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# Tensions of colonial punishment: perspectives on recent developments in the study of coercive networks in Asia, Africa and the Caribbean

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**Taylor C. Sherman**

**Tensions of colonial punishment: perspectives on recent developments in the study of coercive networks in Asia, Africa, and the Caribbean<sup>1</sup>**

*Abstract*

The study of penal practices in colonised parts of Asia, Africa, Latin America, the Indian Ocean and the Caribbean has recently witnessed a significant shift. The first generation of research into the coercive measures of colonial states tended to focus rather narrowly on imprisonment. The second generation, which has emerged only in the last five years, has significantly widened their field of vision to incorporate much more than the prison. The most recent literature considers capital and corporal punishment, as well as the larger functioning of police and courts. It also explores in more depth the ways in which indigenous peoples experienced and interpreted their punishments. Finally, this new research is sensitive to the paradoxes and tensions of colonial punishment, which often frustrated its purposes. This article reflects upon these historiographical shifts, and argues that, in light of these developments, a new framework for the study of colonial punishment is now called for. It suggests that an approach which views colonial coercive techniques as part of imperial 'coercive networks' encapsulates this new thinking.

The violence of the colonial condition has long been a central theme in debates about the nature of imperialism. And yet, the colonial state's techniques of coercion have only come under serious scholarly scrutiny in the last two decades. Since the mid-1980s we have come to know a great deal more about the workings of colonial prisons and penal colonies; scholarship on corporal and capital punishment has begun to accumulate as well. In this fairly short time, two quite distinctive generations of scholarship have developed. The first, directly influenced by Michel Foucault's *Discipline and Punish*, undertook a series of detailed studies of colonial prisons and penal colonies. The second generation, which has only emerged in the past five years, is less overtly aligned with Foucault's study of prisons, and has significantly widened the scope of the study of punishment. To discuss these developments, the following pages are divided into three parts. The first section sketches the broad outlines of the first generation of scholarship. The second section begins by discussing some of the places in which this corpus of research left something to be desired. It then considers the ways in which the second generation of scholarship is breaking new ground. The article concludes by proposing a new framework for the study of colonial punishment – the coercive network – and then indicating areas for further research which have been opened up by the recent historiographical shifts.

I

The first generation to examine colonial punishment in its own right tended to concentrate on the study of colonial prisons and penal colonies in Asia, Africa, South America, the Caribbean, and the Indian Ocean.<sup>2</sup> While building on earlier histories of legal systems and crime in the colonies, this group of historians tended to take fresh inspiration from the theoretical interventions of the late 1970s and early 1980s made by Michel Foucault and the Subaltern Studies School of historians of South Asia.<sup>3</sup>

The former promised a new understanding of power, whilst the latter held out the prospect of accessing the histories of the most humble members of colonised societies. Both suggested that an examination of the prison would offer key insights. The historians who responded to these interventions have produced a body of work which has now grown to a point where it is possible to see the broad outlines of agreement and debate within it. Interestingly, the scholar of prisons under British rule in India or East Africa will find little that is utterly unfamiliar in places of incarceration from French Indochina to New Spain. This section makes a thematic survey of this literature by concentrating on four common themes: labour, medicine, surveillance and classification. While sketching out the broad trends in the scholarship, the following pages also underscore the areas in which the colonial prison threw up unique contradictions, and the ways in which these everyday practices tied into larger imperial concerns.

Convict labour was the principle method of both punishment and reform of prisoners, but it was also a means of reducing the costs of punishment. Because of this tripartite role, there were significant differences in the practices of penal labour both between colonies, and within them. Large penal colonies tended to employ a high percentage of convicts on a wide range of duties. On the mainland, central penitentiaries, where they existed, tended to have a more steady population and more funding, and were therefore often better equipped for labour than district gaols where inmates were far less likely to be formally occupied, even in unskilled work. Across the European empires prison regimes were often characterised by a system of labour which was designed primarily to suit the needs of the colonial power. Indeed, convicts' work played a vital part in the physical process of colonising new territories. Penal transportation not only delivered people to new lands, but then ensured that convicts were employed on public works projects from road building to swamp clearing.<sup>4</sup> In most places of confinement, however, the motivation behind the

labour regime was the simple struggle for financial self-sufficiency. In penal colonies, Indian convicts were often employed in mundane jobs as barbers, clothes washers, and tradesmen, which corresponded to their caste.<sup>5</sup> Similarly, female inmates in Senegal tended to be employed on cooking and cleaning duties inside the jails.<sup>6</sup> These practices cut down on the amount of paid labour which the prison had to employ, but also served to reinforce gender hierarchies, and to reify social cleavages.

The colonial state was not the only beneficiary of these gratis services. In New Spain, 'wayward women', convicted of adultery or fornication, were sent to work in 'respectable' houses where they were meant to learn proper Christian habits. In this way, the wealthy of Mexico City obtained a regular supply of domestic servants at little cost.<sup>7</sup> Two centuries later, young offenders in the Cape Colony in southern Africa were 'apprenticed' to local farmers and dignitaries, particularly during periods when paid labour was scarce.<sup>8</sup> In the same period, prisoners in Senegal and Vietnam were hired out to private entrepreneurs to work in places as varied as mines and schools.<sup>9</sup> Where paid workers were in short supply and the state sanctioned forced labour, as in colonial Mexico and American-ruled Puerto Rico, not only were convicts sent to augment the meagre cadres of labourers, jails were used to house those who had fled other forms of coercive labour.<sup>10</sup> Convict labour thus exposed a tension between the reforming mission of punishment and the financial constraints of imperial economies geared towards extraction from their colonies. These practices can be seen, therefore, as integral parts of larger systems of forced migration and coerced labour that sustained imperial economies.<sup>11</sup>

Because of its manifold functions, penal labour was tied to several other aspects of the prison. As ill inmates did not work, penal labour relied on colonial medicine. Prisoners' bodies became sites at which convicts and administrators employed

medicine in the contest over whether or not an individual would be made to work on any given day.<sup>12</sup> Whilst it was integral to labour regimes, medicine entered the prison out of curiosity as well as necessity. Prisons provided one of the few places where physicians had access to the bodies of the colonised. As in Europe, prisoners were amongst the first to be subjected to autopsy after death. Indian jails were also the setting for early experiments in plague and smallpox vaccination, and in the use of quinine to prevent malaria.<sup>13</sup> In these practices, the medical imperative seemed to dovetail with the penal one, as prisoners often regarded these procedures as punishment.

