonies, Prisons and prison system, 911, "Udkast til arrestreglement for de dansk vestindiske øer," 1

<sup>410</sup> *Ibid.*, 13

<sup>411</sup> West Indian Local Archives, West Indian Government, Subject files 1755-1917, 3.81.172, K. Goos to the Ministry of Justice, 2 March 1904

<sup>412</sup> *Ibid.*

<sup>413</sup> *Ibid.*

these principles were not being adhered to in the current management of Danish West Indian prisons, and neither would they be unless substantial alterations were made in regard to prison architecture. New prison buildings were needed if modern penitentiary principles were to be effectuated in the colonial prison system. Goos viewed the prospect of new prison facilities being constructed as highly unlikely given the colonial government's financial difficulties.<sup>414</sup>

Goos, thus, was an avid proponent and supporter of penitentiary principles: uniformity, classification, and discipline. Yet, he made comments to the regulation draft, with the confidence of self-evidentiary truths, clearly presupposing the differential treatment of white and black inmates in the colonial prison. At the same time, he questioned the expediency of having different provisioning for prisoners on St. Thomas and St. Croix with reference to the principle of uniformity in prisoner treatment. For this expert of penitentiary science, consideration for racial differences in colonial prison management superseded the concern for penitentiary principles of uniformity.

Even before the West Indian Government was given the opportunity to consider the Super-Inspectorate's review and suggestions to the draft, another official made his own comment in the margin of a summary of the draft deliberations including Goos's review. The comment reflects the range of metropolitan assumptions about the influence of race in colonial government and how it should be regulated. It simply read: "The principle should be: no worse conditions for coloreds [*kulørte*] than for whites."<sup>415</sup> The West Indian Government and its officials concurred with this principle. The new Governor, Nordlien, instructed the Police-masters that when revising the draft of prison regulations with regard to the comments from the ministries and the Super-Inspector of Prisons, it would not be advisable to include provisions that discriminated against prisoners on account of their

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<sup>414</sup> Ibid.

<sup>415</sup> Central Government Archives, The Central Directorate for the Colonies, Prisons and prison system, 911, 1904

color.<sup>416</sup> Upon returning the revised draft, Police-masters Baumann, Segelcke, and Zeilian upheld the Governor's request by avoiding any racial discrimination. As officers of the colonial government, the Governor and his Policemasters were very careful of even giving the impression that racial discrimination was a guiding principle in its policy-making process, as to not arouse indignation.<sup>417</sup>

Surely, racial assumptions also influenced colonial officials management of prisons in general and prisoners diet in particular. But unlike the assumptions about race given by Super-Inspector Goos, the responses to his recommendations by colonial officials show that their assumptions were grounded in a self-attained knowledge about colonial society and its inhabitants. This was a practical knowledge that had accumulated through years of 'experience' and even ethnographic studies, giving their assumptions a veneer of evidential—perhaps even scientific—knowledge. In response to the Super-Inspectorate of Prisons' objections to the volume and variation of the prison fare in St. Croix, the *Landphysicus* in Christiansted, Kalmer, responded by invoking the authority of his ethnographic capital. Kalmer could understand how the composition of prisoners' diet might seem inadequate from the perspective of prison authorities in Denmark. But with his expertise and deep knowledge of native habits and lifestyle, based on twenty-six years of experience as *physicus* and prison doctor, made Kalmer confident that the prisoner diet was very reasonable and reflective of actual conditions of life in the colony.

Kalmer's assessment was not just based on his own experience, he emphasized. As evidence he cited an ethnographical study of the dietary habits of the "average negro laborer"<sup>418</sup> that the *Landphysicate* had carried out in 1883. For their study, the *Landphysicate* had arranged the assistance

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<sup>416</sup> Central Government Archives, The Central Directorate for the Colonies, Prisons and prison system, 911, No868, Fr. Nordlien to the Policemasters in Christiansted, Frederiksted, and on St. Thomas, 1 August 1904, 2

<sup>417</sup> Central Government Archives, The Central Directorate for the Colonies, Prisons and prison system, 911, Baumann, Segelcke, and Zeilian to the Danish West Indian Government, 8, 17, 20 Oktober 1904, 1

<sup>418</sup> Central Government Archives, The Central Directorate for the Colonies, Prisons and prison system, 911, No 554a, Physicus Kalmer to the Danish West Indian Government, 5 August 1904, 2

of “some of the more intelligent Negroes (drivers and artisans)”<sup>419</sup> to select and question informants. The information gathered from the interviews, which Kalmer reproduced in detail, had shown that the laborers’ average meal was served cold and consisted of either bread, fungi, corn porridge, or salted fish. It was not uncommon for laborers to have the same meal for both lunch and dinner. Sometimes they would pick some fresh fruit, and one informant reported that he occasionally treated himself to a fried fish on Sunday evenings.<sup>420</sup>

The point that Kalmer was making was that the prison fare corresponded quite accurately to the average diet of the colony’s laboring class. Furthermore, Kalmer evoked the often voiced concern with the principle of less eligibility by asserting that it could not be the intention to facilitate a higher standard of living for the prison inmate than for the free laborer. As it were already, Kalmer insisted, the laboring classes did not associate imprisonment with neither moral debasement nor physical discomfort. The possible addition of warm meals and more varied prison fare, could, in Kalmer’s opinion, potentially eliminate the already limited deterrent effect of imprisonment.<sup>421</sup> In case of illness the prison doctor could grant an alteration to the daily diet, Kalmer explained, or in exceptional cases where the regular diet actually made the prisoner sick “(for example with Whites),” Kalmer added in parenthesis.<sup>422</sup>

The Police-masters in Christiansted and Frederiksted agreed with Kalmer on his comments. They reasoned that the degree of punishment would be disproportionate to the purpose of the punishment and cause relatively more pain than otherwise intended when individuals of higher social status were forced to live on diets that were designed to approximate the diet of rural laborers.<sup>423</sup> The punishment would be too lenient, the Police-masters thought, if the diet were to be improved. They concluded with

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<sup>419</sup> Ibid.

<sup>420</sup> Ibid.

<sup>421</sup> Ibid., 3

<sup>422</sup> Ibid., 3

<sup>423</sup> Central Government Archives, The Central Directorate for the Colonies, Prisons and prison system, 911, No 340, R. Baumann to the Danish West Indian Government, 10 August 1904.

regret that the lower classes of the rural and urban population, from which the vast majority of prisoners belonged to, did not fear imprisonment nor viewed it as dishonoring.<sup>424</sup>

### **Limits of the Colonial Prison**

In 1906, prison regulations specifically for prisons in the Danish West Indies were issued. These were the first regulations for Danish West Indian prisons to be issued since the rules concerning the use and government of the St. Croix prison at Richmond had been issued in 1837. Prison managers in the West Indies had consulted those regulations as well as related regulations used by the Danish prison administration, more specifically, the law of 3 December 1850 had been followed when disciplining convicts, while the regulations of 7 December 1846 had been used in regard to remand prisoners.<sup>425</sup> The management of prisons were, then, a matter of the prudence of managers, rather than any fixed procedures authorized by law.

Along with the prison regulations of 1906 an ordinance specifically for St. Croix, concerning the authority to administer disciplinary punishments that regulated the administration of disciplinary punishment in “convict prisons” [*strafanstalter*] and “other prisons” [*arresthuse*] was issued. A key source of inspiration in the drafting of the ordinance was an equivalent ordinance of 5 June 1874 regarding disciplinary punishment in Iceland’s convict prison. The wording of the Icelandic ordinance is almost exactly the same as the West Indian. However, the two ordinances differed on the issue of disciplining female prisoners. In Iceland and in Denmark it was not permitted to administer corporal punishment to female prisoners. During the drafting of the West Indian ordinance it was held that corporal punishment was indispensable when disciplining inmates in West Indian prisons, even in the case of female inmates. The reason that was given was that

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<sup>424</sup> Central Government Archives, The Central Directorate for the Colonies, Prisons and prison system, 911, No131, S. W. Segelcke to the Danish West Indian Government, 16 August 1904.

<sup>425</sup> Central Government Archives, The Central Directorate for the Colonies, Prisons and prison system, 911, “Draft of Ordinance for the Danish West Indies, concerning the authority to administer disciplinary punishments in convict prisons and other prisons,” Remarks, pp. 2-3

in the Danish West Indies, the female prisoners can be just as ungovernable as the males, and corporal punishment is the only kind for which they have real respect, to which must be added that the women of the working classes do just the same work in the fields as the men, whereby their bodies are so strengthened and hardened that they can bear bodily pain equally well with the men.<sup>426</sup>

In general, the measure of disciplinary punishment, proposed by the drafters, was more severe than comparable Danish and Icelandic disciplinary regulations. Accordingly, the West Indian police masters should be authorized to administer punishments up to fifteen strokes of a ratan for males over the age of eighteen compared to the nine strokes that the Icelandic regulation provided for. The rationale for the severity of punishment was to be found in the “entirely uncontrolled and extremely passionate character of the population.”<sup>427</sup>

With the regulations of 1906 we see the legally authorized formation of a specifically West Indian prison system whose differences from the metropolitan system were made explicit in its legal foundation. Certainly, differences had always existed, but as the preceding sections have shown the deviations were not officially sanctioned nor approved of by authorities in Denmark. The ideal West Indian prison system was from the perspective of prison authorities in Denmark essentially a replica of Danish penal institutions with minor adjustments to local circumstances, such as the climate. The authorization of the 1906 regulations provides evidence for the fact that the metropolitan policy towards West Indian prisons had indeed altered its course during the second half of the nineteenth century. It had gone from the insistence on a West Indian prison system that would be capable of effectuating the same penitentiary objective as the Danish prison system—even demanding the transportation of offenders across the Atlantic

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<sup>426</sup> Central Government Archives, The Central Directorate for the Colonies, Prisons and prison system, 911, “Draft of Ordinance for the Danish West Indies, concerning the authority to administer disciplinary punishments in convict prisons and other prisons,” Remarks, p. 3

<sup>427</sup> Central Government Archives, The Central Directorate for the Colonies, Prisons and prison system, 911, “Draft of Ordinance for the Danish West Indies, concerning the authority to administer disciplinary punishments in convict prisons and other prisons,” Remarks, p. 3

in order to further that goal—to the promotion of a culturally adapted prison system that would be properly equipped to handle that “uncontrolled and extremely passionate character of the population.” It was a thoroughly colonial system that was “efficient, in accordance with the tropical climate . . . , and . . . advantageous to the general public . . . .”<sup>428</sup>

As Diana Paton astutely notes, it was not the reintroduction of corporal punishment that sat the colonial prison apart from its metropolitan counterpart. Penological science in general had seen an increasing skepticism towards a penal system devoid of corporal punishment all together. Corporal punishment was never negated by the discovery of the delinquent’s soul and psyche as the primary target of penitentiary punishment. Indeed, the stick, the whip, and penal transportation reappeared in the penal policies of the early twentieth century as a reinforced arsenal of the moral prerogative of punishment.<sup>429</sup>

During the same period, however, criminology and criminal anthropology became influential explorers of the cause and remedy of crime. By further individualizing the penal procedure, criminology intensified the penitentiary treatment, but also simultaneously questioned its universality.<sup>430</sup> It is precisely in regard to the individualizing procedure of punishment that Paton locates the dislocation between colonial and metropolitan penal regimes. In the colony, the character of offenders were equated not with particularly delinquent classes as subsets of the general population, but with the colonial population itself. This is the same process that occurred when the ordinance on prison discipline could justify the extenuating punishment of West Indian female inmates by referring to the “uncontrolled and extremely passionate character of *the population*,” and not a specific character of female criminal offenders in the West Indian prison. The same could be said in regard to issues of West Indian inmates’ health, labor, or diets.

Paton suggests that this was a “common” aspect of “colonial discourse” by which “divisions and distinctions within the colonized population were

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<sup>428</sup> (Den Vestindiske Kommission 1903, p. 126)

<sup>429</sup> (O’Brien 1982)

<sup>430</sup> (Garland 1985, 1990, p. 185)

erased.”<sup>431</sup> In this chapter, I have attempted to question the limits of colonial discourse by drawing attention to the affinities between discourses of punishment at different scales, especially the inherently comparative and consultative discourse of international penitentiary experts. In the material that I have examined for this chapter, I have found a similar discursive tendency to equate the colonial criminal with colonial populations. Thus, the evaluation of colonial prison systems often hinged on the degree to which colonial prison systems could approximate the perceived character of colonial populations. I have not, however, attempted to establish any coherent causality between the discourses of international penitentiary experts and the practical implementation of prison administration in the Danish West Indian colony or any other colonies for that matter. Further research on the international networks of penitentiary experts and their practical influence in colonial as well as metropolitan contexts would do much to shed light on this possible connection across different scales of governmentality.

As a concluding remark, I want to stress the multi-vocal nature of punishment in the Danish West Indies. Programs of punishment were never univocally accepted or agreed upon. During the drafting of the 1906 ordinance David Pretto, a member of the Colonial Council of St. Thomas and St. John rejected the draft on the grounds of “being entirely opposed to corporal punishment, more especially when to be inflicted on women.”<sup>432</sup> Pretto’s opposition was apparently shared by parts of the public, as was remarked by 3rd member for Frederiksted’s Country District to the Colonial Council of St. Croix, Merwin. At the first discussion of the draft Merwin recounted that the contents of the draft had coursed quite a stir in the community by bringing “back to memory the times of slavery with its whipping system” and that further discussions of the ordinance was better carried out within the confines of a committee.<sup>433</sup> Another representation of an alternative public sentiment towards punishment was provided by a

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<sup>431</sup> (Paton 2004, p. 151)

<sup>432</sup> Central Government Archives, The Central Directorate for the Colonies, Prisons and prison system 1848-1905, 911, “Minority Report,” 19 February 1906

<sup>433</sup> (*Proceedings of the Colonial Council of St. Croix 1895-1909, 1905-1906*, p. 81)



petition sent to the commission of 1902 from the board of The Native Insular Convention. The petition argued for an expansion of the penitentiary institutions of the islands to include a correctional institution [*forbedringsanstalt*] for idle children of around fourteen years of age.<sup>434</sup>

Among the colonial public, then, the potential of correctional treatment had certainly not disappeared. The same was true of individual voices within the ranks of government at both sides of the Atlantic. In 1882, Governor Christian Henrik Arendrup discussed the possibility of converting the prison at Richmond into a penitentiary in accordance with the separate system, complete with cellular imprisonment. Arendrup's suggestions were dismissed by chief justice P. M. Andersen who thoroughly disagreed with the governor's preference for the separate system. Andersen held that the climatic conditions did not agree with the strict isolation of the separate system. Furthermore, "the nature of the negro" made solitary confinement a disproportionately severe punishment.<sup>435</sup> The ease with which Andersen, the seasoned colonial official, dismissed the newly appointed Governor's ambition of intensifying the correctional objective of imprisonment by referring to the "natures" of colonial climate and population, is itself a testimony to the discursive relation between the rationality of punishment and the practical knowledge of colonial nature and population.

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<sup>434</sup> (Den Vestindiske Kommission 1903, p. 134). Similar propositions were put forward in other petitions to the commission with the addition that the institution should provide for the correction of convicted youths, (1903, pp. 150, 156)

<sup>435</sup> West Indian Local Archives, West Indian Government, Subject files 1755-1917, 3.81.14, Transcript of deliberations, 7 February 1882

## *Chapter Five*

# **Market, Community, Progress**

Day and night, morning and evening, — it is all the same to us in these agonizing days; all that interrupts the passing of time are telegrams from St. Croix telling of more arson, looting, and murder and unimaginable brutality [raahed].<sup>436</sup>

Thus described an anonymous Danish woman residing on St. Thomas the experience of proximity to the labor riots that engulfed St. Croix in the days of 1 and 2 October 1878. In the form of letters, parts of which were published in the Danish newspaper, *Aarhus Stiftstidende*, the anonymous dane left no doubt in the readers mind that this was a form of rioting that was specific to a particular class of black laborers. She recalled to the reader how “I.”—presumably her husband—had returned from St. Croix, were he had been involved in the efforts to contain the rioting, with staggering descriptions of the rebellious scenes that these “devil hordes” [djævlehobe] partook in:

...that the women and children were equally as mad as the men; all baring arms: cane-axes [*rørøxer*] on long shafts, stones and some firearms. They set fire to the shops in Frederiksted, dragged out the goods, poured petroleum on them to make them burn better, and in their joy of seeing all this destruction they took off their clothes, sang and danced naked around the fires, and howled, roared and vandalized [*ødelagde*] to a degree that only the blacks are capable of.<sup>437</sup>

Similar scenes of monstrous anarchy were reported by the Danish weekly magazine *Illustreret Tidende* that described how “an uncontrollable lust for destruction” had “seized the negroes,” causing “wild negro hordes” to go on

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<sup>436</sup> (Anonymous 1878)

<sup>437</sup> (1878)

a “diabolic rampage across the island burning down one plantation after the other.” The rioters’ craze for setting ablaze as much property as possible, had, according to the article in *Illustreret Tidende*, been so great that it had probably prevented a regular “bloodbath” by allowing the white planters and their family to escape the “intoxicated” mob unnoticed.