At the same time, the focus on prisoners' health also introduced new tensions. Imperial powers repeatedly struggled to strike a balance between providing sanitary and healthy living conditions to prisoners while also avoiding the perception that inmates were not being properly punished because prison conditions were better than life outside amongst the colonised population. While it was difficult to justify reducing rations or facilities, these concerns could serve to prevent improvements, even when conditions were condemned by observers.<sup>14</sup> Prisons throughout the colonised world, therefore, remained damp, dark and dirty places, and imprisonment often was tantamount to a sentence of death, or at least ill-health.<sup>15</sup>

The system of warders in colonial penal systems was also closely tied to the financial imperatives which dictated labour policy. European warders were very rare, as the pay and conditions were unattractive. Instead, local warders – including convicts – were often preferred because they had the linguistic capabilities necessary to communicate with the inmates.<sup>16</sup> In spite of its financial and practical advantages, this practice had more than a few shortcomings. Warders often failed to maintain a sharp distinction between rulers and ruled because, first of all, the same individuals could often be found on both sides of the line.<sup>17</sup> In British India and East Africa it was

common for convicts to be rewarded for good behaviour by being placed as warders.<sup>18</sup> Conversely, in French Upper Volta, free warders were punished for transgressions with short terms of imprisonment.<sup>19</sup> Secondly, warders, whether free or not, were notorious for extortion and corruption, for smuggling, and for routine violence in jails.<sup>20</sup> Their activities contributed to the sense that the prison walls were porous, as they acted as conduits between inmates and the world of goods and people on the outside. Because prisoners and warders often had more in common than warders and their European superiors in the colonial administration, they tended to create their own 'customary order' inside the jail walls.<sup>21</sup> In this relatively autonomous social domain sex was a key site of negotiation for women, boys and men in their interactions with warders.<sup>22</sup> This customary order had a different character in Burma, however, where the use of Indian wardens to supervise Burmese inmates exacerbated racial animosities between the two.<sup>23</sup> Situated on the edge of two worlds, warders epitomise the ambiguity of colonial violence for they reveal the extent to which many of the colonial state's coercive mechanisms relied on a small number of the colonised population who, reluctantly, willingly, or cunningly, were instruments of colonial dominance.

Warders were not the only part of the carceral system which performed below expectations. Though nearly all colonial governments elaborated detailed rules on the classification and segregation of different types of prisoners, many colonial prison systems failed to implement these regulations. Those that made a partial effort often served not merely to separate women, remand prisoners, juveniles and condemned prisoners, as was the case in Europe and North America.<sup>24</sup> They also underscored racial differences between the colonisers and the colonised and bolstered social divisions amongst inmates from the local population. Throughout the European empires, prison regimes enforced a racial hierarchy in which European prisoners were almost universally offered better living conditions than the members of the

colonised population with whom they were imprisoned. Bernault has argued that, in Africa, racial distinction was maintained in three ways: by the separation of European prisoners, by the de-individuation of black inmates, and by the maintenance of significantly lower living standards for the latter.<sup>25</sup> Similarly, in Indian prisons European convicts enjoyed separate living quarters and better food, including regular quantities of meat and milk; they had the right to wear their own clothes, to have better reading facilities, including lights, and to receive and write more letters than ordinary Indian inmates.<sup>26</sup> Existing research suggests that these privileges were replicated across much of the colonised world.<sup>27</sup> Two interesting exceptions were colonial Natal and the Cape Colony in South Africa. In the Cape, neither prisoners nor children in reformatories were segregated on racial lines until the 1890s.<sup>28</sup> In Natal, Europeans enjoyed better food in jail, but were housed together with African and Indian prisoners.<sup>29</sup>

Racially-defined classification systems were further complicated by the introduction of privileges based on the class of local convicts. In Belgian and Portuguese Africa, Western-educated Africans were granted separate quarters in jails.<sup>30</sup> By contrast, in India, where prisoners were classed according to their social status and mode of living outside jail, the few wealthy Indian prisoners who had European habits were housed in the European ward.<sup>31</sup> These practices seemed to reify class differences amongst the colonised. During India's nationalist movement, for example, middle-class Indians who had been imprisoned for participation in political movements and were not treated as European prisoners frequently recorded the social differences which separated them from 'common criminals'.<sup>32</sup> Some used this distinction to petition the government for the privileges of Europeans.<sup>33</sup> Of course, class was not the only dividing line; caste and ethnic differences were sometimes integrated into colonial penal systems. Whilst in French Africa there seems to have been little attempt to classify prisoners according to their ethnicity,<sup>34</sup> in nineteenth century India

elaborate cooking and eating arrangements were instituted to cater to what the authorities preferred to call 'caste prejudice'.<sup>35</sup> India's messing and living arrangements were a combination of indigenous agency and a larger colonial system in which state institutions served to reify collective identities.<sup>36</sup> In the colonial context, the state rarely invented new categories *ab initio*, but it saw rigidity in caste, religious and ethnic differences which were not evident in practice. When it incorporated this view of inflexible collectives into its institutions, the colonial state could help to foster these identities.<sup>37</sup>

The prison was also used for more overtly political purposes. Because the European imperial powers tended to treat political dissent as criminal activity, the colonial prison was often an integral part of the way in which they confronted indigenous collective political action. During the conquest of Africa, it was common for African leaders to be imprisoned until they submitted to colonial rule.<sup>38</sup> Caroline Elkins has exposed the mass detentions which the British resorted to in their battle against the Mau Mau rebellion in 1950s Kenya.<sup>39</sup> The detention of thousands became a routine response to nationalism, revolutionary terrorism and communism in twentieth-century India.<sup>40</sup> Large scale detention without trial was also a feature of the fight against communists in British Malaya and French Indochina.<sup>41</sup> Similarly, French Government forces swept thousands into jails and detention camps in their attempt to regain control of Algeria during the French-Algerian war.<sup>42</sup> These arrests regularly overwhelmed the ordinary criminal justice systems, meaning that many simply languished in prison until the disturbances had passed, without ever being tried or convicted in a court of law.