These reports of the riots in the Danish press evoked an almost mythological imagery of the bestial and diabolic instincts of the black labor population when explaining the cause and dynamic of the riot. They did not mention the underlying tension and resentment that had been looming and brewing within the rural laborers towards their white employers since the strict labor regulations—the so called “Labor Act”—had been enacted in 1849 immediately following emancipation. Most people in the West Indies, however, were perfectly well aware of the conundrum that the creation of a labor market as a consequence of emancipation had posed to the power relations of colonial society. Though the majority of employers, planters, and officials agreed that legislations that regulated the freedom of the labor market were necessary for sustaining a sufficient labor force and thereby securing the general economy of the islands, especially the plantation economy of St. Croix, discussions of the degree, limit, and benefit of regulation were, however, a recurring phenomenon.<sup>438</sup>

In the aftermath of the riots, which had caused significant damage to property and persons, a royal commission was appointed to examine the courses of the rebellion and give recommendations to the prevention of its reoccurrence.<sup>439</sup> The commission’s overall conclusion was that the initial breakout of the riot had not been the result of premeditated plans of rebellion, but had been sparked by an isolated incident that had ignited the general discontentment among workers with salary levels and prizes of travel permits.<sup>440</sup> While the commission did not view the riot as a planned insurrection as such, it did identify the 1849 Labor Act as an important structural factor in the root causes of the discontentment among the laborers that had been ignited with such great force on 1 October 1878. According to

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<sup>438</sup> (Skrubbeltrang 1953/1967, p. 163)

<sup>439</sup> (Schlegel, Levy, & Tvermoes, 1879)

<sup>440</sup> (1879, p. 3)

the commission, the labor act had been enacted to limit the “negative effects” of emancipation on the plantation economy, restricting labor mobility, and tying plantation laborers to year long contracts. Initially conceived as temporary provisions, the regulations were, however, never revised, and so never facilitated the gradual transition from slave labor to free labor for which it had been intended. Instead, argued the commission, the conditions of labor, with long contracts and work gangs, had instilled the laboring class with the perception of still being kept in the otherwise defunct conditions of slavery.<sup>441</sup>

In form as well as purpose the laws to regulate the labor and mobility of the newly freed subjects resembled the "police" regulations that aimed at securing the social and economic order of the former slaver society. The main characteristic of slavery's organization of labor was the restriction of mobility. As the power structure of slavery was abolished new mechanisms were required to fill the vacuum. Faced with the challenge of containing the mobility of the newly emancipated population the colonial government utilized the techniques with which it was most familiar: the contingent governmental technology of "police." Accordingly, the Labor Act has primarily been by historians as an extraordinary contingency measure constructed to retain control of the emancipated labor force with the interests of the planters in mind.<sup>442</sup>

However, the conception of what a well ordered society meant and the means by which such order should be obtained in the mid-nineteenth century cannot be contained within the principles of eighteenth century *polizeiwissenschaft*. Instead we have to take into consideration that alternative analysis and management of order that was formulated in opposition to the artificiality of seventeenth and eighteenth century “police” regulation, and later ascended to a position of centrality in liberal governmental rationality. The alternative to “police” is “political economy” and the alternative to *polizeiwissenschaft* is economics.<sup>443</sup> Conceptions of

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<sup>441</sup> (1879, p. 5)

<sup>442</sup> See for instance Peter Hoxcer Jensen's (1998, chapter four) interpretation of the formulation of the Labor Act

<sup>443</sup> (Foucault 2007, pp. 250-254)

“police” and “economy” bore with them broader sentiments about the dynamics of human relations in terms of equality, hierarchy, nature, and moral capacities towards civilization and industry. At the heart of debates over the principles of economics or political economy, about the efficacy of iconic semantic gestures such as “laissez faire” or “the invisible hand,” was ultimately the problematic of race. If the perceived differences between the races of the human species were determined by natural conditions rather than societal institutions, then perhaps “the invisible hand” should be less preferred to “the beneficent whip” as a mechanism of order.

At the center of the problem of a sustainable emancipation, then, we find the somewhat illusive concept of “the negro’s character” and the best mechanisms to facilitate its improvement. This in turn was a contest between two forms of organization that both bore a claim to be natural orders and were depicted as both each others opposite as well as underlying prerequisite. These were ‘the community’ and ‘the market.’ The following chapter considers how these two ideal types of social and economic organization was imagined and perceived in relation to the problem of governing an emancipated population of Afro-Caribbeans in an era that saw the cementation of social darwinism—or the theory of evolution applied to the analysis of social processes—as well as ‘scientific’ economics.

### **Ambivalent Natures**

The depiction of rioting blacks in the Danish press in 1878 certainly retained a sense of the static primordial character of the African race. This reflects a continually looming disillusionment with the liberal project in the colonies. The British experience had shown that emancipation from slavery and the endowment of liberty was not in itself sufficient to cultivate an economic and moral conduct within the formerly enslaved, black subjects. The mere establishment of personal liberty had not brought about the level of civility in the freed slaves that a liberal society had come to expect of its citizens. The tales of barbarity that were depicted in the reports by the Danish press regarding the 1878 riots were far from the optimism that proponents of emancipation had shown in regard to post-emancipation

society in the Danish West Indies. During a tour of the British West Indian colonies, two members of the British and Foreign Anti-Slavery Society reported in regard to St. Croix that “[i]t is not yet fully the abode of liberty, but we trust that it soon will be, and that the people, emancipated from every remnant of bondage, will rejoice as free men on the soil that gave them birth.”<sup>444</sup>

For critiques of the liberal approach to the post-emancipation project, the “abode of liberty” had turned out to be more of an incubator for the most basic of instincts of the black race from which no one benefitted. Around the same time that abolitionist activists expressed their hope for the post-emancipation prosperity of St. Croix, critiques of the implementation of emancipation in the British empire were growing increasingly discouraged with the potential of Afro-Caribbeans to develop the capacities necessary to participate meaningfully in a free society.<sup>445</sup> Instead calls for a return to conditions reminiscent of slavery were growing in popularity. Robert Young has referred to this development as a shift from “Evangelical tolerance” to “Imperial prejudice” in the public attitudes towards race that was garnered by an increasing influence of race theory since the 1840s.<sup>446</sup>

One of the most notable contributors to the British disillusionment with liberal emancipation was the Scottish lawyer-historian-essayist Thomas Carlyle. Carlyle was driven in his writing by an “inegalitarian attitude to the ‘inferior’ races,” which he shared with other prominent British and French authors and scientists of the day such as Charles Dickens, John Ruskin, Alfred Tennyson, Charles Kingsley, Ernest Renan, Georges Cuvier, and Arthur de Gobineau, as well as authors in the spurring community of race scientists and social darwinists, such as George Gliddon, Josiah C. Nott, and Robert Knox.<sup>447</sup> In 1849 he expounded his controversial views on the effects of emancipation on the state of labor and industry in the British West Indian colonies in the London periodical *Fraser’s Magazine*. The essay entitled “Occasional Discourse on the Negro Question” caused quite a

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<sup>444</sup> (Candler & Alexander, 1851, p. 43)

<sup>445</sup> (Holt 2000b, p. 54)

<sup>446</sup> (Young 1995, pp. 113-114)

<sup>447</sup> (1995, pp. 66, 82, 113)

controversy, with one commentator referring to Carlyle's essay as "a true work of the devil."<sup>448</sup> In the essay Carlyle launched a vicious attack against the idle character of the liberated "negro":

Sitting yonder, with their beautiful muzzles up to the ears in pumpkins, imbibing sweet pulps and juices; the grinder and incisor teeth ready for every new work, and the pumpkins cheap as grass in those rich climates; while the sugar crops rot round them, uncut, because labor cannot be hired, so cheap are the pumpkins.<sup>449</sup>

But Carlyle's essay was more than a rant of racial stereotyping. In correlation with Carlyle's "negrophobia," as David Theo Goldberg has termed it, we find "a critique of laissez faire capitalist political economy prevailing at the time."<sup>450</sup> In the essay Carlyle coined the phrase "the dismal science" as a dysphemism for the science of economics: "the social science ... which finds the secret of this universe in 'supply and demand,' and reduces the duty of human governors to that of letting men alone..."<sup>451</sup> The actual target of Carlyle's criticism was not the lazy and derelict members of the "negro race." Rather, Carlyle was targeting the alliance of economists and abolitionists—"Exeter Hall philanthropy and the Dismal Science"—<sup>452</sup>that claimed to know from economic and Christian principles that all men essentially held the same capacities for industry and civilization, and that the potentials for fulfilling such capacities were determined not by race but by social and economic institutions. Carlyle's anti-emancipation position was simultaneously an anti-economics argument.

With "an ear for fact and nature"<sup>453</sup> Carlyle argued for the reintroduction of "human governors" as a replacement for the failing forces of supply and demand in the power relations of labor in the West Indies. Emancipation had dislodged the black man from his intended purpose—an intention that Carlyle credited to the Maker's will. Liberated from the bonds of slavery,

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<sup>448</sup> Anonymous author in the *Inquirer*, VIII (8 Dec., 1849), 770, quoted in (Mill 1984, p. 95)

<sup>449</sup> (Carlyle 1849, p. 671)

<sup>450</sup> (Goldberg 2000, p. 205)

<sup>451</sup> (Carlyle 1849, p. 672)

<sup>452</sup> (1849, p. 672)

<sup>453</sup> (1849, p. 673)

the black man found himself prohibited by his own indolence “[t]o do competent work, to labor honestly according to the ability given them,” and as such was “prevented from fulfilling this, the end of his being.”<sup>454</sup> For Carlyle this constituted an infringement upon “the eternal law of nature for a man”<sup>455</sup> as well as “the divine right of being compelled (if ‘permitted’ will not answer) to do what work they are appointed for, and not to go idle another minute, in a life so short!”<sup>456</sup> It was the duty of any “unprohibited” person to help secure this right and thus bring about a second “emancipation,” reinstating the natural and divine order:

The idle black man in the West Indies, had, not long since, the right, and will again, under better form, if it please Heaven, have the right (actually the first "right of man" for an indolent person) to be compelled to work as he was fit, and to do the Maker's will, who had constructed him with such and such prefigurements of capability<sup>457</sup>

Order would be achieved through “a regulated West Indies” where a “black working population in adequate numbers” would be bound by contracts of considerable length to serve “those that are born *wiser* than you, that are born lords of you—servants to the whites, if they *are* (as what mortal can doubt they are?) born wiser than you.”<sup>458</sup> The model of contractual servitude that Carlyle imagined for the West Indian laborers was more an approximation of “the old European serfs” than a reversal to pre-emancipation slavery.<sup>459</sup>

As the most prominent proponent of “the dismal science,” John Stuart Mill was obliged to respond to Carlyle’s attack. Mill did so in an essay with the only slightly less ominous title, “The Negro Question,” which appeared in the following issue of *Fraser’s Magazine*. Interestingly, Mill did not counter Carlyle’s discourse of natural law, justice, and right that legitimized the bondage by “human governors” of those less wise with a discourse of economic theory. He did not explain why the spontaneous order of economy

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<sup>454</sup> (1849, p. 673)

<sup>455</sup> (1849, p. 673)

<sup>456</sup> (1849, p. 674)

<sup>457</sup> (1849, p. 674)

<sup>458</sup> (1849, pp. 676-677)

<sup>459</sup> (1849, p. 677)



and the laws of free market forces prescribed that “human governors” should leave the regulation of labor to the spontaneous processes of economic relations and the mechanism of supply and demand. Instead, Mill’s rebuttal was framed in a similar language of rights and justice. Accordingly, he attributed the triumph of the abolitionist movement to its standing on the side of “justice” and of “religion,” and to its leaders’ “stern sense of moral obligation;” their discourse being less about “benevolence and philanthropy” and more about “duty, crime, and sin.”<sup>460</sup> In other words, the campaign against slavery had been an endeavor for universal human justice rather than a misguided generosity towards a specific impoverished class of people.

However, whereas Carlyle’s argument of a natural order between the races and classes of society had been one of a static and basic hierarchy based on predetermined properties, Mill’s analysis of human nature relied less on original properties and more on external influences. In a quit remarkable passage, Mill explained to the readers the “laws of external nature,” the knowledge of which had been attained through “analytical examination.” The same method of analytical examination could be applied to “the laws of the formation of character,” and had Carlyle done so, claimed Mill, he would not have come to the erroneous conclusion that all differences among humans have their origins in “an original difference of nature.” As an analogy to the formation of human character, Mill evoked the image of a tree and the range of external influences that effected the capacities of its growth. Mill’s analogy deserves to be quoted in full:

As well might it be said, that of two trees, sprung from the same stock, one cannot be taller than another but from greater vigour in the original seedling. Is nothing to be attributed to soil, nothing to climate, nothing to difference of exposure—has no storm swept over the one and not the other, no lightning scathed it, no beast browsed on it, no insects preyed on it, no passing stranger stript [sic] off its leaves or its bark? If the trees grew near together, may not the one which, by whatever accident, grew up first, have retarded the other’s developement [sic] by its shade? Human beings are subject to an infinitely greater variety of accidents and

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<sup>460</sup> (Mill 1850/1984, p. 88)

external influences than trees, and have infinitely more operation in impairing the growth of one another, since those who begin by being strongest, have almost always hitherto used their strength to keep the others weak. What the original differences are among human beings, I know no more than your contributor [i.e. Carlyle], and no less; it is one of the questions not yet satisfactorily answered in the natural history of the species. This, however, is well known—that spontaneous improvement, beyond a very low grade,—improvement by internal developement, [sic] without aid from other individuals or peoples—is one of the rarest phenomena in history; and whenever known to have occurred, was the result of an extraordinary combination of advantages; in addition doubtless to many accidents of which all trace is now lost. No argument against the capacity of negroes for improvement, could be drawn from their not being one of these rare exceptions.<sup>461</sup>.

In this passage, Mill is essentially describing a process of human injustice, or rather processes of human nature that leads to discrepancies in the development of different human races and societies. *If* the European were to be considered superior to the African, then it would not be because of an original divine will, but the objective result of a natural process, yet not a process that was governed by the laws of nature, but rather a combined effort between the basic tendency of human beings to act in accordance with their best interest and the unpredictability of accidents. The essentially economic argument that Mill was making was that all men were equal from the perspective of economic processes. Human actions and thus the development of human races are the result of the agency of interest and incentive. Thus, if you change incentives, you change behavior.

In that sense, the abolition of slavery was a step closer to a condition where incentives could take effect. Slavery represented an artificial prohibitor for the natural processes of economic life by stifling the agency of incentives. Thus, while the abolition of slavery was an act of political economy, it was also a political intervention that essentially altered juridical relationships and relations of sovereignty, and as such the political intervention of abolishing slavery required more than an economic rationale. It had to be framed within a discourse of universal human justice; a

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<sup>461</sup> (1984, p. 93)

universal justice that re-articulated the relations of men as essentially equal. In order to reinstate the natural equality of men, slavery would have to be abolished. And in so doing, the ideal conditions under which economic processes could obtain its spontaneous order were also approximated further.

So, within the dispute between Carlyle and Mill, we find two very different approaches to the governmentality of post-emancipation society. Both rested on an analysis of the nature of the black race, but with very different answers as a result. Yet, neither of the contributors claimed that the idle laborers should be left to themselves. Neither of them were arguing for a policy of limited government. Mill did not refer to a liberal economic theory of the market's ability to spontaneously reestablish economic order. Both felt strongly that government was obliged to intervene and eliminate disorderly elements, wether by reinstating compulsory work or installing a pedagogic campaign of character improvement.

Besides displaying the degree of hostility that "the negro question" could arouse in public debates, the dispute between Carlyle and Mill, perhaps somewhat surprisingly, also hints at the proximity, which the liberal political economist and the conservative aristocratic historian shared, to an ethics of despotism in regard to the government of a colonial population in a post-emancipation society. Wether by compulsion or improvement, the laborer himself had no say in the contours of his future.