The colonial state was unable to keep a monopoly on the use of the prison for political purposes, however. Indian nationalists deliberately courted imprisonment to prove that India was 'one vast prison'.<sup>43</sup> Finding the daily regime inside unsatisfactory, they designed their own programmes of study, exercise and work to

prove they were capable of self rule. Ujjwal Kumar Singh has shown the ways in which the struggles for special status which were waged by political prisoners were part of the battle to define the legitimate bounds of Indian politics.<sup>44</sup> Vietnamese communists took advantage of the communal living arrangements and lax discipline in the prisons of French Indochina to organise themselves, whilst the experiences of political prisoners in jails across the country helped create a sense of a Vietnamese nation.<sup>45</sup> As everyday life in jails was woven into larger political choreographies the prison took a more prominent part in larger political calculations in the colonies than in the metropole.

A picture thus emerges of colonial prisons in which, despite many attempts at reform, violence was common, labour was more concerned with profit than with discipline, and surveillance and segregation were impeded by the very warders who were meant to oversee these functions. Although there were exceptions, the undisciplined colonial prison could be found across the European empires from the seventeenth century to the twentieth century.

## II

Although this image of the undisciplined colonial prison is not in dispute, there were a number of shortcomings in this first generation of scholarship which cannot escape notice. First, with a few notable exceptions, nearly all of these studies at least implicitly relied on Michel Foucault's *Discipline and Punish* as a model against which to measure their own discoveries.<sup>46</sup> Foucault's argument in the book is well known: he asserted that, in the eighteenth and nineteenth century in France, various, usually corporal, forms of punishment were eliminated in favour of the uniform, almost egalitarian practice of imprisonment. With this, the focus of punishment shifted from causing the criminal physical pain to teaching him self-discipline through a

regimented daily life of bathing, eating, exercise and work in jail. However, in following so closely the model of *Discipline and Punish*, this generation has become locked in an historiographical cul-de-sac. Many of those concerned with colonial prisons have noted that the disciplinary project which Foucault discerned in France either did not succeed, or did not follow the same course in the colony which they have studied. This group, therefore, have concluded that colonial systems of confinement were therefore 'pre-modern', or at best, a mix of modern and pre-modern elements.<sup>47</sup> On the other hand, there are a few who insist that the colonial prison was 'modern' because, in spite of its shortcomings, it was based on the same blueprint as the prison in Europe, and because it was a symbol of modernity.<sup>48</sup>

This debate, based on one reading of Foucault's *Discipline and Punish*, obscures more than it illuminates. Even when examining prisons, Foucault was concerned not with their internal functioning, but rather, he explained, his method entailed 'going behind the institution and trying to discover in a wider and more overall perspective what we can broadly call a technology of power'.<sup>49</sup> Therefore, Foucault was not bothered if prison discipline did not function as planned, and he had little interest in creating 'an historical balance sheet...of what was intended and what was actually achieved' in the institutions he studied.<sup>50</sup> Indeed, he argued that the wider 'strategies and tactics' in which he was interested 'find support even in these functional defects themselves'.<sup>51</sup> In other words, even the failure of prison discipline could prove his larger point about technologies of power. Further, Foucault refuted the idea that there was a clean division between pre-modern and modern forms of power.<sup>52</sup> In the picture of governmentality that Foucault sketched, repression and discipline always exist as part of a larger equation.

This is where Foucault's theory provides not a rigid model into which historians must stuff the facts we find, but a series of questions which can help one to use historical

evidence from studies of punishment to begin to define what might be termed a specifically colonial governmentality.<sup>53</sup> According to Foucault, the task of each government is to calculate 'how to keep a type of criminality...within socially and economically acceptable limits and around an average that will be considered as optimal for a given social functioning'. The question then is, on what basis is this balance determined? Essentially the question is an economic one, Foucault answers, in which the cost (broadly conceived) of repression is weighed against the cost of delinquency.<sup>54</sup> Here the equation will be contingent upon innumerable local factors. Historians of colonial punishment must therefore look beyond each individual practice of punishment to interrogate the larger structures and calculations which determined systems of punishment in a given locality.

Part of this move must include a shift away from the colonial prison as a focus of research. The majority of published works in the first generation focused on this single institution and, following Foucault, asserted that, over the past two centuries, the deprivation of liberty has replaced other forms of punishment. Although some scholars have noted the existence of alternate penal practices,<sup>55</sup> they nonetheless have left these other sanctions, which functioned in tandem with the prison, largely unexamined. As a result, both the importance of incarceration and the significance of the disciplinary objectives of the colonial state have been overstated in this scholarship.