This ambivalence in liberal thought between the freedom of economic life and governmental powers of intervention in social life has a lineage that goes back to the concept of "legal despotism" that featured prominently in the writings of the French Physiocrats. This opposition between an autonomous order of economic space and a regulated order of social space is also highly present in the writings of Jeremy Bentham. In his economic writings Bentham promoted an idea of "spontaneous harmony," while his writings on crime and punishment featured a relentless reverence for the power of social and individual discipline and regulation.<sup>462</sup> For some historians these two faces of Bentham, and of British utilitarianism in

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<sup>462</sup> (Harcourt 2011, pp. 114-115)

general, have never amounted to a dichotomy, but rather reflects the intertwined strategies of liberal political government. Referring to a mid-nineteenth century British liberal-interventionist policy, Karl Polanyi wrote that “laissez-faire was planned.”<sup>463</sup> For Polanyi, laissez-faire market economy represented a utopian condition requiring a global coordination of economic liberalism: “Nothing less than a self-regulating market on a world scale could ensure the functioning of this stupendous mechanism.”<sup>464</sup> To imagine that such a global self-regulating market would be established simply by being left alone was a fiction, Polanyi argued. It required a sustained deployment of a whole range of regulations, tariffs, administration, and government intervention. “There was nothing natural about laissez-faire,” asserted Polanyi and added: “The road to the free market was opened and kept open by an enormous increase in continuous, centrally organized and controlled in-terventionism.”<sup>465</sup> Economic liberalism was flanked by a government apparatus of social security that was installed in order to minimize the risks that the detrimental effects of free markets and society inflicted on one another. These types of security mechanisms were epitomized by the new technology of the penitentiary prison (cf. chapter four) as well as campaigns to combat idleness and insobriety among the delinquent masses that themselves were seen as products of industrialized and commodified production and labor. Similarly, the imposition of self-regulating markets involved an increased risk of unemployment for workers and increased competition from foreign imports for farmers; both factors having great impact on the costs and therefor standards of living in a commercialized society. As Fred Block puts it in his introduction to the 2001 edition of Polanyi’s *The Great Transformation*: “it requires statecraft and repression to impose the logic of the market and its attendant risks on ordinary people.”<sup>466</sup> The introduction of free markets required great amounts of maintenance, and it in no way effectuated the withdrawal of governmental intervention upon which the ideology of

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<sup>463</sup> (2011, pp. 117-118)

<sup>464</sup> (Polanyi 1944/2001, p. 145)

<sup>465</sup> (1944/2001, p. 145)

<sup>466</sup> (1944/2001, p. xxvii)

economic liberalism rested. The maintenance of free markets multiplied the need for regulation and thus the very state whose activities had been targeted as unnatural and artificial “could not but [be] entrust[ed] with the new powers, organs, and instruments required for the establishment of laissez-faire.”<sup>467</sup> In other words, laissez-faire was an end in itself rather than a means to meet that end.

In order to further develop the theoretical aspects of this ambiguous relationship between a regulation and intervention that in its purpose does not seem different from the earlier technology of “police” and a principle of letting alone the spontaneous and inherent regulation of natural orders that informed a liberal technology of government, and to situate the development of labor regulation in post-emancipation Danish West Indies within the dissertation’s general discussion of the configuration of governmentality, it will once again be necessary to delve into Foucault’s College de France lectures.

### **From Police to Security**

Michel Foucault approached the ambivalence between laissez-faire economics and an interventionist social policy within liberalism through the notion of “security” and identified a set of important modifications of governmentality from the political technology of police towards the political technology of economy. In the thirteenth and final lecture of the 1978 course Foucault described the relationship between police and an opening up of a new governmentality. A governmentality that was not characterized by the regulative techniques of police but by the naturalness of the economy. This new governmentality that was spurred on by the *économiste* of late eighteenth century France, delineates the objective of government to be not the regulation of the people’s wellbeing in pursuance of a growth of the state’s forces, but instead ensuring the self-regulation of social and economic relations according to the natural order of things. The objective of good government would no longer be the creation of order through police,

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<sup>467</sup> (1944/2001, p. 147)

but the elimination of disorderly elements through mechanisms of security—providing security for the natural order of economic relations to develop against the risk of interference of disorderly elements such as vagrant, idle, and delinquent subjects.

Foucault writes of 'mechanisms of security' as a wide range of actions that government is designed to carry out in contemporary liberal societies, and that are distinct from the common conception of security as protection against imminent dangers to person and property. These mechanisms are described by Foucault as "state intervention with the essential function of ensuring the security of the natural phenomena of economic processes or processes intrinsic to population."<sup>468</sup> In this conception of security, the modern police institution will be limited to the negative functions of preventing "the occurrence of certain disorders,"<sup>469</sup> while the task of securing an ordered and natural society becomes delegated to the many social and economic institutions of welfare states. The all-encompassing apparatus of police is thereby gradually limited to the purpose of preventing disorder and apprehending 'unnatural' and disorderly individuals—the suppression of that whole population of individuals that would be known as 'delinquents.' On the other hand, all the aspects of police that aspired to establish the wellbeing of the population would be branched out into specific divisions of state's internal administration: health, education, sanitation, urban planning, etc. The activities and objects of government are thus not transformed, but the conditions of intervention and rationalities of application are reconfigured and modified in accordance with new conceptions of the function and objective of government and with new knowledges about the appliance of governmental technologies and about the reality that is intervened in.

In relation to this general process, Foucault singles out four principle modifications of governmentality. Firstly, Foucault identified a shift in what governmental thought conceived of as the correlate of the state. While *raison d'État* and the political technology of police conceived of their object

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<sup>468</sup> (Foucault 2007, p. 353)

<sup>469</sup> (2007, p. 354)

of government as “a collection of subjects,” the new governmentality was required to know, regulate, and manage “a civil society” whose natural processes and regulations government would have to respect and protect.<sup>470</sup> Secondly, the character of the knowledge that was produced regarding the activity of government was modified. The knowledge of state becomes scientific in the sense that it is no longer “a calculation of forces” but an evidence-based science that forms the basis of government. This “scientificity” of the state and of the activity of government was the crystallization of economics as a scientific discipline that was external to the art of government but retained its influence over it. This process limits government in the sense that the actions of government can be *wrong* in regard to the scientific basis behind its policies. Importantly, it is a scientific knowledge that does not pertain to the state or to government itself, but rather to that which is the object of government, and, thus, the techniques of government will have to be conducted in accordance with this scientific knowledge of society and economy in order to be both successful and legitimate.<sup>471</sup> The third modification regards the conception of population. First, the dynamics of population becomes adorned with a naturalness. The dynamics of population follows laws of transformation that are determined by its own intrinsic naturalness. Second, the modality of interaction and bond between individuals in the population becomes subject not to the will of the state but to “the law of the mechanics of interest.”<sup>472</sup> And third, the security of this new reality of population with its naturalness and internal mechanism of regulation becomes the responsibility of the state. The fourth modification pertains to the techniques of government that can be applied in relation to the previous three modifications. If the domains of government—i.e. society, population, and economy—are defined as being subject to natural processes, then what type of techniques and interventions of government will be accepted as valid and effective? “The basic principle of the state’s role,” Foucault surmises, “will be to respect these natural processes, or at any rate to take them into account, get them to work, or to

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<sup>470</sup> (2007, p. 350)

<sup>471</sup> (2007, pp. 350-351)

<sup>472</sup> (2007, p. 352)

work with them.”<sup>473</sup> The range of interventions by government are thereby limited in the sense that the negative form of rules and regulations loses their efficacy and legitimacy as instruments of government. Instead of preventing particular activities, government will attempt to “arouse, to facilitate, and to *laissez faire*,” and ensure that the natural regulation intrinsic to the domains of government works by inserting “mechanisms of security” that ensures “the natural phenomena of economic processes or processes intrinsic to population.”<sup>474</sup>

The central aspect of these modifications is the role that freedom comes to assert within governmentality:

Henceforth, a condition of governing well is that freedom, or certain forms of freedom, are really respected. Failing to respect freedom is not only an abuse of rights with regard to the law, it is above all ignorance of how to govern properly. The integration of freedom, and the specific limits to this freedom within the field of governmental practice has now become an imperative.<sup>475</sup>

Here we find the seed of the tension within liberal governmentality between the imperative of freedom in the practice of government and the responsibility of government to provide security for the freedom of natural process within society, population, and economy. Freedom, thus, becomes a normative and relative concept. It is *certain* forms of freedom that must be respected and worked with by government. When the exercise of other freedoms jeopardizes the freedom of natural processes then it becomes the responsibility of government to intervene. Yet, still, the intervention, Foucault argues, will generally take on the productive form of management rather than the repressive form of regulations. The intervention, through mechanisms of security, will, thus, be based on a calculation of the utility of the intervention in relation to the kind of freedom that is exercised or in need of security. The benchmark in these types of calculations is provided by analyses of the naturalness of the processes at play in each given case. Thus, it is not the individual’s rights of freedom that limits the intervention

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<sup>473</sup> (2007, p. 352)

<sup>474</sup> (2007, p. 353)

<sup>475</sup> (2007, p. 353)



of government, but naturalness of the domain of government. In *The Birth of Biopolitics*, Foucault refers to liberalism as a “governmental naturalism.” What he is suggesting is that the origins of principles of liberal government are not to be found in a recognition of “the essential, basic natural rights of individuals,” but rather in a knowledge of the spontaneous mechanisms of the economy, society, and population “in their innermost and complex nature.”<sup>476</sup> Foucault continues:

Once it knows these mechanisms, it must, of course, undertake to respect them. But this does not mean that it provide itself with a juridical framework respecting individual freedoms and the basic rights of individuals. It means, simply, that it arm its politics with a precise, continuous, clear and distinct knowledge of what is taking place in society, in the market, and in the economic circuits, so that the limitation of its power is not given by respect for the freedom of individuals, but simply by the evidence of economic analysis which it knows has to be respected. It is limited by evidence, not by the freedom of individuals.<sup>477</sup>

Liberalism certainly did bring with it a juridical conception of basic human and civil rights, but these were not the kind of freedoms the originators of liberal governmentality were referring to, Foucault argued. This interpretation of the original protocol of a governmental naturalism opens for the possibility of analyzing the interaction of liberal government and the colonial context in a way that differs from the often normative evaluations of liberalism in the colonies as dislocated from its european origins.

### **National Character and the Economy of Progress**

For historians that have been interested in the imperial career of liberalism, the inherent tension between ideals of liberty and equality on the one hand and the coercive character of projects of social intervention and political “strategies of exclusion”<sup>478</sup> on the other, have often been interpreted as indicative of a “rule of colonial difference”<sup>479</sup> or a “dislocated liberalism”<sup>480</sup>

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<sup>476</sup> (2008, p. 61)

<sup>477</sup> (2008, pp. 61-62)

<sup>478</sup> (Mehta 1999, chapter 2)

<sup>479</sup> (Chatterjee 1993, p. 18)

<sup>480</sup> (Joyce 2003, chapter 6)

within the political rationality of colonialism.<sup>481</sup> Particularly J. S. Mill's career as a colonial administrator have served as emblematic of the liberal disjuncture in regard to colonial governmentality. Somehow, Mill's otherwise egalitarian principles did not translate into his political practice as part of the colonial administration. Jennifer Pitts has argued that Mill's interpretation of historical development favored "a rough dichotomy between savage and civilized," which combined with his utilitarianism worked "to justify despotic, but civilizing, imperial rule."<sup>482</sup>

According to Pitts, Mill's whole philosophy rested on an appreciation for the diversity of individual as well as national character. Mill shared this appreciation with Bentham but also criticized his utilitarian predecessor for not being able to grasp the civilizational hierarchy that this diversity represented. The conditions that determined these differences in national character were not to be found in a preordained natural rank of human races—characters were dynamic phenomena that could rise as well as stagnate and decline—but they did reflect different stages of human progress.<sup>483</sup> Mill's insertion of the idea of national character in a dynamic hierarchy of progress meant that improvement and national mobility was possible within the system. Indeed, for Mill, individual and national improvement constituted the foremost objective of legal and social institutions. However, the meaning of improvement was relative to the preexisting conditions of each national character. "For a tribe of North American Indians," Mill wrote in his *Remarks on Bentham's Philosophy*, "improvement means, taming down their proud and solitary self-dependence," while, "for a body of emancipated negroes" a similar process of improvement meant "accustoming them to be self-dependent, instead of being merely obedient to orders."<sup>484</sup> The ends of improvement differed from each type of character, and so, the means of improvement were also different. A clear affinity can be detected here between Mill's technology of improvement and Enoch Wines' global program for prison reform (c.f.

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<sup>481</sup> (Metcalf 1995/2007)

<sup>482</sup> (Pitts 2005, p. 133). See also (Mehta 1999, p. 71)

<sup>483</sup> (1999, p. 81)

<sup>484</sup> Quoted in (Pitts 2005, p. 137)

chapter four), which in a similar manner promoted a relative conception of penitentiary systems.

A common feature of the improvement of national characters was that the progression process had to be instigated from above, so to speak, by those at a higher level of civilization. Mill remained confident that, as Pitts puts it, “whole cultures could be deliberately engineered” by injecting “the best achievements of one society ... into another less fortunate one ... .”<sup>485</sup> Mill might have adhered to a universal ethos of improvement, but the technical aspects of engineering cultures and characters were specific and particular to the preexisting habits and customs of each character under improvement.

More than emblematic of a corrupted universal liberal ideal, Mill’s engineering of character reflected the “governmental naturalism” that Foucault identified as a principle protocol of liberalism’s political technology. Only through a knowledge of the particular conditions of social and economic processes could the most prudent and efficient procedure for character improvement be ascertained. It was a question of knowing the specific preconditions of present characters, and of putting that knowledge to work in future efforts of reconfiguring those precondition to further improvement. It was never simply an issue of denying backward cultures access to otherwise universal rights of self-government. More than simply representing a constitutional ideal of uniformity, liberalism as a political technology worked on and with a reality of cultural diversity that was conceived as reflecting different stages of civilizational development. From that perspective, a uniform principle of government through personal liberty—which itself rested on the elitist precondition that only the better educated and more industrious elements of society could be afforded such liberty—was only one element of a larger economy of governmental strategies.<sup>486</sup>

It was most vividly exposed in the context of colonial rule that liberal government was armed with a broader arsenal of political techniques than

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<sup>485</sup> (2005, p. 138)

<sup>486</sup> (Helliwell & Hindess, 2002, pp. 141, 149)

what is often assumed. Here the developmental conception of human progress was actively operationalized in an ethics and politics of improvement that took precedent to the principle of individual liberty. But that does not mean that the influence of the developmental perspective was restricted to liberal political thought in the colonies, or that it derived from a confrontation with a different type of subject peoples.<sup>487</sup> A criticism of liberal government in the colonies refers back to a general political strategy of liberalism, as Christine Helliwell and Barry Hindess argues:

Consideration of Empire, in other words, reveals the place of a hierarchical view of humanity at the heart of liberal political reason. Far from treating the rule of uniformity as the core of liberalism, we should see it rather as the tip of the liberal iceberg. The more destructive features lie beneath the surface.<sup>488</sup>

Thus, while the relation between liberty and coercion, and principles of uniformity and diversity, within liberal political reason, is best represented as a state of tension, it is less a reflection of an inherent contradiction in the liberal logic, than an indication of the range of possible configurations of the liberal economy of power. The political career of liberalism in the West, in comparison to the colonies, has been to an equal degree characterized by a “liberal government of unfreedom.”<sup>489</sup>

### **Between Community and Market**

When emancipation became a reality in the Danish West Indies in 1848, a range of problems emerged for those responsible for the government of the colony. Principle among them was the question of how to best retain a steady and stable workforce for a plantation economy that was the economic and social foundation of the colony, particularly on St. Croix. This problem activated the “governmental naturalism,” to which the previous sections addressed themselves, at its most ambivalent. The general emancipation was proclaimed on July 3 by Governor-General von Scholten, who subsequently resigned from his position. In the absence of government

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<sup>487</sup> (2002, p. 144)

<sup>488</sup> (2002, p. 143)

<sup>489</sup> (Hindess 2001, pp. 94-95). See also (Dean 2002; Valverde 1996)

leadership and any preprepared contingency measures for the regulation of the formerly enslaved population, a group of planters convened shortly thereafter on July 10 and decided that a committee should be formed and charged with proposing new arrangements for the regulation of labor.<sup>490</sup> The committee of planters worked quickly to produce a set of labor regulations that were published on St. Croix on 29 July 1848. The regulations required that laborers were permanently employed with contracts of minimum one year duration.<sup>491</sup> Juridically speaking, the planters had thereby effectively counteracted the preliminary risk of labor shortage and accompanying spike in the price of labor. For the short-term, at least, the planters had prevented the emergence of a labor market in the Danish West Indies.

On 26 November 1848 Acting Governor-General Peder Hansen arrived in the West Indies, charged with reorganizing social and political conditions in accordance with the altered circumstances.<sup>492</sup> In regard to the issue of labor regulations this charge resulted in the enactment on 26 January 1849 of the *Provisional Act to Regulate the Relations between the Proprietors of Landed Estates and the Rural Population of Free Laborers*—also known simply as the Labor Act.<sup>493</sup>

Governor Hansen's Labor Act retained the protectionist ethos of the planter's earlier regulations. The primary function of the Labor Act was to keep the state of things as close to status quo as possible. Phrases such as "heretofore," "as usual," and "as customary" were used frequently throughout the twenty-three articles of the act. It represented an effort to retain the organization of labor, as well as the organization of rural society, as it had persisted for decades prior to emancipation. The provisions regulated "the mutual obligations" between laborers and employers, by determining the length of contracts, the hours of work, the amount of wages, etc. The regulations, however, also structured the domestic lives of workers, requiring that they made their home with their families at the estate to which

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<sup>490</sup> (Krebs 1862, p. 53; Skrubbeltrang 1953/1967, p. 8)

<sup>491</sup> (Jensen 1998, pp. 97-98; Skrubbeltrang 1953/1967, p. 9)

<sup>492</sup> (Jensen 1998, p. 98; Skrubbeltrang 1953/1967, p. 9)

<sup>493</sup> (Jensen 1998, p. 98; Skrubbeltrang 1953/1967, p. 14). An English version of the labor act was printed in the *Anti-Slavery Reporter* (1849), and subsequently reproduced in several publications, see e.g. (Hansen 1917, pp. 318-324)

they had contracted their labor. As had been “customary” during slavery, the entire lives of free laborers were to be structured around their activity of work, and to a large degree confined to the plantation estate. Article nine of the act stipulated that laborers would be provided with “the use of a house, or dwelling-rooms for themselves and their children,” as well as “a piece of provision ground” between “thirty” and “fifty feet in square.”<sup>494</sup> Besides housing, estate proprietors were also required to provide sufficient healthcare for the laborers and their children and elderly. Pregnant laborers were similarly entitled to a particular work schedule and sufficient care during their pregnancy.

These conditions of mutual obligations lead some commentators to speak very positively about the prevailing organization of labor in the early period of post-emancipation:

No one acquainted with the Islands can deny, that this law satisfies all reasonable demands. It is at present, and will no doubt for a long time be, the tie that connects the whole community, and prevents its complete dissolution.<sup>495</sup>

The reality was, however, that the Labor Act of 1849 was a very convenient police measure for estate proprietors as well as colonial authorities—a “successful co-operation of the government and the enlightened part of the population” as one commentator later referred to it.<sup>496</sup> Proprietors were secured a permanent labor population under conditions that were very similar to what had existed prior to emancipation, while the colonial government was spared the cost and trouble of having to all at once provide for every emancipated individual in terms of healthcare and provisions, not to mention the challenge to the preservation of public order that a fully mobile emancipated population would present. Whereas some spectators viewed the labor regulations as a mutually beneficial arrangement, it would not be unreasonable if others saw in them a continuation of the structure of slavery by other means. But how was the rationale behind these regulations

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<sup>494</sup> (1917, pp. 320-321)

<sup>495</sup> (Krebs 1862, pp. 53-54)

<sup>496</sup> (1862, p. 53)

depicted? What were the perceived causes and effects of such restrictive measures?

One such analysis was presented in 1862 by the medical physician and social economist, Frederik Krebs, who was deeply engaged in the politics of agriculture and labor in Denmark, both as an avid author and commentator, and as contributor to two parliamentary commissions on the reorganization of the system of poor relief and the regulation of labor.<sup>497</sup> His interest in West Indian affairs had been established during a visit to the islands in 1844-43 as a ship's doctor and through his marriage with the daughter of an attorney in Christiansted.

In his analysis of the transition from slavery to freedom, Krebs conceptualized post-emancipation society as a post-revolutionary society, not unlike similar sudden transitions that were occurring elsewhere in modernizing societies, "from the priveleges [sic] of corporation, to liberty in all kinds of work, from the protective system, to free-trade."<sup>498</sup> A common prerequisite for the beneficial outcome of such transitions were to be found in the "extreme prudence, and foresight," with which they were implemented.<sup>499</sup> Put differently, the transition from slavery to freedom was a fragile process that would require firm and careful guidance. For, as Krebs made clear, the political challenge was not simply one of restructuring the legal constitution of society, but fundamentally one of shaping subjectivities and conduct:

It is an easy thing to say, that free labour is better than slave-labour, but it is very difficult to get free labour to take the place of slave-labour; in other words, to make the slave have the feelings that are proper to a free man.<sup>500</sup>

And yet it was those mental dispositions of slavery that, in Krebs' depiction, legitimized the form of the labor regulations and proved the prudence of their implementation. There were two principle conditions that justified the restriction on laborers freedom of movement and labor, in

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<sup>497</sup> (Engelstoft & Dahl, 1938, pp. 291-292)

<sup>498</sup> (Krebs 1862, p. 60)

<sup>499</sup> (1862, p. 60)

<sup>500</sup> (1862, pp. 60-61)

Krebs opinion. One referred to the effect of slavery upon the work ethic of the emancipated laborer:

Every one who has reflected on the subject of slavery, must be able to understand that it undermines the slave's love of labour, and his motives for gain, and how apt an emancipated slave is to think, that liberty, and exemption from work, are words of similar meaning.<sup>501</sup>

If the Labor Act did not require laborers to be employed on a minimum of one-year contracts, chances were, according to Krebs, that they would be reluctant to take up any work at all due to the cultural and mental associations between field-labor and slavery. The probability of this scenario was augmented by the ability of the rural laborers to sustain themselves by very little means. This ability could not be attributed solely to the effects of slavery, but was considered by Krebs as a particular property of the African race:

Every one that knows anything of the negro-race, must be aware, how little negroes need for their subsistence in a warm climate, and that they can procure what they require of the necessaries of life, for a few stivers, the whole being some fruits and vegetables, that are generally cheap articles.<sup>502</sup>

Finally, Krebs considered the Labor Act to be prudent by fixing salaries in consideration of the abnormal conditions of the emancipated labor market. Because of planters high demand for labor, wages were correspondingly high, and in fact so high that in combination with the two other factors, laborers could suffice with only working a few days a week. Accordingly, the unusually high demand did not produce an otherwise expected rise in supply.

Taking these factors into consideration, the Labor Act was, in Krebs' view, in complete agreement with the best interests of the emancipated laborers by effectively counteracting the residual effects that the state of slavery had conditioned them with. "A class of labourers just liberated from the bonds of slavery," Krebs claimed, "is of all things, most in want of

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<sup>501</sup> (1862, p. 40)

<sup>502</sup> (1862, p. 40)



protection from itself. For in its midst are found elements, that threaten with destruction.”<sup>503</sup>

In regard to the organization of Danish society, Krebs deplored what he viewed as the dissolving of “organic groups” that in his opinion characterized social change in Denmark.<sup>504</sup> By the term “organic communities” Krebs was referring to the traditional estates of the country side and the trade guilds of the cities, which had provided its members with a certain level of certainty in terms of daily necessities of life. This tendency had given rise to a class of rural day-laborers who lived very uncertain lives and were frequent recipients of poor-relief.<sup>505</sup> In contrast, the system of tenant-labour or contractual-labor provided more stability and comforts for not only the laborer himself but for his family as well.<sup>506</sup> But while he scorned the breakup of traditional, organic communities, Krebs did not advocate for a return to conditions of villeinage or any organization of labor that approximated a serf-like condition. His solution to the problems of poverty in rural Denmark was a complete transition to wage-labor. When rural laborers were no longer paid partly in provisions and partly in wages, the actual income of the laborers as a whole as well as individually would become transparent. Then it would be possible to determine if the poverty of rural laborers was an effect of the level of their real wages, and subsequently decide whether or not the wages should be raised or lowered. So, Krebs was not vehemently against the marketization of labor, or at least the monetization of wages. At the moment when traditional forms of organizing labor along the lines of community dissolves and the process becomes irreversible, the complete implementation of a market-based labor organization was far more preferable, to Krebs, than the partial and inconsistent hybrid in between the two. For Krebs, the in-between was not sustainable.

Yet, when commenting on a comparable process in the West Indies, Krebs found no reason to “experiment” with what seemed to be a reasonable

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<sup>503</sup> (1862, p. 54)

<sup>504</sup> (Krebs 1874, p. 41)

<sup>505</sup> (1874, p. 44)

<sup>506</sup> (1874, p. 45)

intermediary construction that both laborer and proprietor could be satisfied with. While the process of reorganizing labor conditions might have been comparable to similar processes in Denmark and the rest of Europe, the constitutive parts involved in the process was of a very different kind. “It is especially difficult for Europeans to understand,” Krebs asserted, “the peculiar character of the coloured and black race, its good, and its bad qualities.”<sup>507</sup> The West Indian laborer was very different from the Danish, having been instilled with particular traits due to his exposure to the institution of slavery and from his racially determined properties. Thus, Krebs surmised, “[w]hat may be natural, and right in lands, which for many generations have been unacquainted with bondage and slavery, may be very dangerous in countries that have been only a short time without such institutions.”<sup>508</sup> Following this assertion, the marketization of labor in the West Indies could not be considered prudent advise. Only within the confines of the organic community of the estate could the necessary management of the West Indian laborer’s character be obtained as well as provide the means for its improvement by promoting “a proper feeling for a pure domestic life.” In Krebs’ observation, the lack of appreciation for the domestic had been the most damaging consequence of slavery. Thus, the nourishment of domesticity within the character of the emancipated held the key to the longterm sustainability of post-emancipation society. The Labor Act provided security for the organic community to develop, grow, and nurse the character of the emancipated, while simultaneously securing the foundation of the West Indian economy to the benefit of laborer and proprietor alike.

Let us then consider another document that provides further testimony of the calculations behind the labor regulations. It also gives voice to some of the conflicting understandings of the proper organization of labor in the Danish West Indies. The document in question was a “Draft of Labor-Regulations for the Sugar Estates of St. Croix” compiled in 1872 by a commission that was given the task of proposing modifications to the 1849

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<sup>507</sup> (1862, p. 80)

<sup>508</sup> (1862, p. 86)

Labor Act and its subsequent amendments by ordinances of 22 February 1855 and 24 August 1867. In the commissioning letter, the Danish West Indian Government had forwarded the Danish Home Government's aspirations that the modified labour-regulations would facilitate "greater freedom in arrangements for labour than allowed by the existing labour-regulations."<sup>509</sup> The governmental expectations for a reformulation of labour-regulations were, then, clearly a liberalization of the strict and inflexible regulations that governed St. Croix's labour market. The majority of the commission did not, however, envision the relation between worker and employer as an exchange ruled by free-market mechanisms. On the contrary, labour was a problem far too important to be left to the unpredictable ways of the market, and should rather be under the control of a thoroughly thought through set of regulations to the benefit of all parties involved. In the view of the commission majority, the proponents of a liberalization of labour regulations were forgetting that St. Croix was an agricultural economy based on one single production: sugar cultivation and sugar manufacture. Open competition among planters on labour relations would not help to sustain sugar production, but would instead lead to its demise and thereby the poverty of the entire community, including the laborers whose moral and economic betterment was the object of new labour-regulations. "[T]he labour-regulations are," the commission majority contested,

so to speak, both the Law of the Land and the established Custom or Usage of the Land, at one and the same time;—that those Regulations not only contain enactments on things and matters the adjustment of which is naturally and universally admitted to be within the province of the Legislature, but at the same time lay down rules for the organisation of regulations which are otherwise left to be determined by the employers themselves, by agreements, which they make binding between themselves, and to which the labourers consent by their contracts.<sup>510</sup>

Labour-regulations for St. Croix, and specifically regarding sugar producing estates, would necessarily have to reach beyond the specific

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<sup>509</sup> (Rosenstand et al., 1872, p. 1)

<sup>510</sup> (1872, pp. 1-2)

regulations of worker and employer rights and duties, and fix the general terms for employment contracts. To do so would not represent a breach of the naturalness of economic relations. In fact, it would be done in accordance with established customs and usage. The legitimization of existing legislation was exactly that it had developed from custom and usage rather than being imposed as unnatural legislation. Rules and legislation that aimed at preserving the occupation of an entire community, as was the case with sugar production on St Croix, was justified and made necessary by its conservative function. These legislative considerations were not peculiar to St. Croix, the commission majority argued, but principles followed in “every manufacturing town or district of Great Britain.”<sup>511</sup>

The main concern expressed by the Danish government regarding the existing labour-regulations pertained not so much to the efficiency of sugar production, but to the development of the Afro-Caribbean rural population. The regulations that forced workers to live on the estates, they worked on, and prescribed everything from their daily food rations to their matrimonial relations, and robbed them from the financial and moral benefits of property, had a detrimental effect on the development of their moral character that as a result of emancipation necessarily had to be cultivated. From the perspective of the commission majority, however, this concern was superfluous since the workers while indeed being forced to build their homes on the estates had ample opportunity to build an industrious character. In addition to the protection that workers were secured by law, their estate dwellings provided the workers and their families with opportunities to cultivate their own produce and livestock, as well as foster a competitive environment where the industrious workers were sufficiently encouraged and rewarded for striving “to reach beyond the daily necessities.”<sup>512</sup> To that effect, the character building environment of the sugar estates were no different from “every other labouring community,” the commission majority argued, and asserted that “any one that has been about in the negroe-villages on the Estates will have noticed the same difference

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<sup>511</sup> (1872, p. 2)

<sup>512</sup> (1872, p. 3)

there between the circumstances and condition of the industrious and sober labourer and that of the indolent and careless labourer...<sup>513</sup>

As evidence for their arguments, the commission majority referred to the success of two immigrant labour groups. According to the commission majority, “Eastindian Coolies” and immigrant laborers from the Dutch island of St. Eustatius had both fared well in adapting and profiting from the labour-regulations on St. Croix. The Indian workers that were introduced in 1863, proved that the wage system was adequate in allowing for workers to save up their earnings. In 1868, when their five year contract expired, 256 Indian workers of the 300 originally introduced returned to India with around \$13.000 in savings, the commission majority claimed. As for the laborers arriving from St. Eustatius, after being emancipated in 1864, they quickly benefitted from the protection and care enjoyed at the estates on St. Croix. When they first arrived “they had barely the one suit on their backs,” whereas after settling down at the estates “they always appear decently clad” and “several of them owning even horse and cart.” There was apparently no reason to doubt that the working environment of the sugar estates provided both opportunity for those so inclined to save up money and build a household of their own and security and comfort for those recurring basic care and elevation from the depraved state of slavery. The commission majority reaffirmed their conviction that labour-regulations in line with the existing ones were better suited and superior to free-market mechanisms in regulating labour relations on St. Croix by stating that

the uniform rate of wages thus, then, lay no obstacles whatever in the way of the individual developing his resources, while his stable position and his fixed lucrative home on the Estate certainly afford better conditions for a labourer’s progress towards becoming a better man, than would be the case under a system, where the rates of wages are regulated simply by the demand and supply of labour, and where the labourer is half way home-less. A labouring population free of cares for their existence is so great a boon to the Community, that it is not to be wondered at, if we here

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<sup>513</sup> (1872, p. 3)

have been cautious with regard to changes or modifications in relations that have secured that population against such cares.<sup>514</sup>

What followed in the majority's motivations for the draft was an ... of a conservative economic theory. One that favored the regulative mechanisms of a police administration and discarded the advantages of "principles of economy" that would leave the regulation of labour conditions entirely up to "agreements employer and labourer according to their own will."<sup>515</sup> The core of the argument lay in the peculiarities of St. Croix's conditions of production. St. Croix represented a singular production community suffering from labour shortage and unlike similar communities in Europe and America was not

a link of one whole complex of communities, where exchange of labour-force is constantly going on, so that scarcity one place immediately causes plenitude in another place,—where it so in this island, instead of its being a link in an isolated group of Islands, were, with only one single exception, the cry is for the introduction of labourers to carry on the industrial occupation common to all, viz: the growing and manufacture of sugar,—then, the adjustment and ordering of those matters might be left free, without danger to the existence of *Sugar-production*, or *Sugar-growing*,—in other words without the risk of endangering the existence of the Community itself as such.<sup>516</sup>

What was at stake was "the whole welfare of the community"<sup>517</sup> and the strict regulation of labor relations would be the instrument to secure it. The competitiveness of free-market regulation would be detrimental to the community and undermine the security provided to both employer and worker of a stable livelihood and labor force. Workers living on the estates and under the mandatory care of their employer would be unaffected by fluctuations in international markets on which the food supply depended.<sup>518</sup> Likewise, employers would not have to worry about sudden migrations of labor to islands with more favorable wages or working conditions, since

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<sup>514</sup> (1872, p. 3)

<sup>515</sup> (1872, p. 10)

<sup>516</sup> (1872, p. 10)

<sup>517</sup> (1872, p. 12)

<sup>518</sup> Similar arguments were made about the welfare security of slaves living on plantation estates compared to the poor worker in Europe. See e.g. (Roughley 1823/2010, p. 79)

workers were bound by their one-year contracts. The worker-employer relationship was, then, to the mutual benefit of both parties, but could only be sustained as long as that relationship remained ordered by legislation. If the constitution of the relationship was to be opened up to competition and governed only by the forces of the market, the relationship would surely dissolve, and with it the welfare of the community of St. Croix. Thus the labor regulations acted as a security mechanism for the processes of community, which served the interests of planters and laborers, and in the long-term was the only disposition that would be able to improve the character of the labor and sustain the sugar economy at the same time.