In recent years a small number of studies have begun to examine corporal and capital punishment in their own right. Robert Turrell has explored the ways in which class, race and gender affected conviction rates, capital sentences and commutations in the years before the formal introduction of apartheid in South Africa.<sup>56</sup> Stacey Hynd has shown the ways in which competing political,

administrative, legal, and cultural imperatives could impact the use of capital punishment in Kenya and Nyasaland.<sup>57</sup>

There is also a growing body of research into the practice of flogging, particularly in Africa.<sup>58</sup> These works highlight the ways in which corporal punishment was intimately tied to understandings of race and to the control of labour.<sup>59</sup> But not all of these authors have avoided the same traps that befell scholars of the colonial prison. Several have argued that the persistence of flogging in the colonies proves that the colonial penal regime retained 'pre-modern' elements.<sup>60</sup> Moreover, these studies continue to focus on a single penal sanction, more or less in isolation, not only from the police and courts, but from other practices of punishment.

In the past few years, however, a second generation of research on colonial violence and punishment has emerged which is changing the face of scholarship. Three recent books epitomise this new trend: Clare Anderson's *The Indian Uprising of 1857-8*, Diana Paton's *No Bond but the Law*, and David Anderson's *Histories of the Hanged*. These works all examine punishment not in isolation, but as a function of wider political, cultural, social, economic and administrative developments. Each is more sensitive to the complexities of the experiences of the colonised peoples who came into contact with the colonial criminal justice system. And all three of these authors view the practices of punishment as part of larger matrices of colonial coercion, and are attuned to the tensions within these systems. As with any division of this kind, there are of course a few works which do not fall neatly into one generation or the other, but the arrival of these three books heralds a significant change in the field.<sup>61</sup>

The first of these books, Clare Anderson's recent monograph, *The Indian Uprising of 1857-8: Prisons, Prisoners and Rebellion*, makes several departures in the study of

colonial confinement. This work is not only a detailed examination of the internal functioning of India's prisons in the nineteenth century, it also charts the ways in which imprisonment was transformed by the mutiny/rebellion of 1857. Clare Anderson argues that attacks on North Indian jails during the uprising created a crisis in the larger colonial prison system, which, in turn, prompted a reconfiguring of that system. She demonstrates that, as colonial administrators sought to distribute prisoners in the aftermath of the revolt, penal transportation shifted from the more settled areas of empire in the Straights settlements to newer imperial frontiers in Burma and the Andaman Islands. The book's second innovation is to analyse the experiences of convicts in a more sophisticated fashion. She does more than simply register moments of resistance; she uses Indian sources to understand the multiple and shifting meanings of confinement for prisoners.<sup>62</sup> Before the uprising, she argues, prisons, with their alien eating, clothing and medical arrangements, were one of the sources of anxiety about colonial interference in Indian religious practices which prompted the revolt. After the revolt, which witnessed large-scale prison breaking, and then massive imprisonment of rebels and mutineers, prisons had been transformed into 'spaces of cultural confrontation'.<sup>63</sup> Anderson's analysis, with its unprecedented focus on Indian experiences of hardship and camaraderie, and the changing meanings of confinement, breaks new ground as it establishes a cultural history of confinement.

The second book, Diana Paton's *No Bond but the Law: Punishment, Race and Gender in Jamaican State Formation, 1780-1870*, is a study of the ways in which the process of the abolition of slavery shaped the practices of both flogging and imprisonment in colonial Jamaica. She differs from the majority of the first generation of scholars, first of all, in that she is sensitive to the ways in which punishment in unfree societies must necessarily function differently from that in the more free societies of Europe and North America.<sup>64</sup> She demonstrates that, before the abolition

of slavery, private punishments by slave owners coexisted with public punishment through imprisonment: owners sent their slaves to jails to be punished; and conversely, the prison system was used to penalise and return runaway slaves. Like Clare Anderson, Paton charts the ways in which practices of punishment became sites on which larger struggles were contested. Thus, she interrogates the complex motives behind nineteenth-century prison reforms on the island: white Jamaican planters backed a more professional prison system as part of their efforts to prove to the metropole that they were ready for self-government; those campaigning for the emancipation of slaves believed that the introduction of a modern prison regime was central to the reform and salvation of slave society. In the same vein, the latter group called for a ban on the flogging of women, as they hoped this would restore their 'natural' inclination to modesty, and therefore 'raise' their moral conduct. Finally, and crucially, Paton is conscious of the ways in which corporal and carceral punishments were intertwined in this period. Abolitionists hoped that a modern prison system could replace flogging just as waged labour would replace forced labour. But when prison reforms were perceived to have failed, flogging was reinstated for men. However, the reintroduction of corporal punishment was accompanied by new regulations which stipulated that a judge must set a precise number of lashes to be inflicted, that the size of the whip ought to be standardised and that a doctor must be present at each flogging. The standardisation and medicalisation of whipping, she argues, suggests that 'violence and pain are fully part of modern power'.<sup>65</sup> By analysing non-carceral forms of punishment alongside imprisonment, and by situating practices of punishment within larger political and social configurations, Paton's work points to the many ways in which the field of colonial punishment can break free from the model of European and North American imprisonment.

The final work under consideration is David Anderson's *Histories of the Hanged: Britain's Dirty War in Kenya and the End of Empire*. This book is not only a larger

history of Kenya through the mid-twentieth century, but a detailed analysis of the Mau Mau rebellion (1952-1960), and of the whole array of government efforts to combat it. Perhaps because it is speaking to an audience beyond those who work on colonial punishment, this work marks a significant departure. First of all, it is keenly aware of the ways in which different practices of punishment and state violence intersected with capital punishment: physical violence was a routine part of the process of police 'investigations'; in order to keep prosecution witnesses safe during trial, authorities threatened communities with collective fines if witnesses should come to harm; those who were acquitted in formal criminal trials were simply detained without trial after proceedings had concluded. The work is also attuned to the many severe shortcomings of Kenya's criminal justice system: police investigations were patchy and often arbitrary; courts and prisons were easily overwhelmed by the influx of new cases brought by the unrest; conditions in detention camps were appalling. Crucially, David Anderson is sensitive to the complexities of colonial violence. Physical violence was not always formally executed, but was often committed by proxies and paramilitaries acting on their own accord. 'Excesses', whether by government servants or those with more tangential connections to the state, were often either excused or ignored for the sake of keeping up morale. Finally, he notes that, although the Mau Mau rebellion was often portrayed as a race war, much of the violence was perpetrated by Africans on Africans. David Anderson's book is the first to undertake a study of a colonial criminal justice system in all its complexities. His comprehensive research shows just how different the colonial state appears when its coercive practices are examined not as isolated institutions, but as part of a larger whole.