To every majority there is a minority and in the case of the commission that minority was made up of lower court judge and chairman of the colonial council, C. Sarauw. Sarauw disagreed with the commission majority on almost every point. He diverged from the majority's opinion that held that as a matter of principle the legislature's "scope of action" could not "be defined ... by abstract notions, but according to the necessities and requirements of the individual community...."<sup>519</sup> Instead he favored a regulation of labour relations "in accordance with true political economy."<sup>520</sup> In regard to the majority's recommendation that using day-laborers should not be allowed as it would undermine the system of year long contracts on which the labour-regulations rested, he dissuaded the idea "that a natural right which this ordinance [the Labor Act] left, should now be taken away or encumbered with unnatural fetters."<sup>521</sup> Similarly, Sarauw opposed the majority's recommendation to enforce a provision stating that any dissolution of labour contracts had to be approved by the police-master. While it had been included in the 1849 labour-regulations, it had not previously been enforced. The majority recommended to amend the provision so that only the worker had to present himself personally at the police office. The purpose of this amendment was apparently to give the police-master the opportunity to "counteract hasty dissolutions of

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<sup>519</sup> (Rosenstand et al., 1872, p. 5)

<sup>520</sup> (1872, p. 18)

<sup>521</sup> (1872, p. 18)

contracts.” To Sarauw, this extension of the 1849 provisional act was exceeding its original intention and would

introduce an unnatural and unnecessary restraint in the relations of the contract and will be used to exercise a pressure on the parties which will generally act on the labourer, seldom on the master.<sup>522</sup>

Sarauw’s overall impression of the draft was that it appeared to him “as an artificial and unnatural structure.”<sup>523</sup> The regulations were unnatural by the fact that they sought not only to set rules pertaining to labour contracts, work hours, or wages, but also to prevent any agreements on terms of labour that were not in complete accordance with legislation. The scope of the draft went beyond merely fixing the minimum requirements of labour conditions, and instead encroached itself upon the free will of employer and laborer to come to their own terms of employment in accordance with the natural order of economic relations. The draft was artificial by the fact that as a consequence of its objective to regulate every aspect of the complex employer-laborer relation and to counteract any foreseeable deviation from the ideal relationship, it had become so detailed in its provisions that it would be impossible to enforce.<sup>524</sup>

Despite the thorough deliberations of the committee, the labor regulations remained unrevised. The Labor Act with its minor amendments remained in effect on St. Croix. It was however abolished for St. Thomas and St. John in May 1872.<sup>525</sup>

What emerges from this close reading of the commission’s reports on the question of labor regulations are, in fact, positions that were reflected in conflicts taking place at different scales of political programs. The clear and familiar evocations of natural relations of political economy versus the regulative conservatism of police mechanisms found in the deliberations of the two reports of the commission, indeed reflects a general conflict among

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<sup>522</sup> (1872, p. 18)

<sup>523</sup> (1872, p. 19)

<sup>524</sup> This objection echoed the criticism levied by a similar commission in 1865, which held that the Labor Act’s provisions were impossible to enforce in practice, and that if any proprietor chose to circumvent the law he could do so without fear of legal repercussions (Skrubbeltrang 1953/1967, p. 176)

<sup>525</sup> (1953/1967, p. 185)



the competing governmentalities of ‘security’ and ‘police’ that so encapsulated the nineteenth century, and were perhaps articulated most clearly in the Carlyle-Mill debate that together with the scenes from the 1878 riot framed the first sections of this chapter. Interestingly enough, however, the antagonism between the proponents of police—strong, legislative, state intervention—and the proponents of liberal, limited, state management, did not seem to hinge upon a concern with coercion or despotism in regard to the governed subjects. The Labor Act was not considered expedient or inexpedient on the basis of the degree of coercion that it prescribed. Proponents of the Labor Act did not argue for coercive measures by referencing a general rule that coercion worked. They argued that coercive measures were necessary and appropriate when applied in the context of a post-emancipation labor organization and when regarding former slaves of the African race. Police regulations were being deployed not with reference to the will of a sovereign, but to the constitution of a particular reality. Opponents of the Labor Act were not opposed to the logic behind its provisions. Yet, they did not agree to the organizational model by which the problematics of post-emancipation socio-economic relations would be resolved. For the proponents, the model of the community represented the ideal-type of a paternalistic, perhaps pastoral, model of government where “human governors” were trusted with the task of providing the conditions necessary for the improvement of “the negro character.” This ideal of community was considered “organic,” as Krebs reminded us, and thus not artificial or unnatural constructions of government. For opponents of the Labor Act, like Sarauw, there could, however, only be one natural model for the organization of labor, and that model was the market. To him, and by extension “the true principles of political economy,” the Labor Act represented an inhibitor for the processes of spontaneous order that a market *free* of “human governors” naturally provided. Regardless of their disagreements regarding the model of natural processes that the different positions each prescribed, they were both acting in accordance with an observable nature that was both particular to the specific context as well as having universal applicability to some degree. It seems plausible to argue that proponents of community and of markets were

both the result of a governmental naturalism that sought to arrange the conditions of actions in accordance with specific natural processes. What the Labor Act signifies is in fact a *dispositif* of security that incorporates police measures rather than reject them as artificial intervention by state-sovereignty.

### **1878 Riot and the Crises of Community**

Throughout the many deliberations over the regulation of labor, no one seemed to seriously consider the aspirations of those whom the regulations were to affect. The rural laborer had figured prominently in successive commission reports in the shape of a racial stereotype, an amalgamation of infantile behavior and the very basic elements of self-interest and incentive. It seemed inconceivable that the self-interest of rural laborers would lead them to attempt to cut off the paternal hand that was sustaining their livelihood. In 1862, Krebs wrote confidently that

As the state of things have now become, there is no reason to fear an insurrection. A feeling of common interests, seems to have become prevalent amongst the inhabitants. ... By far the greater numbers of the labouring class have settled themselves quietly to their work, the importance of which, as the means of acquiring wealth and consequence, they have already learned. They have already reaped such rich fruits from their efforts, that they are essentially interested in the community's being preserved from disturbances and revolutions. There is no reason to fear any such, from that quarter. Those that are most interested in this matter, have no anxiety in this respect. When the planters and other proprietors of large properties do not fear, there is doubt-lessly nothing to be dreaded from that quarter, if but the present system warranted greater security, which is not the case.<sup>526</sup>

By 1878, however, Krebs' optimism had been proven wrong as field laborers resorted to violent rebellion as an instrument to improve their conditions of labor, which they had long been discouraged by. The riot came as a shock to government and planters alike, and spurred the sense of a crises of liberalism that had pertained since emancipation. In the aftermath

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<sup>526</sup> (Krebs 1862, pp. 70-71, 84)

of the riots, which had coursed significant damage to property and persons,<sup>527</sup> a royal commission was appointed to examine the causes of the rebellion and give recommendations to the prevention of its reoccurrence.<sup>528</sup>

Despite much debate on the issue, the provisional labor regulations had not been subject to any substantial revision as Danish West Indian society moved further away from the initial chaotic phase following emancipation. To add insult to injury those men directly responsible for governing and regulating the workforce, the commission found, had also diminished in character. In its report the commission retold the myths of the efficiency of planter paternalism in regard to labor discipline and general living conditions during the era of slavery. It used to be that plantation owners were bound to their property through family heritage and were obliged by their predecessor's efforts to govern the estates not just for profit, but for the art of government in its own right. Accordingly, the welfare of the estate's laborers was of great concern to the planters, and strong ties between planter and laborer existed as a consequence. This paternalistic bond between planter and worker was gradually severed as the former type of planter gentility was supplanted by a new breed of predatory investors and entrepreneurs for whom the chase for profit took precedent to concepts of good plantation governance. The new planter class of former caretakers, and of predominately Irish decent, the report noted, had come to be property owners by taking out substantial loans with their new property investments as collateral. This meant that the investor-planters had to raise enough profit to not only provide for themselves, pay their workers' wages, take care of the costs of running the plantations, but also to pay of their creditors. The conditions of labor suffered accordingly.

Under these circumstances, the commission found three main causes of worker discontentment. Firstly, the right of estate-owners, or managers, to

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<sup>527</sup> In the districts that were most effected only thirty-seven out of the eighty existing estates had escaped the fires. One white civilian, two Danish soldiers, and an estimated seventy-six field-laborers were killed during the unrest, including twelve that were subsequently tried and executed for their involvement in the riot. (Skrubbeltrang 1953/1967, pp. 209-212, 214-215)

<sup>528</sup> (Schlegel et al., 1879). Unless otherwise stated, all information and quotes are from the published commission-report.

levy fines on workers for being absent from work, and the tendency among managers to abuse that right for their own benefit. The commission found that it would be more proper if only the public authorities could administer fines. Secondly, the unfair terms for contract renewal or termination. Thirdly, mobility regulations that forced workers to take on new contracts (transportation to other islands would purposefully be limited during the days following 1 October, when contracts were scheduled for renewal, while the police would order people to find contractual service within three days, thereby, in effect, forcing workers into new contracts).

It was not only the conduct of managers and plantation owners that had developed for the worse. The commission had found that the labor population had suffered from similar detrimental external influences. Despite efforts to restrict labor mobility, labor shortage was an ongoing problem for employers on St. Croix. The shortage of labor had led to the importation of workers from other West Indian islands. These “foreign elements” were in general considered “skilled workers but also often bad subjects.” Labor shortage was also behind the practice of hiring short term labor from the cities without contracts, the so called 'porter system'. As the porter system grew in popularity, the animosity of workers with long term contracts became increasingly stronger. The Porters were better paid and under no contractual obligations to continue working on the plantation if they chose to leave.

The work of the commission, then, did not just relate itself to the immediate police problem of bringing an unruly labor population under control, but was concerned with the longterm social and moral fabric of colonial society. The solution needed was one that would establish ‘police,’ a well ordered society, but through the use of dispositions that differed from both the previous police techniques of the colonial administration and the liberal ideals of self-government and limited state intervention. One fundamental pivot of colonial liberal police techniques would be the racial relations among the inhabitants. The commission claimed that Afro-Caribbeans’ esteem for the white race (meaning the authority of planters and government officials) had been severely damaged by developments after emancipation. This development had been caused by moral deterioration

among plantation managers and proprietors as well as the government's weakening authority and ability to maintain order through military force and police presence. The financial difficulties facing the islands were found to be an important factor in this process of degradation. Planters' declining prosperity, Government cut-backs, and unsuccessful attempts to sell off the islands were all, in the eyes of the commission, to blame for the black population's low regard of the white race. It would be the fundamental objective of colonial government to implement policies that would reinstate authority and stabilize racial relations.

As a consequence, "the negro's character" was deemed an essential target of intervention. "The negro's character" was judged by the commission to be at "a low spiritual and social level" and "only barely elevated above the state of slavery." "The negro" retained character traits that showed great potential but also great danger: A mixture of blind obedience towards superiors and a raw form of imperiousness towards weaker creatures. "The negro" was said to be characterized by a great measure of passion that flares when awakened by his discontent. Once in this state of passion he would only be stalled by military authority. Accordingly, the commission was adamant that a strong military presence would have to be reinstated before any long term reforms could be implemented. Military force would, however, only serve as a preliminary measure to quell any rebellious activities. Any substantial changes to the structures of colonial society would not come from repressive measures but from productive initiatives of mandatory education and landholding.

Afro-Caribbeans had to be free not only in theory but in practice. The only way to elevate the black race, according to the commission, and thereby bring prosperity to the colony, would be to ensure that black workers would live liberal lives of education, property and family. In order to secure this development the negative virtues of the black race would have to be restrained through anti-vagrancy legislation. Without a vagrancy law, and freed from the constraints of the old labor regulations, black workers would be free to follow their "natural" inclination to work as little as possible, maybe even leading the worst of characters to not work at all, instead being drawn to a life of thieving. The tropical conditions added to

the difficulties of instilling a proper work ethic in Afro-Caribbean workers. How were one to persuade free blacks to work hard every day in plantation fields when the tropical environment provided plenty of fruit and sugar canes, and gentle nights rendering permanent shelter obsolete. If it was possible in tropical conditions to live of the land and your immediate surroundings without any cultivation, then why would any individual not naturally endowed with the incentive to invest his or hers work in increasing value and savings, chose the difficult path of industriousness?

The commission's solution to the problems of idleness and vagrancy specifically, and the improvement of character in general, was twofold. Firstly, it was important to provide an effective deterrent. The obvious solution was the promise of forced labor as punishment for vagrancy. Secondly, and located in the other end of the scale of governmental techniques, idleness and vagrancy would be combated by nourishing within the rural workers an interest and incentive to cultivate the land and establish permanent households of their own. The commission found these elements in what they referred to as "the squatter system." "Squatters" referred to individual plantation workers that had saved up enough funds to rent or buy a small piece of unused land on which they could grow different crops. This group of industrious workers exemplified the virtues that the commission wanted to instill in the moral constitution of all rural workers: hard work, economic sense, and appreciation for the value of private property. Whereas education initiatives would build the long-term foundation for "the acquisition of healthy moral concepts," the expansion and promotion of 'squatter-conduct' would serve as an immediate inspiration and positive influence on the majority of laborers for whom industrious virtues were unknown.

In time, the commission imagined, the squatters would amount to a class of their own separated from the laborer class by their attachment to the local community by virtue of their property-holding status that would entice their commitment to maintain order and discipline. If government would support the industrious and hard-working laborer in his efforts towards such goals it would serve as encouragement to others. Another positive effect of expanding the squatter-system would be "a moral influence" sparked simply

by the possession of property itself and the sense of commitment and urgency that the privilege of being able to pass on that property to one's descendants could cause. A new truth about the universal economic aspirations common among all human-beings was being introduced to the governmentality of the Danish West Indies.<sup>529</sup>

The commission did not seem to have been aware of the failure of previous proposals of a similar nature. Already in 1853, member of parliament, A. F. Tscherning, had proposed to divide state-owned plantations into smaller parcels to be made available for rural laborers. The acquisition of their own land, it was assumed, would increase the laborers independence vis-a-vis their employer. Tscherning's initiative was, however, not implemented.<sup>530</sup>

The commission made surprisingly few comments regarding the auspiciousness of the labor regulations. Other than arguing that the labor regulations had permitted the degenerated elements of the planter class to deteriorate conditions of labor, and thus fertilize the discontempt among workers, the commission did not seem to be advocating for the introduction of a completely unregulated labor market. Rather, the commission-majority was arguing that the current circumstances did not allow for such wide-ranging freedoms in the labor market. The main obstacle for a free labor market, by the commission's own admission, was the "character of the negro." The "negro's character" would first have to be improved upon by what essentially amounted to a reorganization of the community in which he had been placed. By analyzing the causes of the riots the way it did, the commission was acknowledging crises of community that had evolved within the plantation environment. The organic community of the estate had not brought about the mutually beneficial order between proprietor and laborer that had been expected and continually voiced by commentators and

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<sup>529</sup> Encouraging smallholder peasantry was a recurrent theme of post-emancipation political economy throughout the Caribbean. A similar commission established after a serious revolt on the British island of St. Kitts in 1896 gave corresponding suggestions of pursuing smallholding among afro-caribbean rural laborers as a preventive security measure (Richardson 1992). The concept of "family land" has been prevalent in post-emancipation Caribbean societies, see e.g. (Besson 1979; 1984; 1995).

<sup>530</sup> (Skrubbeltrang 1953/1967, p. 165)

legislators. By evoking the image of the “squatter” as an ideal-type for the conditions of improvement, the commission was advocating for the reinstallation of a *dispositif* of community and cooperation—disengaged from the inhibiting milieu of the plantation—from which “the negro” would gain the necessary appreciation for virtues of obligation, duty, and responsibility that would allow him to conduct himself as a rational actor in an eventually free-market economy.