III

These three books have done ground breaking work, and they have opened up several areas for further research. First, it is clear that the field is in need of a new conceptual framework. Foucault's *Discipline and Punish* provided fresh inspiration twenty years ago, but it has long been clear that his model does not 'fit' in colonial Asia, Africa or Latin America. This does not mean that Foucault's larger oeuvre is irrelevant, of course, but the questions which frame our research must change. Just as colonial history has moved away from western models in many fields colonial punishment should too.<sup>66</sup> To do this we must move beyond the idea that colonial penal tactics violated legal orders which were otherwise just; we must recognise that they constituted systems of law which had little to do with the clichéd sense in which the term 'rule of law' was often used by the imperial powers.

There is much scope for examining the various colonial coercive institutions and practices in a single frame, and as a function of larger political, administrative, economic, social and cultural processes. I prefer to think of this larger system of colonial punishment as the 'coercive network' of the colonial state.<sup>67</sup> This framework for studying practices of punishment recognises that, far from being limited to a single institution, penal practices ranged from firing on crowds and bombing from the air, to dismissal from one's place of work or study, collective fines, confiscation of property, as well as imprisonment, corporal and capital punishment. It is also keenly aware of the fact that sanctions were meted out not only by employees of the colonial state acting through formal legal channels, but also by intermediaries, quasi-state actors, and private parties. Their actions, though often only tangentially related to the formal criminal justice system, were an integral part of the way in which imperial powers retained their hold over the colonised. Moreover, these sanctions were always part of larger imperial agendas and strategies of rule which impacted the quotidian functioning of penal practices. The term coercive network is not meant to imply that the system was cohesive or coherent. Rather, it simply conveys the

interlocking nature of the different penal sanctions. Indeed, it is clear that the practices which constituted coercive networks were defined not so much by discipline and regimentation, but by contradiction and the unpredictability which arose out of systems replete with tensions.

The idea of the coercive network also suggests that, far from being a comprehensive and all-encompassing system, there were gaps in the net. And these shortcomings were frequently used by the population to negotiate the terms of their own punishment. This approach therefore calls upon scholars to access indigenous voices, and to employ indigenous sources in innovative ways, for, as Clare Anderson has noted, indigenous sources are not as uncommon as has been supposed.<sup>68</sup> It is clear that members of colonised populations imbued different penal sanctions with their own meanings. And these practices became embroiled in local politics which could be quite autonomous from the colonial state and its objectives. Of course, colonial violence was also central to anti-colonial movements, and this area of research, too, is ripe for further investigation. Such cultural history, which would explore the meanings of violence and coercive practices, would greatly augment our understanding of the experience of colonialism.

The coercive networks approach also calls for further examination of the fact that a great deal of colonial violence was actually perpetrated not by whites upon non-whites, but by select members of the colonised population upon their colonised brethren. Does this fact mean that large-scale, anti-colonial rebellions can be likened to civil wars, as David Anderson has suggested? Or is this a cruel irony of imperialism that must be defined on its own terms? Finally, if one keeps this fact in mind, one is led to note that practices of colonial punishment and state violence carried on in the postcolonial world. The postcolonial legacy of colonial coercive networks clearly provides fertile ground for further research.

Recent historiographical shifts have significantly broadened the study of colonial punishment. The present generation of scholarship has begun to uncover the ways in which violence and coercion were part of both larger imperial calculations and broader political, administrative, social, economic and cultural shifts. This group of scholars have done more than the previous generation to understand the complex ways in which colonised peoples interpreted and invested colonial coercion with meaning. And they have begun to tease out the paradoxes, irrationalities, and tensions in colonial punishment.

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<sup>1</sup> I wish to thank Ricardo Roque and Stacey Hynd for their comments on an earlier version of this piece.

<sup>2</sup> Whilst this article limits itself to the colonial context, there are excellent studies of the history of prisons outside of Europe and North America including, Ricardo D. Salvatore, and Carlos Aguirre, *The Birth of the Penitentiary in Latin America: Essays on Criminology, Prison Reform, and Social Control, 1830-1940* (Austin: University of Texas Publishers, 1996), Frank Dikötter, *Crime, Punishment and the Prison in Modern China* (New York: Columbia University Press, 2002), Daniel V. Botsman, *Punishment and Power in the Making of Modern Japan* (Princeton: Princeton University Press, 2005).

<sup>3</sup> Michel Foucault, *Discipline and Punish* (London: Allen Lane, 1977), Ranajit Guha (ed.) *Subaltern Studies I: Writings in South Asian History and Society* (New Delhi: Oxford University Press, 1982).

<sup>4</sup> Gabriel Haslip-Viera, *Crime and Punishment in Late Colonial Mexico City, 1692-1810* (Albuquerque: University of New Mexico Press, 1999), p.105, Clare Anderson, *Convicts in the Indian Ocean: Transportation from South Asia to Mauritius, 1815-1853* (Houndmills: Macmillan, 2000), ch.3, Satadru Sen, *Disciplining Punishment: Colonialism and Convict Society in the Andaman Islands* (New Delhi: Oxford University Press, 2000), Peter Zinoman, *The Colonial Bastille: a History of Imprisonment in Vietnam, 1862-1940* (Berkeley: University of California Press, 2001), p.84-7, Laurent Fourchard, 'Between Conservatism and Transgression: Everyday Life in the Prisons of Upper Volta, 1920-1960' in Florence Bernault (ed.), *A History of Prison and Confinement in Africa* (Portsmouth, NH: Heinemann, 2003), pp.135-153, p.137, Anand A. Yang, 'Indian Convict Workers in Southeast Asia in the Late Eighteenth and Early Nineteenth Centuries', *Journal of World History* 14(2004), pp. 179-208. On French deportation to the South Pacific, see Alice Bullard, *Exile to Paradise: Savagery and Civilisation in Paris and the South Pacific, 1790-1900* (Stanford: Stanford University

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Press, 2000), Stephen A. Toth, *Beyond Papillon: the French Overseas Penal Colonies, 1854-1952* (Lincoln: University of Nebraska Press, 2006) On the practice in the Portuguese empire see, Timothy J. Coates, *Convicts and Orphans: Forced and State-Sponsored Colonizers in the Portuguese Empire, 1550-1755* (Stanford: Stanford University Press, 2001).

<sup>5</sup> Clare Anderson, 'Sepoys, Servants and Settlers: Convict Transportation in the Indian Ocean, 1787-1945' in Frank Dikötter, and Ian Brown (eds.), *Cultures of Confinement: a History of the Prison in Africa, Asia and Latin America* (London: Hurst & Company, 2007), pp.185-220, p.196.

<sup>6</sup> Anderson 'Sepoys, servants', p.197, Dior Konaté, 'Ultimate Exclusion: Imprisoned Women in Senegal' in Florence Bernault (ed.), *A History of Prison and Confinement in Africa* (Portsmouth, NH: Heinemann, 2003), pp.155-164, p.161.

<sup>7</sup> Haslip-Viera, *Crime and Punishment*, p.125-6.

<sup>8</sup> Chisholm, 'Pedagogy of Porter', pp.485, 492, 494-5.

<sup>9</sup> Florence Bernault, 'The Shadow of Rule: Colonial Power and Modern Punishment in Africa' in Frank Dikötter, and Ian Brown (eds.), *Cultures of Confinement: a History of the Prison in Africa, Asia and Latin America* (London: Hurst & Company, 2007), Zinoman, *Colonial Bastille*, pp.89-90.

<sup>10</sup> Haslip-Viera, *Crime and Punishment*, pp.102-5, 117-8. On Puerto Rico see Kelvin A. Santiago-Valles, "'Forcing Them to Work and Punishing Whoever Resisted": Servile Labour and Penal Servitude under Colonialism in Nineteenth-Century Puerto Rico' in Ricardo D. Salvatore, and Carlos Aguirre (eds.), *The Birth of the Penitentiary in Latin America: Essays on Criminology, Prison Reform, and Social Control, 1830-1940* (Austin: University of Texas Press, 1996), pp.123-159, pp.138-9.

<sup>11</sup> The pioneers of this idea were Stephen Nicholas, (ed.), *Convict Workers: Reinterpreting Australia's Past* (Cambridge: Cambridge University Press, 1988). See also, Anderson, *Convicts in the Indian Ocean*, and David Anderson, 'Master and Servant in Colonial Kenya', *Journal of African History* 41/3 (2000), pp.459-485.

<sup>12</sup> Sen, *Disciplining Punishment*, and David Arnold, 'The Colonial Prison: Power, Knowledge and Penology in Nineteenth-Century India' in David Arnold and D. Hardiman (eds.), *Subaltern Studies VIII: Writings in South Asian History and Society* (Delhi, 1994), pp.148-187.

<sup>13</sup> Arnold, 'The colonial prison', pp.180-2.

<sup>14</sup> Fourchard, 'Between conservatism', p.146, Frank Dikötter, "'A Paradise for Rascals": Colonialism, Punishment and the Prison in Hong Kong (1841-1898)', *Crime, Histoire et Sociétés* 8/1 (2004), pp.49-63, p.61.

<sup>15</sup> e.g., Bernault 'Shadow of Rule', p.66, Zinoman, *Colonial Bastille*, p.49.

<sup>16</sup> Dikötter, 'Paradise for Rascals', p.57.

<sup>17</sup> This was also true on ships transporting convicts overseas. Clare Anderson, "'The Ferringees are Flying - the Ship is Ours!": The Convict Middle Passage in Colonial South and Southeast Asia, 1790-1860', *Indian Economic and Social History Review* 41/3 (2005), pp.143-86.

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<sup>18</sup> Sen, *Disciplining*, David Branch, 'Imprisonment and Colonialism in Kenya, c.1930-1953: Escaping the Carceral Archipelago', *The International Journal of African Historical Studies* 38/2 (2005), pp.239-264, p.251.

<sup>19</sup> Fourchard, 'Between Conservatism', p.144.

<sup>20</sup> e.g. David Arnold, 'India: the Contested Prison' in Frank Dikötter, and Ian Brown (eds.), *Cultures of Confinement: a History of the Prison in Africa, Asia and Latin America* (London: Hurst & Company, 2007), pp.17-184, p.171, David Killingray, 'Punishment to Fit the Crime?: Penal Policy and Practice in British Colonial Africa' in Florence Bernault (ed.) *A History of Prison and Confinement in Africa* (Portsmouth, NH: Heinemann, 2003), pp.97-118, p.103.

<sup>21</sup> The phrase is from Carlos Aguirre *The Criminals of Lima and their Worlds: The Prison Experience, 1850-1935* (Durham: Duke University Press, 2005), quoted in Frank Dikötter, 'Introduction' in Frank Dikötter, and Ian Brown (eds.), *Cultures of Confinement: a History of the Prison in Africa, Asia and Latin America* (London: Hurst & Company, 2007), pp.1-13, p.11. See also, Arnold 'Colonial prison', Bernault, 'Shadow of rule', Fourchard, 'Between conservatism', Zinoman, *Colonial Bastille*, and Arnold, 'India: the contested prison'.