### **Communities of Improvement**

The previous sections have argued that the question of “the character of the negro” was pivotal in the arrangements that were introduced to secure the sugar economy, particularly in regard to the availability of labor, following emancipation. The question of natures were in fact integral to the rationality behind the installation of security *dispositifs* in accordance with a liberal governmentality. Despite the centrality of the supposed negative dispositions of the black field-laborer’s predisposed racial character to the policy of economic protection that was advanced by colonial authorities, this strategy did not evolve towards the feudal social imaginations that were expressed by commentators like Carlyle. The ambition among policy makers remained to affect “the negro character” in a positive and productive direction. Even after the events of 1878, which to the public imagination confirmed the inner-most primal nature of the black race, the belief remained that those basest of human behaviors could be overcome by introducing more beneficial environments to nurture liberal sentiments and ethics. The logic of liberal economic pedagogy remained valid; change incentives and you change behavior.

This ambiguous optimism regarding the acclimatization of the inhibited subjectivities of former slaves, which for example was expressed in the policy suggestions of the 1879 commission, was garnered by a genre of specialist literature that applied itself to the specific problematic of managing the tropical environment and its peculiar populations. Volumes such as W. P. Livingstone’s *Black Jamaica: A Study in Evolution* (1899) and Benjamin Kidd’s *The Control of the Tropics* (1898), were examples of



expositions that insisted on a program of government that was based on evolutionary analyses of the current stage of the development of the black race and its potential for future progress. They were concerned with formulating a production of freedom that was scripted to the observable facts of the nature of the black race and its different stages of development. The central claim of this literature was that the laws of biology—the principle of evolution—also applied to the laws of society and economy. The general process of human history was as an evolutionary development of human races. The recognition of human history as a process of evolution did, however, not lead authors such as Kidd and Livingstone to conclude that the supremacy of the white race over the black race was thus natural, just, and permanent, as Carlyle and other race theorists had argued before them. The principle of evolution was inherently a principle of progress, and the current state of the black race was therefore not a consequence of its original capacity, but merely a reflection of the level of development to which it had arisen at that moment in time. From that current stage it would naturally progress if the conditions permitted it.

In his book, Livingstone put forward a program of government that was aimed at providing the right conditions for the progress of the black race in Jamaica, which in many elements echoed the propositions of the Danish 1879 commission. The essential object of government, according to Livingstone's program, was to take on the paternal role of the guardian of its black population and provide them with the instruments necessary for them to elevate their cultural and industrial capacities to a higher level of civilization. These instruments were to be instilled through education (both in terms of a general formal schooling and more specific agricultural and artisanal training), religious influence, and the promotion of more domestic ways of living based on property ownership and the family unit. From its vantage point at a higher stage of development, the obligation of "the white race," and specially of "statesmen and legislators and all in authority," was "unmistakable" to Livingstone: "It is to uplift and mould into a responsible

and progressive people the black humanity lying about its feet.”<sup>531</sup> Disregarding the moral imperative of advancing the development of “the black humanity,” the task would also bring with it a “material advantage” and was thus legitimized as a matter of statecraft and not simply of philanthropy:

To educate and train the negro is to enter into a remunerative commercial investment. It is to increase his economic status, to expand his desires, and to multiply his material requirements. To satisfy these he must draw on the nation to which he is attached, and as his development proceeds his purchasing power will undergo a corresponding enlargement, and the more profitable will become his demands. The negro race is, in fact, one of the greatest potential markets in the world.<sup>532</sup>

The biopolitical link between the improvement of the conditions of the population and the wealth of the state that we investigated in the third chapter in regard to the abolition of the Atlantic slave trade is reinvigorated here in Livingstone’s logic. Yet, it is a different kind of improvement and a different mechanism of wealth that is alluded to. The improvement of slaves’ living conditions is replaced by the improvement of the former slaves character. The nurturing of hope within the life-aspirations of the slave is replaced by the engendering of material desire within the freed subject. The increased capacity to labor in the improved body of the slave is replaced with an increased purchasing power of the black consumer.

A similar coupling between improvement of character and augmentation of economic activity was prevalent in political economic analyses of the Danish West Indies at the beginning of the twentieth century. In a lecture given to the Danish Economic Society [*Nationaløkonomisk forening*] on 17 January 1907, the then permanent secretary to the Ministry of Finance, F. P. Hiort-Lorenzen, presented his analysis of the causes of and possible remedies to the “economic crisis in the Danish West Indies.”<sup>533</sup> To Hiort-Lorenzen, the final four decades of the nineteenth century had constituted

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<sup>531</sup> (Livingstone 1899, p. 292)

<sup>532</sup> (1899, p. 293)

<sup>533</sup> (Hiort-Lorenzen 1907, p. 113)

an “ongoing decadence” in the economy of the colony.<sup>534</sup> He identified several causes of this decline. Among the responsible factors he mentioned technological innovations such as the steamship and the telegraph, which had limited the importance of St. Thomas as a steppingstone in the transatlantic network of goods and communication; unfavorable tariffs and prices of export commodities, principally sugar; natural disasters such as hurricanes and earthquakes; and the ongoing extraction of capital by short term investors and merchants. Sugar cultivation on St. Croix had been particularly devastated by the increasing costs of production following emancipation and the decreasing price of cane sugar.

Hiort-Lorenzen identified two principal policies that would do much to rectify the economic and social state of the islands. Firstly, a reorganization of the Danish tariffs and duties system would make it more profitable for sugar producers to export their produce, as well as lower the prices of imported consumption goods such as flour and fat. Secondly, and of greater importance to the longterm sustainability of West Indian society, Hiort-Lorenzen proposed to actively support and encourage the establishment of smallholder cooperatives among the Afro-Caribbean laborers. In order to promote smallholding it should be made easier for laborers to acquire land. He stressed that the land should be required as property and not simply rented.

The fact that the black laborer should be able to require land as property was, in Hiort-Lorenzen’s view, in accordance with the conditions of agricultural cultivation in the West Indies, which were dependent on black labor to work the fields in climatic conditions that was said to be beyond the physical capacity of the European laborer. Hiort-Lorenzen was arguing that in fact the Afro-Caribbean laborers had an almost Lockean right to the property of the land, the value of which could only be attained by their labor. But Hiort-Lorenzen’s proposition also reflected an adherence to principles of cultural determinism. Agricultural land and its cultivation was presented by Hiort-Lorenzen as an essential cultural appendix to the Afro-Caribbean national character. “To deprive the negro of the soil,” Hiort-

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<sup>534</sup> (1907, p. 114)

Lorenzen argued, “is tantamount to denying the Greenlandic their kayaks or the North Sea fishermen their motorboats.”<sup>535</sup> Providing black laborers with the opportunity to acquire land as property was thus legitimated by a Lockean right to property by cultivation as well as a cultural right to practice ones national character. The Afro-Caribbean field laborers was tied to the soil by history, custom, and culture, and it would only be just if they were given the opportunity to seal that bond through property rights. The theory of character improvement through the social and economic organization of smallholder cooperatives was thus affirmed by a culturalism that confirmed the authenticity of Afro-Caribbeans’ affinity with that type of cultivation and community organization. The introduction of smallholder cooperatives was not merely a practical measure to meet a particular end, it was also, and significantly, in accordance with the cultural practices of Afro-Caribbeans and thus an affirmation of their rights to practice their culture.

There was, however, also a utilitarian justification at the center of Hiort-Lorenzen’s proposal. The ownership of land, he held, presented “the only possibility of progress and prosperity” for the inhabitants of St. Croix and St. Jan.<sup>536</sup> Ownership of land carried with it an incentive to strive for self-improvement by providing the prospects of achieving equal opportunities in economic and social advancement.<sup>537</sup> It was of outmost importance, then, to the economic future of the colony to facilitate the establishment of “a class of negro smallholders on St. Croix and St. Jan.”<sup>538</sup>

Hiort-Lorenzen referred to the very popular American economist Henry George and his widely read book *Progress and Poverty* (1879)<sup>539</sup> to support his conviction that the conduct and habits of the black laborers could actually be improved through the management of smallholdings. George promoted a peculiar combination of an egalitarian economics facilitated by a perfected free market mechanism. The only involvement of government in

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<sup>535</sup> (1907, p. 132)

<sup>536</sup> (1907, p. 132)

<sup>537</sup> (1907, p. 134)

<sup>538</sup> (1907, p. 134)

<sup>539</sup> George was by far the most widely read economist of his day (Hudson 2008, p. 2; Schumpeter 1954/1986, p. 831).

the economic domain should consist of a de facto nationalization of the value of rent based on the original value of unimproved land. The so called “single tax” would prevent pure speculation in the value of land, which allowed landowners to profit immensely without adding any actual value to the land or society in general. Land speculation was, in George’s economic theory, the prime cause of the correlation between the general material progress of industrial economies and the escalating poverty among the working class. Confiscating the profits from rent would put an end to the increase in rent as well as the decreasing wages. The revenue that “the single tax” would generate for the state would then be invested in improving the social and cultural conditions of society’s poorer classes.

George was a strong believer in the social power of cooperative improvement. This aspect of his philosophy was not only present in his economic theory but formed the basis of his theory of the development of civilizations. The final part of *Progress and Poverty* on “The Law of Human Progress” is devoted to this history of civilizations. In *Progress and Poverty* George disputed the claims of race theory and social darwinism that the character of individuals were predetermined by their race, and therefore insusceptible to influences of improvement. George’s opposition to the influence of darwinism and race theory in political economy resided in his readings of these interpretations of human development as being essentially amoral. If all human capacities were predetermined by racial origins then there would be no agency or effect in the concept of improvement. The principal effect of race was to extinguish the potential of the individual to improve and aspire towards something better, a higher level of existence, morally as well as materially.

According to the principles of race theory and social darwinism, the development of races occurred through a process of natural selection in which the fitter race or civilization won out in the game of evolution to the detriment of the lesser fit races. Thus, when the anglo-saxon race could arguably take the place as the superior race in relation to the “asiatic” race or the “negro” race, it had evolved as such through a natural process of selection based on the predisposed capacities of each race. If such a scenario, in fact, reflected the actual process of the genesis and development

of civilization, then any attempt to impress upon individuals of the lesser fit races any form of moral education and improvement would be futile and pointless. Evolution had already proven that the limited capacities of these races had not allowed for them to advance such improvement within their character despite the fact that in evolutionary terms it would have been the only purposeful course of development. It was this type of evolutionary determinism that George saw as amoral, in the sense that morality had no influence upon the fitness of a race and in turn upon the life of individuals. In the final analysis, then, the effect of race theory and social darwinism was to deprive the individual life of purpose and meaning. This was a very different interpretation of the impact of the theory of evolution and natural selection on the principles of social and political economy than those represented by Livingstone and Kidd.

In George's reading, the law of natural selection could not be extrapolated from the animal kingdom and applied to the development of races and civilizations. The history of civilizations was not a process of evolution in which competing civilizations either evolved or became extinct. History had shown that the superiority of civilizations waxed and waned like the moon, rather than evolve like Darwin's species. Once grand civilizations, regardless of their power and magnificence, would at a given point in time face decline, and see its position of dominance overtaken by another. Furthermore, this dynamic history of civilizations could not be shown to reflect the perceived predispositions of races. At the end of the nineteenth century, the position as the hegemon of civilization might have been occupied by the anglo-saxon people. In other eras of history, however, it had been dominated by Asian and African empires at a time when the anglo-saxon tribes of Europe had barely been able to sustain their own existence. Current conditions of global dominance did not reflect original capacities. Otherwise the history of civilizations would have been much less dynamic.

George likewise discarded the validity of the law of heredity in regard to the formation of individual character:

How little does heredity count as compared with conditions. This one, we say, is the result of a thousand years of European progress, and that one of a thousand years of Chinese petrification; yet, placed an infant in the heart of China, and but for the angle of the eye or the shade of the hair the Caucasian would grow up as those around him, using the same speech, thinking the same thoughts, exhibiting the same tastes. Change Lady Vere de Vere in her cradle with an infant of the slums, and will the blood of a hundred earls give you a refined and cultured woman?<sup>540</sup>

Blood and race counted for very little compared with social conditions as factors in the formation of habits and virtues. Civilization and improvement was not a condition of particular races or nation. Rather, it flourished in conditions where humans were freed from other duties to pursue activities of philosophy, art, and education. Increased specialization and division of labor had allowed the farmer to leave issues of security to the soldier and instead free up time for mental and moral improvement. “Men improve as they become civilized, or learn to co-operate in society.”<sup>541</sup> The principle of improvement through cooperation was as valid in regard to macro histories of civilizations as it was to the micro organization of human communities.

Hiort-Lorenzen’s proposal to organize the West Indian smallholders in cooperative movements was then in line with Henry George’s political economic thinking. It also reflected the tendency among smaller dairy and pig farmers in Denmark since the 1880s to organize themselves in cooperatives—the so called *andelsbevægelse* [cooperative movement].<sup>542</sup> Hiort-Lorenzen imagined that the West Indian smallholders could be organized on the model of the Danish *andelsbevægelse*. Together the new smallholders would clear overgrown pieces of land, preparing them for cultivation. Each smallholder would then cultivate their own individual plots, but the produce would be sold through the cooperative. This model would secure the advantages of large scale production while retaining the individual ownership of and responsibility for the cultivation and management of the holdings, and thereby facilitate the beneficial fostering

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<sup>540</sup> (George 1881/2009, pp. 422-423)

<sup>541</sup> (1881/2009, p. 429)

<sup>542</sup> There does not seem to be any connection between Henry George’s writing and the emergence of the Danish cooperative movement.

of industrious and economic conduct, as individuals and as a community, within this new smallholding class.

Hiort-Lorenzen was convinced, then, that not only was the introduction of industrious conduct in the subjectivity of black laborers possible, the specific model of the black smallholder had in fact been effectuated successfully in other West Indian colonies. As examples of the beneficial effects of smallholding in the British West Indian colonies, Hiort-Lorenzen referenced the accounts of the aforementioned Livingstone who had described the prosperous conditions of Afro-Caribbean smallholding in his *Black Jamaica*: “In Jamaica it is the negro settler on the cool mountains who has reached the highest stage of development.”<sup>543</sup>

How, then, did the model of black smallholders, as put forward in Hiort-Lorenzen’s lecture, purport a solution to the post-emancipatory problem of labour? The smallholder concept did in fact bracket of a pool of potential labor force from working in the struggling industry of sugar production. Then how could smallholding be conceived as beneficial to the general economy of the colony and the specific demands of planters for a sufficient labor force to work the sugar fields and the sugar factory? It certainly did not seek to bind individual workers to specific estates by enforcing longterm contracts. In fact, as we have seen, the commission to evaluate the causes of the labor riots in 1878 had recommended the implementation and expansion of the “squatter system” as a countervailing mechanism to the negative effects of the contract system that was put in place by the Labor Act. Instead of the juridical form of the contract, the concept of smallholding took on the form of the household as the mechanism that would regulate the power relations of labor.

The mechanism of the household, of domesticated life, held the potential to alleviate the most pressing socio-economic problems that were impacting the supply and quality of labor. In his lecture, Hiort-Lorenzen surmised that the successful establishment of smallholder cooperatives could do much to counteract such detrimental factors as high child mortality, heavy alcohol

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<sup>543</sup> (Livingstone 1899, p. 285)



consumption, and mass migration.<sup>544</sup> In 1916, the superintendent of schools in the Danish West Indies, C. Rübner-Petersen, and medical official on St. Thomas, Viggo Christensen, both argued that the proliferation of smallholding and peasant proprietors would greatly reduce child mortality rates. According to the two authors, child mortality could not be specifically attributed to hygienic and sanitary conditions, but were rather connected with poor nutritional intake and insufficient parental care, which in turn were effects of the general state of poverty among the labor population and its associated negative social conditions.<sup>545</sup> Improvement of sanitary conditions such as a cleaner water supply would do little to reduce child mortality, relative to the general mortality, unless “the labor population learns to apply the same rules for the care and nourishment of infants” that the medical profession prescribed.<sup>546</sup> What was needed was “an awakening” of an interest for childcare within the labor population.<sup>547</sup> The authors argued that smallholding would provide the necessary conditions to alleviate the social effects of poverty as well as the incentives for laborers to prioritize the welfare of their children over shortsighted personal gain.<sup>548</sup> There were two essential elements to this transformation of subjectivity. First, the creation of “an orderly family life” was an important part in signifying the value of children. This involved the delineation of gendered functions and hierarchies. The father would take on the role of the provider, while the mother would solely be concerned with domestic duties, and not be forced by economic considerations to seek employment elsewhere, thereby neglecting the needs of the children.<sup>549</sup> This confirmed the sentiment of the Royal commission of 1902, which claimed in its report that “there exist no better means of fostering the sense of family [*familiefølelsen*] than the consciousness of sitting upon one’s own piece of land.”<sup>550</sup> Second, as proprietor of the family plot, a permanent attachment to the place of

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<sup>544</sup> (Hiort-Lorenzen 1907, p. 135)

<sup>545</sup> (Christensen 1916/1917, p. 357; Rübner-Petersen 1916, pp. 26-27)

<sup>546</sup> (Christensen 1916/1917, p. 359)

<sup>547</sup> (1916/1917, p. 362)

<sup>548</sup> (1916/1917, p. 363)

<sup>549</sup> (Rübner-Petersen 1916, p. 27)

<sup>550</sup> (Den Vestindiske Kommission 1903, p. 118)

residence would be established. Property rights to the plot was assumed to provide the incentive for continual maintenance and improvement of the property.<sup>551</sup> Together, these elements would facilitate the establishment of a Home, the benefit of which, the labor and sentiment of the parents would be directed towards. The orderly home would serve as the primary mechanism to counteract child mortality.