<sup>22</sup> Urmila Shastri, *Karagar [Prison]* (Delhi: Atmaram and Sons, 2nd edn., 1980). Also, Konaté, 'Ultimate Exclusion', p.159-60, Fourchard, 'Between conservatism', p.147, Chisholm, 'Pedagogy of Porter', p.489, Sen, 'Separate Punishment' p.89.

<sup>23</sup> Ian Brown, 'South East Asia: reform and the colonial prison' in Frank Dikötter, and Ian Brown (eds.), *Cultures of Confinement: a History of the Prison in Africa, Asia and Latin America* (London: Hurst & Company, 2007), pp. 221-268.

<sup>24</sup> On the segregation of juveniles see Campbell, 'Juvenile Delinquency', Chisholm, 'Pedagogy of Porter', Sen, 'Separate Punishment', as well as Linda Chisholm, 'Education, Punishment and the Contradictions of Penal Reform: Alan Paton and Diepkloof Reformatory, 1934-48', *Journal of Southern African Studies* 17/1 (1991), pp.23-42, Ibrahima Thioub, 'Juvenile Marginality and Incarceration During the Colonial Period: the First Penitentiary Schools in Senegal, 1888-1927' in Florence Bernault (ed.), *A History of Prison and Confinement in Africa* (Portsmouth, NH, 2003), pp.79-95, Laurent Fourchard, 'Lagos and the Invention of Juvenile Delinquency in Nigeria, 1920-60', *Journal of African History* 47/1 (2006), pp.115-37.

<sup>25</sup> Bernault 'Shadow of rule', p.73.

<sup>26</sup> Ujjwal Kumar Singh, *Political Prisoners in India* (New Delhi: Oxford University Press, 1998).

<sup>27</sup> Zinoman, *Colonial Bastille*, pp.53, 91-2, Fourchard 'Between Conservatism', p.137, Dikötter, 'Paradise for Rascals', pp.61-2, Branch, 'Imprisonment and Colonialism', p.249.

<sup>28</sup> Chisholm, 'Pedagogy of Porter', pp.487-491.

<sup>29</sup> A separate 'Coloured' category was created in 1905. Stephen Peté, and Annie Devenish, 'Flogging, Fear and Food: Punishment and Race in Colonial Natal', *Journal of Southern African Studies* 31/1 (2005), pp.3-21, pp.14-19.

<sup>30</sup> Bernault, 'Shadow of Rule', p.76.

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- <sup>31</sup> Singh, *Political Prisoners*, p.133.
- <sup>32</sup> David Arnold, 'The Self and the Cell: Indian Prison Narratives as Life Histories' in David Arnold, and Stuart Blackburn (eds.), *Telling Lives in India: Biography, Autobiography, and Life History* (Bloomington: Indiana University Press, 2004), pp.29-53. Similar tactics seem to have been used in Vietnam, Zinoman, *Colonial Bastille*, p.258.
- <sup>33</sup> Taylor C. Sherman, 'State Practice, Nationalist Politics and the Hunger Strikes of the Lahore Conspiracy Case Prisoners, 1929-1939' *Journal of Cultural and Social History*, 5/4 (2008), pp. 497-508. Zinoman, *Colonial Bastille*, p.258.
- <sup>34</sup> Bernault, 'Shadow of Rule', p.76 FN 67.
- <sup>35</sup> Anand A. Yang, 'Disciplining "Natives": Prisons and Prisoners in Early Nineteenth Century India', *South Asia X/2* (1987), pp.29-47. Also, Arnold, 'The Colonial Prison'.
- <sup>36</sup> Arnold, 'India: the Contested Prison', p.182.
- <sup>37</sup> On the role of the British in strengthening caste distinctions in India see Susan Bayly, *The New Cambridge History of India, Vol IV.3: Caste, Society and Politics in India from the Eighteenth Century to the Modern Age* (Cambridge: Cambridge University Press, 1999), Nicholas B. Dirks, *Castes of Mind: Colonialism and the Making of Modern India* (Princeton: Princeton University Press, 2001). For a similar perspective on the consolidation of 'tribes' in British Africa see Bethwell A. Ogot, 'Ethnicity, Nationalism and Democracy - a Kind of Historiography' in Bethwell A. Ogot (ed.), *Ethnicity, Nationalism and Democracy in Africa* (Maseno: Maseno University College, 1996), pp.16-27.
- <sup>38</sup> Bernault 'Shadow of Rule', p.59.
- <sup>39</sup> Caroline Elkins, *Britain's Gulag: the Brutal End of Empire in Kenya* (Jonathan Cape: London, 2005).
- <sup>40</sup> Singh, *Political Prisoners*.
- <sup>41</sup> Zinoman, *Colonial Bastille*. On Malaya see, Susan L. Carruthers, *Winning Hearts and Minds: British Governments, the Media and Colonial Counter-Insurgency 1944-1960*, Leicester: Leicester University Press, 1995), Tim Harper, *The End of Empire and the Making of Malaya* (Cambridge: Cambridge University Press, 1999).
- <sup>42</sup> Rita Maran, *Torture: the Role of Ideology in the French-Algerian war* (New York: Praeger, 1989), Jacqueline Guerroud, *Des Douars et des Prisons* (Bouchene, 1993), General Paul Aussaresses, *The Battle of the Casbah: Terrorism and Counter-Terrorism in Algeria, 1955-57* (New York: Enigma Books, 2001), Alistair Horne, *A Savage War of Peace: Algeria, 1954-62* (New York: New York Review Books, 4th edn., 2006).
- <sup>43</sup> Arnold, 'Self and the Cell'. See also, Suruchi Thapar-Björkert, 'Gender, Nationalism and the Colonial Jail: a Study of Women Activists in Uttar Pradesh', *Women's History Review* 7/4 (1998), pp.583 - 615.
- <sup>44</sup> Singh, *Political Prisoners*.
- <sup>45</sup> Zinoman, *Colonial Bastille*.
- <sup>46</sup> Notable examples of those who have not worked within Foucault's mould include, Clare Anderson, *Legible Bodies: Race, Criminality and Colonialism in South Asia* (Oxford: Berg,

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2004). Both Diana Paton and Stacey Hynd engage in a more sophisticated fashion with Foucault's thought. Diana Paton, *No Bond but the Law: Punishment, Race and Gender in Jamaican State Formation, 1780-1870* (Durham: Duke University Press, 2004) and Stacey Hynd, 'Capital Punishment and Colonial Rule: Punishment, Violence and "Civilization" in British Africa' DPhil thesis (University of Oxford, 2007).

<sup>47</sup> Sen, 'Separate Punishment', p.82, Bernault, 'Shadow of Rule', p.79.

<sup>48</sup> Dikötter, 'Introduction', *Cultures of Confinement*, p.5.

<sup>49</sup> Michel Foucault, *Security, Territory, Population: Lectures at the Collège de France* (Houndmills: Palgrave Macmillan, 2007), p.117.

<sup>50</sup> Foucault, 'Security, Territory', p.117.

<sup>51</sup> Foucault, 'Security, Territory', p.118.

<sup>52</sup> Michel Foucault, 'Faire Vivre et Laisser Mourir: La Naissance du Racisme', *Les Temps Modernes*, February(1991), pp.37-61, Michael Meranze, 'Michel Foucault, the Death Penalty and the Crisis of Historical Understanding', *Réflexions Historiques* 29/2 (2003), pp.191-209.

<sup>53</sup> David Scott, 'Colonial Governmentality', *Social Text* 43 (1995), pp.191-220.

<sup>54</sup> Foucault, 'Security, Territory', p.9.

<sup>55</sup> Arnold, 'The Colonial Prison', p.160-1.

<sup>56</sup> Robert Turrell, *White Mercy: a Study of the Death Penalty in South Africa* (London: Praeger, 2004).

<sup>57</sup> Stacey Hynd, 'Capital Punishment and Colonial Rule: Punishment, Violence and "Civilization" in British Africa' DPhil thesis (University of Oxford, 2007).

<sup>58</sup> Less work has been done on the practice in South Asia. See Kaushik Roy, 'Coercion Through Leniency: British Manipulation of the Courts-Martial System in the Post-Mutiny Indian Army, 1859-1913', *Journal of Military History* 65/4 (2001), pp.937-964, and Douglas M. Peers, 'Sepoys, Soldiers and the Lash: Race, Caste and Army Discipline in India, 1820-1850' *Journal of Imperial and Commonwealth History*, 23/2 (1995), pp.211-47. John D. Rogers, *Crime, Justice and Society in Colonial Sri Lanka* (London: Curzon Press, 1987), p.101.

<sup>59</sup> Steven Pierce, 'Punishment and the Political Body: Flogging and Colonialism in Northern Nigeria' in Steven Pierce and Anupama Rao (eds.), *Discipline and the Other Body: Correction, Corporeality, Colonialism* (Durham: Duke University Press, 2006), pp.186-214, pp.197-8. Also, Killingray 'Punishment to fit', pp.109-110, Anderson 'Master and Servant', pp.474-475. On Jamaica see, Henrice Altink, '"An outrage on all decency": abolitionist reactions to flogging Jamaican slave women, 1780-1834', *Slavery & Abolition* 23/2 (2002), pp.107-122. On the Belgian Congo see, Marie-Bénédicte Dembour, 'La Chicote Comme Symbole du Colonialisme Belge?' *Canadian Journal of African Studies / Revue Canadienne des Études Africaines* 26/2 (1992), pp.205-225, Bernard K. Mbenga, 'Forced Labour in the Pilanesberg: the Flogging of Chief Kgamanyane by Commandant Paul Kruger, Saulspoor, April 1870', *Journal of Southern African Studies* 23/1 (1997), pp.127-140, Mary Turner, 'The 11 o'clock Flog: Women, Work and Labour Law in the British Caribbean', *Slavery & Abolition*

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20/1 (1999), pp.38-58. Ian Duffield, 'John Eldred Taylor and West African Opposition to Indirect Rule in Nigeria', *African Affairs* 70/280 (1971), pp.252-268.

<sup>60</sup> Peté and Devenish, 'Flogging', p.3, Bernault 'Shadow of Rule', p.79, Toth, 'Exile to Paradise', p.47, Sen, 'Separate Punishment', p.82.

<sup>61</sup> Radhika Singha conducted a more joined-up, comprehensive study of India's early criminal justice system more than a decade ago. Hers is an important precursor to these three newer works. Radhika Singha, *A Despotism of Law: Crime and Justice in Early Colonial India* (New Delhi: Oxford University Press, 1998).

<sup>62</sup> Indian sources were also at the centre of Satadru Sen, 'Contexts, Representation and the Colonized Convict: Mailana Thanasari in the Andaman Islands', *Crime, History and Societies* 8/2 (2004), pp.117-139.

<sup>63</sup> Clare Anderson, *The Indian Uprising of 1857-8: Prisons, Prisoners and Rebellion* (London: Anthem Press, 2007), p.119.

<sup>64</sup> This assertion is also central to Satadru Sen's work, *Disciplining Punishment*.

<sup>65</sup> Paton, *No Bond But the Law*, p.12

<sup>66</sup> Dipesh Chakrabarty, 'Postcoloniality and the Artifice of History: Who Speaks for "Indian" Pasts?' *Representations*, 37/1 (1992), pp.1-26.

<sup>67</sup> Taylor C. Sherman, *State Violence and Punishment in India, 1919-1956* (forthcoming). The term is more expansive than David Garland's 'penality'. David Garland, *Punishment and Modern Society: a Study in Social Theory* (Oxford, 1990), p.17.

<sup>68</sup> Anderson, *Indian Uprising*, p.15