When proponents of smallholding could make such promising claims, it was due to a great confidence held by many that the mechanism of the household possessed a potential to shape the conduct of individuals according to the ideal of a moral and industrious member of society and relinquish them of their former habits and virtues of vice, adultery, idleness, and frivolity. In order to become economic subjects, the wage laborer would have to establish his own household, to domesticate himself, complete with a wife at home and children to care for. As a countermeasure to the animalization of slavery, and the savagery of the African nature, the freed slaves were to enter into a process of domestication that would eventually tame the beast within.<sup>552</sup>

The ideal image of the family and the household as a model for good and proper government has a long genealogy in the history of Western political thought. In Foucault's account of sovereign power the *patria potestas* serves as the emblem of sovereignty in its most absolute form, granting "the father of the Roman family the right to 'dispose' of the life of his children and his slaves."<sup>553</sup> Whereas the figure of the father had a very different purpose in the descriptions of pastoral power, in which the shepherd (or pastor) of a flock (or congregation) was charged with procuring its wellbeing and salvation by knowing of and caring for the constitution of each individual member as well as the flock as a whole.<sup>554</sup> Also, the original meaning of 'economy' as retained in the ancient Greek term *oikonomia*, referred to the management of the household and the family, the distribution of its wealth, goods, and resources, as well as the

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<sup>551</sup> (Rübner-Petersen 1916, p. 27)

<sup>552</sup> (Holt 2000a, pp. 46-47)

<sup>553</sup> (Foucault 1978/1998, p. 135)

<sup>554</sup> (Foucault 1982, p. 783, 2007/2009, pp. 125-129)

conduct of the members of the household, the wife, children, and slaves.<sup>555</sup> Modern notions of economy and welfare and their close connection with political government is thus tied together by the image of the family and its internal dynamics of conduct and management.

As the pastoral and the economy merged with political government and the pursuance of wealth and order as part of the emergence of European administrative states from the eighteenth century onwards, the family and the household in turn was identified as a prioritized object of government intervention. With the advent of biopolitics and the maintenance of the population as the main purpose of government, the function of the family in relation to government shifted from “a chimerical model for good government” to “a privileged instrument for the government of the population.”<sup>556</sup> As an object of biopolitical intervention, the family constituted the interstices of the power relations between individuals, society, population, and state.<sup>557</sup> The management of population health and reproduction, as well as social morality and virtues, was to a large degree conducted via the medium of the family unit.<sup>558</sup> But it also constituted a privileged site of what Ann Stoler has referred to as “the education of desire.”<sup>559</sup> The family and household served as pedagogical spaces where “bourgeois sensibilities” supported by nationalist and racial notions were cultivated.<sup>560</sup> British abolitionists viewed Christian marriage as the most fundamental civilizing institution to which the liberated slave would necessarily have to comply.<sup>561</sup> Edmund Burke went as far as to advocate for compulsory marriage among slaves in his “Sketch of the Negro Code” (1780). For, as Burke argued, “a state of matrimony, and the government of a family, is a principal means of forming men to a fitness for freedom, and to become good Citizens.”<sup>562</sup> For colonial subjects—and black colonial subjects specifically—the interconnected institutions of the household, the

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<sup>555</sup> (2007/2009, p. 192)

<sup>556</sup> (2007/2009, p. 105)

<sup>557</sup> (1978/1998, p. 100)

<sup>558</sup> See e.g. (Donzelot 1979)

<sup>559</sup> (Stoler 1995)

<sup>560</sup> (1995, p. 135)

<sup>561</sup> (Wilson 2011, p. 1318)

<sup>562</sup> (Burke 1999, p. 278)

family, and marriage were considered powerful mechanisms to civilize and improve their character and moral virtue.

It was not at all certain, however, that the connotations of the image of household and family government were perceived as simply beneficial, not least by the members of the labor population themselves. From the perspective of the laborers, the form of household government that they were most familiar with was the form of plantation management, which with little doubt conferred much more ambivalent sentiments than the simply beneficial model of economic and pastoral government. During slavery, plantation management, at least in theory, combined the nearly unlimited ancient right of “the Roman *paterfamilias*, or the Greek *oikonomos*-householder,”<sup>563</sup> to penalize members of the household with the objective of pastoral power to conduct the souls of slaves through Christian teaching. Through plantation discipline, planters were institutionalizing the oxymoronic “discursive economy” of “Christian imperialism.”<sup>564</sup> When slaveowners whipped and dismembered the bodies of slaves they were also prying open a gateway to their souls.

This was not at all the type of household-government that the smallholder proponents wanted to convey. Rather, smallholding and the domestic ideal, based on the structures of Christian matrimony, reflected the principles of modern political economy at the micro-scale of household economy. The family household entailed its own biopolitical regulation of the health and welfare of its members. The process of domestication emphasized the maternal responsibilities of black women, reserving for them a place in the home and giving them responsibility for the welfare of the children and the sanitation of the domestic space. The cooperative organizational form secured the centrifugal effect of the subjectivizing mechanism of each smallholder unit, expanding outwards as a general matrix of social self-conduct, producing industrious men and domesticated women—a thoroughly gendered community of progress.

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<sup>563</sup> (Dubber 2005, p. 31)

<sup>564</sup> (Greenblatt 1991, pp. 70-72)

Hiort-Lorenzen's proposal was not met with unopposed enthusiasm. During the subsequent Q and A session, Holger Ramsing, a former army first lieutenant, building inspector, land surveyor, and telegraph manager on St. Croix, objected to the idea that "Negroes" should have easy access to acquiring land. "These People," Ramsing contented, were in general "completely incapable of independent enterprise."<sup>565</sup> Ramsing remarked that previous attempts had shown that the West Indian field-laborer at present did not have the necessary education and training required in smallholding. The education of "the negro population" should be promoted and obtained before any plans to provide the necessary bank loans and identify available land could be initiated.

Ramsing reasserted his views on the matter in his testimony to the 1916 parliamentary commission regarding the Danish West Indian Islands, albeit in a more nuanced and elaborate exposition. He regarded the establishment of smallholding as a beneficial measure towards the general improvement of the islands' occupational opportunities.<sup>566</sup> In order for a smallholder movement to be truly beneficial for West Indian society, however, Ramsing reasserted the need for effective and sustained education "until the rational principles of cultivation have truly entered the consciousness of the population."<sup>567</sup> In its current state, Ramsing considered the black working class, "who's most prominent characteristics are ignorance and laziness," to be "extraordinary unfit" to the task of independent smallholding.<sup>568</sup> While the process of domestication and the ideal of the peasant proprietor was saturated with an idealist optimism, the general perception towards the intellectual and industrious capacities of the Afro-Caribbean labor population was thoroughly pessimistic. As a consequence, the initiation of a large scale parcelling out of land into smallholdings was constantly postponed by the acknowledgement of associated processes of character improvement that would serve as a condition for success of an eventual smallholding class. The project of improvement was in fact caught in a

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<sup>565</sup> (Hiort-Lorenzen 1907, p. 142)

<sup>566</sup> (Rigsdagskommissionen angaaende de Dansk Vestindiske Øer 1916, Bilag B, p. 11)

<sup>567</sup> (1916, pp. Bilag B, 12)

<sup>568</sup> (1916, pp. Bilag B, 12)

circular argument. The project of smallholding could not succeed without a more educated laboring population. However, the incentive to educate and improve one's skill set and general position in life would be created by the establishment of homes and farms, the proper and profitable management of which would in turn be dependent on a certain level of education.

Ramsing's opinions, like most of the testimonies recorded by the 1916 commission, were framed by the tensions created by the "labor agitations," as the activities of the organized labor movement in the colony were commonly referred to, especially by its opponents. The labor union, lead by Hamilton Jackson, was actively disrupting production processes at strategically opportune moments, for instance during the sugarcane harvest, which was a highly labor intensive process, by simply ordering workers to abandon their jobs. Obviously, such disruptions were of great consequence for the planters and employers. Jackson and his followers were therefore the object of scorn and resentment from the majority of the islands' white population and Danish investors in the metropole. In his testimony to the commission, Peter Lassen-Landorph, board member of *Plantageselskabet Dansk Vestindien* (The Plantation Corporation Danish West India), referred to Jackson's "agitation" as invoking more than the mere refusal to work by attempting to incite "racial hatred" towards the white inhabitants.<sup>569</sup>

In similarity with the 1878 riots, the strikes in 1915-16 were symptomatic of the failure to arrange the regulation of labor relations in a manner that acknowledged and supported the wishes and aspirations of the labor population. Albeit with very different means, the labor union was demonstrating the discontentment with an organization of labor relations that were supposed to be formulated on the basis of the habits, cultural practices, and level of civilizational advancement of the very same group of individuals that were very openly voicing their opposition against said organization.

## **Liberogenic Devices and the Crises of Governmentality**

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<sup>569</sup> (1916, Bilag B, p. 21)

What type of subject is it that we find emerging from the post-emancipation program of labor regulation through racial improvement? To a certain degree, it reflects the search for the fabled *homo æconomicus* within the habits and conduct of a formerly enslaved, African population. The projects, first of pseudo coercive labor regulations, and then, later, of promoting smallholding can both be interpreted as attempts to gradually introduce “subjects of interest” into economic life. By promoting subjects of interest, these programs of government were in fact attempting to establish the preconditions for a reconfiguration of the mechanism of value creation from a system of slavery that was relying more on coercion than either will or interest, to an autonomous economic process that was dependent on the multiplying value of the actions of subjects of interest. In Foucault’s treatment of liberalism and neoliberalism, the theory of *homo æconomicus* is given a pivotal role as an argument for the limitation of government in regard to economic processes, or at least a recognition of and respect for the autonomous nature of economic processes.<sup>570</sup> In Foucault’s interpretation, *homo æconomicus* becomes a figure of counter-conduct against the power of the sovereign to regulate the economic domain. The sovereign is incapable of knowing the complexities of the relations between economic men to a degree where he can competently regulate their interactions. The sovereign should therefore govern as little as possible in relations of economy, not because he has a limited right to do so, but because he is not competent and knowledgeable enough to do so.<sup>571</sup>

In the context of post-emancipation politics, we see a quite different application of the figure of *homo æconomicus*. Here, economic man becomes the ideal of a pedagogical project of character improvement that was deeply imbedded in the theory of racial progress and the explicit hierarchy that it implied. The promotion of economic men and subjects of interest in the Danish West Indies shared a clear affinity with what Foucault refers to in *The Birth of Biopolitics* as “liberogenic devices.” By this term, Foucault means “devices intended to produce freedom which potentially

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<sup>570</sup> (Foucault 2008, lecture of 28 March 1979)

<sup>571</sup> (2008, pp. 282-283)

risk producing exactly the opposite.”<sup>572</sup> I believe that this concept captures quite well the ambivalent processes of labor regulation and improvement that have been examined in this chapter. What was the Labor Act of 1849 if not the production of freedom by the restriction of freedom? Compulsory contract labor certainly was a coercive restriction of the newly freed laborers’ instinct towards abandoning their former place and type of employment. Yet, the restrictions were justified as serving the interests of the laborers “as a member of a family” and providing for his needs in times of sickness and old age. Perhaps most importantly the compulsory inclusion into the community of the estate had “shown him the proper path, by the reasonable application of his statutory freedom, that is by industry and regularity, toward elevating himself to a higher level of civilization.”<sup>573</sup> From one perspective, this was a simple a cynical calculation: the cost of allowing the emancipated population full and unregulated liberty would be too great to bare. From a different perspective, however, the cynicism is replaced by altruism: only by limiting and guiding the exercise of the emancipated’s freedom would they be able to develop their character towards a level of civilization that would allow that new state of freedom to become sustainable and not degrade into a primitive and savage condition of disorderly idleness and debasement.

The coercive community of contractual labor was formulated as a temporary arrangement, a contingency measure to contain the risks of emancipation. However, precisely because the governmental project itself was shaped by evolutionary theories of human development that surveyed millennia of human history, the temporary measure was recast as a perpetually transformative process. Thus, when concerns were raised over the expediency of the labor regulations, F. E. Elberling could respond in 1862 by questioning the proportions of the criticism: “But is 12 years a long time in the development of a human-race?”<sup>574</sup> The Labor Act was not merely a contingency plan for the protection of a colonial economy, its provisions were tools of human engineering. And as such, the temporal

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<sup>572</sup> (2008, p. 69)

<sup>573</sup> Bailiff Hanschell, quoted in (Elberling 1862, pp. 35-36)

<sup>574</sup> (1862, p. 37)



scale could not be limited to single years or decennia. The progress of human races were to be counted in centuries and millennia. As a consequence, any proposals of reform to the perpetual community of improvement were dismissed with reference to the broad temporal scope of human development as well as the empirical observation that the labor population was not yet at a stage of development that could sustain an unrestrained freedom. The Danish West Indian population were to be confined to the same “waiting room of history” that many of the worlds colonial populations found themselves contained within. But as were the case with other colonial populations that felt themselves inhibited by the “not yet” of the developmentalist apprehensions of colonial governmentality, the West Indian laborers contested their position with a loud “now.”<sup>575</sup>

Thus, the labor population eventually rejected the promised development towards *homo aeconomicus*. Having attained their statutory freedom, the labor population was more appealed by the promises of *homo juridicus*, the subject of rights. The riot of 1878 and the strikes in the final years of Danish rule, were especially intense manifestations of that political objective. However, as an example of the irony of history, these assertions political claims to individual liberty and rights were interpreted by many as signs of degeneration of the emancipated population rather than maturity as a political community deserving of political rights.

This development exemplifies an inherent ambivalence or paradox of liberalism in the context of post-slavery colonialism: Liberalism’s adherence to a naturalism meant that the production of freedom was made impossible in the case of former Afro-Caribbean slaves. The questioning of the limits of their natural capacities, likewise limit the utility of implementing programs of social progress. The calculus of utility, which, according to Foucault, defines the limits of liberal governmentality,<sup>576</sup> determined that to invest in the production of freedom was beyond the agenda of colonial government.

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<sup>575</sup> (Chakrabarty 2000/2008, pp. 8-10)

<sup>576</sup> (Foucault 2008, pp. 46-47, 51)

This point leads us in the direction of the specificity of the type of government that should be pursued when dealing with ‘the African race’ that was first referred to in the introductory chapter. The government that is based on knowledge of the naturalness of the black race is a government that cannot rely on the production of freedom alone. It must be flanked by strict regulations of the conduct of individuals. The important point here, is that this is not a result of a distorted form of governmentality, but precisely the product of a governmentality based on the naturalness of liberal political economy, which having gone through the calculus of utility, provides the answer to the question of what the role of government should be in the post-slavery society.

We should, however, always be hesitant to conceptualize abstract universals such as “liberalism” as a homogenous entity. “Liberalism” took on many forms, and was enacted and performed in many different ways according to local political, economic, and social circumstances. The governmental response to the problem of emancipation and freedom in the Danish West Indies exemplifies this fact. Rather than dogmatically appropriating iconic ‘theories’ of liberalism to the specific problematic of post slavery labor, the strategy of procuring both a sustainable labor force and the personal liberty of the formerly enslaved that the government of the Danish West Indies pursued produced a tactic that was shaped by an analysis of the British model of laissez-faire economics. It was a conceptualization of freedom that was in fact positioned as a particular type. Having observed the effects of British emancipation, Danish officials opted for a structure of labor regulation that was designed to guide more firmly the newly freed into a life of liberty and aid them in the acclimatization process as they moved from a mental state of slavery to a mental state of self-government. Instead of relying on the autonomous forces of the market and economic interests in regulating both the labor market and the choices of the freed laborers, Danish officials forced laborers into a landed life of husbandry. Bound to their estate but provided their own piece of land, laborers would be compelled to internalize a domestic subjectivity while simultaneously contributing to a stabile labor-force that was so desperately required by the plantation economy. The hope was that as the laborers

became gradually more attuned to the responsibilities of freedom, the regulations would be altered to correspond to the developing conditions. The end-result of this gradual liberalization of the colonial labor market would be a harmonious integration of a “matured” labor class of responsible economic actors with a labor legislation that relied more on the natural agency of market forces and less on the prejudiced artificiality of government regulations. In light of this interpretation, the “police” regulation of labor and mobility, imposed by the colonial government, appears less like residues of an anachronistic absolutist rule with its propensity for state interventions and control mechanisms, and more like a strategy of liberal governmentality, designed to facilitate the eventual withdrawal of government and state intervention from the spheres of economic and civil life.

## *Chapter Six*

### **Conclusion**

I began this dissertation by questioning the implied meaning of the term “the nature of the negro,” which, during the final years of Danish rule in the West Indies seemed to retain a considerable semantic credence among commentators on the efficacy of Danish colonial government. Furthermore, I suggested that Michel Foucault’s concept of governmentality would be helpful in analyzing the historical processes through which the nature of the governed had attained such weight within governmental discourse. Foucault’s governmentality concept has found wide usage among scholars of colonialism in general, but has not yet been applied in the context of the Danish West Indies or in the larger frame of Atlantic history. In this brief conclusion I would like to draw attention to a few central perspectives that this dissertation has addressed through this analytical lens.

The three analytical chapters (chapter three, four, and five) have all been concerned with problems of population, conceptions of natures, and the resulting *dispositifs* of government. The analysis showed that processes of governmentality in the Danish West Indies expressed certain tensions or ambiguities manifested themselves in rationalities and strategies of government. Freedom was flanked by coercion, uniformity was flanked by diversity, and universality, was flanked by particularity

Chapter three, *Slavery, Security, Population*, emphasized that the processes of incorporating the activities of individuals into the utility of the state, which Foucault conceptualized as the political technology of police, was influential in the development of the political and juridical conditions of slavery. In the late eighteenth century, political economists were arguing that the society of slavery was not merely unmoral, but unnatural. The concept of population, and its demographic development was the yardstick that was applied when measuring the naturalness of a society. Danish authorities accommodated this criticism by exploring new and better ways

of organizing the conditions of the slave population. The problem that the authorities were facing, however was that they had to respect not only the natural processes of population, but also the security risk that the slave population was posing as “domestic enemies,” as well as the seignoral rights of planters to sovereignty over their estates and their property, including slaves. In regard to both problems, the juridical mechanism of the law was not seen as the most effective solution. Slavery was certainly not devoid of law. Legislative police regulations were accumulating to a degree where it became a matter not of constitutional law, but prudent administration. Still, it was not the legal mechanism of prohibitions that characterized government’s response to the risks of slavery. The abolition of the Atlantic slave trade is used in the chapter to exemplify a *dispositif* of security that did not primarily rely on the legal mechanism, but instead aimed at governing through incentives (of both slave-holders and slaves).

This strategy of government brings into light the necessity of government to know and consider the habits and desires of the slave population in order to best position the incentives that would lead to certain behaviors. Yet, this knowledge of slaves’ incentives seems to have been based on presupposed assumptions about universal human aspirations towards liberty and family more than a particular ethnographic knowledge about the specific nature of African and Afro-Caribbean slaves.

The findings of chapter four, *Punishment, Natures, Race*, highlight the fact that these tensions and ambiguities were articulated in discourses at scales of different scope. It also draws attention to the multidirectional character of these discourses. The focus on a discourse of penitentiary punishment that was constructed around the double movement of securing universal principles while exploring particular systems of punishment exposes a multi-scalar conception of natural orders that did not seem to be mutually contradictory. Universal principles of punishment could be build on conceptions of the naturalness of economic processes and the sociability of men, while the particular system of punishment could rely upon conceptions of the nature of ‘primitive races,’ without presenting a discursive contradiction. ‘Natural punishment’ could signify an array of settings and practices. The reason that there was no contradiction is to be

found in the increasing influence of racial knowledge—“the knowledge of the negro’s nature”—as the chapter also shows in the case of the Danish West Indies. However, the case also shows that there was no fixed protocol to a punitive government based on the knowledge of the nature of Afro-Caribbeans.

Chapter five, *Market, Community, Progress*, continued the theme of naturalness. The chapter traced different responses to the problem of how to best regulate relations of labor. It is argued that those responses were articulated on the basis of a knowledge about the nature of the Afro-Caribbean laborer on the one hand, and, on the other, of a knowledge about the nature of economic and social processes. Immediately after emancipation in 1848, the Labor Act of 1849 reflected one such response. It relied on a strict legislative regulation of labor relations by making it mandatory to engage in long-term contractual agreements, and for laborers to reside on the estates on which they were employed. More than reflecting a legal mechanism of prohibitions, the Labor Act served as a protective measure for the social and economic processes of ‘community.’ The community of the estate, it was supposed, would provide the best conditions for the former slaves to acclimatize to the state of freedom. As such, the Labor Act, which by definition was coercive in character, was simultaneously reflective of a long-term response to the problem of emancipation through the production of freedom, i.e. a transformation from a subjectivity of slavery to a subjectivity of liberty. The community of the estate was thoroughly rejected by the laboring population when, in 1878, St. Croix was engulfed in a large riot coursed by labor disputes. This event gave renewed voice to suggestions of a different mechanism of community—the smallholder or the peasant proprietor. The rationale was that this would provide a more efficient liberogenic device than what the estate community had been able to produce. The thoroughly domestic condition of the smallholder would provide the correct incentives for the Afro-Caribbean to approximate his conduct to the ideal of the economic man—*homo aeconomicus*—who was guided solely by the force of his interests, and by being so would automatically benefit the wealth of society, and gradually move beyond the grasp of the sovereign power of

government. Both the community of the estate and the domestic community of smallholders, as mechanisms of government, were based on a historicist, developmentalist conception of the evolution of human civilizations and races. They rested on the truth that Afro-Caribbeans were at an inferior level of human development than their European and Euro-Caribbean employers and governors. The objective was, then, to elevate the Afro-Caribbean population to a level of civilization from which they would be properly prepared to participate in a liberal economy and enjoy the civil rights that served as its corollary. This was a general character of liberal governmentality, and as with liberal government in many other contexts, the ongoing project of improvement did not amount to the eventual transfer of civil rights that was implied in its justification.

Combined, these chapters show a process of governmentality that in general terms resemble what Foucault describes for Europe from the eighteenth century onwards. Population clearly becomes an important correlate of government, just as the naturalness of economic and social processes are phenomena that government will have to be concerned with and respect when planning its policies. Despite the comparable development of governmentality, the chapters have also highlighted some obvious differences. The context of slavery provides one such difference. The combined problematics of ‘domestic enemies’ and ‘dispersed sovereignty’ to some extent limited the options of government. However, for that very reason government would have to rely on strategies that depended less on the sovereignty of the state, i.e. legal mechanisms and police regulations, and instead resort to the mechanisms of security that acted through incentives and on the interests of subjects.

Governmentality in the Danish West Indies also differed from Foucault’s depiction by the importance of race, and the truth that the knowledge of race inflicted on the conditions of governmental rationality. The racial knowledge defined the particular type of subject that was being governed in the colony and as such contributed to the prioritization of governmental techniques. This aspect was demonstrated in chapter four in regard to the limits of penitentiary punishment that the knowledge of African race posited. This is not, however, a novel conclusion, and in this

regard, the dissertation mirrors the argument of a “rule of difference” within colonial governmentality that allowed for an excessive application of coercive and violent measures. This disciplinary excess is, however, not interpreted as a fundamental disjunction from a Western, liberal governmentality. Rather, the rationality of government that informed the techniques of rule in the Danish West Indies was framed by the logics of government that pertained to an adherence to mechanisms of community and a naturalness of things, and as such can not be said to divert in principle from the logics of liberal governmentality.

This brief conclusion prompts us to consider how to conceptualize Foucault’s concept of governmentality in a wider, more heterogeneous context than he perhaps originally conceived it for. Is it preferable to speak of a multiplicity of governmentalities?

Foucault actively pursued the idea of multiple governmentalities in his analysis of the transformation from a governmentality of police to a governmentality of security, or liberal governmentality. However, when it came to discussing the simultaneous existence of liberal and socialist governmentalities, he rejected the notion that socialism could be qualified as reflecting a separate form of governmentality in its own right. In Foucault’s interpretation, socialism did not provide its own governmental rationality. Socialism could only be implemented as “connected up to diverse types of governmentality.”<sup>577</sup> Socialism had been connected up to liberal governmentality where it functioned as “counter-weights, as a corrective, and a palliative to internal dangers.” Socialism had also been connected up with police governmentality, functioning as “the internal logic of an administrative apparatus.” In neither case had Foucault observed “an autonomous governmentality of socialism.”<sup>578</sup> From this denial of a socialist governmentality is it then possible to speak of a colonial governmentality, or would be more productive to think colonial techniques of government as appendages to a liberal governmentality of a police governmentality?

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<sup>577</sup> (2008, p. 92)

<sup>578</sup> (2008, p. 93)



There are two points to be made here. Firstly, there is not much in terms of analytical creativity to be gained by taking the path of ‘Foucauldian fundamentalism’ by speculating as to what Foucault himself would consider the true and proper conceptualization of governmentality. The analysis of governmentality remained an unfinished and open-ended project for Foucault, and it only benefits from staying that way. Secondly, it seems to me that the governmental context of colonialism is particularly diverse to the extent that pinpointing a specific authoritative form of governmentality would, as critics of the colonial governmentality approach has remarked, flatten the political landscape of colonialism.

Perhaps the problem could be formulated differently. Rather than designating the particularly colonial technologies of government, perhaps liberal governmentality could be conceived in a more heterogeneous manner, baring a varied range of configurations of economies of power. “A form of liberalism,” Foucault remarks, “does not have to be true or false.” He continues:

One asks whether a form of liberalism is pure, radical, consistent, or mixed, etcetera. That is to say, we ask what rules it adopts for itself, how it offsets compensating mechanisms, how it calculates the mechanisms of measurement it has installed within its governmentality.<sup>579</sup>

The case of the colonial government of the Danish West Indies, which has been pursued in this dissertation, suggests that the differences in terms of governmentality were more a question of a configuration and calibration of governmental techniques than a considerable and autonomous divergence in the type of governmentality that was produced. In order for this claim to be further substantiated, further research is needed into the production, distribution, and application of knowledges and techniques of government that takes a scalar perspective rather than a comparative. The points of origin and implementation of governmental rationalities most not be prioritized at the expense of the processes of distribution that in the case of penitentiary knowledge provided a catalyst for its diversification as well as its particular framework of application. These processes of distribution gave

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<sup>579</sup> (2008, p. 93)

voice to a whole range of applications for the penitentiary technology rather than a singular, proper arrangement of penal practice. Similar analyses could most likely be successfully advanced in regard to the distribution of sciences of state and economy that informed chapter two and five. Yet, it fell beyond the scope of this dissertation to pursue the scalar rationalities of such assemblages.

Such a multifaceted analysis would illuminate a complex network of actors involved in governing practices that stretched well beyond the boundaries of the geopolitically defined territory of one state or the others claimed colony. What is called for is a contextualization of power types to the specificities of their configuration. If specific historical genealogies are taken into account, an analytical approach that is more sensitive to particularities and difference within different divisions of the colonial as well as metropolitan spheres can be pursued while retaining a critique of the general form of liberal governmentality that pervades modern forms of colonialism, including the practice of singling out whole groups of people as unfit for self-government based on the presumed character of their nature.

## Archival Sources

All archival sources used in this dissertation are stored in the Danish National Archives [Rigsarkivet]. A catalog of material pertaining to the Danish West Indies can be found at [www.virgin-islands-history.dk](http://www.virgin-islands-history.dk).

### Danish Chancellery

#### *3. Department*

- 1 Crime reports from the West Indies

### Central Government Archives

#### *Chamber of Customs*

- 435 The slave emancipation, as enacted by a rescript of 27 July 1847

#### *The Central Directorate for the Colonies*

- 911 Prisons and prison system 1885-1905
- 912 Prisons and prison system 1848-1894

### West Indian Local Archives

#### *West Indian Government*

- 3.81.14 Subject files: 1, Legislation and administration etc.: Files concerning the Civil Criminal Law of 1866, 1874-1899
- 3.81.170 Subject files: 3, Administration of justice: Files concerning the prison system in the Danish West Indies, 1844-1863
- 3.81.172 Subject files: 3, Administration of justice: Files concerning the prison system in the Danish West Indies, 1900-1907

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## **English Abstract**

This dissertation analyzes the processes of governmentality in the Danish West Indies from the late eighteenth century to the end of Danish rule in 1917. The theoretical framework of the analysis is constructed from a reading of Michel Foucault's work in the late 1970s on the problematics, techniques, and rationalities of government in Western Europe. Foucault's investigations took the form of a historical genealogy that he referred to as "the history of governmentality." He argued that governmentality deployed itself as a configuration of dispositions of power in the form of "economies of power." This theoretical framework is applied in three chapters that analyses the biopolitics of slavery, the government of penal techniques, and the political economy of labor after slavery respectively.

The dissertation argues that parallel to the development of governmental practice in Europe, programs of government in the Danish West Indies were increasingly premised on the reality and sanctity of the nature of "population," "society," and "economy" that would have to be respected and taken into consideration. This principle also extended to a conception of the nature of the Afro-Caribbean colonial subjects. The conformity and adherence to the perceived naturalness of colonial subjects had the unintended effect of stifling projects of social progress in the area of penitentiary reform as well as the organization of labor. In the weighing of utility and freedom, the "nature of the negro" tipped the scale towards prioritizing utility. As a result, the freedom of former slaves was limited to the extent that they manifested their discontempt in violent riots and strikes.

To interpret this development simply as a retreat to repressive forms of power and the failure of liberal principles in the colonial context, clouds the complex character of liberal governmentality in general. The limitation of Afro-Caribbean freedoms was not installed in spite of liberal rationalities, but in conformity with an ambivalent logic of improvement inherent in liberalism itself.

## Dansk Resume

Denne afhandling analyserer de dansk vestindiske øers guvernementalitetsprocesser fra slutningen af attenhundredetallet til afslutningen af det danske herredømme i 1917. Analysens teoretiske ramme bygger på en læsning af Michel Foucaults arbejde i slutningen af 1970'erne med ledelsesproblematikker, -teknikker og -rationaliteter i Vesteuropa. Foucaults undersøgelser udformede sig som en historisk genealogi, hvilket han omtalt som "guvernementalitets historie." Han hævdede, at ledelsesrationalitet indsatte sig selv som en konfiguration af dispositioner af magt i form af "magt-økonomier." Denne teoretiske ramme anvendes i tre kapitler, der henholdsvis analyserer slaveriets biopolitik, ledelsen af straffeteknikker og arbejdskraftens politisk økonomi efter slaveriets ophævelse.

Afhandlingen argumenterer for, at parallelt med udviklingen af ledelsespraksis i Europa, blev begreberne "befolkning", "samfund" og "økonomi" tildelt en naturlig virkelighed og hellighed, som politiske programmer i Dansk Vestindien i stigende grad var nødsaget til at respektere og tage højde for. Dette princip var også gældende for opfattelsen af de afro-caribiske subjekters natur. Den forudfattede tilpasningen af ledelsesteknikker til de koloniale subjekters naturlighed, havde den utilsigtede effekt, at sociale fremskridtsprocesser i forhold til reformer af straffevæsenet, samt organiseringen af arbejdskraft, blev bremset. I afvejningen af 'nytte' i forhold til 'frihed,' havde "negerens natur" den effekt at nytte blev prioriteret højest. Som følge heraf blev de tidligere slavers frihed begrænset i en sådan grad, at de manifesterede deres modstand i form af voldelige optøjer og strejker.

At fortolke denne udvikling blot som en tilbagevending til repressive former for magt og mislykkede liberale principper i den koloniale kontekst, skygger for den liberale ledelsesrationalitets kompleksitet. Begrænsningen af afro-caribiernes friheder blev ikke installeret på trods af liberale ledelsesprincipper, men i overensstemmelse med en ambivalent forbedringslogik, indlejret i selve liberalimens ledelsesrationalitet.